Amendment #1 – November 20, 2014

City Council Meeting Notice & Agenda

Tuesday, November 25, 2014
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 discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations with the American Federation of State, County and Municipal Employees Local 3282 and United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5.

Study Session Agenda

Subject(s) for Discussion Only

2. Sun City West/County Island Fire Service

3. Fire Ambulance Service - Certificate of Necessity

Mayor	Palo Verde District	Acacia District	Ironwood District	Mesquite District	Pine District	Willow District
Bob Barrett	Ron Aames, Vice Mayor	Tony Rivero	Bill Patena	Ben Toma	Carlo Leone	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

4. An Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations with the American Federation of State, County and Municipal Employees Local 3282 and United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5.

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

Presentation

5. Peoria Woman's Club 100th Anniversary Proclamation

6. Community Services National Accreditation

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. **Disposition of Absence**

Discussion and possible action to approve the absence of Council Youth Liaison Mullane from the Special Meeting and Study Session held at 5:00 p.m. on October 7, 2014 and the Special Meeting and Study Session held at 5:00 p.m. on October 28, 2014.

8C. **Minutes**

Discussion and possible action to approve the following:

- October 7, 2014 Meeting Minutes
- October 21, 2014 Meeting Minutes
- October 28, 2014 Meeting Minutes

9C. **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 adopt the Resolutions as presented:

- Adopt **RES. 2014-159** appointing Zachary Stringer as a regular member to the Citizens Commission on Salaries for Elected City Officials,
- Adopt **RES. 2014-160** appointing Terry Brezina and Karen Ritz as regular members to the Veterans Memorial Board,
- Adopt **RES. 2014-161** appointing Ariel Carr and Kendra Boden as regular members to the Youth Advisory Board,
- Adopt **RES. 2014-162** reappointing William Louis as a regular member to the Planning and Zoning Commission.

10C. **Code Amendment, Chapter 12, 2014 Model City Tax Code Changes**

Discussion and possible action to adopt **ORD. 2014-41** amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to sales taxes to incorporate changes to the 2014 Model City Tax Code.

11C. **Code Amendment, Chapter 20, Floodplain Management**

Discussion and possible action to adopt **ORD. 2014-40** amending Chapter 20 (1992 Edition) of the Peoria City Code pertaining to floodplain regulation and management and providing for severability and an effective date.

12C. **Grant, Governor's Office of Highway Safety, Highway Safety Project**

Discussion and possible action to: (a) authorize the City Manager to accept $5,000 from the Governor's Office of Highway Safety for the purchase of a police mobile data computer; and (b) approve a budget amendment in the amount of $5,000 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant account.

13C. **Intergovernmental Agreement, Arizona Department of Revenue, Tax Licensing Administration**

Discussion and possible action to adopt **RES. 2014-158** authorizing an Intergovernmental Agreement with the State of Arizona Department of Revenue for tax license renewals and new licensing administration for calendar year 2015.

14C. **Intergovernmental Agreement Amendment, The Regional Public Transportation Authority, Americans with Disabilities Act Paratransit Service**

Discussion and possible action to amend an Intergovernmental Agreement with The Regional Public Transportation Authority for reimbursement of allowable costs for transporting Americans with Disabilities Act riders through the Dial-a-Ride Program.

15C. **Contract, Raftelis Financial Consultants Inc., Potential Acquisition of the New River Utility Company, Inc.**

Discussion and possible action to: (a) approve a professional services contract in the amount of $30,000 plus contingency costs with Raftelis Financial Consultants, Inc. to determine the value of the New River Utility Company, Inc.; and (b) approve a budget amendment not to exceed $50,000 from the Water Fund Utilities Water/Wastewater Administration Division Contingency account to the Water Fund Utilities Water/Wastewater Administration Division Other Professional Services account.

16C. **Litigation, Auerbach Waste LLC, Operating Commercial Solid Waste Business Without a License**

Discussion and possible action to authorize the City Attorney's Office to proceed with litigation against Auerbach Waste LLC, for providing commercial solid waste services in the City of Peoria without a license.

17C. **Budget Amendment, Fire Department, Purchase of New Fire Engines**

Discussion and possible action to: (a) amend the approved Fiscal Year 2015 budget for three new fire engines by an additional $89,334 to cover the manufacturer's cost increase for a total cost of $1,535,154; (b) authorize the use of reserves; and (c) approve a budget amendment in the amount of $89,334 from the Fleet Reserve Fund Contingency account to the Fleet Reserve Fund Other Vehicles account.

18C. **Budget Amendment, Public Art, Foundation and Lighting Expenses**

Discussion and possible action to: (a) authorize the use of Percent for the Art Contingency Reserves in the amount of $50,000 for foundation and lighting expenses for public art at Pioneer Community Park and other northern Peoria locations; and (b) approve a budget amendment in the amount of $50,000 from the Percent for the Art Contingency account to the Grounds Detention Repair and Maintenance account.

19C. **Budget Amendment, Solid Waste Division, Replacement Vehicle**

Discussion and possible action to approve a budget amendment in the amount of $100,000 from the Solid Waste Equipment Reserve Fund Contingency account and $178,702 from the Fleet Reserve Fund Contingency account to the Solid Waste Equipment Reserve Fund, Trucks and Vans account for the purchase of one automated front load sanitation truck.

20C. **Maintenance Improvement District No. 1167, Trilogy West Phase 1 Parcel C40, Upcountry Way and Eagle Ridge Lane**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2014-153** intention and ordering the formation of proposed Maintenance Improvement District No. 1167, Trilogy West Phase 1 Parcel C40, located at Upcountry Way and Eagle Ridge Lane; and adopt **RES. 2014-154** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

21C. **Abandonment of City Interest, Drainage Easements, Ventana Lakes**

Discussion and possible action to adopt **RES. 2014-156** authorizing the abandonment of City Interest in the 20-foot drainage easements located along 111th Avenue between Beardsley Road and Rose Garden Lane and Rose Garden Lane between 109th Avenue and 111th Avenue and declaring an emergency.

22C. **Final Plat, Querencia Phase 1, Lake Pleasant Parkway and Yearling Road**

Discussion and possible action to approve the Final Plat of Querencia Phase 1, located at Lake Pleasant Parkway and Yearling Road, subject to stipulations.

23C. **Final Plat, Trilogy West Phase 1 - Parcel C41, Vistancia Boulevard and Lone Mountain Road**

Discussion and possible action to approve the Final Plat of Trilogy West Phase 1 - Parcel C41, located at Vistancia Boulevard south of Lone Mountain Road, subject to stipulations.

24C. **Final Plat, Sierra Ridge Estates, 107th Avenue and Pinnacle Peak Road**

Discussion and possible action to approve the Final Plat of Sierra Ridge Estates, located at 107th Avenue and Pinnacle Peak Road, subject to stipulations.

Regular Agenda

Unfinished Business

25R. **Master Final Plat, Aloravita Phase 1, 75th Avenue and Jomax Road**

Discussion and possible action to approve the Master Final Plat for Aloravita Phase 1, located on 75th Avenue and Jomax Road, subject to stipulations.

26R. **Final Plat, Aloravita Phase 1 Parcel 1, 75th Avenue and Jomax Road**

Discussion and possible action to approve the Final Plat for Aloravita Phase 1, located at 75th Avenue and Jomax Road, subject to stipulations.

27R. **Final Plat, Aloravita Phase 1 Parcel 2, 75th Avenue and Jomax Road**

Discussion and possible action to approve the Final Plat for Aloravita Phase 1 Parcel 2 located at 75th Avenue and Jomax Road, subject to stipulations.

28R. **Final Plat, Aloravita Phase 1 Parcel 3, 75th Avenue and Jomax Road**

Discussion and possible action to approve the Final Plat for Aloravita Phase 1 Parcel 3, located at 75th Avenue and Jomax Road, subject to stipulations.

29R. **Final Plat, Aloravita Phase 1 Parcel 5, 75th Avenue and Jomax Road**

Discussion and possible action to approve the Final Plat for Aloravita Phase 1 Parcel 5 located at 75th Avenue and Jomax Road, subject to stipulations.

30R. **Final Plat, Aloravita Phase 1 Parcel 6, 75th Avenue and Jomax Road**

Discussion and possible action to approve the Final Plat for Aloravita Phase 1, Parcel 6 located at 75th Avenue and Jomax Road, subject to stipulations.

New Business

31R. **PUBLIC HEARING - Annexation, Armstrong/Martin, 89th Avenue and Patrick Lane**

PUBLIC HEARING: RE: Proposed annexation of approximately 2.36 acres of privately-owned property located south of the southeast corner of 89th Avenue and Patrick Lane (ANX13-0003).

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION: No Council action required.

32R. **PUBLIC HEARING - Conditional Use Permit Appeal, 81st Avenue and Country Gables Drive**

PUBLIC HEARING: RE: Conditional Use Permit appeal for a home occupation of a "martial arts studio for private instruction" as an accessory use to the single-family dwelling unit, located on the northeast corner of 81st Avenue and Country Gables Drive, on a property zoned Suburban Ranch (SR-43) District.

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to reverse, affirm, or modify the Planning and Zoning Commission's decision to approve a Conditional Use Permit to allow for a home occupation of a "martial arts studio for private instruction" as an accessory use to the single-family dwelling unit.

33R. **Land Acquisition, Pinnacle Peak Public Safety Facility Expansion, Lake Pleasant Parkway and Pinnacle Peak Road**

Discussion and possible action to adopt **RES. 2014-157** authorizing the acquisition of property located on Lake Pleasant Parkway, just north of the Pinnacle Peak Public Safety Facility, by outright purchase or the exercise of the power of eminent domain.

34R. **Amendment, Council Policy CP 1-10, Council Subcommittees**

Discussion and possible action to adopt the amended Council Policy 1-10 pertaining to Council Subcommittees.

35R. **Funding Authority, Sports Complex Stadium Amenities**

Discussion and possible action to: (a) authorize $3.6 million for the purpose of constructing a new Interactive Kids' Zone and replace the existing 3rd Base bleachers with a new 3rd Base seating area and 200-person exclusive event space utilizing savings from other projects within the Capital Improvement Program; and (b) authorize the expenditure of funds utilizing existing agreements and/or small-dollar procurements.

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

36. **Council Calendar**

37. **Reports**

    A. Council Subcommittee Update
    B. 28th Annual Peoria's Oldtown Holiday Festival
    C. Recycling Excellence of the Year Award
    D. Residential Solid Waste Changes
    E. Peoria Police Department – SWAG Event

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.

Agenda Item: 2

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: November 10, 2014 **Council Meeting Date: November 25, 2014**

TO: **Mayor and Council**

FROM: **Jeff Tyne, Deputy City Manager**

SUBJECT: **County Island Fire Service**

Purpose:

Discussion on a model to offer fire services to residents in an unincorporated area of land. The area is 1.61 square miles, and is generally bounded by 99th Avenue (west), Deer Valley Road (south), 79th Avenue (east) and Calle Lejos (north).

Background/Summary:

Currently, the Rural/Metro Corporation provides fire and emergency service to residents in an unincorporated area adjacent to the City of Peoria. This section is completely surrounded by the City of Peoria and has been part of Peoria's Planning Area for decades. The area largely consists of developed semi-rural residential units on one-acre lots. As part of a mutual aid agreement, the City of Peoria can be called upon to serve the area should Rural/Metro be unable to offer resources on a timely basis.

Over the last year, representatives from the Sun City West Fire District (SCWFD) have sought to serve residents in the area, primarily through attempts at annexation. Like Peoria, SCWFD is part of the more comprehensive Automatic Aid System. Such a system ensures that all participating jurisdictions provide their local fire department resources collectively. Overall this has resulted in a more effective and efficient use of the region's emergency resources.

This current annexation movement by SCWFD is strongly opposed by the City of Peoria, as it appears to unfairly burden the closer City of Peoria units, while allowing SCWFD to simply collect related revenues. This clearly is inconsistent with the regional intent of the Automatic Aid agreements.

At the July 1st Study Session, the City Council provided direction to staff to identify options for providing City fire and emergency services to area residents. Such service may be offered individually on a subscription basis, or through the overall establishment of a formal Fire District.

Previous Actions:

On July 1st, City Council gave direction for staff to develop a model for providing services to area residents.

Next Steps:

Based on Council direction, staff is prepared to identify options and offer a recommendation for offering services to County island residents.

Contact Name and Number: Jeff Tyne – 623-773-7114.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 3

Date Prepared: November 10, 2014 **Council Meeting Date: November 25, 2014**

TO: **Mayor and Council**

FROM: **Bobby Ruiz, Fire Chief**

THROUGH: **Jeff Tyne, Deputy City Manager**

SUBJECT: **Ambulance Certificate of Necessity**

Purpose:

Discussion regarding the status and trends of ambulance service within the City of Peoria.

Background/Summary:

Currently, Rural Metro Corporation is under contract with the City of Peoria to provide ambulance service throughout the city limits. This contract term is in place until July of 2015.

In the State of Arizona, the Arizona Department of Health Services requires a specific form of business license to provide ambulance transport services. This is commonly known as a Certificate of Necessity. Rural Metro currently possesses a Certificate to support this area. In the last year however, Rural Metro entered into bankruptcy proceedings, and began a reorganization of its services. In this reorganization, a number of contracted agencies experienced reductions in personnel and vehicle resources. This has led a number of municipalities to reconsider their long-term approach toward ambulance services.

Given this backdrop, Rural Metro has approached the City to discuss new service delivery models going forward. This includes a shared service partnership, where the City would also inherit ambulance service responsibilities.

To that end, staff wishes to discuss the current state of ambulance service in the region, and to review options which ensure excellent continuity of care to Peoria residents going forward.

Previous Actions:

No other recent Council actions have occurred.

Contact Name and Number: Jeff Tyne – 623-773-7114.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 6

Date Prepared: November 6, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Community Services National Accreditation

Purpose:
Formal presentation and recognition of the Community Services Department for the achievement of Accreditation by the Commission on Accreditation for Parks and Recreation Agencies (CAPRA). Mr. Dale Larsen is Past President for the American Academy for Parks and Recreation Administration and Chair of the Commission on Accreditation for Parks and Recreation Association. Dale has provided insight and consultation with several municipal park and recreation agencies seeking formal accreditation and will speak to the benefits of accreditation and present the National Accreditation Award to Mayor Bob Barrett, on behalf of the Community Services Department.

Background/Summary:
The Community Services Department has endeavored the past three years working to obtain this highest honor of distinction for Parks and Recreation Agencies. As part of the accreditation process, the department set out to demonstrate compliance with 144 recognized standards and document evidence of policies, programs, and procedures. The process includes a formal application, a self-assessment, a site visit by a team of CAPRA-trained Parks and Recreation Professionals, a written report, and a hearing before the commission members, which took place at the National Recreation and Parks Association Congress in Charlotte, North Carolina in October. This mark of distinction indicates that an agency has met rigorous standards related to the management and administration of lands, facilities, resources, programs, safety and services, all of which benefit our citizens.

Contact name and Number: John R. Sefton, Jr., 623-773-7135

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 7, 2014

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Michael Helt.

Members Absent: Council Youth Liaison Mullane.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Rhonda Geriminsky, City Clerk; and Bobby Ruiz, Fire Chief.

Audience: No members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

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.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

1C. **Authorization to Hold an Executive Session**

Authorized the holding of an Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations with the United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 6:12 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Michael Helt.

Members Absent: Council Youth Liaison Mullane.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Brent Mattingly, Finance and Budget Director; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately ten members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

2. Upcoming Negotiation Interests - Joint Labor/Management Presentation

Julie Ayers, Human Resources Director, provided an overview of the Meet and Confer process and presented the City's position in the labor negotiations for the Phoenix Fire Fighters Association, Peoria Chapter, (PFFA) and the American Federation of State, County and Municipal Employees (AFSCME) including:

- Budget information
- Traditional versus interest-based negotiations
- Role of the public employer

Joe Manning, PFFA representative, presented the bargaining unit's interests.

Walter Crenshaw, AFSCME president, outlined the labor partner's interests and proposals.

Discussion ensued regarding PFFA's interests and education incentives.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:24 p.m.

EXECUTIVE SESSION AGENDA

3. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations with the United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5.

Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

Following a moment of silent reflection, Councilmember Leone led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Ian Mullane and Michael Helt.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 30 members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

Presentation:

4. Mayor Barrett and Councilmember Patena presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the September 16, 2014 City Council meeting:

   - Scott Campbell and Joshua Shafer to the Arts Commission, and
   - Jacky Hao to the Youth Advisory Board.

Clerk's Note: Scott Campbell and Jacky Hao were not present to receive their certificates.

5. Christmas for the Troops

Rachelle Barrett provided information on the upcoming 2014 Christmas for the Troops campaign sponsored by the Peoria Sunset Lions Club.

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Mayor Barrett announced that Agenda Items 21C through 26C were being removed from the Consent Agenda for a separate vote. Motion was made by Councilmember Toma, seconded by Vice Mayor Aames, to carry over Agenda Items 21C through 26C to the October 21, 2014 City Council Meeting. Upon vote, the motion carried unanimously 7 to 0.

Mayor Barrett asked if any Councilmember wished to have any additional items removed from the Consent Agenda. Having no requests from Council, motion was made by Vice Mayor Aames, seconded by Councilmember Edwards, to approve the Consent Agenda with the exception of Agenda Items 21C through 26C. Upon vote, the motion carried unanimously 7 to 0.

6C. **Minutes**

Approved the September 16, 2014 Meeting Minutes.

7C. **Appointments, Boards and Commissions**

Approved the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments, and adopted the Resolutions as presented:

- Adopted **RES. 2014-131** appointing Mitchell Bolnick as a regular member to the Board of Adjustment,

- Adopted **RES. 2014-132** reappointing David Demmer and Lawrence Tysiac as regular members to the Building Board of Appeals,

- Adopted **RES. 2014-133** appointing Jeff Berggren as a regular member and David Pearson as an alternate member to the Economic Development Advisory Board,

- Adopted **RES. 2014-134** reappointing Frank Hinds as a public member to the Employee Benefits Trust Board,

- Adopted **RES. 2014-135** reappointing Karen Garbe and Mike Heath as regular members to the Historic Preservation Commission,

- Adopted **RES. 2014-136** reappointing Matthew Porter as a regular member to the Municipal Development Authority,

- Adopted **RES. 2014-137** reappointing Greg Loper as a regular member and appointing Jay Otlewski as an alternate member to the Planning and Zoning Commission,

- Adopted **RES. 2014-138** reappointing Benjamin Geigier as a regular member to the Veterans Memorial Board,

- Adopted **RES. 2014-139** appointing Megan Bromley as an alternate member to the Youth Advisory Board.

8C. **Rezoning, Harbor Vista, 91st Avenue and Thunderbird Road**

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2014-31A** rezoning approximately 8.6 acres located at the southeast corner of 91st Avenue and Thunderbird Road from a Planned Area Development for senior multi-family residential uses to the Harbor Vista Planned Area Development for office/medical office uses (Z14-0003).

9C. **Abandonment of City Interest, Public Water Line and Storm Water Drainage Easements, 84th Avenue and Continental Drive**

Adopted **RES. 2014-149** authorizing the abandonment of the City's interest in two Easements, a Public Water Line and Storm Water Drainage, located west of 84th Avenue and north of Continental Drive and declaring an emergency.

10C. **Intergovernmental Agreement, State of Arizona Department of Child Safety, Facilities Use**

Authorized the City Manager to execute an Intergovernmental Agreement with the Arizona Department of Child Safety for facilities use by the Office of Child Welfare and Investigations.

11C. **Grant-in-Aid Fiscal Agent Agreement, Tohono O'odham Nation on behalf of Arizona Broadway Theatre Performing Arts Association, Incorporated**

Approved the Grant-In-Aid Fiscal Agent Agreement in the amount of $20,500 with the Tohono O'odham Nation on behalf of Arizona Broadway Theatre Performing Arts Association, Incorporated.

12C. **Grant-in-Aid Fiscal Agent Agreement, Tohono O'odham Nation on behalf of the Anthony Bates Foundation**

Approved the Grant-In-Aid Fiscal Agent Agreement in the amount of $40,200 with the Tohono O'odham Nation on behalf of the Anthony Bates Foundation.

13C. **Grant-in-Aid Fiscal Agent Agreement, Tohono O'odham Nation on behalf of the West Valley Child Crisis Center**

Approved the Grant-In-Aid Fiscal Agent Agreement in the amount of $20,000 with the Tohono O'odham Nation on behalf of the West Valley Child Crisis Center.

