

City Council Meeting Notice & Agenda



Tuesday, October 01, 2013
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Special Meeting & Study Session

5:00 P.M. Convene

Roll Call

Consent Agenda

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

1C. Authorization to Hold an Executive Session

Discussion and possible action to authorize the holding of an Executive Session for the purpose of: (a) discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5; (b) discussion and consultation with legal counsel for legal advice pertaining to the potential sale of land and the Lease Agreement with Arizona Broadway Theatre pursuant to A.R.S. § 38-431.03.A.7; and (c) discussion and consultation with legal counsel for legal advice pertaining to the acquisition of private water companies pursuant to A.R.S. § 38-431.03.A.7.

Study Session Agenda

Subject(s) for Discussion Only

2. Citywide Sustainability Update

Mayor
Bob Barrett

Acacia
District
Tony Rivero,
Vice Mayor

Ironwood
District
Bill Patena

Mesquite
District
Cathy Carlat

Palo Verde
District
Ron Aames

Pine
District
Carlo Leone

Willow
District
Jon Edwards

Adjournment

Executive Session

Convene immediately following Special City Council Meeting Executive Room, City Council Chamber

Under the provisions of A.R.S. § 38-431.02 there will be a **CLOSED EXECUTIVE SESSION**.

Executive Session Agenda

3. An Executive Session for the purpose of: (a) discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5; (b) discussion and consultation with legal counsel for legal advice pertaining to the potential sale of land and the Lease Agreement with Arizona Broadway Theatre pursuant to A.R.S. § 38-431.03.A.7; and (c) discussion and consultation with legal counsel for legal advice pertaining to the acquisition of private water companies pursuant to A.R.S. § 38-431.03.A.7.

Adjournment

The above-named Public Body of the City of Peoria, Arizona will convene into Executive Session pursuant to A.R.S. § 38-431.03 for those items listed on the agenda. Only those persons who are:

- Members of the Public Body, or
- Officers of the City that are required to attend, or
- Those individuals whose presence is reasonably necessary for the Public Body to carry out its Executive Session responsibilities as determined by the City Attorney may be present during the Executive Session.

All persons who remain present during the Executive Session are reminded that the business conducted in Executive Session, including all discussion taking place herein, is confidential and may not be disclosed to any person, except as permitted by law.

Arizona Open Meeting Act:

Arizona law requires that persons who are present in an executive session receive instruction regarding the confidentiality requirements of the Arizona Open Meetings Act. Minutes and discussions made during executive sessions are confidential and may not be disclosed to any party, except:

- Members of the council,
- Appointees or employees who were subject of discussion under the personnel item subsection of the Open Meetings Act,

- County Attorney or Attorney General pursuant to an investigation of a violation of the Open Meetings Act, and
- Arizona Auditor General in connection with an audit authorized by law.

Any person who violates or who knowingly aids, agrees to aid, or attempts to aid another person in violating the Arizona Open Meetings Law may be punished by fine of up to \$500.00 per violation and/or by removal from public office.

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Regular Agenda

New Business

4R. **Appointments, Council Youth Liaisons**

Discussion and possible action to approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and adopt the Resolution as presented:

Adopt **RES. 2013-132** appointing Jacob Jelinek, as a Youth Council Liaison, and Thomas Prior, as a Youth Council Liaison Alternate.

SWEARING IN BY PRESIDING MUNICIPAL JUDGE GEORGE ANAGNOST AND SEATING OF NEW COUNCIL YOUTH LIAISON

Council Youth Members:

- Jacob Jelinek
- Thomas Prior

RECESS (approximately 5 minutes)

**RECONVENE
ROLL CALL**

Presentation

5. Legislative update from Arizona Speaker of the House of Representatives, Andy Tobin
6. Christmas for the Troops

Consent Agenda

CONSENT AGENDA: All items listed with a “C” are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

7C. Appointments, Boards and Commissions

Discussion and possible action to approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and reappointments, and adopt the Resolutions as presented:

- Adopt **RES. 2013-133** appointing Robert Panzer, as a regular member, to the Arts Commission,
- Adopt **RES. 2013-134** reappointing Brian Greathouse and Michael Meek, as regular members, to the Board of Adjustment,
- Adopt **RES. 2013-135** reappointing Michael Watt, as a regular member, to the Building Board of Appeals,
- Adopt **RES. 2013-136** reappointing David Eberhart, as a regular member, to the Citizens Commission on Salaries for Elected City Officials,
- Adopt **RES. 2013-137** appointing Cliff Colwell, as a regular member, to the Industrial Development Authority,
- Adopt **RES. 2013-138** reappointing Jim Cutler, as a regular member, to the Municipal Development Authority,
- Adopt **RES. 2013-139** reappointing Shawn Hutchinson, as a regular member, to the Planning and Zoning Commission, and
- Adopt **RES. 2013-140** reappointing Anthony Irby and Chuck Strange, as regular members, to the Veterans Memorial Board.

8C. Ordinance, Community Commission on Youth

Discussion and possible action to adopt **ORD. 2013-18** amending Chapter 2 of the Peoria City Code (1992 edition) and establishing the Community Commission on Youth.

9C. **Grant Agreement, Tohono O'odham Nation, Police Surveillance Tower**

Discussion and possible action to: (a) authorize the City Manager to accept a grant in the amount of \$60,000 from the Tohono O'odham Nation Proposition 202 Grant Program to purchase a surveillance tower; and (b) authorize a budget amendment in the amount of \$120,000 from the Proposed Grants Division Contingency account to the Tohono O'odham Nation Grant account for \$60,000 and Police Department Asset Forfeiture account in the amount of \$60,000 in order to establish appropriation for the funds to be expended.

10C. **Grant-in-Aid, Fiscal Agent Agreement, Tohono O'odham Nation and Theater Works**

Discussion and possible action to: (a) approve the Grant-in-Aid Agreement between the Tohono O'odham Nation and the City of Peoria on behalf of Theater Works for the Completion of Technical Capabilities for the Peoria Center for the Performing Arts; and (b) authorize a budget amendment in the amount of \$44,000 from the Proposed Grant Contingency account to the General Fund Non-departmental-Community Promotions account to allow for the payment to Theater Works.

11C. **Budget Amendments**

Discussion and possible action to approve budget amendments for Fiscal Year 2013 and Fiscal Year 2014, and carryovers for Fiscal Year 2013.

12C. **Maintenance Improvement District No. 1066, Tierra Del Rio Parcel 10A, 103rd Drive and Yearling Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-141** intention and ordering the formation of proposed Maintenance Improvement District No. 1066, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road; and adopt **RES. 2013-142** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

13C. **Maintenance Improvement District No. 1134, Tierra Del Rio Parcel 13B, Tierra Del Rio Boulevard and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-145** intention and ordering the formation of proposed Maintenance Improvement District No. 1134, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Boulevard and Happy Valley Road; and adopt **RES. 2013-146** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

14C. **Street Light Improvement District No. 1073, Tierra Del Rio Parcel 13B, Tierra Del Rio Boulevard and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-147** intention and ordering the formation of proposed Street Light Improvement District No. 1073, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Boulevard and Happy Valley Road; and adopt **RES. 2013-148** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

15C. **Street Light Improvement District No. 1030, Tierra Del Rio Parcel 10A, 103rd Drive and Yearling Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-143** intention and ordering the formation of proposed Street Light Improvement District No. 1030, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road; and adopt **RES. 2013-144** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

16C. **Land Transfer, Maricopa County Department of Transportation, 77th Avenue and Deer Valley Road Bridge**

Discussion and possible action to adopt **RES. 2013-149** authorizing the acceptance of right of way from the Maricopa County Department of Transportation located in the vicinity of 77th Avenue and the Deer Valley Road Bridge.

17C. **Final Plat, Vistancia Parcel F3 Phase 1, Vistancia Boulevard and Westland Road**

Discussion and possible action to approve the Final Plat of Vistancia Parcel F3 Phase 1, located at Vistancia Boulevard and Westland Road, subject to stipulations.

18C. **Replat, Lake Pleasant Towne Center Parcels 17A and 19A, Happy Valley Parkway and Lake Pleasant Parkway**

Discussion and possible action to approve the Replat of Lake Pleasant Towne Center Parcels 17A and 19A, located at Happy Valley Parkway and Lake Pleasant Parkway, subject to stipulations.

19C. **Replat, Tierra Del Rio Parcel 20 and 21, 99th Avenue and Jomax Road**

Discussion and possible action to approve the Replat of Tierra Del Rio Parcel 20 and 21, located at 99th Avenue and Jomax Road, subject to stipulations.

Regular Agenda

New Business

20R. **Arizona Broadway Theatre Land Lease**

Discussion and possible action to authorize a ninety-day extension of the lease with monthly payments of \$3,000 while land sale and lease negotiations are finalized for Council consideration and approval.

21R. **Public Hearing-Liquor Licenses, Various Locations**

PUBLIC HEARING: RE: (a) A New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 West Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330; and (b) A New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 North 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to recommend approval to the State Liquor Board for: (a) A New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 West Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330; and (b) A New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 North 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

22R. **Public Hearing-Class A (Small Game) Bingo License, Peoria Senior Center**

PUBLIC HEARING: RE: A Class A (Small Game) Bingo License for the Peoria Senior Center located at 8335 West Jefferson Street, Josie Salas, Applicant, #20008815.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to recommend approval to the Arizona Department of Revenue a Class A (Small Game) Bingo License for the Peoria Senior Center located at 8335 West Jefferson Street, Josie Salas, Applicant, #20008815.

23R. **Public Hearing-Rezoning, 83rd Avenue and Happy Valley Road**

PUBLIC HEARING: RE: A request to rezone approximately 26.28 acres of property, located at the southeast corner of 83rd Avenue and Happy Valley Road east of the 81st Avenue alignment, from General Agriculture (AG) to R1-18 Single-Family Residential as proposed under zoning case number Z13-0005.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to adopt **ORD. 2013-19** rezoning approximately 26.28 acres of property, located at the southeast corner of 83rd Avenue and Happy Valley Road east of the 81st Avenue alignment, from General Agriculture (AG) to R1-18 Single-Family Residential as proposed under zoning case number Z13-0005.

24R. **Amended Contract Update, Theater Works**

Discussion and possible action to approve a one-time payment in the amount of \$150,000 to Theater Works per the adopted requirements in the First Amendment to the Improved Property Lease.

Call To The Public (Non-Agenda Items)

If you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from City Manager

25. **Council Calendar**

26. **Reports with Presentation**

27. **Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)**

A. Council Subcommittee Update

B. Peoria Community Center LEED Gold Certification

C. Neighborhood ParkFest! Series

Reports from City Council Reports from the Mayor

Adjournment

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 – Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.*

PUBLIC NOTICE:

In addition to the City Council members noted above, one or more members of the City of Peoria Boards and Commissions may be present to observe the City Council meeting as noticed on this agenda.

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 2

Date Prepared: September 20, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: Susan J. Daluddung, AICP, Deputy City Manager
SUBJECT: Citywide Sustainability Update

Purpose:

This report is intended to inform the Council on the city's sustainability accomplishments and progress to date since the adoption of the Sustainability Action Plan.

Background/Summary:

The City launched sustainability initiative in May 2009, in direct response to the fiscal crisis and the budget shortfall that affected the City's ability to fund programs. The City's Sustainability Action Plan was created to serve as a guiding document for staff to deliver projects and advance sustainability initiatives outlined in the plan resulting in cost savings, operational efficiencies and a better quality of life.

Previous Actions:

Peoria City Council adopted the Sustainability Action Plan in July 2012.

The City Council was last updated on Sustainability related items on the following dates:

- September 7, 2010: Study Session
- September 20, 2011: Reports from City Manager
- July 3, 2012: Study Session

Options:

This item is being presented for information only.

Staff's Recommendation:

Information and discussion only. No action requested.

Fiscal Analysis:

This report is for information only.

Contact Name and Number: Lisa Estrada, Intergovernmental Affairs Coordinator ext. 7684

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 4R

Date Prepared: September 19, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: Rhonda Geriminsky, CMC, City Clerk
THROUGH: Susan Daluddung, Deputy City Manager
SUBJECT: Youth Council Liaison Appointments

Purpose:

This is a request for City Council to appoint Youth Council Liaisons as recommended by the Council Subcommittee on Policy and Appointments as follows:

New Appointments

Youth Council Liaison Position	Name	Term Expiration
Youth Council Liaison	Jacob Jelinek	9/2014
Youth Council Liaison Alternate	Thomas Prior	9/2014

Background/Summary:

Pursuant to Council Policy 1-14 the Council Subcommittee on Policy and Appointments makes appointment recommendations to Council for Youth Council Liaison and Youth Council Liaison Alternate positions.

Previous Actions:

On June 18, 2013, the Council adopted Ordinance 2013-12 which provides for appointment of Youth Ex-Officio members to Council. These positions are generally referred to as Council Youth Liaisons. Council also adopted Council Policy 1-14 *Youth Advisory Board Council Liaison Program* which outlines the purpose, eligibility, selection, and guiding principles of the program. This policy charges the Council Subcommittee on Policy and Appointments with making appointment recommendations to Council for these positions.

On September 10, 2013, the Council Subcommittee on Policy and Appointments interviewed and made appointment recommendations for the Council Youth Liaison and Council Youth Liaison Alternate positions.

On September 12, 2013, a memorandum was submitted to Mayor and Council, outlining the appointment recommendations from the September 10, 2013 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

- A. Appoint the recommended Youth Council Liaisons.
- B: Continue recruitment efforts to fill Youth Council Liaisons positions.

Staff's Recommendation:

This is a request for City Council to discuss and approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the Youth Council Liaisons and adopt the Resolution as presented:

Adopt RES. 2013-132 appointing Jacob Jelinek, as a Youth Council Liaison, and Thomas Prior, as a Youth Council Liaison Alternate, with terms to expire September 2014.

Fiscal Analysis:

Charges for printing additional Council meeting packets will be charged to the City Clerk's Office Copy Services Account 1000-0150-520036.

Narrative:

If appointed, the new Youth Council Liaisons will attend the October 1, 2013 City Council meeting to participate in a Swearing in Ceremony and official seating.

Exhibit(s):

Exhibit 1: Resolution No. 2013-132

Contact Name and Number: Rhonda Geriminsky, CMC, City Clerk, 623-773-7340

RESOLUTION 2013-132

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JACOB JELINEK AND THOMAS PRIOR AS YOUTH COUNCIL LIAISONS AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, Jacob Jelinek and Thomas Prior, desire to be appointed as Youth Council Liaisons.

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointments of Jacob Jelinek, as a Youth Council Liaison, and Thomas Prior, as a Youth Council Liaison Alternate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Jacob Jelinek, is appointed as a Youth Council Liaison, and Thomas Prior, as a Youth Council Liaison Alternate.

BE IT FURTHER RESOLVED that said appointments shall expire as follows:

Jacob Jelinek	September 2014
Thomas Prior	September 2014

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2013-132
Page 2 of 2

Approved as to Form:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 5

Date Prepared: 09/24/13

Council Meeting Date: 10/01/13

TO: Carl Swenson, City Manager

FROM: John Shell, Director, Intergovernmental Affairs and Council Office

SUBJECT: Guest Presentation from Arizona Speaker of the House of Representatives, Andy Tobin.

Purpose:

To discuss potential issues in the 2014 legislative session.

Background/Summary:

N/A

Previous Actions:

N/A

Contact Name and Number: John Schell, 623-773-7370

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7C

Date Prepared: September 19, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: Rhonda Geriminsky, CMC, City Clerk
THROUGH: Susan Daluddung, Deputy City Manager
SUBJECT: Board and Commission Appointments

Purpose:

This is a request for City Council to appoint/reappoint board and commission members as recommended by the Council Subcommittee on Policy and Appointments as follows:

New Appointments

Board/Commission	Name	Term Expiration
Arts Commission	Robert Panzer	6/2016
Industrial Development Authority	Cliff Colwell	6/2019

Reappointments

Board/Commission	Name	Term Expiration
Board of Adjustment	Brian Greathouse	12/2017
	Michael Meek	12/2017
Building Board of Appeals	Michael Watt	12/2017
Citizens Commission on Salaries for Elected City Officials	David Eberhart	12/2017
Municipal Development Authority	Jim Cutler	11/2017
Planning and Zoning Commission	Shawn Hutchinson	12/2017
Veterans Memorial Board	Anthony Irby	12/2017
	Chuck Strange	12/2017

Background/Summary:

The Council Subcommittee makes recommendations for board and commission membership based on term expirations and vacancies from resignations or changes to member eligibility status.

Previous Actions:

On September 10, 2013, the Council Subcommittee on Policy and Appointments recommended appointments and reappointments to various boards and commissions.

On September 12, 2013, a memorandum was submitted to Mayor and Council, outlining the recommended appointments and reappointments from the September 10, 2013 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

A. Appoint and reappoint recommended board and commission members.

B: Continue recruitment efforts to fill various board and commission vacancies.

Staff's Recommendation:

This is a request for City Council to discuss and approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and reappointments and adopt the Resolutions as presented:

Adopt RES. 2013-133 appointing Robert Panzer, as a regular member, to the Arts Commission with a partial term to expire June 2016.

Adopt RES. 2013-134 reappointing Brian Greathouse and Michael Meek, as regular members, to the Board of Adjustment with terms to expire December 2017.

Adopt RES. 2013-135 reappointing Michael Watt, as a regular member, to the Building Board of Appeals with a term to expire December 2017.

Adopt RES. 2013-136 reappointing David Eberhart, as a regular member, to the Citizens Commission on Salaries for Elected City Officials with a term to expire December 2017.

Adopt RES. 2013-137 appointing Cliff Colwell, as a regular member, to the Industrial Development Authority with a term to expire June 2019.

Adopt RES. 2013-138 reappointing Jim Cutler, as a regular member, to the Municipal Development Authority with a term to expire November 2017.

Adopt RES. 2013-139 reappointing Shawn Hutchinson, as a regular member, to the Planning and Zoning Commission with a term to expire December 2017.

Adopt RES. 2013-140 reappointing Anthony Irby and Chuck Strange, as regular members, to the Veterans Memorial Board with terms to expire December 2017.

Fiscal Analysis:

There is no fiscal impact regarding this item.

Narrative:

If appointed, the newly appointed board and commission members will be invited to attend the October 15, 2013 City Council meeting to accept Certificates of Appointment.

Exhibit(s):

- Exhibit 1: Resolution No. 2013-133
- Exhibit 2: Resolution No. 2013-134
- Exhibit 3: Resolution No. 2013-135
- Exhibit 4: Resolution No. 2013-136
- Exhibit 5: Resolution No. 2013-137
- Exhibit 6: Resolution No. 2013-138
- Exhibit 7: Resolution No. 2013-139
- Exhibit 8: Resolution No. 2013-140

Contact Name and Number: Rhonda Geriminsky, CMC, City Clerk, 623-773-7340

RESOLUTION 2013-133

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF ROBERT BENSON AND APPOINTING ROBERT PANZER TO THE ARTS COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Robert Benson resigned from the Arts Commission, and there exists one vacancy; and

WHEREAS, Robert Panzer desires to be a member of and appointed to the Arts Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Robert Panzer as a regular member, to the City of Peoria Arts Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Robert Benson is appointed, as a regular member, to the City of Peoria Arts Commission.

BE IT FURTHER RESOLVED that said appointment shall expire as follows:

Robert Panzer

June 2016

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-133
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-134

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING BRIAN GREATHOUSE AND MICHAEL MEEK TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, the terms of office for Brian Greathouse and Kevin Kadlec on the Board of Adjustment expire in December 2013 and there will exist two vacancies; and

WHEREAS Brian Greathouse, a regular member, and Michael Meek, an alternate member, desire to be reappointed as regular members to the Board of Adjustment; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointments of Brian Greathouse and Michael Meek, as a regular members, to the City of Peoria Board of Adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Brian Greathouse and Michael Meek are reappointed, as regular members, to the City of Peoria Board of Adjustment.

BE IT FURTHER RESOLVED that said reappointments shall expire as follows:

Brian Greathouse	December 2017
Michael Meek	December 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-134
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-135

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING MICHAEL WATT TO THE BUILDING BOARD OF APPEALS AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term of office for Michael Watt on the Building Board of Appeals expires in December 2013 and there will exist one vacancy; and

WHEREAS Michael Watt desires to be a member of and reappointed to the Building Board of Appeals; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of Michael Watt, as a regular member, to the City of Peoria Building Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Michael Watt is reappointed, as a regular member, to the City of Peoria Building Board of Appeals.

BE IT FURTHER RESOLVED that said reappointment shall expire as follows:

Michael Watt

December 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2013-135
Page 2 of 2

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-136

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING DAVID EBERHART TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term of office for David Eberhart on the Citizens Commission on Salaries for Elected City Officials expires in December 2013 and there will exist one vacancy; and

WHEREAS David Eberhart desires to be a member of and reappointed to the Citizens Commission on Salaries for Elected City Officials; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of David Eberhart, as a regular member, to the City of Peoria Citizens Commission on Salaries for Elected City Officials.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that David Eberhart is reappointed, as a regular member, to the City of Peoria Citizens Commission on Salaries for Elected City Officials.

BE IT FURTHER RESOLVED that said reappointment shall expire as follows:

David Eberhart

December 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-136
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-137

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING CLIFF COLWELL TO THE INDUSTRIAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term of office for Ralph Jedda on the Industrial Development Authority expired in June 2013 and there exists one vacancy; and

WHEREAS Cliff Colwell desires to be a member of and appointed to the Industrial Development Authority; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Cliff Colwell, as a regular member, to the City of Peoria Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Cliff Colwell is appointed, as a regular member, to the City of Peoria Industrial Development Authority.

BE IT FURTHER RESOLVED that said appointment shall expire as follows:

Cliff Colwell

June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2013-137
Page 2 of 2

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-138

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING JIM CUTLER TO THE MUNICIPAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term of appointment for Jim Cutler on the Municipal Development Authority expires in November 2013, and there will exist one vacancy; and

WHEREAS Jim Cutler desires to be a member and reappointed to the Municipal Development Authority; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of Jim Cutler, as a regular member, to the City of Peoria Municipal Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Jim Cutler is reappointed, as a regular member, to the City of Peoria Municipal Development Authority.

BE IT FURTHER RESOLVED that said reappointment shall expire as follows:

Jim Cutler

November 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-138
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-139

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING SHAWN HUTCHINSON TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term of office for Shawn Hutchinson on the Planning and Zoning Commission expires in December 2013, and there will exist one vacancy; and

WHEREAS Shawn Hutchinson desires to be a member and reappointed to the Planning and Zoning Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of Shawn Hutchinson, as a regular member, to the City of Peoria Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Shawn Hutchinson is reappointed, as a regular member, to the City of Peoria Planning and Zoning Commission.

BE IT FURTHER RESOLVED that said reappointment shall expire as follows:

Shawn Hutchinson

December 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-139
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-140

A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF PEORIA, MARICOPA COUNTY,
ARIZONA, REAPPOINTING ANTHONY IRBY AND
CHUCK STRANGE TO THE VETERANS MEMORIAL
BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, the terms of office for Anthony Irby and Chuck Strange on the Veterans Memorial Board expire in December 2013, and there will exist two vacancies; and

WHEREAS Anthony Irby and Chuck Strange desire to be members and reappointed to the Veterans Memorial Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointments of Anthony Irby and Chuck Strange, as regular members, to the City of Peoria Veterans Memorial Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Anthony Irby and Chuck Strange are reappointed, as regular members, to the City of Peoria Veterans Memorial Board.

BE IT FURTHER RESOLVED that said reappointments shall expire as follows:

Anthony Irby	December 2017
Chuck Strange	December 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of October 2013.

CITY OF PEORIA, an Arizona municipal
corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-140
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: September 17, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Ordinance, Community Commission on Youth

Purpose:

This is a request for City Council to adopt Ordinance No. 2013-18 amending Chapter 2 of the Peoria City Code (1992) and establishing the Community Commission on Youth.

Background/Summary:

The Community Commission on Youth, as outlined in the ordinance will be tasked with:

- (a) Advise the city, through the city manager, on the progress and activities associated with the Youth Master Plan, adopted by the City Council on November 2012, as it may be amended and updated.
- (b) Assist the city staff through the city manager or designee with the planning and implementation of a work plan for the Youth Master Plan.
- (c) Advise the city, through the city manager or designee on the evaluation efforts of youth-centric activities, services, programs, and events offered in the City of Peoria and the region.
- (d) Assist the city staff through the city manager or designee with the design, implementation, and execution of activities and programs that serve the interests of youth.
- (e) Review ordinances and proposals pertaining to youth issues as directed by the City Council.
- (f) Perform such other duties as may be prescribed by ordinance or resolution.

Previous Actions:

On November 13, 2012, the City Council approved adoption of the Youth Master Plan. This guiding document encompasses goals and associated recommendations to benefit and enhance the lives of the youth in Peoria. Goal #4, recommendation #1 calls to establish a Community Council to implement the Youth Master Plan.

On September 3, 2013, at the City Council Study Session, staff gave an update on the progress of the Youth Master Plan and an outline on the Community Commission on Youth.

Options:

The following options are possible for the City Council to recommend:

- A. Adopt Ordinance No. 2013-18 amending Chapter 2 of Peoria City Code (1992) and establishing the Community Commission on Youth.
- B. Do not adopt Ordinance No. 2013-18 amending Chapter 2 of the Peoria City Code (1992) and establishing the Community Commission on Youth, sending back to staff for additional recommendations.

Staff's Recommendation:

Staff recommends that City Council adopt Ordinance No. 2013-18 amending Chapter 2 of the Peoria City Code (1992) and establishing the Community Commission on Youth.

Fiscal Analysis:

There are no anticipated costs associated with updating Chapter 2 of the Peoria City Code and establishing the Community Commission on Youth. Funds may be necessary in the future (and will be requested at that time) if programs or other community offerings are taken on by this Commission.

Exhibit(s):

Exhibit 1: Ordinance No. 2013-18

Contact Name and Number: John Sefton, 623-773-7135

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 2-152 PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS AND AMENDING CHAPTER 18 OF THE PEORIA CITY CODE (1992) BY ENACTING SECTION 18-21 PERTAINING TO COMMUNITY COMMISSION ON YOUTH; ESTABLISHED; ENACTING SECTION 18-22 PERTAINING TO COMMUNITY COMMISSION ON YOUTH; MEMBERS, ALTERNATES, OFFICERS, AND PARTNER NETWORK; ENACTING SECTION 18-23 PERTAINING TO COMMUNITY COMMISSION ON YOUTH; MEETINGS; ENACTING SECTION 18-24 PERTAINING TO COMMUNITY COMMISSION ON YOUTH; POWERS AND DUTIES; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Chapter 2 of the Peoria City Code (1992) is amended by amending Section 2-152 pertaining to Boards and Commissions; unscheduled boards and commissions.

Sec. 2-152. Boards and Commissions; unscheduled boards and commissions.

- (a) The following are unscheduled boards and commissions and shall include:
 - (1) Building Code Board of Appeals - 7 members
 - (2) Citizens commission on Elected Officials Salaries – 5 members
 - (3) Design Standards Advisory Board - 5 members
 - (4) Historic Preservation Commission - 7 members
 - (5) Industrial Development Authority - 7 members
 - (6) Municipal Development Authority - 5 members
 - (7) Personnel Board - 3 members, 1 alternate
 - (8) Peoria Municipal Sports Complex Authority - 7 members
 - (9) Public Defender Review Board - 5 members

- (10) Public Safety Review Board-Police - 5 members
- (11) Public Safety Review Board-Fire - 5 members
- (12) Volunteer Firefighter Pension Board - 5 members
- (13) Sister Cities Board – 7 members
- (14) Veteran’s Memorial board – 7 members
- (15) Judicial Selection Advisory Board – 5 members
- (16) Employee Benefits Trust Board – 5 members
- (17) Design Review Appeals Board – 5 members
- (18) Community Commission on Youth – 7 members

SECTION 2. Chapter 18 of the Peoria City Code (1992) is amended by enacting Section 18-21 pertaining to Community Commission on Youth; established.

Sec. 18-21. Community Commission on Youth; established.

The *Community Commission on Youth* of the City is established.

SECTION 3. Chapter 18 of the Peoria City Code (1992) is amended by enacting Section 18-22 pertaining to Community Commission on Youth; Members, Alternates, Officers, and Partner Network.

Sec. 18-22. Community Commission on Youth; Members, Alternates, Officers, Partner Network.

(a) The Community Commission on Youth of the City shall be composed of a total of seven (7) members and two (2) alternates. All members and alternates shall be appointed by the Mayor with the approval of the Council. Alternates shall be non-voting unless the Commission does not have a quorum of members pursuant to Section 18-23. If only one alternate is necessary to establish a quorum and both alternates are present at the meeting, the alternate will be chosen by a method established by the Commission.

(b) All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of the expenditure by the City Council.

(c) All members shall have a known and demonstrated interest in youth services, programming or policy. At least three (3) members shall have a professional background in the areas of youth education, recreation programming, government services for youth, or private sector youth services. City residency is not required.

(d) The Community Commission on Youth shall elect a chairperson and vice-chairperson from among its own members; each of who shall serve for one (1) year and until her or his successor is elected and qualified. The chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. Upon vacancy in the position of chairperson, the vice-chairperson shall succeed as chairperson and complete the remainder of their term. Vacancies for any other position, created by any cause shall be filled for the unexpired term by a new election.

(e) The Commission shall establish a Partner Network for the purpose of providing input to the Commission as well as service and support for the Commission-sponsored community activities, services, programs and events.

SECTION 4. Chapter 18 of the Peoria City Code (1992) is amended by enacting Section 18-23 pertaining to Community Commission on Youth; meetings.

Sec. 18-23. Community Commission on Youth; meetings.

(a) The Community Commission on Youth shall provide rules of procedure for its meetings as necessary.

(b) A majority of the members comprising the board shall constitute a quorum. A quorum is necessary to transact board business. The affirmative vote of a majority of those members present and voting shall be required for passage of any matter before the board. The minutes of the meetings shall reflect the "ayes" and "noes" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question. The vote of any member who fails to declare his vote shall be recorded as a vote in favor the prevailing side, provided that he is not exempt from voting by reason of a declared conflict of interest.

SECTION 5. Chapter 18 of the Peoria City Code (1992) is amended by enacting Section 18-24 pertaining to Community Commission on Youth; powers and duties.

Sec. 18-24. Community Commission on Youth; powers and duties.

The Community Commission on Youth shall:

(a) Advise the city, through the city manager, on the progress and activities

associated with the Youth Master Plan, adopted by the City Council on November 2012, as it may be amended and updated.

(b) Assist the city staff through the city manager or designee with the planning and implementation of a work plan for the Youth Master Plan.

(c) Advise the city, through the city manager or designee on the evaluation efforts of youth-centric activities, services, programs, and events offered in the City of Peoria and the region.

(d) Assist the city staff through the city manager or designee with the design, implementation, and execution of activities and programs that serve the interests of youth.

(e) Review ordinances and proposals pertaining to youth issues as directed by the City Council.

(f) Perform such other duties as may be prescribed by ordinance or resolution.

SECTION 6. Providing for Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision; and such shall not effect the validity of the remaining portions hereof.

SECTION 7. Providing an Effective Date. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 1st day of October, 2013.

Bob Barrett, Mayor

ORD. 2013-18
Community Commission on Youth
Page 5 of 5

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: _October 11 and 18, 2013
Effective Date:

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: September 9, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: Roy W. Minter, Chief of Police
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Authorization to Accept Tohono O'odham Nation Grant

Purpose:

This is a request for City Council to authorize the City Manager to execute a grant agreement between the Tohono O'odham Nation and the City of Peoria. By executing this Grant-in-Aid Agreement, the City of Peoria will accept \$60,000 in funding for the purpose of purchasing a surveillance tower and will allocate an additional \$60,000 in matching funds from the Peoria Police Department's Asset Forfeiture account.

Background/Summary:

The Peoria Police Department desires to accept funding provided by the Tohono O'odham Nation in the amount of \$60,000. This Proposition 202 funding will be used to support the purchase of a surveillance tower as a tool to monitor community events. The surveillance tower will be used to reduce car thefts, monitor crowd control and assist with multi-jurisdictional events. The presence of a police officer in a surveillance tower is a deterrent to criminal activity, and it also provides a detailed birds-eye view of surrounding area. The surveillance tower can expand to approximately 25 feet in height, similar to the height of a two-story building, and is mobile as it can be hitched to a truck and towed to any location.

Matching funds of \$60,000 will be provided from the Peoria Police Department's Asset Forfeiture account.

Previous Actions:

City Council has previously accepted grants from the Tohono O'odham Nation. The Peoria Police Department was previously awarded funds in January 2011 for a Mobile Investigation and Rehabilitation Vehicle. The Peoria Fire Department was previously awarded funds in September 2011 for a Lake Pleasant Emergency Medical, Fire and Rescue Watercraft.

Options:

A: Execute the grant agreement with the Tohono O’odham Nation and approve a budget adjustment in the amount of \$120,000 from the Proposed Grants Contingency Account to the Tohono O’odham Other Equipment Account (\$60,000) and the Police Department Asset Forfeiture Other Equipment Account (\$60,000).

B: Choose not to accept the grant agreement with the Tohono O’odham Nation.

Staff’s Recommendation:

Authorize the City Manager to execute the grant agreement and accept \$60,000 from the Tohono O’odham Nation to be used by the Peoria Police Department for the purchase of a surveillance tower.

Fiscal Analysis:

Request a budget adjustment of \$120,000 from the Proposed Grants Contingency account (7990-7990-570000) to the following accounts: \$60,000 to the Tohono O’odham Nation Other Equipment Account (7537-7779-542006) and \$60,000 in matching funds to the Police Asset Forfeiture Other Equipment Account (7350-7500-542006). Approval of this adjustment will provide expenditure authority.

Narrative:

Once approved by City Council, the grant agreement will be executed as needed.

Exhibit(s):

Exhibit 1: Tohono O’odham Nation Grant-in-Aid Agreement

Contact Name and Number: Heather Cammarata, 623-773-7069

**Grant-in-Aid Agreement
between
the Tohono O’odham Nation
and
the City of Peoria**

THIS GRANT-IN-AID AGREEMENT (“Grant”) is entered into as of the _____ day of _____, 2013, by and between the Tohono O’odham Nation, a federally recognized Indian tribe (the “Nation”), and the City of Peoria, an Arizona municipal corporation through its Police Department.

R E C I T A L S

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

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

C. Peoria is authorized by the Peoria City Charter, Art. 1, Sec. 3(15), and A.R.S. § 11-952 *et seq.*, to enter into this Agreement.

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

P R O V I S I O N S

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

2. Contribution. The Nation shall issue payment to the City of Peoria in the amount described in Exhibit “A” (the “Contribution”) for the purpose(s) detailed in Exhibit “A” on or about November 29, 2013.

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

4. Money Unclaimed. In the event that the City of Peoria fails to accept the grant funding on or before January 1, 2014, this Grant will be deemed to have been terminated by the City of Peoria and the Nation will award the grant funding to another applicant.

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

6. Reports: Unless otherwise extended by the Nation upon request of the City of Peoria, no later than July 31, 2014, the City of Peoria shall provide a report to the Nation explaining how and when the funds provided under this Grant were used. This report may be in the form of an affidavit signed by an officer of the City of Peoria and may be accompanied by supporting documentation. The report shall address: (i) changes in the scope of the project or purchase funded under this grant, (ii) the total expenses under the project or purchase funded by the Grant, (iii) a brief description of who has benefited from this Grant, and (iv) the Grantee's next steps with regard to the project or purchase made under this Grant. The Grantee will submit a final report to the Nation within 30 days of the end of this Agreement.

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

If to the Nation: Dr. Ned Norris, Jr.
 Chairman
 P.O. Box 837
 Sells, Arizona 85634

and

 Special Counsel
 P.O. Box 837
 Sells, Arizona 85634
 Telephone: 520-383-2028
 Fax: 520-383-3379

If to the City of Peoria:

 Teresa Corless, Administrative Services Manager
 8351 W. Cinnabar Avenue
 Peoria, AZ 85345
 Email: teresa.corless@peoriaaz.gov
 Phone: 623-773-7035
 Fax: 623-773-5029

Robert Sanders, Deputy Chief
8351 W. Cinnabar Avenue
Peoria, AZ 85345
Email: robert.sanders@peoriaaz.gov
Phone: 623-773-7046
Fax: 623-773-5029

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

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

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

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

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

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

TOHONO O'ODHAM NATION

Dr. Ned Norris, Jr., Chairman
Tohono O'odham Nation

Dated _____

CITY OF PEORIA

Carl Swenson
City Manager

Dated _____

Attest:

Approved as to form:

Jonathan L. Jantzen, Attorney General
Tohono O'odham Nation

Dated _____

Rhonda Geriminsky
City Clerk

Dated _____

Attest:

Approved as to Form:

Stephen M. Kemp
City Attorney

Dated _____

EXHIBIT "A"

<u>Program</u>	<u>Contribution</u>
Surveillance Tower	\$60,000.00
TOTAL	\$60,000.00

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 10C

Date Prepared: September 16, 2013

Council Meeting Date: October 1, 2013

TO: Honorable Mayor and Council

FROM: Carl Swenson, City Manager

THROUGH: Tamara Shreeve, Council Office and Grant Program Manager

SUBJECT: Grant-in-Aid Fiscal Agent Agreement between the Tohono O'odham Nation and City of Peoria on behalf of Theater Works

Purpose:

This is a request for City Council to approve the Grant-In-Aid Fiscal Agent Agreement between the Tohono O'odham Nation and the City of Peoria on behalf of Theater Works.

Background/Summary:

Theater Works was awarded a \$44,000 grant from the Tohono O'odham Nation's 12 percent gaming distribution grant program. Theater Works' proposal requested \$44,000 to assist with the purchase of items that will modernize and supplement the technical capabilities of the theater.

As stated in the Tohono O'odham Nation's Request for Proposal, a non-government organization (non-profit) must identify a city, town or county located within Arizona that will agree to pass through grant funds. Theater Works requested that the City of Peoria act as the fiscal pass-through agent. The Tohono O'odham's Grant-in-Aid Fiscal Agreement identifies the City as the pass-through municipality, and Theater Works as the Grantee.

Previous Actions:

No previous action

Options: (include as many as reasonable)

A: Approve the Grant-In-Aid Fiscal Agent Agreement between the Tohono O'odham Nation and the City of Peoria on behalf of Theater Works.

B: Do not approve the Grant-In-Aid Fiscal Agent Agreement between the Tohono O’odham Nation and the City of Peoria on behalf of Theater Works.

Staff’s Recommendation:

Staff recommends that the City Council approve the Grant-In-Aid Fiscal Agent Agreement between the Tohono O’odham Nation and the City of Peoria on behalf of Theater Works.

Fiscal Analysis:

There would be no fiscal impact to the City of Peoria, as this is a pass-through grant. This requires a \$44,000 budget transfer from the Proposed Grant contingency account (7990-7990-570000) to the General Fund Non-departmental – Community Promotions account (1000-0300-522099) to allow for the payment to Theater Works. The revenue will be deposited in the General Fund grant revenue account.

Narrative:

N/A

Exhibit(s): *(Include as many as necessary.)*

Exhibit 1: FY 13 Request for Proposals for Arizona Revised Statute 5-601-02 12% Gaming Distribution Tohono O’odham Nation

Exhibit 2: Award letter from the Tohono O’odham Nation to Theater Works

Exhibit 3: Grant-in-Aid Fiscal Agent Agreement between the Tohono O’odham Nation and the City of Peoria On behalf of Theater Works

Contact Name and Number:

Tamara Shreeve, Council Office and Grant Program Manager x5143



Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT
T-I:BDAG 'AMJED S-WOHOCUDA HIMDAG PI:K 'ELID

Ned Norris, Jr.
Chairman

Wavalene M. Romero
Vice Chairwoman



REQUEST FOR PROPOSALS for the Arizona Revised Statute 5-601-02 12% Gaming Distribution Tohono O'odham Nation

Background

In 2002 Arizona eligible voters approved Proposition 202, which implemented a new requirement that Tribal/State Gaming Compacts must include a provision that the compacting tribe would contribute a portion of its annual net gaming revenues (the "Annual Contribution") for the benefit of the general public. Pursuant to Proposition 202, each tribe may determine the recipients of 12% of its total Annual Contribution (the "12% Payments"). The tribe has two options for directing the 12% Payments: 1) direct distribution from the tribe to cities, towns, and counties, or 2) deposits to the Arizona Commerce and Economic Development Commission, which are then given to the recipients of the tribe's choice. The Tohono O'odham Nation will be making selections and finalizing agreements with recipients of the 12% payments no later than November 15, 2013.

Distribution Priority Areas for Fiscal Year 2013

Proposals must address one or more of the following priority areas:

- a) Education
- b) Health Care
- c) Public Safety
- d) Child Advocacy
- e) Economic Development
- f) Cultural & Environmental Development and Protection

Proposal

Proposals shall be limited to 4 pages in length, typewritten in 12 point font. If the proposal is more than 4 pages, only the first 4 pages will be considered. Budgets are required and therefore will be counted as part of the 4 pages. Attachments, such as photos, are not considered as one of the 4 pages. All proposals must be sent via certified mail and **must be postmarked no later than June 14, 2013**. Only one copy per proposal is needed. It is recommended that a copy of the proposal is sent via e-mail to matts@simginc.com. However, providing a copy of the proposal via e-mail alone will not be deemed to have applied properly and only proposals received via certified mail will be considered. Proposals must:

- a) Explain the perceived need and explain how the proposal will address that need.
- b) Describe the population who will benefit from the proposal if approved.
- c) Include a budget of the requested funds, with the total amount requested clearly notated.

- d) List any other funding requests that have been made for this or substantially related proposals and provide the status of those requests.
- e) Indicate whether the entity has already received a 12% distribution from the Tohono O'odham Nation or other Arizona tribes, along with the amount and date awarded.
- f) Identify a designated contact person and alternate contact person for follow-up, including e-mail address, phone number, mailing address, and fax number for these persons.
- g) Indicate which priority area (from the above list) the proposal falls under.
- h) If the proposal is from a non-profit organization, include the name of the city, town, or county an agreement will be made with if funds are granted. A letter from the governmental entity acknowledging its agreement to work with the non-profit is not necessary for the initial proposal. However, it is necessary for those non-profits selected to receive grant funding.

Requirements

If you, the applicant, are a city, town or county located within the State of Arizona:

- 1) You will need to provide proof or cite some authority that you are authorized to seek and enter into a grant of this nature.
- 2) If selected, you will need to ensure that the government you represent is willing to negotiate and execute the Intergovernmental Agreement (IGA) with the Nation no later than September 30, 2013.

If you, the applicant, are any other non-governmental entity (not-for-profits, etc):

- 1) You will need to enter into an agreement with a city, town or county located within Arizona whereby that city, town, or county will agree to accept the grant funding from the Nation on your behalf. As a non-governmental entity, you bear the responsibility to find a municipality to flow the funding through and the Nation is not responsible for matching you with a government capable of receiving the funding.
- 2) The city, town, or county that has agreed to assist you to receive the grant will be required to enter into a Grant-in-Aid, Fiscal Agent agreement with the Nation in which the city, town, or county agrees to accept the funding on your behalf.

Timeline

- a) All proposals to be considered must be postmarked no later than June 14, 2013.
- b) Notification of decision will be mailed by August 30, 2013.
- c) Negotiation of Grant-in-Aid Agreements will commence immediately after notification.
- d) Negotiations of the Grant-in-Aid Agreements must be concluded no later than September 30, 2013.
- e) Approval of all Grant-in-Aid Agreements by the Nation and distribution of monies will occur on or about November 15, 2013.

Submitting Your Proposal / Contact Information

Address and mail all proposals via certified mail to:

Chairman Ned Norris Jr.
Tohono O'odham Nation
P.O. Box 837
Sells, Arizona 85634
ATTN: Lanez Valisto
(520) 383-2028 telephone
(520) 383-3379 fax

***Must be postmarked no later than June 14, 2013
Proposals not in compliance with the above procedures will not be
considered.***

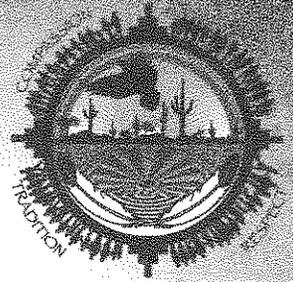


Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT
T-I:BDAG 'AMJED S-WOHOCUDA HIMDAG PI:K 'ELID

Ned Norris, Jr.
Chairman

Wavalene M. Romero
Vice Chairwoman



August 30, 2013

Mr. Daniel Schay
Executive Director
Theater Works
8355 W. Peoria Ave.
Peoria, AZ 85345

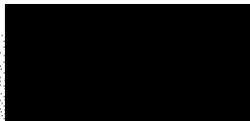
Dear Mr. Schay:

It is a great pleasure to inform you that your proposal submitted on behalf of Theater Works was selected by the Tohono O'odham Nation as a recipient of the 12% grant funding in the amount of \$44,000.00 for the Completion of Technical Capabilities for the Peoria Center for the Performing Arts. Your proposal is a worthy project that we would be honored to support. We received more than 320 proposals this year, an increase that reflects the current economic climate. We hope that this grant will help Theater Works continue to assist others during this time.

As was indicated in the Request for Proposals issued by the Nation, the grant funding offer is conditional upon development of a Grant-in-Aid between the Nation, a governmental entity, and you.

Please contact the city, town, or county you have chosen to work with immediately so we can begin drafting the Grant-in-Aid and take the steps necessary for final approval of this grant funding. If you have any questions, please contact Lanez Valisto in my office at (520) 383-2028. Congratulations to you and Theater Works; I look forward to working with you to finalize your grant award.

Sincerely,



Dr. Ned Norris Jr.
Chairman

**Grant-in-Aid
Fiscal Agent Agreement
between
the Tohono O’odham Nation
and
the City of Peoria
On behalf of
Theater Works**

THIS GRANT-IN-AID Fiscal Agent Agreement, (“Grant”) is entered into as of the ___ day of October, 2013, by and between the Tohono O’odham Nation, a federally recognized Indian tribe (the “Nation”), the City of Peoria, an Arizona municipal corporation organized under the constitution and statutes of the State of Arizona and Theater Works, a Nonprofit 501 (c) (3) organization, as the Grantee.

Recitals

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

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

C. The City of Peoria is authorized to enter into this Grant with the Nation pursuant to A.R.S. § 11-952, which provision empowers Arizona political subdivisions to enter into intergovernmental agreements with Federal entities and agencies, such Indian Tribes.

D. Bylaws of the Theater Works, a corporation organized exclusively for charitable, religious, educational, and scientific purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code of 1986 (or corresponding provisions of any future United Sate Internal Revenue Law) and its regulations, Article VII, 1. Contract, provides that the Board of Directors may authorize any officer or agent of the corporation to enter into any contract or execute and deliver any instruments in the name of or on behalf of the corporation.

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

P R O V I S I O N S

1. **Purpose.** The purpose of this Grant is to set forth the rights and responsibilities of the parties with respect to the payment and distribution of the Contribution, as hereinafter defined.

2. **Acceptance of Duties; Monies Held in Trust.** The City of Peoria agrees to perform the duties of fiscal agent, paying agent and registrar for all monies the Nation deposits with the City of Peoria for the benefit of Theater Works. The City of Peoria shall hold this funding separate from all other monies in the possession or control of the City of Peoria. The City of Peoria shall notify the Nation, at the address set forth in Paragraph 11, that the Contribution monies are provided to Theater Works within 5 business days after the distribution is made.

3. **Contribution.** The Nation shall make a payment to the City of Peoria in the amount described in Exhibit "A" (the "Contribution") on or about November 29, 2013. The City of Peoria shall then make this funding available to Theater Works as quickly as is feasible. The Grantee may not change the scope of the project or use the funds for a project other than that explained in Exhibit "A" without the written consent of the Nation.

4. **Funding.** The Contribution payment shall be delivered to the City of Peoria, without any further notice or invoice required, at the address set forth in Paragraph 11 below, upon the complete execution of this Grant.

5. **Disbursement of Contribution.** In accordance with the City of Peoria's policies and procedures and upon satisfactory documentation, as quickly as is feasible the City of Peoria will distribute the funds to Theater Works.

6. **Money Unclaimed.** In the event that the City of Peoria is unable to distribute the funding to Theater Works on or before January 1, 2014, the City of Peoria shall immediately notify the Nation and the Nation will arrange for the funding to be returned. Any interest earnings on the Contribution funding between the time the Nation deposits the Contribution with the City of Peoria and the time the City of Peoria disburses the Contribution to Theater Works shall be paid to Theater Works

7. **Consideration and Reliance.** It is acknowledged that the City of Peoria's promise to accept and disburse the funds received by the City of Peoria pursuant to this Grant is full and adequate consideration and shall render this promise to provide funding irrevocable.

8. **Fees.** The City of Peoria shall not charge Theater Works and shall waive any applicable administrative or other fees related to this Grant and shall not deduct any funds from the amount designated for contribution to Theater Works

9. **Dispute Resolution.** The parties mutually agree that any disputes arising between either 1) the Nation or the City of Peoria or 2) the Theater Works and the City of Peoria pursuant to this Grant shall be resolved through informal dispute resolution. Nothing herein is intended to be or shall be construed as a waiver of sovereign immunity by either party. In the event of a dispute between the Theater Works and the City of Peoria, both Theater Works and the City of

Peoria must notify the Nation within five business days. Any disputes between the City of Peoria and the Theater Works that cannot be resolved through informal dispute resolution shall be resolved in the courts of Maricopa County, Arizona, subject to the laws of the State of Arizona. Any disputes involving the Nation that cannot be resolved through informal dispute resolution shall be resolved in the Courts of the Nation, subject to the laws of the Nation. Unless prohibited by Arizona law, all disputes that cannot be resolved through informal dispute resolution shall be resolved in the Courts of the Nation, subject to the laws of the Nation.

10. Reports. Unless otherwise extended by the Nation upon request of Theater Works, no later than July 31, 2014, Theater Works shall provide a report to the Nation explaining how and when the funds provided under this Grant were used. This report may be in the form of an affidavit signed by an officer of Theater Works and may be accompanied by supporting documentation. The report shall address: (i) changes in the scope of the project or purchase funded under this grant, (ii) the total expenses under the project or purchase funded by the Grant, (iii) a brief description of who has benefited from this Grant, and (iv) the Grantee's next steps with regard to the project or purchase made under this Grant. The Grantee will submit a final report to the Nation within 30 days of the end of this Agreement.

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

If to the Nation: Dr. Ned Norris, Jr.
 Chairman
 P.O. Box 837
 Sells, Arizona 85634
 Fax: 520-383-3379

and

 Special Counsel
 P.O. Box 837
 Sells, Arizona 85634
 Phone: 520-383-2028
 Fax: 520-383-3379

If to the City of Peoria: Tamara Shreeve, Council Office
8401 W. Monroe
Peoria, AZ 85345
Phone: 623-773-5143
Fax: 623-773-7384

With a copy to: City Attorney
City of Peoria
8401 W. Monroe, Room 280
Peoria, AZ 85345
Fax: 623-773-7043

If to Theater Works:

Daniel Schay, Executive Director
8355 W. Peoria, Peoria, AZ 85345
Phone: 623-815-1791 ext. 101
Email: dschay@theaterworks.org

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

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

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

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

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

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

TOHONO O'ODHAM NATION

CITY OF PEORIA

Dr. Ned Norris, Jr., Chairman
Tohono O'odham Nation

Bob Barrett, Mayor
City of Peoria

Dated _____

Dated _____

THEATER WORKS

Daniel Schay, Executive Director
Theater Works

Dated _____

Attest:

Approved as to form and found to be
within the powers and authority of the
Tohono O'odham Nation

Approved as to form and found to be
within the powers and authority of
the City of Peoria under the laws of
the State of Arizona.

Jonathan L. Jantzen, Attorney General
Tohono O'odham Nation

Stephen Kemp, City Attorney
City of Peoria

Additional Signatures Required

Dated _____

Dated _____

Secretary

Rhonda Geriminsky, City Clerk

EXHIBIT "A"

<u>Program</u>	<u>Contribution</u>
Completion of Technical Capabilities for the Peoria Center For the Performing Arts	\$44,000.00
TOTAL	\$44,000.00

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: September 17, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance and Budget Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Budget Amendments

Purpose:

This is a request for City Council to approve the FY 2013 Final Budget Amendments, FY 2014 First Quarter Budget Amendments and FY 2013 Carryovers.

Background/Summary:

The attached schedules list budget amendments for FY 2013 and FY 2014, and carryovers from the FY 2013 budget that, under current Council and/or Administrative policy, require Council approval. These amendments have been reviewed by the Finance and Budget Department and are submitted to Council for approval. The following listing describes the budget amendments by category.

FY 2013 Final Amendments Summary:

Operating – The adjustments in the Operating category include moving BioInspire operating expenses from Other Professional Services to the Economic Development Programs account, moving appropriation from the Streets/Transit Vehicle Reserve Fund to the Transit Fund to simplify tracking procurement of vehicles, appropriating budget in a separate fund so expenditures for Police Resource Officers can be moved to match revenues received through the IGA with the school district, and a transfer to provide appropriation needed to record impact fee offsets to developers. The Operating adjustments total \$1,256,714.

Capital Items – This category includes a transfer to move budget within the BioInspire project from Other Professional Services to the Economic Development Programs account, a transfer for the Arts Commission, and third and fourth quarter chargebacks for Engineering, Materials Management, and Percent for the Arts. Also included are a transfer of budget within the Pioneer Community Park from the construction accounts to IT Systems account and Other

Equipment account and a transfer to move budget from the land account to the construction account for the Lake Pleasant Parkway project. The Capital Items adjustments total \$3,482,689.

FY 2014 First Quarter Amendments Summary:

Clean-up – The amendments in this category are to correct the coding on a CIP carryover and BioInspire lease payments, a correction of the amount budgeted for tuition reimbursement, and an adjustment to correct the accounts for the Intergrated Utility Master Plan. The Clean-up adjustments total \$979,054.

Operating – The adjustments in the Operating category include providing expenditure authority to spend the funds received from the Maricopa County Library District and an adjustment in the library book budget per the IGA/Reciprocal Borrowing Program with the Maricopa County Library District. The Operating adjustments total \$95,500.

FY 2013 Carryover Summary:

Carryover - Operating – This category includes items budgeted in FY 2013 that are not yet completed and are carried over into the FY 2014 budget. Operating carryovers include appropriations for various grants, PO rollovers, items in Community Services, Police Department, Information Technology, Governmental Affairs, Planning and Community Development, and Economic Development Services. The Carryover-Operating adjustments total \$2,302,653.

Carryover - Capital – This category includes capital items budgeted in FY 2013 that are not yet completed and are carried over into the FY 2014 budget. Capital carryovers include adjustments for various capital projects including Pioneer Park, Sports Complex Improvements, and 83rd Avenue Street and Drainage Improvements. The Carryover-Capital adjustments total \$17,989,005.

Previous Actions:

No previous action has been taken on these budget amendments.

Options:

A: Approve all Budget Amendments as recommended

B: Approve only select Budget Amendments

C: Do not approve the Budget Amendments and request further information from Staff.

Staff's Recommendation:

Finance and Budget Department staff recommends approval of the attached budget amendments.

Fiscal Analysis:

These budget amendments have no net fiscal impact to the city. Some of the budget amendments are to provide expenditure authority for funds that have been received, i.e., through grants, IGAs, and/or reimbursements. Other budget amendments are moving existing appropriation to the proper accounts.

Narrative:

Exhibit(s):

Exhibit 1: FY 2013 Budget Amendment Schedule, FY 2014 Budget Amendment and Carryover Schedule

Contact Name and Number: Katie Gregory, 623-773-7364

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Operating

#4208 - Economic Development Services - Economic Development

1000	0352	520099	Other Professional Services	\$1,500	
1000	0352	522503	Printing and Binding	\$1,110	
1000	0300	570000	Contingencies		\$2,610

Comment: Establish appropriation for sponsorship funds received for the 3rd Annual Innovation Forum to offset the costs of this event.

#4210 - Public Works - Streets/Transit Equipment Reserve

7150	7200	542505	Other Vehicles	\$131,850	
3150	3550	542505	Other Vehicles		\$131,850

Comment: Move appropriation from the Streets/Transit Vehicle Reserve Fund to the Transit Fund to simplify tracking procurement of vehicles.

#4215 - Community Services - Prop 302 Grant Program

7850	7890	522501	Advertising	\$6,185	
7990	7990	570000	Contingencies		\$6,185

Comment: Grant from the Arizona Office of Tourism for FY2013 was increased \$6,185 from the original amount of \$67,705 to City of Peoria - Community Services - Sports Complex.

#4217 - Economic Development Services - Economic Development

1900	1900	522070		\$835,237	
1900	1900	520099	Other Professional Services	\$835,237	

Comment: Move budget for Biolnspire operating expenses from Other Professional Services account (520099) to Economic Development Programs account (522070).

#4230 - Police - Staff Services

1000	1040	530007	Internal Training Supplies	\$4,500	
7990	7990	570000	Contingencies		\$4,500

Comment: Grant received from AZ Police Officers Standards and Training Board for training supplies. Check received and deposited for \$4,500.

#4232 - Public Works - Public Works Administration

1000	0900	510000	Salaries and Wages - Regular	\$21,975	
1000	0300	570000	Contingencies		\$21,975

Comment: Correct error in original budget that did not have the correct salary, benefits, and vacation/sick budget amounts for the Public Works Admin division.

#4236 - Police - Patrol Services - South

7422	7582	510000	Salaries and Wages - Regular	\$105,000	
1000	1020	510000	Salaries and Wages - Regular		\$105,000

Comment: Police Resource Officers are reimbursed by schools per IGA at \$30k per officer. Revenue is deposited in separate fund from original budget. This moves budget to the appropriate fund so expenditures can be moved to match revenues received.

#4244 - Engineering - Safe Route to School Grant

7752	7787	522099	Miscellaneous Community Promotions	\$10,220	
7752	7787	522501	Advertising	\$9,224	
7990	7990	570000	Contingencies		\$19,444

Comment: Transfer to establish appropriation for FY 2013 expenditures using Water Conservation Education and Training Grant from U.S. Bureau of Reclamation.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Operating

#4247 - Community Services - Complex Operations/Maint

2000	2000	520070		\$63,282	
1000	0300	570000	Contingencies		\$23,282
2000	2000	570000	Contingencies		\$40,000

Comment: Sports Complex Operations receives and provides in-kind services. To record the transaction in which revenues net with expenditures, a budget amendment is needed for the booking of the expenditure side of transaction. No financial impact.

#4249 - Non-Departmental - Non-Departmental

7910	7910	520037	Investment Service Fees	\$525	
7008	7058	520037	Investment Service Fees	\$275	
4150	4150	520037	Investment Service Fees	\$175	
2162	2222	520037	Investment Service Fees	\$134	
7004	7054	520037	Investment Service Fees	\$102	
2509	2629	520037	Investment Service Fees	\$71	
8060	8060	520037	Investment Service Fees	\$64	
7911	7911	520037	Investment Service Fees	\$59	
7007	7057	520037	Investment Service Fees	\$49	
8061	8061	520037	Investment Service Fees	\$48	
7936	7936	520037	Investment Service Fees	\$45	
7931	7931	520037	Investment Service Fees	\$35	
2168	2228	520037	Investment Service Fees	\$33	
7907	7907	520037	Investment Service Fees	\$33	
7908	7908	520037	Investment Service Fees	\$32	
3250	3700	520037	Investment Service Fees	\$22	
7009	7059	520037	Investment Service Fees	\$19	
7906	7906	520037	Investment Service Fees	\$9	
1000	0300	570000	Contingencies		\$1,730

Comment: Budget transfer required to provide appropriation for year-end allocation of investment services costs.

#4250 - Non-Departmental - Non-Departmental

7926	7926	561501		\$57,187	
7910	7910	561501		\$4,818	
7904	7904	561501		\$2,893	
1000	0300	570000	Contingencies		\$64,898

Comment: Budget transfer required to provide appropriation needed to record impact fee offsets to developers.

#4254 - Community Services - Sports Complex Improvement Reserve

2003	2023	520037	Investment Service Fees	\$3	
2002	2022	570000	Contingencies		\$3

Comment: To set up a new fund for the Sports Complex surcharge on non general admission ticket sales and record the investment service fee for this new revenue. This was recorded in the SC Improvement Reserve Fund 2002.

Subtotal for Operating Amendments: \$1,256,714 \$1,256,714

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

#4199 - Non-Departmental - Gen Fund Capital Projects

4232	4232	520099	Other Professional Services	CIPPK CS00022	\$109,200
4232	4232	540500	Buildings	CIPPK CS00022	\$109,200

Comment: Account change within Sports Complex Improvements project (CS00022) to pay for third-party building inspector. No financial impact-- this adjustment moves budget from capital acct to contractual services acct.

#4218 - Non-Departmental - Gen Fund Capital Projects

4550	4550	522070		CIPOF ED00010	\$900,000
4550	4550	520099	Other Professional Services	CIPOF ED00010	\$900,000

Comment: CIP - BioInspire - Move budget within project from Other Professional Services account (520099) to Economic Development Program account (522070).

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

#4221 - Non-Departmental - Gen Fund Capital Projects

4550	4550	525515	Arts Commission Service Charge	CIPPK	CS00034	\$31,662
4250	4250	525515	Arts Commission Service Charge	CIPPK	CS00034	\$27,658
4220	4220	525515	Arts Commission Service Charge	CIPST	EN00241	\$12,843
4550	4550	525515	Arts Commission Service Charge	CIPST	EN00313	\$11,047
1000	310	525515	Arts Commission Service Charge	CIPOF	CS00070	\$8,969
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00206	\$7,338
4240	4240	525515	Arts Commission Service Charge	CIPPK	CS00034	\$5,638
7010	7075	525515	Arts Commission Service Charge	CIPST	EN00089	\$5,471
4550	4550	525515	Arts Commission Service Charge	CIPOF	ED00006	\$4,379
4550	4550	525515	Arts Commission Service Charge	CIPST	EN00089	\$4,263
7000	7050	525515	Arts Commission Service Charge	CIPST	PW00138	\$3,602
7010	7075	525515	Arts Commission Service Charge	CIPTC	EN00170	\$3,546
7000	7050	525515	Arts Commission Service Charge	CIPST	EN00241	\$2,600
4240	4240	525515	Arts Commission Service Charge	CIPPS	PD00013	\$2,100
2400	2550	525515	Arts Commission Service Charge	CIPWW	EN00313	\$2,076
1000	310	525515	Arts Commission Service Charge	CIPPK	COP0001	\$1,820
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00324	\$1,468
1970	1970	525515	Arts Commission Service Charge	CIPOF	PW10300	\$1,340
4220	4220	525515	Arts Commission Service Charge	CIPST	EN00313	\$1,134
4250	4250	525515	Arts Commission Service Charge	CIPOF	CS00070	\$1,084
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00116	\$873
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00266	\$861
2510	2630	525515	Arts Commission Service Charge	CIPWW	UT00151	\$698
2050	2140	525515	Arts Commission Service Charge	CIPWR	EN00313	\$695
4250	4250	525515	Arts Commission Service Charge	CIPOF	PW00995	\$687
7001	7051	525515	Arts Commission Service Charge	CIPST	EN00177	\$621
7000	7050	525515	Arts Commission Service Charge	CIPST	COP0001	\$620
4550	4550	525515	Arts Commission Service Charge	CIPST	PW13000	\$529
4240	4240	525515	Arts Commission Service Charge	CIPOF	CS00070	\$521
2161	2221	525515	Arts Commission Service Charge	CIPWR	UT00148	\$465
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00262	\$407
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00296	\$356
7000	7050	525515	Arts Commission Service Charge	CIPST	PW00993	\$315
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00307	\$222
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00272	\$147
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00313	\$139
4240	4240	525515	Arts Commission Service Charge	CIPRT	CS00125	\$121
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00303	\$118
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00191	\$113
7901	7901	525515	Arts Commission Service Charge	CIPPK	CS00054	\$92

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant				Debit	Credit
<u>Capital</u>						
7000 7050 525515	Arts Commission Service Charge	CIPST	PW00046		\$89	
4210 4210 525515	Arts Commission Service Charge	CIPST	EN00271		\$83	
7000 7050 525515	Arts Commission Service Charge	CIPST	PW00027		\$82	
4220 4220 525515	Arts Commission Service Charge	CIPST	PW00152		\$60	
2400 2550 525515	Arts Commission Service Charge	CIPWW	UT00262		\$53	
7000 7050 525515	Arts Commission Service Charge	CIPST	PW00992		\$50	
7010 7075 525515	Arts Commission Service Charge	CIPST	EN00241		\$44	
4250 4250 525515	Arts Commission Service Charge	CIPOF	IT00004		\$36	
4240 4240 525515	Arts Commission Service Charge	CIPPS	FD00101		\$26	
2050 2140 525515	Arts Commission Service Charge	CIPWR	UT00203		\$19	
4220 4220 525515	Arts Commission Service Charge	CIPST	EN00214		\$9	
2050 2140 525515	Arts Commission Service Charge	CIPWR	UT00204		\$6	
4210 4210 525515	Arts Commission Service Charge	CIPOF	AT02013			\$83
7901 7901 525515	Arts Commission Service Charge	CIPOF	AT02013			\$92
2161 2221 525515	Arts Commission Service Charge	CIPOF	AT02013			\$465
7001 7051 525515	Arts Commission Service Charge	CIPOF	AT02013			\$621
2510 2630 525515	Arts Commission Service Charge	CIPOF	AT02013			\$698
1970 1970 525515	Arts Commission Service Charge	CIPOF	AT02013			\$1,340
2400 2550 525515	Arts Commission Service Charge	CIPOF	AT02013			\$3,693
7000 7050 525515	Arts Commission Service Charge	CIPOF	AT02013			\$7,358
4240 4240 525515	Arts Commission Service Charge	CIPOF	AT02013			\$8,406
7010 7075 525515	Arts Commission Service Charge	CIPOF	AT02013			\$9,061
1000 310 525515	Arts Commission Service Charge	CIPOF	AT02013			\$10,789
2050 2140 525515	Arts Commission Service Charge	CIPOF	AT02013			\$11,198
4220 4220 525515	Arts Commission Service Charge	CIPOF	AT02013			\$14,046
4250 4250 525515	Arts Commission Service Charge	CIPOF	AT02013			\$29,465
4550 4550 525515	Arts Commission Service Charge	CIPOF	AT02013			\$51,880

Comment: CIP - Q3 FY 2013 Arts Transfer.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

#4222 - Non-Departmental - Gen Fund Capital Projects

1000 0310 544001	CIPOF CS00070	\$21,488
4550 4550 544001	CIPPK CS00034	\$14,449
4550 4550 544001	CIPST EN00313	\$13,817
4550 4550 544001	CIPST EN00089	\$13,503
4220 4220 544001	CIPST EN00241	\$12,077
7000 7050 544001	CIPST COP0001	\$11,694
1000 0310 544001	CIPPK COP0001	\$10,763
4250 4250 544001	CIPPK CS00034	\$8,469
4220 4220 544001	CIPST EN00214	\$7,560
2050 2140 544001	CIPWR UT00272	\$7,335
7010 7075 544001	CIPST EN00422	\$7,198
7010 7075 544001	CIPST EN00241	\$7,103
2400 2550 544001	CIPWW UT00191	\$6,998
7010 7075 544001	CIPTC EN00170	\$6,478
7001 7051 544001	CIPST EN00177	\$6,330
7010 7075 544001	CIPST EN00177	\$6,330
7010 7075 544001	CIPST EN00088	\$6,323
2161 2221 544001	CIPWR UT00117	\$6,213
2050 2140 544001	CIPWR UT00313	\$5,738
4240 4240 544001	CIPDR EN00139	\$5,445
2400 2550 544001	CIPWW UT00307	\$5,378
7010 7075 544001	CIPST EN00395	\$5,355
7901 7901 544001	CIPPK CS00054	\$5,355
1970 1970 544001	CIPOF PW10300	\$5,310
7010 7075 544001	CIPST EN00089	\$5,250
1000 0310 544001	CIPOF ED00002	\$4,675
4240 4240 544001	CIPST EN00241	\$4,498
4220 4220 544001	CIPST EN00313	\$4,135
4550 4550 544001	CIPST CD00003	\$3,870
7010 7075 544001	CIPTC EN00225	\$3,870
1000 0310 544001	CIPST PW00025	\$3,735
7000 7050 544001	CIPST PW00992	\$3,735
2050 2140 544001	CIPWR UT00266	\$3,535
7010 7075 544001	CIPTC EN00430	\$3,510
2400 2550 544001	CIPWW UT00296	\$3,420
7010 7075 544001	CIPST EN00243	\$3,420
4550 4550 544001	CIPST EN00324	\$3,415
4220 4220 544001	CIPST EN00271	\$3,063
4240 4240 544001	CIPRT CS00125	\$3,003
7010 7075 544001	CIPTC PW00133	\$2,958

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
4240 4240 544001	CIPOF CS00070	\$2,686	
4250 4250 544001	CIPOF CS00070	\$2,686	
2050 2140 544001	CIPWR UT00301	\$2,610	
4550 4550 544001	CIPOF ED00006	\$2,460	
7000 7050 544001	CIPST PW00046	\$2,420	
1000 0310 544001	CIPST COP0001	\$2,311	
4240 4240 544001	CIPPK CS00034	\$1,992	
2400 2550 544001	CIPWW UT00313	\$1,912	
7010 7075 544001	CIPST EN00081	\$1,890	
7010 7075 544001	CIPST PW11190	\$1,800	
4240 4240 544001	CIPDR EN00137	\$1,620	
2050 2140 544001	CIPWR EN00313	\$1,553	
2400 2550 544001	CIPWW EN00313	\$1,495	
2050 2140 544001	CIPWR UT00206	\$1,463	
2050 2140 544001	CIPWR UT00204	\$1,148	
7010 7075 544001	CIPST PW13000	\$1,145	
2161 2221 544001	CIPWR UT00148	\$1,124	
2050 2140 544001	CIPWR UT00271	\$990	
2400 2550 544001	CIPWW UT00271	\$990	
4210 4210 544001	CIPST EN00011	\$985	
2400 2550 544001	CIPWW UT00303	\$979	
7010 7075 544001	CIPST EN00252	\$945	
2400 2550 544001	CIPWW UT00266	\$830	
2510 2630 544001	CIPWW UT00151	\$804	
2050 2140 544001	CIPWR UT00253	\$720	
7920 7920 544001	CIPRT CS00125	\$662	
1000 0310 544001	CIPOF ED00006	\$578	
4550 4550 544001	CIPST PW13000	\$565	
4210 4210 544001	CIPST EN00271	\$540	
4240 4240 544001	CIPOF PD00018	\$540	
7930 7930 544001	CIPPS PD00021	\$540	
4240 4240 544001	CIPPK CS00134	\$513	
4220 4220 544001	CIPDR PW00185	\$495	
2050 2140 544001	CIPWR UT00203	\$488	
7901 7901 544001	CIPPK CS00123	\$454	
4240 4240 544001	CIPPK CS00123	\$401	
1000 0310 544001	CIPPK CS00134	\$387	
2050 2140 544001	CIPWR UT00303	\$326	
7001 7051 544001	CIPST EN00313	\$310	
7010 7075 544001	CIPTC EN00348	\$248	
4250 4250 544001	CIPRT CS00125	\$233	

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
2400 2550 544001	CIPWW UT00116	\$158	
2161 2221 544001	CIPWR UT00233	\$135	
4240 4240 544001	CIPDR EN00134	\$98	
7000 7050 544001	CIPST PW00138	\$98	
4220 4220 544001	CIPST PW00152	\$90	
7010 7075 544001	CIPST EN00250	\$90	
7000 7050 544001	CIPST PW11160	\$65	
4210 4210 544001	CIPRT CS00091	\$59	
7920 7920 544001	CIPRT CS00091	\$59	
2400 2550 544001	CIPWW UT00151	\$51	
2050 2140 544001	CIPWR UT00148	\$46	
4250 4250 544001	CIPPS FD00101	\$40	
4250 4250 544001	CIPRT EN00371	\$33	
4240 4240 544001	CIPRT CS00091	\$17	
4240 4240 544001	CIPPS FD00101	\$16	
7935 7935 544001	CIPPS FD00101	\$9	
7935 7935 525507 Service Charges - Engineering	CIPOF CB02013		\$9
7930 7930 525507 Service Charges - Engineering	CIPOF CB02013		\$540
7920 7920 525507 Service Charges - Engineering	CIPOF CB02013		\$721
4210 4210 525507 Service Charges - Engineering	CIPOF CB02013		\$1,584
7901 7901 525507 Service Charges - Engineering	CIPOF CB02013		\$5,809
7001 7051 525507 Service Charges - Engineering	CIPOF CB02013		\$6,640
7000 7050 525507 Service Charges - Engineering	CIPOF CB02013		\$6,727
2161 2221 525507 Service Charges - Engineering	CIPOF CB02013		\$7,472
2400 2550 525507 Service Charges - Engineering	CIPOF CB02013		\$23,015
2050 2140 525507 Service Charges - Engineering	CIPOF CB02013		\$25,952
4220 4220 525507 Service Charges - Engineering	CIPOF CB02013		\$27,420
4240 4240 525507 Service Charges - Engineering	CIPOF CB02013		\$32,290
1000 0310 525507 Service Charges - Engineering	CIPOF CB02013		\$36,223
4550 4550 525507 Service Charges - Engineering	CIPOF CB02013		\$52,079
7010 7075 525507 Service Charges - Engineering	CIPOF CB02013		\$88,222

Comment: CIP - Q3 FY 2013 Engineering Chargebacks.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

#4223 - Non-Departmental - Gen Fund Capital Projects

2050	2140	544002		CIPWR	UT00206	\$2,276	
2050	2140	544002		CIPWR	UT00301	\$2,276	
2050	2140	544002		CIPWR	UT00204	\$2,276	
2400	2550	544002		CIPWW	UT00191	\$2,276	
4220	4220	544002		CIPDR	PW00185	\$2,276	
7000	7050	544002		CIPST	PW00046	\$2,276	
7010	7075	544002		CIPST	EN00395	\$2,276	
4250	4250	544002		CIPST	PW00993	\$2,072	
7010	7075	544002		CIPST	EN00422	\$2,069	
2050	2140	544002		CIPWR	UT00313	\$1,707	
2161	2221	544002		CIPWR	UT00117	\$1,241	
4550	4550	544002		CIPST	EN00313	\$1,210	
7930	7930	544002		CIPPS	PD00021	\$827	
2400	2550	544002		CIPWW	UT00313	\$569	
7000	7050	544002		CIPST	PW00992	\$414	
7000	7050	544002		CIPST	PW11160	\$414	
7000	7050	544002		CIPST	COP0001	\$389	
1000	0310	544002		CIPPK	COP0001	\$364	
4220	4220	544002		CIPST	EN00313	\$354	
7010	7075	544002		CIPST	EN00177	\$311	
7001	7051	544002		CIPST	EN00177	\$310	
2400	2550	544002		CIPWW	UT00116	\$207	
4550	4550	544002		CIPST	EN00324	\$207	
7010	7075	544002		CIPTC	EN00170	\$207	
7010	7075	544002		CIPTC	PW00133	\$207	
7000	7050	544002		CIPST	PW00993	\$204	
1000	0310	544002		CIPOF	CS00070	\$167	
2050	2140	544002		CIPWR	EN00313	\$130	
2400	2550	544002		CIPWW	EN00313	\$130	
4220	4220	544002		CIPST	EN00241	\$105	
1000	0310	544002		CIPST	COP0001	\$74	
7010	7075	544002		CIPST	EN00241	\$62	
4240	4240	544002		CIPST	EN00241	\$40	
7001	7051	544002		CIPST	EN00313	\$37	
4240	4240	544002		CIPOF	CS00070	\$20	
4250	4250	544002		CIPOF	CS00070	\$20	
4240	4240	525507	Service Charges - Engineering	CIPOF	CB02013		\$60
7001	7051	525507	Service Charges - Engineering	CIPOF	CB02013		\$347
7930	7930	525507	Service Charges - Engineering	CIPOF	CB02013		\$827
2161	2221	525507	Service Charges - Engineering	CIPOF	CB02013		\$1,241

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

4550	4550	525507	Service Charges - Engineering	CIPOF	CB02013		\$1,417
4250	4250	525507	Service Charges - Engineering	CIPOF	CB02013		\$2,092
4220	4220	525507	Service Charges - Engineering	CIPOF	CB02013		\$2,735
2400	2550	525507	Service Charges - Engineering	CIPOF	CB02013		\$3,182
2050	2140	525507	Service Charges - Engineering	CIPOF	CB02013		\$8,665
7010	7075	525507	Service Charges - Engineering	CIPOF	CB02013		\$9,434

Comment: CIP - Q3 FY 2013 Materials Management Chargebacks.

#4224 - Non-Departmental - Gen Fund Capital Projects

4240	4240	542006	Other Equipment	CIPPK	CS00034	\$565,000	
4240	4240	543007	Technical Systems	CIPPK	CS00034	\$250,000	
4240	4240	543005	Park Improvements	CIPPK	CS00034		\$815,000

Comment: CIP - Move budget within Pioneer Community Park from construction acct to IT systems acct and other equip acct. No financial impact - merely aligns purchases of equipment with the appropriate accounts.

#4226 - Non-Departmental - Gen Fund Capital Projects

4220	4220	543001	Street System	CIPST	EN00241	\$437,350	
4220	4220	540000	Land	CIPST	EN00241		\$437,350

Comment: CIP - Lake Pleasant Pkwy - Move budget from land account to construction account. Land acquisition for the project is complete, and these bond funds need to be expended before other funding sources.

#4227 - Non-Departmental - Gen Fund Capital Projects

4550	4550	570000	Contingencies			\$109,962	
4550	4550	543001	Street System	CIPST	EN00089	\$78,144	
4550	4550	540000	Land	CIPST	EN00089		\$78,144
4550	4550	543001	Street System	CIPST	EN00089		\$109,962

Comment: CIP - 75th Av & Thunderbird Rd Intersection Improvements - Reverse carryover adjustment by \$109,962 to accurately reflect FY12 ending balance & move \$78,144 within the project from the land account to the construction account. No financial impact.

#4235 - Non-Departmental - Gen Fund Capital Projects

4810	4810	543001	Street System	CIPST	EN00241	\$7,411	
4810	4810	570000	Contingencies				\$7,411

Comment: CIP - Lake Pleasant Pkwy - Establish appropriation within the project for funds received from Sunset Ranch for sidewalk construction.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

#4239 - Non-Departmental - Gen Fund Capital Projects

4550	4550	544001	CIPPK CS00034	\$21,860
4550	4550	544001	CIPST EN00313	\$16,048
4250	4250	544001	CIPPK CS00034	\$12,813
4240	4240	544001	CIPDR EN00139	\$11,115
4220	4220	544001	CIPST EN00241	\$10,984
7010	7075	544001	CIPTC EN00225	\$10,350
4220	4220	544001	CIPST EN00271	\$9,979
1000	310	544001	CIPOF CS00070	\$9,144
7001	7051	544001	CIPST EN00177	\$8,930
7010	7075	544001	CIPST EN00177	\$8,930
2161	2221	544001	CIPWR UT00117	\$7,648
7002	7052	544001	CIPST EN00241	\$6,529
7010	7075	544001	CIPST EN00241	\$6,529
2050	2140	544001	CIPWR UT00272	\$6,480
4220	4220	544001	CIPST EN00214	\$6,368
7010	7075	544001	CIPTC EN00170	\$6,368
7010	7075	544001	CIPST EN00088	\$5,870
7010	7075	544001	CIPST EN00422	\$5,428
7000	7050	544001	CIPST COP0001	\$5,350
2050	2140	544001	CIPWR UT00266	\$5,249
7930	7930	544001	CIPPS PD00021	\$5,085
1000	310	544001	CIPPK COP0001	\$5,009
1000	310	544001	CIPST PW00025	\$4,728
4550	4550	544001	CIPST EN00089	\$4,704
2050	2140	544001	CIPWR UT00313	\$4,658
4220	4220	544001	CIPST EN00313	\$4,645
2400	2550	544001	CIPWW UT00296	\$4,455
1000	310	544001	CIPOF ED00002	\$4,445
7901	7901	544001	CIPPK CS00054	\$4,410
4550	4550	544001	CIPST EN00324	\$4,330
7000	7050	544001	CIPST PW00046	\$4,190
4240	4240	544001	CIPST EN00241	\$4,155
2400	2550	544001	CIPWW UT00191	\$3,825
4240	4240	544001	CIPOF PD00018	\$3,825
7010	7075	544001	CIPST EN00395	\$3,603
7010	7075	544001	CIPTC EN00430	\$3,285
7010	7075	544001	CIPST EN00243	\$3,195
4240	4240	544001	CIPRT CS00125	\$3,046
4240	4240	544001	CIPPK CS00034	\$3,015
4550	4550	544001	CIPST CD00003	\$2,385

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
7010 7075 544001	CIPTC EN00348	\$2,160	
7010 7075 544001	CIPTC PW00133	\$2,070	
2400 2550 544001	CIPWW UT00303	\$2,025	
7010 7075 544001	CIPST EN00081	\$1,968	
7010 7075 544001	CIPST EN00089	\$1,921	
4210 4210 544001	CIPST EN00271	\$1,761	
2050 2140 544001	CIPWR UT00301	\$1,620	
2050 2140 544001	CIPWR UT00203	\$1,555	
2400 2550 544001	CIPWW UT00313	\$1,552	
2510 2630 544001	CIPWW UT00151	\$1,523	
2400 2550 544001	CIPWW UT00266	\$1,231	
4550 4550 544001	CIPST EN00241	\$1,187	
4240 4240 544001	CIPOF CS00070	\$1,143	
4250 4250 544001	CIPOF CS00070	\$1,143	
4240 4240 544001	CIPDR EN00137	\$1,125	
7010 7075 544001	CIPST PW11190	\$1,063	
1000 310 544001	CIPST COP0001	\$1,024	
2161 2221 544001	CIPWR UT00148	\$864	
4220 4220 544001	CIPDR PW00185	\$855	
2400 2550 544001	CIPWW UT00307	\$833	
7010 7075 544001	CIPST EN00252	\$720	
2050 2140 544001	CIPWR UT00303	\$675	
7920 7920 544001	CIPRT CS00125	\$672	
4250 4250 544001	CIPRT EN00371	\$585	
7010 7075 544001	CIPST EN00250	\$585	
7000 7050 544001	CIPST PW00992	\$450	
2050 2140 544001	CIPWR UT00271	\$439	
2400 2550 544001	CIPWW UT00271	\$439	
7001 7051 544001	CIPST EN00313	\$422	
1970 1970 544001	CIPOF PW10300	\$405	
2050 2140 544001	CIPWR UT00206	\$383	
4210 4210 544001	CIPST EN00011	\$370	
2050 2140 544001	CIPWR UT00253	\$315	
7000 7050 544001	CIPST EN00241	\$296	
4240 4240 544001	CIPPK CS00134	\$257	
2161 2221 544001	CIPWR UT00233	\$245	
4250 4250 544001	CIPRT CS00125	\$237	
7010 7075 544001	CIPST PW13000	\$212	
1000 310 544001	CIPPK CS00134	\$193	
2400 2550 544001	CIPWW UT00116	\$113	
4550 4550 544001	CIPST PW13000	\$103	

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
2400 2550 544001	CIPWW UT00151	\$97	
4550 4550 544001	CIPOF ED00006	\$92	
2161 2221 544001	CIPWR UT00170	\$90	
7901 7901 544001	CIPPK CS00123	\$72	
7010 7075 544001	CIPST PW00109	\$65	
4240 4240 544001	CIPPK CS00123	\$63	
2050 2140 544001	CIPWR UT00143	\$45	
2050 2140 544001	CIPWR UT00148	\$36	
2400 2550 544001	CIPWW UT00256	\$23	
7010 7075 544001	CIPST PW00065	\$23	
2050 2140 544001	CIPWR UT00256	\$22	
1000 310 544001	CIPOF ED00006	\$21	
7920 7920 525507	Service Charges - Engineering CIPOF CB02013		\$672
2510 2630 525507	Service Charges - Engineering CIPOF CB02013		\$1,523
4210 4210 525507	Service Charges - Engineering CIPOF CB02013		\$2,131
7901 7901 525507	Service Charges - Engineering CIPOF CB02013		\$4,482
7930 7930 525507	Service Charges - Engineering CIPOF CB02013		\$5,085
7002 7052 525507	Service Charges - Engineering CIPOF CB02013		\$6,529
2161 2221 525507	Service Charges - Engineering CIPOF CB02013		\$8,847
7001 7051 525507	Service Charges - Engineering CIPOF CB02013		\$9,352
2400 2550 525507	Service Charges - Engineering CIPOF CB02013		\$14,593
4250 4250 525507	Service Charges - Engineering CIPOF CB02013		\$14,778
2050 2140 525507	Service Charges - Engineering CIPOF CB02013		\$21,477
4240 4240 525507	Service Charges - Engineering CIPOF CB02013		\$27,744
4220 4220 525507	Service Charges - Engineering CIPOF CB02013		\$32,831
4550 4550 525507	Service Charges - Engineering CIPOF CB02013		\$50,709
7010 7075 525507	Service Charges - Engineering CIPOF CB02013		\$99,600

Comment: CIP - Q4 FY2013 Engineering Chargebacks.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

#4241 - Non-Departmental - Gen Fund Capital Projects

7000 7050 544002	CIPST COP0001	\$6,143	
2050 2140 544002	CIPWR UT00203	\$4,488	
7010 7075 544002	CIPST PW13000	\$3,482	
1000 0310 544002	CIPST PW00025	\$2,835	
2050 2140 544002	CIPWR UT00272	\$2,835	
2400 2550 544002	CIPWW UT00296	\$2,835	
2161 2221 544002	CIPWR UT00117	\$2,598	
4550 4550 544002	CIPST PW13000	\$1,715	
2050 2140 544002	CIPWR UT00302	\$1,181	
2050 2140 544002	CIPWR UT00301	\$236	
2050 2140 544002	CIPWR UT00206	\$236	
2050 2140 544002	CIPWR UT00316	\$236	
4232 4232 544002	CIPPK CS00022	\$236	
7000 7050 544002	CIPST PW00046	\$236	
4240 4240 544002	CIPRT CS00125	\$182	
4251 4251 544002	CIPRT CS00089	\$126	
2050 2140 544002	CIPWR UT00271	\$118	
2400 2550 544002	CIPWW UT00271	\$118	
7915 7915 544002	CIPRT CS00089	\$110	
7920 7920 544002	CIPRT CS00125	\$40	
4250 4250 544002	CIPRT CS00125	\$14	
4250 4250 525507 Service Charges - Engineering	CIPOF CB02013		\$140
7920 7920 525507 Service Charges - Engineering	CIPOF CB02013		\$150
4240 4240 525507 Service Charges - Engineering	CIPOF CB02013		\$182
4232 4232 544001	CIPPK CS00022		\$236
4550 4550 525507 Service Charges - Engineering	CIPOF CB02013		\$1,715
2161 2221 525507 Service Charges - Engineering	CIPOF CB02013		\$2,598
2400 2550 525507 Service Charges - Engineering	CIPOF CB02013		\$2,953
2050 2140 525507 Service Charges - Engineering	CIPOF CB02013		\$9,330
7010 7075 525507 Service Charges - Engineering	CIPOF CB02013		\$12,696

Comment: CIP - Q4 FY2014 Materials Management Chargebacks.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Capital

#4243 - Non-Departmental - Gen Fund Capital Projects

4550	4550	525515	Arts Commission Service Charge	CIPPK	CS00034	\$60,109	
2510	2630	525515	Arts Commission Service Charge	CIPWW	UT00151	\$13,302	
4550	4550	525515	Arts Commission Service Charge	CIPST	EN00313	\$13,266	
7000	7050	525515	Arts Commission Service Charge	CIPST	PW00138	\$12,958	
2161	2221	525515	Arts Commission Service Charge	CIPWR	UT00148	\$11,702	
7010	7075	525515	Arts Commission Service Charge	CIPST	PW13000	\$10,748	
7000	7050	525515	Arts Commission Service Charge	CIPST	PW00992	\$8,719	
4220	4220	525515	Arts Commission Service Charge	CIPST	EN00241	\$6,740	
4240	4240	525515	Arts Commission Service Charge	CIPST	EN00241	\$6,591	
7010	7075	525515	Arts Commission Service Charge	CIPST	EN00089	\$5,557	
4250	4250	525515	Arts Commission Service Charge	CIPST	PW00993	\$5,000	
4220	4220	525515	Arts Commission Service Charge	CIPST	EN00271	\$4,243	
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00296	\$2,926	
4550	4550	525515	Arts Commission Service Charge	CIPOF	ED00006	\$2,820	
7010	7075	525515	Arts Commission Service Charge	CIPST	EN00088	\$2,122	
4240	4240	525515	Arts Commission Service Charge	CIPPS	PD00013	\$2,087	
4220	4220	525515	Arts Commission Service Charge	CIPST	PW00152	\$1,642	
7010	7075	525515	Arts Commission Service Charge	CIPST	EN00177	\$1,502	
7010	7075	525515	Arts Commission Service Charge	CIPTC	EN00170	\$1,495	
4250	4250	525515	Arts Commission Service Charge	CIPPK	CS00034	\$1,438	
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00191	\$1,381	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00143	\$1,337	
4240	4240	525515	Arts Commission Service Charge	CIPPK	CS00034	\$1,306	
4550	4550	525515	Arts Commission Service Charge	CIPST	EN00241	\$1,275	
1000	0310	525515	Arts Commission Service Charge	CIPPK	COP0001	\$1,246	
2161	2221	525515	Arts Commission Service Charge	CIPWR	UT00117	\$1,170	
7000	7050	525515	Arts Commission Service Charge	CIPST	PW11140	\$1,156	
4550	4550	525515	Arts Commission Service Charge	CIPST	EN00089	\$1,109	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00272	\$1,009	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00203	\$975	
3400	3800	525515	Arts Commission Service Charge	CIPOF	IT00008	\$968	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00324	\$953	
4240	4240	525515	Arts Commission Service Charge	CIPOF	CS00070	\$916	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00313	\$912	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00206	\$908	
7010	7075	525515	Arts Commission Service Charge	CIPST	EN00081	\$744	
4550	4550	525515	Arts Commission Service Charge	CIPST	PW13000	\$742	
1000	0310	525515	Arts Commission Service Charge	CIPST	PW00025	\$570	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00301	\$507	
7000	7050	525515	Arts Commission Service Charge	CIPST	PW00027	\$495	

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant				Debit	Credit
<u>Capital</u>						
4550	4550	525515	Arts Commission Service Charge	CIPST EN00324	\$478	
2400	2550	525515	Arts Commission Service Charge	CIPWW UT00307	\$470	
7010	7075	525515	Arts Commission Service Charge	CIPST EN00241	\$457	
7000	7050	525515	Arts Commission Service Charge	CIPST COP0001	\$428	
2400	2550	525515	Arts Commission Service Charge	CIPWW UT00266	\$405	
4250	4250	525515	Arts Commission Service Charge	CIPOF IT00004	\$389	
7001	7051	525515	Arts Commission Service Charge	CIPST EN00177	\$345	
7000	7050	525515	Arts Commission Service Charge	CIPST PW00046	\$299	
7930	7930	525515	Arts Commission Service Charge	CIPPS PD00021	\$284	
7010	7075	525515	Arts Commission Service Charge	CIPTC PW00133	\$280	
2050	2140	525515	Arts Commission Service Charge	CIPWR UT00204	\$271	
7000	7050	525515	Arts Commission Service Charge	CIPST PW00993	\$255	
7010	7075	525515	Arts Commission Service Charge	CIPST EN00395	\$253	
4220	4220	525515	Arts Commission Service Charge	CIPDR PW00185	\$208	
7000	7050	525515	Arts Commission Service Charge	CIPST PW11160	\$208	
4220	4220	525515	Arts Commission Service Charge	CIPST EN00313	\$203	
4210	4210	525515	Arts Commission Service Charge	CIPST EN00271	\$151	
2050	2140	525515	Arts Commission Service Charge	CIPWR UT00303	\$149	
2400	2550	525515	Arts Commission Service Charge	CIPWW EN00313	\$145	
7010	7075	525515	Arts Commission Service Charge	CIPTC EN00348	\$134	
2050	2140	525515	Arts Commission Service Charge	CIPWR UT00266	\$123	
1000	0310	525515	Arts Commission Service Charge	CIPOF MS00002	\$97	
2050	2140	525515	Arts Commission Service Charge	CIPOF MS00002	\$97	
2400	2550	525515	Arts Commission Service Charge	CIPOF MS00002	\$97	
2400	2550	525515	Arts Commission Service Charge	CIPWW UT00116	\$85	
1000	0310	525515	Arts Commission Service Charge	CIPOF CS00070	\$73	
7901	7901	525515	Arts Commission Service Charge	CIPPK CS00054	\$73	
2050	2140	525515	Arts Commission Service Charge	CIPWR UT00262	\$66	
1000	0310	525515	Arts Commission Service Charge	CIPST COP0001	\$58	
1970	1970	525515	Arts Commission Service Charge	CIPOF PW10300	\$36	
4240	4240	525515	Arts Commission Service Charge	CIPRT CS00125	\$32	
7010	7075	525515	Arts Commission Service Charge	CIPST PW11190	\$25	
7935	7935	525515	Arts Commission Service Charge	CIPPS FD00101	\$25	
4240	4240	525515	Arts Commission Service Charge	CIPPS FD00101	\$22	
4220	4220	525515	Arts Commission Service Charge	CIPST EN00214	\$4	
7935	7935	525515	Arts Commission Service Charge	CIPOF AT02013		\$25
1970	1970	525515	Arts Commission Service Charge	CIPOF AT02013		\$36
7901	7901	525515	Arts Commission Service Charge	CIPOF AT02013		\$73
4210	4210	525515	Arts Commission Service Charge	CIPOF AT02013		\$151
7930	7930	525515	Arts Commission Service Charge	CIPOF AT02013		\$284
7001	7051	525515	Arts Commission Service Charge	CIPOF AT02013		\$345

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant				Debit	Credit
<u>Capital</u>						
1000	0310	525515	Arts Commission Service Charge	CIPOF AT02013		\$3,012
2400	2550	525515	Arts Commission Service Charge	CIPOF AT02013		\$5,509
4250	4250	525515	Arts Commission Service Charge	CIPOF AT02013		\$6,827
2050	2140	525515	Arts Commission Service Charge	CIPOF AT02013		\$7,307
4240	4240	525515	Arts Commission Service Charge	CIPOF AT02013		\$10,954
2161	2221	525515	Arts Commission Service Charge	CIPOF AT02013		\$12,872
4220	4220	525515	Arts Commission Service Charge	CIPOF AT02013		\$13,040
2510	2630	525515	Arts Commission Service Charge	CIPOF AT02013		\$13,302
7010	7075	525515	Arts Commission Service Charge	CIPOF AT02013		\$23,317
7000	7050	525515	Arts Commission Service Charge	CIPOF AT02013		\$24,518
4550	4550	525515	Arts Commission Service Charge	CIPOF AT02013		\$79,799

Comment: CIP - Q4 FY 2013 Percent for the Arts Charges.

Subtotal for Capital Amendments: \$3,482,689 \$3,482,689

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Clean-up

#4308 - Human Resources - Safety and Training

1000	0300	570000	Contingencies	\$58,483	
1000	0080	510900	Salary Adjustments		\$58,483

Comment: Correction of the tuition reimbursement amount. The tuition reimbursement amount was to remain the same at \$125k. The additional amount was removed by Council direction and should not have been included in the final budget.

#4309 - Non-Departmental - Gen Fund Capital Projects

2050	2140	520099	Other Professional Services	CIPWR UT00271	\$101,000	
2400	2550	520099	Other Professional Services	CIPWW UT00271	\$101,000	
2050	2140	543002	Water System	CIPWR UT00271		\$101,000
2400	2550	543003	Wastewater System	CIPWW UT00271		\$101,000

Comment: CIP - Integrated Utility Master Plan - Correct accounts for FY2014 base budgets. Should have used the other professional services account, not water/wastewater construction.

#4338 - Economic Development Services - Economic Development

1900	1900	524506	Building - Lease and Rental	CIPOF ED00010	\$718,571	
1900	1900	522070		CIPOF ED00010		\$718,571

Comment: Correct the account coding for BioInspire lease payments.

Subtotal for Clean-up Amendments: \$979,054 \$979,054

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Operating

#4303 - Community Services - Main Library

1000	0300	570000	Contingencies	\$65,000	
1000	1540	530002	Books, Periodicals and Subscriptions		\$32,500
1000	1550	530002	Books, Periodicals and Subscriptions		\$32,500

Comment: The Maricopa County Library District, per IGA/Reciprocal Borrowing Program, is buying library materials for the City instead of giving the City revenue (\$65k) for non-residents with Peoria library cards. This transfer will reduce the book budget equal to lost revenue but the City will be able to buy an equivalent amount of materials to be paid directly by the District. Therefore, there is no impact.

#4335 - Mayor and Council - Citizen Donations-Mayoral

8030	8030	522099	Miscellaneous Community Promotions	\$1,500	
7990	7990	570000	Contingencies		\$1,500

Comment: Transfer to provide budget for the Young Ambassador Program expenses that will be paid by donations. Donations will be received and deposited before budget is used, therefore there is no financial impact.

#4339 - Community Services - Main Library

1000	1540	530002	Books, Periodicals and Subscriptions	\$14,500	
1000	1550	530002	Books, Periodicals and Subscriptions	\$14,500	
1000	0300	570000	Contingencies		\$29,000

Comment: Funds have been received from the Maricopa County Library District to purchase books in the amount of \$29k. This amendment provides the budget authority to spend the funds received. There is no financial impact.

Subtotal for Operating Amendments: \$95,500 \$95,500

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Operating

#4304 - Community Services - Library Svc & Technology Grant

7280	7350	530003	Computer Hardware and Supplies	\$10,270	
7990	7990	570000	Contingencies		\$10,270

Comment: Carryover of Library Services and Technology grant to be completed in FY2014.

#4307 - Non-Departmental - Non-Departmental

7180	7250	542502	Trucks	\$29,244	
2000	2000	524004	Grounds/Detention - Repairs and Maintenance	\$25,585	
1000	1560	543005	Park Improvements	\$15,680	
7002	7052	520099	Other Professional Services	\$13,240	
7915	7915	520099	Other Professional Services	\$9,930	
7920	7920	520099	Other Professional Services	\$9,930	
7001	7051	520099	Other Professional Services	\$6,620	
7905	7905	520099	Other Professional Services	\$6,620	
7910	7910	520099	Other Professional Services	\$6,620	
7901	7901	520099	Other Professional Services	\$3,310	
7904	7904	520099	Other Professional Services	\$3,310	
7930	7930	520099	Other Professional Services	\$3,310	
7935	7935	520099	Other Professional Services	\$3,310	
7545	7795	530019	Operational Supplies	\$3,060	
7901	7901	570000	Contingencies		\$3,310
7904	7904	570000	Contingencies		\$3,310
7930	7930	570000	Contingencies		\$3,310
7935	7935	570000	Contingencies		\$3,310
7001	7051	570000	Contingencies		\$6,620
7905	7905	570000	Contingencies		\$6,620
7910	7910	570000	Contingencies		\$6,620
7002	7052	570000	Contingencies		\$13,240
7920	7920	570000	Contingencies		\$19,860
7990	7990	570000	Contingencies		\$32,304
1000	0300	570000	Contingencies		\$41,265

Comment: Carryover from FY2013 for operating budget FY2013 purchase order rollovers.

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Operating

#4310 - Fire - Homeland Security Grant - MMRS

7670	7870	510000	Salaries and Wages - Regular	\$687,780	
7670	7870	542502	Trucks	\$13,707	
7670	7870	524007	Equipment - Repairs and Maintenance	\$10,917	
7670	7870	530019	Operational Supplies	\$10,892	
7670	7870	520020	CAD Dispatch Services	\$1,946	
7670	7870	523510	Telephone Service -Local	\$788	
7670	7870	530003	Computer Hardware and Supplies	\$277	
7670	7870	525008	Maintenance Contract - Computer Software	\$125	
7990	7990	570000	Contingencies		\$726,432

Comment: Carryover - Homeland Security Grants from FY2013.

#4312 - Planning and Sustainability - Community Dev Administration

1000	0300	570000	Contingencies	\$114,726	
7110	7160	524015	Repairs to Non-City Property	\$43,011	
2800	2960	520099	Other Professional Services	\$25,000	
7130	7180	520099	Other Professional Services	\$2,992	
7130	7180	520511	Local Training/Meeting	\$51	
7130	7180	530001	Office Supplies	\$31	
7130	7180	510000	Salaries and Wages - Regular		\$6,901
7130	7180	522006	City Participation - Outside Programs		\$34,926
7100	7150	522006	City Participation - Outside Programs		\$68,647
7090	7140	524002	Building - Repairs and Maintenance		\$75,337

Comment: Carryover adjustments for the Planning and Community Development Department for CDBG, HOME Grant, Neighborhood Stabilization Grant III, Capital Fund Program, and Public Housing.

#4313 - Economic Development Services - Economic Development Administration

1000	0352	520099	Other Professional Services	\$81,923	
1900	1900	520099	Other Professional Services	\$70,000	
1000	0351	530001	Office Supplies	\$1,100	
1900	1900	570000	Contingencies		\$70,000
1000	0300	570000	Contingencies		\$83,023

Comment: Carryover adjustments for Economic Development Services Department for various professional services contracts, including the PSP economic analysis.

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Operating

#4319 - Community Services - Community Services Administration

1000	1560	543005	Park Improvements	\$184,320	
1111	0120	541003	Improvements Other Than Land and Buildings	\$98,000	
1000	1400	520099	Other Professional Services	\$46,070	
7180	7250	542502	Trucks	\$31,861	
7280	7350	530003	Computer Hardware and Supplies	\$11,885	
2000	2000	524004	Grounds/Detention - Repairs and Maintenance	\$10,715	
7990	7990	570000	Contingencies		\$43,746
1111	0120	570000	Contingencies		\$98,000
1000	0300	570000	Contingencies		\$241,105

Comment: Carryover for Community Services Dept for approved items in FY2013 not yet completed. Accessibility Audit \$46,070, Lighting at WW \$184,320, SC backflow devices \$10,715, Van for Adult Day Program \$31,861, Public Art \$98,000, Library Grant \$11,885.

#4320 - Police - Police Administration

7515	7765	510200	Wages - Overtime	\$49,677	
7515	7765	542501	Automobiles	\$39,000	
7350	7500	520511	Local Training/Meeting	\$30,812	
7430	7590	510200	Wages - Overtime	\$28,978	
7545	7795	530019	Operational Supplies	\$28,437	
7350	7500	532502	Weapons and Accessories	\$28,270	
7350	7500	530019	Operational Supplies	\$21,058	
7507	7757	510200	Wages - Overtime	\$15,757	
1000	1040	532501	Firearm Training Supplies	\$7,000	
7350	7500	530031	Volunteer Program Supplies	\$6,308	
7350	7500	542001	Electronic Equipment	\$6,295	
7507	7757	530001	Office Supplies	\$6,086	
7350	7500	520017	Veterinary Services	\$4,397	
7350	7500	530050		\$3,897	
7507	7757	532502	Weapons and Accessories	\$2,992	
7515	7765	520510	Overnight Travel and Training	\$2,800	
7515	7765	530019	Operational Supplies	\$2,495	
7350	7500	530012	Expendable Tools	\$1,303	
7350	7500	530003	Computer Hardware and Supplies	\$1,253	
7350	7500	530021	Computer Software	\$1,066	
7545	7795	525008	Maintenance Contract - Computer Software	\$450	
7545	7795	523510	Telephone Service -Local	\$350	
1000	0300	570000	Contingencies		\$7,000
7990	7990	570000	Contingencies		\$281,681

Comment: Carryover for Police Dept includes approved items in FY2013 not yet completed. Firearm Training \$7,000, DOJ Assistance Grant \$24,835, GOHS Grant \$93,972, DOHS Grant \$29,237, US Postal Inspection Grant \$28,978, and State Anti Racketeering \$104,659.

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Operating

#4321 - Non-Departmental - Non-Departmental

1000	0300	520099	Other Professional Services	\$150,000	
1000	0300	542006	Other Equipment	\$36,464	
1000	0300	522045	Palo Verde / At Large Project	\$30,000	
1000	0300	522046	Pine / At Large Project	\$30,000	
1000	0300	522044	Ironwood / At Large Project	\$27,581	
1000	0300	522041	Mayor / At Large Project	\$9,774	
1000	0300	522047	Willow / At Large Project	\$9,440	
1000	0300	522042	Mesquite / At Large Project	\$3,415	
1000	0300	522043	Acacia / At Large Project	\$2,675	
1000	0300	570000	Contingencies		\$299,349

Comment: Carryover for Non-Departmental. Includes approved items in FY2013 but are not yet completed. Copier replacements \$36,464, Theater Works payment \$150,000, and Council District Funds \$112,885.

#4329 - City Manager - Intergovernmental Affairs

1000	0025	520099	Other Professional Services	\$63,306	
1000	0300	570000	Contingencies		\$63,306

Comment: Carryover for Governmental Affairs. Carryover will be used to pay FY 13 invoices not yet received for lobbying services, as well as additional consulting services for state and federal issues, with a particular focus on trade issues with Mexico.

#4332 - Non-Departmental - Non-Departmental

3400	3820	542008	Computer Purchases	\$39,306	
3300	3750	520099	Other Professional Services	\$10,600	
3300	3750	525008	Maintenance Contract - Computer Software	\$2,478	
3300	3750	530003	Computer Hardware and Supplies	\$777	
1000	0300	570000	Contingencies		\$53,161

Comment: Carryover from FY2013 for Information Technology.

Subtotal for Carryover - Operating Amendments: \$2,302,653 \$2,302,653

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Capital

#4300 - Non-Departmental - Proposed GO Bonds

4250	4250	543001	Street System	CIPST	PW00993	\$59,554	
7000	7050	543001	Street System	CIPST	PW00993		\$59,554

Comment: Carryover - Correct a previous CIP carryover adjustment.

#4305 - Non-Departmental - Gen Fund Capital Projects

4550	4550	543005	Park Improvements	CIPPK	CS00034	\$387,584	
4550	4550	543001	Street System	CIPST	EN00313	\$225,205	
4250	4250	543005	Park Improvements	CIPPK	CS00034	\$171,743	
1000	0310	530023	Safety Equipment	CIPPS	FD00100	\$130,583	
4810	4810	540500	Buildings	CIPPK	CS00022	\$108,611	
4550	4550	520099	Other Professional Services	CIPST	CD00003	\$78,249	
7920	7920	520099	Other Professional Services	CIPRT	CS00067	\$52,200	
2400	2550	543003	Wastewater System	CIPWW	EN00313	\$51,246	
7010	7075	520099	Other Professional Services	CIPST	EN00422	\$49,984	
4240	4240	520099	Other Professional Services	CIPOF	PD00018	\$48,410	
2050	2140	543002	Water System	CIPWR	EN00313	\$28,661	
4250	4250	543001	Street System	CIPST	PW00993	\$28,370	
7915	7915	520099	Other Professional Services	CIPRT	CS00067	\$24,705	
4550	4550	543001	Street System	CIPST	EN00089	\$23,527	
2050	2140	520099	Other Professional Services	CIPWR	UT00256	\$21,367	
4240	4240	542006	Other Equipment	CIPPK	CS00034	\$17,852	
4240	4240	543005	Park Improvements	CIPRT	CS00146	\$14,573	
4220	4220	543001	Street System	CIPST	EN00313	\$14,557	
2161	2221	520099	Other Professional Services	CIPWR	UT00070	\$9,578	
2510	2630	520099	Other Professional Services	CIPWW	UT00070	\$9,578	
7010	7075	520099	Other Professional Services	CIPST	EN00252	\$8,875	
4240	4240	540500	Buildings	CIPOF	CS00070	\$6,200	
7010	7075	520099	Other Professional Services	CIPST	EN00250	\$6,057	
2050	2140	543002	Water System	CIPWR	UT00301	\$5,631	
2050	2140	543002	Water System	CIPWR	UT00303	\$4,329	
2050	2140	543002	Water System	CIPWR	UT00098	\$1,651	
4240	4240	543005	Park Improvements	CIPPK	CS00134	\$888	
7010	7075	520099	Other Professional Services	CIPST	EN00395	\$835	
1000	0300	570000	Contingencies				\$1,531,049

Comment: Carryover - FY13 Capital Improvement Projects carryovers into FY14.

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Capital

#4315 - Non-Departmental - Gen Fund Capital Projects

4550	4550	543005	Park Improvements	CIPPK CS00034	\$2,378,132	
4240	4240	542006	Other Equipment	CIPPK CS00034	\$498,319	
4240	4240	543007	Technical Systems	CIPPK CS00034	\$250,000	
4240	4240	543005	Park Improvements	CIPPK CS00034	\$14,758	
4550	4550	570000	Contingencies			\$1,000,000
1000	0300	570000	Contingencies			\$2,141,209

Comment: Carryover of available balance for Pioneer Park Capital Project.

#4316 - Non-Departmental - Gen Fund Capital Projects

4232	4232	520099	Other Professional Services	CIPPK CS00022	\$105,013	
1000	0300	570000	Contingencies			\$105,013

Comment: Carryover of Sports Complex Improvements CIP project inspection contract funds.