14C. **Grant, State of Arizona Department of Homeland Security, Various Police Department Programs**

(a) Authorized the Police Department to accept two grant awards in the amount of $122,725 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive weapon detection and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program; and

(b) Approved a budget amendment in the amount of $122,725 from the Proposed Grants Contingency account to the Homeland Security Fund.

15C. **Grant, State of Arizona Department of Homeland Security, Various Fire Department Programs**

(a) Authorized the Fire Department to accept two grant awards in the amount of $61,890 from the Arizona Department of Homeland Security; and

(b) Approved a budget amendment in the amount of $61,890 from the Proposed Grants Contingency account to the Homeland Security Fund.

16C. **Budget Authorization, P83 District Sign Overlay**

Authorized the rescoping of an existing $60,000 in one-time operational funds to supplement the development of a P83 District Sign Overlay.

17C. **Maintenance Improvement District No. 1172, Tierra Del Rio Parcel 2, 107th Avenue and Happy Valley Parkway**

Approved the Petition for Formation and adopted **RES. 2014-140** intention and ordering the formation of proposed Maintenance Improvement District No. 1172, Tierra Del Rio Parcel 2, located at 107th Avenue and Happy Valley Parkway; and adopted **RES. 2014-141** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

18C. **Maintenance Improvement District No. 1173, Tierra Del Rio Parcel 3, 107th Avenue and Happy Valley Parkway**

Approved the Petition for Formation and adopted **RES. 2014-142** intention and ordering the formation of proposed Maintenance Improvement District No. 1173, Tierra Del Rio Parcel 3, located at 107th Avenue and Happy Valley Parkway; and adopted **RES. 2014-143** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

19C. **Street Light Improvement District No. 1101, Tierra Del Rio Parcel 2, 107th Avenue and Happy Valley Parkway**

Approved the Petition for Formation and adopted **RES. 2014-144** intention and ordering the formation of proposed Street Light Improvement District No. 1101, Tierra Del Rio Parcel 2, located at 107th Avenue and Happy Valley Parkway; and adopted **RES. 2014-145** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

20C. **Street Light Improvement District No. 1102, Tierra Del Rio Parcel 3, 107th Avenue and Happy Valley Parkway**

Approved the Petition for Formation and adopted **RES. 2014-146** intention and ordering the formation of proposed Street Light Improvement District No. 1102, Tierra Del Rio Parcel 3, located at 107th Avenue and Happy Valley Parkway; and adopted **RES. 2014-147** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

21C. **Master Final Plat, Aloravita Phase 1, 75th Avenue and Jomax Road**

Carried over the discussion and possible action for approval of the Master Final Plat for Aloravita Phase 1, located on 75th Avenue and Jomax Road, subject to stipulations, to the October 21, 2014 City Council Meeting.

22C. **Final Plat, Aloravita Phase 1 - Parcel 1, 75th and Jomax Road**

Carried over the discussion and possible action for approval of the Final Plat, Aloravita Phase 1, located at 75th Avenue and Jomax Road, subject to stipulations, to the October 21, 2014 City Council Meeting.

23C. **Final Plat, Aloravita Phase 1 Parcel 2, 75th Avenue and Jomax Road**

Carried over the discussion and possible action for approval of the Final Plat for Aloravita Phase 1 Parcel 2 located at 75th Avenue and Jomax Road, subject to stipulations, to the October 21, 2014 City Council Meeting.

24C. **Final Plat, Aloravita Phase 1 Parcel 3, 75th Avenue and Jomax Road**

Carried over the discussion and possible action for approval of the Final Plat, Aloravita Phase 1 Parcel 3, located at 75th Avenue and Jomax Road, subject to stipulations, to the October 21, 2014 City Council Meeting.

25C. **Final Plat, Aloravita Phase 1 Parcel 5, 75th Avenue and Jomax Road**

Carried over the discussion and possible action for approval of the Final Plat of Aloravita Phase 1 Parcel 5 located at 75th Avenue and Jomax Road, subject to stipulations, to the October 21, 2014 City Council Meeting.

26C. **Final Plat, Aloravita Phase 1 Parcel 6, 75th Avenue and Jomax Road**

Carried over the discussion and possible action for approval of the Final Plat of Aloravita Phase 1, Parcel 6 located at 75th Avenue and Jomax Road, subject to stipulations, to the October 21, 2014 City Council Meeting.

27C. **Final Plat, Amended Map of Private Tract Dedication, Blackstone Drive and Sunrise Point**

Approved the Final Plat of Amended Map of Private Tract Dedication, located at Blackstone Drive and Sunrise Point, subject to stipulations.

28C. **Final Plat, Trilogy West Phase 1 Parcel C40, Upcountry Way and Vistancia Boulevard**

Approved the Final Plat of Trilogy West Phase 1 Parcel C40, located at Upcountry Way and Vistancia Boulevard, subject to stipulations.

29C. **Replat, Lot 4 DV 83 Subdivision, 83rd Avenue and Deer Valley Road**

Approved the Replat of Lot 4 DV 83 Subdivision, located at Deer Valley Road, west of 83rd Avenue, subject to stipulations.

30C. **Replat, Trilogy at Vistancia - Parcel C3 - Tract K Amended, Trilogy Boulevard and Vistancia Boulevard**

Approved the Replat of Trilogy at Vistancia - Parcel C3 - Tract K Amended, located at Trilogy Boulevard and Vistancia Boulevard, subject to stipulations.

REGULAR AGENDA

New Business:

31R. **PUBLIC HEARING - Liquor License, Spanky's Smoke Shop, located at 8868 West Bell Road #103**

Staff Report:

Brent Mattingly, Finance and Budget Director, reported on staff's recommendation for denial of a New Wine and Beer Liquor License (Series 10) for Spanky's Smoke Shop, located at 8868 West Bell Road #103, Jamal G. Sarkis, Applicant, LL#20010581.

Roy Minter, Police Chief, noted that the Police Department is responsible for conducting background investigations for liquor license applicants. Chief Minter reported that a few concerns regarding the applicant were identified as a result of the investigation.

Doug Steele, Police Lieutenant, provided a summary of the information discovered by the Police Department during the background investigation.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a New Wine and Beer Liquor License (Series 10) for Spanky's Smoke Shop, located at 8868 West Bell Road #103, Jamal G. Sarkis, Applicant, LL#20010581.

Having no requests from those present to address this item, Mayor Barrett declared the Public Hearing closed.

In response to questions from Council, Steve Kemp, City Attorney, confirmed that he would represent the City at the hearing before the Arizona State Liquor Board.

Motion was made by Councilmember Patena, seconded by Councilmember Edwards, to recommend denial to the State Liquor Board for a New Wine and Beer Liquor License (Series 10) for Spanky's Smoke Shop, located at 8868 West Bell Road #103, Jamal G. Sarkis, Applicant, LL#20010581, based on the Council finding that the best interest of the community is not served by the issuance of the license nor is the public convenience served by the issuance of the license.

Upon vote, the motion carried unanimously 7 to 0.

Clerk's Note: Agenda Items 32R and 33R were presented at the end of the Regular Agenda. Councilmember Rivero left the meeting prior to the vote on Agenda Items 32R and 33R.

32R. **PUBLIC HEARING - Park West Planned Area Development Amendment, 99th Avenue and Northern Avenue**

Staff Report:

Chris Jacques, Planning and Community Development Director, presented on the request to amend portions of the Park West Planned Area Development (PAD) zoning.

Information included:

- Project overview
- Site and area context
- Existing conditions
- Land use background
- Proposed amendment
- New development option
- Proposed freeway sign design standards
- Citizen participation
- Key findings

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed major amendment to the Park West Planned Area Development zoning pertaining to allowable uses on Parcels 1 and 3; modification to Loop 101 freeway sign standards; and integration of a development option that enables 369 multi-family units on Parcel 1 and a secondary education facility on Parcel 3.

Joel De Angelis voiced his concerns regarding the need for a sidewalk along 99th Avenue, increased traffic and the additional housing units being proposed.

Wael Yaziji, a Park West business owner, addressed Council in support of the proposed signage.

Heidi Short, representing the applicant, addressed Council and advised there is a sidewalk in place along 99th Avenue.

Discussion ensued regarding:

- Targeted industries for Parcel 3
- Conceptual development plan and the positive impact to the Park West development
- Current vacancy rate of retail space

Having no additional requests from those present to address this item, Mayor Barrett declared the Public Hearing closed.

Motion was made by Vice Mayor Aames, seconded by Councilmember Patena, to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2014-35,** approving a major amendment to the Park West Planned Area Development zoning pertaining to allowable uses on Parcels 1 and 3; modification to Loop 101 freeway sign standards; and integration of a development option that enables 369 multi-family units on Parcel 1 and a secondary education facility on Parcel 3.

Upon vote, the motion carried unanimously 6 to 0.

33R. **Second Amendment, Amended and Restated Park West Development Agreement**

Scott Whyte, Economic Development Services Director, provided an overview of the request to amend the existing Park West Development Agreement.

Information included:

- Park West site map
- Changes to the agreement
- Targeted end users
- 99th Avenue access road improvements
- Next steps

Joel De Angelis addressed Council in opposition to an access road from 99th Avenue to Parcel 3.

Mike Phalen, representing Parke West, LLC, addressed Council in support of the changes to the development agreement. Mr. Phalen advised Council that the existing access road to Parcel 3 is not a public road.

Discussion ensued regarding the 99th Avenue access road and infrastructure improvements.

In response to questions from Council, Andy Granger, Engineering Director, advised that no roadway improvements are needed as part of the proposed development.

Motion was made by Councilmember Patena, seconded by Councilmember Leone, to authorize the City Manager to: (a) execute the Second Amendment to the Amended and Restated Development Agreement with Parke West, LLC, for future development; and (b) approve the use of reserves and a budget amendment in the amount of $100,000 from the Economic Development Opportunity Fund Contingency account to the Economic Development Opportunity Fund Other Professional Services account.

Upon vote, the motion carried unanimously 6 to 0.

Clerk's Note: Agenda Items 34R and 35R were presented together.

34R. **Minor General Plan Amendment, Land Use Map, BCC Automobile Storage, 87th Avenue and Bell Road**

Chris Jacques, Planning and Community Development Director, presented on the request for a minor amendment to the General Land Use Map and a rezoning request for a 4.57 gross-acre site, located north of the northwest corner of 87th Avenue and Bell Road, to allow for an off-site automobile storage and staging lot with vehicle-related uses.

Information included:

- Project overview
- Site context
- Area context
- Proposed General Plan Land Use and zoning
- Conceptual development plan
- Citizen participation
- Key findings

Mr. Jacques advised that the Sierra Winds retirement community had been opposed to the project. Mr. Jacques noted that the applicant met with staff and representatives of Sierra Winds and agreed to additional requirements that would reduce possible impacts to the Sierra Winds' residents.

Discussion ensued regarding security at the site.

Motion was made by Councilmember Patena, seconded by Vice Mayor Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2014-150** approving an amendment to the General Plan Land Use Map for approximately 4.57 acres located north of the northwest corner of 87th Avenue and Bell Road from Medium High-Density Residential (8-15 du/ac, target of 12 du/ac) to Neighborhood Commercial (GPA14-0001).

Upon vote, the motion carried unanimously 7 to 0.

35R. **Rezoning, BCC Automobile Storage, 87th Avenue and Bell Road**

Motion was made by Vice Mayor Aames, seconded by Councilmember Edwards, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-37,** rezoning approximately 4.57 acres located north of the northwest corner of 87th Avenue and Bell Road from Multi-Family Residential (RM-1) to the BCC Automobile Storage Planned Area Development (PAD) for an off-site automobile storage and staging lot with vehicle-related uses (Z14-0004).

Upon vote, the motion carried unanimously 7 to 0.

Clerk's Note: Councilmember Rivero left the meeting prior to the vote on Agenda Item 36R.

36R. **Adoption of the 2014 Community Services Master Plan**

John Sefton, Community Services Director, provided a brief overview of the request to approve a Resolution adopting the 2014 Community Services Master Plan.

Information included:

- Contents of the Master Plan
- Community engagement
- Planning integration
- Inventory and conditional assessment of park assets
- Mapping and level of service analysis
- Areas of focus and strategic recommendations
- Key action items identified

Mr. Sefton recognized staff, the consulting team from Norris Design, and members of the Parks and Recreation Board and the Planning and Zoning Commission for their participation in developing the updated Plan.

Motion was made by Councilmember Patena, seconded by Vice Mayor Aames, to approve **RES. 2014-148** adopting the 2014 Community Services Master Plan as an update of the 2006 Parks, Recreation, Open Space and Trails Master Plan (PROST.)

Upon vote, the motion carried unanimously 6 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

37. **Council Calendar**

38. **Reports:**

A. John Sefton, Community Services Director, invited the City Council and the community to attend the "Keep it Safe: A Family Affair" to be held at the St. Joseph's Medical Plaza, located at 7727 West Deer Valley Road, on Saturday, October 11, 2014 beginning at 8:00 a.m.

Reports from City Council:

Council Youth Liaison Helt reported on his attendance at a tour of Luke Air Force Base. Council Youth Liaison Helt thanked the Council for their support and the opportunity to serve as liaison to Council.

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Edwards reported on the groundbreaking for Phase 1 of the P83 Public Project held on October 3, 2014. Councilmember Edwards reported on upcoming lunch discussions he will be hosting for students at local high schools.

Council Youth Liaison Mullane reported on his attendance at the Future Leaders Town Hall Meeting on Arizona's Economy held on October 7, 2014.

Councilmember Patena reported on the ParkFest! event held in the Ironwood District on October 5, 2014.

Vice Mayor Aames reported on his attendance at an open house of the Phoenix Arizona Temple of The Church of Jesus Christ of Latter-Day Saints located at 51st Avenue and Pinnacle Peak Road.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:02 p.m.

_____

Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 7th day of October, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of November, 2014.

(Seal)

_____
Rhonda Geriminsky, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 21, 2014

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Ian Mullane and Michael Helt.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Chief Assistant City Attorney; Melinda Bird, Assistant City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; and Bill Mattingly, Public Works Director.

Audience: Approximately two members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

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.

Motion was made by Vice Mayor Aames, seconded by Councilmember Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

1C. **Authorization to Hold an Executive Session**

Authorized 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 with the American Federation of State, County and Municipal Employees Local 3282 and United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5; and (b) discussion with legal counsel pertaining to Ken Krieger et al. v. City of Peoria et al. pursuant to A.R.S. § 38-431.03.A.4.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 6:01 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Ian Mullane and Michael Helt.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Chief Assistant City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately ten members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

2. Potential City Acquisition of New River Water Utility

Carl Swenson, City Manager, provided background on the possibility of acquiring the New River Water Utility Company.

Mike Weber, Deputy Utilities Director, identified the area served by the New River Water Utility Company.

Mr. Weber outlined the following:

- Outreach and civic engagement process regarding the New River acquisition
- Central Arizona Groundwater Replenishment District (CAGRD) tax fees
- Rate comparisons

Dr. Tara Blanc, Merrill Research Consultant, presented regarding surveys conducted with residents regarding the acquisition of the New River Water Utility Company.

Dr. Blanc presented the following survey results:

- Customer satisfaction with New River
- Support for the acquisition of the company
- Concerns regarding the cost of water

In response to questions from Council, Mr. Weber outlined the City's involvement to provide water and ensure a stable water source when interruptions in service occur and New River is unable to provide water to its customers.

Discussion ensued regarding:

- New River rate increases
- Whether rates will include acquisition costs
- Funding the acquisition

Mr. Weber outlined recommended next steps including:

- Enter into negotiations
- Conduct an appraisal of the company
- System condition assessment
- Future updates to Council on progress and findings

Discussion ensued regarding:

- Revenue stream from acquiring New River and payment of debt service
- Whether the City will use New River's existing wells
- Condition of New River's existing infrastructure

It was the consensus of Council to move forward with negotiations

3. Affiliated Partner Agencies

Jeff Tyne, Deputy City Manager, presented regarding:

- Draft policy considerations
- Restrictions on political activities
- Current provisions used by the City to restrict political activities
- Restrictions on agency activities
- Restrictions on agency officials or governing officers
- What constitutes an affiliated agency
- Enforcement
- Compliance and monitoring by the City

Steve Burg, Chief Assistant City Attorney, outlined concerns regarding first amendment legal considerations.

Discussion ensued regarding restrictions on agency activities and restrictions on agency officials.

4. City of Peoria Procurement Process

Discussion on the City of Peoria procurement process will be held at a future Study Session meeting.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:58 p.m.

EXECUTIVE SESSION AGENDA

5. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of: (a) discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations with the American Federation of State, County and Municipal Employees Local 3282 and United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5; and (b) discussion with legal counsel pertaining to Ken Krieger et al. v. City of Peoria et al. pursuant to A.R.S. § 38-431.03.A.4.

Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

Following a moment of silent reflection, Councilmember Edwards led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Ian Mullane and Michael Helt.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Chief Assistant City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 15 members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

Presentation:

6. Mayor Barrett and Councilmember Patena presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the October 7, 2014 City Council Meeting:

- Mitchell Bolnick to the Board of Adjustment
- Jeff Berggren and David Pearson to the Economic Development Advisory Board
- Jay Otlewski to the Planning and Zoning Commission
- Megan Bromley to the Youth Advisory Board

Clerk's Note: Jeff Berggren was not present to receive his certificate.

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.

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

7C. **Disposition of Absence**

Approved the absence of Vice Mayor Ron Aames from the Special Meeting held at 5:00 p.m. on October 1, 2014.

8C. **Intergovernmental Agreement, Maricopa County, HOME Investment Partnership Program, Fiscal Year 2015**

Approved an Intergovernmental Agreement in the amount of $171,333 with Maricopa County for the use of the City's annual program allocation as a member of the Maricopa County HOME Consortium.

9C. **Expenditure Authority, Sports Complex Surcharge Funds, Sports Complex Improvements**

(a) Authorized expenditures from the Sports Complex General Admission Surcharge Fund and Sports Complex Improvement Reserves Fund for the improvement of complex facilities; and

(b) Approved a budget amendment in the amount of $265,000 from the General Fund Contingency account with $105,000 to the Sports Complex General Admission Surcharge Fund Building and Improvements account and $160,000 to the Sports Complex Improvement Reserves Fund.

10C. **Appropriation and Expenditure Authority, Arizona Public Service Incentive Funds, Peoria Sports Complex Improvements, 83rd Avenue and Stadium Way**

(a) Appropriated $332,000 of energy efficiency incentive funds received from Arizona Public Service to the Sports Complex Improvements capital improvement project; and

(b) Authorized the expenditure of funds utilizing existing agreements and/or small dollar procurements.

11C. **Refinance Authority Bonds, Industrial Development Authority Board, Capital Improvements and Upgrades, Sierra Winds Life Care Community**

Adopted **RES. 2014-152** ratifying the approval of the Industrial Development Authority Board to refinance certain authority bonds not to exceed $38,000,000 to the Arizona Retirement Centers, Incorporated, for the Sierra Winds Life Care Community Project.

12C. **Deed Easements, Various Locations**

Adopted **RES. 2014-151** accepting Deeds and Easements for various Real Property interests acquired by the City.

13C. **Final Plat, 91st Avenue and Bell Road II, 91st Avenue and Bell Road**

Approved the Final Plat for 91st Avenue and Bell Road II, located at 91st Avenue north of Bell Road, subject to stipulations.

14C. **Final Plat, Blackstone at Vistancia Parcels A3 & B14, Lone Mountain Road and Sunrise Point**

Approved the Final Plat of Blackstone at Vistancia Parcels A3 and B14, located at Lone Mountain Road and Sunrise Point, subject to stipulations.

15C. **Replat, Peoria Plaza, Various Lots, 91st Avenue and Union Hills Drive**

Approved the Replat of the Replat of Lots 1 through 4 of Peoria Plaza and Lot 2 of the Replat of Lots 2 and 5 of Peoria Plaza, located at 91st Avenue and Union Hills Drive, subject to stipulations.

REGULAR AGENDA

Unfinished Business:

Clerk's Note: Agenda Items 16R through 21R were presented together.

Chris Jacques, Planning and Community Development Director, provided background on the request for approval of a master final plat and five final plats for the Aloravita master-planned community.

Mr. Jacques reported that the plats associated with the Aloravita master-planned community had been carried over from the October 7, 2014 City Council Meeting due to an objection filed by the Deer Valley School District regarding dedication of a 60-acre site for construction of a high school. Mr. Jacques informed Council that the City cannot condition approval of the plats on acceptance of a private agreement between the developer and the school district.

Paul Gilbert, Attorney at Law with Beus Gilbert, PLLC, was present on behalf of the applicant. Mr. Gilbert informed Council that the applicant has agreed to negotiate with the school district and has also agreed to continue the request for approval of the plats to the November 25, 2014 City Council Meeting. Mr. Gilbert further stated that the applicant will not agree to continue the request for approval of the final plats if the school district does not approve the agreement.

Councilmember Toma encouraged the applicant and the school district to resolve their issues quickly in order to service the residents.

Motion was made by Councilmember Toma, seconded by Vice Mayor Aames, to carry over Agenda Items 16R through 21R to the November 25, 2014 City Council Meeting. Upon vote, the motion carried unanimously 7 to 0.

16R. **Master Final Plat, Aloravita Phase 1, 75th Avenue and Jomax Road**

Carried over the request for approval of the Master Final Plat for Aloravita Phase 1, located on 75th Avenue and Jomax Road, subject to stipulations, to the November 25, 2014 City Council Meeting.

17R. **Final Plat, Aloravita Phase 1 Parcel 1, 75th Avenue and Jomax Road**

Carried over the request for approval of the Final Plat for Aloravita Phase 1, located at 75th Avenue and Jomax Road, subject to stipulations, to the November 25, 2014 City Council Meeting.

18R. **Final Plat, Aloravita Phase 1 Parcel 2, 75th Avenue and Jomax Road**

Carried over the request for approval of the Final Plat for Aloravita Phase 1 Parcel 2 located at 75th Avenue and Jomax Road, subject to stipulations, to the November 25, 2014 City Council Meeting.

19R. **Final Plat, Aloravita Phase 1 Parcel 3, 75th Avenue and Jomax Road**

Carried over the request for approval of the Final Plat for Aloravita Phase 1 Parcel 3, located at 75th Avenue and Jomax Road, subject to stipulations, to the November 25, 2014 City Council Meeting.

20R. **Final Plat, Aloravita Phase 1 Parcel 5, 75th Avenue and Jomax Road**

Carried over the request for approval of the Final Plat for Aloravita Phase 1 Parcel 5 located at 75th Avenue and Jomax Road, subject to stipulations, to the November 25, 2014 City Council Meeting.

21R. **Final Plat, Aloravita Phase 1 Parcel 6, 75th Avenue and Jomax Road**

Carried over the request for approval of the Final Plat for Aloravita Phase 1, Parcel 6 located at 75th Avenue and Jomax Road, subject to stipulations, to the November 25, 2014 City Council Meeting.

New Business:

22R. **PUBLIC HEARING - Liquor License, Various Locations**

Staff Report:

Brent Mattingly, Finance and Budget Director, reported on staff's recommendation to recommend approval to the State Liquor Board for:

(a) A New Wine and Beer Liquor License (Series 10) for Jacksons #801, located at 8369 West Bell Road, Heather A. Hendon, Applicant, LL#20011153; and

(b) A New Restaurant Liquor License (Series 12) for Joey & Gina's, located at 16041 North Arrowhead Fountain Center Drive, Brad L. Rocca, Applicant, LL#20011219.

Mr. Mattingly advised that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval and no comments were received from the public.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the requests for:

(a) A New Wine and Beer Liquor License (Series 10) for Jacksons #801, located at 8369 West Bell Road, Heather A. Hendon, Applicant, LL#20011153; and

(b) A New Restaurant Liquor License (Series 12) for Joey & Gina's, located at 16041 North Arrowhead Fountain Center Drive, Brad L. Rocca, Applicant, LL#20011219.

Having no requests from those present to address this item, Mayor Barrett declared the Public Hearing closed.

Council Action:

Motion was made by Councilmember Edwards, seconded by Councilmember Leone, to recommend approval to the State Liquor Board for:

(a) A New Wine and Beer Liquor License (Series 10) for Jacksons #801, located at 8369 West Bell Road, Heather A. Hendon, Applicant, LL#20011153; and

(b) A New Restaurant Liquor License (Series 12) for Joey & Gina's, located at 16041 North Arrowhead Fountain Center Drive, Brad L. Rocca, Applicant, LL#20011219.

Upon vote, the motion carried unanimously 7 to 0.

23R. **Code Amendment, Chapter 17 and Article 14, Nuisances and Walls and Fences**

Chris Jacques, Planning and Community Development Director, provided a brief overview of a privately-initiated amendment to the City Code and the Zoning Ordinance proposing allowances for electric fences within certain industrial zoning districts.

Rick Williams, Planner, provided information on the proposed amendment including:

- Current provisions
- Proposed siting parameters
- Proposed operational and safety parameters
- Internal review of the proposal
- Key findings

Cindy Gsell, Business Development Director for Electric Guard Dog, LLC, presented a video showcasing the safety of the electric security fence system.

In response to questions from Council, Ms. Gsell outlined the merits of the system as a safe theft deterrent.

Motion was made by Councilmember Toma, seconded by Vice Mayor Aames, to concur with the Planning and Zoning Commission to adopt **ORD. 2014-38** amending Chapter 17 "Nuisances", of the Peoria City Code (1992 Edition) and **ORD. 2014-39** amending Article 14-3-5 "Walls and Fences", of the Peoria City Code (1977 Edition).

Upon vote, the motion carried unanimously 7 to 0.

Call to the Public (Non-Agenda Items)

None.

Reports from City Manager:

A. Carl Swenson, City Manager, provided information to Council related to Council Subcommittee updates.

B. John Sefton, Community Services Director, provided information on the 2014 Halloween Monster Bash to be held at Centennial Plaza on the City Hall Campus on Saturday, October 25, 2014 beginning at 5:00 p.m.

C. John Sefton, Community Services Director, provided information on the second annual Eight's Great GrillFest 2014 to be held at Trilogy at Vistancia, located at 12575 West Golf Club Drive, beginning at noon on Sunday, November 2, 2014.

D. John Sefton, Community Services Director, provided information on the following Neighborhood ParkFest! Series events:

- ParkFest! at Apache Park, located at 8633 West John Cabot Road, will be held on Saturday, November 1, 2014 beginning at 2:00 p.m.
- Parkfest! at Country Meadows, located at 11098 West Butler Drive, will be held on Saturday, November 8, 2014 beginning at 10:00 a.m.

E. John Sefton, Community Services Director, provided information on the 2014 7th Annual Veterans Day Run and Veterans Recognition to be held at Rio Vista Community Park, located at 8866A West Thunderbird Road, on Saturday, November 15, 2014 beginning at 8:30 a.m.

F. John Sefton, Community Services Director, provided information on the ribbon cutting ceremony for the grand opening of the Camino a Lago Park, located at 21249 North 98th Avenue, on Saturday November 15, 2014 beginning at 1:00 p.m.

Bill Mattingly, Public Works Director, provided information to Council regarding a new bus service that will begin on Monday, October 27, 2014 along Thunderbird Road. Mr. Mattingly reported that the current route, which ends at 59th Avenue, will be extended to 105th Avenue.

Reports from City Council:

Council Youth Liaison Helt reported on his participation in a community service project with the Boy Scouts.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone reminded citizens to vote in the upcoming election on November 4, 2014.

Councilmember Toma invited residents to attend WestWing Mountain's first fall event to be held on Saturday, October 25, 2014 at 83rd Avenue and Jomax Road beginning at 11:00 a.m.

Council Youth Liaison Mullane discussed a recap of the Future Leaders Town Hall by the members of the Youth Advisory Board. Mr. Mullane reported on his participation in youth voter registration efforts.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:58 p.m.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 21st day of October, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of November, 2014.

(Seal)

_____
Rhonda Geriminsky, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 28, 2014

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Michael Helt.

Members Absent: Council Youth Liaison Mullane.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; John Sefton, Community Services Director; and Scott Whyte, Economic Development Services Director.

Audience: No members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

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.

Motion was made by Councilmember Patena, seconded by Vice Mayor Aames, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

1C. **Authorization to Hold an Executive Session**

Authorized the holding of an Executive Session for the purpose of discussion and consultation with City staff in order to consider its position and instruct staff regarding negotiations for the purchase, sale, or lease of real property in the vicinity of 83rd Avenue and Washington Street pursuant to A.R.S. § 38-431.03.A.7.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 6:16 p.m.

Following a moment of silent reflection, Councilmember Patena led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Jon Edwards, Carlo Leone, Bill Patena, Tony Rivero and Ben Toma.

Council Youth Liaisons: Michael Helt.

Members Absent: Council Youth Liaison Mullane.

Other Municipal Officials Present: Carl Swenson, City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; and Corina Russo, Assistant to the City Manager.

Audience: Approximately five members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

2. Affiliated Partner Agencies

Jeff Tyne, Deputy City Manager, presented regarding a proposed Affiliated Agency Policy including:

- Draft policy considerations
- Background
- Restrictions on political activity
- Agency definitions
- Enforcement
- Compliance and monitoring

Discussion ensued regarding:

- Handling compliance/monitoring on a complaint basis
- Current enforcement of contract provisions
- Restrictions on agency contributions
- Restrictions on agency officials

Steve Kemp, City Attorney, outlined first amendment issues related to contributing to political parties.

Discussion ensued regarding:

- The ability of agency officials to hold an elected office in the City
- Contributing to City elections
- Who the policy would apply to
    - Agency officials
    - Whether the policy should cover all non-profit organizations
- Restrictions on partner agencies receiving $50,000 or more in City funding
- Enforcement
    - Contract cancellation
    - Financial withholding
    - Agency financial review/audit

Discussion ensued regarding:

- Auditing agency financials as an enforcement mechanism
- Penalizing the individual rather than the organization when the individual contributes to a candidate campaign
- Penalties comparable to three times the amount contributed
- Office-holder violation
    - Must resign from job or Council and/or contract cancellation
- Whether other local governments have similar provisions
- Conflicts of interest
- Interpretation of the issue by the Internal Revenue Service
- Agency definitions

It was the consensus of Council to have staff develop an Affiliated Agency Policy to bring back to Council for adoption.

3. City of Peoria Procurement Process

Brent Mattingly, Finance and Budget Director, presented regarding:

- The City's procurement processes and procedures
- Similarities and differences between the City of Peoria and the City of Phoenix procurement process
- Number of City of Phoenix solicitations on a monthly basis

Discussion ensued regarding:

- What is considered a significant solicitation
- Whether solicitations presented to Council/Subcommittees will limit staff's ability to act on a solicitation
- Whether a solicitation reviewed by a Subcommittee should be required to be presented to Council prior to being issued
- Timeline for beginning a solicitation process
- Efficiency of the solicitation process if a policy change is implemented

4. P83 Entertainment District Capital Construction Update

Andy Granger, Engineering Department Director, presented an update regarding the P83 Entertainment District Capital Construction including:

- Skunk Creek Trailhead – 83rd Avenue and Skunk Creek
- P83 Streetscape Project – 83rd Avenue, south of Bell Road
    - Thematic pylon illustrations
- Mariners Clubhouse Solar Installation – Peoria Sports Complex
- Phase II Stadium Improvements – Peoria Sports Complex

5. Peoria Sports Park Development Update

Scott Whyte, Economic Development Services Director, presented regarding the Peoria Sports Park Development including:

- The Avenue Shoppes at P83
- Peoria Sports Park status
    - Sales and marketing efforts
    - City's effort
        - PAD zoning
        - Communication with the San Diego Padres and Seattle Mariners
        - Alter Group Ground Lease Amendment
        - Contract with Ernst and Young for third party review of financial and retail co-development partners and packages
- Next steps

Discussion ensued regarding tenant/lease stipulations contained in the development agreement.

EXECUTIVE SESSION AGENDA

6. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion and consultation with City staff in order to consider its position and instruct staff regarding negotiations for the purchase, sale, or lease of real property in the vicinity of 83rd Avenue and Washington Street pursuant to A.R.S. § 38-431.03.A.7.

Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

<u>ADJOURNMENT</u>:

Being no further business to come before the Council, the meeting was duly adjourned at 8:20 p.m.

_____

Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 28th day of October, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of November, 2014.

(Seal)

_____
Rhonda Geriminsky, City Clerk

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 9C

Date Prepared: October 17, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Rhonda Geriminsky, CMC, City Clerk

THROUGH: Susan Daluddung, Deputy City Manager

SUBJECT: Board and Commission Appointments/Reappointments

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:

Appointments

Board/Commission	Name	Term Expiration
Citizens Commission on Salaries for Elected City Officials	Zachary Stringer	December 2018
Veterans Memorial Board	Terry Brezina	December 2018
	Karen Ritz	December 2016
Youth Advisory Board	Ariel Carr	June 2015
	Kendra Boden	June 2016

Reappointments

Board/Commission	Name	Term Expiration
Planning and Zoning Commission	William Louis	3-year partial (due to term limits) of a 4-year term to expire December 2018

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 November 12, 2014, the Council Subcommittee on Policy and Appointments recommended appointments/reappointments to various boards and commissions.

On November 13, 2014, a memorandum was submitted to Mayor and Council, outlining the appointment recommendations from the November 12, 2014 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

A. Appoint/reappoint recommended board and commission members.

B: Continue recruitment efforts to fill 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/reappointments and adopt the Resolutions as presented:

Adopt RES. 2014-159 appointing Zachary Stringer, to the Citizens Commission on Salaries for Elected City Officials, as a regular member, to a term to expire December 2018, and

Adopt RES. 2014-160 appointing Terry Brezina, as a regular member, to a term to expire December 2018, and Karen Ritz, as a regular member, to a partial term to expire December 2016, to the Veterans Memorial Board, and

Adopt RES. 2014-161 appointing Ariel Carr, as a regular member, to a partial term to expire June 2015, and Kendra Boden, as a regular member, to a partial term to expire June 2016, to the Youth Advisory Board, and

Adopt RES. 2014-162 reappointing William Louis, as a regular member, to a 3-year partial term (due to term limits) of a 4-year term to expire December 2018, to the Planning and Zoning Commission.

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 December 9, 2014 City Council meeting to accept Certificates of Appointment.

Exhibit(s):

Exhibit 1: Resolution No. 2014-159
Exhibit 2: Resolution No. 2014-160
Exhibit 3: Resolution No. 2014-161
Exhibit 4: Resolution No. 2014-162

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

RESOLUTION 2014-159

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

WHEREAS, there exists one vacant regular position on the Citizens Commission on Salaries for Elected City Officials; and

WHEREAS Zachary Stringer desires to be a member of and appointed to the Citizens Commission on Salaries for Elected City Officials; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Zachary Stringer, 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 Zachary Stringer is appointed as a regular member to the City of Peoria Citizens Commission on Salaries for Elected City Officials.

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

Zachary Stringer December 2018

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 25th day of November, 2014.

CITY OF PEORIA, an Arizona municipal corporation

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

Approved as to Form:

_____
Stephen M. Kemp, City Attorney

RESOLUTION 2014-160

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING TERRY BREZINA AND KAREN RITZ TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exist two vacant regular positions on the Veterans Memorial Board; and

WHEREAS Terry Brezina and Karen Ritz desire to be members of and appointed to the Veterans Memorial Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointments of Terry Brezina and Karen Ritz, 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 Terry Brezina and Karen Ritz are appointed as regular members to the City of Peoria Veterans Memorial Board.

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

Terry Brezina	December 2018
Karen Ritz	December 2016 (partial term)

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 25th day of November, 2014.

CITY OF PEORIA, an Arizona municipal corporation

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

Approved as to Form:

_____
Stephen M. Kemp, City Attorney

RESOLUTION 2014-161

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING ARIEL CARR AND KENDRA BODEN TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there exist two vacant regular positions on the Youth Advisory Board, and

WHEREAS, Ariel Carr and Kendra Boden desire to be members of and appointed to the Youth Advisory Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Ariel Carr and Kendra Boden, as regular members, to the City of Peoria Youth Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Ariel Carr and Kendra Boden are appointed as regular members to the City of Peoria Youth Advisory Board.

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

Ariel Carr	June 2015 (partial term)
Kendra Boden	June 2016 (partial term)

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 25th day of November, 2014.

CITY OF PEORIA, an Arizona municipal corporation

_____

Bob Barrett, Mayor

ATTEST:

_____

Rhonda Geriminsky, City Clerk

Approved as to Form:

_____
Stephen M. Kemp, City Attorney

RESOLUTION 2014-162

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

WHEREAS, there exists one vacant regular position on the Planning and Zoning Commission; and

WHEREAS William Louis desires to be a member of and reappointed to the Planning and Zoning Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of William Louis, 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 William Louis is reappointed as a regular member to the City of Peoria Planning and Zoning Commission.

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

William Louis	December 2017 (3-year partial term, due to term limits, of a 4 year term to expire December 2018)

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 25th day of November, 2014.

CITY OF PEORIA, an Arizona municipal corporation

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

Approved as to Form:

_____
Stephen M. Kemp, City Attorney

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 10C

Date Prepared: November 12, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Code Amendment - 2014 Model City Tax Code Changes

Purpose:
This is a request for City Council to adopt Ordinance No. 2014-41 amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to sales taxes to incorporate the 2014 Model City Tax Code changes. The League of Arizona Cities and Towns has forwarded for each city's adoption the changes to the Model City Tax Code (MCTC) approved by the Municipal Tax Code Commission with the effective dates provided. Conformity of the City of Peoria Sales Tax Code with the MCTC is required under state statute.

This report presents the City Council with the 2014 Amendments to the Model City Privilege License (Sales) and Use Tax Code. No significant impacts on revenues are expected to arise from most of the required changes. The 2014 amendments include technical and conforming changes to align the Model City Tax Code more closely to state statutes.

Background/Summary:

The Model City Tax Code, adopted in 1987, was a coordinated effort on the part of Arizona cities to achieve uniformity in tax administration. Prior to 1987, the business community and the Arizona legislature voiced concerns regarding the non standard and varying privilege and use tax ordinances and practices among Arizona municipalities. To alleviate this concern, Arizona municipalities formed a Model Cities Tax Code Committee, later known as the Unified Audit Committee (UAC), to create a uniform code for administering privilege and use tax. As a result of those efforts the Model City Tax Code (MCTC) was created. In 1987, the Peoria City Council adopted the Model City Tax Code. Over the years, the Peoria City Council has incorporated and adopted various amendments and changes as required and approved by the Municipal Tax Code Commission (MTCC).

The MTCC is comprised of various mayors and city or town council members appointed by the Arizona legislature. The amendments or changes are proposed as a result of requests

submitted to the MCTC by either the business com12munity or municipalities or as a result of mandatory legislative changes enacted by the state legislature.

The Municipal Tax Code Commission held public hearings and recommended adoption of the changes on October 10, 2014. State Statute requires that the governing bodies of local taxing jurisdictions implement changes approved by the Municipal Tax Code Commission. A summary of the amendments is included in this report.

The League of Arizona Cities and Towns coordinated the preparation of these amendments in consultation with representatives from Arizona cities. The amendments include changes in tax licensing requirements due to the passage of HB2111 (2013) and HB2389 (2014), also known as "tax simplification." The amendments have been reviewed and approved by the business community and the Municipal Tax Code Commission. The League of Arizona Cities and Towns and city staff recommend that the City Council adopt the amendments. The amendments are effective 30 days after City Council adoption.

Previous Actions:
In 2014, an ordinance was prepared and adopted by Council which made numerous conforming and technical changes – Privilege and Excise Taxes (Model City Tax Code) to the City Tax Code of the City of Peoria.

Options:
A: Adopt Ordinance No. 2014-41 amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to sales taxes to incorporate the 2014 (October) Model City Tax Code changes.
B: Do not adopt Ordinance No. 2014-41 amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to sales taxes to incorporate the 2014 (October) Model City Tax Code changes.

Staff's Recommendation:
Staff recommends that the City Council adopt Ordinance No. 2014-41 amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to sales taxes to incorporate the 2014 (October) Model City Tax Code changes.

Fiscal Analysis:
The $20 Tax License application fee is eliminated. A penalty up to $25 is imposed on non-timely remittance of the license fee. Impact to the City's budget is expected to be minimal with adoption of this ordinance.

Exhibits:
Exhibit 1: Identifies the substantive changes to the Peoria City Code, Chapter 12.
Exhibit 2: Ordinance No. 2014-41

Contact Name and Number: Gary Tasky - Tax, License & Collections Supervisor, 623-773-7152
Exhibit 1: Summary of Major Changes

Below are the substantive amendments that this Ordinance addresses:

The Unified Audit Committee ("UAC") proposes several changes to the Model City Tax Code ("MCTC") for consideration by the Municipal Tax Code Commission on October 10, 2014.

Current Legislation: conforming changes: Several bills have been signed by the Governor that require conforming changes to the Model City Tax Code.