#4317 - Non-Departmental - Non-Departmental

3150	3550	542502	Trucks		\$121,759	
2620	2830	542502	Trucks		\$107,715	
3100	3500	542501	Automobiles		\$32,614	
7180	7250	542502	Trucks		\$29,244	
2400	2470	543002	Water System		\$8,994	
7515	7765	542501	Automobiles		\$8,066	
1000	0300	570000	Contingencies			\$308,392

Comment: Carryovers for outstanding fleet purchases from and water system electrical parts.

#4318 - Economic Development Services - Economic Development Administration

1900	1900	570000	Contingencies		\$3,295	
1900	1900	524506	Building - Lease and Rental			\$3,295

Comment: Carryover - Carryover for Economic Development Services Department. Reduction of carryover for Plaza Companies Lease Funding (\$36,221) exceeded available budget at end of FY2013 (\$32,926.50) by \$3,295.

#4322 - Non-Departmental - Gen Fund Capital Projects

4220	4220	543001	Street System	CIPST EN00313	\$17,909	
1000	0310	570000	Contingencies			\$17,909

Comment: Carryover to allow contract amendment on capital project EN00313 - 83rd Avenue Street and Drainage Improvements.

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Capital

#4328 - Non-Departmental - Gen Fund Capital Projects

7010	7075	570000	Contingencies		\$1,074,764
7000	7050	543001	Street System	CIPST PW00138	\$297,264
2400	2550	543003	Wastewater System	CIPWW UT00303	\$272,360
2050	2140	542006	Other Equipment	CIPWR UT00266	\$136,432
2050	2140	543002	Water System	CIPWR UT00272	\$103,651
2400	2550	520099	Other Professional Services	CIPWW UT00256	\$98,528
4250	4250	543001	Street System	CIPST PW00993	\$96,569
7000	7050	543001	Street System	CIPST PW00027	\$63,102
2050	2140	543002	Water System	CIPWR UT00303	\$54,790
2400	2550	543003	Wastewater System	CIPWW UT00313	\$45,128
2050	2140	543002	Water System	CIPWR UT00302	\$39,396
2050	2140	543002	Water System	CIPWR UT00203	\$35,809
2400	2480	570000	Contingencies		\$33,834
2050	2140	543002	Water System	CIPWR UT00313	\$30,252
7000	7050	543001	Street System	CIPST PW00992	\$23,055
2050	2140	520099	Other Professional Services	CIPWR UT00256	\$21,749
2050	2140	520099	Other Professional Services	CIPWR UT00271	\$20,000
2400	2550	520099	Other Professional Services	CIPWW UT00271	\$20,000
2161	2221	543002	Water System	CIPWR UT00149	\$16,776
2050	2140	542006	Other Equipment	CIPWR UT00316	\$8,274
4250	4250	541003	Improvements Other Than Land and Buildings	CIPOF PW00995	\$6,316
1000	0310	542006	Other Equipment	CIPOF PW11180	\$4,852
7000	7050	543001	Street System	CIPST PW11160	\$4,834
2050	2140	524002	Building - Repairs and Maintenance	CIPWR UT00262	\$4,405
2510	2630	543003	Wastewater System	CIPWW UT00149	\$3,224
2400	2550	543003	Wastewater System	CIPWW UT00262	\$2,799
1970	1970	540500	Buildings	CIPOF PW10300	\$1,472
2161	2221	543002	Water System	CIPWR UT00117	\$2,005
2510	2630	520099	Other Professional Services	CIPWW UT00149	\$3,224
2050	2140	543002	Water System	CIPWR UT00204	\$4,397
2400	2550	543003	Wastewater System	CIPWW UT00191	\$5,632
1000	0300	570000	Contingencies		\$6,324
2400	2550	543003	Wastewater System	CIPWW UT00116	\$7,769
2161	2221	520099	Other Professional Services	CIPWR UT00149	\$16,776
2050	2140	543002	Water System	CIPWR UT00262	\$33,579
2400	2550	543003	Wastewater System	CIPWW UT00307	\$33,880
7000	7050	543001	Street System	CIPST PW00993	\$56,991
2050	2140	543002	Water System	CIPWR UT00206	\$82,672
4550	4550	543001	Street System	CIPST PW13000	\$101,187
2161	2221	543002	Water System	CIPWR UT00148	\$124,896

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Carryover - Capital</u>			
2510 2630 543003	Wastewater System CIPWW UT00151		\$191,973
2050 2050 570000	Contingencies		\$207,209
2400 2550 543003	Wastewater System CIPWW UT00296		\$233,395
7000 7000 570000	Contingencies		\$332,962
7010 7075 543001	Street System CIPST PW13000		\$1,074,764

Comment: Carryover CIP - Final carryover adjustments for Public Works-Utilities projects.

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Capital

#4330 - Non-Departmental - Gen Fund Capital Projects

1000	0300	570000	Contingencies		\$5,590,489
4550	4550	570000	Contingencies		\$1,799,533
7010	7075	570000	Contingencies		\$444,096
4550	4550	543001	Street System	CIPST EN00313	\$350,000
7000	7050	543001	Street System	CIPST COP0001	\$303,868
7010	7075	543001	Street System	CIPST EN00081	\$135,073
4240	4240	540500	Buildings	CIPOF CS00070	\$70,000
7901	7901	543005	Park Improvements	CIPPK CS00054	\$59,015
1000	0310	520099	Other Professional Services	CIPOF ED00002	\$56,824
4240	4240	523014	Settlement Claims	CIPST CS00123	\$50,000
7901	7901	543005	Park Improvements	CIPPK CS00054	\$29,008
1210	0350	570000	Contingencies		\$28,868
7930	7930	570000	Contingencies		\$28,370
4810	4810	543001	Street System	CIPTC EN00170	\$25,000
7010	7075	543001	Street System	CIPST EN00089	\$13,679
4210	4210	523014	Settlement Claims	CIPST EN00011	\$7,248
4550	4550	543001	Street System	CIPST EN00089	\$5,800
7000	7050	543001	Street System	CIPST PW00046	\$1,356
7001	7051	570000	Contingencies		\$137
7001	7051	543001	Street System	CIPST EN00177	\$137
4220	4220	543001	Street System	CIPST EN00214	\$433
4240	4240	542006	Other Equipment	CIPPK CS00034	\$1,046
4810	4810	543001	Street System	CIPST EN00214	\$1,510
7010	7075	543001	Street System	CIPST PW11190	\$2,500
7010	7075	543001	Street System	CIPTC PW00133	\$3,003
7010	7075	543001	Street System	CIPTC EN00170	\$3,172
1000	0310	520510	Overnight Travel and Training	CIPPK CS00022	\$6,109
4240	4240	543005	Park Improvements	CIPRT CS00125	\$11,330
7010	7075	543001	Street System	CIPTC EN00348	\$13,420
4240	4240	520099	Other Professional Services	CIPOF PD00018	\$17,504
4240	4240	520099	Other Professional Services	CIPDR EN00139	\$23,440
4810	4810	520099	Other Professional Services	CIPDR EN00139	\$23,440
7010	7075	543001	Street System	CIPST EN00177	\$23,807
4810	4810	543001	Street System	CIPST EN00313	\$24,062
7010	7075	543001	Street System	CIPST EN00395	\$25,112
4550	4550	543001	Street System	CIPST EN00324	\$27,818
7930	7930	540500	Buildings	CIPPS PD00021	\$28,370
1210	0350	525515	Arts Commission Service Charge	CIPPK CS00022	\$28,868
4232	4232	544001		CIPPK CS00022	\$37,446
7010	7075	543001	Street System	CIPST EN00422	\$49,984

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant				Debit	Credit
<u>Carryover - Capital</u>						
7010	7075	543001	Street System	CIPST EN00241		\$50,142
7901	7901	570000	Contingencies			\$88,023
4550	4550	543001	Street System	CIPST EN00241		\$127,516
7000	7000	570000	Contingencies			\$208,655
7010	7075	543001	Street System	CIPST EN00088		\$421,708
4220	4220	543001	Street System	CIPST EN00271		\$424,275
4240	4240	543001	Street System	CIPST EN00241		\$659,127
4240	4240	543005	Park Improvements	CIPPK CS00034		\$864,999
4220	4220	543001	Street System	CIPST EN00241		\$926,523
4550	4550	543005	Park Improvements	CIPPK CS00034		\$1,999,999
4232	4232	540500	Buildings	CIPPK CS00022		\$2,874,886

Comment: Carryover CIP - Final carryover adjustments for Engineering projects.

Budget Amendment Schedule

Fiscal Year 2014 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
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Carryover - Capital

#4331 - Non-Departmental - Gen Fund Capital Projects

4550	4550	570000	Contingencies		\$661,097
1210	0350	570000	Contingencies		\$300,000
1000	0310	543005	Park Improvements	CIPPK COP0001	\$192,727
2400	2550	542006	Other Equipment	CIPWW UT00326	\$46,566
1000	0310	522006	City Participation - Outside Programs	CIPOF COP0001	\$41,726
3400	3800	543007	Technical Systems	CIPOF IT00008	\$21,749
4550	4550	540500	Buildings	CIPOF ED00007	\$14,950
2050	2140	542006	Other Equipment	CIPWR UT00326	\$5,848
2161	2221	520099	Other Professional Services	CIPWR UT00070	\$5,422
2510	2630	520099	Other Professional Services	CIPWW UT00070	\$5,422
7915	7915	540000	Land	CIPRT CS00089	\$3,000
4240	4240	520511	Local Training/Meeting	CIPPS PD00013	\$2,515
4550	4550	540500	Buildings	CIPOF ED00006	\$2,274
1000	0310	540500	Buildings	CIPOF ED00006	\$1,289
7935	7935	570000	Contingencies		\$499
7935	7935	540500	Buildings	CIPPS FD00101	\$2,501
4240	4240	540500	Buildings	CIPPS FD00101	\$4,777
2050	2050	570000	Contingencies		\$5,337
1000	0310	543007	Technical Systems	CIPOF MS00002	\$5,932
2050	2140	543007	Technical Systems	CIPOF MS00002	\$5,933
2400	2550	543007	Technical Systems	CIPOF MS00002	\$5,934
4250	4250	543007	Technical Systems	CIPOF IT00004	\$38,929
2400	2480	570000	Contingencies		\$46,054
4240	4240	542006	Other Equipment	CIPPS FD00101	\$64,558
4251	4251	520099	Other Professional Services	CIPRT CS00089	\$70,231
4550	4550	522070		CIPOF ED00013	\$100,000
1000	0300	570000	Contingencies		\$251,559
1210	0350	522070		CIPOF ED00012	\$300,000
4240	4240	543007	Technical Systems	CIPPS PD00013	\$402,341

Comment: Carryover CIP - Final carryover adjustments for Police, Fire, Community Services, I.T., Finance, Economic Development, and Planning projects.

Subtotal for Carryover - Capital Amendments: \$17,989,005 \$17,989,005

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12C

Date Prepared: September 16, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1066, Tierra Del Rio Parcel 10A, 103rd Drive and Yearling Road

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1066, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Maintenance Improvement District;
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Maintenance Improvement District is for the operations, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will show as \$0.00 on their property tax bills.

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1066, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Tierra Del Rio Parcel 10A was approved by the City on September 3, 2013 and recorded with the County.

Options:

A: The Maintenance Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Maintenance Improvement District; although it should be noted that not approving the Maintenance Improvement District will prevent any additional charges from being assessed on the property tax bills for those properties located within the District, and any and all fees incurred by the City of Peoria as a result of assuming the maintenance responsibility would be paid using City of Peoria funds.

B: The other option would be to formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention to Create, and Resolution Declaring Intention to Order.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance

responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fail.

Narrative:

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number: Traci Varland, Associate Engineer, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

[1066]
MID#

[Tierra Del Rio Parcel 10a]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-574, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Parkway Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 17.6461 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the

8th day of January 20 13.

<u>DTR 24, LLC</u> Print Property Owner Name <u>Jon Coulter</u> Print Name <u>17207 N. Perimeter Drive, Suite 200</u> Address <u>[REDACTED]</u> Signature	Date: <u>1/8/13</u>	Property (Tax Parcel Numbers) <u>201-17-061</u>
_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature	Date: _____	Property (Tax Parcel Numbers) _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1066, TIERRA DEL RIO PARCEL 10A, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the Maintenance of the landscaping included within, near and adjacent to a parkway and related facilities in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the District is incidental to the maintenance and preservation of the parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the District; and

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City

of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the City of Peoria declares that the maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the City living within the District; and

WHEREAS, the City Council declares that maintenance of landscaped drainage and other water control facilities and features within, near or adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City of Peoria living within the District:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained in the Assessment District is to be filed with the Clerk and approved by the Mayor and Council.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the boundaries described on Exhibit B attached hereto and as shown on the map on file with the City Engineer.

"City" shall mean the City of Peoria, Arizona.

"City Council" or "Council" shall mean the Mayor and Council of the City.

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

"Lots" shall mean all lots, pieces or parcels of land lying within the Assessment District.

"Parkways" shall mean those streets and rights-of-way which are designated in Exhibit B as "Parkways," and specifically those portions of Pedestrian Facilities, Parks, Retention, Detention and Storm Water Management Facilities included within or adjacent to the Assessment District.

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1066 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Peoria, Arizona, to order the following work, hereinafter "Work," to be performed, to wit:

The maintenance of all landscaping, including replacement of landscape materials, in the area generally described as follows:

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT No. 1066

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein

described is hereby designated City of Peoria Maintenance Improvement District No. 1066.

Section 3. Determination of Need.

In the opinion of the City Council, the Work is of more than local or ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. Preparation of Assessment Diagrams.

The City Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the Assessment District. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 5. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 6. Existing Maintenance Improvement District.

This proposed Maintenance Improvement District for Tierra Del Rio Parcel 10A is subject to the existing Tierra Del Rio Development Master Maintenance Improvement District #1062.

Section 7. Officers Not Liable.

In no event will the City of Peoria or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 8. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad

Resolution No. 2013-141
MID 1066 – Tierra Del Rio Parcel 10A
October 1, 2013
Page 5 of 11 Pages

valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 9. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Title 48, Article 2, specifically Section 48-574, and all amendments thereto and pursuant to Article I, Section 3, (8) of the Peoria City Charter.

Section 10. Delegation of Authority.

The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications and the Contract Documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 1st day of October, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Resolution No. 2013-141
MID 1066 – Tierra Del Rio Parcel 10A
October 1, 2013
Page 6 of 11 Pages

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2013-141 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____ October 1, 2013 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

EXHIBIT "A"
TIERRA DEL RIO PARCEL 10A
Maintenance ID # 1066 LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE, MARKED $\frac{1}{4}$ ON THE SOUTH FACE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION, FROM WHICH A FOUND 2-1/2 INCH IRON PIPE 1.4 FEET UP IN A 2 FOOT SQUARE CONCRETE SLAB WITH 5/8 INCH BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST A DISTANCE OF 2631.63 FEET;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST, A DISTANCE OF 2476.24;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 44.84 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 103RD DRIVE TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID EAST LINE, NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET, THE CENTER OF WHICH BEARS NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 17 MINUTES 58 SECONDS, AN ARC LENGTH OF 2.22 FEET;

THENCE LEAVING SAID CENTERLINE, NORTH 87 DEGREES 19 MINUTES 39 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID 103RD DRIVE;

THENCE LEAVING SAID WESTERLY LINE, SOUTH 89 DEGREES 58 MINUTES 44 SECONDS WEST, A DISTANCE OF 143.25 FEET;

THENCE SOUTH 25 DEGREES 53 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 250.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 87 DEGREES 32 MINUTES 37 SECONDS, AN ARC LENGTH OF 381.98 FEET TO A POINT OF TANGENCY;

THENCE NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 96.88 FEET;

THENCE NORTH 23 DEGREES 26 MINUTES 27 SECONDS EAST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 05 DEGREES 22 MINUTES 07 SECONDS WEST, A DISTANCE OF 516.08 FEET;

THENCE NORTH 02 DEGREES 03 MINUTES 39 SECONDS EAST, A DISTANCE OF 631.79 FEET;

THENCE NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST, A DISTANCE OF 241.51 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 390.39 FEET TO EASTERLY RIGHT OF WAY LINE OF 103RD DRIVE TO A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET, THE CENTER OF WHICH BEARS SOUTH 67 DEGREES 02 MINUTES 25 SECONDS WEST;

(THE FOLLOWING 5 COURSES ARE ALONG THE EASTERLY RIGHT-OF-WAY OF 103RD AVENUE)

(1) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 05 MINUTES 03 SECONDS, AN ARC LENGTH OF 139.39 FEET;

(2) SOUTH 06 DEGREES 07 MINUTES 28 SECONDS WEST, A DISTANCE OF 402.25 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 900.00 FEET;

(3) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10 DEGREES 59 MINUTES 13 SECONDS, AN ARC LENGTH OF 172.58 FEET TO A POINT OF TANGENCY;

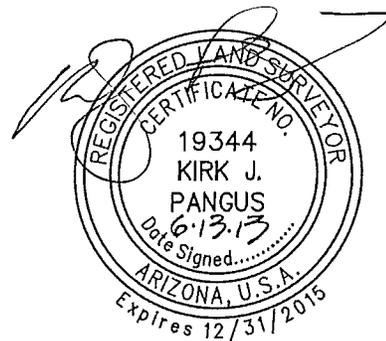
(4) SOUTH 04 DEGREES 51 MINUTES 45 SECONDS EAST, A DISTANCE OF 379.92 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 450.00 FEET;

(5) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 14 MINUTES 16 SECONDS, AN ARC LENGTH OF 56.85 FEET TO THE POINT OF BEGINNING.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 768,665 square feet (17.6461 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-141

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

Resolution No. 2013-141
MID 1066 – Tierra Del Rio Parcel 10A
October 1, 2013
Page 10 of 11 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1066, TIERRA DEL RIO PARCEL 10A.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of October, 2013 the Mayor and Council of the City of Peoria adopted Resolution No. 2013-141; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1066, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice be given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1066 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

Resolution No. 2013-141
MID 1066 – Tierra Del Rio Parcel 10A
October 1, 2013
Page 11 of 11 Pages

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger
Acting Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2013-142

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1066, TIERRA DEL RIO PARCEL 10A; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1066.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of

Resolution No. 2013- 142
MID 1066 – Tierra Del Rio Parcel 10A
October 1, 2013
Page 2 of 6 Pages

Peoria Maintenance Improvement District No. 1066 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1066 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1066 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1066.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1066 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2013- 142
MID 1066 – Tierra Del Rio Parcel 10A
October 1, 2013
Page 3 of 6 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the
City of Peoria, Arizona, this 1st day of October, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 10A
Maintenance ID # 1066 LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE, MARKED $\frac{1}{4}$ ON THE SOUTH FACE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION, FROM WHICH A FOUND 2-1/2 INCH IRON PIPE 1.4 FEET UP IN A 2 FOOT SQUARE CONCRETE SLAB WITH 5/8 INCH BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST A DISTANCE OF 2631.63 FEET;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST, A DISTANCE OF 2476.24;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 44.84 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 103RD DRIVE TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID EAST LINE, NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET, THE CENTER OF WHICH BEARS NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 17 MINUTES 58 SECONDS, AN ARC LENGTH OF 2.22 FEET;

THENCE LEAVING SAID CENTERLINE, NORTH 87 DEGREES 19 MINUTES 39 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID 103RD DRIVE;

THENCE LEAVING SAID WESTERLY LINE, SOUTH 89 DEGREES 58 MINUTES 44 SECONDS WEST, A DISTANCE OF 143.25 FEET;

THENCE SOUTH 25 DEGREES 53 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 250.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 87 DEGREES 32 MINUTES 37 SECONDS, AN ARC LENGTH OF 381.98 FEET TO A POINT OF TANGENCY;

THENCE NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 96.88 FEET;

THENCE NORTH 23 DEGREES 26 MINUTES 27 SECONDS EAST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 05 DEGREES 22 MINUTES 07 SECONDS WEST, A DISTANCE OF 516.08 FEET;

THENCE NORTH 02 DEGREES 03 MINUTES 39 SECONDS EAST, A DISTANCE OF 631.79 FEET;

THENCE NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST, A DISTANCE OF 241.51 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 390.39 FEET TO EASTERLY RIGHT OF WAY LINE OF 103RD DRIVE TO A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET, THE CENTER OF WHICH BEARS SOUTH 67 DEGREES 02 MINUTES 25 SECONDS WEST;

(THE FOLLOWING 5 COURSES ARE ALONG THE EASTERLY RIGHT-OF-WAY OF 103RD AVENUE)

(1) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 05 MINUTES 03 SECONDS, AN ARC LENGTH OF 139.39 FEET;

(2) SOUTH 06 DEGREES 07 MINUTES 28 SECONDS WEST, A DISTANCE OF 402.25 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 900.00 FEET;

(3) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10 DEGREES 59 MINUTES 13 SECONDS, AN ARC LENGTH OF 172.58 FEET TO A POINT OF TANGENCY;

(4) SOUTH 04 DEGREES 51 MINUTES 45 SECONDS EAST, A DISTANCE OF 379.92 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 450.00 FEET;

(5) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 14 MINUTES 16 SECONDS, AN ARC LENGTH OF 56.85 FEET TO THE **POINT OF BEGINNING.**

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 768,665 square feet (17.6461 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-142

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

ASSESSMENT DIAGRAM MAINTENANCE IMPROVEMENT DISTRICT #1066 TIERRA DEL RIO, PARCEL 10A

A SUBDIVISION OF A PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH,
RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

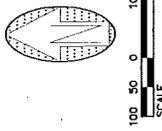
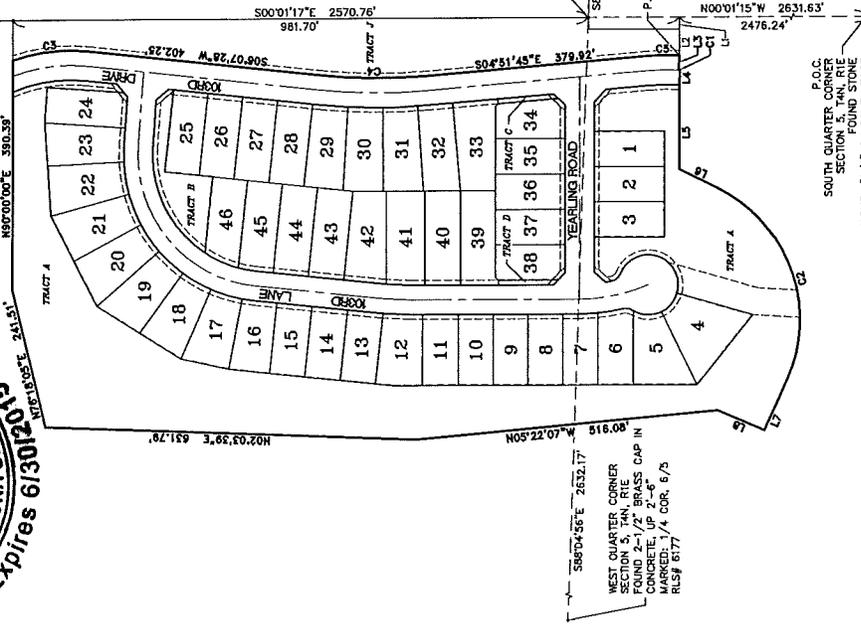
LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND STONE MARKED X ON THE SOUTH FACE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION, FROM WHICH A FOUND 2-1/2" IRON PIPE CAP BEARS NORTH 00 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 2631.63 FEET;
THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST, A DISTANCE OF 2476.24 FEET;
THENCE LEAVING SAID EAST LINE, SOUTH 80 DEGREES 45 SECONDS WEST, A DISTANCE OF 20.00 FEET;
THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 44.84 FEET TO THE EASTERN RIGHT OF WAY LINE OF 103RD DRIVE TO THE POINT OF BEGINNING;
THENCE LEAVING SAID EAST LINE, NORTH 07 DEGREES 37 MINUTES 37 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT BEARS NORTH 07 DEGREES 37 MINUTES 37 SECONDS WEST;
THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 17 MINUTES 50 SECONDS, AN ARC LENGTH OF 22.22 FEET;
THENCE LEAVING SAID CENTERLINE, NORTH 87 DEGREES 19 MINUTES 30 SECONDS WEST, A DISTANCE OF 26.88 FEET TO THE WESTERN RIGHT OF WAY LINE OF SAID 103RD DRIVE, A DISTANCE OF 142.20 FEET;
THENCE SOUTH 25 DEGREES 53 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 250.00 FEET;
THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 32 MINUTES 37 SECONDS, AN ARC LENGTH OF 30.60 FEET TO A POINT OF TANGENCY;
THENCE NORTH 66 DEGREES 33 MINUTES 27 SECONDS EAST, A DISTANCE OF 96.88 FEET;
THENCE NORTH 23 DEGREES 26 MINUTES 27 SECONDS EAST, A DISTANCE OF 86.37 FEET;
THENCE NORTH 05 DEGREES 22 MINUTES 07 SECONDS EAST, A DISTANCE OF 516.08 FEET;
THENCE NORTH 02 DEGREES 03 MINUTES 39 SECONDS EAST, A DISTANCE OF 631.78 FEET;
THENCE NORTH 76 DEGREES 18 MINUTES 03 SECONDS EAST, A DISTANCE OF 241.51 FEET;
THENCE NORTH 60 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 309.30 FEET TO THE EASTERN RIGHT OF WAY LINE OF 103RD DRIVE TO A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET, THE CENTER OF WHICH BEARS SOUTH 67 DEGREES 02 MINUTES 25 SECONDS WEST;
(THE FOLLOWING 5 COURSES ARE ALONG THE EASTERN RIGHT-OF-WAY OF 103RD AVENUE)
(1) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28 DEGREES 05 MINUTES 03 SECONDS, AN ARC LENGTH OF 130.39 FEET;
(2) SOUTH 08 DEGREES 07 MINUTES 28 SECONDS WEST, A DISTANCE OF 402.25 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 800.00 FEET;
(3) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 16 DEGREES 39 MINUTES 16 SECONDS, AN ARC LENGTH OF 172.65 FEET TO A POINT OF TANGENCY;
(4) SOUTH 04 DEGREES 51 MINUTES 45 SECONDS EAST, A DISTANCE OF 379.82 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 450.00 FEET;
(5) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 14 MINUTES 16 SECONDS, AN ARC LENGTH OF 36.85 FEET TO THE POINT OF BEGINNING.



NORTH QUARTER CORNER FOUND 2-1/2" IRON PIPE CAP UP 8" MARKED: TEN, RIE, S32 1/4 COR. S5, 4N RLS# 6177

NORTHEAST CORNER SECTION 5, BRASS CAP DOWN 7-1/2" MARKED: TEN, RIE, S32, S31, S5, RLS# 6177



EAST QUARTER CORNER SECTION 5, TAN, RIE FOUND 2-1/2" BRASS CAP IN CONCRETE, UP 2'-8" MARKED: 1/4 COR. 6/3 RLS# 6177

SOUTH QUARTER CORNER SECTION 5, TAN, RIE FOUND STONE MARKED: 1/4 COR. SOUTH FACE

AREA TABLE

AREA	DESCRIPTION	SIZE (S.F.)
TRACT A	LANDSCAPE, OPEN SPACE & DRAINAGE	230,216.24
TRACT B	LANDSCAPE & OPEN SPACE	11,940.05
TRACT C	LANDSCAPE & OPEN SPACE	798.26
TRACT D	LANDSCAPE & OPEN SPACE	792.00
INTERNAL ROW	103RD DRIVE	79,258.98
ROW		571,701.01
	TOTAL =	380,175.54

LEGEND

DISTRICT	BOUNDARY LINES
44	LOT NUMBERS
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING

LINE #	DIRECTION	LENGTH
L1	S88°30'45"W	20.00'
L2	S89°30'45"W	44.84'
L3	N07°37'37"W	25.00'
L4	S87°59'27"E	25.00'
L5	S90°30'44"W	142.20'
L6	S23°33'50"W	70.02'
L7	N05°33'33"W	96.88'
L8	N23°26'27"E	86.37'

CURVE #	RADIUS	DELTA	LENGTH
C1	425.00'	077°58'	222'
C2	250.00'	07°32'37"	301.39'
C3	300.00'	20°50'39"	131.39'
C4	300.00'	10°57'15"	172.65'
C5	450.00'	7°14'16"	56.85'

NOTES

THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE OF PROVIDING MAINTENANCE IMPROVEMENTS TO THE PUBLIC ROADS, DRIVEWAYS AND ALONG THE PUBLIC ROADWAYS AND PARKWAYS WITHIN THE DISTRICT AND DRAINAGE AND RETENTION FACILITY WITHIN SUCH PROPOSED IMPROVEMENT DISTRICT. THIS IMPROVEMENT DISTRICT IS SUBJECT TO THE STATUTES, TITLE 48, CHAPTER 4, ARTICLE 2, SECTION 27A, AS AMENDED.

CERTIFICATION

I, ANDREW GRANGER, ENGINEERING DEPARTMENT DIRECTOR OF THE CITY OF PEORIA, ARIZONA, HEREBY CERTIFY THAT THE ASSESSMENT DIAGRAM SUBMITTED FOR THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NUMBER 1066 FOR TIERRA DEL RIO, PARCEL 10A, WAS APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, AND THAT A DUBIUM WAS PRESENT.

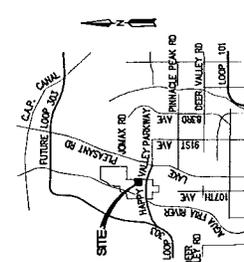
ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____ 2013
BY _____ DISTRICT ENGINEER

OWNER:

DESERT TROOP COMPANIES
17407 N. PERIMETER DRIVE
SCOTTSDALE, AZ 85255
PHONE: (480) 363-5247
CONTACT: JON COULTER

ENGINEER:

HILGART WILSON
1661 EAST CAMELBACK RD SUITE #215
SCOTTSDALE, AZ 85256
PH: (602) 490-0535
FAX: (602) 325-0181
CONTACT: ZACH HILGART



VICINITY MAP
N.T.S.

MAINTENANCE IMPROVEMENT DISTRICT #1066

CITY OF PEORIA, ENGINEERING DEPT. 9875 N. 85TH AVE. PEORIA, AZ 85345
DRAWN BY: HILGART WILSON
DATE: 2-05-2013
SCALE: 1" = 100'
SHEET 1 OF 1

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13C

Date Prepared: September 16, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1134, Tierra Del Rio Parcel 13B, Tierra Del Rio Blvd and Happy Valley Road

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1134, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Blvd and Happy Valley Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Maintenance Improvement District;
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Maintenance Improvement District is for the operations, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will show as \$0.00 on their property tax bills.

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1134, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Blvd and Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Tierra Del Rio Parcel 13B was approved by the City on September 3, 2013 and recorded with the County.

Options:

A: The Maintenance Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Maintenance Improvement District; although it should be noted that not approving the Maintenance Improvement District will prevent any additional charges from being assessed on the property tax bills for those properties located within the District, and any and all fees incurred by the City of Peoria as a result of assuming the maintenance responsibility would be paid using City of Peoria funds.

B: The other option would be to formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention to Create, and Resolution Declaring Intention to Order.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance

responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fail.

Narrative:

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number: Traci Varland, Associate Engineer, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

[1134]

MID#

[Tierra Del Rio Parcel 13b]

Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-574, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Parkway Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 7.0975 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the 8th day of JANUARY 20 13.

<u>DTR 24, LLC</u> Print Property Owner Name <u>Jon Coulter</u> Print Name <u>17207 N. Perimeter Drive, Suite 200</u> Address <u>[REDACTED]</u> Signature <u>[REDACTED]</u>	Date: <u>1/8/13</u>	Property (Tax Parcel Numbers) <u>201-17-066</u>
_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature	Date: _____	Property (Tax Parcel Numbers) _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1134, TIERRA DEL RIO PARCEL 13B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the Maintenance of the landscaping included within, near and adjacent to a parkway and related facilities in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the District is incidental to the maintenance and preservation of the parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the District; and

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City

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MID 1134 – Tierra Del Rio Parcel 13B
October 1, 2013
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of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the City of Peoria declares that the maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the City living within the District; and

WHEREAS, the City Council declares that maintenance of landscaped drainage and other water control facilities and features within, near or adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City of Peoria living within the District:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained in the Assessment District is to be filed with the Clerk and approved by the Mayor and Council.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the boundaries described on Exhibit B attached hereto and as shown on the map on file with the City Engineer.

"City" shall mean the City of Peoria, Arizona.

"City Council" or "Council" shall mean the Mayor and Council of the City.

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

"Lots" shall mean all lots, pieces or parcels of land lying within the Assessment District.

"Parkways" shall mean those streets and rights-of-way which are designated in Exhibit B as "Parkways," and specifically those portions of Pedestrian Facilities, Parks, Retention, Detention and Storm Water Management Facilities included within or adjacent to the Assessment District.

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1134 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Peoria, Arizona, to order the following work, hereinafter "Work," to be performed, to wit:

The maintenance of all landscaping, including replacement of landscape materials, in the area generally described as follows:

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1134

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein

described is hereby designated City of Peoria Maintenance Improvement District No. 1134.

Section 3. Determination of Need.

In the opinion of the City Council, the Work is of more than local or ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. Preparation of Assessment Diagrams.

The City Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the Assessment District. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 5. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 6. Existing Maintenance Improvement District.

This proposed Maintenance Improvement District for Tierra Del Rio Parcel 13B is subject to the existing Tierra Del Rio Development Master Maintenance Improvement District #1062.

Section 7. Officers Not Liable.

In no event will the City of Peoria or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 8. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad

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valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 9. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Title 48, Article 2, specifically Section 48-574, and all amendments thereto and pursuant to Article I, Section 3, (8) of the Peoria City Charter.

Section 10. Delegation of Authority.

The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications and the Contract Documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 1st day of October, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

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CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2013-145 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____ October 1, 2013 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

EXHIBIT "A"
TIERRA DEL RIO PARCEL 13B
Maintenance ID # 1134 LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 2-1/2" BRASS CAP, MARKED: "T5N, R1E, S32, ¼ COR. S5, T4N, RLS #6177" ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A 2-1/2" O.D. IRON PIPE, 1.4' UP IN 2' SQUARE CONC. SLAB, WITH 5/8" BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE, SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER A DISTANCE OF 837.99 FEET;

THENCE, LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 613.01 FEET TO THE **POINT OF BEGINNING**;

THENCE, SOUTH 16 DEGREES 30 MINUTES 08 SECONDS WEST, A DISTANCE OF 284.58 FEET;

THENCE, SOUTH 02 DEGREES 46 MINUTES 23 SECONDS WEST, A DISTANCE OF 133.26 FEET;

THENCE, SOUTH 04 DEGREES 05 MINUTES 29 SECONDS EAST, A DISTANCE OF 209.40 FEET;

THENCE, SOUTH 13 DEGREES 41 MINUTES 55 SECONDS EAST, A DISTANCE OF 186.04 FEET;

THENCE, SOUTH 76 DEGREES 18 MINUTES 05 SECONDS WEST, A DISTANCE OF 147.72 FEET;

(THE FOLLOWING 7 COURSES FOLLOW THE EASTERLY RIGHT-OF-WAY OF TIERRA DEL RIO BOULEVARD)

THENCE, NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, A DISTANCE OF 219.43 FEET TO THE EAST RIGHT-OF-WAY LINE OF TIERRA DEL RIO BOULEVARD AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1065.00 FEET THE CENTER OF WHICH LIES NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST;

THENCE, NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 32 MINUTES 40 SECONDS, AN ARC LENGTH OF 84.47 FEET;

THENCE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 198.36 FEET;

THENCE, NORTH 40 DEGREES 54 MINUTES 31 SECONDS EAST, A DISTANCE OF 42.43 FEET;

THENCE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 50.00 FEET;

THENCE, NORTH 49 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 42.43 FEET;

THENCE, NORTH 05 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 7.96 FEET;
TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 885.00 FEET;

THENCE, NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREES 12 MINUTES 17 SECONDS, AN ARC LENGTH OF 651.90 FEET;

THENCE, LEAVING SAID RIGHT-OF-WAY, SOUTH 51 DEGREES 53 MINUTES 09 SECONDS EAST A DISTANCE OF 292.39 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 309,165 square feet (7.0975 acres) more or less.

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Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
July 2013



Resolution No. 2013-145

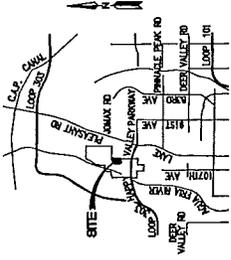
EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

ASSESSMENT DIAGRAM MAINTENANCE IMPROVEMENT DISTRICT #1134 TIERRA DEL RIO, PARCEL 13B

A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
N.T.S.

NOTES

THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE LANDSCAPING ADJACENT TO AND ALONG THE PUBLIC ROADS AND PARKWAYS WITHIN THE DISTRICT AND THE DISTRICT IS NOT TO BE CONSIDERED AS A MAINTENANCE DISTRICT. SPECIFIC AUTHORIZATION IS INCLUDED IN THE ARIZONA STATE STATUTES, TITLE 48, CHAPTER 4, ARTICLE 2, SECTION 574, AS AMENDED.

CERTIFICATION

I, ANDREW CRANER, ENGINEERING DEPARTMENT DIRECTOR OF THE CITY OF PEORIA, ARIZONA, HEREBY CERTIFY THAT THIS IS THE ASSESSMENT DIAGRAM FOR THE MAINTENANCE IMPROVEMENT DISTRICT #1134 FOR TERRA DEL RIO PARCEL 13B, AS APPROVED BY THE MAJOR AND COUNCIL OF THE CITY OF PEORIA, AND THAT A QUORUM WAS PRESENT.

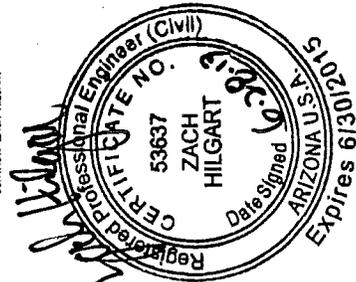
ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____ 2013
BY: _____ DISTRICT ENGINEER

OWNER:

DESERT TROPICAL GOLFMANES
SUITE 200
SUNSET BLVD. #2
PHOENIX, ARIZONA 85016
PHONE: (602) 563-5247
FAX: (602) 395-0101
CONTACT: JON COULTER

ENGINEER:

HILGART & SON
1801 EAST CAMELBACK RD SUITE #270
PHOENIX, ARIZONA 85016
PHONE: (602) 395-0101
FAX: (602) 395-0101
CONTACT: ZACH HILGART



LEGEND

- DISTRICT BOUNDARY LINES
- 44 LOT NUMBERS
- P.O.B. POINT OF BEGINNING

MAINTENANCE IMPROVEMENT DISTRICT #1134

CITY OF PEORIA, ENGINEERING DEPT., 9075 N. 65TH AVE. PEORIA, AZ 85645

DRAWN BY: HILGART & SON DATE: 7-14-2013 SCALE: 1" = 100' SHEET 1 OF 1

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 2-1/2" BRASS CAP, MARKED: "T&N, R1E, S32. 1/4 COR. S5, T4N, R1E, S6177" ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A 3/4" IRON PIPE, 1.4" UP IN 2" SQUARE CONC. SLAB, WITH 5/8" BOLT ON TOP WITH TAG, RLS# 6177, TAG, RLS # 6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER A DISTANCE OF 837.89 FEET;

THENCE LEAVING SAID EAST LINE SOUTH 89 DEGREES 56 MINUTES 43 SECONDS WEST A DISTANCE OF 613.01 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 16 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 264.56 FEET;

THENCE SOUTH 02 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 133.26 FEET;

THENCE SOUTH 04 DEGREES 05 MINUTES 29 SECONDS EAST, A DISTANCE OF 206.40 FEET;

THENCE SOUTH 13 DEGREES 41 MINUTES 55 SECONDS EAST, A DISTANCE OF 186.04 FEET;

THENCE SOUTH 76 DEGREES 18 MINUTES 05 SECONDS WEST, A DISTANCE OF 147.72 FEET;

(THE FOLLOWING 7 COURSES FOLLOW THE EASTERLY RIGHT-OF-WAY OF TERRA DEL RIO BOULEVARD)

THENCE NORTH 80 DEGREES 32 MINUTES 48 SECONDS WEST, A DISTANCE OF 219.43 FEET TO THE EAST RIGHT-OF-WAY LINE OF TERRA DEL RIO BOULEVARD AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1085.00 FEET THE CENTER OF WHICH LIES NORTH 08 DEGREES 32 MINUTES 48 SECONDS WEST;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 32 MINUTES 40 SECONDS, AN ARC LENGTH OF 84.47 FEET;

THENCE NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 198.36 FEET;

THENCE NORTH 04 DEGREES 54 MINUTES 31 SECONDS EAST, A DISTANCE OF 42.43 FEET;

THENCE NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 50.00 FEET;

THENCE NORTH 49 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 42.43 FEET;

THENCE NORTH 05 DEGREES 29 SECONDS WEST, A DISTANCE OF 7.86 FEET;

TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 885.00 FEET;

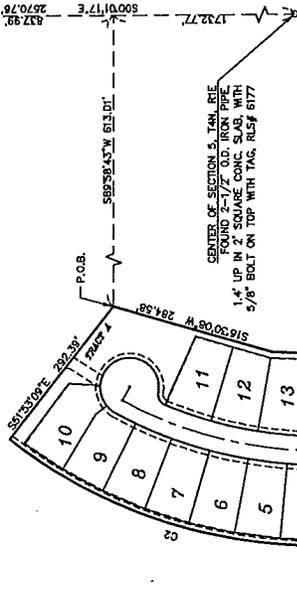
THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREES 12 MINUTES 17 SECONDS, AN ARC LENGTH OF 651.80 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 51 DEGREES 53 MINUTES 09 SECONDS EAST A DISTANCE OF 292.39 FEET TO THE POINT OF BEGINNING.



NORTH-QUARTER CORNER OF SECTION 5, T4N, R1E, S6177 FOUND 2-1/2" BRASS CAP, UP 8" 1/4 COR. S5, T4N, RLS# 6177

POINT OF COMMENCEMENT



LINE	LENGTH	BEARING
L1	133.26'	S02°48'23"W
L2	147.72'	S76°13'05"W
L3	42.43'	N40°54'21"E
L4	50.00'	N04°05'29"W
L5	42.43'	N49°55'29"W
L6	7.86'	N04°05'29"W

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	84.47'	1085.00'	4°32'40"	42.26'
C2	651.80'	885.00'	42°12'17"	341.54'

AREA TABLE

AREA	LAND USE	AREA (SQ. FEET)
TRACT A	LANDSCAPE, OPEN SPACE, DRAINAGE, RETENTION & WATER	70,832.32
TRACT B	LANDSCAPE & OPEN SPACE	2,200.00
INTERNAL ROW		54,433.50
TOTAL		127,465.82



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CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1134, Tierra Del Rio Parcel 13B.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of October, 2013 the Mayor and Council of the City of Peoria adopted Resolution No. 2013-145; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1134, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1134 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

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DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger
Acting Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2013-146

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1134, TIERRA DEL RIO PARCEL 13B; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1134.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of

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Peoria Maintenance Improvement District No. 1134 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1134 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1134 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1134.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1134 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2013- 146
MID 1134 – Tierra Del Rio Parcel 13B
October 1, 2013
Page 3 of 6 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the
City of Peoria, Arizona, this 1st day of October, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 13B
Maintenance ID # 1134 LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 2-1/2" BRASS CAP, MARKED: "T5N, R1E, S32, ¼ COR. S5, T4N, RLS #6177" ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A 2-1/2" O.D. IRON PIPE, 1.4' UP IN 2' SQUARE CONC. SLAB, WITH 5/8" BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE, SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER A DISTANCE OF 837.99 FEET;

THENCE, LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 613.01 FEET TO THE **POINT OF BEGINNING**;

THENCE, SOUTH 16 DEGREES 30 MINUTES 08 SECONDS WEST, A DISTANCE OF 284.58 FEET;

THENCE, SOUTH 02 DEGREES 46 MINUTES 23 SECONDS WEST, A DISTANCE OF 133.26 FEET;

THENCE, SOUTH 04 DEGREES 05 MINUTES 29 SECONDS EAST, A DISTANCE OF 209.40 FEET;

THENCE, SOUTH 13 DEGREES 41 MINUTES 55 SECONDS EAST, A DISTANCE OF 186.04 FEET;

THENCE, SOUTH 76 DEGREES 18 MINUTES 05 SECONDS WEST, A DISTANCE OF 147.72 FEET;

(THE FOLLOWING 7 COURSES FOLLOW THE EASTERLY RIGHT-OF-WAY OF TIERRA DEL RIO BOULEVARD)

THENCE, NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, A DISTANCE OF 219.43 FEET TO THE EAST RIGHT-OF-WAY LINE OF TIERRA DEL RIO BOULEVARD AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1065.00 FEET THE CENTER OF WHICH LIES NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST;

THENCE, NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 32 MINUTES 40 SECONDS, AN ARC LENGTH OF 84.47 FEET;

THENCE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 198.36 FEET;

THENCE, NORTH 40 DEGREES 54 MINUTES 31 SECONDS EAST, A DISTANCE OF 42.43 FEET;

THENCE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 50.00 FEET;

THENCE, NORTH 49 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 42.43 FEET;

THENCE, NORTH 05 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 7.96 FEET;

TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 885.00 FEET;

THENCE, NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREES 12 MINUTES 17 SECONDS, AN ARC LENGTH OF 651.90 FEET;

THENCE, LEAVING SAID RIGHT-OF-WAY, SOUTH 51 DEGREES 53 MINUTES 09 SECONDS EAST A DISTANCE OF 292.39 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 309,165 square feet (7.0975 acres) more or less.

Resolution No. 2013-146
MID 1134 – Tierra Del Rio Parcel 13B
October 1, 2013
Page 6 of 6 Pages

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
July 2013



Resolution No. 2013-146

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 14C

Date Prepared: September 16, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Street Light Improvement District No. 1073, Tierra Del Rio Parcel 13B, Tierra Del Rio Blvd and Happy Valley Road

Purpose:

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1073, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Blvd and Happy Valley Road, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and street light plans must be approved by the City of Peoria (City) prior to recordation of the Street Light Improvement District.
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Street Light Improvement District.
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Streetlight Improvement District is for the purchase of electricity for lighting the streets and public parks within the proposed district.

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1073, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Blvd and Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest

period are not required by law, and the Council may then immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

Previous Actions:

The final replat for Tierra Del Rio Parcel 13B was approved by the Council on September 3, 2013.

Options:

A: The Street Light Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Street Light Improvement District; although it should be noted that not approving the Street Light Improvement District will prevent the purchase of electricity for lighting the streets and public parks within the proposed district from being assessed on the property tax bill.

B: The other option would be to formally approve the Street Light Improvement District to allow for the taxing district to be recorded and fees assessed to the property tax bills.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention, and Resolution Ordering the Improvements.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

Narrative:

The acceptance of this Street Light Improvement District will allow the purchase of electricity for lighting the streets and public parks within the proposed district to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention

Exhibit 3: Proposed Resolution Ordering the Improvements

Contact Name and Number: Traci Varland, Associate Engineer, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

[1073]

SLID#

[Tierra Del Rio Parcel 13b]

Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-617, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Street Light Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned states agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 8.7553 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the 8th
day of January 2013.

<u>DTR 24, LLC</u> <u>Print Property Owner Name</u> <u>Jon Coulter</u> <u>Print Name</u> <u>17207 N. Perimeter Drive, Suite 200</u> <u>Address</u> [REDACTED] <u>Signature</u>	Date: <u>1/8/13</u>	Property (Tax Parcel Numbers) <u>201-17-066</u>
<u>Print Property Owner Name</u> <u>Print Name</u> <u>Address</u> <u>Signature</u>	Date: _____	Property (Tax Parcel Numbers) _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-147

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1073, TIERRA DEL RIO PARCEL 13B; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1073 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

Resolution No. 2013-147
SLID 1073, Tierra Del Rio Parcel 13B
October 1, 2013
Page 2 of 5

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1073 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1073 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1073.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1073 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Streetlight Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statutes.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2013-147
SLID 1073, Tierra Del Rio Parcel 13B
October 1, 2013
Page 3 of 5

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 1st day of October, 2013.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 13B
Street Light ID # 1073 LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 2-1/2" BRASS CAP, MARKED: "T5N, R1E, S32, ¼ COR. S5, T4N, RLS #6177" ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A 2-1/2" O.D. IRON PIPE, 1.4' UP IN 2' SQUARE CONC. SLAB, WITH 5/8" BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER A DISTANCE OF 837.99 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 613.01 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 16 DEGREES 30 MINUTES 08 SECONDS WEST, A DISTANCE OF 284.58 FEET;

THENCE SOUTH 02 DEGREES 46 MINUTES 23 SECONDS WEST, A DISTANCE OF 133.26 FEET;

THENCE SOUTH 04 DEGREES 05 MINUTES 29 SECONDS EAST, A DISTANCE OF 209.40 FEET;

THENCE SOUTH 13 DEGREES 41 MINUTES 55 SECONDS EAST, A DISTANCE OF 186.04 FEET;

THENCE SOUTH 76 DEGREES 18 MINUTES 05 SECONDS WEST, A DISTANCE OF 147.72 FEET;

THENCE NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, A DISTANCE OF 284.44 FEET TO THE CENTER LINE OF TIERRA DEL RIO BOULEVARD AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1000.00

FEET THE CENTER OF WHICH LIES NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 32 MINUTES 40 SECONDS, AN ARC LENGTH OF 79.32 FEET;

THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 316.32 FEET, TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 950.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREES 12 MINUTES 17 SECONDS, AN ARC LENGTH OF 699.78 FEET;

THENCE LEAVING SAID CENTER LINE, SOUTH 51 DEGREES 53 MINUTES 12 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTH 51 DEGREES 53 MINUTES 09 SECONDS EAST A DISTANCE OF 292.39 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 381,379 square feet (8.7553 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-147

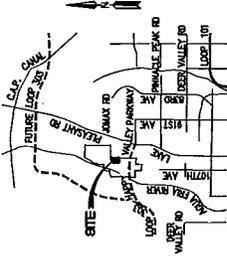
EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

ASSESSMENT DIAGRAM STREET LIGHT IMPROVEMENT DISTRICT #1073 TIERRA DEL RIO, PARCEL 13B

A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 2-1/2" BRASS CAP, MARKED, T&M, RIE, SZ, 1/4 COR. SS, T&M, RLS #8177 ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A 2-1/2" O.D. IRON PIPE, 1 1/4" UP IN 2" SQUARE CONC SLAB, WITH 5/8" BOLT ON TOP WITH TAG, RLS# 6177, IS SET AS THE POINT OF BEGINNING, BEARS S 70° 33' 00" E 2870.76 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER A DISTANCE OF 637.89 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 613.01 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 16 DEGREES 30 MINUTES 08 SECONDS WEST, A DISTANCE OF 284.58 FEET;

THENCE SOUTH 02 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 133.28 FEET;

THENCE SOUTH 04 DEGREES 08 MINUTES 29 SECONDS EAST, A DISTANCE OF 209.40 FEET;

THENCE SOUTH 13 DEGREES 41 MINUTES 55 SECONDS EAST, A DISTANCE OF 186.04 FEET;

THENCE SOUTH 76 DEGREES 18 MINUTES 05 SECONDS WEST, A DISTANCE OF 147.72 FEET;

THENCE NORTH 89 DEGREES 32 MINUTES 48 SECONDS WEST, A DISTANCE OF 284.44 FEET TO THE CENTER LINE OF TIERRA DEL RIO BOULEVARD AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1000.00 FEET THE CENTER OF WHICH LIES NORTH 89 DEGREES 32 MINUTES 48 SECONDS WEST;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 32 MINUTES 40 SECONDS, AN ARC LENGTH OF 79.32 FEET;

THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 318.32 FEET, TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 950.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREES 12 MINUTES 17 SECONDS, AN ARC LENGTH OF 689.78 FEET;

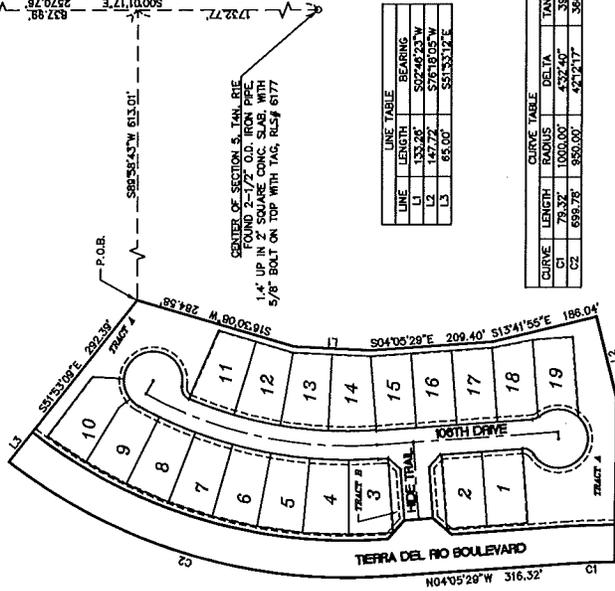
THENCE LEAVING SAID CENTER LINE, SOUTH 51 DEGREES 53 MINUTES 12 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTH 51 DEGREES 53 MINUTES 08 SECONDS EAST A DISTANCE OF 292.39 FEET TO THE POINT OF BEGINNING.



MODEL QUARTER CORNER
SECTION 5, T&M, RLS
FOUND 2-1/2" BRASS CAP, 1 1/4" UP IN
MARKED-T&M, RIE, SZ,
1/4 COR. SS, T&M, RLS# 6177

POINT OF COMMERCEMENT

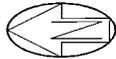


LINE	LENGTH	BEARING
L1	133.28	S07°48'23"W
L2	147.72	S76°18'05"W
L3	65.00	S51°53'12"E

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	79.32	1000.00	43°24'00"	38.68'
C2	689.78	950.00	42°12'17"	356.62'

LEGEND

DISTRICT BOUNDARY LINES
44 LOT NUMBERS
P.O.B. POINT OF BEGINNING



NOTES

THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE OF PURCHASING ELECTRICAL POWER AND ENERGY, AND FOR THE USE OF LIGHTING FACILITIES, AND THE DISTRICT IS SUBJECT TO THE PROVISIONS OF CHAPTER 48, ARTICLE 2, SECTION 48-201 TO 48-210, AS AMENDED.