I. **Repeal and replace all of Article III; absorb all Regulations into the Article as distinct Sections; eliminates all related Green Sheet items held by multiple cities:** HB 2389 (2014) made several statutory changes as a clean-up amendment to HB 2111 (2013). One area with significant impact on the MCTC is a variety of changes made to A.R.S. 42-5005 regarding tax licensing for both the Department of Revenue and the cities and towns effective beginning with the 2015 calendar licensing year.

This revision brings the Model City Tax Code in conformity with the new statute, while simultaneously simplifying an issue that has concerned the business community – namely, the numerous individual variations in tax licensing code and administrative policies. This change is intended to create uniform tax licensing rules that can be applied equally for all municipalities to improve taxpayer understanding and compliance. This language is a combination of new statutory requirements and changes to previous licensing schemes that have been agreed upon by the UAC and city and town finance directors. Significant aspects worth highlighting include the following (affecting all Arizona cities):

- Eliminates all Application Fees and Temporary Licenses (all cities);
- Removes Option requiring outside Department approvals prior to issuance (all cities);
- Single license fee for most classifications, with fees available for Residential and Commercial Real Property Rentals needed to maintain existing commitments (non-Peoria);
- Creates new Model Option #16 to accommodate "per unit" licensing models (non-Peoria);
- Creates uniform penalties and allows for standardized waiver procedures.(all cities)

Article III - Licensing and Recordkeeping

Sec. 12-300. Licensing requirements.

(a) The following persons shall make application to the Tax Collector for a Transaction Privilege and Use Tax License and no person shall engage or continue in business or engage in such activities until he shall have such a license:

(1) Every person engaging or continuing in business activities within the city or town upon which a Transaction Privilege Tax is imposed by this Chapter.

(2) Every person engaging or continuing in business within the city or town and storing or using tangible personal property in this municipality upon which a Use Tax is imposed by this Chapter.

(3) Every person required to report and pay a tax upon Rental Occupancy, as imposed by Section 12-440.

(b) For the purpose of determining whether a Transaction Privilege and Use Tax License is required, a person shall be deemed to be "<u>engaging or continuing in business</u>" within the city or town if:

(1) engaging in any activity as a principal or broker, the gross receipts of which may be subject to Transaction Privilege Tax under Article IV of this Chapter, or

(2) maintaining within the city or town directly, or if a corporation by a subsidiary, an office, distribution house, sales house, warehouse or

other place of business; maintaining within the city or town directly, or if a corporation by a subsidiary, any real or tangible personal property; or having any agent or other representative operating within the city or town under the authority of such person, or if a corporation by a subsidiary, irrespective of whether such place of business, property, or agent or other representative is located here permanently or temporarily, or

(3) soliciting sales, orders, contracts, leases, and other similar forms of business relationships, within the city or town from customers, consumers, or users located within the city or town, by means of salesmen, solicitors, agents, representatives, brokers, and other similar agents or by means of catalogs or other advertising, whether such orders are received or accepted within or without this city or town.

4) A person shall also be deemed to be "engaging or continuing in business" if engaging in any activity subject to Use Tax under Article VI of this Chapter for business purposes. Individuals who acquire items subject to Use Tax for their own personal use or their family's personal use are not required to obtain a license.

(5) Every person required to report and pay a tax upon Rental Occupancy, as imposed by Section 12-440.

(c) A person engaging in more than one activity subject to Transaction Privilege Tax at any one business location is not required to obtain a

separate license for each activity, provided that, at the time such person makes application for a license, he shall list on such application each category of activity in which he is engaged.

(d) The licensee shall inform the Tax Collector of any changes in his business activities, location, or mailing address within thirty (30) days.

(e) Limitation. The issuance of a Transaction Privilege and Use Tax License by the Tax Collector shall in no way be construed as permission to operate a business activity in violation of any other law or regulation to which such activity may be subject.

(f) Casual activity. For the purposes of this Chapter, individuals engaging in a "casual activity or sale" are not subject to the license requirements imposed under this Article provided that they are only engaged in private sales activities, such as the sale of a personal automobile or garage sale, on no more than three separate occasions during any calendar year.

Sec. 12-310. Licensing: special requirements.

(a) Partnerships. Application for a Transaction Privilege and Use Tax License for a partnership engaging or continuing in business shall provide, as a minimum, the names and addresses of all general partners. Licenses issued to persons engaging in business as partners, limited or general, shall be in the name of the partnership.

(b) Limited Liability Companies. Application for a Transaction Privilege and Use Tax License for a Limited Liability Company (LLC) engaging or

continuing in business shall provide, as a minimum, the names and addresses of all members and the manager. Licenses issued to persons engaging in business as Limited Liability Companies, shall be in the name of the LLC.

(c) Corporations. Application for a Transaction Privilege and Use Tax License for a corporation engaging or continuing in business shall provide, as a minimum, the names and addresses of both the Chief Executive Officer and Chief Financial Officer of the corporation. Licenses issued to persons engaging in business as corporations shall be in the name of the corporation.

(d) Multiple Locations or Multiple Business Names. A person engaging or continuing in one or more businesses at two (2) or more locations or under two (2) or more business names shall procure a license for each such location or business name. A "location" is a place of a separate business establishment.

(e) Real Property Rental, Leasing, and Licensing for Use. In all cases the Transaction Privilege and Use Tax License shall be issued only to the owner of the real property regardless of the owner engaging a property manager or other broker to oversee the owner's business activity including filing tax returns on behalf of the owner. Each rental property that can be independently sold or transferred is deemed to be a separate business establishment. Each platted parcel of real property subject to the tax imposed by this Chapter is deemed to be a separate business

establishment and requires a separate license, regardless of the number of rental units located on that platted parcel. If one structure is located on multiple parcels in a manner such that ownership of an individual parcel cannot be sold or transferred without requiring alteration to divide the structure, one license shall be required for all affected parcels.

Sec. 12-320. License fees; annual renewal; renewal fees.

(a) The Transaction Privilege and Use Tax License shall be valid upon receipt of a non-refundable license fee of fifty dollars ($50.00), except for a license to engage in the business activity of residential or commercial real property rental, leasing, and licensing for use as separately identified in this Section. The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of fifty dollars ($50.00) for each license, subject to the limitations in A.R.S. 42-5005. Such annual renewal fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(b) The Transaction Privilege and Use Tax License to engage in the business activity of residential real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of fifty dollars ($50.00). The Transaction Privilege and Use Tax License shall be

valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee offifty dollars ($50.00) for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(c) The Transaction Privilege and Use Tax License to engage in the business activity of commercial real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of fifty dollars ($50.00). The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of fifty dollars ($50.00) for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

Sec. 12-330. Licensing: duration; transferability; display; penalties; penalty waiver; relicensing; fees collectible as if taxes.

(a) The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying the applicable license renewal fee for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year

and shall be considered delinquent if not paid and received on or before the last business day of January. Application and payment of the annual fee must be received in the Tax Collector's office to be deemed paid and received.

(b) The Transaction Privilege and Use Tax License shall be nontransferable between owners or locations, and shall be on display to the public in the licensee's place of business.

(c) Any person required to be licensed under this Chapter who fails to obtain a license on or before conducting any business activity requiring such license shall be subject to the license fees due for each year in business plus a penalty in the amount of fifty percent (50%) of the applicable fee for each period of time for which such fee would have been imposed, from and after the date on which such activity commenced until paid. This penalty shall be in addition to any other penalty imposed under this Chapter and must be paid prior to the issuance of any license. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section __-540.

(d) Any licensee who fails to renew his license on or before the due date shall be deemed to be operating without a license following such due date, and shall be subject to all penalties imposed under this Chapter against persons required to be licensed and operating without a license. The non-licensed status may be removed by payment of the annual license fee for each year or portion of a year he operated without a license, plus a license

fee penalty of 50% of the license fee due for each year. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section 12-540.

(e) Any licensee who permits his license to expire through cancellation as provided in Section 12-340, by his request for cancellation, by surrender of the license, or by the cessation of the business activity for which the license was issued, and who thereafter applies for a license, shall be granted a new license as a new applicant and shall pay the current license fee imposed under Section 12-320.

(f) Any licensee who needs a copy of his Transaction Privilege and Use Tax License which is still in effect shall be charged the current license fee for each reissuance of a license.

(g) Any person conducting a business activity subject to licensing without obtaining a Transaction Privilege and Use Tax License shall be liable to the city for all applicable fees and penalties and shall be subject to the provisions of Sections 12-580 and 12-590, to the same extent as if such fees and penalties were taxes and penalties under such Sections.

Sec. 12-340. Licensing: cancellation; revocation.

(a) Cancellation. The Tax Collector may cancel the Transaction Privilege and Use Tax License of any licensee as "inactive" if the taxpayer, required to report monthly, has neither filed any return nor remitted any taxes imposed by this Chapter for a period of six (6) consecutive months; or, if

required to report quarterly, has neither filed any return nor remitted any taxes imposed by this Chapter for two (2) consecutive quarters; or, if required to report annually, has neither filed any return nor remitted any taxes imposed by this Chapter when such annual report and tax are due to be filed with and remitted to the Tax Collector.

(b) Revocation. If any licensee fails to pay any tax, interest, penalty, fee, or sum required to be paid under this Chapter, or if such licensee fails to comply with any other provisions of this Chapter, the Tax Collector may revoke the Transaction Privilege and Use Tax License of said licensee.

(c) Notice and Hearing. The Tax Collector shall deliver notice to such licensee of cancellation or revocation of the Transaction Privilege and Use Tax License. If the licensee requests a hearing within twenty (20) days of receipt of such notice, he shall be granted a hearing before the Tax Collector.

(d) After cancellation or revocation of a taxpayer's license, the taxpayer shall not be issued a new license until all reports have been filed; all fees, taxes, interest, and penalties due have been paid; and he is in compliance with all provisions of this Chapter.

Sec. 12-350. Operating without a license.

It shall be unlawful for any person who is required by this Chapter to obtain a Transaction Privilege and Use Tax License to engage in or continue in business without a license. The Tax Collector shall assess any delinquencies in tax, interest, and

penalties which may apply against such person upon any transactions subject to the taxes imposed by this Chapter.

Sec. 12-360. Recordkeeping requirements.

(a) It shall be the duty of every person subject to the tax imposed by this Chapter to keep and preserve suitable records and such other books and accounts as may be necessary to determine the amount of tax for which he is liable under this Chapter. The books and records must contain, at a minimum, such detail and summary information as may be required by this Article; or when records are maintained within an electronic data processing (EDP) system, the requirements established by the Arizona Department of Revenue for privilege tax filings will be accepted. It shall be the duty of every person to keep and preserve such books and records for a period equal to the applicable limitation period for assessment of tax, and all such books and records shall be open for inspection by the Tax Collector during any business day.

(b) The Tax Collector may direct, by letter, a specific taxpayer to keep specific other books, records, and documents. Such letter directive shall apply:

(1) only for future reporting periods, and

(2) only by express determination of the Tax Collector that such specific recordkeeping is necessary due to the inability of the taxing jurisdiction to conduct an adequate examination of the past activities of the taxpayer, which inability resulted from inaccurate or

inadequate books, records, or documentation maintained by the taxpayer.

Sec. 12-362. Recordkeeping: income.

The minimum records required for persons having gross income subject to, or exempt or excluded from, tax by this Chapter must show:

(a) The gross income of the taxpayer attributable to any activity occurring in whole or in part in the City.

(b) The gross income taxable under this Chapter, divided into categories as stated in the official City tax return.

(c) The gross income subject to Arizona Transaction Privilege Taxes, divided into categories as stated in the official State tax return.

(d) The gross income claimed to be exempt, and with respect to each activity or transaction so claimed:

(1) If the transaction is claimed to be exempt as a sale for resale or as a sale, rental, lease, or license for use of rental equipment:

(A) The City Privilege License number and State Transaction Privilege Tax License number of the customer (or the equivalent city, if applicable, and state tax numbers of the city and state where the customer resides), and

(B) The name, business address, and business activity of the customer, and

(C) Evidence sufficient to persuade a reasonably prudent businessman that the transaction is believed to be in good

faith a purchase for resale, or a purchase, rental, lease, or license for use of rental equipment, by the vendee in the ordinary and regular course of his business activity, as provided by Regulation.

(2) If the transaction is claimed to be exempt for any other reason:

(A) The name, business address, and business activity of the customer, and

(B) Evidence which would establish the applicability of the exemption to a reasonably prudent businessman acting in good faith. Ordinary business documentation which would reasonably indicate the applicability of an exemption shall be sufficient to relieve the person on whom the tax would otherwise be imposed from liability therein, if he acts in good faith as provided by Regulation.

(e) With respect to those allowed deductions or exclusions for tax collected or charges for delivery or other direct customer services, where applicable, evidence that the deductible income has been separately stated and shown on the records of the taxpayer and on invoices or receipts provided to the customer. All other deductions, exemptions, and exclusions shall be separately shown and substantiated.

(f) With respect to special classes and activities, such other books, records, and documentation as the Tax Collector, by regulation, shall deem

necessary for specific classes of taxpayer by reason of the specialized business activity of any such class.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded income defined by this Chapter.

Sec. 12-364. Recordkeeping: expenditures.

The minimum records required for persons having expenditures, costs, purchases and rental or lease or license expenses subject to, or exempt or excluded from, tax by this Chapter are:

(a) The total price of all goods acquired for use or storage in the City.

(b) The date of acquisition and the name and business address of the seller or lessor of all goods acquired for use or storage in the City.

(c) Documentation of taxes, freight, and direct customer service labor separately charged and paid for each purchase, rental, lease, or license.

(d) The gross price of each acquisition claimed as exempt from tax, and with respect to each transaction so claimed, sufficient evidence to satisfy the Tax Collector that the exemption claimed is applicable.

(e) As applicable to each taxpayer, documentation sufficient to the Tax Collector, so that he may ascertain:

(1) All construction expenditures and all Privilege and Use Taxes claimed paid, relating to owner-builders and speculative builders.

(2) Disbursement of collected gratuities and related payroll information required of restaurants.

(3) Franchise and license fee payments and computations thereto which relate to:

(A) (Reserved)**)****

(B) Telecommunication service.

(4) The validity of any claims of proof of exemption.

(5) A claimed alternative prior value for reconstruction.

(6) All claimed exemptions to the Use Tax imposed by Article VI of this Chapter.

(7) Costs used to compute the "computed charge" claimed for retail service and repair.

(8) Payments of tax to the Arizona Department of Transportation and computations therefor, when a motor-vehicle transporter claims such the exemption.

(9) Payments by tenants subject to the tax upon Rental Occupancy imposed by Section 12-440.

(f) Any additional documentation as the Tax Collector, by Regulation, shall deem necessary for any specific class of taxpayer by reason of the specialized business activity of specific exemptions afforded to that class of taxpayer.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for

each category of taxable, exempt, and excluded expenditures as defined by this Chapter.

Sec. 12-366. Recordkeeping: out-of-City and out-of-State sales.

(a) Out-of-City Sales. Any person engaging or continuing in a business who claims out-of-City sales shall maintain and keep accounting records or books indicating separately the gross income from the sales of tangible personal property from such out-of-City branches or locations.

(b) Out-of-State sales. Persons engaged in a business claiming out-of-State sales shall maintain accounting records or books indicating for each out-of-State sale the following documentation:

(1) documentation of location of the buyer at the time of order placement; and

(2) shipping, delivery, or freight documents showing where the buyer took delivery; and

(3) documentation of intended location of use or storage of the tangible personal property sold to such buyer.

Sec. 12-370. Recordkeeping: claim of exclusion, exemption, deduction, or credit; documentation; liability.

(a) All deductions, exclusions, exemptions, and credits provided in this Chapter are conditional upon adequate proof and documentation of such as may be required either by this Chapter or Regulation.

(b) Any person who claims and receives an exemption, deduction, exclusion, or credit to which he is not entitled under this Chapter, shall be subject to, liable for, and pay the tax on the transaction as if the vendor subject to the tax had passed the burden of the payment of the tax to the person wrongfully claiming the exemption. A person who wrongfully claimed such exemption shall be treated as if he is delinquent in the payment of the tax and shall be subject to interest and penalties upon such delinquency. However, if the tax is collected from the vendor on such transaction it shall not again be collected from the person claiming the exemption, or if collected from the person claiming the exemption it shall not also be collected from the vendor.

Sec. 12-372. Proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment.

A claim of purchase for resale or of purchase, rental, lease, or license for rent, lease, or license is valid only if the evidence is sufficient to persuade a reasonably prudent businessman that the particular item is being acquired for resale or for rental, lease, or license in the ordinary course of business. The fact that the acquiring person possesses a Privilege License number, and makes a verbal claim of "sale for resale or lease" or "lease for re-lease" does not meet this burden and is insufficient to justify an exemption. The "reasonable evidence" must be evidence which exists objectively, and not merely in the mind of the vendor, that the property being acquired is normally sold, rented, leased, or licensed by the acquiring person in the ordinary course of business. Failure to obtain

such reasonable evidence at the time of the transaction will be a basis for disallowance of any claimed deduction on returns filed for such transactions.

Sec. 12-380. Inadequate or unsuitable records.

In the event the records provided by the taxpayer are considered by the Tax Collector to be inadequate or unsuitable to determine the amount of the tax for which such taxpayer is liable under the provisions of this Chapter, it is the responsibility of the taxpayer either:

(a) to provide such other records required by this Chapter or Regulation; or

(b) to correct or to reconstruct his records, to the satisfaction of the Tax Collector.

This version of Article III replaces all prior versions in their entirety, effective 1/01/2015.

This change eliminates the following Regulations, effective 1/01/2015:

Regulation 12-300.1. Who must apply for a license.

Regulation 12-350.1. Recordkeeping: income.

Regulation 12-350.2. Recordkeeping: expenditures.

Regulation 12-350.3. Recordkeeping: out-of-City and out-of-State sales.

Regulation 12-360.1. Proof of exemption: sale for resale; sale, rental, lease or license of rental equipment.

Regulation 12-360.2. Proof of exemption: exemption certificate.

ORDINANCE NO. 2014-41

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA RELATING TO THE PRIVILEGE LICENSE TAX, ADOPTING 2014 AMENDMENTS TO THE TAX CODE OF THE CITY OF PEORIA AMENDING CHAPTER 12 OF THE PEORIA CITY CODE (1992) BY ELIMINATING ALL SECTIONS OF 12-300 THROUGH 12-399 AND ALL PRIVILEGE AND EXCISE TAX REGULATIONS RELATING TO LICENSING REGULATIONS 12-300.1, 12-300.2, 12-300.2, 12-310.1 THROUGH 12-310.3, 12-350.1, 12-350.2, 12-350.3, 12-360.1, 12-360.2 AND CREATING SECTIONS 12-300, 12-310, 12-320, 12-330, 12-340, 12-350, 12-360, 12-362, 12-364, 12-366, 12-370, 12-372, 12-380 ALL PERTAINING TO LICENSING PROVISIONS.

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

SECTION 1. Chapter 12 of the Peoria City Code (1992) is amended by eliminating all sections 12-300 through 12-399 pertaining to licensing requirements.

SECTION 2. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-300 pertaining to licensing requirements and which shall read as follows:

Sec. 12-300. Licensing requirements.

(a) The following persons shall make application to the Tax Collector for a Transaction Privilege and Use Tax License and no person shall engage or continue in business or engage in such activities until he shall have such a license:

(1) Every person engaging or continuing in business activities within the city or town upon which a Transaction Privilege Tax is imposed by this Chapter.

(2) Every person engaging or continuing in business within the city or town and storing or using tangible personal property in this municipality upon which a Use Tax is imposed by this Chapter.

(3) Every person required to report and pay a tax upon Rental Occupancy, as imposed by Section 12-440.

(b) For the purpose of determining whether a Transaction Privilege and Use Tax License is required, a person shall be deemed to be "engaging or continuing in business" within the city or town if:

(1) engaging in any activity as a principal or broker, the gross receipts of which may be subject to Transaction Privilege Tax under Article IV of this Chapter, or

(2) maintaining within the city or town directly, or if a corporation by a subsidiary, an office, distribution house, sales house, warehouse or other place of business; maintaining within the city or town directly, or if a corporation by a subsidiary, any real or tangible personal property; or having any agent or other representative operating within the city or town under the authority of such person, or if a corporation by a subsidiary, irrespective of whether such place of business, property, or agent or other representative is located here permanently or temporarily, or

(3) soliciting sales, orders, contracts, leases, and other similar forms of business relationships, within the city or town from customers, consumers, or users located within the city or town, by means of salesmen, solicitors, agents, representatives, brokers, and other similar agents or by means of catalogs or other advertising, whether such orders are received or accepted within or without this city or town.