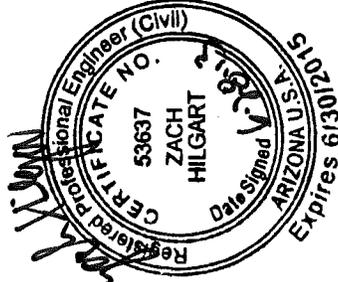
CERTIFICATION

I, JAMES HILGART, ENGINEER, DO HEREBY CERTIFY THAT THIS IS THE ASSASSMENT DIAGRAM OF THE CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NUMBER 1073, AS SUBMITTED TO THE CITY OF PEORIA, AND THAT I AM A LICENSED PROFESSIONAL ENGINEER OF THE CITY OF PEORIA, AND THAT I AM A MEMBER IN GOOD STANDING OF THE BOARD OF PROFESSIONAL ENGINEERS OF THE CITY OF PEORIA.

ASSESSMENT DIAGRAM SUBMITTED THIS ___ DAY OF _____ 2013
BY: _____ DISTRICT ENGINEER

OWNER:
CITY OF PEORIA
17207 N. PERIMETER DRIVE
SUITE 200
PEORIA, ARIZONA 85367
PHONE: (602) 563-3247
FAX: (602) 305-2061
CONTACT: JON COULTER

ENGINEER:
JAMES HILGART
REGISTERED PROFESSIONAL ENGINEER (CIVIL)
53637
ZACH HILGART
1081 EAST CAMELBACK RD SUITE #275
PHOENIX, ARIZONA 85016
PHONE: (602) 305-2061
FAX: (602) 305-2061
CONTACT: ZACH HILGART



STREET LIGHT ID #1073

CITY OF PEORIA, ENGINEERING DEPT., 9875 N 86TH AVE, PEORIA, AZ 85345 773-7210
Drawn: HILGART/JLZ/JOM Date: 1/14/2013 Scale: 1" = 100' SHEET 1 OF 1

RESOLUTION NO. 2013-148

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1073, TIERRA DEL RIO PARCEL 13B PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 1st day of October 2013, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2013-147, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1073; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2013-147 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2013-147, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of Intention No. 2013-147 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2013-147 and since the completion of

Resolution No. 2013-148
SLID 1073 – Tierra Del Rio 13B
October 1, 2013
Page 2 of 6

the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2013-147; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2013-147 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 1st day of October 2013, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2013-148
SLID 1073 – Tierra Del Rio 13B
October 1, 2013
Page 3 of 6

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona on the 1st day of October, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 13B
Street Light ID # 1073 LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 2-1/2" BRASS CAP, MARKED: "T5N, R1E, S32, ¼ COR. S5, T4N, RLS #6177" ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A 2-1/2" O.D. IRON PIPE, 1.4' UP IN 2' SQUARE CONC. SLAB, WITH 5/8" BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER A DISTANCE OF 837.99 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 613.01 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 16 DEGREES 30 MINUTES 08 SECONDS WEST, A DISTANCE OF 284.58 FEET;

THENCE SOUTH 02 DEGREES 46 MINUTES 23 SECONDS WEST, A DISTANCE OF 133.26 FEET;

THENCE SOUTH 04 DEGREES 05 MINUTES 29 SECONDS EAST, A DISTANCE OF 209.40 FEET;

THENCE SOUTH 13 DEGREES 41 MINUTES 55 SECONDS EAST, A DISTANCE OF 186.04 FEET;

THENCE SOUTH 76 DEGREES 18 MINUTES 05 SECONDS WEST, A DISTANCE OF 147.72 FEET;

THENCE NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, A DISTANCE OF 284.44 FEET TO THE CENTER LINE OF TIERRA DEL RIO BOULEVARD AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1000.00

FEET THE CENTER OF WHICH LIES NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 32 MINUTES 40 SECONDS, AN ARC LENGTH OF 79.32 FEET;

THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 316.32 FEET, TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 950.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREES 12 MINUTES 17 SECONDS, AN ARC LENGTH OF 699.78 FEET;

THENCE LEAVING SAID CENTER LINE, SOUTH 51 DEGREES 53 MINUTES 12 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTH 51 DEGREES 53 MINUTES 09 SECONDS EAST A DISTANCE OF 292.39 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 381,379 square feet (8.7553 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-148

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

ASSESSMENT DIAGRAM STREET LIGHT IMPROVEMENT DISTRICT #1073 TIERRA DEL RIO, PARCEL 13B

A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 2-1/2" BRASS CAP, MARKED: "TKN. RIE. SIZ. 1/4 COR. SS. TKN. RLS. #6177", ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A BEARING AND DISTANCE OF 51° 17' 55" NORTH 14° 00' 00" WEST, A DISTANCE OF 2976.78 FEET, TAG. RLS. #6177, ACCEPTED AS THE CENTER OF SAID SECTION BEING SOUTH OF DEGREES 01 MINUTES 17 SECONDS EAST, A DISTANCE OF 2976.78 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER A DISTANCE OF 837.89 FEET;

THENCE LEAVING SAID EAST LINE SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 816.01 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 19 DEGREES 30 MINUTES 09 SECONDS WEST, A DISTANCE OF 284.58 FEET;

THENCE SOUTH 02 DEGREES 48 MINUTES 23 SECONDS WEST, A DISTANCE OF 132.28 FEET;

THENCE SOUTH 04 DEGREES 05 MINUTES 29 SECONDS EAST, A DISTANCE OF 209.40 FEET;

THENCE SOUTH 13 DEGREES 41 MINUTES 55 SECONDS EAST, A DISTANCE OF 186.04 FEET;

THENCE SOUTH 76 DEGREES 18 MINUTES 05 SECONDS WEST, A DISTANCE OF 147.72 FEET;

THENCE NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, A DISTANCE OF 284.44 FEET TO THE CENTER LINE OF TIERRA DEL RIO BOULEVARD AND A NON-TANGENT CURVE TO THE NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST, THE CENTER OF WHICH LIES NORTH 89 DEGREES 32 MINUTES 49 SECONDS WEST;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 32 MINUTES 40 SECONDS, AN ARC LENGTH OF 79.22 FEET;

THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 04 DEGREES 05 MINUTES 29 SECONDS WEST, A DISTANCE OF 132.28 FEET, TO THE BEGINNING OF A CURVE, CONCAVE EASTWARD, HAVING A RADIUS OF 820.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 42 DEGREES 12 MINUTES 17 SECONDS, AN ARC LENGTH OF 893.78 FEET;

THENCE LEAVING SAID CENTER LINE, SOUTH 51 DEGREES 53 MINUTES 12 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTH 51 DEGREES 53 MINUTES 09 SECONDS EAST A DISTANCE OF 292.39 FEET TO THE POINT OF BEGINNING.



NORTH QUARTER CORNER OF SECTION 5, T4N, R1E, S4E, BRASS CAP, UP TO SURFACE FOUND 2-1/2" BRASS CAP, UP TO SURFACE 1/4 COR. SS. TKN. RLS# 6177

NOTES

THIS ASSESSMENT DIAGRAM IS FOR THE PURPOSES OF SUBDIVISION, ELECTRICAL POWER AND ENERGY, AND FOR THE USES OF LIGHTING FACILITIES. SPECIFIC AUTHORIZATION IS INCLUDED IN THE ARIZONA REVISED STATUTES, TITLE 48, CHAPTER 4, ARTICLE 2, SECTION 48-571 TO 48-579, AS AMENDED.

CERTIFICATION

I, ANDREW CRANER, ENGINEERING DEPARTMENT DIRECTOR OF THE CITY OF PEORIA, ARIZONA, HEREBY CERTIFY THAT I APPROVE THE DISTRICT NUMBER 1073 FOR TIERRA DEL RIO PARCEL 13B, WAS APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, AND THAT A GILBERT WAS PRESENT.

ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____ 2013

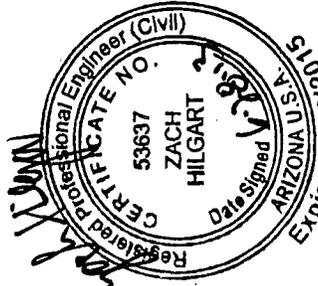
BY: _____ DISTRICT ENGINEER

OWNER:

DESERT TROOP COMPANIES
SUITE 200 PERMETER DRIVE
SCOTTSDALE, AZ 85235
PH: (480) 480-0333
FAX: (480) 332-0161
CONTACT: JOAN COULDER

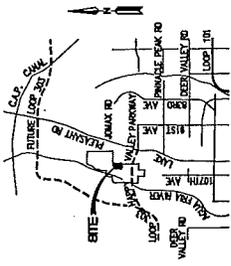
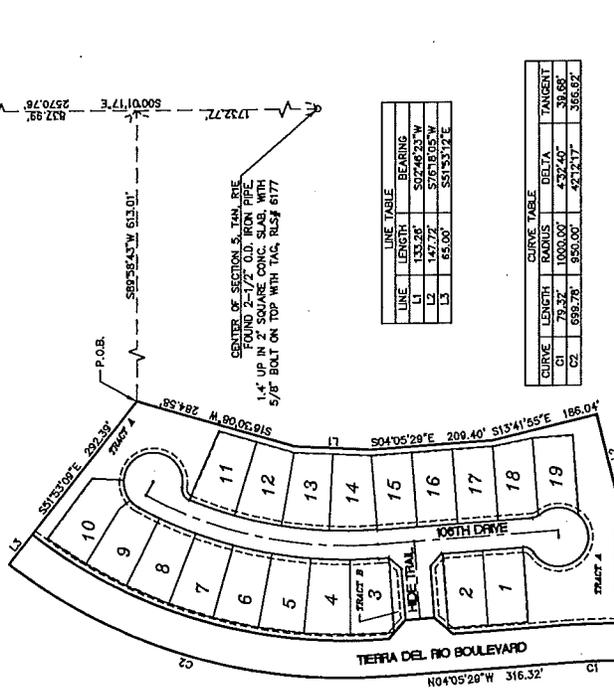
ENGINEER:

HILGARTSON
PROFESSIONAL ENGINEER (CIVIL)
PHOENIX, ARIZONA 85016
PH: (602) 480-0333
FAX: (602) 332-0161
CONTACT: ZACH HILGART



LEGEND

____ DISTRICT BOUNDARY LINES
44 LOT NUMBERS
P.O.B. POINT OF BEGINNING



VICINITY MAP
N.T.S.

STREET LIGHT ID #1073

CITY OF PEORIA, ENGINEERING DEPT. 9875 N. 85TH AVE. PEORIA, AZ 85345 773-7210
DRAWN BY: HILGARTSON DATE: 1/14/2013 SCALE: 1" = 100'

Resolution No. 2013-148
SLID 1073, Tierra Del Rio 13B
October 1, 2013
Page 6

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1073, TIERRA DEL RIO PARCEL 13B

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of October 2013, the Mayor and Council of the City of Peoria adopted Resolution No. 2013-147; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1073, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Streetlight Improvement District No. 1073 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 15C

Date Prepared: September 16, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Street Light Improvement District No. 1030, Tierra Del Rio Parcel 10A, 103rd Drive and Yearling Road

Purpose:

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1030, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and street light plans must be approved by the City of Peoria (City) prior to recordation of the Street Light Improvement District.
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Street Light Improvement District.
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Streetlight Improvement District is for the purchase of electricity for lighting the streets and public parks within the proposed district.

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1030, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not

required by law, and the Council may then immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

Previous Actions:

The final replat for Tierra Del Rio Parcel 10A was approved by the Council on September 3, 2013.

Options:

A: The Street Light Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Street Light Improvement District; although it should be noted that not approving the Street Light Improvement District will prevent the purchase of electricity for lighting the streets and public parks within the proposed district from being assessed on the property tax bill.

B: The other option would be to formally approve the Street Light Improvement District to allow for the taxing district to be recorded and fees assessed to the property tax bills.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention, and Resolution Ordering the Improvements.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

Narrative:

The acceptance of this Street Light Improvement District will allow the purchase of electricity for lighting the streets and public parks within the proposed district to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention

Exhibit 3: Proposed Resolution Ordering the Improvements

Contact Name and Number: Traci Varland, Associate Engineer, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

[1030]

SLID#

[Tierra Del Rio Parcel 10a]

Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-617, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Street Light Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned states agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 16.9934 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the 8th
day of January 2013.

<u>DTR 24, LLC</u> Print Property Owner Name <u>Jon Coulter</u> Print Name <u>17207 N. Perimeter Drive, Suite 200</u> Address <u>[REDACTED]</u> Signature <u>[Signature]</u>	Date: <u>1/8/13</u>	Property (Tax Parcel Numbers) <u>201-17-061</u>
Print Property Owner Name _____ Print Name _____ Address _____ Signature _____	Date: _____	Property (Tax Parcel Numbers) _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
 ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
 Mayor

 City Clerk

APPROVED AS TO FORM:

 Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-143

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1030, TIERRA DEL RIO PARCEL 10A; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1030 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

Resolution No. 2013-143
SLID 1030, Tierra Del Rio Parcel 10A
October 1, 2013
Page 2 of 6

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1030 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1030 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1030.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1030 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Streetlight Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statutes.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2013-143
SLID 1030, Tierra Del Rio Parcel 10A
October 1, 2013
Page 3 of 6

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 1st day of October, 2013.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 10A
Street Light ID # 1030 LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE, MARKED $\frac{1}{4}$ ON THE SOUTH FACE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION, FROM WHICH A FOUND 2-1/2 INCH IRON PIPE 1.4 FEET UP IN A 2 FOOT SQUARE CONCRETE SLAB WITH 5/8 INCH BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST A DISTANCE OF 2631.63 FEET;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST, A DISTANCE OF 2476.24;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 44.84 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 103RD DRIVE;

THENCE LEAVING SAID EAST LINE, NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET, THE CENTER OF WHICH BEARS NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST AND THE **POINT OF BEGINNING**;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 17 MINUTES 58 SECONDS, AN ARC LENGTH OF 2.22 FEET;

THENCE LEAVING SAID CENTERLINE, NORTH 87 DEGREES 19 MINUTES 39 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID 103RD DRIVE;

THENCE LEAVING SAID WESTERLY LINE, SOUTH 89 DEGREES 58 MINUTES 44 SECONDS WEST, A DISTANCE OF 143.25 FEET;

THENCE SOUTH 25 DEGREES 53 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 250.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 87 DEGREES 32 MINUTES 37 SECONDS, AN ARC LENGTH OF 381.98 FEET TO A POINT OF TANGENCY;

THENCE NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 96.88 FEET;

THENCE NORTH 23 DEGREES 26 MINUTES 27 SECONDS EAST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 05 DEGREES 22 MINUTES 07 SECONDS WEST, A DISTANCE OF 516.08 FEET;

THENCE NORTH 02 DEGREES 03 MINUTES 39 SECONDS EAST, A DISTANCE OF 631.79 FEET;

THENCE NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST, A DISTANCE OF 241.51 FEET;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 336.87 FEET TO WESTERLY RIGHT OF WAY LINE OF 103RD DRIVE;

THENCE LEAVING SAID WESTERLY LINE, NORTH 67 DEGREES 02 MINUTES 25 SECONDS EAST, A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 275.00 FEET, THE CENTER OF WHICH BEARS SOUTH 67 DEGREES 02 MINUTES 25 SECONDS WEST;

THENCE ALONG SAID CENTER LINE THE FOLLOWING FIVE (5) COURSES:

(1) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 05 MINUTES 03 SECONDS, AN ARC LENGTH OF 139.59 FEET;

(2) SOUTH 06 DEGREES 07 MINUTES 28 SECONDS WEST, A DISTANCE OF 402.25 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 925.00 FEET;

(3) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10 DEGREES 59 MINUTES 13 SECONDS, AN ARC LENGTH OF 177.38 FEET TO A POINT OF TANGENCY;

(4) SOUTH 04 DEGREES 51 MINUTES 45 SECONDS EAST, A DISTANCE OF 379.92 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET;

(5) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 14 MINUTES 08 SECONDS, AN ARC LENGTH OF 53.67 FEET TO THE POINT OF BEGINNING.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 740,231 square feet (16.9934 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-143

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

ASSESSMENT DIAGRAM STREET LIGHT IMPROVEMENT DISTRICT #1030 TIERRA DEL RIO, PARCEL 10A

LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND STONE, MARKED X ON THE SOUTH FACE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION, FROM WHICH A FOUND 2-1/2 INCH IRON PIPE TAG, BEARS NORTH 87 DEGREES 00 MINUTES WEST, A DISTANCE OF 2631.63 FEET; THE CENTER OF WHICH BEARS NORTH 87 DEGREES 00 MINUTES WEST, A DISTANCE OF 2631.63 FEET;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST, A DISTANCE OF 2476.24;

THENCE LEAVING SAID EAST LINE, SOUTH 88 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 44.84 FEET TO THE EASTLY RIGHT OF WAY LINE OF 103RD DRIVE;

THENCE LEAVING SAID EAST LINE, NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST, A DISTANCE OF 23.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET, THE CENTER OF WHICH BEARS NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST AND THE POINT OF BEGINNING BEARS SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 17 MINUTES 58 SECONDS, AN ARC LENGTH OF 2.22 FEET;

THENCE LEAVING SAID CENTERLINE, NORTH 87 DEGREES 19 MINUTES 39 SECONDS WEST, A DISTANCE OF 23.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID 103RD DRIVE, A DISTANCE OF 143.25 FEET;

THENCE SOUTH 23 DEGREES 45 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 250.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 87 DEGREES 32 MINUTES 37 SECONDS, AN ARC LENGTH OF 381.88 FEET TO A POINT OF TANGENCY;

THENCE NORTH 86 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 84.86 FEET;

THENCE NORTH 23 DEGREES 26 MINUTES 27 SECONDS EAST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 05 DEGREES 22 MINUTES 07 SECONDS WEST, A DISTANCE OF 516.08 FEET;

THENCE NORTH 02 DEGREES 03 MINUTES 39 SECONDS EAST, A DISTANCE OF 631.79 FEET;

THENCE NORTH 78 DEGREES 18 MINUTES 05 SECONDS EAST, A DISTANCE OF 241.51 FEET;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 336.87 FEET TO WESTERLY RIGHT OF WAY LINE OF 103RD DRIVE.

THENCE LEAVING SAID WESTERLY LINE, NORTH 87 DEGREES 02 MINUTES 25 SECONDS EAST, A DISTANCE OF 23.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 275.00 FEET, THE CENTER OF WHICH BEARS SOUTH 87 DEGREES 02 MINUTES 25 SECONDS WEST;

THENCE ALONG SAID CENTER LINE THE FOLLOWING PINE (5) COURSES:
 (1) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20 DEGREES 05 MINUTES 03 SECONDS, AN ARC LENGTH OF 139.59 FEET;

(2) SOUTH 04 DEGREES 07 MINUTES 24 SECONDS WEST, A DISTANCE OF 402.24 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 925.00 FEET;

(3) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15 DEGREES 59 MINUTES 13 SECONDS, AN ARC LENGTH OF 177.38 FEET TO A POINT OF TANGENCY;

(4) SOUTH 04 DEGREES 51 MINUTES 46 SECONDS EAST, A DISTANCE OF 379.92 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET;

(5) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 14 MINUTES 08 SECONDS, AN ARC LENGTH OF 53.67 FEET TO THE POINT OF BEGINNING.

WEST QUARTER CORNER SECTION 5, T4N, R1E FOUND 2-1/2" BRASS CAP IN CONCRETE, UP 2'-6" MARKED: 1/4 COR. 6/5 RLS# 6177

EAST QUARTER CORNER SECTION 5, T4N, R1E FOUND STONE ON TOP OF 3" DIA. STONE, AROUND MARKED: 1/4-C ON WEST FACE

CENTER OF SECTION 5, T4N, R1E OLD IRON PIPE, 1/2" DIA. WITH 5/8" BOLT ON TOP WITH TAG, RLS# 6177

NORTH QUARTER CORNER SECTION 5, T4N, R1E FOUND 2-1/2" BRASS CAP UP 1/4 COR. SS, T4N, R1E# 6177

NORTHEAST CORNER SECTION 5, T4N, R1E BRASS CAP DOWN 7'-1/2" MARKED: T4N, R1E, S32, S33, S5, RLS# 6177

SOUTH QUARTER CORNER SECTION 5, T4N, R1E FOUND STONE ON SOUTH FACE MARKED: 1/4-C ON SOUTH FACE

SCALE: 1" = 40'

DATE: 6/5/12

EXPIRES: 6/30/2015

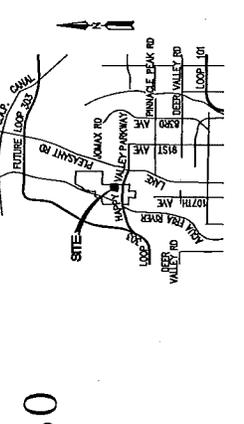
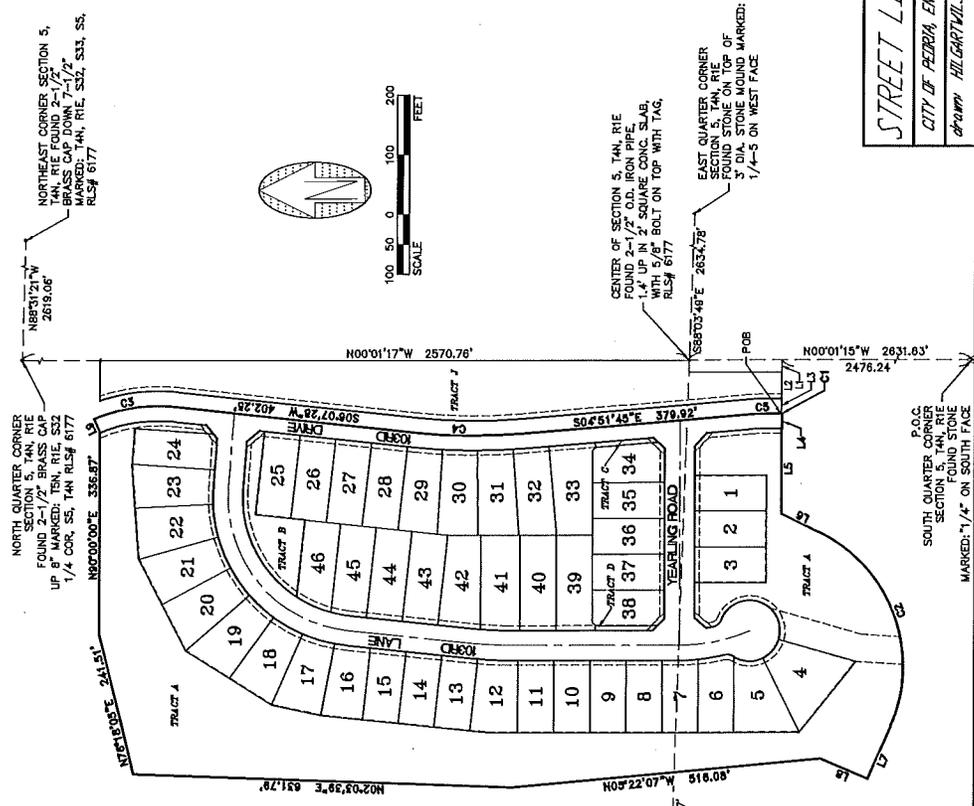
PROFESSIONAL ENGINEER (CIVIL)

CERTIFICATE NO. 53637

ZACH HILGART

Date Signed

ARIZONA U.S.A.



VICINITY MAP
N.T.S.

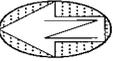
NOTES

THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE OF PURCHASING ELECTRICAL POWER AND ENERGY AND FOR THE USE OF LIGHTING STATUTES. THIS AUTHORIZATION IS INCORPORATED IN THE ARIZONA REVISED STATUTES, TITLE 48, CHAPTER 4, ARTICLE 2, SECTION 48-571 TO 48-574, AS AMENDED.

CERTIFICATION

I, ANDREW GRANER, ENGINEERING DEPARTMENT DIRECTOR, OF THE CITY OF PEORIA, ARIZONA HEREBY CERTIFY THAT THIS IS THE ASSESSMENT DIAGRAM FOR THE DISTRICT LIGHT IMPROVEMENT DISTRICT #1030, AND THAT A QUORUM WAS PRESENT FOR THE CITY OF PEORIA, AND THAT A QUORUM WAS PRESENT.

ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____ 2013
 _____ DISTRICT ENGINEER



OWNER:
 DESERT TRAIL CONDOMINIUMS
 17207 N. PERIMETER DRIVE
 SUITE 300
 PHOENIX, ARIZONA 85024
 PHONE: (480) 563-6247
 CONTACT: JON COULTER

ENGINEER:
 ZACH HILGART
 1601 EAST CAMERON RD SUITE #775
 PHOENIX, ARIZONA 85016
 PHONE: (602) 991-0033
 CONTACT: ZACH HILGART

LINE #	DIRECTION	LENGTH
L1	S08°56'45"W	20.00'
L2	S08°56'45"W	44.84'
L3	N87°37'37"W	23.00'
L4	N87°37'37"W	23.00'
L5	S08°56'45"W	143.25'
L6	S08°56'45"W	70.02'
L7	N85°52'33"W	84.86'
L8	N43°24'27"E	86.57'
L9	N87°37'37"W	23.00'

CURVE #	RADIUS	DELTA	LENGTH
C1	425.00'	017°59'	2.22'
C2	250.00'	87°32'37"	381.88'
C3	275.00'	28°59'03"	139.59'
C4	925.00'	10°59'13"	177.38'
C5	425.00'	7°14'08"	53.67'

LEGEND

- 44 DISTRICT BOUNDARY LINES
- 44 LOT NUMBERS
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

STREET LIGHT ID #1030

CITY OF PEORIA, ENGINEERING DEPT., 9875 N 85TH AVE. PEORIA, AZ 85345 775-7210
 DRAWN: HILGART/WILSON DATE: 1-05-2013 SCALE: 1" = 100'

RESOLUTION NO. 2013-144

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1030, TIERRA DEL RIO PARCEL 10A PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 1st day of October 2013, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2013-143, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1030; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2013-143 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2013-143, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of Intention No. 2013-143 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2013-143 and since the completion of

Resolution No. 2013-144
SLID 1030 – Tierra Del Rio 10A
October 1, 2013
Page 2 of 7

the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2013-143; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2013-143 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 1st day of October 2013, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2013-144
SLID 1030 – Tierra Del Rio 10A
October 1, 2013
Page 3 of 7

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona on the 1st day of October, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 10A
Street Light ID # 1030 LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE, MARKED $\frac{1}{4}$ ON THE SOUTH FACE, ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION, FROM WHICH A FOUND 2-1/2 INCH IRON PIPE 1.4 FEET UP IN A 2 FOOT SQUARE CONCRETE SLAB WITH 5/8 INCH BOLT ON TOP WITH TAG, RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION BEARS NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST A DISTANCE OF 2631.63 FEET;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, NORTH 00 DEGREES 01 MINUTES 15 SECONDS WEST, A DISTANCE OF 2476.24;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 44.84 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 103RD DRIVE;

THENCE LEAVING SAID EAST LINE, NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET, THE CENTER OF WHICH BEARS NORTH 87 DEGREES 37 MINUTES 37 SECONDS WEST AND THE **POINT OF BEGINNING**;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 17 MINUTES 58 SECONDS, AN ARC LENGTH OF 2.22 FEET;

THENCE LEAVING SAID CENTERLINE, NORTH 87 DEGREES 19 MINUTES 39 SECONDS WEST, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID 103RD DRIVE;

THENCE LEAVING SAID WESTERLY LINE, SOUTH 89 DEGREES 58 MINUTES 44 SECONDS WEST, A DISTANCE OF 143.25 FEET;

THENCE SOUTH 25 DEGREES 53 MINUTES 50 SECONDS WEST, A DISTANCE OF 70.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 250.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 87 DEGREES 32 MINUTES 37 SECONDS, AN ARC LENGTH OF 381.98 FEET TO A POINT OF TANGENCY;

THENCE NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 96.88 FEET;

THENCE NORTH 23 DEGREES 26 MINUTES 27 SECONDS EAST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 05 DEGREES 22 MINUTES 07 SECONDS WEST, A DISTANCE OF 516.08 FEET;

THENCE NORTH 02 DEGREES 03 MINUTES 39 SECONDS EAST, A DISTANCE OF 631.79 FEET;

THENCE NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST, A DISTANCE OF 241.51 FEET;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 336.87 FEET TO WESTERLY RIGHT OF WAY LINE OF 103RD DRIVE;

THENCE LEAVING SAID WESTERLY LINE, NORTH 67 DEGREES 02 MINUTES 25 SECONDS EAST, A DISTANCE OF 25.00 FEET TO THE CENTERLINE OF SAID 103RD DRIVE AND A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 275.00 FEET, THE CENTER OF WHICH BEARS SOUTH 67 DEGREES 02 MINUTES 25 SECONDS WEST;

THENCE ALONG SAID CENTER LINE THE FOLLOWING FIVE (5) COURSES:

(1) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 29 DEGREES 05 MINUTES 03 SECONDS, AN ARC LENGTH OF 139.59 FEET;

(2) SOUTH 06 DEGREES 07 MINUTES 28 SECONDS WEST, A DISTANCE OF 402.25 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 925.00 FEET;

(3) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10 DEGREES 59 MINUTES 13 SECONDS, AN ARC LENGTH OF 177.38 FEET TO A POINT OF TANGENCY;

(4) SOUTH 04 DEGREES 51 MINUTES 45 SECONDS EAST, A DISTANCE OF 379.92 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 425.00 FEET;

(5) SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 14 MINUTES 08 SECONDS, AN ARC LENGTH OF 53.67 FEET TO THE POINT OF BEGINNING.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 740,231 square feet (16.9934 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-144

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

Resolution No. 2013-144
SLID 1030, Tierra Del Rio 10A
October 1, 2013
Page 7 of 7

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1030, TIERRA DEL RIO PARCEL 10A

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of October 2013, the Mayor and Council of the City of Peoria adopted Resolution No. 2013-144; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1030, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Streetlight Improvement District No. 1030 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 16C

Date Prepared: September 12, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P. E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Land Transfer, Maricopa County Department of Transportation, 77th Avenue & Deer Valley Road Bridge

Purpose:

This is a request for City Council to discuss the adoption of a Resolution authorizing the acceptance of right of way from Maricopa County Department of Transportation (MCDOT) located in the vicinity of 77th Avenue and the Deer Valley Road Bridge.

Background/Summary:

In 2001 the City of Peoria entered into an Intergovernmental Agreement (IGA) with MCDOT and the City of Glendale for improvements to Deer Valley Road between 83rd and 75th Avenues. Per the IGA, MCDOT was the lead agency in acquiring the necessary land rights for the project improvements. One of the terms for the Cities was that after project completion each City would annex the roadway and in Peoria's case the bridge that was not already within the City's jurisdiction.

It was recently discovered that the excess right of way adjacent to the bridge was not transferred to the City after project completion. The IGA requires the City to maintain this area so MCDOT has agreed to the transfer of the land to the City at no cost.

Previous Actions:

- September 18, 2001 - Council approved the IGA with MCDOT and City of Glendale for the Deer Valley Road Improvements between 83rd and 75th Avenues.

Options:

A: City Council authorizes the adoption of the Resolution allowing for the execution of documents necessary to transfer the right of way from MCDOT.

B: City Council denies the adoption of the Resolution maintaining MCDOT's ownership of the right of way.

Staff's Recommendation:

Staff recommends the adoption of a Resolution authorizing the City Manager to execute the documents necessary to transfer the right of way from MCDOT.

Fiscal Analysis:

There is no fiscal impact to the City associated with accepting this land right.

Narrative:

Peoria's ownership of this land will allow for expanded development potential of the area.

Exhibit(s):

Exhibit 1: Vicinity Map

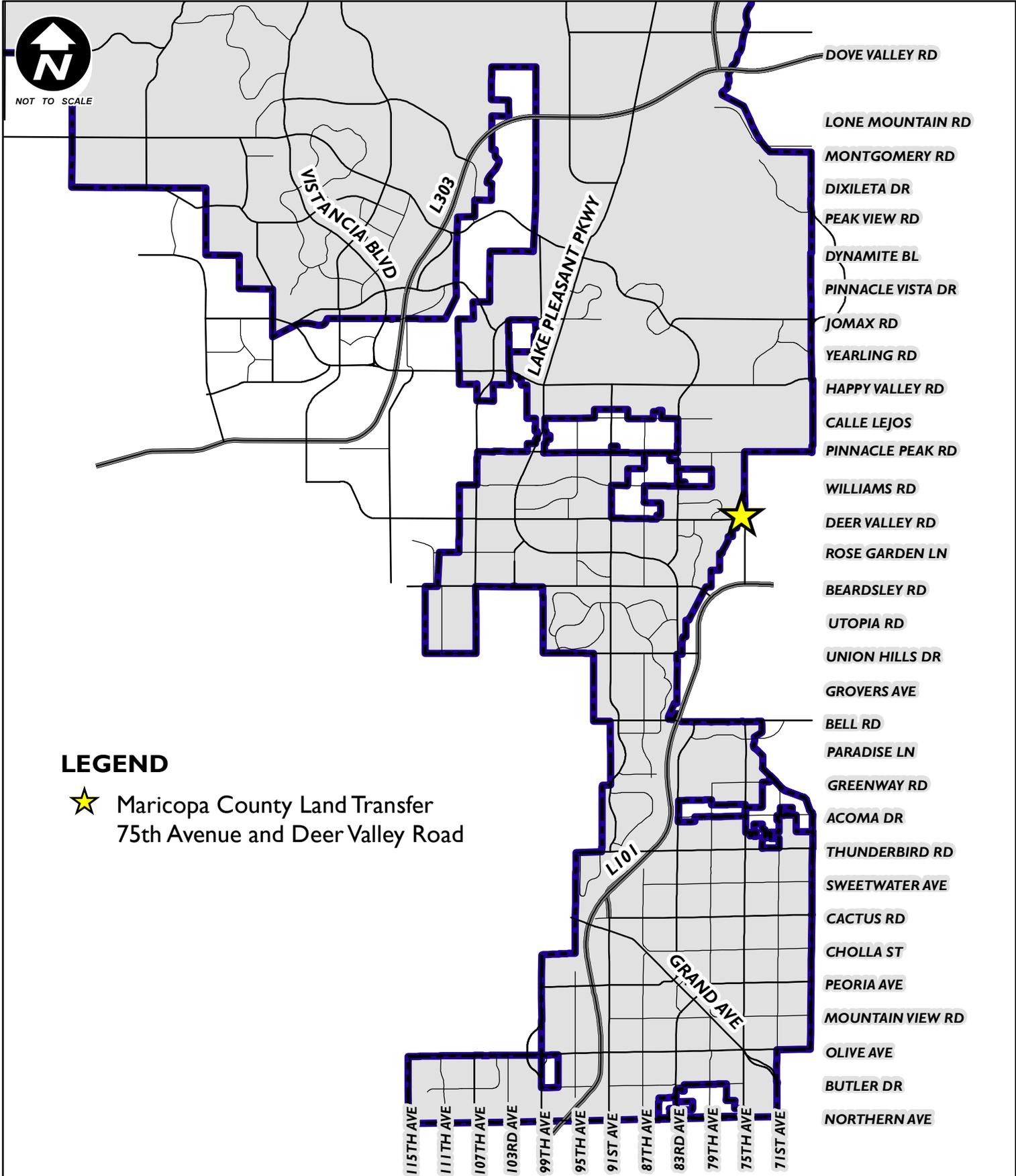
Exhibit 2: Location Map

Exhibit 3: Resolution

Contact Name and Number: Kris Luna, Sr Real Property Administrator, (623) 773-7199



NOT TO SCALE



LEGEND

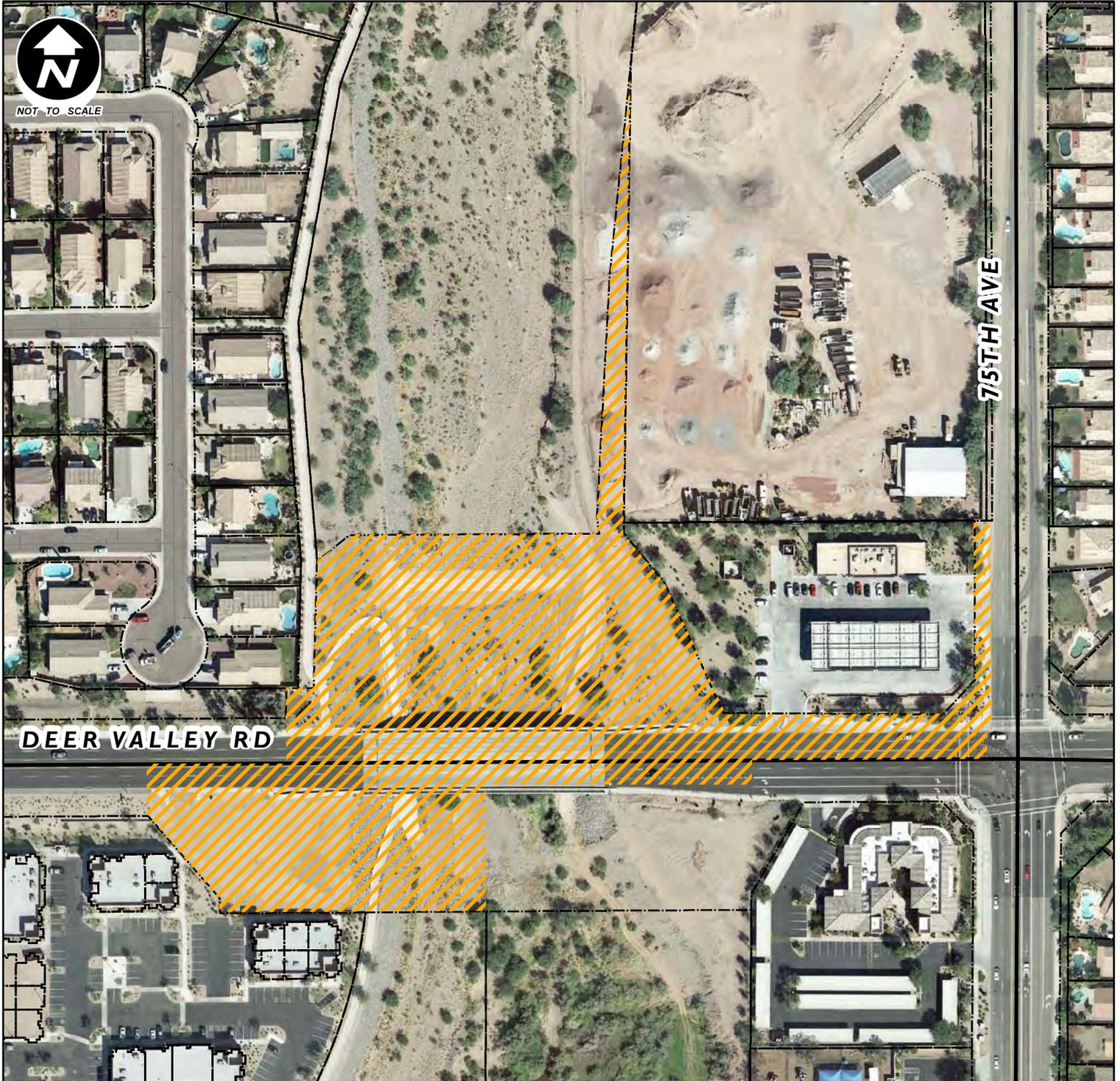
- ★ Maricopa County Land Transfer
75th Avenue and Deer Valley Road

- DOVE VALLEY RD
- LONE MOUNTAIN RD
- MONTGOMERY RD
- DIXILETA DR
- PEAK VIEW RD
- DYNAMITE BL
- PINNACLE VISTA DR
- JOMAX RD
- YEARLING RD
- HAPPY VALLEY RD
- CALLE LEJOS
- PINNACLE PEAK RD
- WILLIAMS RD
- DEER VALLEY RD
- ROSE GARDEN LN
- BEARDSLEY RD
- UTOPIA RD
- UNION HILLS DR
- GROVERS AVE
- BELL RD
- PARADISE LN
- GREENWAY RD
- ACOMA DR
- THUNDERBIRD RD
- SWEETWATER AVE
- CACTUS RD
- CHOLLA ST
- PEORIA AVE
- MOUNTAIN VIEW RD
- OLIVE AVE
- BUTLER DR
- NORTHERN AVE

- 115TH AVE
- 111TH AVE
- 107TH AVE
- 103RD AVE
- 99TH AVE
- 95TH AVE
- 91ST AVE
- 87TH AVE
- 83RD AVE
- 79TH AVE
- 75TH AVE
- 71ST AVE



NOT TO SCALE



LEGEND



Land Transfer



Parcels



NOTE:
This Map is based on imprecise
source data, subject to change and
FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2013-149

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF RIGHT OF WAY LOCATED AT 77TH AVENUE AND DEER VALLEY ROAD.

WHEREAS, the Maricopa County Department of Transportation has agreed to transfer right of way to the City of Peoria in the area of 77th Avenue and Deer Valley Road; and

WHEREAS, The City is desirous of accepting this right of way which will allow for greater development potential.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may acquire property within or without its corporate limits for any city purposes in fee simple or lesser interest or estate by purchase, gift, devise, lease or condemnation; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the acceptance of the right of way identified in "Exhibit A", and authorize the City Manager to execute any and all the documents necessary to carry out the transaction; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the acceptance of the right of way identified in "Exhibit A", and authorize the City Manager to execute the documents necessary to carry out the transaction.

Resolution No. 2013-149
MCDOT Land Transfer
October 1, 2013
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 1st day of October, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENTS:

1. Special Warranty Deed

August 22, 2013

When recorded, Interoffice Mail to:
Maricopa County (SFW)
Department of Transportation

EXEMPT ARS § 11-1134, A3
C-64-02-109-2

SPECIAL WARRANTY DEED

Project: **68982 - Deer Valley Rd Bridge**
Assessor Parcel No.: **200-19-Unassessed**
Item No.: **A168.006-TR & A168.007-TR**
Assessor Parcel No.: **200-17-Unassessed**
Item No.: **A168.010-TR & A168.012-TR**

MARICOPA COUNTY, a political subdivision of the State of Arizona, **GRANTOR**, for the sum of **One and 00/100 dollars (\$1.00)** and other valuable consideration, receipt and sufficiency of which are hereby acknowledged, paid by **CITY OF PEORIA, GRANTEE**, herein does grant, sell, and convey to **GRANTEE**, pursuant to Intergovernmental Agreement between Maricopa County, the City of Peoria and the City of Glendale recorded as document 2001-1159078 with the Maricopa County Recorder's Office, all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

See Exhibit Items

A168.006-TR, A168.007-TR, A168.010-TR & A168.012-TR

Attached hereto and incorporated herein

The **GRANTOR** hereby conveys unto **GRANTEE** all warranties of title of any nature whatsoever that **GRANTOR** owns; provided, however, **GRANTOR** warrants title against all of its acts and not other acts. This property is conveyed subject to: assessments, reservations, easements, rights-of-way, deed restrictions and other agreements as may appear on record.

GRANTOR warrants that no portion of the property is the subject of a threatened or pending investigation or lawsuit or administrative action by any person, firm, governmental body or other entity relating to or arising from any matter or circumstance subject to regulation pursuant to any statute, ordinance, rule or regulation, and **GRANTOR** has received no unofficial or official notice of any alleged violations of any statutes, ordinances, or regulations.

**Parcel No. 200-19-Unassessed
Project No. 68982
Deer Valley Road Bridge
at New River
Item No. A168.006-TR**

EXHIBIT "A"

LEGAL DESCRIPTION FOR FEE SIMPLE RIGHT OF WAY

Two parcels of land located in the West half of the Northwest quarter of the Northeast quarter of the Northeast quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, Township 4 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Said parcels being more particularly described as follows:

Parcel No. 1: The South 22 feet of the North 55 feet of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23.

Parcel No. 2: BEGINNING at the Point of Intersection of the East line of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23 and the South line of the North 55 feet of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23; thence Southerly, 115.00 feet along said East line to a point; thence in a Northwesterly direction to a point on said South line of the North 55 feet that is 100 feet Westerly from said Point of Intersection; thence Easterly 100 feet to the Point of Intersection.

Together with all underlying rights, title, and interest in that portion of the land described in Patent No. 1149638, lying within the North 33 feet of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23.

The above described parcels contain 13,075 square feet or 0.3002 acres.

Page 1 of 1



MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION		
Prelim:	Chk:	Appr:
Rev:		
Maricopa County Public Works – Real Estate Division		

EXPIRES 12/31/2014

GRANTOR _____ DATE _____

EXHIBIT "A"

**Parcel No. 200-19-Unassessed
 Project No. 68982
 Deer Valley Road Bridge
 at New River
 Item No. A168.007-TR**

LEGAL DESCRIPTION FOR FEE SIMPLE RIGHT OF WAY

The South 155.00 feet of the North 188.00 feet of the East half of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 23, Township 4 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Together with all underlying rights, title, and interest in that portion of the land described in Patent No. 1149636, lying within the North 33 feet of said E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23.

The above described parcel contains 51,606 square feet or 1.1847 acres.

Page 1 of 1



EXPIRES 12-31-2014

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION		
Prelim:	Chk:	Appr:
Rev:		
Maricopa County Public Works – Real Estate Division		

GRANTOR _____ DATE _____

EXHIBIT "A"

**PARCEL NO. 200-07-Unassessed
PROJECT NO. 68982
Deer Valley Road Bridge
at New River
Item No. A168.010-TR**

LEGAL DESCRIPTION FOR FEE SIMPLE RIGHT-OF-WAY

A portion of the Southeast quarter of the Southeast quarter (SE¼SE¼) of Section 14, Township 4 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Said portion being more particularly described as follows:

Commencing at the Southeast Corner of said Section 14; thence South 89°38'53" West along the South line of said Section 14, a distance of 40.00 feet to THE POINT OF BEGINNING; thence continuing South 89°38'53" West along said South line, a distance of 366.23 feet; thence North 21°40'24" West, a distance of 95.93 feet; thence North 24°38'12" West, a distance of 176.43 feet; thence North 13°36'06" West, a distance of 81.47 feet; thence North 01°07'09" West, a distance of 139.58 feet; thence North 04°02'03" East, a distance of 155.25 feet; thence North 05°31'04" East, a distance of 275.42 feet; thence South 00°21'07" East, a distance of 615.80 feet; thence South 39°09'38" East, a distance of 81.92 feet; thence South 24°16'13" East, a distance of 178.51 feet to a point on a line that is 55 feet North of and parallel with the South line of said Section 14; thence North 89°38'53" East along said parallel line, a distance of 275.63; thence North 44°44'34" East, a distance of 56.66 feet to a point on a line that is 55 feet parallel with and West of the East line of said Section 14; thence North 00°09'45" West along said parallel line, a distance of 205.00 feet; thence North 89°38'53" East, a distance of 22.00 feet to a point on a line that is 33 feet West of and parallel with the East line of said Section 14; thence South 00°09'45" East along said parallel line, a distance of 260.00 feet to a point on a line that is 40 feet North of and parallel with the South line of said Section 14; thence North 89°38'53" West, a distance of 7.00 feet; thence South 00°09'45" East, a distance of 40.00 feet to THE POINT OF BEGINNING.

The above described parcel contains 55,086 square feet or 1.2646 acres.



MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION		
Tech:	Chk:	Appr:
File:		Final:
Maricopa County Public Works - Real Estate Division		

EXPIRES 12/31/2014

GRANTOR _____ DATE _____

EXHIBIT "A"

**PARCEL NO. 200-07-Unassessed
PROJECT NO. 68982
Deer Valley Road Bridge
at New River
Item No. A168.012-TR**

LEGAL DESCRIPTION FOR FEE SIMPLE RIGHT-OF-WAY

A parcel of land located in the Southeast quarter (SE¼) of Section 14, Township 4 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Said parcel being more particularly described as follows:

Commencing at the Southeast corner said Section 14; thence South 89°38'53" West along the South line of said Section 14, a distance of 406.23 feet to the POINT OF BEGINNING; thence continuing South 89°38'53" West along the South line of said Section 14, a distance of 476.76 feet to the Southeast corner of Fletcher Heights, Phase 2B-1 and 2B-2, being a subdivision of a portion of said SE¼ of Section 14, recorded in Book 535, page 14, Maricopa County Records (MCR); thence North 00°21'07" West along the East boundary of said subdivision, a distance of 55.00 feet; thence North 01°30'38" East, a distance of 199.36; thence departing said East boundary line North 51°17'51" East, a distance of 52.38 feet; thence North 89°38'53" East, a distance of 313.15 feet to a point on the West line of the property described in Document No. 97-0483626, MCR; thence South 13°36'06" East along said West property line, a distance of 37.57 feet; thence continuing along said West property line South 24°38'12" East, a distance of 176.43 feet; thence continuing along said West property line South 21°40'24" East, a distance of 95.93 feet to a point on the South line of said Section 14 and the POINT OF BEGINNING.

The above described parcel contains 118,100 square feet or 2.7112 acres.



MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION		
Tech:	Chk:	Appr:
File:		Final:
Maricopa County Public Works Real Estate Division		

**GRANTOR _____ DATE _____
EXHIBIT "A"**

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 17C

Date Prepared: August 20, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Final Plat, Vistancia Parcel F3 Phase 1, Vistancia Boulevard and Westland Road
(Project No. R100025)

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Parcel F3 Phase 1, located on Vistancia Boulevard and Westland Road, and authorize the Mayor and City Clerk to sign and record the Final Plat with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil plans must be approved by the City of Peoria (City) prior to recordation of the Final Plat.
2. An approval of design from the City Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Final Plat.
3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Final Plat.
4. In the event that the Final Plat is not recorded within 60 days of Council approval, the Final Plat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The purpose of the Final Plat is to plat a subdivision for residential use. This development is within the City's water/sewer service area. This final plat creates a total of 49 new lots within

the Vistancia Community. All internal roadways are public and will be maintained by the City. All necessary right of way is being dedicated.

Previous Actions:

The preliminary plat was reviewed by the City and completed in June 2010 and no significant changes were made to the proposed Final Plat.

Options:

A: The Final Plat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Final Plat; although it should be noted that not approving the Final Plat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Final Plat and allow this parcel to be developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Final Plat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Final Plat.

Narrative:

The acceptance of this Final Plat by City Council will allow the developer to move forward in developing this property.

Exhibit(s):

Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE, CFM: 623-773-7577



SHEET 3 OF 6
COE & VAN LOO
 ENGINEERS, INC.
 1000 W. UNIVERSITY AVENUE
 SUITE 100
 TAMPA, FL 33606
 (813) 284-6881



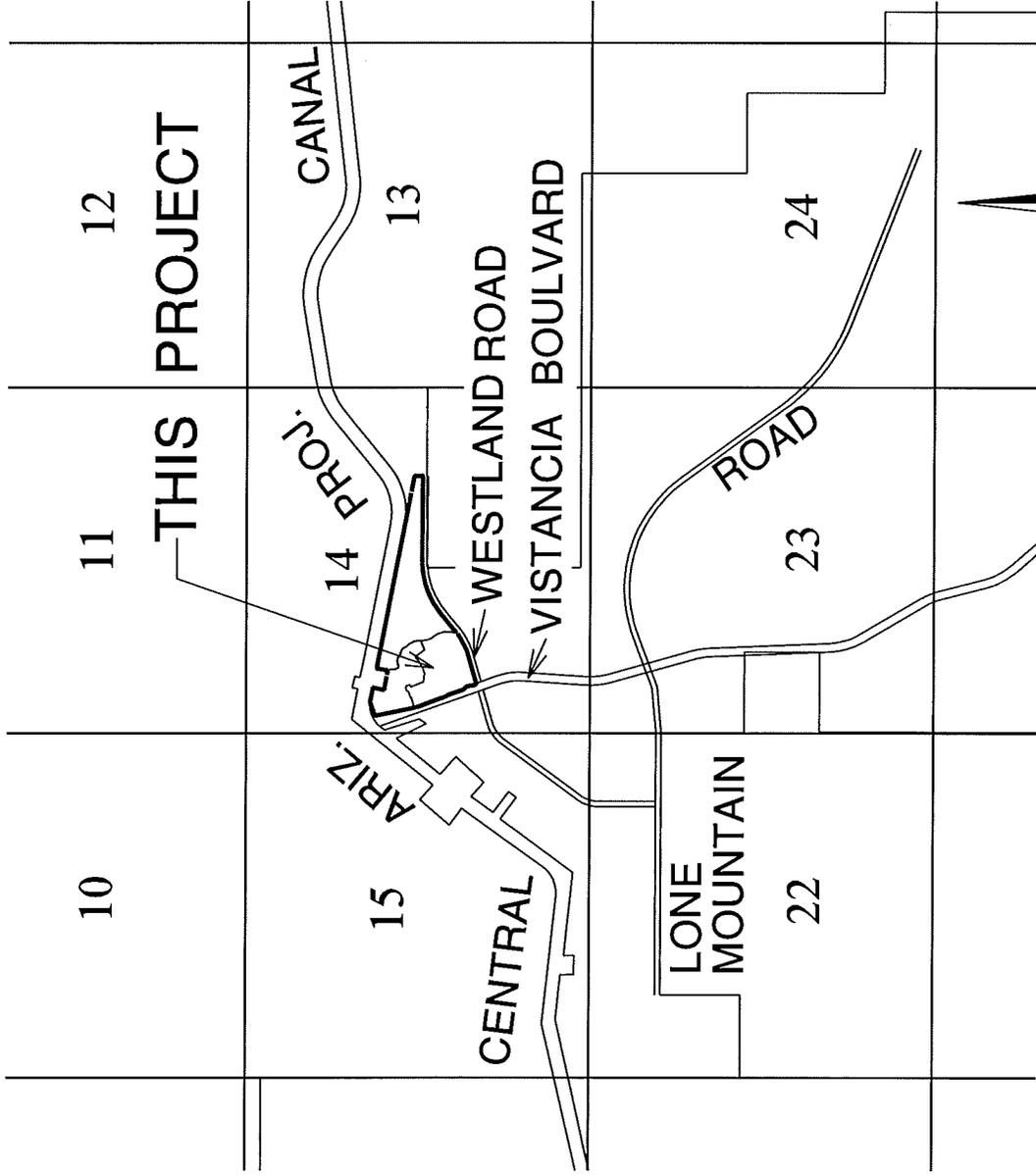
CITY OF PECOIA PROJECT #R100025
 VISTANCIA PARCEL F3 PHASE 1 - FINAL PLAN - CIVL JOB# 01-0165801



- LEGEND.**
- ▲ INDICATES SECTION CORNER - FOUND BRASS CAP IN HANDHOLE (UNLESS OTHERWISE NOTED).
 - INDICATES CORNER OF THIS SUBDIVISION - FOUND 1/2" IRON BAR WITH CAP LEXISIS (UNLESS OTHERWISE NOTED).
 - INDICATES CORNER OF THIS SUBDIVISION - FOUND ALUMINUM CAP LEXISIS (UNLESS OTHERWISE NOTED).
 - INDICATES CORNER OF THIS SUBDIVISION - FOUND BRASS CAP.
 - INDICATES CORNER OF THIS SUBDIVISION - FOUND CENTRAL IRON/ALUMINUM CAP.
 - INDICATES CORNER OF THIS SUBDIVISION - FOUND 1/2" IRON BAR WITH CAP LEXISIS (UNLESS OTHERWISE NOTED).
 - INDICATES CORNER OF THIS SUBDIVISION - SET 1/2" IRON BAR WITH CAP LEXISIS (UNLESS OTHERWISE NOTED).
 - INDICATES EXISTING BRASS CAP (UNLESS OTHERWISE NOTED).
 - INDICATES CENTER LINE MONUMENTATION - SET BRASS DET. 129-1 TYPE "B".
 - INDICATES CURVE NUMBER
 - INDICATES VEHICULAR NON-ACCESS EASEMENT
 - INDICATES PUBLIC UTILITY EASEMENT
 - INDICATES MANICOPA COUNTY RECORDS
 - INDICATES GENERAL LAND OFFICE
 - INDICATES BUREAU OF LAND MANAGEMENT
 - INDICATES RIGHT-OF-WAY
 - INDICATES UNRESTRICTED VIEW EASEMENT
 - INDICATES NET LOT
 - INDICATES BOUNDARY LINE
 - INDICATES CENTERLINE
 - INDICATES PARCEL LINE

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	1252.00	845.77	338°27'19"	4.59	829.78	S89°37'36"W
2	1413.89	982.00	300°09'47"	5.28	958.31	S87°42'13"W
3	1413.89	982.00	300°09'47"	5.28	958.31	N12°57'47"W
4	1293.00	201.42	80°45'31"	100.81	201.42	N15°56'13"W
5	1293.00	201.42	80°45'31"	100.81	201.42	S74°03'47"W
6	410.00	230.18	33°58'11"	130.92	246.98	S79°07'03"W
7	485.00	110.18	81°48'44"	58.42	109.79	S19°52'51"W
8	55.00	130.92	32°47'37"	6.39	129.56	S74°11'51"W
9	55.00	130.92	32°47'37"	6.39	129.56	S10°10'39"W
10	55.00	16.65	81°42'29"	8.39	16.65	S10°10'39"W
11	55.00	16.65	81°42'29"	8.39	16.65	S10°10'39"W
12	55.00	16.65	81°42'29"	8.39	16.65	S10°10'39"W
13	55.00	16.65	81°42'29"	8.39	16.65	S10°10'39"W
14	55.00	16.65	81°42'29"	8.39	16.65	S10°10'39"W
15	55.00	16.65	81°42'29"	8.39	16.65	S10°10'39"W
16	55.00	16.65	81°42'29"	8.39	16.65	S10°10'39"W
17	55.00	229.44	241°00'00"	22.79	229.44	S89°21'42"W
18	55.00	229.44	241°00'00"	22.79	229.44	S89°21'42"W
19	1211.16	85.14	83°08'18"	51.98	85.14	S25°07'03"W
20	1005.00	22.16	81°43'00"	11.10	22.16	S44°01'03"W
21	1005.00	22.16	81°43'00"	11.10	22.16	S44°01'03"W
22	1005.00	22.16	81°43'00"	11.10	22.16	S44°01'03"W
23	1005.00	22.16	81°43'00"	11.10	22.16	S44°01'03"W
24	1005.00	22.16	81°43'00"	11.10	22.16	S44°01'03"W
25	1005.00	22.16	81°43'00"	11.10	22.16	S44°01'03"W
26	1005.00	22.16	81°43'00"	11.10	22.16	S44°01'03"W
27	435.00	235.41	33°58'11"	131.10	261.52	N39°27'03"W
28	435.00	235.41	33°58'11"	131.10	261.52	N39°27'03"W
29	4.42	5.41	67°03'12"	3.10	5.38	S82°41'32"W
30	95.00	65.81	33°58'11"	34.79	64.31	S77°45'03"W
31	95.00	65.81	33°58'11"	34.79	64.31	S77°45'03"W
32	95.00	65.81	33°58'11"	34.79	64.31	S77°45'03"W
33	95.00	65.81	33°58'11"	34.79	64.31	S77°45'03"W
34	95.00	65.81	33°58'11"	34.79	64.31	S77°45'03"W
35	95.00	65.81	33°58'11"	34.79	64.31	S77°45'03"W
36	377.00	29.92	80°45'32"	14.97	29.92	S71°52'27"W
37	377.00	29.92	80°45'32"	14.97	29.92	S71°52'27"W
38	377.00	29.92	80°45'32"	14.97	29.92	S71°52'27"W
39	377.00	29.92	80°45'32"	14.97	29.92	S71°52'27"W
40	377.00	29.92	80°45'32"	14.97	29.92	S71°52'27"W
41	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
42	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
43	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
44	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
45	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
46	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
47	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
48	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
49	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
50	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
51	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W
52	187.00	80.04	83°48'12"	41.11	78.56	S69°35'30"W



VICINITY MAP

(NOT TO SCALE)

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 18C

Date Prepared: August 20, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Replat, Lake Pleasant Towne Center Parcels 17A and 19A, Happy Valley Parkway and Lake Pleasant Parkway (Project No. R050147K)

Purpose:

This is a request for City Council to approve a Replat of Lake Pleasant Towne Center Parcels 17A and 19A, located on Happy Valley Parkway and Lake Pleasant Parkway, and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulations:

1. In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The purpose of the Replat is to modify easements across the parcels, including public utility easements and a sewer line easement. All necessary civil improvements have been completed.

Previous Actions:

The Final Plat for Lake Pleasant Towne Center was reviewed by the City and completed in October 2006 (Book 874 Page 29). Lake Pleasant Towne Center was replatted in September 2007 (Book 945 Page 12), to adjust some lot lines and easements.

Options:

A: The Replat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will hinder the Developer from selling these parcels without the necessary easement modifications.

B: The other option would be to formally approve the Replat and allow this parcel to be sold.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Replat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Replat.

Narrative:

The acceptance of this Replat by City Council will allow the developer to move forward in selling this property.

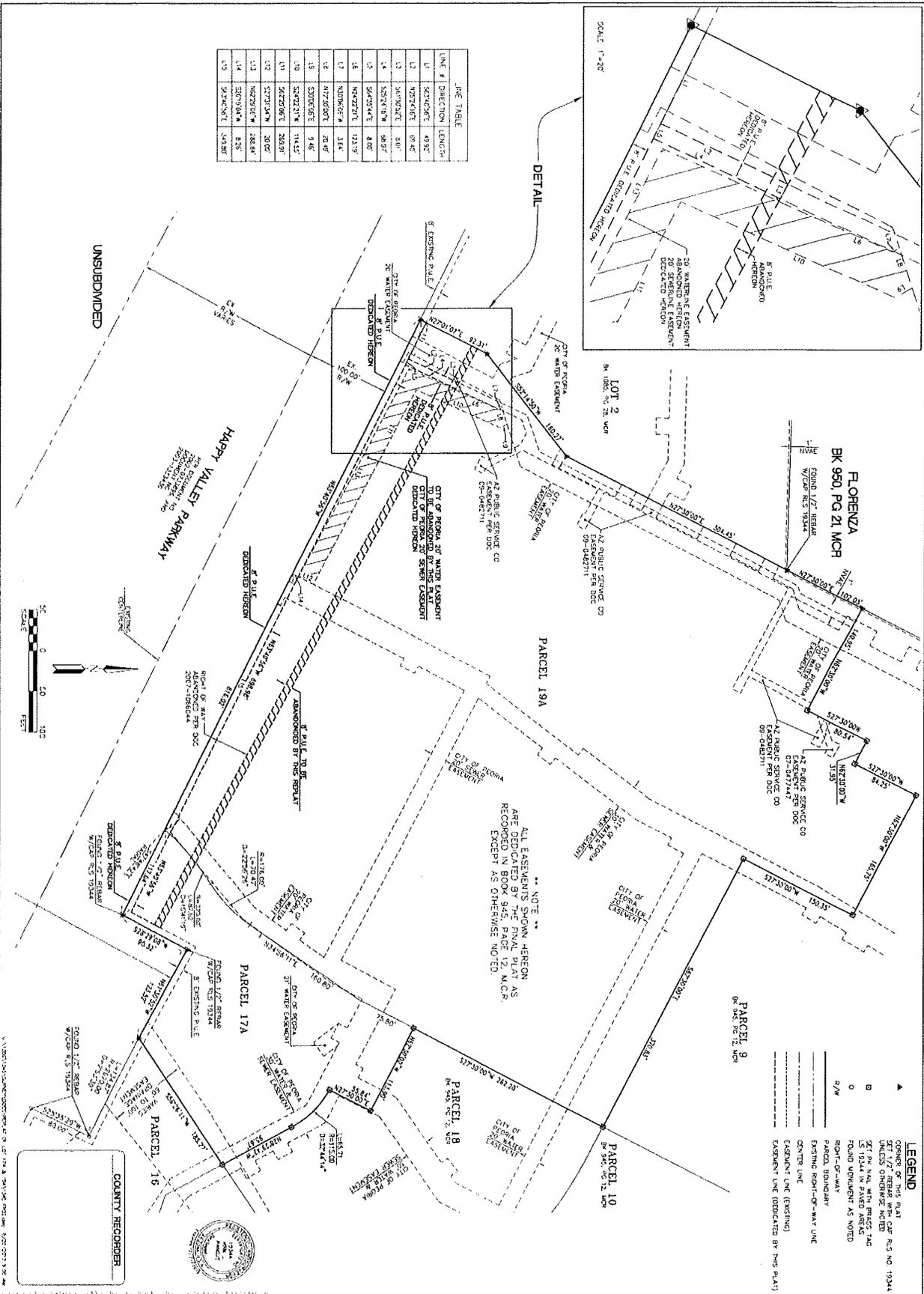
Exhibit(s):

Exhibit 1: Replat

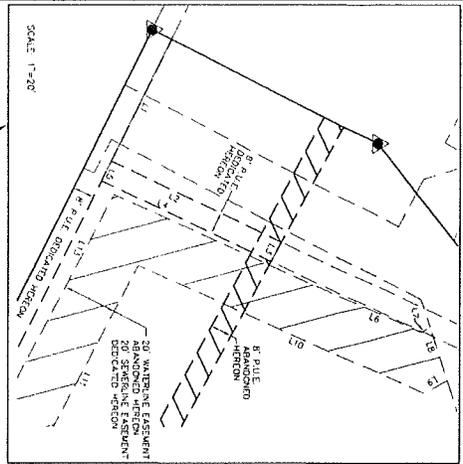
Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE, CFM: 623-773-7577



LINE #	DIRECTION	LENGTH
1	S 80° 42' 00" E	49.82
2	N 72° 24' 00" E	95.45
3	S 64° 30' 00" E	230.00
4	S 62° 24' 00" E	98.97
5	S 64° 30' 00" E	8.00
6	N 82° 22' 21" E	121.37
7	N 80° 06' 00" E	314.00
8	N 72° 24' 00" E	28.87
9	S 33° 00' 00" E	9.46
10	S 24° 22' 21" E	114.57
11	S 62° 24' 00" E	208.91
12	S 73° 13' 30" E	30.00
13	N 62° 24' 00" E	288.84
14	S 26° 19' 00" E	8.20
15	S 9° 30' 00" E	109.88



UNSUBDIVIDED



ALL EASEMENTS SHOWN HEREON ARE PERMITTED BY THE FINAL PLAT AS RECORDED IN THE PUBLIC RECORDS EXCEPT AS OTHERWISE NOTED.

- LEGEND**
- ▲ CENTER OF THIS PLAT
 - SET 1/2" REBAR WITH CAP R/S NO. 10344 UNLESS OTHERWISE NOTED
 - SET 3/4" NAIL WITH BRACKET TAG SET FOR NAIL WITH BRACKET TAG FOUND UNLESS OTHERWISE NOTED
 - POINT OF BEGINNING
 - /M PLAT BOUNDARY
 - EXISTING RIGHT-OF-WAY LINE
 - CENTER LINE
 - EASEMENT LINE (ENCLOSING)
 - EASEMENT LINE (INDICATED BY THIS PLAT)

COUNTY RECORDER



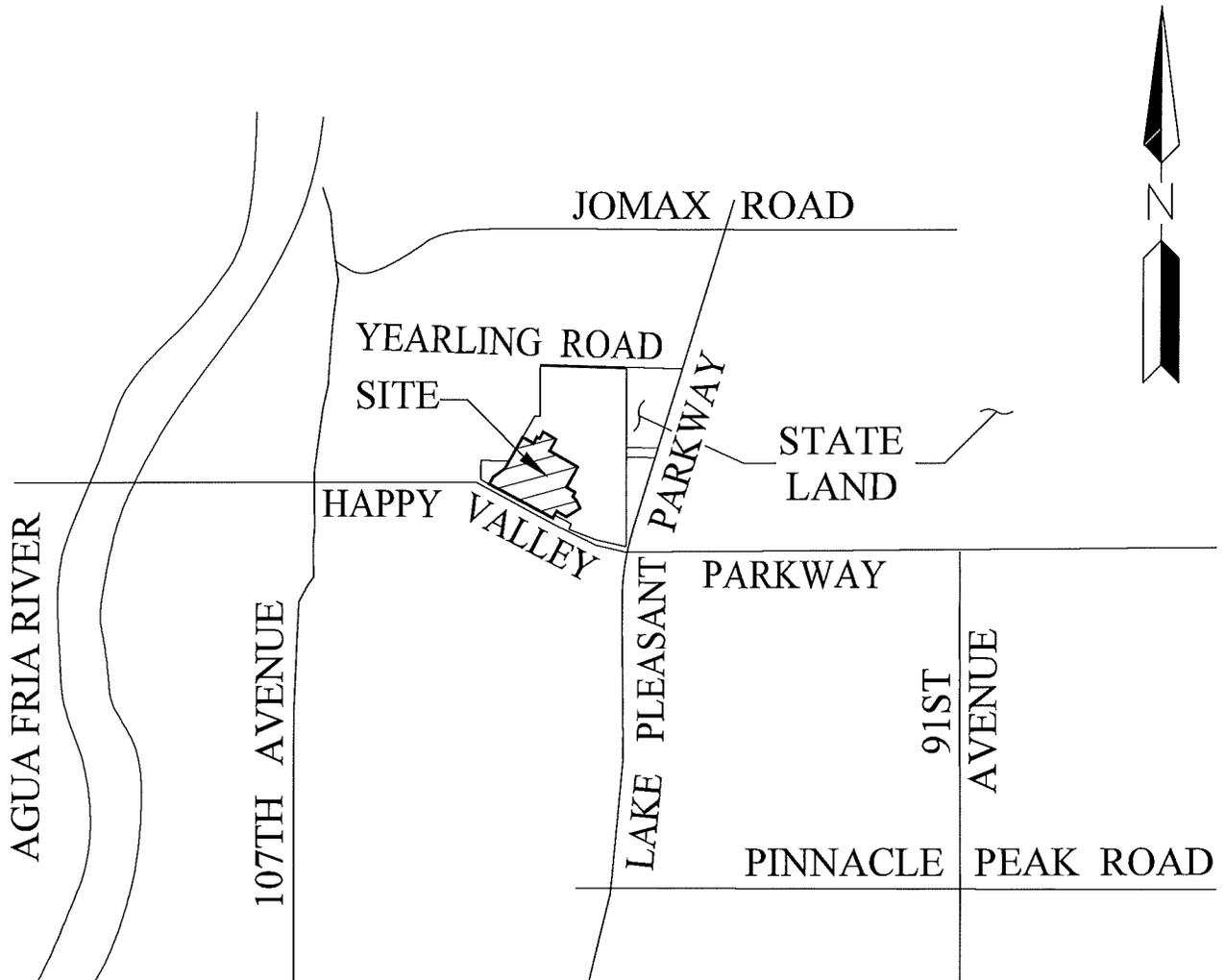
PROJ#	1345	REV.	
DATE	JULY 2013		
SCALE	AS SHOWN		
DRAWN	KM		
APPROVED	HW		

LAKE PLEASANT TOWNE CENTER PARCELS 17A AND 19A
 NWC LAKE PLEASANT ROAD AND HAPPY VALLEY ROAD
 PEORIA, ARIZONA

REPLAT

hilgartwilson
 ENGINEERS-PLANNERS-SURVEYORS

1841 E. CUMBERLAND RD., STE. 275 / PEORIA, AZ 85101
 PH: 623.425.5558 / FAX: 623.425.5559
 www.hilgartwilson.com



PROJ.#: 1345
 DATE: AUG 2013
 SCALE: NTS
 DRAWN BY: KM
 CHECKED BY: KJP

LAKE PLESANT TOWNE CENTER PARCELS 17A AND 19A
 PEORIA, ARIZONA
VICINITY MAP

hilgartwilson
ENGINEERS • PLANNERS • SURVEYORS
 1661 E. CAMELBACK RD., STE. 275
 PHOENIX, AZ 85016
 PH 602.490.0535 FAX 602.325.0161

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 19C

Date Prepared: September 16, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Replat, Tierra Del Rio Parcel 20 & 21, 99th Avenue and Jomax Road (Project No. R060035D)

Purpose:

This is a request for City Council to approve a Replat of Tierra Del Rio Parcel 20 & 21, located west of 99th Avenue and Jomax Road and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulations:

1. In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

In 2007, the City Council approved the Master Replat for Tierra Del Rio (Book 906, Page 18), creating all of the individual parcels and the rights-of-way for the master subdivision. The purpose of this Re-Plat is to adjust parcels 20 and 21 into four parcels, 20A, 20B, 21A, and 21B. Each of these four residential parcels will be replatted later into individual lots, tracts, and internal roadways.

Previous Actions:

The Re-plat of Tierra Del Rio Parcel 20 & 21 is in general conformance with the Land Use Map as depicted in the PAD for Tierra Del Rio approved in 2004.

Options:

A: The Replat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Replat and allow this parcel to be developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Replat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Replat.

Narrative:

The acceptance of this Replat by City Council will allow the developer to move forward in developing this property.

Exhibit(s):

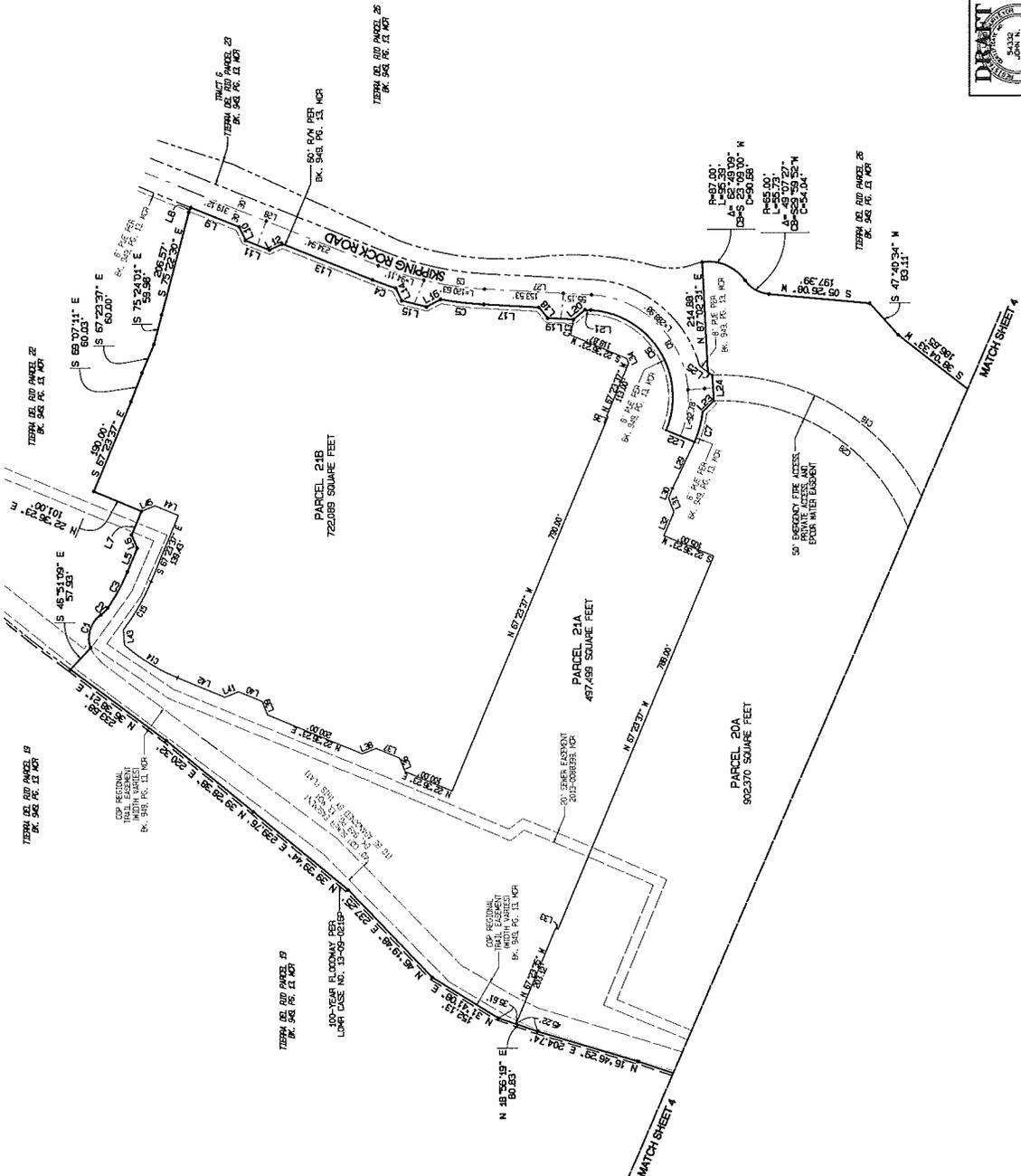
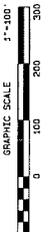
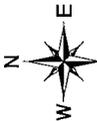
Exhibit 1: Replat

Exhibit 2: Vicinity Map

Exhibit 3: Tierra Del Rio Land Use Map

Contact Name and Number:

Jodi Breyfogle, PE, CFM: 623-773-7577



NO. R13*****
COUNTY RECORDER

SHEET 4 OF 4

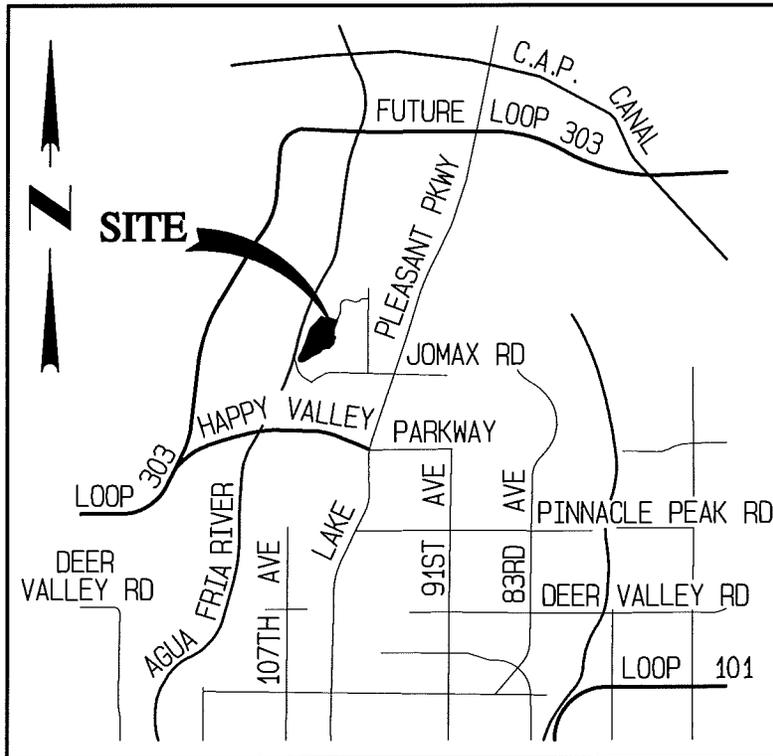
PREPARED BY:

GOODWIN MARSHALL & ASSOCIATES
CIVIL ENGINEERS - PLANNERS - ARCHITECTS
6909 West Bay Road, Suite 110
Chandler, Arizona 85226
(602) 219-7285
(602) 246-8819





VICINITY MAP



VICINITY MAP

N.T.S.

PAGE 1 OF 1

TITLE: TIERRA DEL RIO PARCEL 20 & 21

GOODWIN AND MARSHALL INC.

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS

6909 W. RAY ROAD #15, CHANDLER, ARIZONA 85226

(602) 218-7285

Scale: NONE

Date: 9/12/2013

Job No.: 10504A

Drafted: J.N.R.

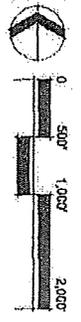
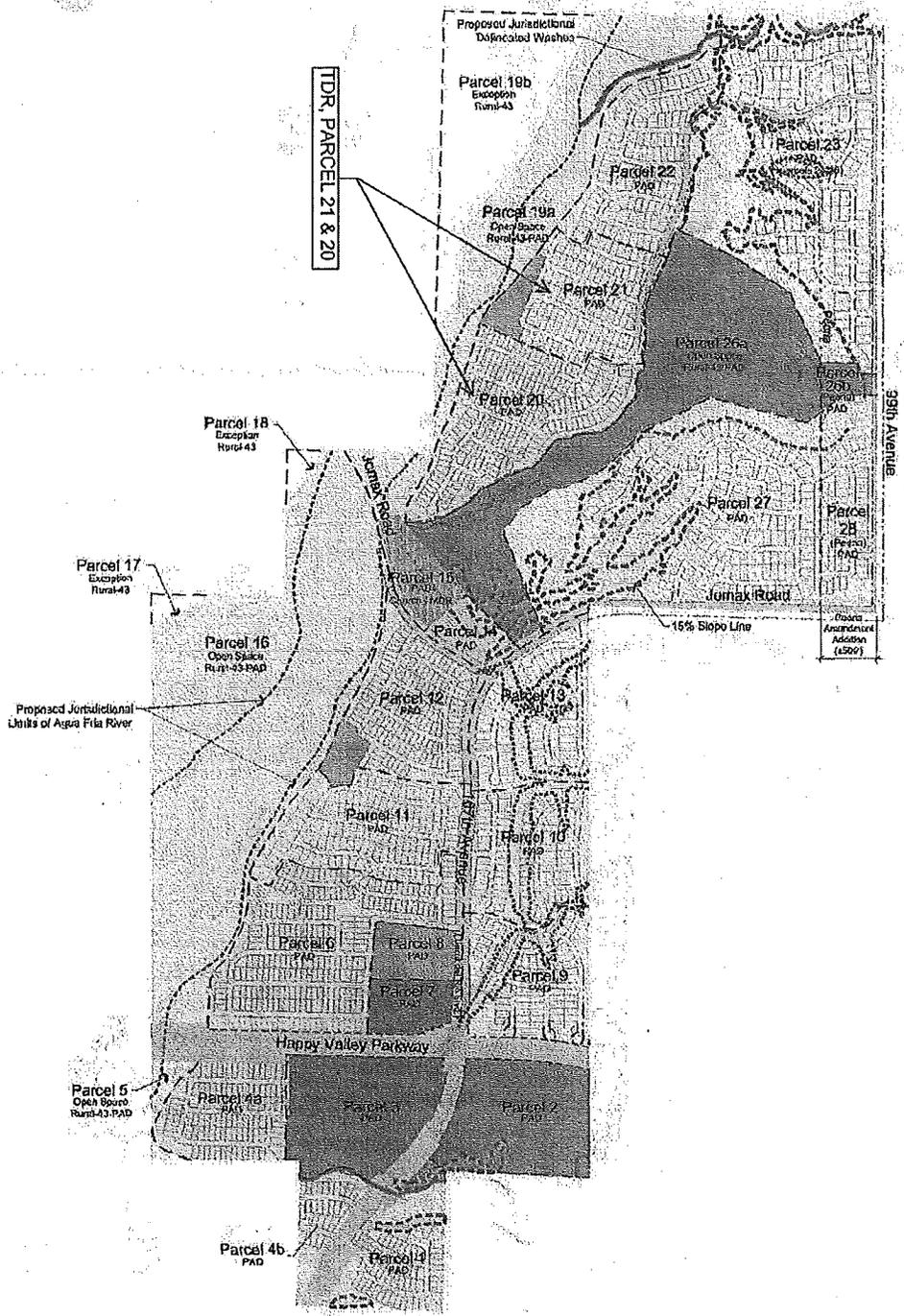
Checked: L.C.D.

Tierra del Rio

Peoria, Arizona PAD Amendment

PAD Z 04-34.A.1 Conceptual Land Plan

Figure 4



Legend

- Proposed Boundary
 - Parcel Boundary
 - Proposed JD Washes
 - Proposed JD Limits of Agua Fria River
 - Padia Amendment
 - Add Parcels 26, 28b, 28
 - Area above 15% slope line subject to hillside regulations
 - Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4)
 - Single Family Residential**
 - PAD (75 min. lot width), Parcels 23, 24, 25
 - PAD (65 min. lot width), Parcel 13, 27
 - PAD (65 min. lot width), Parcels 9, 10, 11, 21, 22, 28
 - PAD (45 min. lot width), Parcels 1, 4a, 4b, 6, 12, 20
 - Multi-Family Residential**
 - PAD Medium Density Residential, Parcels 8, 15
 - PAD High Density Residential, Parcel 7
 - Commercial**
 - PAD Neighborhood Commercial, Parcel 14
 - PAD Retail Commercial, Parcels 2, 3
 - Open Space**
 - Neighborhood Parks
 - Open Space - Mountain
 - Open Space - Rivers / Washes
 - Chile
 - Proposed Church Sites (PAD), Parcel 15
- CHX Project Number: 6883
 Original Permit Date: 2/10/04
 Permit Number: 04-200
 Project Manager: V. Pizar P.E., J.P. Newlin AICP
 Designed By: N. Beshir / A. Pargus
 Drawn By: N. Beshir
- City of Peoria, Arizona
 Planning Department
 1000 N. 1st Street, Peoria, AZ 85301
 Phone: (928) 333-1000
 Fax: (928) 333-1001
 Website: www.ci-peoria.com

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 20R

Date Prepared: September 16, 2012

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: Brent Mattingly, CFO
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Arizona Broadway Theatre Land Lease

Purpose:

This is a request for City Council to authorize the City to increase the temporary monthly lease amount to \$3,000 for the next ninety days while staff finalizes negotiations between the City and the lessee regarding the potential sale of land or an amendment to the existing ground lease with KLOS Enterprises, LLC (Arizona Broadway Theatre) for the approximately four acres of real property owned by the City located at 7701 West Paradise Lane.

Background/Summary:

A City Council Executive Session was held on March 19, 2013 to discuss the City's lease with KLOS Enterprises, LLC (KLOS) for the property on which Arizona Broadway Theatre (ABT) is located. This was followed by a regular Council Meeting on April 9, 2013 at which time Council directed staff to meet with ABT to negotiate the potential sale of the land. Council also directed a lease payment of \$2,000/month for 6 months while those negotiations occurred. The \$2,000 per month was for the period of April 2013 through September 2013.

Subsequent to that Council meeting, staff has been in ongoing discussions with ABT regarding the possibility of the city selling the land to the theatre and/or modifying the current lease. ABT and city staff have developed deal points regarding a potential land sale and/or changes to the current operating lease for Council's consideration in Executive Session. Based on Council's direction, staff will be finalizing negotiations with ABT and, if a tentative agreement can be reached, will be drafting the necessary legal documents to finalize the transaction. Staff anticipates the transaction could be ready for formal Council consideration and approval within the next ninety days.

Options:

A: Approve an increase in the temporary monthly lease amount to establish a lease payment of \$3,000 per month for the next ninety days.

B: Do not approve a temporary monthly lease payment of \$3,000. Under this option, the monthly lease payments would revert to those required under the existing lease of approximately \$6,000 per month.

Staff's Recommendation:

Staff recommends that Council authorize a ninety day extension of the lease with monthly payments of \$3,000 while land sale and lease negotiations are finalized for Council consideration and approval.

Fiscal Analysis:

The annual revenue generated from the existing lease is approximately \$72,000, increasing progressively over the life of the contract.

Contact Name and Number: Brent Mattingly, CFO

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 21R

Date Prepared: September 17, 2013

Council Meeting Date: October 01, 2013

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Public hearing: Proposed Recommendations by the City to the Arizona State Liquor Board for a various liquor licenses.

Purpose:

Pursuant to Arizona Law the City must recommend to the State Liquor Board for approval, applications to sell alcoholic beverages in the City. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of these licenses and whether the public convenience is served.

Background/Summary:

Jeffrey J. Olson, Agent for OCarnivores, has applied for a New Restaurant Liquor License (Series 12) located at 9832 W. Northern Avenue Suite 1650.

Brenda J. Rehnke, Agent for Pioneer Community Park, has applied for a New Government Liquor License (Series 05) located at 8755 N. 83rd Avenue.

The public hearing notices were posted for at least 20 days, and no comments were received during the posting period. The license applications were reviewed according to State law and all Departments gave approvals.

Previous Actions:

In August 2010, the Mayor and Council recommended approval to Arizona State Liquor Board for Red Brick Pizza for a New Restaurant Liquor License (Series 12). The restaurant went out of business and the location has been empty.

There has never been a liquor license at 8755 N. 83rd Avenue.

Options:

A: Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 W. Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330.

Recommend approval to the Arizona State Liquor Board for a New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 N. 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

B: Recommend denial to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 W. Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330.

Recommend denial to the Arizona State Liquor Board for a New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 N. 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

Staff's Recommendation:

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 W. Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330.

New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 N. 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

Fiscal Analysis:

The item has no financial implications.

Narrative:

The appropriate fees have been paid and the applicant has been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

Exhibit 1: New Liquor License Application.

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

Phoenix, Arizona 85007

www.azliquor.gov

602-542-5141

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s):

12079022

1. Type of License(s): RESTAURANT

2. Total fees attached:

\$

Department Use Only

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

- Owner/Agent's Name: Ms. OLSON, Jeffrey, John
Corp./Partnership/L.L.C.: OCAWVORES LLC B 1050730
Business Name: OCAWVORES B 1039521
Principal Street Location: 9832 W. NORMAN AVE # 1650 PEORIA, MARICOPA 85345
Business Phone: 623-877-2524
Mailing Address: 9832 W. NORMAN AVE # 1650 PEORIA, ARIZONA 85345

DEPARTMENT USE ONLY

Fees: Application 100, Interim Permit 50.00, Site Inspection 22.00, Finger Prints 172.00, TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: [Signature] Date: 8/14/2013 Lic. #: 12079022

13 AUG 14 10:14 AM 13

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. _____
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,
 (Print full name)
 MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of _____ County of _____

X _____
 (Signature)

The foregoing instrument was acknowledged before me this

____ day of _____, _____
 Day Month Year

My commission expires on: _____

 (Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I 1

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.

L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Oceanviewes 1 L.L.C.
(Exactly as it appears on Articles of Incorporation or Articles of Organization)

2. Date Incorporated/Organized: 8/7/2013 State where Incorporated/Organized: Arizona

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: 8/17/2013

4. AZ L.L.C. File No: L-1865435-6 Date authorized to do business in AZ: 8/7/2013

5. Is Corp./L.L.C. Non-profit? YES NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
OLSON	JEFFREY	JOHN	MEMBER/ MANAGER	[REDACTED]	[REDACTED]
OLSON	FAMILY TRUST		MEMBER	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
OLSON	JEFFREY	JOHN	100	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit? YES NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: _____
Last First Middle
3. License Type: _____ License Number: _____ Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____
2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
3. Current Business Name: _____
(Exactly as it appears on license)
4. Physical Street Location of Business: _____
City, State, Zip _____
5. License Type: _____ License Number: _____
6. If more than one license to be transferred: License Type: _____ License Number: _____
7. Current Mailing Address: _____
(Other than business) Street _____
City, State, Zip _____
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
9. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____, hereby authorize the department to process this application to transfer the
(print full name)
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

(Signature of CURRENT LICENSEE)

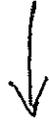
State of _____ County of _____
The foregoing instrument was acknowledged before me this

Day Month Year

(Signature of NOTARY PUBLIC)

My commission expires on: _____

OLSON Family TRUST



JEFFREY JOHN OLSON

TRUSTEE

B1050731

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SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

- 1. Current Business: Name _____
(Exactly as it appears on license) Address _____
- 2. New Business: Name _____
(Physical Street Location) Address _____
- 3. License Type: _____ License Number: _____
- 4. If more than one license to be transferred: License Type: _____ License Number: _____
- 5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

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- 1. Distance to nearest school: _____ ft. Name of school _____
Address _____
City, State, Zip _____
- 2. Distance to nearest church: _____ ft. Name of church _____
Address _____
City, State, Zip _____
- 3. I am the: Lessee Sublessee Owner Purchaser (of premises)
- 4. If the premises is leased give lessors: Name HOWARD HUGHES CORP.
Address 9744 W. JORDAN #1360 PEORIA AZ 85345
City, State, Zip _____
- 4a. Monthly rental/lease rate \$ 1000.00 What is the remaining length of the lease 5 yrs. _____ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ RENTAL PROPERTY or other _____
(give details - attach additional sheet if necessary)
- 5. What is the total business indebtedness for this license/location excluding the lease? \$ PERSONAL MONEY
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

- 6. What type of business will this license be used for (be specific)? RESTAURANT

SECTION 13 - continued

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
- 9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:

License # _____ (exactly as it appears on license) Name _____

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
 If yes, give the name of licensee, Agent or a company name:

_____ and license #: _____
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

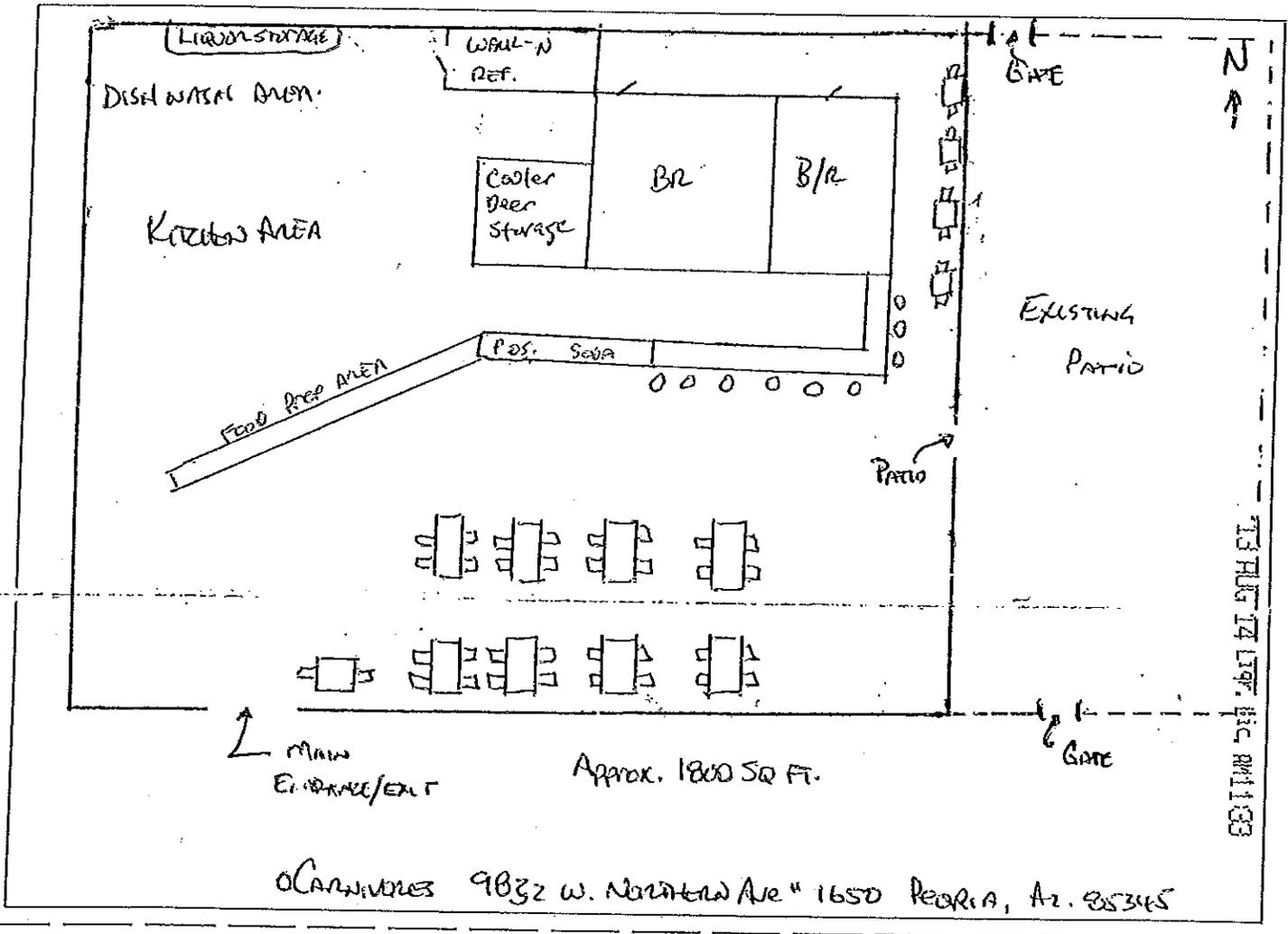
- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date? Resumes opening over
 month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

applicants initials

In this diagram please show only the area where spirituous liquor is to be sold, served, consumer dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

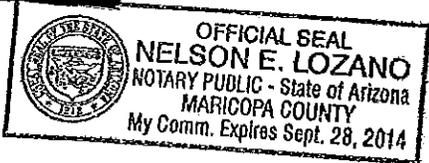
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

I, JEFFREY JOHN OLSON, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X [REDACTED]
 (signature of applicant as listed in Section 4, Question 1)



State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 14th of Aug., 2013

My commission expires on: 9-28-14
 Day Month Year

[REDACTED] LIC

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

APPLICATION FOR LIQUOR LICENSE
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s):

1. Type of License(s): Government -05

05073039

2. Total fees attached:

\$ 100.00

Department Use Only

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Ms. Rehnke Brenda Jean
Last First Middle
PI066414

2. Corp./Partnership/L.L.C.: City of Peoria
(Exactly as it appears on Articles of Inc. or Articles of Org.)
B1001223

3. Business Name: Pioneer Community Park
(Exactly as it appears on the exterior of premises)

4. Principal Street Location: 8755 N. 83rd Ave Peoria Maricopa 85345
(Do not use PO Box Number) City County Zip
B1050736

5. Business Phone: 623-773-7137 Daytime Phone: 623-773-7137 Email: brenda.rehnke@peoriaaz.gov

6. Is the business located within the incorporated limits of the above city or town? YES NO

7. Mailing Address: 8401 W Monroe #180 Peoria Arizona 85345
City State Zip

8. Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

DEPARTMENT USE ONLY

Fees: \$100.00 Application Interim Permit Site Inspection Finger Prints \$ 100.00
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: [Signature] Date: 8/15/2013 Lic. # 05073039

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. _____
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

(Print full name)

State of _____ County of _____

X _____
(Signature)

The foregoing instrument was acknowledged before me this

My commission expires on: _____

____ day of _____
Day Month Year

(Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>	/					
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
- L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: _____
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: _____ State where Incorporated/Organized: _____
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____
5. Is Corp./L.L.C. Non-profit? YES NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? YES NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle 13 AUG 8 Lior. Dept #11152
2. Assignee's Name: _____
Last First Middle
3. License Type: _____ License Number: _____ Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: City of Peoria
2. Person/designee: Rehnke Brenda Jean 623-773-7131
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
3. Current Business Name: _____
(Exactly as it appears on license)
4. Physical Street Location of Business: Street _____
City, State, Zip _____
5. License Type: _____ License Number: _____
6. If more than one license to be transfered: License Type: _____ License Number: _____
7. Current Mailing Address: _____
(Other than business) Street _____
City, State, Zip _____
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
9. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____, hereby authorize the department to process this application to transfer the
(print full name)
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

My commission expires on: _____

Day Month Year

(Signature of NOTARY PUBLIC)

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE LIQ. DEPT #1152

1. Current Business: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2,795 ft. Name of school Cotton Boll Elementary
Address 8544 W Butler, Peoria AZ 85345
City, State, Zip
2. Distance to nearest church: 5,850 ft. Name of church Celebration Lutheran Church
Address 8726 W Olive, Peoria AZ 85345
City, State, Zip

3. I am the: Lessee Sublessee Owner Purchaser (of premises)

4. If the premises is leased give lessors: Name _____
Address _____
City, State, Zip
- 4a. Monthly rental/lease rate \$ _____ What is the remaining length of the lease ___ yrs. ___ mos.

4b. What is the penalty if the lease is not fulfilled? \$ _____ or other _____
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 0
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Concession vending at Community Park

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:
 License # _____ (exactly as it appears on license) Name _____

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
 If yes, give the name of licensee, Agent or a company name:
 _____ and license #: _____
 Last First Middle
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date? September 7, 2013
 month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

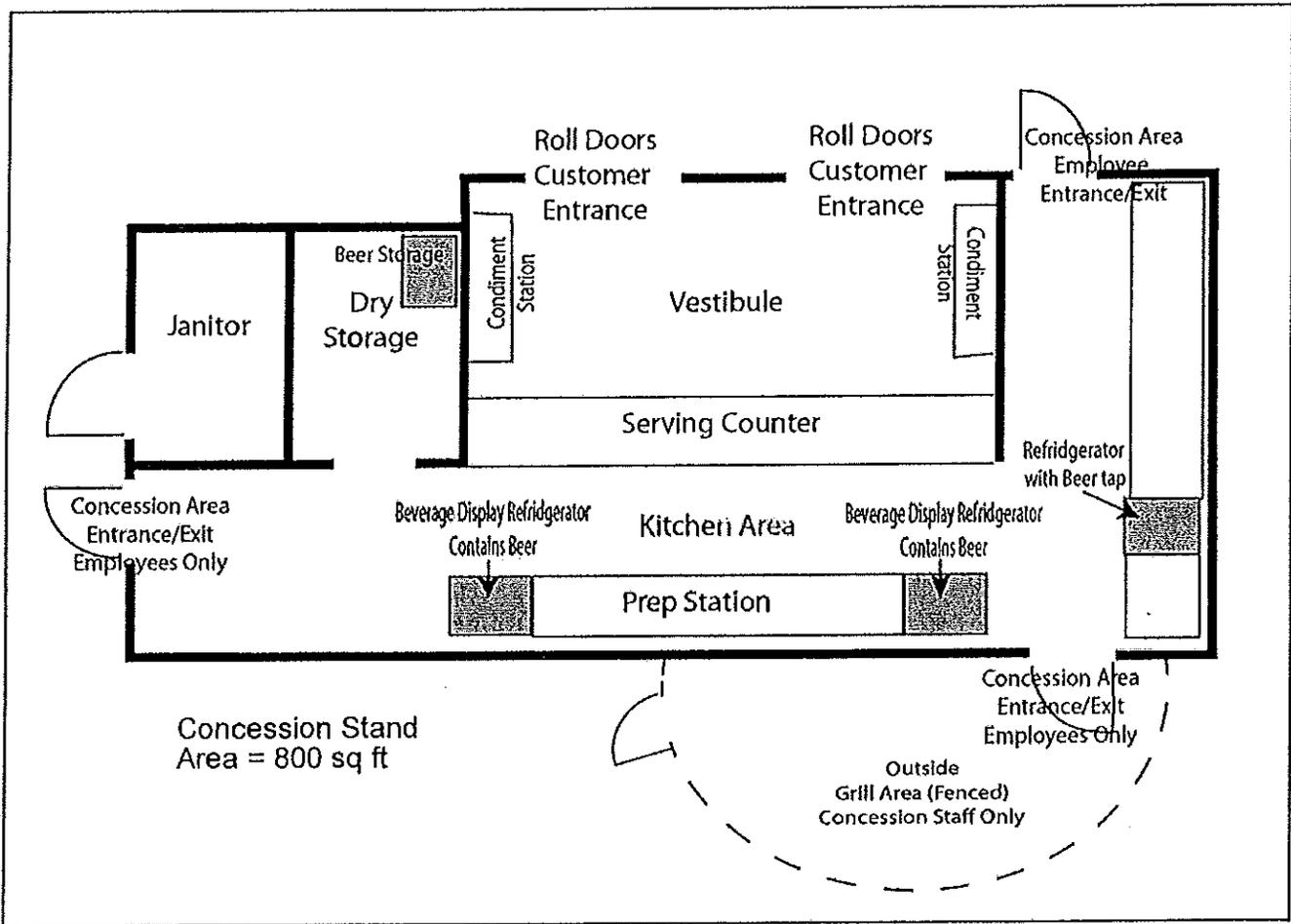
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.


applicants initials

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

I, Brenda Jean Rehnke, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

[Redacted Signature]
(signature of applicant listed in Section 4, Question 1)



State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 16 of July, 2013
Day Month Year

[Redacted Signature]
signature of NOTARY PUBLIC

My commission expires on : 15 January 2014
Day Month Year

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 22R

Date Prepared: September 17, 2013

Council Meeting Date: October 01, 2013

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Public hearing: Proposed Recommendations by the City to the Arizona Department of Revenue for a Class A (Small Game) Bingo License.

Purpose:

Pursuant to Arizona Law the City must recommend to the Arizona Department of Revenue for approval. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of these license and whether the public convenience is served.

Background/Summary:

Josie Salas, Program Manager for the Peoria Senior Center, has applied for a Class A (Small Game) Bingo License located at 8335 W. Jefferson Street.

The public hearing notice was posted and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

Previous Actions:

There is currently a Class A (Small Game) Bingo License at this location. They are adding an additional license to have more games.

Options:

A: Recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License located at 8335 W. Jefferson Street, Josie Salas, Applicant, #20008815.

B: Recommend denial to the Arizona Department of Revenue for a Class A (Small Game) Bingo License located at 8335 W. Jefferson Street, Josie Salas, Applicant, #20008815.

Staff's Recommendation:

That the Mayor and Council recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License located at 8335 W. Jefferson Street, Josie Salas, Applicant, #20008815.

Fiscal Analysis:

The item has no financial implications.

Narrative:

The appropriate fees have been paid and the applicant has been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

Exhibit 1: New Class A (Small Game) Bingo License Application.



Arizona Department of Revenue • Bingo Section

Phoenix: (602) 716-7801

APPLICATION FOR BINGO LICENSE

Complete all information on this form. If you do not complete all information, your application will be returned. All information is subject to verification. If you need more space, attach additional sheets.

Falsification of information contained in this application constitutes a Class 6 felony.

All bingo licenses expire one year from the date of issue. To continue conducting bingo games, you must renew your license prior to the expiration date.

For Department of Revenue Use Only
Approval: [] Approved [] Disapproved
License Classification: [] Class A [] Class B [] Class C
RENEWAL DATE: []
TERMINATION DATE: []

Type or print in black ink.

1 APPLICANT'S NAME: Josie Salas
2 TELEPHONE NUMBER WITH AREA CODE: [REDACTED]
3a ADMINISTRATIVE OFFICE LOCATION: 8335 W Jefferson St
4a MAILING ADDRESS: P.O Box 176
3b CITY: Peoria STATE: AZ ZIP CODE: 85345
4b CITY: Peoria STATE: AZ ZIP CODE: 85380

5 Class B and Class C license applicants only: If applying as a qualified organization, indicate the type of organization:
Check one box:
[] Charitable [] Social [] Religious [] Veterans
[] Fraternal [] Volunteer Fire Department [] Homeowners Association [] Nonprofit Ambulance Service

6 Class B and Class C license applicants only: If applying as a qualified organization, give the name and address of your one parent or auxiliary:

PARENT: 6a ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. CITY STATE ZIP CODE
AUXILIARY: 6b ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. CITY STATE ZIP CODE

7 Class B and Class C license applicants only: If applying as a qualified organization, indicate the date your organization was established in Arizona: [] [] [] [] [] [] [] [] [] []

8 Class B and Class C license applicants only: If applying as a qualified organization, list current officers:

NAME 8a	NAME 8b
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE
NAME 8c	NAME 8d
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

9 Class B and Class C license applicants only: Bingo checking account information:

Checking Account Number: _____

Bank Name and Branch: _____

10 Class B and Class C license applicants only: Bingo interest-bearing account information:

Account Number: _____

Bank Name and Branch: _____

11 Class B and Class C license applicants only: List all officers and/or supervisors authorized to sign checks from the accounts listed above. If applying as a qualified organization, all supervisors must be members of the applicant:

NAME 11a	NAME 11b
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

12 List the name(s) of the one or two persons who will serve as managers. If applying as a qualified organization, these persons must be members of the applicant. Each person must submit an affidavit.

NAME 12a Josie Salas	NAME 12b
TITLE Program Manager	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. 8335 W Jefferson St	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE Peoria AZ 85345	CITY STATE ZIP CODE

13 List the name of the one person designated as proceeds coordinator. If applying as a qualified organization, this person must be an officer or director and a member of the applicant. Each person must submit an affidavit.

NAME Rosalie Gamez	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. [REDACTED]
TITLE Receptionist	CITY STATE ZIP CODE Peoria AZ 85345

14 List the name(s) of the person(s) who will serve as supervisor. If applying as a qualified organization, each person must be a member of the applicant. *Each person must submit an affidavit.*

NAME 14a Beatrice Hernandez	NAME 14b
TITLE Volunteer	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. [REDACTED]	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE Peoria AZ 85345	CITY STATE ZIP CODE
NAME 14c	NAME 14d
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

15 List the name(s) of the person(s) who will serve as assistants. If applying as a qualified organization, each person must be a member or new member of the applicant. Except for "Class A" licensees, *each person must submit an affidavit.*

NAME 15a	NAME 15b
NAME 15c	NAME 15d
NAME 15e	NAME 15f
NAME 15g	NAME 15h

16 Street address of the physical location where bingo will be played:
8335 W Jefferson St Peoria, AZ 85345

17 Indicate the time on each respective day that bingo will be played:

Monday: 12:30 AM PM Friday: 12:30 AM PM
 Tuesday: 12:30 AM PM Saturday: _____ AM PM
 Wednesday: 12:30 AM PM Sunday: _____ AM PM
 Thursday: 12:30 AM PM

18 List dates of proposed game cancellation if any:
November 22 and December 24 2013

19 Indicate the type of premises where bingo will be played. *Check one box (line 19 continues on page 4):*

- a Neither rent nor mortgage will be paid from bingo funds.
- b Rented or leased. *Attach rental affidavit and copy of rental agreement.*

LANDLORD'S NAME	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

- c Owned solely by the organization. *Attach copy of mortgage, deed of trust, purchase agreement, escrow agreement, etc..*

HOLDER OF MORTGAGE	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

19d Owned jointly with other organization. Attach copy of mortgage, deed of trust, purchase agreement, escrow agreement, etc..

HOLDER OF MORTGAGE 1)	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE
CO-OWNER HOLDER: 2)	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE
CO-OWNER HOLDER: 3)	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

20 List bingo licensees who are or will be conducting bingo in the same premises as you and those licensees located within 1,000 feet of your premises.