(4) A person shall also be deemed to be "engaging or continuing in business" if engaging in any activity subject to Use Tax under Article VI of this Chapter for business purposes. Individuals who acquire items subject to Use Tax for their own personal use or their family's personal use are not required to obtain a license.

(5) Every person required to report and pay a tax upon Rental Occupancy, as imposed by Section 12-440.

(c) A person engaging in more than one activity subject to Transaction Privilege Tax at any one business location is not required to obtain a separate license for each activity, provided that, at the time such person makes application for a license, he shall list on such application each category of activity in which he is engaged.

(d) The licensee shall inform the Tax Collector of any changes in his business activities, location, or mailing address within thirty (30) days.

(e) Limitation. The issuance of a Transaction Privilege and Use Tax License by the Tax Collector shall in no way be construed as permission to operate a business activity in violation of any other law or regulation to which such activity may be subject.

(f) Casual activity. For the purposes of this Chapter, individuals engaging in a "casual activity or sale" are not subject to the license requirements imposed under this Article provided that they are only engaged in private sales activities, such as the sale of a personal automobile or garage sale, on no more than three separate occasions during any calendar year.

SECTION 3. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-310 pertaining to licensing: special requirements and which shall read as follows:

Sec. 12-310. Licensing: special requirements.

(a) Partnerships. Application for a Transaction Privilege and Use Tax License for a partnership engaging or continuing in business shall provide, as a minimum, the names and addresses of all general partners. Licenses issued to persons engaging in business as partners, limited or general, shall be in the name of the partnership.

(b) Limited Liability Companies. Application for a Transaction Privilege and Use Tax License for a Limited Liability Company (LLC) engaging or continuing in business shall provide, as a minimum, the names and addresses of all members and the manager. Licenses issued to persons engaging in business as Limited Liability Companies, shall be in the name of the LLC.

(c) Corporations. Application for a Transaction Privilege and Use Tax License for a corporation engaging or continuing in business shall provide, as a minimum, the names and addresses of both the Chief Executive Officer and Chief Financial Officer of the corporation. Licenses issued to persons engaging in business as corporations shall be in the name of the corporation.

(d) Multiple Locations or Multiple Business Names. A person engaging or continuing in one or more businesses at two (2) or more locations or under two (2) or more business names shall procure a license for each such location or business name. A "location" is a place of a separate business establishment.

(e) Real Property Rental, Leasing, and Licensing for Use. In all cases the Transaction Privilege and Use Tax License shall be issued only to the owner of the real property regardless of the owner engaging a property manager or other broker to oversee the owner's business activity including filing tax returns on behalf of the owner. Each rental property that can be independently sold or transferred is deemed to be a separate business establishment. Each platted parcel of real property subject to the tax imposed by this Chapter is deemed to be a separate business establishment and requires a separate license, regardless of the number of rental units located on that platted parcel. If one structure is located on multiple parcels in a manner such that ownership of an individual parcel cannot be sold or transferred without requiring alteration to divide the structure, one license shall be required for all affected parcels.

SECTION 4. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-320 pertaining to license fees; annual renewal; renewal fees and which shall read as follows:

Sec. ___-320. License fees; annual renewal; renewal fees.

(a) The Transaction Privilege and Use Tax License shall be valid upon receipt of a non-refundable license fee of fifty dollars ($50.00), except for a license to engage in the business activity of residential or commercial real property rental, leasing, and licensing for use as separately identified in this Section. The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of fifty dollars ($50.00) for each license, subject to the limitations in A.R.S. 42-5005. Such annual renewal fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(b) The Transaction Privilege and Use Tax License to engage in the business activity of residential real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of fifty dollars ($50.00). The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of fifty dollars ($50.00) for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

(c) The Transaction Privilege and Use Tax License to engage in the business activity of commercial real property rental, leasing, and licensing for use shall be valid only upon receipt of a non-refundable license fee of fifty dollars ($50.00). The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying an annual license renewal fee of fifty dollars ($50.00) for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January.

SECTION 5. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-330 pertaining to licensing: duration; transferability; display; penalties; penalty waiver; relicensing; fees collectible as if taxes and which shall read as follows:

Sec. ___-330. Licensing: duration; transferability; display; penalties; penalty waiver; relicensing; fees collectible as if taxes.

(a) The Transaction Privilege and Use Tax License shall be valid only for the calendar year in which it is issued unless renewed each year by filing the appropriate application for license renewal and paying the applicable license renewal fee for each license, subject to the limitations in A.R.S. 42-5005. Such fee shall be due and payable on January 1 of each year and shall be considered delinquent if not paid and received on or before the last business day of January. Application and payment of the annual fee must be received in the Tax Collector's office to be deemed paid and received.

(b) The Transaction Privilege and Use Tax License shall be nontransferable between owners or locations, and shall be on display to the public in the licensee's place of business.

(c) Any person required to be licensed under this Chapter who fails to obtain a license on or before conducting any business activity requiring such license shall be subject to the license fees due for each year in business plus a penalty in the amount of fifty percent (50%) of the applicable fee for each period of time for which such fee would have been imposed, from and after the date on which such activity commenced until paid. This penalty shall be in addition to any other penalty imposed under this Chapter and must be paid prior to the issuance of any license. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section __-540.

(d) Any licensee who fails to renew his license on or before the due date shall be deemed to be operating without a license following such due date, and shall be subject to all penalties imposed under this Chapter against persons required to be licensed and operating without a license. The non-licensed status may be removed by payment of the annual license fee for each year or portion of a year he operated without a license, plus a license fee penalty of 50% of the license fee due for each year. License fee penalties may be waived by the Tax Collector subject to the same terms as the waiver of tax penalties as provided for in Section 12-540.

(e) Any licensee who permits his license to expire through cancellation as provided in Section 12-340, by his request for cancellation, by surrender of the license, or by the cessation of the business activity for which the license was issued, and who thereafter applies for a license, shall be granted a new license as a new applicant and shall pay the current license fee imposed under Section 12-320.

(f) Any licensee who needs a copy of his Transaction Privilege and Use Tax License which is still in effect shall be charged the current license fee for each reissuance of a license.

(g) Any person conducting a business activity subject to licensing without obtaining a Transaction Privilege and Use Tax License shall be liable to the city for all applicable fees and penalties and shall be subject to the provisions of Sections 12-580 and 12-590, to the same extent as if such fees and penalties were taxes and penalties under such Sections.

SECTION 6. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-340 pertaining to licensing: cancellation; revocation and which shall read as follows:

Sec. ___-340. Licensing: cancellation; revocation.

(a) Cancellation. The Tax Collector may cancel the Transaction Privilege and Use Tax License of any licensee as "inactive" if the taxpayer, required to report monthly, has neither filed any return nor remitted any taxes imposed by this Chapter for a period of six (6) consecutive months; or, if required to report quarterly, has neither filed any return nor remitted any taxes imposed by this Chapter for two (2) consecutive quarters; or, if required to report annually, has neither filed any return nor remitted any taxes imposed by this Chapter when such annual report and tax are due to be filed with and remitted to the Tax Collector.

(b) Revocation. If any licensee fails to pay any tax, interest, penalty, fee, or sum required to be paid under this Chapter, or if such licensee fails to comply with any other provisions of this Chapter, the Tax Collector may revoke the Transaction Privilege and Use Tax License of said licensee.

(c) Notice and Hearing. The Tax Collector shall deliver notice to such licensee of cancellation or revocation of the Transaction Privilege and Use Tax License. If the licensee requests a hearing within twenty (20) days of receipt of such notice, he shall be granted a hearing before the Tax Collector.

(d) After cancellation or revocation of a taxpayer's license, the taxpayer shall not be issued a new license until all reports have been filed; all fees, taxes, interest, and penalties due have been paid; and he is in compliance with all provisions of this Chapter.

SECTION 7. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-350 pertaining to operating without a license and which shall read as follows:

Sec. 12-350. Operating without a license.

It shall be unlawful for any person who is required by this Chapter to obtain a Transaction Privilege and Use Tax License to engage in or continue in business without a license. The Tax Collector shall assess any delinquencies in tax, interest, and penalties which may apply against such person upon any transactions subject to the taxes imposed by this Chapter.

SECTION 8. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-360 pertaining to recordkeeping requirements and which shall read as follows:

Sec. 12-360. Recordkeeping requirements.

(a) It shall be the duty of every person subject to the tax imposed by this Chapter to keep and preserve suitable records and such other books and accounts as may be necessary to determine the amount of tax for which he is liable under this Chapter. The books and records must contain, at a minimum, such detail and summary information as may be required by this Article; or when records are maintained within an electronic data processing (EDP) system, the requirements established by the Arizona Department of Revenue for privilege tax filings will be accepted. It shall be the duty of every person to keep and preserve such books and records for a period equal to the applicable limitation period for assessment of tax, and all such books and records shall be open for inspection by the Tax Collector during any business day.

(b) The Tax Collector may direct, by letter, a specific taxpayer to keep specific other books, records, and documents. Such letter directive shall apply:

(1) only for future reporting periods, and

(2) only by express determination of the Tax Collector that such specific recordkeeping is necessary due to the inability of the taxing jurisdiction to conduct an adequate examination of the past activities of the taxpayer, which inability resulted from inaccurate or inadequate books, records, or documentation maintained by the taxpayer.

SECTION 9. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-360 pertaining to recordkeeping: income and which shall read as follows:

Sec. 12-362. Recordkeeping: income.

The minimum records required for persons having gross income subject to, or exempt or excluded from, tax by this Chapter must show:

(a) The gross income of the taxpayer attributable to any activity occurring in whole or in part in the City.

(b) The gross income taxable under this Chapter, divided into categories as stated in the official City tax return.

(c) The gross income subject to Arizona Transaction Privilege Taxes, divided into categories as stated in the official State tax return.

(d) The gross income claimed to be exempt, and with respect to each activity or transaction so claimed:

(1) If the transaction is claimed to be exempt as a sale for resale or as a sale, rental, lease, or license for use of rental equipment:

(A) The City Privilege License number and State Transaction Privilege Tax License number of the customer (or the equivalent city, if applicable, and state tax numbers of the city and state where the customer resides), and

(B) The name, business address, and business activity of the customer, and

(C) Evidence sufficient to persuade a reasonably prudent businessman that the transaction is believed to be in good faith a purchase for resale, or a purchase, rental, lease, or license for use of rental equipment, by the vendee in the ordinary and regular course of his business activity, as provided by Regulation.

(2) If the transaction is claimed to be exempt for any other reason:

(A) The name, business address, and business activity of the customer, and

(B) Evidence which would establish the applicability of the exemption to a reasonably prudent businessman acting in good faith. Ordinary business documentation which would reasonably indicate the applicability of an exemption shall be sufficient to relieve the person on whom the tax would otherwise be imposed from liability therein, if he acts in good faith as provided by Regulation.

(e) With respect to those allowed deductions or exclusions for tax collected or charges for delivery or other direct customer services, where applicable, evidence that the deductible income has been separately stated and shown on the records of the taxpayer and on invoices or receipts provided to the customer. All other deductions, exemptions, and exclusions shall be separately shown and substantiated.

(f) With respect to special classes and activities, such other books, records, and documentation as the Tax Collector, by regulation, shall deem necessary for specific classes of taxpayer by reason of the specialized business activity of any such class.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded income defined by this Chapter.

SECTION 10. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-360 pertaining to recordkeeping: expenditures and which shall read as follows:

Sec. 12-364. Recordkeeping: expenditures.

The minimum records required for persons having expenditures, costs, purchases and rental or lease or license expenses subject to, or exempt or excluded from, tax by this Chapter are:

(a) The total price of all goods acquired for use or storage in the City.

(b) The date of acquisition and the name and business address of the seller or lessor of all goods acquired for use or storage in the City.

(c) Documentation of taxes, freight, and direct customer service labor separately charged and paid for each purchase, rental, lease, or license.

(d) The gross price of each acquisition claimed as exempt from tax, and with respect to each transaction so claimed, sufficient evidence to satisfy the Tax Collector that the exemption claimed is applicable.

(e) As applicable to each taxpayer, documentation sufficient to the Tax Collector, so that he may ascertain:

(1) All construction expenditures and all Privilege and Use Taxes claimed paid, relating to owner-builders and speculative builders.

(2) Disbursement of collected gratuities and related payroll information required of restaurants.

(3) Franchise and license fee payments and computations thereto which relate to:

(A) (Reserved))**

**((B) Telecommunication service.

(4) The validity of any claims of proof of exemption.

(5) A claimed alternative prior value for reconstruction.

(6) All claimed exemptions to the Use Tax imposed by Article VI of this Chapter.

(7) Costs used to compute the "computed charge" claimed for retail service and repair.

(8) Payments of tax to the Arizona Department of Transportation and computations therefor, when a motor-vehicle transporter claims such the exemption.

(9) Payments by tenants subject to the tax upon Rental Occupancy imposed by Section 12-440.

(f) Any additional documentation as the Tax Collector, by Regulation, shall deem necessary for any specific class of taxpayer by reason of the specialized business activity of specific exemptions afforded to that class of taxpayer.

(g) In all cases, the books and records of the taxpayer shall indicate both individual transaction amounts and totals for each reporting period for each category of taxable, exempt, and excluded expenditures as defined by this Chapter.

SECTION 11. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-360 pertaining to recordkeeping: out-of-City and out-of-State sales and which shall read as follows:

Sec. 12-366. Recordkeeping: out-of-City and out-of-State sales.

(a) Out-of-City Sales. Any person engaging or continuing in a business who claims out-of-City sales shall maintain and keep accounting records or books indicating separately the gross income from the sales of tangible personal property from such out-of-City branches or locations.

(b) Out-of-State sales. Persons engaged in a business claiming out-of-State sales shall maintain accounting records or books indicating for each out-of-State sale the following documentation:

(1) documentation of location of the buyer at the time of order placement; and

(2) shipping, delivery, or freight documents showing where the buyer took delivery; and

(3) documentation of intended location of use or storage of the tangible personal property sold to such buyer.

SECTION 12. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-370 pertaining to recordkeeping: claim of exclusion, exemption, deduction, or credit; documentation; liability and which shall read as follows:

Sec. ___-370. Recordkeeping: claim of exclusion, exemption, deduction, or credit; documentation; liability.

(a) All deductions, exclusions, exemptions, and credits provided in this Chapter are conditional upon adequate proof and documentation of such as may be required either by this Chapter or Regulation.

(b) Any person who claims and receives an exemption, deduction, exclusion, or credit to which he is not entitled under this Chapter, shall be subject to, liable for, and pay the tax on the transaction as if the vendor subject to the tax had passed the burden of the payment of the tax to the person wrongfully claiming the exemption. A person who wrongfully claimed such exemption shall be treated as if he is delinquent in the payment of the tax and shall be subject to interest and penalties upon such delinquency. However, if the tax is collected from the vendor on such transaction it shall not again be collected from the person claiming the exemption, or if collected from the person claiming the exemption it shall not also be collected from the vendor.

SECTION 13. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-360 pertaining to proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment and which shall read as follows:

Sec. 12-372. Proof of exemption: sale for resale; sale, rental, lease, or license of rental equipment.

A claim of purchase for resale or of purchase, rental, lease, or license for rent, lease, or license is valid only if the evidence is sufficient to persuade a reasonably prudent businessman that the particular item is being acquired for resale or for rental, lease, or license in the ordinary course of business. The fact that the acquiring person possesses a Privilege License number, and makes a verbal claim of "sale for resale or lease" or "lease for re-lease" does not meet this burden and is insufficient to justify an exemption. The "reasonable evidence" must be evidence which exists objectively, and not merely in the mind of the vendor, that the property being acquired is normally sold, rented, leased, or licensed by the acquiring person in the ordinary course of business. Failure to obtain such reasonable evidence at the time of the transaction will be a basis for disallowance of any claimed deduction on returns filed for such transactions.

SECTION 14. Chapter 12 of the Peoria City Code (1992) is amended by adding Section 12-360 pertaining to inadequate or unsuitable records and which shall read as follows:

Sec. 12-380. Inadequate or unsuitable records.

In the event the records provided by the taxpayer are considered by the Tax Collector to be inadequate or unsuitable to determine the amount of the tax for

which such taxpayer is liable under the provisions of this Chapter, it is the responsibility of the taxpayer either:

(a) to provide such other records required by this Chapter or Regulation; or

(b) to correct or to reconstruct his records, to the satisfaction of the Tax Collector.

This version of Article III replaces all prior versions in their entirety, effective 1/01/2015.

This change eliminates the following Regulations, effective 1/01/2015:
Regulation 12-300.1. Who must apply for a license.
Regulation 12-350.1. Recordkeeping: income.
Regulation 12-350.2. Recordkeeping: expenditures.
Regulation 12-350.3. Recordkeeping: out-of-City and out-of-State sales.
Regulation 12-360.1. Proof of exemption: sale for resale; sale, rental, lease or license of rental equipment.
Regulation 12-360.2. Proof of exemption: exemption certificate.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 25th day of November 2014.

_____
Bob Barrett, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

Published in: Peoria Times
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CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 11C

Date Prepared: August 7, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P. E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT Code Amendments, Chapter 20, Floodplain Management

Purpose:

This is a request for City Council to adopt the proposed ordinance amending Chapter 20 of the Peoria City Code pertaining to floodplain regulation and management and providing for severability and providing for an effective date.

Background/Summary:

Over the past two years, the Arizona Department of Water Resources, (ADWR) acting on behalf of the National Flood Insurance Program (NFIP) has been conducting a Community Assistance Visit (CAV) One element of the CAV is an audit of the City's Floodplain Management Regulations, specifically to assure continued compliance with the NFIP.

The National Flood Insurance Act of 1968, as amended, has further requirements under Section 1361 that require the City to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program (NFIP) regulations (44 CFR 59, etc.), in order for continued eligibility in the NFIP. The proposed amendments to Chapter 20 of the Peoria City Code will allow the City to continued to meet these requirements of the NFIP.

The City Code pertaining to floodplain management, Chapter 20, was updated in September 2013 to achieve minimum eligibility requirements of the NFIP and to adopt updated FEMA Floodplain Mapping. For the current changes the Engineering Department has collaborated with the Arizona Department of Water Resources, Economic Development Department, the Homebuilders Association, Arizona Rock Products Association and the City Attorney's Office to revise Chapter 20 of the City Code.

The proposed ordinance is a rewrite of the City's regulations pertaining to Floodplain Management Regulation. Per a recommendation from the CAV, the City is adopting the State of Arizona Floodplain Management Model Ordinance, edited for the City of Peoria. ADWR has

been successful in recently guiding several Arizona communities and Maricopa County to rewrite their former regulations and adopt the respective version of the State of Arizona Floodplain Management Model Ordinance.

Previous Actions: Floodplain Regulation

- In 1977, Chapter 5 was adopted and no further amendments were adopted.
- In 1992, Chapter 20 of the City Code was last updated.
- In September 2013, Chapter 5 deleted references to floodplain regulations that were repeated in Chapter 20. Chapter 20 was updated to include minimum provisions to remain compliant with the NFIP and an auto-adoption clause to incorporate FEMA Flood Map changes and amendments.

Options:

A: Adopt the proposed Ordinance for Chapter 20 of the City Code for Floodplain Management and providing for severability and providing for an effective date.

B: Deny the proposed Ordinance for Chapter 20 of the City Code for Floodplain Management and providing for severability and providing for an effective date. Communities that fail to enact the necessary floodplain management regulations can be suspended from participation in the NFIP.

Staff's Recommendation:

Collectively and as a matter of NFIP and State of Arizona compliance, staff recommends adoption of Ordinance 2014- , which rewrites our Floodplain Regulations to incorporate the requirements of Paragraph 60.3(d) of the NFIP regulations, as recommended by the Arizona Department of Water Resources, by adopting:

- Chapter 20 pertaining to Floodplain Management Regulation.
- Chapter 20 in accordance with specific State Statutes proposed above and providing for severability and providing for an effective date.

Fiscal Analysis:

Adopting Ordinance 2014- amending Chapter 20 will not result in any additional costs to the City.

Narrative:

The City of Peoria Floodplain Management Ordinance has not been updated since 1992. The proposed amendment to the ordinance as needed to comply with the mandate posed by FEMA thru the NFIP requirements.