NAME 20a Peoria Senior Center 07-309-A	NAME 20b
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. 8335 W Jefferson St	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE Peoria AZ 85345	CITY STATE ZIP CODE

21 Expected bingo expenses (line 21 continues on page 5):

a Mortgage: \$ 0.00 per month

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

b Rent: \$ 0.00 per month hour occasion

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

c Janitorial Services: \$ 0.00 per month hour occasion

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

d Accounting Services: \$ 0.00 per month hour occasion

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

e Security Services: \$ 0.00 per month hour occasion

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

21 Expected Bingo Expenses, continued...

f Bingo Supplies: \$0.00 per _____

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.		
TELEPHONE NUMBER WITH AREA CODE	CITY	STATE	ZIP CODE

g Maximum prize payout per occasion: \$0.00. Attach game schedule that lists individual prize amounts.

PAID TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.		
TELEPHONE NUMBER WITH AREA CODE	CITY	STATE	ZIP CODE

h Utilities Expenses:

ELECTRIC (payable to)		ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	
0			
ACCOUNT NUMBER	MONTHLY AMOUNT	CITY	STATE ZIP CODE
	\$		

GAS (payable to)		ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	
0			
ACCOUNT NUMBER	MONTHLY AMOUNT	CITY	STATE ZIP CODE
	\$		

WATER (payable to)		ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	
0			
ACCOUNT NUMBER	MONTHLY AMOUNT	CITY	STATE ZIP CODE
	\$		

TRASH REMOVAL (payable to)		ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	
0			
ACCOUNT NUMBER	MONTHLY AMOUNT	CITY	STATE ZIP CODE
	\$		

22 Briefly state the specific projected use of net proceeds from games of bingo:

bingo supplies (paper, daubers, etc.)

Under penalty of perjury, upon oath, I, Josie Salas, declare that I am duly authorized to sign and file this application. I hereby swear or confirm that I have read the foregoing application and know the contents thereof, and that all information provided has been fully, accurately, and truthfully completed to the best of my knowledge.

AFFIANT'S SIGNATURE

8/12/13
DATE

Program Manager
TITLE



Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink.

LICENSEE'S NAME Josie Salas	LICENSE NUMBER
POSITION Check the appropriate boxes: <input checked="" type="checkbox"/> Manager <input type="checkbox"/> Supervisor <input type="checkbox"/> Proceed Coordinator <input type="checkbox"/> Assistant	

AFFIANT'S NAME Josie Salas	SOCIAL SECURITY NO. [REDACTED]
ADDRESS [REDACTED]	DATE OF BIRTH [REDACTED]
CITY Peoria	STATE ZIP CODE AZ 85345
HOME PHONE NO. (with area code) [REDACTED]	WORK PHONE NO. (with area code) (623) 979-3570

If licensee is a qualified organization, complete the following section:

MEMBER? <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE JOINED ORGANIZATION [REDACTED]
OFFICERS? <input type="checkbox"/> Yes <input type="checkbox"/> No	OFFICER TITLE
DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", list license number(s): 07-309-A 8335 W Jefferson St Peoria, AZ 85345	

I, Josie Salas, the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

SIGNATURE OF AFFIANT

DATE

8/12/13



Arizona Department of Revenue • Bingo Section

Phoenix: (602) 716-7801

ENDORSEMENT BY LOCAL GOVERNING BODY

For Official Use Only

To be completed by the local governing body and returned to the Bingo Section pursuant to ARS §5-404.A.

<input checked="" type="checkbox"/> New Application	<input type="checkbox"/> Change of Location	LICENSE #	DATE	
FROM (NAME OF LOCAL GOVERNING BODY)		ADDRESS - NUMBER AND STREET, PO BOX		
TELEPHONE NUMBER WITH AREA CODE		CITY	STATE	ZIP CODE

1. This is to certify that on _____, a hearing was conducted pursuant to Arizona Revised Statute, Title 5, Chapter 4, on the:

- Application for a bingo license by the following applicant
- Application for a bingo license location transfer

2. Name of applicant: _____

3. Location/address where games will be conducted: _____

4. Days and times of games:

- Monday: _____ AM PM Friday: _____ AM PM
- Tuesday: _____ AM PM Saturday: _____ AM PM
- Wednesday: _____ AM PM Sunday: _____ AM PM
- Thursday: _____ AM PM

5. Background investigations:

- have have not been conducted on all individuals listed in the Bingo License Application.

6. Recommendation: The application be Approved Disapproved

7. Specific reasons for disapproval are hereby listed pursuant to ARS §5-404.1:

--	--	--	--	--	--	--	--

NOTE: This endorsement must be signed by a delegated authority of the local governing body.

PRINTED NAME _____

SIGNATURE _____

DATE _____

TITLE 0 3 1 9 1 9 5 7

Mail completed, signed form to:

Arizona Department of Revenue
 Bingo Section
 1600 West Monroe, Room 520
 Phoenix, AZ 85007



Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink.

LICENSEE'S NAME <i>PEORIA SENIOR CENTER</i>	LICENSE NUMBER <i>07-309-A</i>
POSITION Check the appropriate boxes: <input type="checkbox"/> Manager <input checked="" type="checkbox"/> Supervisor <input type="checkbox"/> Proceed Coordinator <input type="checkbox"/> Assistant	

AFFIANT'S NAME <i>Rosalie GOMEZ</i>		SOCIAL SECURITY NO.
ADDRESS [REDACTED]		DATE OF BIRTH [REDACTED]
CITY <i>PEORIA</i>	STATE <i>AZ</i>	ZIP CODE <i>85345</i>
HOME PHONE NO. (with area code) [REDACTED]	WORK PHONE NO. (with area code) [REDACTED]	

If licensee is a qualified organization, complete the following section:

MEMBER? <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE JOINED ORGANIZATION [REDACTED]
OFFICERS? <input type="checkbox"/> Yes <input type="checkbox"/> No	OFFICER TITLE
DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", list license number(s):	

I, [REDACTED], the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

SIGNATURE OF AFFIANT

DATE

8/8/13



Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink.

LICENSEE'S NAME <i>Peoria Senior Center</i>	LICENSE NUMBER <i>07-309-A</i>
POSITION Check the appropriate boxes: <input type="checkbox"/> Manager <input checked="" type="checkbox"/> Supervisor <input type="checkbox"/> Proceed Coordinator <input type="checkbox"/> Assistant	

AFFIANT'S NAME <i>BEATRICE HERNANDEZ</i>	SOCIAL SECURITY NO.
ADDRESS [REDACTED]	DATE OF BIRTH [REDACTED]
CITY <i>Peoria</i>	STATE <i>AZ</i>
ZIP CODE <i>85345</i>	
HOME PHONE NO. (with area code) [REDACTED]	WORK PHONE NO. (with area code)

If licensee is a qualified organization, complete the following section:

MEMBER? <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE JOINED ORGANIZATION [REDACTED]
OFFICERS? <input type="checkbox"/> Yes <input type="checkbox"/> No	OFFICER TITLE
DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", list license number(s):	

I, *BEATRICE HERNANDEZ*, the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

[REDACTED SIGNATURE]

SIGNATURE OF AFFIANT

08/09/2013
DATE



Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink.

LICENSEE'S NAME <i>Peoria Senior Center</i>	LICENSE NUMBER <i>07-309-A</i>
POSITION	
Check the appropriate boxes: <input type="checkbox"/> Manager <input checked="" type="checkbox"/> Supervisor <input type="checkbox"/> Proceed Coordinator <input type="checkbox"/> Assistant	

AFFIANT'S NAME <i>Josie SALAS</i>		SOCIAL SECURITY NO. [REDACTED]
ADDRESS [REDACTED]		DATE OF BIRTH [REDACTED]
CITY <i>Peoria</i>	STATE <i>AZ</i>	ZIP CODE <i>85345</i>
HOME PHONE NO. (with area code) [REDACTED]	WORK PHONE NO. (with area code) [REDACTED]	

If licensee is a qualified organization, complete the following section:

MEMBER? <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE JOINED ORGANIZATION [REDACTED]
OFFICERS? <input type="checkbox"/> Yes <input type="checkbox"/> No	OFFICER TITLE
DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", list license number(s):	

I, *Josie SALAS*, the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

[REDACTED SIGNATURE]

SIGNATURE OF AFFIANT

8/8/13

DATE

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 23R

Date Prepared: September 16, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Z13-0005, Sunrise Vista Rezoning
East of the southeast corner of 83rd Avenue and Happy Valley Parkway

Purpose:

This is a request for City Council to hold a Public Hearing to consider an application for the Rezoning of an approximately 26.28-acre property from General Agricultural (AG) to R1-18 Single-Family Residential in order to allow the development of a 27-lot single-family residential development.

Background/Summary:

The subject property consists of approximately 26.28 acres located east of the southeast corner of 83rd Avenue and Happy Valley Parkway. The property was annexed into the City of Peoria in 1989 and subsequently provided with General Agricultural (AG) zoning. The southern 230 feet of the property is contained within a high power transmission line easement. This easement provides a physical separation from the neighborhood to the south, Silver Crest at Treasure Canyon (zoned R1-18). Additionally the eastern portion of the property is encumbered by the Rock Springs Wash.

The applicant is requesting to rezone the property from AG to Single-Family Residential (R1-18) to allow a 27-lot residential development. The R1-18 zoning district requires lot sizes to be no smaller than 18,000 square feet in area with minimum lot widths and depths to be 90 feet and 100 feet, respectively. Through the accompanying Preliminary Plat application (Case P13-0009), the minimum lot size is depicted to be 90' by 200' (18,000 square feet) and the maximum proposed lot size is 20,306 square feet. Open space and landscaping amenities are provided in conformance to, or in excess of, the Zoning Ordinance and the Design Review Manual requirements. The development includes the construction of multi-use trails within the SRP easement and the Rock Springs Wash that will enable connections to the larger regional system.

The underlying General Plan land use designation for the property is Residential/Estate (0-2 du/ac, target 1.0 du/ac). The proposed density of 1.03 du/ac is in line with the target density. Furthermore, the project meets the intent of the Land Use Element of the General Plan by providing a correlative zoning district, R1-18, that maximizes open space and provides reasonable transitions between natural open spaces and residential development. Staff is supportive of this request.

The applicant held a neighborhood meeting on April 30, 2013 at Terramar School Media Center to introduce this proposal to the neighboring community. Some residents expressed concerns regarding (a) view fencing along the SRP easement was not desired with the perception that it invited crime; (b) status of the 81st Avenue alignment and opposition to it going through to Happy Valley; (c) lot size being too small; and (d) desire by some to eliminate two-story homes along the southern boundary. (See Exhibit 2).

With respect to view fencing, the City's Design Review Manual, promotes view fencing along open space corridors or adjacent to recreational areas as a CPTED (Crime Prevention Through Environmental Design) design aspect to *deter* opportunities for crime by eliminating blind spots and enabling "eyes on the area." Therefore, it should be utilized along the SRP easement, which will include a regional public trail system. With respect to the 81st Avenue alignment, the applicant did not plan for any vehicular access to or from the development at 81st Avenue, which was determined early in the process. A full access at Happy Valley Road is proposed. With respect to lot size, the proposed lot size and density is consistent with the General Plan land use designation, and is in alignment with the development to the south, which is also zoned R1-18. Finally, the *existing* and proposed zoning permits one- and two-story homes. Notwithstanding the 230-foot separation (SRP corridor), this is the same standard in place for the development to the south. Since the meeting, staff has not received any communications from the public.

At the August 15, 2013 Planning and Zoning Commission meeting, there was one (1) speaker in opposition to the request with concerns about lot size and the desire for lots to be one-acre. There was also considerable discussion and concerns voiced among the Commission regarding appropriate access to the site and safety relative to the full median break proposed at Happy Valley Parkway. Regarding access, the Commission felt that the continuation of 81st Avenue was intentional and would provide better overall circulation and minimize cul-de-sacs along a parkway. Regarding the latter, the Commission questioned the need for a full median break given the intention of Happy Valley to be a limited-access parkway and expressed safety concerns (particularly for left-out, westbound), or without a deceleration/acceleration lane, given the high speeds and current/future trip generation.

The Commission voted unanimously to recommend approval to Council with two (2) added stipulations: (#26) The development shall have two (2) points of vehicular access; and (#27) Access to the development shall be restricted to right-in/right-out only.

Following the meeting, staff received three calls from residents who oppose extending 81st Avenue to the north. Also, the applicant does not concur with the added stipulations. From the onset, neighbors were very concerned with a potential extension of 81st Avenue stating that cut-through traffic would emanate from as far south as Patrick Lane. Today, 81st Avenue terminates with a vehicular barrier at the SRP easement. Through the review process, staff discussed full access at Happy Valley Parkway, and permitted the developer to pursue the option of a median break. However, the Commission brings to light a larger policy issue with respect to how the City approaches development along Happy Valley Parkway. Many of the circulation changes made to the plan by the applicant were done so with a focus on mitigating the concerns of the immediate neighbors, and this is a valid concern of the rezoning review process.

The Planning and Zoning Commission's recommendation highlights a different, more broad-based concern in light of the recent increase in development along Happy Valley Parkway. The idea of the limited-access parkway may be compromised by the allowance of multiple driveway entrances and median breaks requested by individual developments along Happy Valley Parkway. However, in this particular case, it is difficult to provide convenient and logical access to a site that is likened to an infill property. The applicant's traffic consultant has provided the necessary documentation that supports the safety aspects of a full vehicular access with associated median break at the proposed location.

Staff has met with the applicant to explore the circulation issue in regards to Planning Commission's recommendation to Council. After several internal discussions, staff has determined that a full access at this location is a viable option.

Previous Actions:

A public hearing was held for this item at the August 15, 2013 Planning and Zoning Commission Meeting. There was one speaker in opposition to this request. A motion was made to recommend approval of the application with the addition of two new stipulations: (1) The development shall have two points of access; and (2) Access to the development along Happy Valley Parkway shall be restricted to right-in/right-out only. The Commission voted 4-0 in favor of the motion.

Options:

- A:** Approve Case Z13-0005, as recommended by Staff with full vehicular access at Happy Valley Road including a median break, and no extension of 81st Avenue;
- B:** Approve Case Z13-0005, as recommended by the Planning & Zoning Commission with the addition of two new stipulations (see above); or
- C:** Approve Case Z13-0005, with City Council modifications; or
- D:** Deny; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

Staff's Recommendation:

Staff recommends that the City Council concur with Option A above, and approve Case Number Z13-0005 as recommended by Staff.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

Narrative:

If the City Council takes action to approve this case, staff can approve the Preliminary Plat associated with this application (P13-0009).

Exhibit(s):

Exhibit 1: Vicinity Map

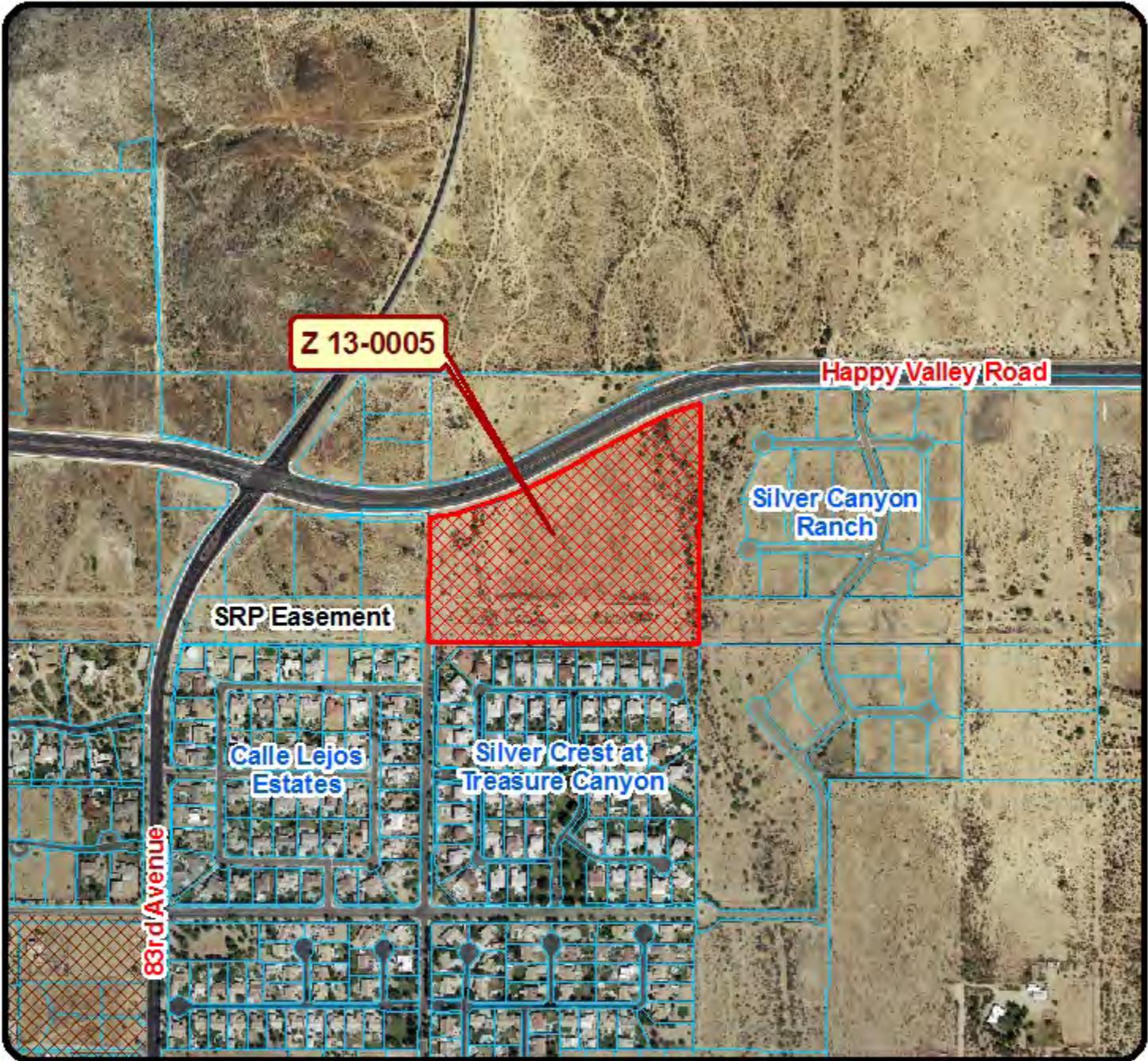
Exhibit 2: August 15, 2013 Planning and Zoning Commission Staff Report with Exhibits

Exhibit 3: Draft Ordinance

Exhibit 4: 81st Avenue Images

Contact Name and Number: Stacey Bridge-Denzak, Planner, x7645

Z13-0005 Vicinity Map



Z13-0005 Sunrise Vista Rezoning

Applicant: RBF Consulting

Request: Rezone approximately 26.28 acres from AG to R1-18 to allow a single family residential development with approximately 27 lots.

Location: Southeast corner of 81st Avenue and Happy Valley Road.



Not to Scale

EXHIBIT 2

Planning and Zoning Commission 8/15/13 Staff Report



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z13-0005
DATE: August 15, 2013
AGENDA ITEM: 4R

Applicant: RBF Consulting on behalf of Heathspart Development, LLC

Request: Rezone approximately 26.28 acres from Agriculture (AG) to R1-18 Single Family Residential Zoning to allow a single family residential development with approximately 27 lots

Proposed Development: Sunrise Vista

Location: The property is located east of the southeast corner of 83rd Avenue and Happy Valley Road

Site Acreage 26.28 acres

Support / Opposition: Staff has not received written opposition from any individuals; verbal opposition was expressed at the 4/30/13 Neighborhood Meeting.

Recommendation: Recommend approval of case Z13-0005 to the City Council

AREA CONTEXT

Table 1: Existing Land Use, Future Land Use, Current Zoning. (Exhibits A-C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant, undeveloped	Residential/Estate (0-2 du/ac), Park/Open Space, and Water	AG - Agriculture
North	Vacant, undeveloped	Residential/Estate (0-2 du/ac), Residential/Low (2-5 du/ac), Park/Open Space, and Water	PCD, Planned Community District
South	Single Family Residential (Silver Crest at Treasure Canyon)	Residential/Estate (0-2 du/ac)	R1-18, Single Family Residential
Southwest	Single Family Residential (Calle Lejos Estates)	Residential/Estate (0-2 du/ac)	R1-18, Single Family Residential
East	Vacant, platted (Silver Canyon Ranch)	Residential/Estate (0-2 du/ac) and Open Space	SR-43, Suburban Ranch

West	Vacant, undeveloped	Residential/Estate (0-2 du/ac) and Open Space	SR-43, Suburban Ranch
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Land Use Background

1. In 1989, the Mayor and City Council adopted *Ordinance 89-34*, thereby annexing property generally between Pinnacle Peak Road and Jomax Road, and between the 99th Avenue and 67th Avenue alignments (approximately 4,120 acres); the subject property lies within this annexed area.
2. In 1990, initial zoning of the 4,120 acres occurred, which brought the property into compliance with City Code and State Statutes related to annexed properties. The property was designated with a Zoning designation of Agricultural (AG), with the exception of a one-acre parcel located at the southwest corner of Lake Pleasant Parkway and Jomax Road.
3. The site includes a portion of an SRP high power transmission line easement, designated as Open Space in the General Plan. It also includes a small portion of the Rock Springs Wash corridor, planned as a primary trail and pathway according to the *PROST Plan (Peoria Parks, Recreation, Open Space and Trails Master Plan)*. This new development will include the construction of trails within the SRP easement and access to the wash from the proposed neighborhood.
4. The property is subject to the requirements of the Desert Conservation Land Overlay (DLCO) district, which includes a Natural Open Space (NOS) component.

PROJECT DESCRIPTION

Site and Project Details

5. The project site is a 26.28 acre undeveloped parcel located south of Happy Valley Road and east of the 81st Avenue alignment. The site is bounded on the east by the Rock Springs Wash. An SRP Easement lies in the southern end of the parcel (Exhibit A).
6. This request is to rezone the property from AG to the R1-18 Single Family Residential District in order to allow for a 27-lot, single family subdivision to be known as Sunrise Vista. Vehicular ingress/egress for the site will be via Happy Valley Road, which includes full access. City staff has agreed to a median break at this location to allow for this access. The R1-18 Zoning District requires lot sizes to be no smaller than 18,000 square feet with minimum lot depths and widths to be 100 feet and 90 feet respectively. Through the accompanying Preliminary Plat (application P13-0009), the minimum lot size is depicted to be 90' by 200' (18,000 square feet) and the maximum proposed lot size is 20,306 square feet. The average lot size is 18,155 square feet. The density is proposed at 1.03 du/acre, within the range of the designated land use, Residential/Estate. Approximately 12.89 acres of the 26-plus acre site will be maintained as open space, and of this total, approximately 3.6 acres will be natural open space.

7. The City's Design Review Manual prescribes, among other elements, the minimum required open space for residential developments. For projects with minimum lot sizes less than 18,000 square feet in size, 7% of the project area is to be usable open space. This proposal provides 1.36 acres or 7.06% total open space, of which a multi-use trail component is designed.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

1. The majority of the underlying land use designation for the subject property is Residential-Estate (0-2 du/ac) with a target density of 1 du/ac. This designation is intended to provide areas where large-lot, from 18,000 sf and larger, single family residential development is desirable or areas of maximized open spaces are sought. This land use designation also provides transitional areas between natural open spaces and residential development.

The request for 18,000 sf lots meets the intent of the land use. The southern portion of the property, located within an SRP high power transmission line easement, is designated as Open Space on the *Land Use Map*. This land use type compliments the desired open space character of the Residential/Estate designation (Exhibits B and C).

The project provides a density of 1.03 du/acre with 12.89 acres of open space (usable, natural, and landscape/retention). This density falls well within the range, and essentially meets the target density. The natural open space along Rock Wash Springs will be preserved, the usable open space will be accommodated by trails, and landscaping/retention compliment the character of the area. The development is also subject to the Desert Conservation Land Overlay (DLCO) District, and has been designed to meet the Natural Open Space development guidelines per the Ordinance. Lastly, the Conceptual Site Plan depicts a neighborhood of open space, pedestrian connections, and natural landscapes (Exhibit D).

The project meets the intent of the General Plan, and staff supports the R1-18 Residential Zoning designation for this site.

Public Participation Plan

8. As a requirement of the Rezoning application process, the applicant conducted a neighborhood meeting and provided a Citizen Participation Process Report detailing the results of the meeting. The applicant notified all property owners within 600 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on April 30, 2013 from 6 pm to 7 pm at the Terramar School Media Center. 15 people attended the meeting with 12 people signing in, primarily residents and property owners. 3 City staff members attended (Exhibit E). The applicant presented the details of the proposed project and meeting attendees provided several

comments/concerns regarding the plans. Major comments/questions are summarized and addressed by the applicant below (responses are in italics):

- Vehicular Access
 - *Full vehicular access to and from the development will be via Happy Valley Road, which entails left-in, left-out movements, as well right-in, right-out movements. The City has agreed to a break in the existing median for this property. The project will not be gated.*
- Extension of 81st Avenue to Happy Valley Road for access
 - *The developer has not proposed any kind of access from Sunrise Vista to 81st Avenue nor will 81st Avenue be dedicated or improved between its existing terminus north to Happy Valley Road. Following approval of the Zoning, construction of the development must be in substantial conformance with the submitted rezone application. If final plans deviate from the approved site plan, the developer must go back through a formal review process for approval of the proposed changes.*
- Lot Size
 - *Some residents expressed concern that the lot size was too small. They had anticipated 1 acre lots. They asked about the current zoning, AG, which allows for 2-acre minimum lots and an assortment of agriculture-related uses. The applicant explained that the lots are 18,000 square feet, which is a correlative Zoning category in Residential/Estate, just under ½ acre, and meet the intent of the land use (Estate Residential). In terms of dwelling unit per acre, it is a little more than 1, also in line with the land use category.*
- Height/Story Limit
 - The proposed units may be one- or two-story and up to 30 feet in height, which is consistent with the City's standard Single Family Zoning Districts. A homebuilder has been identified for the development; however, it is contingent upon Zoning approvals.
 - Residents asked if the development would limit homes along the southern portion of the site to be one-story. The applicant stated that this would not be feasible, and indicated that other subdivisions have one-and two-story units along that boundary. Furthermore, a 230-foot buffer/powerline corridor and solid block walls at adjacent neighborhoods minimize views into and out of the new lots.
- Drainage
 - The development is required to maintain the historical discharge points and flows that currently exist at the property today. Any increase in runoff will be retained on site via on site retention basins.

City Review

9. As previously discussed, this request has been reviewed and commented on through the City's standard rezoning application review process. Recommended conditions of approval have been provided by the Planning, Site Development / Engineering, and Fire Safety Division as provided in the *Conditions of Approval* portion this report.

Public Notice

10. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning.

Proposition 207

11. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

12. Based on the following findings:
 - The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.
 - This rezoning request is consistent with General Plan Residential / Estate Density (0-2 du/ac, target of 1 du/ac) land use designation.
 - This rezoning request will result in a residential development that is compatible with the existing adjacent neighborhood(s).

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council approval of Case Z13-0005 subject to the following conditions:

1. The development shall substantially conform to the "Sunrise Vista" Narrative and Conceptual Plans (case Z13-0005) date stamped September 17, 2013.
2. The development shall be limited to 27 units.
3. Provide an ALTA Survey to reflect existing boundary and recorded easements on the site.
4. A Final Drainage Report must be submitted with the improvement plans.
 - Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm.
 - Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
 - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
 - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be

calculated based on the gross square footage of the site (including half-street areas). A drainage easement shall be recorded over each retention/detention area within the project for both "public" and "private" basins.

5. It is the developer's responsibility to obtain permission from SRP to utilize the SRP easement for retention.
6. A Traffic Impact Analysis (TIA) for the site is required.
7. A final water network analysis and final sewer report will be required for final design.
8. In order for the City to issue a "Will Serve Letter" the Developer shall submit the water and sewer reports and the Approval to Construct (ATC) form with an original signature by the owner. The current ATC forms are available at <http://www.maricopa.gov/EnvSvc/WaterWaste/Subdivisions/Downloads.aspx>
9. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
10. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
11. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
12. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
13. The Developer will be responsible to form a Street Light Improvement District (SLID) for this subdivision. A SLID Submittal will be required with the second submittal of the improvement plans.
14. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision. The MID submittal shall be made with the second submittal of the improvement plans.
15. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.
16. Pavement sections shall be verified by the project soils report.
17. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
18. This project is located within Sunrise Water Company's service area. Sunrise Water Company must also approve the water plans.
19. All flood plains must be shown on the final plat.
20. No structure shall be constructed within the limits of the FEMA designated flood plain.
21. Any modification to existing flood plain shall be pre-approved by FEMA through the City of Peoria Engineering Department.
22. The Development will be responsible to comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP)

shall be submitted with the improvement plans in accordance with the SWPPP checklist.

23. Submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Happy Valley Road. All walls shall be designed in accordance with the recommendations of the noise study.
24. The Developer shall dedicate an 8' PUE outside of the required ROW on Happy Valley Road and on the internal local roadway. No walls or retention shall be allowed within the PUE.
25. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections.

Attachments:

Exhibit A	Narrative
Exhibit B	Vicinity/Location Map
Exhibit C	Zoning Map
Exhibit D	Proposed General Plan Land Use Map
Exhibit E	Proposed Conceptual Site Plan (for reference)
Exhibit F	Citizen Participation Report

Prepared by: Stacey Bridge-Denzak
Planner

Sunrise Vista

Rezone Application Narrative

City of Peoria
May 2013 (2nd Sub)
March 2013 (1st Sub)

Applicant

RBF Consulting,
a company of Michael Baker Corporation
2929 N. Central Avenue, Suite 800
Phoenix, AZ 85012
(602) 279-1234

Developer

Heathspart Development, LLC
8707 East Vista Bonita
Scottsdale, AZ 85255
(602) 410-4151

JN 134103

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Planning Team

Heathspart Development, LLC

8707 East Vista Bonita

Scottsdale, AZ 85255

(602)410-4151

Contact: Mike DeMore

RBF Consulting - Phoenix Office

2929 N. Central Avenue, Suite 800

Phoenix, AZ 85012

(602) 279-1234

Contact: Matt Klyszeiko, AICP

1 PROJECT OVERVIEW

1.1 TYPE OF PROPOSED DEVELOPMENT AND USES

This application is submitted to request the rezone of approximately 26.28 gross acres of land, located at the southeast corner of the 81st Avenue alignment and Happy Valley Road, from a General Agriculture District (AG) to a more compatible Single-Family Residential District (R1-18) in order to allow for the development of a 27-lot single-family residential subdivision to be known as Sunrise Vista. *(For additional reference please see Exhibit 1 – Vicinity Map and Exhibit 2 - Aerial)*

The purpose and intent of this narrative is to respond to the need to provide additional project information as part of the City of Peoria’s Rezone Application Process. This narrative presents the necessary project information to support this Rezone request through the identification of conformance with the City of Peoria General Plan, description of the relationship to surrounding properties, review of unique design considerations, and analysis of existing site characteristics.

2 CONFORMANCE WITH THE PEORIA GENERAL PLAN

2.1 CONSISTENCY WITH LAND USE PLAN & GOALS, POLICIES, AND OBJECTIVES

Sunrise Vista is consistent with the adopted City of Peoria General Plan Land Use Plan and contains a number of project components that help to meet many of the goals, policies, and objectives of the Land Use, Housing, and Recreation Elements of the 2010 General Plan. The proposed projects compatibility with the existing General Plan was further confirmed during the pre-application meeting held on December 18, 2012. During this meeting, City planning staff identified that this R1-18 rezone request is compatible with surrounding large-lot residential development and would not require a General Plan Amendment.

The majority of the property is designated as Residential – Estate on the Peoria General Plan Land Use Plan. The Residential – Estate land use category “denotes areas where large-lot single-family residential development is desirable or areas of maximized open spaces are sought. The density range (0 – 2.0 dwelling units per gross acre) is intended to provide sufficient open space and lots that create an open environment. Building envelopes are encouraged to minimize disturbance. This category also denotes transitional areas between natural open spaces and residential development.”

The southern portion of the subject property is located within an existing SRP high power transmission line easement. Consequently, this section of the property is defined with the Park/Open Space land use designation. This land use type is extremely compatible with the desired “open environment” character of the Residential – Estate designation.

By providing a gross site density of 1.03 du/ac and a total amount of open space (Natural Open Space, Open Space, Usable Open Space, and Landscape/Retention Areas) of approximately 12.89 acres, the proposed Sunrise Vista project has been developed to adhere to the above described General Plan land uses. The projects gross density

falls well within the defined density range of the Residential – Estate land use category and closely meets the target density of 1 du/ac. In addition, the subdivision layout provides a substantial open space design.

Given that the site is located within the Desert Conservation Land Overlay (DCLO) district, the Sunrise Vista project has been designed to not only respond to the Usable Open Space standards outlined in the Design Review Manual (please See section 4 Design Considerations for a detailed discussion regarding useable open space), but has also met the Natural Open Space (NOS) development guidelines detailed in the DCLO preservation document. The proposed design of the project offers 156,507 SF of NOS area. Based on the projects net site area of 19.25 acres, this equates to 18.7% of the site being dedicated to NOS areas, which exceeds the DCLO minimum requirement of 15%.

The components of the Sunrise Vista project which implement or otherwise meet the goals, policies, and objectives of the 2010 General Plan are outlined as follows:

LAND USE ELEMENT

GOAL 1 - PROVIDE A BALANCE OF LAND USES THAT WILL PRESERVE AND ENHANCE NEIGHBORHOODS, PROMOTE ECONOMIC DEVELOPMENT AND ENCOURAGE REDEVELOPMENT AT APPROPRIATE LOCATIONS.

With the existence of large-lot residential land uses already located within the area of the project site, the neighborhood character of the subject property is generally already established. Consequently, this proposed rezone request supports this Land Use Element goal by amending the existing minimum AG zoning designation on the subject property to allow for a more balanced distribution of large-lot residential land uses that compliments the adjacent existing and planned residential neighborhoods.

In addition, in order to maintain the overall economic vitality of an area it is important to constantly reevaluate the viability of undeveloped parcels to ensure they can develop in a manner that is comparable / compatible with surrounding development. Enhancing the zoning designation of this property will further promote economic development in the region by permitting the subject parcel to develop under equivalent standards as that of surrounding development.

SMART GROWTH

Objective 1.A: Manage and control development to facilitate orderly growth and an efficient urban form.

Through the utilization of roadway improvements and utilities already developed within the vicinity of the project site, the Sunrise Vista project firmly facilitates an orderly growth pattern. The project will not require the premature and costly extension of roadways or utility lines to service the site. Rather, the proposed development will connect to the existing, fully improved, Happy Valley Road and will tie into both water and sewer lines that currently abut the project site.

RESIDENTIAL COMMUNITIES

Objective 1.M: Provide a diversity of housing types to meet the needs of persons of all income levels and ages.

Several large master planned communities exist both north and south of the subject property. These master planned communities consist of a mixture of small-lot residential developments, which typically only cater to the largest, middle income level and age groups. As a result, growing communities often do not have an appropriate allocation of land for income levels and/or age groups that necessitate large-lot residential development types.

The dedication of the subject property to large-lot residential will enhance the diversity of housing types within the region and provide a complimentary residential land use that will ensure all income and age groups are accommodated within the City of Peoria.

Policy 1.M.1: Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

The existing availability of large-lot residential parcels within the vicinity of the subject property is limited. The majority of the R1-18 large-lot residential subdivisions that have been developed within the subject area of the project site are built-out. This condition is a strong indication that the area is underserved and would benefit from the additional development of a R1-18 large-lot residential community.

Furthermore, the moderate scale (27 lots) of this project helps to develop a manageable supply of large-lot residential parcels and avoids the potential of saturating the market with an overabundance of large-lot residential land that out paces the future housing needs of the area.

Policy 1.N.3: Locate housing developments in areas that can be adequately served by police, fire and ambulance services.

This proposed subdivision is well within the service boundaries of the Peoria Police Department and is approximately 2-miles from Peoria Fire Station #197.

HOUSING ELEMENT

GOAL 1 - PROVIDE FOR SUFFICIENT AVAILABILITY AND A VARIETY OF OPPORTUNITIES FOR SAFE, QUALITY AND AFFORDABLE HOUSING

This rezone application achieves this Housing Element goal by providing for the sufficient availability of high-quality, large-lot single-family housing through the provision of a more compatible level of development that is comparable with the surrounding existing built environment.

Objective 1.A: Promote quality residential development through diversity in housing type.

The Sunrise Vista residential community will be a very positive addition to this area by providing a single-family development that is compatible with the existing and planned residential uses in the surrounding area while responding to the need for the type of market housing demand offered by this community.

RECREATION AND OPEN SPACE ELEMENT

GOAL 5 - DEVELOP A SAFE, MULTI-USE AND INTER-CONNECTED PATH AND TRAIL SYSTEM THROUGHOUT THE CITY.

The open space plan for the Sunrise Vista residential community capitalizes on the projects adjacency to the SRP high power transmission line easement by incorporating a multi-use pathway, within this unimpeded corridor, that will connect the project to the larger regional trail system identified within the Peoria General Plan and PROST Plan.

3 RELATIONSHIP TO SURROUNDING PROPERTIES

3.1 COMPATIBILITY WITH SURROUNDING LAND USE AND ZONING PATTERNS

Sunrise Vista is generally bounded by Happy Valley Road to the north, the 81st Avenue alignment to the west, the 79th Avenue alignment to the east, and the Hatfield Road alignment to the south, which runs parallel to existing SRP high power transmission line easement.

General Plan

As previously stated, with the exception of the Park/Open Space designation for the SRP easement, the subject property predominantly maintains a Residential – Estate (0-2 du/ac) land use designation. Similarly, the Peoria General Plan Land Use Plan identifies the land located to the north, south, west, and east of the project site with the identical Residential – Estate land use designation. *(For additional reference please see Exhibit 3 – General Plan Land Use Map)*

Zoning

The Sunrise Vista parcel is currently identified with the General Agriculture (AG) zoning district. Given the lack of prior agriculture activity in the area, the subject parcels AG zoning is likely more indicative with the intent of this district to also act as a “holding district to retain land in less intensive use until the time is appropriate for more intensive development.” With more intensive development now reaching this once rural area, this AG zoning is not reflective of the current surrounding zoning districts.

The existing pattern of zoning surrounding the property consists of a mixture of zoning designations. Following the zoning pattern of the subject property, the single parcel of land located north of the site maintains a “holding” designation of AG zoning. However, the land to the west and the subdivided land to the east of the site are defined with the Suburban Ranch Residential (SR-43) zoning district and the remaining subdivided

land found south and southwest of the site is identified with the Single-Family Residential R1-18 zoning district. *(For additional reference please see Exhibit 4 – Existing Zoning)*

With large-lot SR-43 zoning defined for the land west and east of the project site and R1-18 zoning defined for the land south and southwest of the subject property, the proposed R1-18 zoning designation for the Sunrise Vista development will strongly mimic and/or match the surrounding zoning. *(For additional reference please see Exhibit 5 – Proposed Zoning)*

Existing Use

The subject parcel is primarily vacant desert with no existing structures located on the property; however, several existing utilities do traverse the site. A sewer line runs along the western boundary of the site and a transmission lattice tower, overhead transmission lines, and a underground gas line are located within the property’s southern 230-foot SRP easement.

The remaining existing land uses surrounding the property are comprised of varying development conditions. The land to the west and north of the site is undeveloped natural desert with no existing structures. The improved Silver Canyon Ranch subdivision is located to the east of proposed project site, although no residential development has commenced within the project to date. The Calle Lejos Estates subdivision is completely built-out and is located south and west of the subject property. Finally, the improved and completely built-out Silver Crest at Treasure Canyon subdivision runs along the entire southern boundary of the subject parcel.

The proposed Sunrise Vista development understands the importance of maintaining the existing and planned character of a particular area. For this reason the project has identified a large-lot residential land use that will seamlessly blend with the existing and planned residential development already found within the surrounding area.

Table 3.1 – Sunrise Vista Surrounding Properties

Property Location	Existing General Plan Designation	Existing Zoning	Existing Use
Subject Property	Residential/Estate and Park/Open Space	AG	Vacant
North	Residential/Estate	AG	Vacant
South (Silver Crest at Treasure Canyon)	Residential/Estate	R1-18	Single-Family Residential
Southwest (Calle Lejos Estates)	Residential/Estate	R1-18	Single-Family Residential
East (Silver Canyon)	Residential/Estate	SR-43	Improved undeveloped Single-Family Residential
West	Residential/Estate	SR-43	Vacant

3.2 INCOMPATIBILITY OF EXISTING ZONING

Over the recent past the character of the area surrounding the Sunrise Vista property has changed significantly. Once located on the periphery of the urbanized limits of the City of Peoria, the subject property is now surrounded by large master planned communities, various commercial centers, along with the improved infrastructure that is needed to support this more intense level of development. The exceptional growth that has occurred in this portion of the City has resulted in the accompanying zoning districts to become less rural and more suburban residential, commercial, and service-oriented in nature.

This new intensity of zoning has led to the existing “holding” AG zoning district of the subject property to become obsolete and incompatible with the emerging suburban development nature of the area. Amending the current zoning for the parcel will allow the Sunrise Vista residential community to be a positive addition to the area by providing a large-lot single family subdivision that is compatible with the existing and planned development in the area while responding to the need for the type of market housing demand offered by this community.

4 DESIGN CONSIDERATIONS

4.1 UNIQUE DESIGN ELEMENTS

Overall, it is the intent of the Sunrise Vista development team to establish a high quality, functional and attractive large-lot residential community. To develop this thoughtfully designed residential community, the project team has incorporated various design features that carry forward many of the requirements outlined within the City of Peoria Design Review Manual. The following sections detail these design elements:

LOT AND TRACT DESIGN

Although some tract widths provided within the Sunrise Vista subdivision do not meet the suggested 50 foot standard, the preliminary wall plan for the project has been developed to provide view fencing adjacent to these tracts in order to increase visibility onto these tract corridors.

Proper notes have been included on the preliminary site plan to ensure Lot 9, located at a T-intersection, will have a driveway set in line with oncoming traffic.

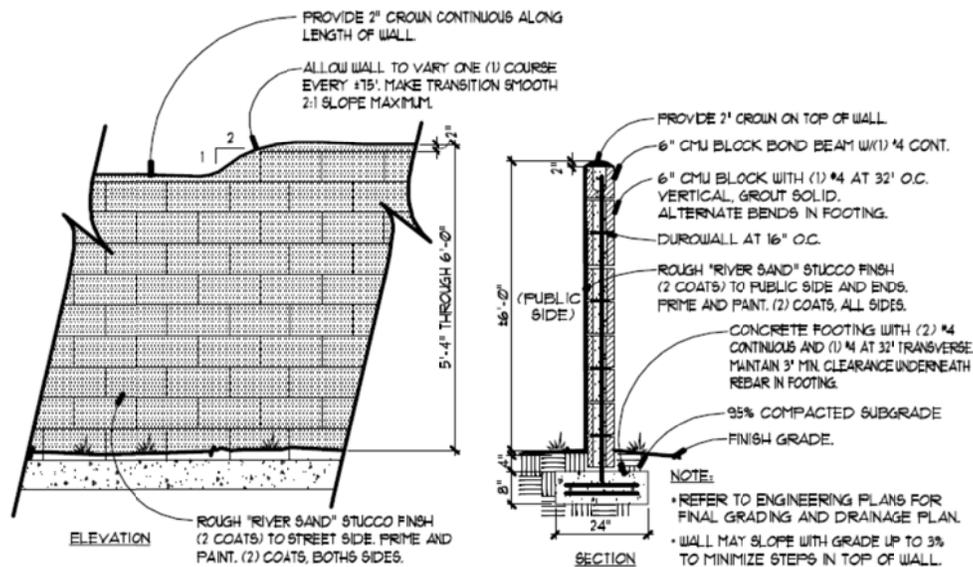
CIRCULATION

To minimize potential conflict points, no four-way intersections are located within the subdivision.

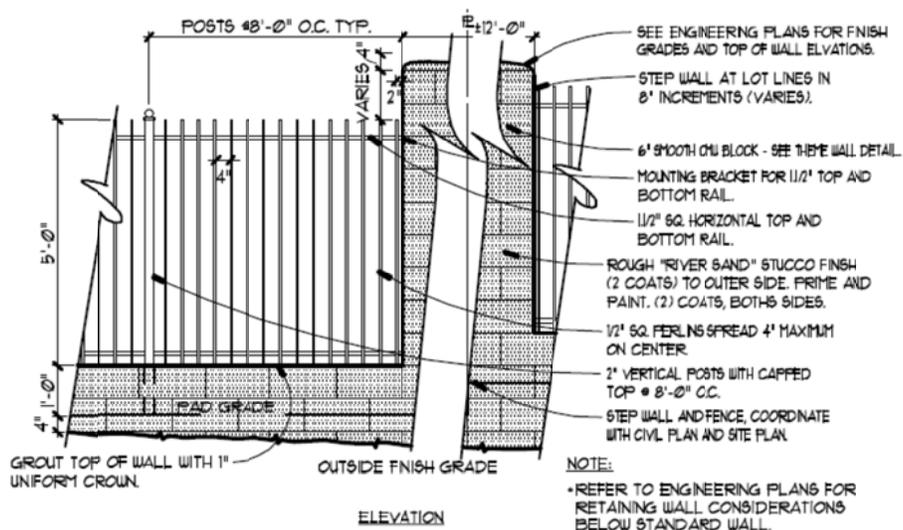
To provide future residents of the community with enhanced pedestrian connectivity to the regional Peoria trail system, a trail linkage is provided between lots 8 and 9 to connect to the proposed larger trail corridors located within the SRP easement. This trail segment is also incorporated into the useable open space calculation discussed later in this section

WALLS AND FENCES

Continuing the theme established by the design of the entry monumentation, the project design team developed two wall types for the community. The perimeter theme wall is comprised of CMU block with a rough stucco finish on the public side of the fence. For those appropriate areas adjacent to open space or tracts (with the exception of those lots that back onto Happy Valley Parkway or, due to existing resident opposition to view fencing, those that back onto the SRP easement) the project incorporates view fencing. The view fence includes a one foot high base and end columns made of CMU block and finished with a rough stucco finish on the public side of the fence. The subsequent view fencing is placed on the CMU base and is five feet in height.



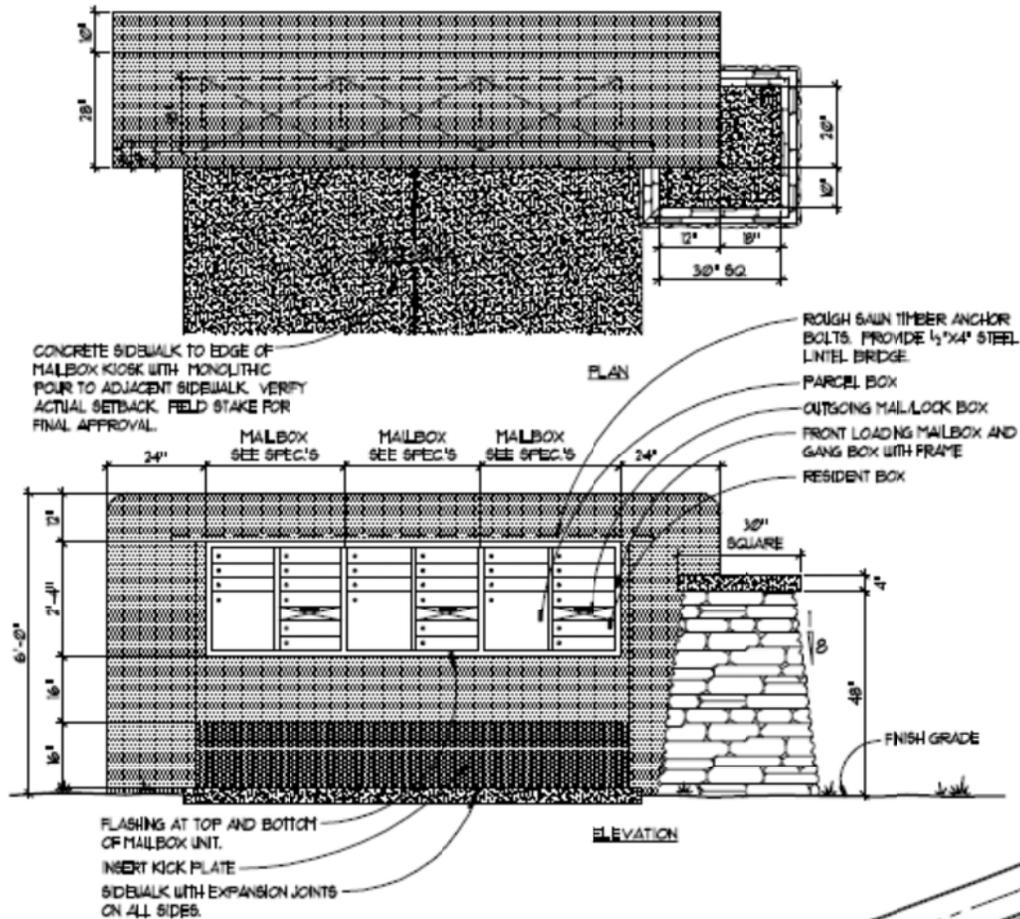
Perimeter Fence Detail



View Fence Detail

CLUSTER MAILBOX

Given the size of the proposed subdivision, the Sunrise Vista development will utilize one cluster mailbox to service the entire neighborhood. The design elements for the cluster mailbox were pulled from the entry feature to maintain visual harmony and sustain the attractiveness of the overall community. The design is comprised of CMU block with stucco on all sides to match the perimeter fence design. To provide visual interest the design also includes a stone veneer pillar on one side.



Cluster Mailbox Detail

ARCHITECTURAL FORM

As previously stated, the Sunrise Vista project is focused on being a high quality residential development. Although final home designs and elevations have not been established for this project, the Sunrise Vista project will incorporate multiple combinations of floor plans, elevations, materials, and color choices to promote architectural variety and interest within the community.

Home types will include both one- and two-story plans that vary between 2,700 and 4,000 square feet. Four sided architecture will be promoted and material and color palettes will be chosen to compliment the established theme of the project.

5 GENERAL SITE INFORMATION

5.1 EXISTING PHYSICAL FEATURES

The Sunrise Vista property is relatively flat, maintaining less than a 1percent slope value across the site and falls from north (at an elevation of 1242') to south (at an elevation of 1237'). The most noteworthy physical features that exist on site consist of a natural Rock Springs Creek wash that runs along the entire eastern boundary of the subject property and the SRP high power transmission line that includes one lattice tower within the project limits.

The existing wash offers both opportunities for bringing natural elements into the design of the community and constraints in terms of impacting the overall placement of individual residential lots within the eastern portion of the property. Furthermore, the general flat topography of the site combined with the placement of the SRP easement at the lowest elevation of the site, presents an opportunity for the project to utilize the land within the existing SRP easement to accommodate the onsite drainage requirements of the project.

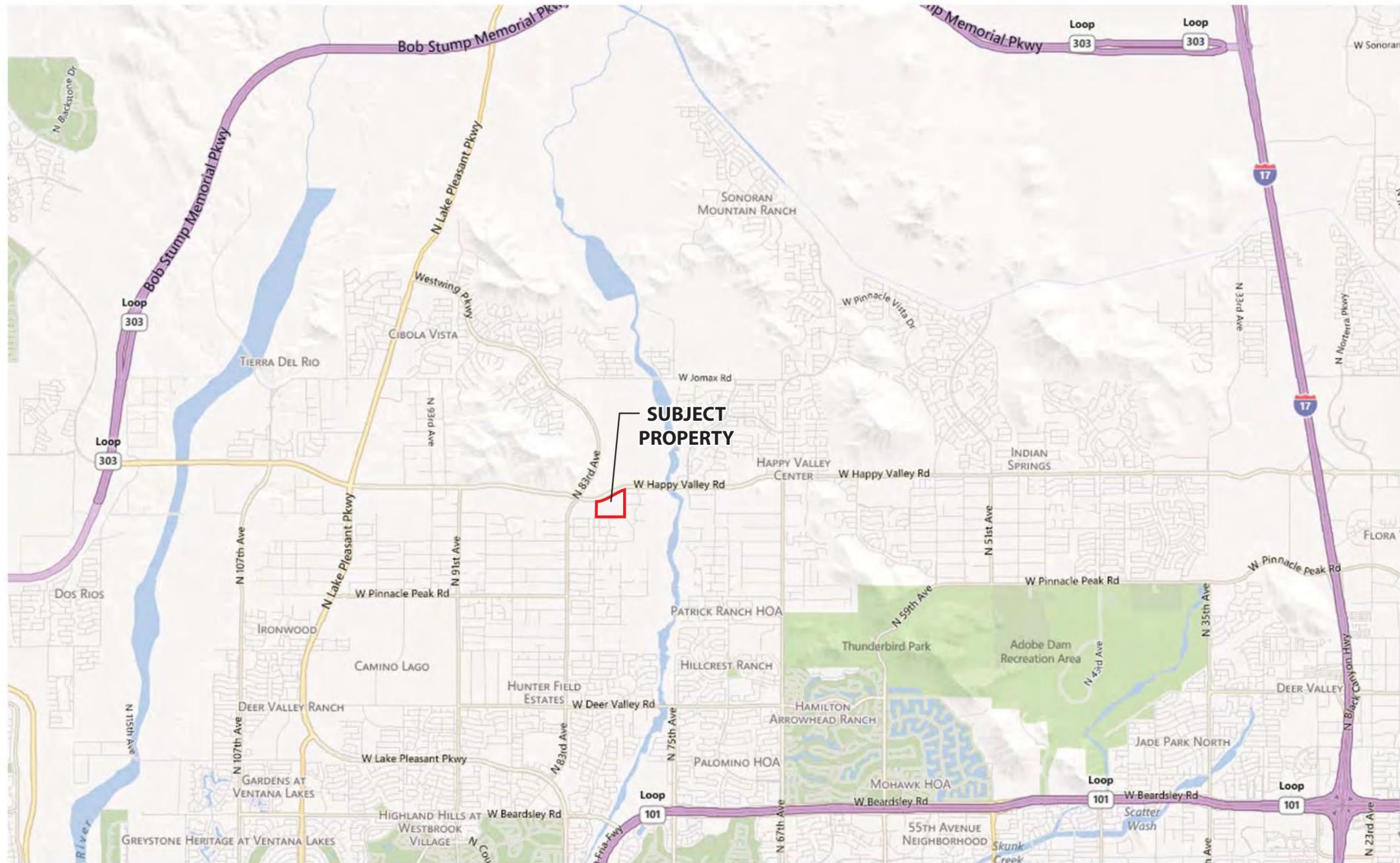
The site is located within the Desert Conservation Land Overlay (DCLO) and is therefore required to abide by the development standards and guidelines outlined within this preservation document. Vegetation that currently exists onsite is typical of the lower Sonoran Desert. Creosote and other native plants are generally found in a sporadic distribution throughout the project site, with higher concentrations of plant and tree types located along the existing natural wash. The accompanying Desert Conservation Report outlines in greater detail the plant inventory and salvage plans for the proposed project.

Please also reference the accompanying preliminary drainage report, preliminary traffic impact/roadway analysis, preliminary water and sewer analysis, and preliminary site plan for additional general site information associated with the Sunrise Vista development.

6 APPROVAL REQUIREMENTS

6.1 ADDITIONAL APPROVALS REQUIRED FOR DEVELOPMENT

Following the rezone approval of the proposed project, the Sunrise Vista community will require several further approvals to allow for physical development of the project. These include preliminary plat, final plat, civil improvement plans, design review, construction plans, and final landscape plans.



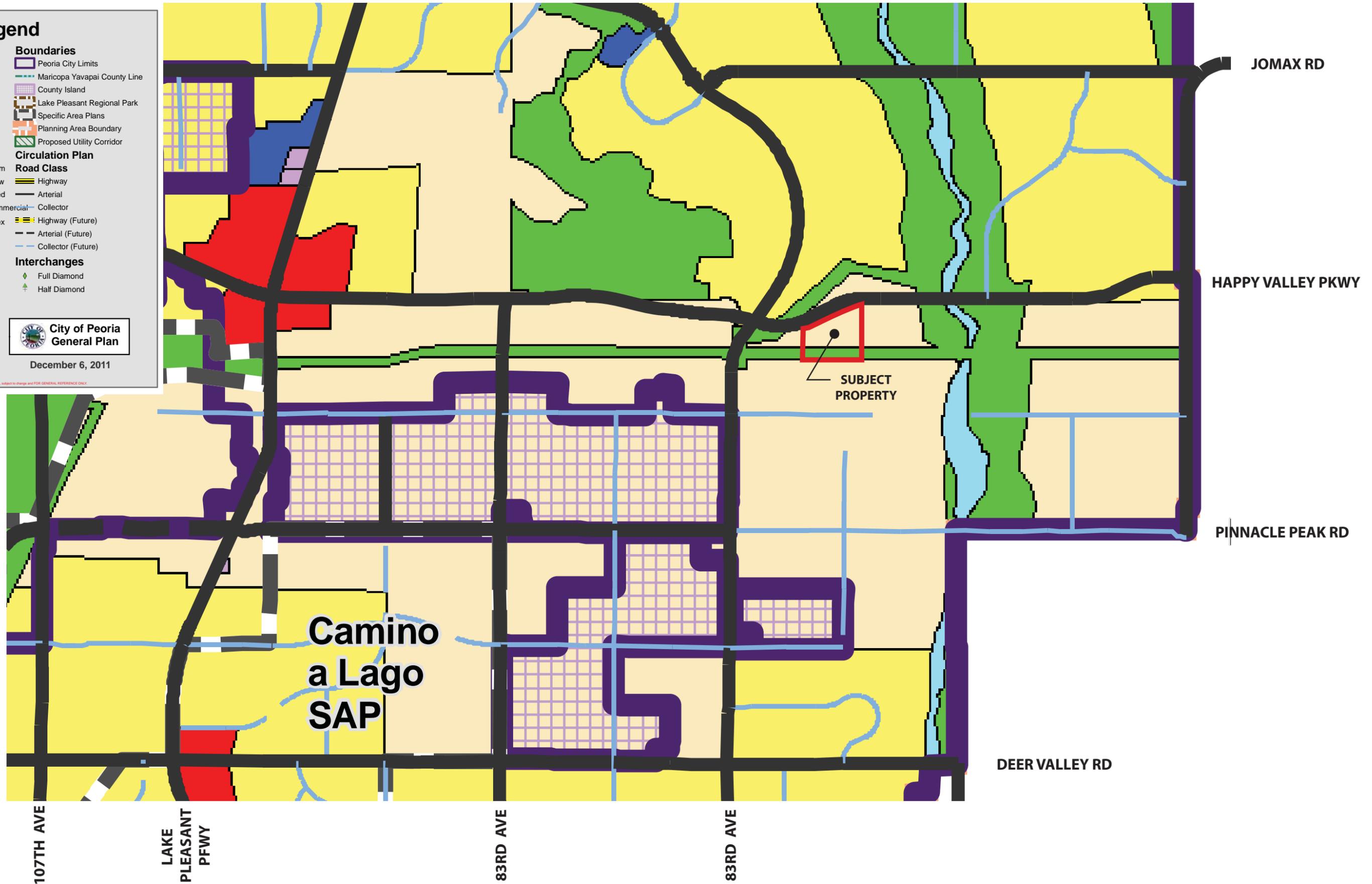


Legend

Land Use	Boundaries
Business Park	Peoria City Limits
Business Park/Industrial	Maricopa Yavapai County Line
Community Commercial	County Island
Golf Course	Lake Pleasant Regional Park
Industrial	Specific Area Plans
Mixed Use	Planning Area Boundary
Mixed Use - Business Park	Proposed Utility Corridor
Mixed Use - Neighborhood	Circulation Plan
Mixed Use - Regional Comm	Road Class
Mixed Use - Residential Low	Highway
Mixed Use - Residential Med	Arterial
Mixed Use-Community Commercial	Collector
Mixed Use - Sports Complex	Highway (Future)
Neighborhood Commercial	Arterial (Future)
Office	Collector (Future)
Water	Interchanges
Public/Quasi-Public	Full Diamond
Regional Commercial	Half Diamond
Residential/Estate	
Residential/High	
Residential/Low	
Residential/Medium	
Residential/Medium High	
Park/Open Space	

**City of Peoria
General Plan**
December 6, 2011

NOTE: This Map is based on imprecise source data, subject to change and FOR GENERAL REFERENCE ONLY.

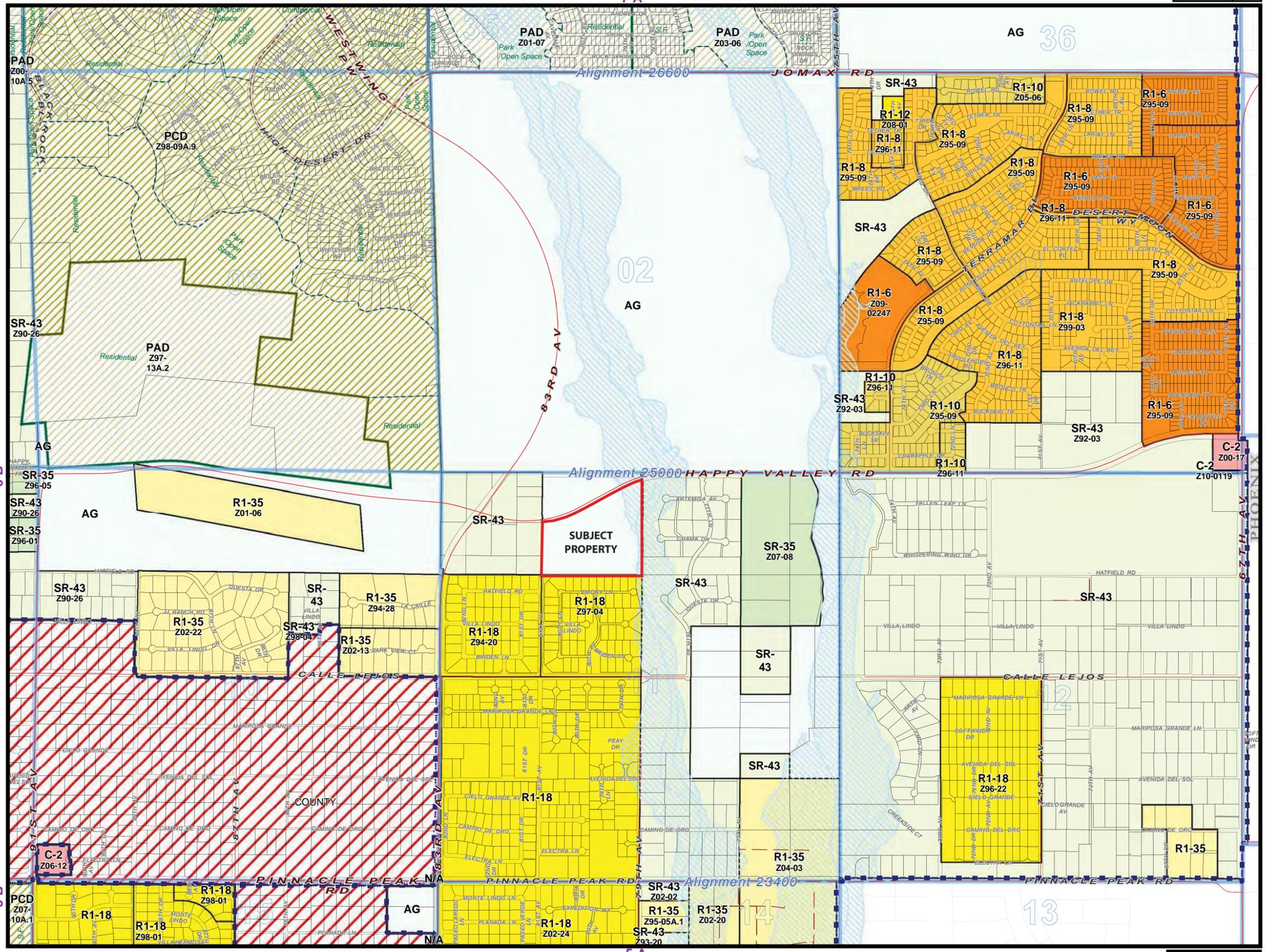




City of Peoria Zoning Map Sheet No. 6-A Sections 1-3 & 10-12 T4N R1E Data for this sheet updated Aug 02, 2012

- Legend for zoning codes (AG, SR-43, SR-35, R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7, R1-6, RMH-1, RMH-2, RMH-3, RM-1, O-1, C-1, C-2, C-3, C-4, C-5, PC-1, CCM, CRM, BPI, PI-1, I-1, I-2, FP, SU), symbols for County Island, ADOT ROW, Lake Pleasant, CAP Canal Parcels, Canal, Peoria City Limits, Street, Freeway, Railroad, Planned Road, Loop 303, and a Page Reference Map.

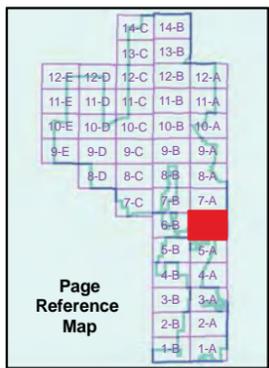
Not to scale. For reference only. Based on imprecise data and subject to change. Reference: Projection: Arizona Central State Plane, NAD83 HARN, international foot. Last map book update: 02 Aug 2012 - City of Peoria, Community Development.





City of Peoria Zoning Map Sheet No. 6-A Sections 1-3 & 10-12 T4N R1E Data for this sheet updated Aug 02, 2012

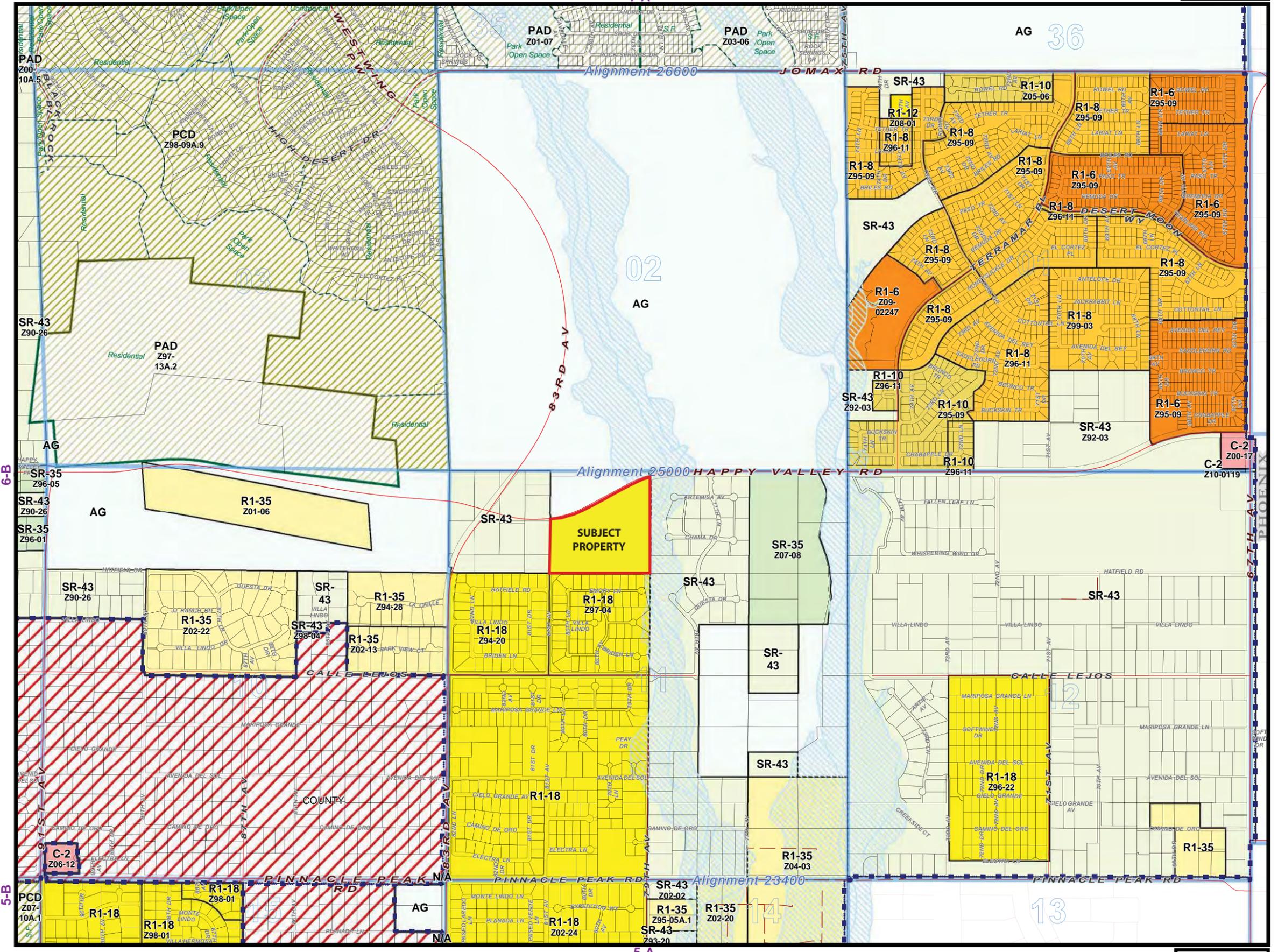
- AG
 - SR-33
 - SR-35
 - R1-43
 - R1-35
 - R1-18
 - R1-12
 - R1-10
 - R1-8
 - R1-7
 - R1-6
 - RMH-1
 - RMH-2
 - RMH-3
 - RM-1
 - O-1
 - C-1
 - C-2
 - C-3
 - C-4
 - C-5
 - PC-1
 - CCM
 - CRM
 - BPI
 - PI-1
 - I-1
 - I-2
 - FP
 - SU
 - PAD
 - PCD
 - PUD
 - Zoning Sub-area
 - Zoning Overlay
 - County Island
 - ADOT ROW
 - Lake Pleasant
 - CAP Canal Parcels
 - Canal
 - Peoria City Limits
 - Street
 - Freeway
 - Railroad
 - Planned Road
 - Loop 303
- This zoning case has been challenged through an upcoming referendum.



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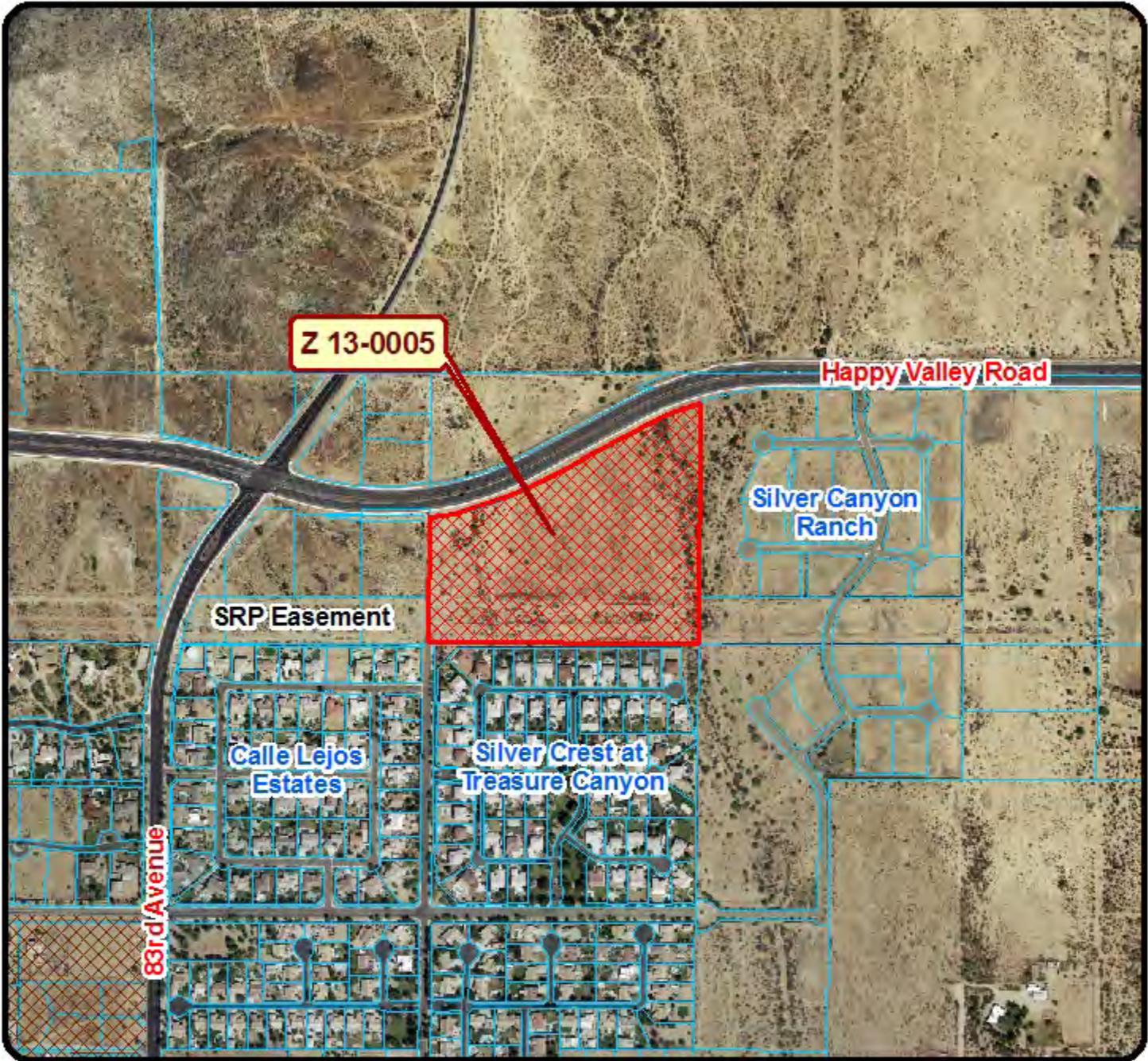
For reference only. Based on imprecise data and subject to change.

Reference:
Projection: Arizona Central State Plane, NAD83 HARN, International foot.
Last map book update: 02 Aug 2012 - City of Peoria, Community Development.





Z13-0005 Vicinity Map



Z13-0005 Sunrise Vista Rezoning

Applicant: RBF Consulting

Request: Rezone approximately 26.28 acres from AG to R1-18 to allow a single family residential development with approximately 27 lots.

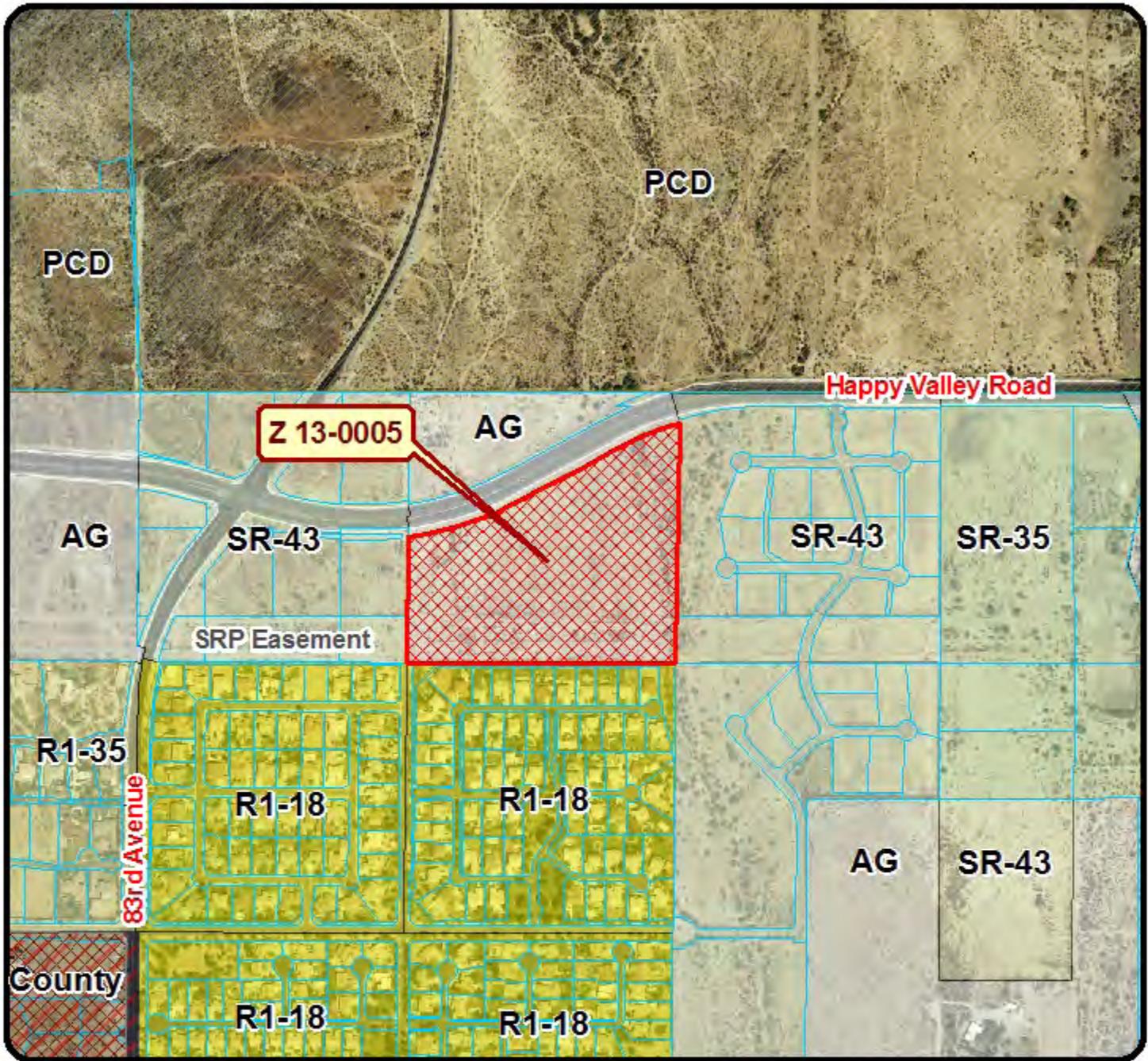
Location: Southeast corner of 81st Avenue and Happy Valley Road.



Not to Scale

EXHIBIT B

Z13-0005 Zoning Map



Z13-0005 Sunrise Vista Rezoning

Applicant: RBF Consulting

Request: Rezone approximately 26.28 acres from AG to R1-18 to allow a single family residential development with approximately 27 lots.

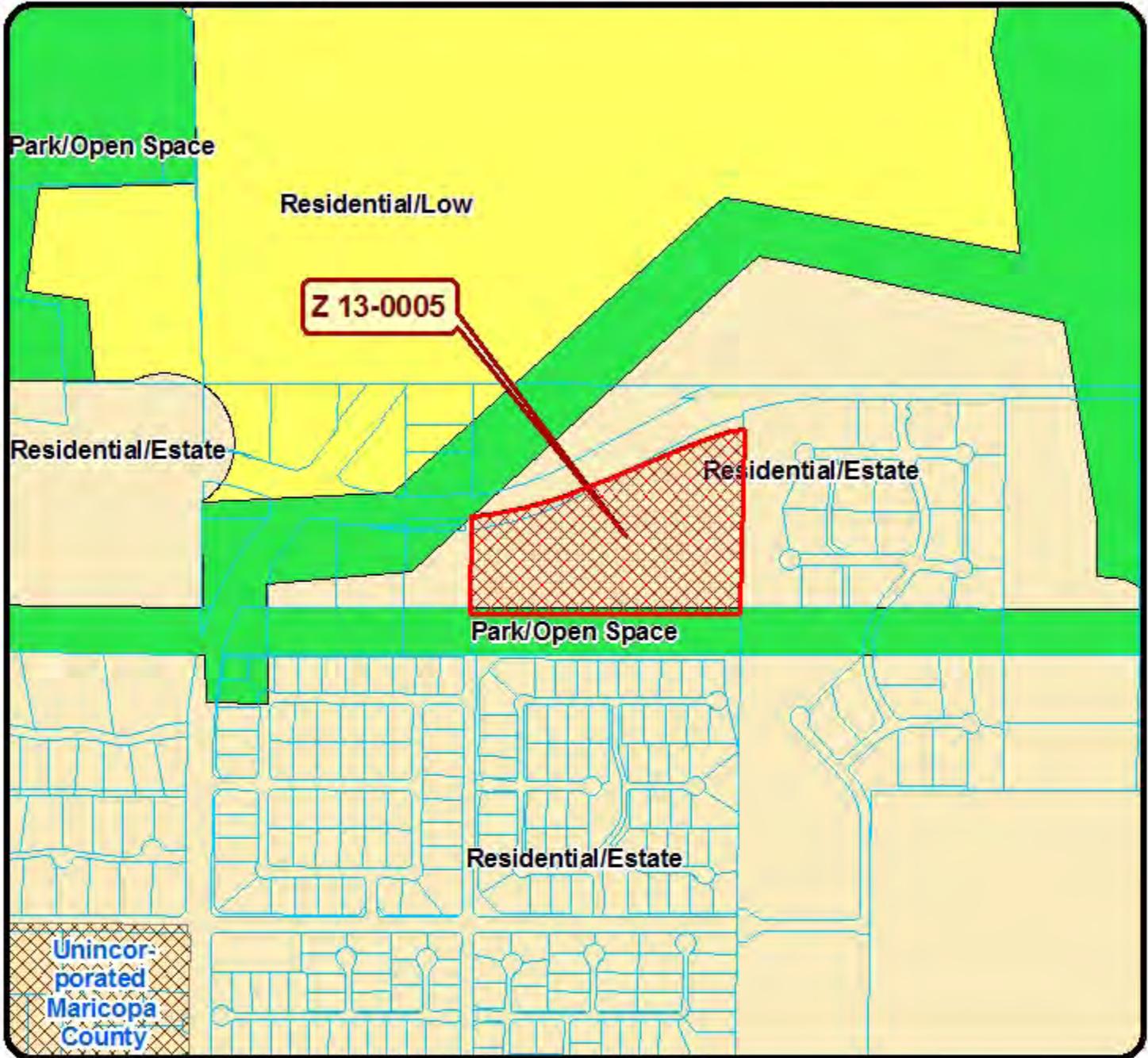
Location: Southeast corner of 81st Avenue and Happy Valley



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EXHIBIT C

Z13-0005 Land Use



Z13-0005 Sunrise Vista Rezoning

Applicant: RBF Consulting

Request: Rezone approximately 26.28 acres from AG to R1-18 to allow a single family residential development with approximately 27 lots.

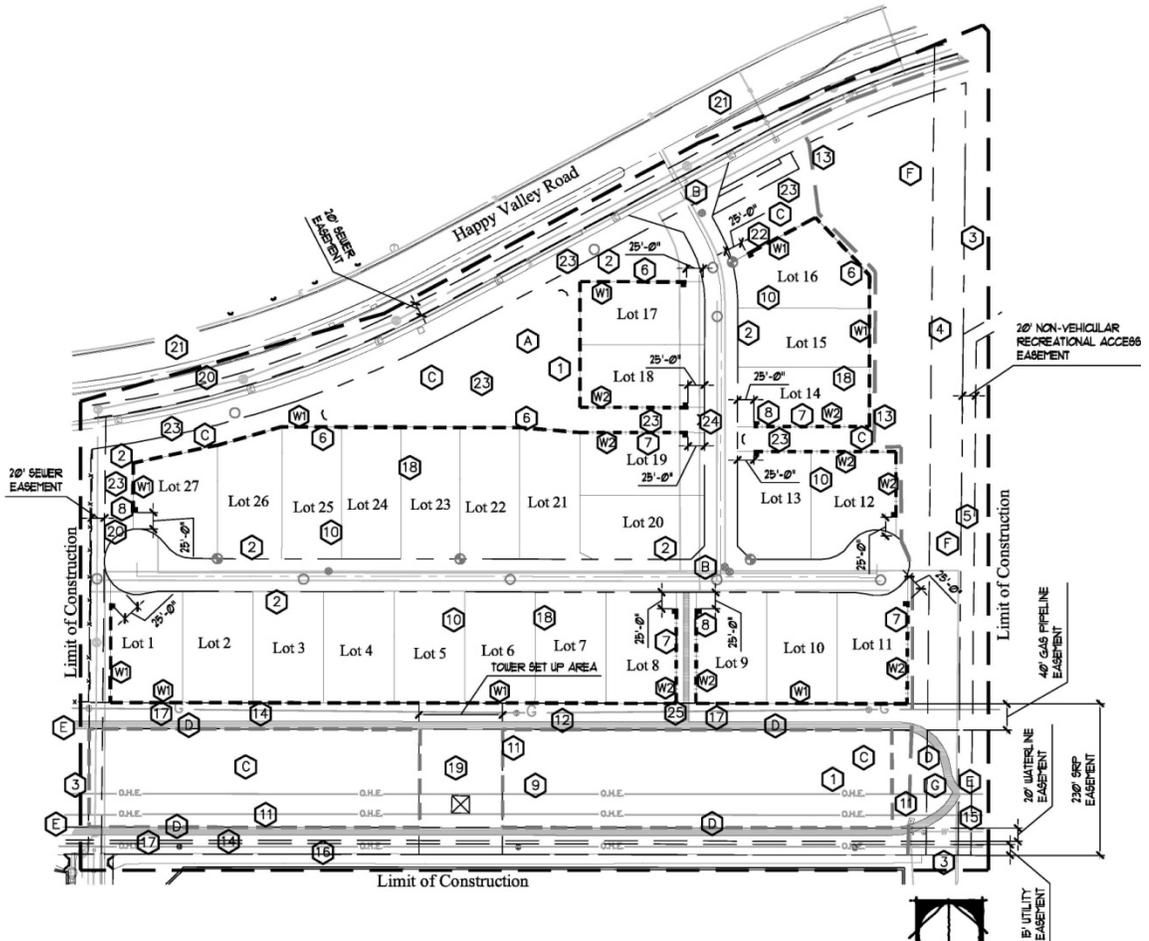
Location: Southeast corner of 81st Avenue and Happy Valley Road.



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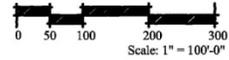
EXHIBIT D

Z13-0005 Conceptual Site Plan



General Key Notes:

- (A) CONTACT OWNER'S REP. PRIOR TO CONSTRUCTION IS AVOID ANY POTENTIAL CONFLICT OR MISINTERPRETATION OF THE PROJECT PLANS.
- (B) SEE CIVIL PLAN FOR ALL EXISTING AND PROPOSED UTILITY LOCATIONS. FIELD VERIFY EXACT LOCATIONS TO AVOID ANY CONFLICTS DURING CONSTRUCTION.
- (C) NATIVE SOIL SURFACE PREPARATION AREA - REFER TO LANDSCAPE PLANS AND DETAIL SHEET L-6.
- (D) 12' WIDE GRANITE TRAIL - CONTRACTOR IS RESPONSIBLE TO CONSTRUCT 12' WIDE DECOMPOSED GRANITE TRAIL IN APPROXIMATE LOCATION SHOWN. REFER TO LANDSCAPE PLAN SHEETS L-5 AND L-6.
- (E) ACCESS POINT TO EXISTING TRAIL SYSTEM.
- (F) NATURAL OPEN SPACE - PROTECT IN PLACE ALL EXISTING PLANT MATERIAL WITHIN LIMITS DURING CONSTRUCTION. REFER TO LANDSCAPE PLAN.
- (G) ALIGN STABILIZED GRANITE TRAIL TO WORK WITH THE NATURAL GRADE. NO SLOPE TRANSITIONS GREATER THAN 5%.



Materials Legend:

PAINT COLORS:
ALL MASONRY TO BE PAINTED SHALL BE DUNN EDWARDS DE62871 (EGYPTIAN SAND) OR APPROVED EQUAL. PROVIDE SAMPLE FOR OWNER'S APPROVAL.

SIGN LETTERS:
ALL LETTERS FOR COMMUNITY SIGN TO BE BRUSHED BRASS. SUBMIT SAMPLE TO OWNER'S REP. FOR FINAL APPROVAL.

SYNTHETIC STONE:
ALL SYNTHETIC STONE VENEER TO BE CULTURED STONE CHARDONNAY SOUTHERN LEDGESTONE (CBV-2054) (1-800-255-1727).

STUCCO:
ALL STUCCO TO BE ROUGH 'RIVER SAND' STUCCO FINISH (2 COATS), PRIME AND PAINT (2 COATS).



Not to Scale

Sunrise Vista Rezone Citizen Participation Report

Peoria, Arizona
May 1, 2013

Applicant
RBF Consulting,
a company of Michael Baker Corporation
2929 N Central Avenue, Suite 800
Phoenix, Arizona 85012

Developer
Heathspart Development LLC
8707 E. Vista Bonita, Suite 240
Scottsdale, AZ 85255

JN 134103

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1 INTRODUCTION

The purpose of this Citizen Participation Report (CPR) is to summarize how and when the Project Team informed and involved the public, stakeholders, and decision-makers of the Sunrise Vista project as well as provide a comprehensive overview of the public feedback received as part of this outreach process.

2 SUMMARY OF NOTIFICATION & OUTREACH METHODS

The Project Team, along with the assistance of City staff, employed a public outreach approach that focused on obtaining direct community feedback to help identify potential issues and gauge public sentiment about the proposed rezone application. Multiple methods were used to notify the surrounding neighbor's and stakeholders about the project. Below is a comprehensive list of public notification efforts that have been completed to date, followed by summaries of key outreach events.

Notification of Application

Initial outreach efforts consisted of City staff sending a "Notice of Application" postcard, by first class mail, to specified community associations located within a one (1) mile radius of the subject site and all property owners within a 600' radius of the project boundary to inform them about the submittal of the rezone request. *Please see Appendix A for a Comment Matrix, which categorizes all phone and email comments received.*

Neighborhood Meeting Notification

Following the initial "Notice of Application" for this rezone request, the applicant followed the guidelines of the Zoning Ordinance (Section 14-39-8) and conducted one neighborhood public involvement meeting. Notification for this meeting consisted of sending a "Notice of Neighborhood Meeting" letter, by first class mail, to specified community associations located within one mile radius of the property, property owners within a 600' radius of the project boundary, as well as all relevant adjacent jurisdictions and affected school districts, public utilities, and state and federal agencies. In order to achieve an enhanced level of public input regarding this project, the applicant expanded upon the initial notification list provided by staff to include additional homeowner associations (HOA) and specific public agency stakeholders located within the vicinity of the project site. *A master list of all notified property owners and stakeholders is included as Appendix B.*

The Notice of Neighborhood Meeting mailer included a description about the Rezone submittal application; a project vicinity map; identification of the public involvement meeting date, time and location as well as alternative (phone and email) applicant contact information to assist those residents that are unable to attend the public involvement meeting in gaining additional information as needed. *Please see Appendix C for a copy of the meeting notification flier.*

Following the notification of surrounding residents, the project team received exactly 8 phone calls and/or emails from property owners who were unable to attend the open house meeting and therefore desired additional information regarding the project. *A Comment Matrix is provided in Appendix A that categorizes all phone and email comments received.*

Neighborhood Open House Meeting

As specified, the applicant conducted one neighborhood public involvement meeting in support of this rezone application. This neighborhood meeting was conducted in a “Presentation” format, where residents were provided a brief formal presentation that outlined the details of the rezone request and then were invited to participate in a group question and response period. *A copy of the Presentation PowerPoint is provided in Appendix D*

Matt Klyszeiko, with RBF Consulting, represented the owner/developer and facilitated the neighborhood meeting. The meeting was held on Tuesday, April 30, 2013 from 6:00 pm to 7:00 pm at the Terramar School Media Center located at 7000 W. Happy Valley Road, Peoria, AZ.

In total, 15 people attended the neighborhood meeting, with 12 people signing in. Meeting participants were primarily residents and property owners located within the adjacent Silver Crest at Treasure Canyon subdivision. In addition, three City of Peoria staff members (Stacey Bridge-Denzak, Rob Gubser, Chris Jacques) attended the meeting and assisted in responding to comments during the question and response period. *The sign-in sheet of meeting attendees is listed as Appendix E.*

Mr. Klyszeiko began the formal presentation by first describing the background and development experience of the project team. He then gave a project overview that outlined the primary details of the specific rezone request. This included discussing the project location, parcel size (26.28 AC), current zoning (AG), proposed zoning (R1-18), proposed development lot size (18,000 SF) and number of lots (27).

Understanding that residents are often not familiar with the rezone process, Mr. Klyszeiko then took a moment to educate and inform attendees of the overall rezone steps, hearings, and approvals required as well as where this project is in the process.

After reviewing the project summary and timeline, Mr. Klyszeiko displayed a map of the current zoning designation for the subject property and the surrounding properties. He then displayed a revised zoning map, which showed the proposed zoning designation within the context of the surrounding, current zoning.

Mr. Klyszeiko then presented an aerial map that included the proposed lotting plan and roadway circulation for the project. He noted that the project team requested and has received preliminary approval to utilize Happy Valley Road for primary access and is not proposing or request-

ing any access via 81st Avenue. He also reviewed the existing 230-foot SRP easement and explained how this existing utility corridor creates a no-build buffer area between the proposed Sunrise Vista residential lots and the existing Silver Crest residential lots to the south of the project area. Finally, Mr. Klyszeiko gave a general overview of the proposed open space and landscape areas within the project.

Following the presentation of the lotting plan, Mr. Klyszeiko showed a few example home elevations that were representative of the type, style, color, and materials that will be incorporated into the final home plans for this particular development.

Mr. Klyszeiko concluded the presentation by opening the meeting to questions and responses. The following is a general summary of questions/comments provided by attendees and the responses provided by the project team and/or staff during the conclusion of the PowerPoint presentation

General Questions and Responses

- **What is the proposed size of the lots and how big is that in relation to one acre?**
The minimum lot size is 18,000 square feet, which is just under one-half acre and identical to the minimum lot sizes of the existing Silver Crest development to the south.
- **What is the current zoning and what type of development does that allow?**
The current zoning of the property is Agriculture (AG), which allows a mixture of land uses associated with agriculture activities as well as 2-acre residential lots.
- **What is the General Plan designation?**
The General Plan designation is Residential Estate, which denotes an acceptable density range of 0-2 dwelling units per gross acre.
- **Will the project increase stormwater runoff on my property?**
No, the development of this project must maintain the historical discharge points and flows that currently exist on the subject property. That means this project will maintain the current discharge point and flows at the southeast corner of the project and/or retain any excess stormwater on site within retention basins.
- **Does the project have a homebuilder identified?**
Yes, the developer is currently working with a homebuilder, however, the agreement is contingent on the approval of this rezone application. Given the uncertainty of this agreement, we are unable to specify the builder at this time.

– **How big will the homes be? How many stories? What will be the price range of the homes?**

Since the agreement with the homebuilder has not been finalized the exact home plans have not been established at this time. However, it is anticipated the homes will range between 2,700 square feet and 4,000 square feet, will include both one and two story homes with a maximum height of 30 feet, and will be priced starting at \$500,000.

– **What type of fencing is planned?**

The project has been designed to incorporate a combination of solid block and view fencing. The current design incorporates view fencing along the homes that back on to the SRP easement. This design feature is provided to enhance safety in the corridor by increasing views into the corridor. This design method is known as Crime Prevention Through Environmental Design or CPTED and is widely used throughout Maricopa County.

– **Will the project include any amenities?**

Yes, as identified within the PROST Plan, the project is proposing to develop a trail system within the SRP easement. This trail system will consist of two decomposed granite (dg) paths located on the north and south side of the 230-foot SRP easement. The trail will only extend the length of the project, with anticipated future development to the west and east developing further sections of the trail system.

– **If the project is approved, is it possible for the homebuilder to come in after the fact and connect to 81st Avenue?**

No, the final construction plans must be in substantial conformance with the approved site plan that was submitted with the rezone application. If the final construction plans deviate from the approved site plan, the project must go back through a formal review process for approval of the proposed changes.

– **Will the project be gated?**

No, the project is not proposed to be gated.

– **When will the project start construction? When will the project open?**

Final construction timing is contingent on the rezone and construction plan approval process. Opening year of the development is expected to be 2016, however, construction may start as early as 2014.

– **How does the project get approved and can I provide formal comments?**

As outlined in the presentation, the project must obtain a recommendation from staff to be placed on a Planning and Zoning Commission Hearing agenda. The P&Z Commission then makes a formal recommendation to the City Council. The project is

then presented at a formal City Council meeting and the Council makes the final determination to approve or deny the rezone request.

Comments from this meeting will be captured in a formal Citizen Participation Report, which is included within the staff report to P&Z and Council. Residents can also send letters and/or email's directly to Stacey Bridge-Denzak the City Project Planner for this project.

– **Can we limit the project to one story?**

This project is requesting a rezone to R1-18, so design of the project would be limited to the height limits identified within the code, which is 30 feet. Just as the existing surrounding development is not limited to one story, this application does not contemplate limiting the subject project to single story homes. We would add that because of the 230 foot separation between homes and the fact that the existing homes to the south have solid block walls, any impacts to view sheds will be minimal.

– **Can you place a barricade at the end of 81st Ave to prevent ATVs from accessing the SRP easement?**

The end of 81st Avenue is located within the existing SRP easement, so we would need to obtain their approval to locate any barrier in this location. This would include confirming if SRP utilizes this location as an access point to their easement. Ultimately, our property line only goes to the centerline of the road, so even if SRP gave us clearance to place a barricade we would only be able to construct the portion of the fence that is on our property or what would be the centerline of the road.

General Comments Provided

- I prefer the project is zoned for R1-43
- My relator told me that no development over one dwelling unit per acre is allowed on this land.
- I do not like view fencing and think the project should provide sound walls for lots that back onto the SRP easement.
- I don't believe there should be trails placed in the SRP easement.
- I like my view of the mountains so they should be single story homes.
- I don't want any access to 81st Avenue.

3 RESPONSE TO COMMENTS

All stakeholder and resident comments obtained by phone, mail, email or through the neighborhood meeting were reviewed and considered against the goal of this project, which is to help improve the area in terms of planning for well-balanced growth, infrastructure services, economic health, as well as preserving the overall character of the community.

While the development team may not be able to achieve consensus on all of the comments provided by stakeholders and/or residents, several efforts were made to incorporate comments into the proposed project. The following summary outlines some of those responses to residents comments.

- In response to the few Silver Crest residents who identified that they preferred the development of one-acre lots or one dwelling unit per acre on the subject property; the development team believes it is important to note that this project is only proposing 27 lots on 26 acres. This equates to only 1.03 du/ac, which is obviously very close to one du/ac, well within the GP density range for this area of 0-2 du/ac and much lower than the existing Silver Crest development to the south which has a density of 1.55 du/ac. Consequently, we believe this project density is clearly very respectful of the surrounding area and substantially conforms to the General Plan goals for this area.
- In order to address the concerns of some existing Silver Crest residents that back onto the SRP easement, that view fencing will not be an effective sound barrier, the development team has removed the proposed view fencing from those lots that back onto the SRP easement and replaced them with a solid wall.
- In response to a few Silver Crest residents that suggested proposed homes should be limited to single story homes in order to preserve their views of the mountains; the development team believes that it is important to clarify that once you add the additional backyard setbacks of the existing and proposed home sites to the 230 foot SRP easement, each home will be over a football field apart. Given this distance, we believe that the proposed development will have little to no impact on the existing views of Silver Crest residents and certainly will have less of an impact to their views than the solid block walls, two rows of powerlines and the lattice tower that currently exist.
- In response to several existing residents and HOA's desire to prohibit access to 81st Ave, the applicant has worked extensively with Peoria engineering staff to ensure that a full access intersection is feasible along Happy Valley Parkway and thus avoid the need to connect to 81st Ave.

4 CONCLUSION

This report was produced to summarize the public involvement process that was implemented as part of the Sunrise Vista Project. It provides a detailed description of the community outreach efforts employed by the applicant to obtain feedback from stakeholders and the general public, but focuses primarily on public comments received during the neighborhood meeting and how those comments were addressed.

APPENDIX A – COMMENT MATRIX

Date	Name	Association	Type of Contact	Received By	General Comments
3/21	Mark Flamm	Resident – Calle Lejos Estates	Phone	Applicant	<p>Mr Flamm indicated that his property was adjacent to 81st Avenue and backed onto the SRP easement, so he was interested to know if the project was proposing to extend 81st Avenue. Mr Flamm was informed that the project is not seeking a connection to 81st Avenue and is proposing to utilize Happy Valley Road for access. However, Mr Flamm was informed that the City is still reviewing our plans and no final decision has been made.</p> <p>He was also interested to know about the development plans in general and the price range of the planned homes. Mr. Flamm was informed that the project would be 27 homes on a minimum of 18,000 sf lots. It was explained that home prices have not been confirmed at this early stage of the project, but the homes are planned to be comparable in type and size to the surrounding existing development.</p> <p>Mr. Flamm was also interested to know if they would be single or two story. It was explained that the project would be both one and two story but that no development would be able to occur in the 230' foot easement.</p>
3/21	Jeanette Holland	Resident	Phone	City Staff	<p>Ms. Hollander called to ask if information is available online to review, in particular, a lot layout plan. I said there is not, but the application is public record, and she is welcome to come in and review. I explained the public participation process, and that a Neighborhood Meeting is required before the formal hearing processes take place. That is where concerned residents may ask questions of the applicant and/or express concerns. Following is the public hearing process where Planning Commission makes a recommendation to City Council for approval or denial at that hearing.</p> <p>Ms. Hollander asked about the SRP Easement, and I explained that no structures would be allowed in the easement; however, improvements may include drainage and/or trails. She also asked about proposed lot sizes as she was concerned it would be a small-lot development. I explained that the request is for R1-18 Zoning, which is a minimum 18,000 square foot lot, which is in line with the General Plan designation of Residential Estate.</p>
3/26	Rick Rice	Resident – Silver Crest	Phone	City Staff	<p>Mr. Rice called to ask what the density of the project would be. I explained that the property is designated Residential Estate in the General Plan which means it allows for 0-2 du/ac; the project is proposing 1.03, which meets the target. I also explained that the proposed Zoning is R1-18, which allows for 18,000 square foot lots; this district is compatible with the land use.</p>

					<p>Mr. Rice asked about access, and if 81st Avenue would be extended. I replied that we are early in the process, and currently the plan shows only one access at Happy Valley Parkway. Since the application is new, it is going through the City's internal review process, and I did not have an answer at this point regarding 81st Avenue.</p> <p>Mr. Rice also asked about height restrictions, and I answered that the Zoning Ordinance limits building heights, and homes may not exceed 30 feet. There may be one and two-story homes proposed, but we haven't seen any product examples yet. We may ask for information that gives us an idea of future aesthetics.</p> <p>Last, Mr. Rice mentioned that his home abuts the SRP Easement, and wanted to know what was proposed for that area. I explained that no structures would be allowed in the easement; however, improvements may include drainage and/or trails. Staff intends to work with the applicant to ensure that this trails corridor as identified in the City's trails plan would not be restricted even though the easement falls within the property's boundary. I told him the easement is 230' wide.</p>
3/29	Julie Kerber	Resident – Calle Lejos Estates	Phone	Applicant	<p>Ms. Kerber was interested in the development plans for the project and wanted to also know if 81st Avenue was planned to be extended.</p> <p>Ms Kerber was informed that the project is not seeking a connection to 81st Avenue and is proposing to utilize Happy Valley Road for access. However, Ms Kerber was informed that the City is still reviewing our plans and no final decision has been made.</p> <p>Ms Kerber was also informed that the project would be 27 homes on a minimum of 18,000 sf lots. It was explained that the project would be both one and two story but that no development would be able to occur in the 230' foot easement.</p>
4/1	Julie Kerber	Resident – Calle Lejos Estates	Phone	City Staff	<p>Ms. Kerber had one main concern, and that is with the plans for 81st Avenue. She is concerned if it extends to Happy Valley Road, and a left/right turn option is available, then increased traffic on 81st Avenue may be a problem, in her opinion. I said that our in-house Engineers are reviewing the access issues currently.</p> <p>I explained the public hearing process to Ms. Kerber, and that she would be notified of all hearing dates, as well as be invited to a neighborhood meeting, also required as part of the Rezoning.</p>
4/22	Cindy Turski	Resident	Email	Applicant	<p>Ms. Turski asked the following questions via email and the applicant provide the subsequent response:</p>

					<p>What will be the square footage of the homes that will be built in that area?</p> <p><i>The development team for this project understands and values the existing large-lot residential character of the surrounding area. In order to maintain this character, this project is requesting to develop lots that are a minimum of 18,000 sf. This large lot size and zoning designation (R1-18) is identical to the existing large-lot residential development located immediately south of the project. While specific home plans for the proposed project have not been finalized the expected general range for homes on this size lot will be between 2,700 sf and 4,000 sf.</i></p> <p>What price range will the homes be?</p> <p><i>At this early stage of the development process a specific price range has not been established for the homes, however, given the lot size and semi-custom nature of the planned homes it can be expected that they will be within a similar price range of the existing surrounding homes.</i></p> <p>It is my understanding that these will be single family homes, so therefore no duplex, condo or multi sectional type of homes correct?</p> <p><i>Absolutely, this project is only proposed as a single-family home development. There will be no duplex, condo, multi-family, or commercial component to this project.</i></p>
4/26	Bill Grewell	Clearview Estates HOA	Phone	Applicant	<p>Mr. Grewell just wanted to confirm that the project was not planning to extend/utilize 81st Avenue. It was explained that the project is not seeking a connection to 81st Avenue and is proposing to utilize Happy Valley Road for access. However, Mr. Grewell was informed that the City is still reviewing our plans and no final decision has been made.</p> <p>Mr. Grewell said he represented Clearview Estates and he supported the project as long as 81st Avenue is not extended.</p>
4/26	Paul Warren	Property Owner	Phone	Applicant	<p>Mr. Warren was simply an existing land owner in the area and was just interested to learn more about the development plans of the project.</p>

APPENDIX B – NOTIFICATION LIST

Owner	MAIL_ADDR1	MAIL_CITY	MAIL_MAIL_ZIP
7908 W VILLA LINDO DR LLC/BRAR FAMILY INVEST	[REDACTED]	PEORIA	AZ 85383
ADELAYO BAMIDELE/ADEOLA	[REDACTED]	PEORIA	AZ 85383
AMBELANG JAY P/LENNIE M	[REDACTED]	PEORIA	AZ 85383
ANDERSEN GLEN L JR/DIANA M	[REDACTED]	PEORIA	AZ 85383
BANKS STEPHEN W/SHARON B	[REDACTED]	PEORIA	AZ 85383
BECKMAN DAVID M/REBECCA	[REDACTED]	PEORIA	AZ 85382
BELL TRAVIS B SR/SUSAN TR	[REDACTED]	PEORIA	AZ 85382
BENNETT STACY R/MATTHEW A	[REDACTED]	PEORIA	AZ 85383
BORA JOHN F/MARINELA N	[REDACTED]	PEORIA	AZ 85382
BROOKS-CANDELA MARSHA E/CANDELA MICHAEL A	[REDACTED]	BULLHEAD CITY	AZ 86442
BURLESON GARY/MARGARET TR	[REDACTED]	PEORIA	AZ 85383
CALLE LEJOS ESTATES HOMEOWNERS ASSOCIATION	24920 N 82ND LN	PEORIA	AZ 85383
CAMPBELL JD	[REDACTED]	PEORIA	AZ 85383
CASTANEDA NICHOLAS B/BROOKE V TR	[REDACTED]	PEORIA	AZ 85382
CASTRO LIVING TRUST/CASTRO GREGORY	[REDACTED]	PEORIA	AZ 85383
CHAMBERS WILLIAM G/CINDY A	[REDACTED]	PEORIA	AZ 85382
CHAVLES REVOCABLE FAMILY TRUST	[REDACTED]	PEORIA	AZ 85383
CHILDRESS REVOCABLE FAMILY TRUST	[REDACTED]	PHOENIX	AZ 85032
CITY OF PEORIA	8401 W MONROE	PEORIA	AZ 85345
CLARK ANTHONY/FRANCES	[REDACTED]	PEORIA	AZ 85383
CLM DEVELOPMENT INC	6125 S ASH AVE STE B7	TEMPE	AZ 85283
DVORAK STEPHEN J/LEANNA	[REDACTED]	PEORIA	AZ 85382
EDWARDS ALLEN/CAROL	[REDACTED]	PEORIA	AZ 85383
ESTRADA RUBEN O/MARY J	[REDACTED]	PHOENIX	AZ 85033
FIDAI RAJAB ALI	[REDACTED]	PEORIA	AZ 85383
FLAMM MARK E/CHRISTEN J SHELTON	[REDACTED]	PEORIA	AZ 85383
FOUTS CLINT D/BRENDA A	[REDACTED]	PEORIA	AZ 85382
GARRETT ROCKIE	[REDACTED]	PEORIA	AZ 85383
GIBSON RYAN PHILIP/DONNA MARIE	[REDACTED]	PEORIA	AZ 85383
GIESIE ALBERT A/ARLENE M TR	[REDACTED]	PHOENIX	AZ 85022
GIESIE EUGENE C/ROSIE ANN TR	[REDACTED]	SUN CITY	AZ 85373
HEINL MARVIN L/RHONDA M	[REDACTED]	PEORIA	AZ 85382
HOLLANDER ALVIN J/JEANNETTE EUGENIA TR	[REDACTED]	PEORIA	AZ 85383
KERBER MICHAEL F/JULIE M	[REDACTED]	PEORIA	AZ 85383
LAKESIDE BAPTIST CHURCH INC	PO BOX 6625	PEORIA	AZ 85385
MCCLAIN BO ELDRIDGE	[REDACTED]	PEORIA	AZ 85383
NGUYEN TAMMY DAN	[REDACTED]	PHOENIX	AZ 85013
NGUYEN THIN S/HA LE	[REDACTED]	PEORIA	AZ 85381
NITEE LIVING TRUST	[REDACTED]	PEORIA	AZ 85383
OSBORNE GERALD	[REDACTED]	PEORIA	AZ 85382
PATRIOT AMERICAN AZ (PS) LLC-CP53-107996	11 COMMERCE CENTER DR	HENDERSON	NV 89104
PEORIA CITY OF	8401 W MONROE ST	PEORIA	AZ 85345
RAFIQUE MOHAMMAD OMER/HAIDER AMBREEN	[REDACTED]	PEORIA	AZ 85383
RICE RICHARD L/GRIFFITH DEBORAH A	[REDACTED]	PEORIA	AZ 85382
SAGUARO LAND & CATTLE LLC	9098 W PINNACLE PEAK RD	PEORIA	AZ 85383
SHADOW MOUNTAIN GROUP LLC	7910 W EMORY LN	PEORIA	AZ 85383
SHEA HOMES OF PHOENIX INC	8800 N GAINNEY CENTER DR STE 350	SCOTTSDALE	AZ 85258
SHEA HOMES OF PHOENIX INC	8800 N GAINNEY CENTER DR STE 350	SCOTTSDALE	AZ 85258
SHEA HOMES OF PHOENIX INC	8800 N GAINNEY CENTER DR STE 350	SCOTTSDALE	AZ 85258
SHEA HOMES OF PHOENIX INC	8800 N GAINNEY CENTER DR STE 350	SCOTTSDALE	AZ 85258
SHEA HOMES OF PHOENIX INC	8800 N GAINNEY CENTER DR STE 350	SCOTTSDALE	AZ 85258
SHEA HOMES OF PHOENIX INC	8800 N GAINNEY CENTER DR STE 350	SCOTTSDALE	AZ 85258
SILVER CANYON INVESTMENTS LLC	5110 N 73RD ST	SCOTTSDALE	AZ 85250
SILVER CANYON INVESTMENTS LLC	5110 N 73RD ST	SCOTTSDALE	AZ 85250
SILVER CANYON INVESTMENTS LLC	5110 N 73RD ST	SCOTTSDALE	AZ 85250
SILVER CANYON INVESTMENTS LLC	5110 N 73RD ST	SCOTTSDALE	AZ 85250
SILVER CANYON INVESTMENTS LLC	5110 N 73RD ST	SCOTTSDALE	AZ 85250
SILVER CANYON RANCH HOA	15100 N 78TH WY STE 101	SCOTTSDALE	AZ 85260
SILVER CANYON RANCH HOA	15100 N 78TH WY STE 101	SCOTTSDALE	AZ 85260
SILVER CANYON RANCH HOA	15100 N 78TH WY STE 101	SCOTTSDALE	AZ 85260
SILVER CANYON RANCH HOA	15100 N 78TH WY STE 101	SCOTTSDALE	AZ 85260
SILVER CREST AT TREASURE CANYON HOA INC	PO BOX 4171	MESA	AZ 85211
SILVER CREST AT TREASURE CANYON HOA INC	PO BOX 4171	MESA	AZ 85211
SILVER CREST AT TREASURE CANYON HOA INC	PO BOX 4171	MESA	AZ 85248

SILVER CREST AT TREASURE CANYON HOA INC	PO BOX 4171	MESA	AZ	85211
SILVER CREST AT TREASURE CANYON HOA INC	PO BOX 4171	MESA	AZ	85211
SOETY RONALD P/JUDITH M	[REDACTED]	PEORIA	AZ	85383
SRPAI & PD	PO BOX 1980	PHOENIX	AZ	85001
SRPAI & PD	PO BOX 1980	PHOENIX	AZ	85001
STAUBER ERIK J/ROSELYN P	[REDACTED]	PEORIA	AZ	85383
STRACHAN ROBERT W/SHELLEY E	[REDACTED]	GLENDALE	AZ	85306
TEW WILLIAM G/DEBBIE M	[REDACTED]	PEORIA	AZ	85382
THOMPSON-SKIDMORE ERICA DENISE/CAMERON J	[REDACTED]	PEORIA	AZ	85383
TRAN THUAN QUAN	[REDACTED]	PEORIA	AZ	85382
VANDIAN VARDGES	[REDACTED]	PEORIA	AZ	85383
VEGA JOSE LUIS	[REDACTED]	PEORIA	AZ	85383
VEGA JOSE LUIS/ELVIA	[REDACTED]	PEORIA	AZ	85382
WARREN PAUL B TR/COMM RESOURCE INVEST II LLC	3200 N DOBSON RD, BLDG C	CHANDLER	AZ	85224
WEBER TRACY CHRISTINE I/JAMES R	[REDACTED]	PEORIA	AZ	85323
WILSON KENNETH G/ROBYN L	[REDACTED]	PEORIA	AZ	85383
CASA DE SUNRISE HOA	21448 N. 75th Ave, Suite 6	GLENDALE	AZ	85308
CLEARVIEW ESTATES HOA	16441 N 91ST ST, #104	SCOTTSDALE	AZ	85260
EAGLE CANYON HOA	8765 W KELTON LANE, BLDG A-1, STE 102	PEORIA	AZ	85382
LA CAILLE HOA	8390 W LA CAILLE	PEORIA	AZ	85383
PINNACLE RANCH HOA	1625 E NORTHERN AVE, #200	PHOENIX	AZ	85020
STARLIGHT CANYON HOA	PO BOX 2133	SUN CITY	AZ	85372
SUMMIT AT SUNRISE MOUNTAIN HOA	3838 N CENTRAL AVE, STE 1100	PHOENIX	AZ	85012
TERRAMAR HOA	8765 W KELTON LANE, BLD A-1, STE 102	PEORIA	AZ	85382
VENTANA PICACHOS HOA	1600 W BROADWAY RD, STE 200	TEMPE	AZ	85282
CREEKSIDE ESTATES HOA	7350 W CREEKSIDE CT	PEORIA	AZ	85383
TALAS HOA	9362 E RAINTREE DR	SCOTTSDALE	AZ	85260
HAPPY VALLEY HOA	6740 W DEER VALLEY RD, STE D-107 PMB2	GLENDALE	AZ	85310
COPPER CREEK ESTATES HOA	23425 N 39TH DR, STE 104-187	GLENDALE	AZ	85310
ESTATES AT WEST WING MOUNTAIN HOA	8325 E VIA DE LAS FLORES	SCOTTSDALE	AZ	85265
DEER VALLEY SCHOOL DISTRICT (C/O SANDRA KUBE)	20402 N 15TH AVE	PHOENIX	AZ	85027
HAPPY VALLEY SCHOOL INC	827 E 6TH AVE	MESA	AZ	85204
BUREAU OF LAND MANAGEMENT	21605 N 7TH AVE	PHOENIX	AZ	85027
ARIZONA STATE LAND DEPARTMENT (C/O REAL ESTATE DEPT)	1616 W ADAMS ST	PHOENIX	AZ	85007
CHRISTS CHURCH OF THE VALLEY INC	7007 W HAPPY VALLEY RD	PEORIA	AZ	85383
MARICOPA COUNTY PLANNING & DEVELOPMENT DEPT	501 N 44TH ST, STE 200	PHOENIX	AZ	85008
CITY OF GLENDALE PLANNING DEPARTMENT (C/O TABITHA PERRY)	5850 W GLENDALE AVE, STE 212	GLENDALE	AZ	85301
SUNRISE WATER CO (C/O MARVIN COLLINS)	9098 W PINNACLE PEAK RD	PEORIA	AZ	85383

APPENDIX C – NOTIFICATION FLIER

You are invited to participate in a ...