Exhibit 1: Ordinance Amendment 2014-

ORDINANCE NO. 2014-40

AN ORDINANCE OF THE CITY OF PEORIA MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTION 20-200 THROUGH SECTION 20-228 IN THEIR ENTIRETY AND ENACTING SECTION 20-200 PERTAINING TO FLOODPLAIN MANAGEMENT; STATUTORY AUTHORIZATION; SECTION 20-201 PERTAINING TO FLOODPLAIN MANAGEMENT; FINDINGS OF FACT; SECTION 20-202 PERTAINING TO FLOODPLAIN MANAGEMENT; STATEMENT OF PURPOSE; SECTION 20-203 PERTAINING TO FLOODPLAIN MANAGEMENT; METHODS OF REDUCING FLOOD LOSSES; SECTION 20-204 RESERVED; SECTION 20-205 PERTAINING TO FLOODPLAIN MANAGEMENT; DEFINITIONS; SECTION 20-206 PERTAINING TO FLOODPLAIN MANAGEMENT; LANDS TO WHICH THIS ORDINANCE APPLIES; SECTION 20-207 PERTAINING TO FLOODPLAIN MANAGEMENT; BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD; SECTION 20-208 PERTAINING TO FLOODPLAIN MANAGEMENT; COMPLIANCE; SECTION 20-209 PERTAINING TO FLOODPLAIN MANAGEMENT; ABROGATION AND GREATER RESTRICTIONS; SECTION 20-210 PERTAINING TO FLOODPLAIN MANAGEMENT; INTERPRETATION; SECTION 20-211 PERTAINING TO FLOODPLAIN MANAGEMENT; DISCLAIMER OF LIABILITY; SECTION 20-212 PERTAINING TO FLOODPLAIN MANAGEMENT; STATUTORY EXCEPTIONS; SECTION 20-213 PERTAINING TO FLOODPLAIN MANAGEMENT; UNLAWFUL ACTS; SECTION 20-214 PERTAINING TO FLOODPLAIN MANAGEMENT; DECLARATION OF PUBLIC NUISANCE STATUTE; SECTION 20-215 PERTAINING TO FLOODPLAIN MANAGEMENT; ABATEMENT OF VIOLATIONS; SECTION 20-216 PERTAINING TO FLOODPLAIN MANAGEMENT; SEVERABILITY; SECTION 20-217 RESERVED; SECTION 20-218 RESERVED; SECTION 20-219 RESERVED; SECTION 20-220 PERTAINING TO FLOODPLAIN MANAGEMENT; DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR; SECTION 20-221 PERTAINING TO FLOODPLAIN MANAGEMENT; DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR; SECTION 20-222 PERTAINING TO FLOODPLAIN MANAGEMENT; ESTABLISHMENT OF

DEVELOPMENT PERMIT; SECTION 20-223 PERTAINING TO FLOODPLAIN MANAGEMENT; SAND AND GRAVEL OPERATIONS; SECTION 20-224 RESERVED; SECTION 20-225; SECTION 20-226; SECTION 20-227 RESERVED; SECTION 20-228 RESERVED; SECTION 20-229 RESERVED; SECTION 20-230 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS OF CONSTRUCTION; SECTION 20-231 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT; SECTION 20-232 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR UTILITIES; SECTION 20-233 PERTAINING TO FLOODPLAIN MANAGEMENT; ADDITIONAL DEVELOPMENT STANDARDS, INCLUDING SUBDIVISIONS; SECTION 20-234 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR MANUFACTURED HOMES; SECTION 20-235 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR RECREATIONAL VEHICLES; SECTION 20-236 PERTAINING TO FLOODPLAIN MANAGEMENT; FLOODWAYS; SECTION 20-237 RESERVED; SECTION 20-238 RESERVED; SECTION 20-239 RESERVED; SECTION 20-240 PERTAINING TO FLOODPLAIN MANAGEMENT: NATURE OF VARIANCES; SECTION 20-241 PERTAINING TO FLOODPLAIN MANAGEMENT; APPEAL BOARD; SECTION 20-242 PERTAINING TO FLOODPLAIN MANAGEMENT; CONDITIONS FOR VARIANCES; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Chapter 20 of the Peoria City Code (1992) entitled "Planning and Development" is amended by repealing Sections 20-200 through 20-228 in their entirety and enacting the following Sections 20-200 through 20-242, which reads as follows:

Sec. 20-200. Floodplain management; statutory authorization.

In Arizona Revised Statutes ("A.R.S.") § 48-3610, the Arizona State Legislature enabled the City of Peoria, an Arizona, municipal corporation to adopt regulations in conformance with A.R.S. § 48-3603 designed to promote the public health, safety and general welfare of its citizenry.

Sec. 20-201. Floodplain management; finding of fact.

A. The flood hazard areas of the City of Peoria are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage, also contribute to the flood loss.

Sec. 20-202. Floodplain management; statement of purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize blight areas caused by flooding;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard;

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

I. Maintain eligibility for disaster relief;

Sec. 20-203. Floodplain management; methods of reducing flood losses.

These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes. In order to accomplish its purposes, this ordinance includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural

protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging, and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Sec. 20-204. RESERVED

Sec. 20-205. Floodplain management; definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone. See "*Special flood hazard area*."
Accessory structure. A *structure* that is:

1. Used solely for the parking of no more than two (2) cars; or limited storage (small, low cost sheds); and
2. Is smaller than two hundred (200) square feet floor area.

Appeal. A request for a review of the *Floodplain Administrator's* interpretation of any provision of this ordinance or a request for a *variance*.

Area of shallow flooding. A designated AO or AH Zone on a community's *Flood Insurance Rate Map (FIRM)* with a one percent or greater annual chance of *flooding* to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of *flooding* is unpredictable and where velocity flow may be evident. Such *flooding* is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the *floodplain* within a *community* subject to a one (1) percent or greater chance of *flooding* in any given year. These areas are designated as Zone A, AE, AR, AO, AH and A1-30 on the *FIRM* and other areas determined by the criteria adopted by the Director of the Arizona Department of Water Resources. See "*Special flood hazard area*")

Base flood. A *flood* which has a one (1) percent chance of being equaled or exceeded in any given year. This is also called the "*100-year flood*".

Base flood elevation (BFE). The elevation shown on the *Flood Insurance Rate Map* for Zones AE, AH, AR and A1-30, that indicates the *water surface elevation* resulting from a *flood* that has a one (1) percent or greater chance of being equaled or exceeded in any given year.

Basement. Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

Building. See "*Structure*."

CLOMR. Conditional Letter Of Map Revision. A Federal Emergency Management

Agency process for proposing changes to the Flood Insurance Rate Maps.

Community. Any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the area within its jurisdictional boundaries. For the purposes of this ordinance "Community" means the City of Peoria.

Development. Any man-made change to improved or unimproved real estate, including but not limited to *buildings* or other *structures*, mining, dredging, filling, grading, paving, excavation or storage of equipment or materials.

Dwelling Unit. Any *structure* usable for residential purposes and which may be located in a single or multiple-dwelling *building*, which includes working, sleeping, eating, recreation facilities, or a combination thereof. This excepts *structures* used solely for storage purposes.

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent *structures* or *development* into a *floodplain*, which may impede or alter the flow capacity of a *floodplain*.

Erosion. The process of the gradual wearing away of landmasses.

FEMA. The Federal Emergency Management Agency.

FIA. Federal Insurance Administration.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of floodwaters;
2. The unusual and rapid accumulation or runoff of surface waters from any source, and/or;
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash *flood* or by some similarly unusual and unforeseeable event which results in *flooding* as defined elsewhere in this definition.

Flood Hazard Area. See "*Special Flood Hazard Area"*

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency (*FEMA*) or Federal Insurance Administration (*FIA*) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Insurance Administration (*FIA*) or Federal Emergency Management Agency (*FEMA*) that includes flood profiles, *Flood Insurance Rate Maps*, Flood Boundary and Floodway Maps and the

water surface elevation of the *base flood*.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source. See "*Flood or flooding*."

Floodplain Administrator. The *community* official designated by title to administer and enforce the *floodplain management regulations*.

Floodplain Board. The City Manager or his designee acting as the Floodplain Board, at such times as the Floodplain Board are engaged in the enforcement of this ordinance.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the *floodplain*, including but not limited to emergency preparedness plans, flood control works, *floodplain management regulations*, and open space plans.

Floodplain management regulations. This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control *development* in *flood-prone areas*. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to *structures* which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities*, structures*, and their contents.

Flood-Related Erosion. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in *flooding*.

Floodway. The area of a river or other *watercourse* and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the *water surface elevation* more than a designated height. Also referred to as "*Regulatory Floodway*."

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Governing body. The local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

Hardship. As related to Article VI of this ordinance, meaning the exceptional *hardship*

that would result from a failure to grant the requested *variance*. The City of Peoria requires that the *variance* be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional *hardship*. All of these problems can be resolved through other means without granting a *variance*, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a *structure*.

Historic structure. Any *structure* that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   a. By an approved state program as determined by the Secretary of the Interior or
   b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor. The *lowest floor* of the lowest enclosed area, including the *basement*. See "*Basement*." An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a *basement* area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in *violation* of the applicable non-elevation design requirements of this ordinance.

Manufactured home. A *structure*, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "*manufactured home*" does not include a "*recreational vehicle*". For *floodplain management* purposes the term "*manufactured home*" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "*manufactured home*" does not include park trailers, travel trailers or other similar vehicles.

Manufactured Home Park or Subdivision. A parcel, or contiguous parcels of land

divided into two (2) or more *manufactured home* lots for rent or sale.

Market value. Defined in the *substantial damage* and *substantial improvement* procedures Section 20-221.B.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which *base flood elevations* shown on a community's *Flood Insurance Rate Map* are referenced.

New construction. For the purposes of determining insurance rates, *structures* for which the "*start of construction*" commenced on or after the effective date of an initial *Flood Insurance Rate Map* or after December 31, 1974, whichever is later, and includes any subsequent improvements to such *structures.* For *floodplain management* purposes, "*new construction*" means *structures* for which the "*start of construction*" commenced on or after December 31, 1974, the effective date of a *floodplain management regulation* adopted by a *community* and includes any subsequent improvements to such *structures.*

Obstruction. Including, but not limited to, any dam, wall, wharf, embankment, levee, dike, berm, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, *building*, wire, fence, rock, gravel, refuse, fill, *structure*, vegetation or other material in, along, across or projecting into any *watercourse* which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred-year flood or **100-year flood.** The *flood* having a one (1) percent chance of being equaled or exceeded in any given year. See "*Base flood*."

Person. An individual or the individual's agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, this state or its agencies or political subdivisions.

Recreational vehicle. A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Depth (RFD). An elevation one (1) foot above the depth number on a *Flood Insurance Rate Map (FIRM),* or two (2) feet above the *highest adjacent grade*, if no depth number is shown on the *FIRM.*

Regulatory Flood Elevation (RFE). An elevation one (1) foot above the *base flood elevation* for a *watercourse* for which the *base flood elevation* has been determined and

shall be determined by the criteria developed by the Director of the Arizona Department of Water Resources for all other *watercourses*.

Regulatory floodway. The channel of a river or other *watercourse* and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the *water surface elevation* more than a designated height.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet flow area. See "*Area of shallow flooding*."

Special flood hazard area (SFHA). An area in the *floodplain* subject to a one (1) percent or greater chance of *flooding* in any given year. It is shown on a *Flood Insurance Rate Map* as Zone A, AE, AH, AO, AR, A1-A30 or A99.

Start of construction. The date the building permit was issued, for *new construction* and *substantial improvements* to existing *structures*, provided the actual *start of construction*, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date the permit was issued. The actual start means either the first placement of permanent construction of a *structure*, on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a *manufactured home* on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a *basement*, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory *buildings*, such as garages or sheds not occupied as *dwelling units* or not part of the main *structure*. For a *substantial improvement*, the actual *start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a *building*, whether or not that alteration affects the external dimensions of the *building*.

Structure. A walled and roofed *building* that is principally above ground; this includes a gas or liquid storage tank or a *manufactured home*.

Substantial damage. Damage of any origin sustained by a *structure* whereby the cost of restoring the *structure* to its before damaged condition would equal or exceed fifty (50) percent of the *market value* of the *structure* before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a *structure*, the cost of which equals or exceeds fifty (50) percent of the *market value* of the *structure* before the "*start of construction*" of the improvement. This term includes *structures* which have incurred "*substantial damage*", regardless of the actual repair work performed. The term "*substantial improvement*" does not, however, include either:

1. Any project for improvement of a *structure* to correct existing *violations* or state or local health, sanitary, building, or safety code specifications which have been identified by the local code enforcement official and which are the minimum

necessary to assure safe living conditions;

2. Any alteration of a "*historic structure*," provided that the alteration will not preclude the *structure*'s continued designation as a "*historic structure*."

Variance. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation. The failure of a *structure* or other *development* to be fully compliant with the *community's floodplain management regulations*. A *structure* or other *development* without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in *violation* until such time as that documentation is provided.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of *floods* of various magnitudes and frequencies in the *floodplains* of coastal or *riverine* areas.

Watercourse. A lake, river, creek, stream, wash, arroyo, channel, or other topographic feature, on or over which waters flow or pond at least periodically. *Watercourse* includes specifically designated areas in which substantial flood damage may occur.

Sec. 20-206. Floodplain management; Lands to which this ordinance applies.

This ordinance shall apply to all areas of special flood hazards within the corporate limits of the City of Peoria.

Sec. 20-207. Floodplain management; basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Maricopa County, Arizona and Incorporated Areas dated October 16, 2013, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated October 16, 2013, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at the City of Peoria, Engineering Department, Peoria, Arizona.

Sec. 20-208. Floodplain management; compliance.

All development of land, construction of residential, commercial or industrial structures, or future development within Special Flood Hazard Areas is subject to the terms of this ordinance and other applicable regulations.

Sec. 20-209. Floodplain management; abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 20-210. Floodplain management; interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 20-211. Floodplain management; disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Peoria, any officer or employee thereof, the State of Arizona or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Sec. 20-212. Floodplain management; statutory exceptions.

The statutory exceptions in A.R.S. § 48-3609(H) and A.R.S. § 48-3613 apply to this chapter.

The exceptions contained in this A.R.S. § 48-3609(H) and A.R.S. § 48-3613 do not relieve any person from liability if that person's actions cause flood damage to any other person or property.

Sec. 20-213. Floodplain management; unlawful acts.

A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any

development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.

B. Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Sec. 20-214. Floodplain management; declaration of public nuisance statute.

All development located or maintained within any area of special flood hazard after August 8, 1973, in violation of this ordinance, is a public nuisance per se and may be abated, prevented or restrained by action of the City.

Sec. 20-215. Floodplain management; abatement of violations.

Within 30 days of discovery of a violation of this ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

A. Take any necessary action to effect the abatement of such violation; or

B. Issue a variance to this ordinance in accordance with the provisions of Article VI, Sections 20-240 thru 20-242 herein; or

C. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 20 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Article VI; Sections 20-240 thru 20-242 herein; or

D. Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

Sec. 20-216. Floodplain management; severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Sec. 20-217 RESERVED

Sec. 20-218. RESERVED

Sec. 20-219. RESERVED

Sec. 20-220. Floodplain management; designation of the floodplain administrator.

The Engineering Director is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accordance with its provisions.

Sec. 20-221. Floodplain management; duties and responsibilities of the floodplain administrator.

Duties of the Floodplain Administrator shall include, but not be limited to:

A. Permit Review Review all development permits to determine that**:**

1. The permit requirements of this ordinance have been satisfied;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

B. Substantial Improvement and Substantial Damage Procedures

1. Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “Market Value.”

2. Assure procedures are coordinated with other departments and divisions and implemented by community staff.

C. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 20-207, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Article V. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources and shall be submitted to the Floodplain Board for adoption.

D. Obtain and Maintain for Public Inspection

1. The certified regulatory flood elevation required in Section 20-230.C.1;
2. The floodproofing certification required in Section 20-230.C.2;
3. The flood vent certification required in Section 20-230.C.3.a
4. The elevation certification required for additional development standards, including subdivisions, in Section 20-233.A.2;
5. The floodway encroachment certification required in Section 20-236.A;
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued;
7. Obtain and maintain improvement calculations.

E. Notification of Other Entities

1. Whenever a watercourse is to be altered or relocated:
   - **a.** Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency through appropriate notification means; and
   - **b**. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.
2. Base flood elevation and rate of flow due to physical alterations:
   - **a.** Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
   - **b.** Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources
3. Corporate Boundary Changes:

a. Notify the Federal Emergency Management Agency and the Arizona Department of Water Resources of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

F. Map Determinations

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI.

G. Remedial Actions

Take actions on violations of this ordinance as required in Section 20-216 herein.

Sec. 20-222. Floodplain management; establishment of development permit.

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 20-207. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, berms, fences, walls, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;

B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 20-230.C.2;

D. Base flood elevation data for subdivision proposals or other development greater than 50 lots or 5 acres; and

E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Sec. 20-223. Floodplain management; sand and gravel operations.

Sand and gravel operations are permitted within the floodplain subject to the following conditions:

A. Within The Floodway

Sand and gravel operations may be conducted within the floodway upon a permit issued by the Engineering Director or his designee. The permit may contain such

conditions as deemed appropriate by the Engineering Director or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodway upon termination of the sand and gravel operation. Operations within the floodway may be permitted provided that:

1. The operations are restricted to extraction of sand, gravel, mineral and rock products for commercial purposes; and
2. Excavations are not so located or configured nor of such depth as to present a hazard to other property or development, including, but not limited to roads, bridges, culverts, and utilities.
3. Stockpiling of material or tailings and placement or arrangement of equipment shall not obstruct, divert, or retard the flow of floodwaters within the floodway, except as reviewed and approved by the Engineering Director, on an individual permit basis.

B. Outside Of The Floodway

Sand and gravel operations may be conducted within the floodplain, outside of the floodplain upon a permit issued by the Engineering Director or his designee. The permit may contain such conditions as deemed appropriate by the Engineering Director or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodplain upon termination of the sand and gravel operation. Operations within the floodplain may be permitted provided that:

1. The operations are associated with extraction, processing and storing of sand, gravel, mineral and rock products for commercial purposes; and
2. Excavations are not so located or configured nor of such depth as to present a hazard to other property or development, including, but not limited to roads, bridges, culverts, and utilities.
3. Stockpiling of material or tailings and placement or arrangement of equipment shall not obstruct, divert, or retard the flow of floodwaters within the floodplain or adjacent floodway, except as reviewed and approved by the Engineering Director, on an individual permit basis.

Sec. 20-224 RESERVED

Sec. 20-225 RESERVED

Sec. 20-226 RESERVED

Sec. 20-227 RESERVED

Sec. 20-228 RESERVED

Sec. 20-229. RESERVED

Sec. 20-230. Floodplain management; standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

2. All manufactured homes shall meet the anchoring standards of section 20-234.B.

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

3. All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing

1. Residential construction

Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

a. In an AO Zone, elevated to or above the regulatory flood elevation, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

b. In an A Zone where a BFE has not been determined, elevated to or above the regulatory flood elevation or be elevated in accordance with the criteria developed by the Director of the Arizona Department of Water Resources.

c. In Zones AE, AH and A1-30, elevated to or above the regulatory flood elevation.

Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community's building inspector to be properly elevated. Such

certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction

Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 20-230.C.1 or together with attendant utility and sanitary facilities: basement,

a. Be floodproofed below the elevation recommended under Section 20-230.C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood Openings

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

a. Have a minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

b. If it is not feasible or desirable to meet the openings criteria stated above, a registered engineer or architect may design and certify the openings.

4. Manufactured homes

Manufactured homes shall also meet the standards in Section 20-234.

5. Garages and low cost accessory structures

a. Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the regulatory flood elevation, must be designed to allow for the automatic entry of flood waters. See Section 20-230.C.3. Areas of the garage below the regulatory flood elevation must be constructed with flood resistant materials. See Section 20-230.B.

2. A garage attached to a nonresidential structure must meet the above

requirements or be dry floodproofed.

b. Detached garages and accessory structures.

1. "Accessory structure" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 20-205, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

a) Use of the accessory structure must be limited to parking or limited storage;

b) The portions of the accessory structure located below the regulatory flood elevation must be built using flood-resistant materials;

c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the regulatory flood elevation;

e) The accessory structure must comply with floodplain encroachment provisions in Section 20-236; and

f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 20-230.C.3.

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 20-230.

Sec. 20-231. Floodplain management; standards for storage of materials and equipment.

A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

Sec. 20-232. Floodplain management; standards for utilities.

A. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them or

contamination from them during flooding.

C. Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

Sec. 20-233 Floodplain management; additional development standards, including subdivisions.

A. All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:

1. Identify the area of the special flood hazard area and the elevation of the base flood
2. Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

Sec. 20-234. Floodplain management; standards for manufactured homes.

All manufactured homes that are placed on site or substantially improved shall:

A. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and

B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

Sec. 20-235. Floodplain management; standards for recreational vehicles.