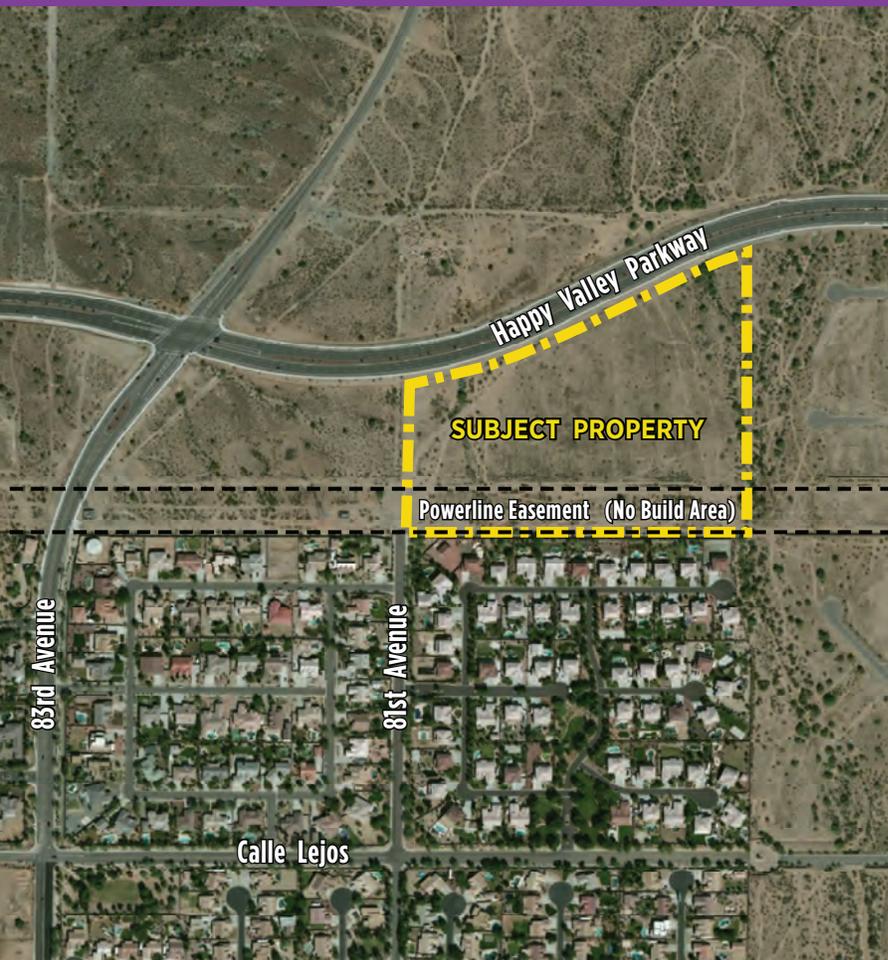
Neighborhood Meeting

for the Sunrise Vista Rezone Application

Tuesday, April 30, 2013 | 6:00 p.m. - 7:00 p.m.

Terramar School - Library/Media Center

7000 W. Happy Valley Road, Peoria, AZ 85383



Project Information

This Neighborhood Meeting is being held to discuss the proposed zone change of approximately 26-acres of land located south of Happy Valley Parkway, between 79th Avenue and 81st Avenue. A location map of the subject property is shown on the left.

This rezone application is currently under review by the City. The rezone request would amend the subject property's zoning to an R1-18 designation in order to allow for the development of 27 single-family residential lots with a minimum lot size of 18,000 square feet.

As a property owner within 600 feet or a local association within 1 mile of the subject property, this meeting is being held to inform you about the proposed project and gather any comments you may have regarding the rezone application.

We hope that you will join us!

Questions?

If you are unable to attend the meeting and have questions or comments that you would like to discuss about this rezone application, please utilize the following contact information:

Matthew Klyszeiko, Project Manager

RBF Consulting, a Baker Company
2929 N. Central Avenue, Suite 800
Phoenix, AZ 85012

Phone: 602.798.7513

Email: matthowk@rbf.com

APPENDIX D – PRESENTATION POWERPOINT



NEIGHBORHOOD MEETING

Sunrise Vista Rezone Application

Consultant / Developer

RBF Consulting,

A company of Michael Baker Corporation

2929 N. Central Avenue, Suite 800

Phoenix, AZ 85012

Contact: Matt Klyszeiko

Phone: 602-798-7513

Email: matthewk@rbf.com

Heathspart Development, LLC

8707 E. Vista Bonita

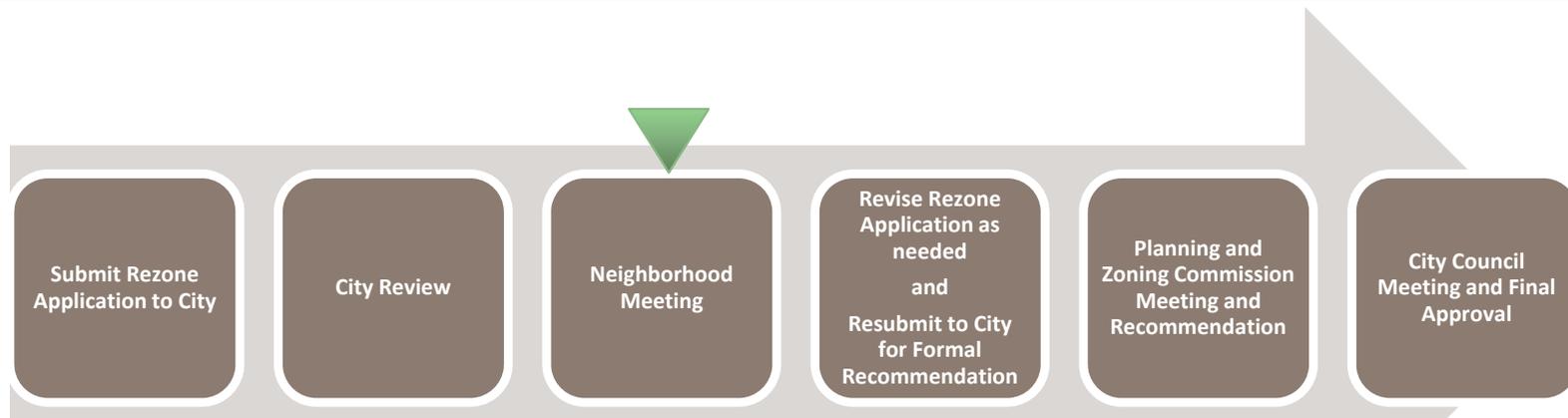
Scottsdale, AZ 85255

Contact: Dan Caparros

Project Overview

This application is submitted to request the rezone of approximately 26 acres of land, located at the southeast corner of the 81st Avenue alignment and Happy Valley Parkway, from a General Agriculture District (AG) to a more compatible Single-Family Residential District (R1-18) in order to allow for the development of 27 residential lots with a minimum lot size of 18,000 square feet.

Timeline





City of Peoria Zoning Map
Sheet No. 6-A
 Sections 1-3 & 10-12 T4N R1E
 Data for this sheet updated Aug 02, 2012

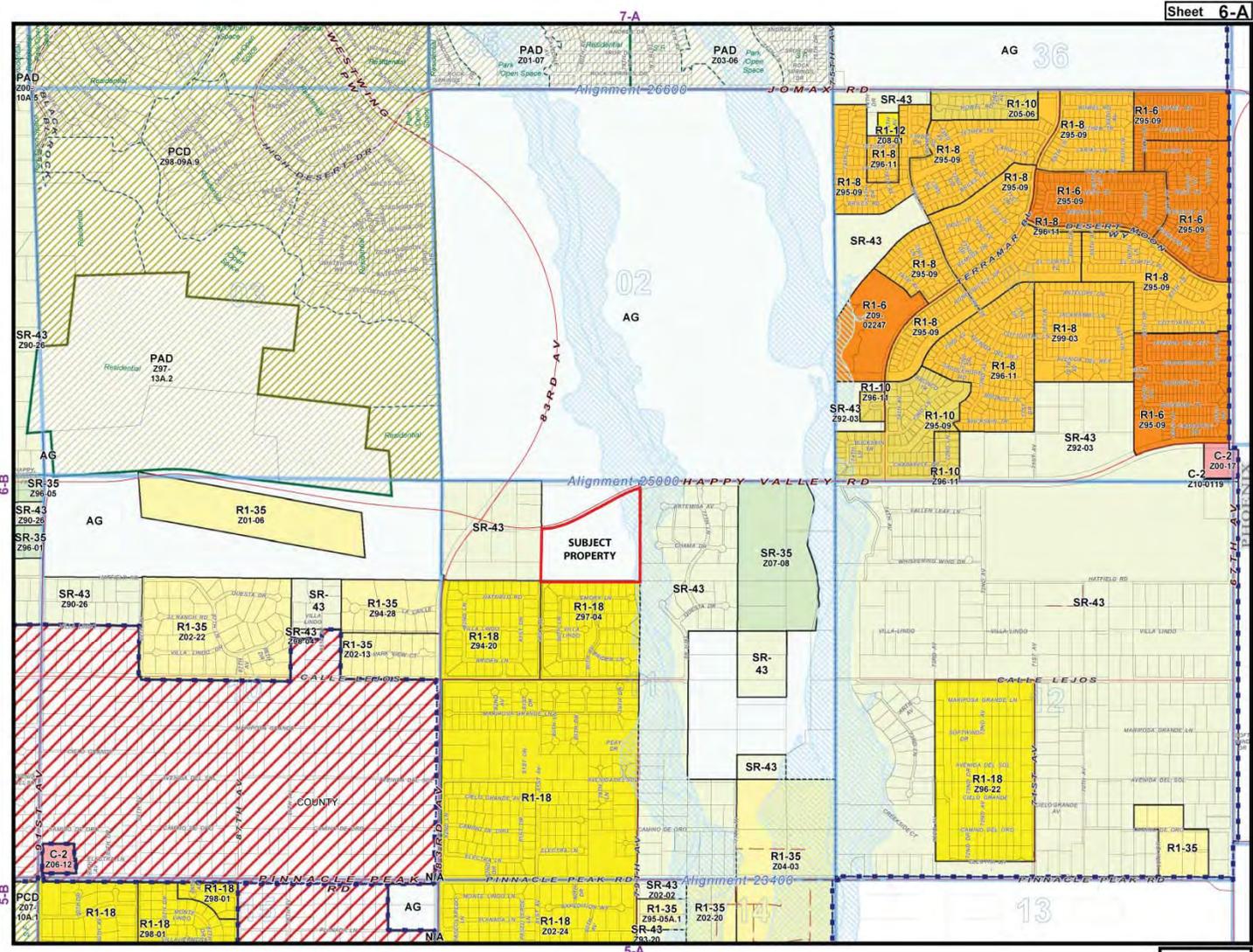
	AG		PAD
	SR-43		PCD
	SR-35		PUD
	R1-43		Zoning Sub-area
	R1-35		Zoning Overlay
	R1-18		County Island
	R1-12		ADOT ROW
	R1-10		Lake Pleasant
	R1-8		CAP Canal Parcels
	R1-7		Canal
	R1-6		Peoria City Limits
	RMH-1		Street
	RMH-2		Freeway
	RMH-3		Railroad
	RM-1		Planned Road
	O-1		Loop 303
	C-1		
	C-2		
	C-3		
	C-4		
	C-5		
	PC-1		
	CCM		
	CRM		
	BPI		
	PI-1		
	I-1		
	I-2		
	FP		
	SU		

This zoning case has been challenged through an upcoming referendum.

Page Reference Map

Not to scale

For reference only
Based on imprecise data
and subject to change.



Sheet 6-A

Sheet 6-A

Reference: Projection: Arizona Central State Plane, NAD83 HARN, International foot
 Last map book update: 02 Aug 2012 - City of Peoria, Community Development






City of Peoria
Geographic Information System
CITY OF PEORIA
ARIZONA

City of Peoria Zoning Map
Sheet No. **6-A**
Sections 1-3 & 10-12 T4N R1E
Data for this sheet updated Aug 02, 2012

<ul style="list-style-type: none"> AG SR-43 SR-35 R1-43 R1-35 R1-18 R1-12 R1-10 R1-8 R1-7 R1-6 RMH-1 RMH-2 RMH-3 RM-1 O-1 C-1 C-2 C-3 C-4 C-5 PC-1 CCM CRM BPI PI-1 I-1 I-2 FP SU 	<ul style="list-style-type: none"> PAD PCD PUD Zoning Sub-area Zoning Overlay County Island ADOT ROW Lake Pleasant CAP Canal Parcels Canal Peoria City Limits Street Freeway Railroad Planned Road Loop 303
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This zoning case has been challenged through an upcoming referendum.



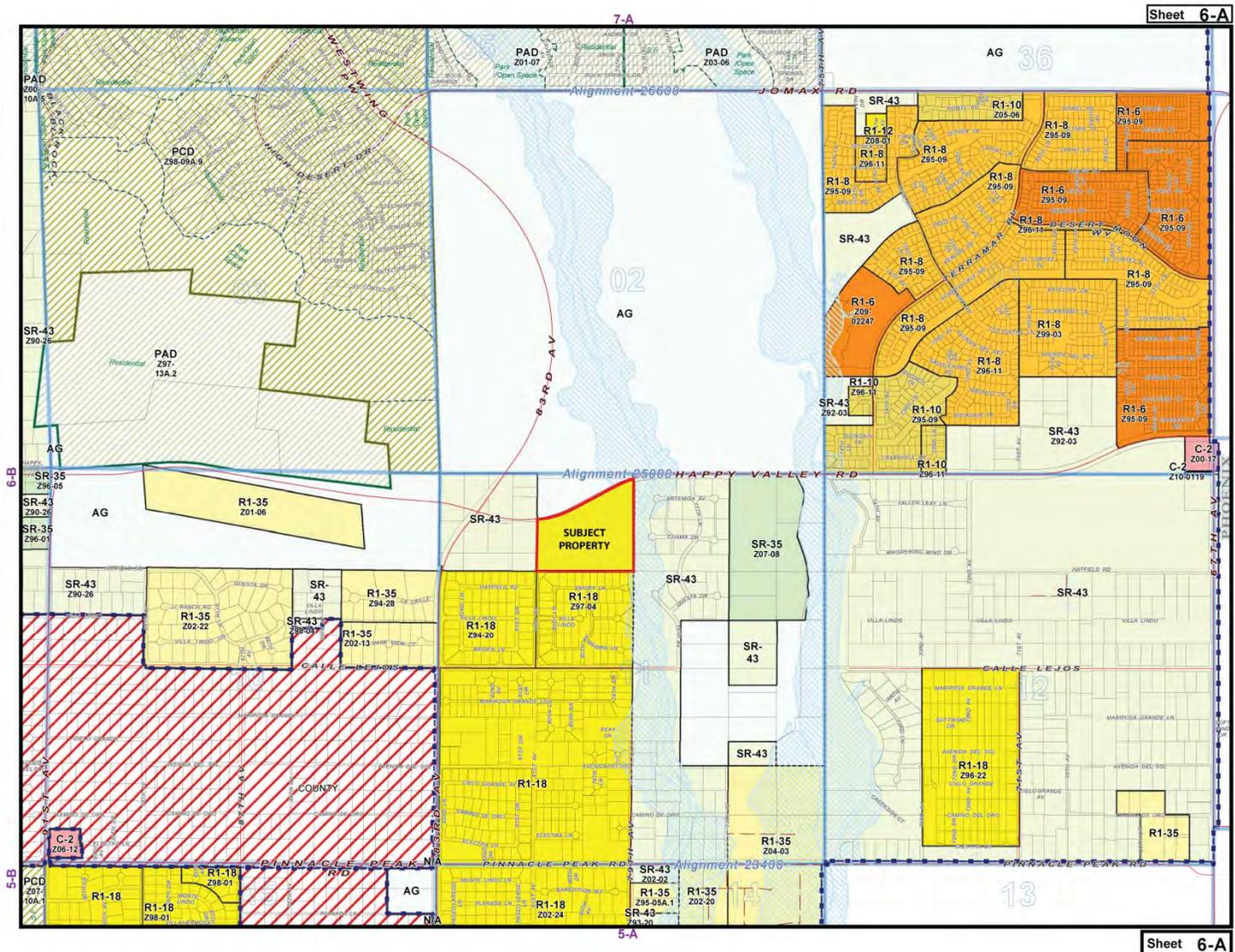
Page Reference Map



Not to scale

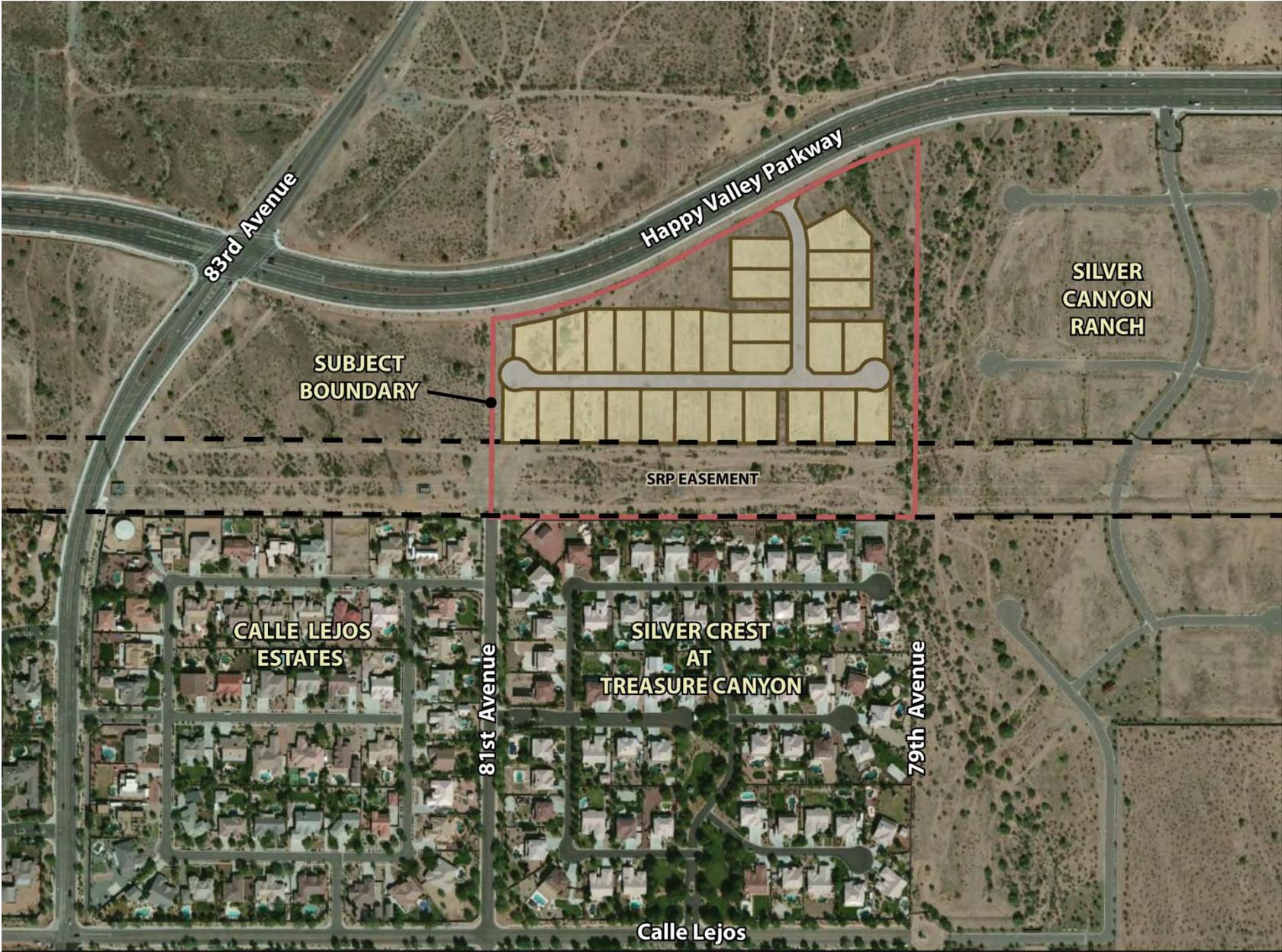
For reference only. Based on imprecise data and subject to change.

Reference:
Projection: Arizona Central State Plane, NAD83 HARN, International foot.
Last map book update: 02 Aug 2012 - City of Peoria, Community Development.



Sheet 6-A

Sheet 6-A



PROPOSED LOT LAYOUT



CONCEPTUAL PROJECT CHARACTER

QUESTIONS?

APPENDIX E – NEIGHBORHOOD MEETING SIGN-IN SHEET

SUNRISE VISTA REZONE APPLICATION
NEIGHBORHOOD MEETING

April 30, 2013 6:00pm

SIGN IN SHEET

NAME	ADDRESS	PHONE NUMBER	EMAIL
Brian Parker			
• Gary Osborne			
Christen Flamm			
• Jim Weber			
Greg Stultz			
DAN CAPARROS			
Mike DeMott			
Matt Bennett			
HOPKIN LAUDER			
Susan Bell			
• JOHN BORDA			
• MARINELA BORDA			

COM

EXHIBIT 3

Draft Ordinance

ORDINANCE NO 2013-19

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM GENERAL AGRICULTURAL (AG) ZONING DISTRICT TO R1-18 SINGLE-FAMILY RESIDENTIAL; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on August 15, 2013 in zoning case Z13-0005 in the manner prescribed by law for the purpose of considering an amendment to the district boundaries of property within the City of Peoria, Arizona to provide for rezoning of the subject parcel as described below from General Agricultural (AG) zoning district to R1-18 Single-Family Residential as provided in Section 14-39 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on July 26, 2013; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid subject to certain stipulations related to access, and the Mayor and the Council of the City of Peoria, Arizona, desire to accept the recommendation regarding zoning, but believe it is in the best interest of the City and its citizens to reject the Commission's additional stipulations.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A and B to this Ordinance, is hereby rezoned from General Agricultural (AG) zoning district to R1-18 Single-Family Residential zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall substantially conform to the approved Narrative and Preliminary Site Plan date stamped October 1, 2013.
2. The development shall be limited to 27 units.
3. Provide an ALTA Survey to reflect existing boundary and recorded easements on the site.
4. A Final Drainage Report must be submitted with the improvement plans.

- Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm.
 - Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
 - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
 - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas). A drainage easement shall be recorded over each retention/detention area within the project for both “public” and “private” basins.
5. It is the developer’s responsibility to obtain permission from SRP to utilize the SRP easement for retention.
 6. A Traffic Impact Analysis (TIA) for the site is required.
 7. A final water network analysis and final sewer report will be required for final design.
 8. In order for the City to issue a “Will Serve Letter” the Developer shall submit the water and sewer reports and the Approval to Construct (ATC) form with an original signature by the owner. The current ATC forms are available at <http://www.maricopa.gov/EnvSvc/WaterWaste/Subdivisions/Downloads.aspx>
 9. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the improvement plans. The streetlights shall also be indicated on the paving or grading plan.
 10. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
 11. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
 12. The Developer is responsible to provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
 13. The Developer will be responsible to form a Street Light Improvement District (SLID) for this subdivision. A SLID Submittal will be required with the second submittal of the improvement plans.
 14. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision. The MID submittal shall be made with the second submittal of the improvement plans.
 15. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.

16. Pavement sections shall be verified by the project soils report.
17. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
18. This project is located within Sunrise Water Company's service area. Sunrise Water Company must also approve the water plans.
19. All flood plains must be shown on the final plat.
20. No structure shall be constructed within the limits of the FEMA designated flood plain.
21. Any modification to existing flood plain shall be pre-approved by FEMA through the City of Peoria Engineering Department.
22. The Development will be responsible to comply with the phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
23. Submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Happy Valley Road. All walls shall be designed in accordance with the recommendations of the noise study.
24. The Developer shall dedicate an 8' PUE outside of the required ROW on Happy Valley Road and on the internal local roadway. No walls or retention shall be allowed within the PUE.
25. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Description as represented in Exhibit A and the corresponding parcel map as shown as Exhibit B.

SECTION 4: Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 1st day of October, 2013.

Bob Barrett, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: October 11 and 18, 2013

Effective Date:

EXHIBIT A

LEGAL DESCRIPTION:

That portion of the Northeast quarter of the Northwest quarter of Section 11, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the New Right of Way as shown in Special Warranty Deed recorded in Document No. 08-0480138 and re-recorded in Document No. 08-0721624, records of Maricopa County, Arizona and more particularly described as follows:

COMMENCING at a Maricopa County Aluminum Cap 0.5 feet below surface located at the North quarter corner of Section 11, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE South 00 degrees 38 minutes 40 seconds West, along the North-South mid-section line of Section 11, a distance of 66.37 feet to a point, said point being common to the South line, as deeded to the City of Peoria in Document No. 07-0980185, said point also being the POINT OF BEGINNING;

THENCE continuing South 00 degrees 38 minutes 40 seconds West, along the North-South mid-section line of Section 11, a distance of 83.26 feet, to a point on a curve concave to the Southeast having a radius of 1,405.00 feet and whose curve center bears South 15 degrees 54 minutes 52 seconds East;

THENCE Southwesterly, along said curve through a central angle of 12 degrees 13 minutes 26 seconds, and arc distance of 299.76 feet to a point of tangency;

THENCE South 61 degrees 51 minutes 42 seconds West, a distance of 570.87 feet, to a point of curvature of a tangent curve concave to the Northwest having a radius of 1,595.00 feet;

THENCE Southwesterly, along said curve through a central angle of 20 degrees 37 minutes 58 seconds, an arc distance of 574.37 feet to the West line of said Northeast quarter of the Northwest quarter of Section 11;

THENCE North 00 degrees 35 minutes 13 seconds East, along said West line, a distance of 75.79 feet, to a point on the South line as deeded to the City of Peoria in Document No. 07-0980185, said point being on a curve concave to the Northwest having a radius of 1,520.00 feet and whose curve center bears North 07 degrees 54 minutes 28 seconds West;

THENCE Northeasterly, along said deeded line of a curve through a central angle of 20 degrees 13 minutes 50 seconds, an arc distance of 536.70 feet to a point of tangency;

THENCE North 61 degrees 51 minutes 42 seconds East, along said deeded line, a distance of 570.87 feet to a point of curvature of a tangent curve concave to the Southeast having a radius of 1,480.00 feet;

THENCE Northeasterly, along said deeded line curve through a central angle of 06 degrees 58 minutes 31 seconds, an arc distance of 180.18 feet;

THENCE along said deeded line on a radial line North 21 degrees 09 minutes 47 seconds West, a distance of 5.00 feet to a point on a curve concave to the Southeast having a radius of 1,485.00 feet and whose curve center bears on the same radial line South 21 degrees 09 minutes 47 seconds East;

THENCE Northeasterly, along said deeded line curve through a central angle of 06 degrees 09 minutes 51 seconds, an arc distance of 159.77 feet to the POINT OF BEGINNING.

EXHIBIT B
Map



EXHIBIT 4

Existing Conditions at 81st Avenue



Termination of 81st Avenue looking south from proposed development.



Termination of 81st Avenue looking north to proposed development.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 24R

Date Prepared: September 11, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Theater Works Amended Contract Update

Purpose:

This is a request for City Council to approve a one-time payment of \$150,000 to Theater Works per the adopted requirements in the First Amendment to Improved Property Lease.

Background/Summary:

City staff has worked closely with the Executive Director and Board of Theater Works, a 501(c)(3) corporation, regarding the use and operation of the Peoria Center for the Performing Arts. In recent discussions, Council determined that Theater Works would receive additional financial support from the City to help continue its current level of service.

On June 18, 2013, a First Amendment to Improved Property Lease with Theater Works was approved by City Council. This amendment outlined updated requirements for Theater Works to fulfill and accounted for funding up to \$350,000 over fiscal years 2013 and 2014. A one-time payment of \$200,000 was made to Theater Works in June 2013 to assist with current operations and maintain the level of service provided.

In order to qualify for the additional funding amount of \$150,000 in FY2014, Theater Works staff was requested to provide periodic updates on financial and operational information, and to offer data showing activity and progress on various initiatives. Over the last few months, the Theater Works Executive Director worked closely with City staff and submitted to regular reviews of operations and financial services. Theater Works has had many accomplishments from June to September of 2013 to fulfill the requirements of the lease amendment as highlighted below:

Financial Services

- New audit firm, Fester & Chapman, was hired.
- Independent audit is being undertaken now; report to be complete in November.
- Piper Trust Fund granted \$224,200 over the next 2 years for new membership software and marketing programs.
- Grant funds of \$44,000 from the Tohono O'odham Nation will be used for the completion and enhancement of technical capabilities - sound, lighting, and projection - in the McMillin and Gyder Theaters, as well as a touring sound system for outdoor performances.

- New statistical worksheets are sent to the City on a monthly basis. Worksheets identify tickets sold, rentals and revenues.
- Theater Works Treasurer has taken on an aggressive role in restructuring the budget to model the Cultural Data Project, which serves more than 14,000 arts and cultural organizations in 12 states and the District of Columbia.
- The City, as owners of the Peoria Center for Performing Arts, has submitted a liquor license to the State. A City RFP for bartending will go out at the end of September.
- The ticket surcharge is currently paid in full to the City.

Theater Works Board Development

- Board held an all-day planning retreat in June.
- Board articulated the importance of the evolving role of theater management of the Peoria Center for Performing Arts.
- Actively recruiting new board members to complete the 15 member Board of Directors.
- Copies of the approved meeting minutes and financial statements are provided to City staff.

New Focus on Marketing

- Contract completed with Tessitura Network to supply membership software.
- Development of the membership program will be completed in spring 2014.
- Piper Trust Fund Grant funded marketing.
- Cross promotion for *National Pastime* with the Sports Complex is being developed.
- Theater Works has received positive press coverage such as excellent Arizona Republic coverage, including of summer New Works series, pick of national pastime and October concert as “Best Bets”, and rave review of *BIG*.

Enhanced Programming and Rentals

- Implemented 4 new play readings.
- City has used 3 days of the allocated 20, with another 3 days booked for special events.
- Theater Works participated in one city event and is booked for 6 more special events.
- Theater Works has completed 12 culturally diverse performances with another 15 booked in the coming 2 months.
- Presented 26 performances in July and August; 156 performances currently booked for September-June, with more pending.
- Completed separate theater classes for Teens, Active Adults and Adaptive Recreation participants.
- Completed a theater class at Vistancia School.
- Starting on expansion of bilingual plays and performing troupe.
- Offered to the City a performance of *A Christmas Carol* at the annual Holiday Festival. City staff is planning the distribution of these tickets to low income families.
- Rentals have increased 100% over the previous summer.

Previous Actions:

On June 18, 2013, City Council approved the First Amendment to Improved Property Lease with Theater Works. This document outlined additional requirements for facility maintenance, programming, event participation and City-related access that Theater Works would need to fulfill. The amendment allowed for a one-time payment of \$150,000 to Theater Works in FY2014 subject to reviews conducted by staff for fulfillment of the additional requirements. It was expected that the staff recommendation be brought to City Council in October 2013.

The updated requirements outlined in the amendment include the following:

- Number of days for City access increased from 12 to 20
- Participation in seven City-affiliated events
- Three different performance series during the next 16 months
- Theater Works to promote defined events showcasing cultural diversity
- Periodic updates regarding the status of the Theater’s work plan, financial condition and key performance measures
- Continued support for programs related to youth, seniors and the developmentally disabled

Options:

The following options are possible for the City Council to recommend:

- A. Approve a one-time payment to Theater Works of \$150,000 in recognitions of the fulfillment of additional requirements on facility maintenance, programming, event participation and City-related access outlined in the First Amendment to Improved Property Lease.
- B. Deny a one-time payment to Theater Works of \$150,000 and direct staff to re-evaluate the requirements in the First Amendment to Improved Property Lease.

Staff’s Recommendation:

After careful review, City staff believes that Theater Works has fulfilled the updated requirements in the in the First Amendment to Improved Property Lease and thus, recommends that City Council approve a one-time payment of \$150,000 to Theater Works for current operational expenses.

Fiscal Analysis:

Request the approval for a one-time payment of \$150,000 to Theater Works from Non-Departmental, Other Professional Services (1000-0300-520099).

Exhibit(s): None

Contact Name and Number: Brenda Rehnke, Recreation Manager, 623-773-7131



City Council Calendar

Color Key:
City Council

< September	October 2013					November >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Regular City Council Meeting Special Meeting & Study Session	2	3	4	5
6	7	8	9	10	11	12
13	14	15 Regular City Council Meeting Special Meeting & Study Session	16	17	18	19
20	21	22	23	24	25	26
27	28 City Council Subcommittee on Community Culture & Public Safety	29 Special Study Session	30 Council Subcommittee on Policy and Appointments Meeting	31		



City Council Calendar

Color Key:
City Council

< October	November 2013					December >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Regular City Council Meeting Special Meeting & Study Session	6	7	8	9
10	11	12	13	14	15	16
17	18	19 Regular City Council Meeting Special Meeting & Study Session	20 Council Subcommittee on Policy and Appointments Meeting	21	22	23
24	25 City Council Subcommittee on Community Culture & Public Safety	26	27	28	29	30

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 27A

Date Prepared: 16 September 2013

Council Meeting Date: 1 October 2013

TO: Carl Swenson, City Manager

FROM: Tamara Shreeve, Council Office and Grant Program Manager

THROUGH: John Schell, Director, Governmental Affairs and Council Office

SUBJECT: Council Subcommittee Update

Summary:

The purpose of this report is to update the Mayor and Council on the Council Subcommittee activities. The attached spreadsheet lists the Council Subcommittees and the agenda item topics that have been assigned to each Council Subcommittee. If the item has been reviewed at a subcommittee meeting, the outcome of that discussion is also listed.

Exhibit 1: Council Subcommittee assigned agenda items

Contact Name and Number: Tamara Shreeve, x5143

**City of Peoria
Council Subcommittees**

**Community Culture
and Public Safety
Subcommittee**

Submitter	Subject	Sub- committee agenda date	Action	Study Session
Jeff Tyne / Susan D	Trail System Lighting	1/30/2012	Forward item to study session. Completed	7/3/2012
Jeff Tyne / Susan D	Field Rental Policy	1/30/2012	Forward item to study session. Completed	7/3/2012
Jeff Tyne / Susan D	Recreation Fees Policy	11/14/2011	Forward item to study session. Completed	3/20/2012
Jeff Tyne / Susan D	Veterans Discount Program	2/27/2012	Discussed item. Taken directly to Regular Council meeting. Completed	Regular Council Meeting 5/15/12
Jeff Tyne / Susan D	Establish "Peoria Friends of the Arts"	2/27/2012	Forward item to study session. Completed	12/4/2012
Jeff Tyne / Susan D	Youth Master Plan	4/9/2012	Forward item to study session. Completed	9/4/2012
Jeff Tyne / Susan D	Veterans Memorial Board Sponsorship	1/30/2012	Discussed item. Taken directly to Regular Council meeting. Completed	Regular Council Meeting 5/15/12
Claudia Lujan	Structure of the Sister Cities Board	6/25/2012	Item was discussed. Forward item to Council Study Session (6/25/12). Completed	
Roy Minter	False Alarm Ordinance	11/7/2011	Forward to study session (11/7/2011). Completed	4/17/2012
Dave Pearson	Recreational Vehicle Ordinance	1/11/2012	Forward to study session with full recommendation (1/11/12). Completed	6/5/2012
Tony Rivero	Recreational Vehicles City Code Section 14-110	1/11/2012	Forward to study session with full recommendation (1/11/12). Completed	6/5/2012

**City of Peoria
Council Subcommittees**

Carlo Leone	Traffic calming agenda item	4/11/2012	Forward to study session. Completed	Regular Council Meeting 6/19/12
Carlo Leone	Traffic management agenda item	4/11/2012	Item discussed. Informational only.	NA
Roy Minter	Park Ranger Staffing Study	12/14/2011	Informational item.	NA
Carlo Leone	Feral Cat Control	9/10/2012	Discussion only. Completed	NA
Carlo Leone	Residential Parking	11/15/2012	Item discussed. Forward to Council Study Session.	
Carlo Leone	Dirt Ordinance	11/15/2012	Discussion only. Completed	NA
Jamal Rahimi/Andy Grainger	Neighborhood Traffic Management Program (NTMP) Policy Change	4/11/2012	Item discussed. Informational only. Completed	NA
Tamara Shreeve/Susan Thorpe	Community/Outside Agency Funding & Assistance Policy	6/25/2012	Item was discussed. Forward item to Council Study Session (6/25/12). Completed	11/13/2012
Ron Aames	Roadside Memorials	11/15/2012	Discussion only. Completed	NA
Carlo Leone	Feeding Nuisance Animals	9/10/2012	Item was discussed. Staff will bring draft ordinance back to Subcommittee. (9/10/12)	
Ron Aames	Permissible Number of Animals per Residence	9/10/2012	Discussion only. Completed	NA

**City of Peoria
Council Subcommittees**

**General Government
Subcommittee**

Submitter	Subject	Sub-committee agenda date	Action	Study Session
Brent Mattingly	Utility bill format	11/14/2011	Forward the item for full Council Study Session discussion of solid waste service options and rates. Completed	2/7/2012
Tony Rivero	Residential Development Impact Fees	11/14/2011	Consensus of the subcommittee members was to wait for the full Impact Fee Study to address policy issues identified by Council.	7/3/2012 10/23/2012
Dave Pearson	Itemizing Utility Bill	12/19/2011	Forward the item for full Council Study Session discussion of solid waste service options and rates. Completed	2/7/2012
Steve Kemp	Adoption of Resolution supporting designating certain areas of the City with Peoria addresses and zip codes	2/13/2012	Will be placed as a regular agenda item.	Regular Agenda 7/3/12
Katie Gregory	Development Service User Fees	2/13/2012	Forward to Council Study Session. Completed	7/3/2012
Ron Aames	Taxes	9/18/2013	Item was discussed. Forward to Council Study Session. Completed	
Ron Aames	City Financing Program	9/18/2013	Item was discused. Forward to Council Study Session. Completed	

**City of Peoria
Council Subcommittees**

Policy and Appointments Subcommittee		Sub-committee agenda date	Action	Study Session
Submitter	Subject			
Dave Pearson	Volunteer Appreciation	11/7/2011 1/10/2012	No further Action. Completed (11/7/11). Revisited item on 1/10/12. No further action. Completed	NA
Dave Pearson	B&C Appointment Process	11/7/2011 12/13/2011 1/10/2012	Bring back to Subcommittee for further discussion (11/7/11). Administrative action - Use the new application form. Interviews and Resumes will be at the discretion of the SC. (12/13/11). Completed. Revisited item on 1/10/12. Completed	NA
Rhonda Geriminsky	Board and Commission Appointments & Reappointments	Ongoing	Appointments and reappointments reviewed and recommended by subcommittee. Ongoing topic.	NA
Dave Pearson	Charter Amendments	12/13/2011 1/10/12 1/24/2012	Bring back to Subcommittee for further discussion (12/13/11). Discussed seven proposed charter amendments. Forward 6 of those to Study Session. One proposed amendment was withdrawn (1/10/12). Reviewed remainder charter amendments. Forward charter amendments to study session. (1/24/2012) Completed	2/21/2012

**City of Peoria
Council Subcommittees**

Dave Pearson	Council Ethics Committee	11/7/2011 12/13/2011 1/10/2012	Bring back to Subcommittee for further discussion (11/7/11). Bring back to Subcommittee. Include a process flow chart (12/13/11). Forward to study session with consensus recommendation (1/10/12). Completed	2/7/2012
Dave Pearson	CP1-5 Appointments to Boards and Commission	11/7/2011 12/13/11	Bring back to Subcommittee for further discussion (11/7/11). Consensus recommendation to forward to study session (12/13/11). Completed	5/15/2012
Dave Pearson	CP 1-2 review. Edit Council Meeting Procedures to reflect Subcommittee Structure	12/13/2011	Bring back to subcommittee for further discussion (12/13/11). Subcommittee procedures are addressed in CP 1-6. Completed	NA
Dave Pearson	Council Role in review and approval of director appointments	12/13/2011	Consensus to move forward to regular council agenda/through a City Manager's report. Completed	Regular Council Meeting 1/3/2012

**City of Peoria
Council Subcommittees**

Susan Thorpe	Council Code of Ethics	2/14/2012 3/15/2012 4/10/12 5/8/12 9/11/12	Discussed item - continue discussion at the next meeting (2/14/2012). Discussed Item - continue discussion at the next meeting (3/15/2012). Discussed item - will continue discussion at the next meeting (4/10/12). Discussed item-continue discussion at the next meeting (5/8/12). Consensus to forward draft policy to Study Session (9/11/2012). Completed.	
Dave Pearson	Code of Ethics for Elected Officials and Citizen Advisory Committees	2/14/2012 3/15/2012 4/10/12 5/8/12 9/11/12	Discussed item - continue discussion at the next meeting (2/14/2012). Discussed Item - continue discussion at the next meeting (3/15/2012). Discussed item - will continue discussion at the next meeting (4/10/12). Discussed item-continue discussion at the next meeting (5/8/12). Consensus to forward draft policy to Study Session (9/11/2012). Completed	
Rhonda Geriminsky	Youth Master Plan Initiative	3/20/2013 6/11/2013	Item was discussed. City Attorney will draft some ideas on how youth can be involved in committees (3/20/2013). Item was discussed and forward to study session (6/11/2013). Completed	
Rhonda Geriminsky	2013 Board and Commission Recognition Event	3/20/2013	Item was discussed. Staff will identify potential dates for the event (3/20/2013). Completed	NA

**City of Peoria
Council Subcommittees**

Rhonda Geriminsky	2013 and 2014 Board and Commission Recognition Events	8/13/2013	Item was discussed. Staff will continue to gather options for holding the next recognition event. (8/13/2013)	
John Sefton	Youth Advisory Board Council Liaison Interviews	9/10/2013	Interviews were conducted. Recommendations will be forwarded to the Council for the Council Youth Liaison and the Council Youth Liaison Alternate.	

**Sustainable
Development and
Public Services
Subcommittee**

Submitter	Subject	Sub-committee agenda date	Action	Study Session
Chris Jacques	Political Signs Zoning Ordinance	11/2/2011	Forward item to Council Study Session. Completed	11/15/2011
Chris Jacques/ Susan D.	Open Space Preservation Program and Decision Support Model	2/1/2012	Start community outreach activities and forward item to Council Study Session. Completed	8/21/2012
Chris/Scott and Susan D.	Digital Billboards - Civic Engagement	11/7/2011	Forward Item to Study Session. Completed	11/15/2011
Dave Pearson	Council Not-For-Profit and Housing Subcommittee	11/8/2011 6/6/12	Bring back to subcommittee for further discussion upon completion of research and alternative identification (11/8/11). Item was discussed. Forward item to study session (6/6/12). Completed	

**City of Peoria
Council Subcommittees**

Cathy Carlat	Not for Profit Committee	11/8/2011 6/6/12	Bring back to subcommittee for further discussion upon completion of research and alternative identification (11/8/11). Item was discussed. Forward Item to study session (6/6/12). Completed	
Scott Whyte/ Chris Jacques/ Susan D.	Old Town Entertainment District Designation	12/7/2011 1/4/2012	Bring back to subcommittee for further discussion (12/7/11). Forward to Regular Council Meeting (1/14/2012). Completed	Regular Council Meeting 1/17/2012
Bill Mattingly	Dial-a-Ride rates	11/17/2011	Forward item to Council Study Session. Completed	4/17/2012
Ron Aames	Transit Jurisdictional Equity Position	11/17/2011	Informational item. Forward information, through a City Manager's report, to the Council on a Regular Council Agenda. Completed	Regular Council mtg. 1/3/2012
Susan Thorpe	Solid Waste Services	12/1/2011	Forward Item to Council Study Session. Completed	2/7/2012
Bill Mattingly/ Susan Thorpe	Commercial Solid Waste Services	12/15/2011	Forward Item to Council Study Session. Completed	2/7/2012
Dave Pearson	Change in City Ordinance regarding multi-family solid waste service	1/5/2012	Item was discussed, then withdrawn by Councilman Pearson. Completed	NA
Scott Whyte	Old Town Indicators	6/6/2012	Item was discussed. Forward item to Study Session (6/6/2012). Completed	8/21/2012
Chris Jacques	Senate Bill 1598-Aggregate Mining	6/6/2012	Item was discussed. Forward item to Study Session (6/6/2012). Completed	8/21/2012
Carlo Leone	Street Maintenance	11/7/2012	Item was discussed. No further action needed.	NA
Ron Aames	Maintaining Traffic During Construction of Street Projects	5/8/2013	Item was discussed. No further action needed.	NA

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 27B

Date Prepared: September 17, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: Andrew Granger, P.E., Engineering Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Peoria Community Center LEED Gold Certification

Summary:

The City of Peoria was notified on September 17, 2013, that the U.S. Green Building Council (USGBC) awarded LEED Gold certification to the Community Center Expansion Project. The award exceeded the projects goal of Silver certification. LEED certification is awarded to buildings that are designed and constructed to meet stringent sustainability objectives that produce improvements in Energy Efficiency, Water Consumption, Environmental Impact, and in the quality of the occupant's indoor environment. This is the second City building to achieve LEED certification following the Municipal Court Building, which was awarded Gold certification in 2011.

Highlights of the LEED Gold certification awarded to the Community Center Project include the following accomplishments:

- Water use was reduced 52% by applying low water-use landscape design strategies and high-efficiency plumbing fixtures;
- A recycling program resulted in 95.4% of construction waste being diverted from landfills;
- 60% of the existing building structure and walls were re-used in the design and expansion of this facility;
- Electrical power consumption was reduced by 34.5% through utilization of a high efficiency HVAC system, lighting controls, indirect natural lighting sources, a highly reflective roofing system, and a super-insulated building envelope.

Contact Name and Number: Ed Striffler, 623-773-7721

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 27C

Date Prepared: September 11, 2013

Council Meeting Date: October 1, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton, Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Neighborhood ParkFest! Series

Summary:

Community Services, Neighborhood Resources, and Public Safety are set to engage Peoria neighborhoods with free, fun, entertaining, and informative activities. **Peoria's Neighborhood ParkFest! Events** are designed to connect the community by introducing neighbors and providing information about city services through unique and creative festival atmospheres. Activities will vary between select park locations and are geared to enhance the neighborhood experience within a special event theme.

ParkFest! @ Country Meadows Park, 11098 W Butler Dr will be the first in the series of four events. On Saturday, October 5 from 6-9pm, the event will feature Disney movie *Wreck It Ralph* along with interactive inflatables, sports activities, face painting, and free hot dogs and drinks while supplies last.

ParkFest! @ Calbrisa Park, 8957 W. Tumblewood Dr. will be held on **Sunday, October 20, from 2-5pm**. This event will feature an ice skating rink, interactive inflatables, sports activities, live music entertainment, and face painting. Food will be sold by One Step Beyond, a fundraising effort to assist services for persons with developmental disabilities.

Two more ParkFest events are being planned for January and February. The Neighborhood Park events were inspired by Mayor and Council through the City's annual budget process and City Special Events programming.

Exhibit(s): None

Contact Name and Number: Matt Kalcevich (623)773-7133