All recreational vehicles placed on site shall:

A. Be on site for fewer than 180 consecutive days, or

B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently

attached additions; or

C. Meet the permit requirements of Article IV of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 20-234.

Sec. 20-236. Floodplain management; floodways.

Located within areas of special flood hazard established in Section 20-207 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other `development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Section 20-236 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this code.

Sec. 20-237 RESERVED

Sec. 20-238 RESERVED

Sec. 20-239 RESERVED

Sec. 20-240. Floodplain management; nature of variances.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the City of Peoria to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Sec. 20-241. Floodplain management; appeal board.

A. The Floodplain Board of the City of Peoria shall hear and decide appeals and requests for variances from the requirements of this ordinance

B. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

C. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.

D. Upon consideration of the factors of Section 20-241 (C) and the purposes of this ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage, and

2. Such construction below the base flood level increases risks to life and property; and

3. The land upon which the variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided by A.R.S. Title 26, Chapter 2, Article 2. A copy of the notice shall be recorded in the office of the Maricopa County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance and report such variances issued.

Sec. 20-242. Floodplain management; conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided the procedures of Articles IV and V of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Article II of this ordinance in the definition of “Functionally Dependent Use”; and,

4. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. 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 25th day of November, 2014

CITY OF PEORIA, an Arizona municipal corporation

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

Published in: The Peoria Times

Pub. Date: December 5, 2014

Effective Date: _____

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 12C

Date Prepared: October 20, 2014 **Council Meeting Date:** November 25, 2014

TO: Carl Swenson, City Manager

THROUGH: Jeff Tyne, Deputy City Manager

FROM: Roy W. Minter, Chief of Police

SUBJECT: Authorization to accept a grant from the Governor's Office of Highway Safety (GOHS) in the amount of $5,000

Purpose:

This is a request for City Council to authorize the acceptance of funding from the Governor's Office of Highway Safety (GOHS) in the amount of $5,000.

Background/Summary:

The Peoria Police Department desires to accept funding provided by the Governor's Office of Highway Safety (GOHS) in the amount of $5,000. This funding has been provided to purchase a Mobile Data Computer (MDC) system for use in a recently acquired DUI Enforcement Vehicle.

A media release that announces the grant award, educates about the dangers associated with impaired driving, and emphasizes the importance of aggressive DUI enforcement will be prepared and distributed.

Previous Actions:

City Council has previously accepted grants from the Governor's Office of Highway Safety; the Peoria Police Department has received funding from the Governor's Office of Highway Safety for approximately ten years. The equipment to be purchased with this grant will be used in the DUI Enforcement Vehicle recently acquired with funds provided by GOHS.

Options:

A: Accept the grant award in the amount of $5,000 from GOHS and approve a budget adjustment in the amount of $5,000 from the Proposed Grants Contingency Account to the GOHS Grant Operational Supplies/Equipment Account.

B: Choose not to accept the grant award from GOHS, and find an alternate funding source to purchase this equipment.

Staff's Recommendation:

Authorize the City Manager to accept $5,000 from the Governor's Office of Highway Safety (GOHS) to be used by the Peoria Police Department to purchase equipment for a DUI Enforcement Vehicle.

Fiscal Analysis:

Request a budget adjustment of $5,000 from the Proposed Grants Contingency account (7990-7990-570000) to the GOHS Grant Operational Supplies/Equipment Account (7515-7765-530019), thus providing expenditure authority.

Narrative:

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

Exhibit 1: Grant Contract 2015-405d-036 (DUI/Impaired Driving Enforcement Equipment).

Contact Name and Number: Brenda Hope, 623-773-7072

GOVERNOR'S OFFICE OF HIGHWAY SAFETY | **STATE OF ARIZONA**

HIGHWAY SAFETY CONTRACT

This page, the Project Directors Manual and attached hereto and incorporated herein by reference, constitute the entire contract between the parties hereto unless the Governor's Highway Safety Representative authorizes deviation in writing.

		CFDA: 20.616
1.	**APPLICANT AGENCY** Peoria Police Department (PPD)	**GOHS CONTRACT NUMBER:** **2015-405d-036**
	ADDRESS 8351 W. Cinnabar Ave, Peoria, Arizona 85345	**PROGRAM AREA: 405**
2.	**GOVERNMENTAL UNIT** City of Peoria	**AGENCY CONTACT:** Sgt James Willis
	ADDRESS 8401 W. Monroe Street, Peoria, Arizona 85345	**3. PROJECT TITLE:**
4.	**GUIDELINES:** 405d – DUI/Impaired Driving	DUI/Impaired Driving Enforcement Equipment – One (1) Fully-Equipped Mobile Data Computer (MDC) System

5. BRIEFLY STATE PURPOSE OF PROJECT:
Federal 405 funds will support the purchase of Capital Outlay: One (1) Fully-Equipped Mobile Data Computer (MDC) System to enhance DUI/Impaired Driving Enforcement throughout the City of Peoria.

6.	**BUDGET COST CATEGORY**	**Project Period FFY 2015**
I.	**Personnel Services**	$0.00
II.	**Employee Related Expenses**	$0.00
III.	**Professional and Outside Services**	$0.00
IV.	**Travel In-State**	$0.00
V.	**Travel Out-of-State**	$0.00
VI.	**Materials and Supplies**	$0.00
VII.	**Capital Outlay**	$5,000.00
	TOTAL ESTIMATED COSTS	**$5,000.00**

PROJECT PERIOD	**FROM:** Effective Date (*Date of GOHS Director Signature*)	**TO:** 09-30-2015
CURRENT GRANT PERIOD	**FROM:** 10-01-2014	**TO:** 09-30-2015

TOTAL FEDERAL FUNDS OBLIGATED THIS FFY: $5,000.00

A political subdivision or state agency that is mandated to provide a certified resolution or ordinance authorizing entry into this contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded contract.

PROBLEM IDENTIFICATION AND RESOLUTION:

Agency Background:
The City of Peoria was incorporated in 1954, and is located approximately seven miles northwest of the City of Phoenix in Maricopa County. As one of the fastest growing cities in the country, the population of Peoria has increased from 108,364 in 2000 to 160,504 in 2013. This dramatic growth in population has resulted in a significant increase in vehicle traffic on the City of Peoria roadways. To accommodate the increase in traffic, Peoria built an additional 178 linear miles of roadway from 2000 to 2009, which is an increase of 33% of roadway throughout the nearly 180 square miles that comprise the City of Peoria. The City of Peoria is bisected by four state highways, which makes Peoria a highly accessible location. Currently, there are more than 583 linear of miles of roadway within the City of Peoria with more being developed.

Peoria is diverse in terms of demographics. The population median age is 37 years old, with a median household income of $74,985 per year (2012 City Highlights, Peoria Economic Development Services). The Peoria Police Department consists of 292 employees who support a strong Community Oriented Policing philosophy, which shapes the way the Peoria Police Department conducts daily business. With 191 authorized sworn positions, the Peoria Police Department has approximately 1.18 officers per 1,000 residents. Other cities have indicated ratios of 2.01 officers per 1,000 residents (Phoenix), and 2.07 officers per 1,000 residents (Tempe).

Agency Problem:

The Peoria Police Department is requesting grant funding for the purchase of Capital Outlay: One (1) Fully-Equipped Mobile Data Computer (MDC) System. The Peoria Police Department will utilize capital outlay equipment for DUI/Impaired Driving enforcement throughout the City of Peoria. The Peoria Police Department continues to implement enforcement that stems from impaired driving; and will continue its contribution to the DUI Task Force, which promotes roadway safety throughout the City of Peoria.

Agency Attempts to Solve Problem:

The Peoria Police Department IT department is currently using a temporary Mobile Data Computer (MDC) System within the Fully-Equipped DUI Enforcement Vehicle until final delivery of the updated MDC System is received for installment.

Agency Funding:

Federal 405 funds will support the purchase of Capital Outlay: One (1) Fully-Equipped Mobile Data Computer (MDC) System to enhance DUI/Impaired Driving Enforcement throughout the City of Peoria.

How Agency Will Solve Problem With Funding:

The Peoria Police Department will utilize grant funding to purchase and install the Capital Outlay: One (1) Fully-Equipped Mobile Data Computer (MDC) System; and the system must be purchased no later than the 3rd quarter of FFY2015 grant cycle. The Peoria Police Department will utilize capital outlay equipment for DUI enforcement throughout the City of Peoria. Also, the Peoria Police Department will continue to monitor the DUI enforcement program; and will continually report necessary DUI statistical data to ensure accurate comparisons of DUI arrests, citations, and warnings that are issued. The Peoria Police Department will continue to increase the public's awareness associated with the dangers of drinking and driving; and continue to provide training and updates on DUI laws to Peoria Police Department Officers.

GOALS/OBJECTIVES:

Federal 405 funds will support the purchase of Capital Outlay: One (1) Fully-Equipped Mobile Data Computer (MDC) System to enhance DUI/Impaired Driving Enforcement throughout the City of Peoria.

Expenditures of funding pertaining to Impaired Driving Enforcement including Personnel Services and ERE, Materials & Supplies, Capital Equipment and/or Travel In and Out of State shall comply with the Impaired Driving Program Goals provided by the Arizona Governor's Office of Highway Safety. The Impaired Driving Program Goal is to reduce the incidence of alcohol and drug related driving, fatalities and injuries through enforcement, education and public awareness throughout the State of Arizona. Law Enforcement personnel participating in Impaired Driving Enforcement/DUI activities including DUI Task Force details under this program shall be HGN/SFST certified.

To prepare complete press release information for media (television, radio, print and on-line) during each campaign period including a main press release, schedule of events, departmental plans and relevant data. **The material will emphasize the campaign's purpose, aggressive enforcement and the high cost of DUI/Impaired Driving in terms of money, criminal and human consequences.**

The Peoria Police Department will maintain responsibility for **reporting sustained enforcement** activity in a timely manner. Additionally, it is the responsibility of the Peoria Police Department to report all holiday task force enforcement statistics to GOHS on-line at the GOHS website **no later than 10:00a.m. the morning following each day of the event.**

The holidays and special events include but not limited to: Super Bowl Sunday, Valentine's Day, President's Day, St. Patrick's Day, Spring Break, Easter, Cinco de Mayo, Prom Night, Memorial Day, Graduation Day, Independence Day, Labor Day, Columbus Day, Halloween, and the Thanksgiving through New Year's details.

PLEASE NOTE: Failure to submit Statistics, Quarterly Reports and/or Report of Costs Incurred (RCIs) on time and correctly may delay reimbursement for expenditures to your agency.

METHOD OF PROCEDURE:

The Peoria Police Department will make expenditures as follows to meet the outlined Program Goals/Objectives:

Capital Outlay – To purchase/procure the following Capital Outlay for DUI/Impaired Driving Enforcement Equipment Activities:
One (1) Fully-Equipped Mobile Data Computer (MDC) System

PRESS RELEASE:

Agencies are required to develop and distribute a press release announcing this grant award upon receipt of the executed contract. A copy of this press release shall be sent to the GOHS Director at the same time it is sent to the media. This press release shall include the objective and specify that the funding is from the Governor's Office of Highway Safety.

BAC TESTING AND REPORTING REQUIREMENTS:

Alcohol impairment is a major contributing factor in fatality and serious injury motor vehicle collisions. Accurate data on alcohol involvement is essential to understanding the full extent of the role of alcohol and to assess progress toward reducing impaired driving.

Arizona is presently and consistently below the documented average among the states in the Blood Alcohol (BAC) testing of drivers involved in fatal motor vehicle collisions.

Each law enforcement agency that receives an enforcement-related grant is required to ensure that this accurate data on all drivers involved are reported. Failure to comply may result in withholding funds and cancellation of the enforcement contract until this requirement is met.

PURSUIT POLICY:

All law enforcement agencies receiving federal funds are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police (IACP) that are currently in effect.

EQUIPMENT:

One (1) Fully-Equipped Mobile Data Computer (MDC) System

Agencies receiving funding for Capital Outlay (major equipment) such as DUI Processing Vans, marked and unmarked enforcement sedans and marked enforcement motorcycles shall schedule a press conference that includes the Director of the Governor's Office of Highway Safety. The purpose of this press conference will be to present the equipment to the community.

The Peoria Police Department shall immediately notify GOHS if any equipment purchased under this contract ceases to be used in the manner described in this contract. In such event, the Peoria Police Department further agrees to dispose of this equipment using the Peoria Police Department's, city, town or county ordinance, code or rule regarding disposal of equipment.

In the absence of an ordinance, code or rule regarding the disposal of the property, the Peoria Police Department can refer to that of the state. The Peoria Police Department shall maintain or cause to be maintained for its useful life, any equipment purchased under this contract. The Peoria Police Department shall incorporate any equipment purchased under this Contract into its inventory records. The Peoria Police Department shall insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets this requirement.

Administrative and Maintenance Costs:

The Peoria Police Department shall be responsible for all administrative, maintenance, operational costs and the costs of any damage relating to the **[One (1) Fully-Equipped Mobile Data Computer (MDC) System].**

Decals:

The Governor's Office of Highway Safety shall provide the Peoria Police Department with decals depicting the Governor's Office of Highway Safety logo. These decals shall be affixed to the equipment before being placed in service.

Equipment Purchase:

The equipment purchased under this contract shall be ordered, received, training completed, and placed in service prior to the end of the project period.

If the Agency cannot meet this requirement, the Agency must submit a letter of explanation signed by the Project Director on the Agency's letterhead via mail or hand delivered to the Director of the Governor's Office of Highway Safety within sixty (60) days before the end of the project period.

The application of USDOT "Common Rule" and Circular A-102 requires that:

Grantees and sub grantees will use their own procurement procedures, which reflect applicable state and local laws and regulations, provided that the procurement procedures conform to applicable federal laws and standards. The most stringent purchasing requirement at each level must be met. If the Agency does not have a procurement process, the Agency may use the State Procurement process.

Original Purpose of Equipment:

Pursuant to 23 CFR §1200.21, all equipment purchased under this contract is to be used for the original purpose intended under this contract. All equipment shall be used for the originally authorized grant purposes for as long as needed for those purposes and neither the State nor the Agency (sub-grantees) or contractors shall encumber the title or interest while such need exists.

The Governor's Office of Highway Safety may reserve the right to transfer title to equipment acquired under this the Section 405 program to the Federal Government or to a third party when such third party is otherwise eligible under existing statutes.

Furthermore, 49 CFR §18.32.c.1 states that equipment (acquired under this grant) shall be used by the grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

Insurance:

It is agreed that the Peoria Police Department shall adequately insure all capital equipment purchased under this contract for repair or replacement.

SPECIFIC REQUIREMENTS:

PROFESSIONAL AND OUTSIDE SERVICES/PUBLIC INFORMATION/MEDIA-

Requirements for Professional and Outside Services:
A copy of all contracts for "Professional and Outside Services" must be submitted to the GOHS Director for written approval before execution.

Requirements for Public Information and Education Materials:
Prior to the printing and distribution of public information and education materials, a sample will be provided to the GOHS Director for review and written approval.

Requirements for Paid Media:
All paid media must be pre-approved by the GOHS Director to ensure that consistent messages are sent statewide. Requests for paid media must include, *at a minimum*, scripts, description of target audience (to include methodology for identifying target audience), type of media to be utilized (electronic, print), campaign schedule, and budget. Additional information may be requested on a case by case basis.

EQUIPMENT –

Requirements for Equipment:
The Peoria Police Department shall include a high quality color photograph of all equipment purchased under this contract. The Peoria Police Department shall complete the attached **Capital Outlay Equipment** form for all individual equipment purchases of $5,000.00 or more. The form is to be attached and submitted with the next quarterly report subsequent to the delivery of the equipment.

METHOD OF PROCUREMENT:

The application of USDOT "Common Rule" and Circular A-102 requires that:

Grantees and sub grantees will use their own procurement procedures which reflect applicable state and local laws and regulations, provided that the procurement procedures conform to applicable federal laws and standards. The most stringent purchasing requirement at each level must be met. If the Agency does not have a procurement process, the Agency may use the State Procurement process.

A clear audit trail must be established to determine costs charged against this contract. Substantiation of costs shall, where possible, be made utilizing the Peoria Police Department documentation consisting of, but not limited to, copies of time sheets, purchase orders, copies of invoices, and proof of payment.

The Project Director shall retain copies of all documentation in the project file.

State Contract:

Procurement may be made using an open state contract award. Documents submitted to substantiate purchase using an open state contract must bear the contract number.

PROJECT EVALUATION:

This project shall be administratively evaluated to ensure that the objectives have been met.

Quarterly Report

The purpose of the Quarterly Report is to provide information on contracted grant activities conducted at the conclusion of each respective quarter. The information provided is used to review progress of the funded project and the successfulness in meeting outlined goals and objectives. The information, photos, highlights, obstacles, and mandatory statistical data provided in this report are analyzed by the assigned project coordinator. It is critical that the report contains the following information:

- **Original signatures on all Quarterly Reports and RCIs**
  - **Signatures must include Project Director unless prior authorization for another is on file with GOHS.**

Report Schedule

Reporting Period	Due Date
1st Quarterly Report (October 1 to December 31, 2014)	January 15, 2015
2nd Quarterly Report (January 1 to March 31, 2015)	April 15, 2015
3RD Quarterly Report (April 1 to June 30, 2015)	July 15, 2015
4TH Quarterly Report (July 1 to September 30, 2015)	October 30, 2015
Final Statement of Accomplishment	October 30, 2015

The Quarterly Report **shall be completed on the form available on-line and submitted by mail** to the Governor's Office of Highway Safety.

***NOTE*: IT IS REQURED THAT ALL LAW ENFORCEMENT AGENCIES MUST ENTER STATISTICAL AND ENFORCEMENT ACTIVITY INTO THE ON-LINE GOHS DUI REPORTING SYSTEM; IN ADDITION TO SUBMITTING THE "QUARTERLY ENFORCEMENT REPORT".**

Final Statement of Accomplishment

The Project Director shall submit a Final Statement of Accomplishment Report to the GOHS **no later than thirty (30) days after the conclusion of each federal fiscal year (September 30th).** All agencies receiving funding are required to submit a Final Statement of Accomplishment Report.

Note: Failure to comply with the outlined GOHS reporting requirements may result in withholding of federal funds or termination of the contract.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Roy Minter, Chief, Peoria Police Department, shall serve as Project Director.

James Willis, Sergeant, Peoria Police Department, shall serve as Project Administrator.

Michelle S. Cota, Governor's Office of Highway Safety, shall serve as Project Coordinator.

REPORT OF COSTS INCURRED (RCI):

The Project Director shall submit a Report of Costs Incurred (RCI) with supporting documentation attached, to the Governor's Office of Highway Safety at a minimum on a quarterly basis in correlation with the required report. Agencies may submit additional RCI forms for expenditures when funds have been expended for which reimbursement is being requested.

RCIs shall be typed and delivered via mail or hand delivered with appropriate supporting documentation, to the Governor's Office of Highway Safety. **Electronically submitted RCIs will not be accepted.** Final RCIs will not be accepted after thirty (30) days after the conclusion of each federal fiscal year (September 30th). **Expenditures submitted after the expiration date will not be reimbursed and the agency will accept fiscal responsibility**.

The RCI template and instructions are available on the Governor's Office of Highway Safety website at http://www.azgohs.gov/grant-opportunities/. **Failure to meet the reporting requirements may be cause to terminate the project.**

PROJECT MONITORING:

Highway safety grant project monitoring is used by GOHS project coordinators to track the progress of project objectives, performance measures and compliance with applicable procedures, laws, and regulations.

The process is used throughout the duration of the contracted project and serves as a continuous management tool. Project monitoring also presents an opportunity to develop partnerships, share information and provide assistance to contracted agencies. Additionally, project monitoring outlines a set of procedures for project review and documentation.

Project monitoring also serves as a management tool for:

- Detecting and preventing problems
- Helping to identify needed changes
- Identifying training or assistance needed
- Obtaining data necessary for planning, and evaluation
- Identifying exemplary projects

Types of Monitoring

Monitoring is formal and informal, financial and operational. The most common types of monitoring are:

- Ongoing contact with the contracted grantee through phone calls, e-mails, correspondence, and meetings
- On-Site and/or In-House monitoring reviews of project operations, management, and financial records and systems
- Review of project Quarterly Reports
- Review and approval of Report of Costs Incurred (RCIs)
- Desk review of other documents in the project-grant files for timely submission and completeness

Monitoring Schedule	
Total Awarded Amount:	**Type of Monitoring:**
Under $50,000	Desk Review/Phone Conference
$50,000 and over	May have an In-House GOHS Review
$100,000+	May have an On-Site Review
Capital Outlay Greater than $25,000.00 (combined)	May have an On-Site Review
Desk Review and Phone Conference	Internal Review of all written documentation related to contractual project including but not limited to contract, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. A phone conference call conducted during the course of the project which includes the date and time of the call, the person(s) contacted and the results. It serves as an informational review to determine progress of programmatic/financial activities. Both the designated project administrator and fiscal contact should be present, if possible, during the phone conference. If identified financial or operational problems are present, GOHS reserves the right to bring the grantee in for an in-house meeting at GOHS. Monitoring form written by Project Coordinator, any findings or areas of improvement, concern or recognition will be provided to the grantee.

In-House Review	Documents performance review results including project activities, reimbursement claims review, equipment purchases, approvals, and other information. Reviews applicable information related to the project(s) including but not limited to contract, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Completed at GOHS in a meeting with appropriate operational and financial personnel. Monitoring form written by Project Coordinator, any findings or areas of improvement, concern or recognition will be provided to the grantee.
On-Site Monitoring	Documents performance review results including project activities, reimbursement claims review, equipment purchases, and other information. Reviews applicable information related to the project(s) including but not limited to contract, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Conducted on-site at the grantee's agency with monitoring form completed on-site by Project Coordinator. Any findings or areas of improvement, concern, or recognition, will be provided to the grantee.

On-site and/or In-house monitoring for grantees of designated projects with large capital outlay purchases, personnel services, and complex projects must be completed within the second or third quarter of the fiscal year. Contracted projects displaying any problems might need on-site monitoring more than once during the fiscal year.

On-site and/or In-house monitoring includes a review and discussion of all issues related to assure the effective administration of the contracted project. The following are the most important items to review:

- Progress toward meeting goals/objectives and performance measures
- Adherence to the contract specifications, timely submission of complete and correct reports, including required documentation
- Quarterly reports
- Status of expenditures related to the outlined budget
- Accounting records
- Supporting documentation (training documentation, inventory sheets, photographs, press releases, etc.)

In addition, the designated project administrator will assure that any equipment purchased will be available for inspection and is being used for the purpose for which it was bought under the outlined contractual agreement.

Documentation

The Governor's Office of Highway Safety will retain all findings documented on the GOHS Monitoring Form in the grantee's respective federal file. Findings will be discussed with the grantee designated contract representative (project administrator, fiscal specialist) by phone and/or e-mail. All noted deficiencies will be provided to the grantee with guidance for improvement and solutions to problems. Grantees that exhibit significantly poor performance with be placed on a performance plan as outlined by the project coordinator. Grantee monitoring information will additionally provide documentation for potential funding in subsequent fiscal year grant proposal review.

PROJECT PERIOD:

The Project Period shall commence on the date the GOHS Director signs the Highway Safety Contract and terminate on September 30 of that or subsequent year as indicated on the Highway Safety Contract.

DURATION:

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the contract and expire at the end of the project period.

If the Agency is unable to expend the funds in the time specified, the Project Director will submit notification on the Agency's letterhead and hand-deliver or submit via regular mail to the Director of the Governor's Office of Highway Safety a minimum of 90 days prior to the end of the project period.

The Agency shall address all requests to modify the contract to the Director of the Governor's Office of Highway Safety on Agency letterhead and either hand deliver or submit the request via regular mail. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the contract. Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	$0.00
II.	Employee Related Expenses (ERE)	$0.00
III.	Professional and Outside Services	$0.00
IV.	Travel In-State	$0.00
V.	Travel Out-of-State	$0.00
VI.	Materials and Supplies	$0.00
VII.	**Capital Outlay:** **One (1) Fully-Equipped Mobile Data Computer (MDC) System**	**$5,000.00**
	TOTAL ESTIMATED COSTS	***$5,000.00**

*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of 40 percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Peoria Police Department shall absorb any and all expenditures in excess of **$5,000.00**.

QUARTERLY ENFORCEMENT REPORT
(Submitted to GOHS)

_____
Reporting Period

DESCRIPTION	CONTRACT ACTIVITY	AGENCY ACTIVITY
TOTAL DUI ARRESTS		
TOTAL MISDEMEANOR DUI ARRESTS		
TOTAL EXTREME DUI .15 ARRESTS		
TOTAL AGGRAVATED DUI ARRESTS		
TOTAL DUI DRUG ARRESTS		
TOTAL DRE EVALUATIONS		
SOBER DESIGNATED DRIVERS CONTACTED		
UNDERAGE ALCOHOL VIOLATIONS - TITLE 4		
UNDERAGE DUI ARRESTS		
UNDERAGE DUI-DRUG ARRESTS		
TOTAL AGENCY CITATIONS		
SPEED CITATIONS		
RED LIGHT RUNNING CITATIONS		
SEAT BELT CITATIONS		
CHILD SAFETY SEAT CITATIONS		

CERTIFICATIONS AND AGREEMENTS

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE and the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

I. Project Monitoring, Reports, and Inspections

A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Contract.

B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.

C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Contract.

D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract whenever such representatives may determine such inspection is necessary.

II. Reimbursement of Eligible Expenses

A. AGENCY'S Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is being requested. Failure to meet this requirement may be cause to terminate the project under section XX herein, "Termination and Abandonment".

B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal audit.

C. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

III. Property Agreement

A. AGENCY will immediately notify STATE if any equipment purchased under this Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.

B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Contract.

C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.

D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.

E. AGENCY will insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets the requirements of this section.

IV. Travel

In-State and Out-of-State Travel

In state and out-of-state travel claims will be reimbursed at rates provided by AGENCY'S regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 will apply.

The State must approve all out-of-state travel in writing and in advance.

V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Contract.

VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

VII. Non-Assignment and Sub-Contracts

This Contract is not assignable nor may any portion of the work to be performed be sub-contracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

VIII. Work Products and Title to Commodities and Equipment

A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Contract.

B. The provisions of subparagraph A apply whether or not the project contracted for herein is completed.

IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

X. "Common Rule" and OMB Circular No. A-102 (Revised)

"Common Rule" (49 CFR, Part 18): *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*

OMB Circular No. A-102 (Revised): *Grants and Cooperative Agreements with State and Local Governments*

The application of USDOT "Common Rule" and Circular A-102 requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS, §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

XI. Equal Opportunity

A. Pursuant to the requirements of the Federal-Aid Highway Act of 1968 (U.S.C. §103 et. seq.), AGENCY, as a condition to receiving approval of this Contract submitted under the Highway Safety Act of 1966, as amended, hereby gives its assurance that employment in connection with the subject Highway Safety Project will be provided without regard to race, color, creed, sex, or national origin, and that any contract it enters into with any private agency pursuant hereto will include provisions in compliance with this paragraph (XI).

As a condition of receiving approval of this Contract, AGENCY will be subject to and will comply with Title VI of the Civil Rights Act of 1964 and all applicable requirements of the Department of Commerce regulations as adopted by the USDOT, providing that no person in the United States shall on the ground of race, color, creed, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the subject Highway Safety Project.

B. If AGENCY fails or refuses to comply with its undertaking as set forth in these provisions, STATE or the USDOT may take any or all of the following actions.

1. Cancel, terminate, or suspend, in whole or in part, the agreement, contract, or other arrangement with respect to which the failure or refusal occurred; and

2. Refrain from extending any further Federal financial assistance to AGENCY under the Highway Safety Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from AGENCY.

C. Pursuant to the requirement of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), AGENCY must operate this Highway Safety Project so that it is accessible and otherwise non-discriminatory to handicapped persons.

XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

XIII. Application of Hatch Act

AGENCY will notify all of its employees whose principal employment is in connection with any highway safety project, financed in whole or in part by loans or grants under the Highway Safety Act of 1966, as amended, of the provisions of the Hatch Act (5 U.S.C. §7321 et. seq.).

XIV. Minority Business Enterprises (MBE) Policy and Obligation

A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR, Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR, Part 23 apply to this Contract.

B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR, Part 23 have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

XV. Arbitration Clause, ARS §12-1518

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Contract where the provisions of mandatory arbitration apply.

XVI. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

XVII. Appropriation of Funds by U.S. Congress

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Contract or project that may so become null and void.

XVIII. Continuation of Highway Safety Program

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

XIX. E-Verify

Both Parties acknowledge that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state. Both Parties warrant that they have registered with and participate with E-Verify. If either Party later determines that the other non-compliant Party has not complied with E-Verify, it will notify the non-compliant Party by certified mail of the determination and of the right to appeal the determination.

XX. Termination and Abandonment

A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.

B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will discontinue advancing the work under this Contract and proceed to close said operations under the Contract.

C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.

D. AGENCY may terminate or abandon this Contract upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.

E. Any equipment or commodities which have been purchased as a part of this Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XXI. Cancellation Statute

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

The cancellation shall be effective when written notice from the Governor or chief executive officer or governing body of the political subdivision is received by all other parties to the Contract unless the notice specifies a later time.

AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE

Acceptance of Condition

It is understood and agreed by the undersigned that a grant received as a result of this Contract is subject the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the Governor's Highway Safety Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal funds expenditures subsequently determined by audit will be subject to recovery by STATE.

Single Audit Act

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Contract. If such audit has not been performed, please advise when it is being scheduled.

Buy America Act

In accordance with the Buy America Act (49 U.S.C. 5323(j)):
Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

REIMBURSEMENT INSTRUCTIONS

1. **Agency Official preparing the Report of Costs Incurred:**

Name: Teresa Corless

Title: Administrative Services Manager

Telephone Number: (623) 773-7035 Fax Number: (623) 773-7015

E-mail Address: Teresa.Corless@peoriaaz.gov

2. **Agency's Fiscal Contact:**

Name: Christen Wilcox

Title: Senior Accountant

Telephone Number: (623) 773-7344 Fax Number: (623) 773-7033

E-mail Address: Christen.Wilcox@peoriaaz.gov

Federal Identification Number: [redacted]

3. ***REIMBURSEMENT INFORMATION:***

Warrant/Check to be made payable to:

Peoria Police Department

Warrant/Check to be mailed to:

Peoria Police Department

(Agency)

8351 W. Cinnabar Avenue

(Address)

Peoria, AZ 85345

(City, State, Zip Code)

Attn: Brenda Hope

Lobbying Restrictions

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The undersigned will require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.

D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required certification will be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature of Project Director:

Roy Minter, Chief
Peoria Police Department

_____

_____
Date Telephone

Signature of Authorized Official of Governmental Unit:

Carl Swenson, City Manager
City of Peoria

_____

_____
Date Telephone

Peoria Police Department (PPD)	GOHS HIGHWAY SAFETY CONTRACT	2015-405d-036

AUTHORITY & FUNDS

1. This Project is authorized by 23 U.S.C. §**405d** and regulations promulgated there under, more particularly Volume 102, and if State funds are involved, this project is authorized by ARS §28-602.

   The funds authorized for this Project have been appropriated and budgeted by the U.S. Department of Transportation. The expenses are reimbursable under Arizona's Highway Safety Plan Program Area **405d,** as approved for by the National Highway Traffic Safety Administration.

2. **A. EFFECTIVE DATE:** **B. FEDERAL FUNDS:**

   Authorization to Proceed Date **$5,000.00**

3. **AGREEMENT AND AUTHORIZATION TO PROCEED**
   by State Official responsible to Governor for the
   administration of the State Highway Safety Agency

Alberto Gutier, Director
Governor's Office of Highway Safety
Governor's Highway Safety Representative

Approval Date

Agenda Item: 13C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: November 12, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Intergovernmental Agreement – Tax Licensing 2015

Purpose:
HB2111 as modified by HB2389 authorizes only the Arizona Department of Revenue (ADOR) to administer Arizona cities' tax license renewals and new tax licensing beginning with the 2015 license-year. The ADOR has informed the cities through the League of Arizona Cities and Towns that, due to computer systems technical issues, it is unable to provide these services to the non-Program cities of Arizona. Accordingly, ADOR has requested that the cities continue their own tax license renewal and new tax licensing administrative services for 2015. This Intergovernmental Agreement (IGA) provides for the City of Peoria continuing to provide these administrative services for the 2015 license year.

Background:
The City of Peoria adopted the Model City Tax Code in 1987. It is the intent and policy of the City of Peoria to cooperate with other cities and governments with the implementation of the tax and license requirements per HB2111 (2013) and HB2389 (2014) otherwise known as 'tax simplification'.

Summary:
The Tax & License Section of the Revenue Division has reviewed and commented on the proposed IGA along with the staff from various other taxing jurisdictions and in conjunction with the League of Arizona Cities and Towns. The City Attorney's office and several other attorneys from cities and towns have also reviewed and commented on the proposed IGA.

This IGA document is needed to enable the City of Peoria to perform the administrative functions of tax license renewal and tax licensing for 2015. Absent execution of this agreement, the City's tax license renewals and tax licensing for 2015 would not be performed.

Recommendation:
That the Mayor and City Council approve Resolution No. 2014-158 authorizing the Mayor to execute an Intergovernmental Agreement (IGA) between the City of Peoria and the State of

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Arizona Department of Revenue (ADOR) for tax license renewals and new licensing administration for 2015.

This agreement will not result in any budgetary impact to the City

ATTACHMENTS:
1. Intergovernmental Agreement
2. Resolution No. 2014-158

RESOLUTION NO. 2014-158

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PEORIA AND THE ARIZONA DEPARTMENT OF REVENUE REGARDING TAX LICENSING FOR 2015.

WHEREAS, the Mayor and City Council of the City of Peoria are empowered pursuant to Arizona Revised Statutes § 11-952 *et seq*. and Peoria City Charter Article 1, Section 3(15) to enter into intergovernmental agreements and contracts for services and/or the joint exercise of powers common to the contracting parties for the purpose of joint or cooperative action incident thereto; and

WHEREAS, the City of Peoria desires to enter into an intergovernmental agreement proposed by the Arizona Department of Revenue regarding the 2015 tax licensing and 2015 new licensing administrative services; and

WHEREAS, the City of Peoria has examined and approved the form and content of the proposed Intergovernmental Agreement and is now determined to enter into the agreement for the purposes stated therein.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Peoria as follows:

Section 1. The Mayor and City Council of the City of Peoria hereby approves and authorizes the Mayor to execute an Intergovernmental Agreement with the Arizona Department of Revenue on behalf of the City of Peoria.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Maricopa County, Arizona this 25th day of November, 2014.

CITY OF PEORIA, an Arizona municipal corporation

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

AGREEMENT

between the

ARIZONA DEPARTMENT OF REVENUE

and the

CITY/TOWN OF PEORIA

Pursuant to A.R.S. § 42-1004, this Agreement is developed and entered into by and between the Arizona Department of Revenue, hereinafter referred to as Department of Revenue, and the City/Town of Peoria, hereinafter referred to as City/Town.

WHEREAS as of January 1, 2015, Department of Revenue will be responsible for issuing annual municipal privilege tax licenses and tax license renewals to persons who engage in a taxable business activity within City/Town; and

WHEREAS Department of Revenue is not able to begin licensing such persons at this time; and

WHEREAS City/Town has the ability to process applications and issue municipal privilege tax licenses to persons who engage in a taxable business activity in City/Town; and

THEREFORE the parties agree City/Town shall perform municipal licensing services on behalf of Department of Revenue as follows:

A. SCOPE OF SERVICES

1. For persons who engage in a business activity in City/Town that require a municipal privilege tax license, City/Town will process the municipal privilege tax license application, issue the municipal privilege tax license, and renew such license for calendar year 2015.
2. Upon application for a municipal privilege tax license, City/Town may charge persons who will be engaged in a taxable business activity in City/Town a fee as specified in A.R.S. § 42-5005(B), as effective January 1, 2015. For persons who apply for a license renewal, City/Town may charge a municipal privilege tax license renewal fee as specified in A.R.S. § 42-5005(D), as effective January 1, 2015. All fees collected pursuant to this section shall be in accordance with A.R.S. § 42-1001 et seq.
3. City/Town shall provide Department of Revenue with licensing information for all persons who obtain a new municipal privilege tax license and/or renew their municipal privilege tax license under the terms of this Agreement.
4. To the extent required by City/Town to perform licensing services under this Agreement, Department of Revenue shall provide City/Town with licensing

information. Any information provided by Department of Revenue shall be treated as confidential pursuant to A.R.S. § 42-2001.

5. Nothing in this Agreement shall be interpreted to limit or preclude the City/Town's ability to do what is otherwise authorized by law.

B. FINANCING

City/Town shall be responsible for, and shall not charge Department of Revenue a fee for, the expenses incurred for the services City/Town provides to Department of Revenue under this Agreement. All fees collected by City/Town under the terms of this Agreement are the property of the City/Town and shall be retained by City/Town.

C. DURATION

This Agreement is entered into and is effective on the date it is executed by both parties and shall expire December 31, 2015 unless terminated earlier by the mutual written agreement of the parties.

D. GENERAL TERMS AND CONDITIONS

1. This Agreement is subject to cancellation under A.R.S. § 38-511, cancellation of State contracts.
2. Pursuant to A.R.S. §§ 35-214, 35-215 and 41-2548, the parties must keep all books, accounts, reports, files and other records relating to this Agreement for a period of five (5) years after the completion of this Agreement. All records shall be subject to inspection and audit by the State at all reasonable times.
3. To the extent required by A.R.S. §§ 12-1518(B) and 12-133, the parties agree to resolve any dispute arising out of this Agreement by arbitration.
4. The parties agree to comply with Arizona Executive Order No. 2009-09 and any other Federal or State laws relating to equal opportunity and non-discrimination, including the Americans with Disabilities Act.
5. This Agreement may be amended or modified by written agreement approved and executed by Department of Revenue and City/Town.
6. Nothing in this Agreement shall be construed as limiting or expanding the statutory responsibilities of parties or as requiring the parties to expend any sum in excess of its appropriations.

E. NOTICES

All notices regarding this Agreement shall be sent to the following addresses:

<u>DOR:</u> Arizona Department of Revenue
Audit Division/Cities Unit
1600 W. Monroe
Phoenix, AZ 85007

City Peoria
8401 W. Monroe St.
Peoria, Arizona 85345

By signing below, the signer certifies that he or she has the authority to enter into this Agreement and has read the foregoing and agrees to accept the provisions herein.

Arizona Department of Revenue

By: _____

Printed Name: David Raber

Title: Director

Date: _____

City of: Peoria, Arizona

By: _____

Printed Name: Bob Barrett

Title: Mayor

Date: _____

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 14C

Date Prepared: November 4, 2014 **Council Meeting Date:** November 25, 2014

TO: Carl Swenson, City Manager

FROM: William Mattingly, Public Works – Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Intergovernmental Agreement (IGA) Contract # 151-75-2015 for ADA PARATRANSIT SERVICE AGREEMENT between the City of Peoria and the Regional Public Transportation Authority (RPTA)

Purpose:

Discussion and possible action to approve an Intergovernmental Agreement (IGA) Amendment Contract # 151-75-2015 for *ADA PARATRANSIT SERVICE AGREEMENT* between the City of Peoria and the Regional Public Transportation Authority (RPTA). Contract Number 151-75-2015

Background/Summary:

The City of Peoria Transit Division currently provides American with Disabilities Act (ADA), Paratransit Service through the Dial-a-Ride program. This agreement outlines the reimbursement of allowable costs by RPTA to Peoria for transporting ADA certified riders as well as delineating the amount that Peoria will pay RPTA to provide taxi cab services. The agreement is valid through June 30, 2015. The last amendment to this agreement was approved by City Council on June 18, 2013.

The amendment modifies schedules “C”, “E”, and “F” and identifies the amount of the annual funding from RPTA. Consistent with RPTA’s budget process, these schedules will be updated annually.

Schedule "C",

For the period of time July 1, 2014 through June 30, 2015, the City of Peoria will pay RPTA an amount not to exceed $199,493 to compliment existing Dial-a-Ride service with taxi cab service contracted through RPTA. This hybrid delivery model is in the best interest of the City and the citizens who utilize the service. The City will also be applying grant funds totaling $75,000 from the New Freedom federal grant towards the operation of this service. Last fiscal year, the city provided just over 8,200 taxi cab rides to residents of the community.

Schedule "E"

For the period July 1, 2014 to June 30, 2015 the maximum amount of Public Transportation Funds (PTF) available for the City of Peoria to reimburse city expenses is **$216,300.00.** The PTF will pay actual costs for ADA trips and other requests for paratransit service made by ADA certified riders up to the maximum amount. Total reimbursements to the City will not exceed the actual costs associated with usage of the service. Any remaining ADA PTF funds not used may be requested by Peoria for other ADA certified rider eligible expenses, and certified by the City's chief financial officer or designee.

Schedule "F", provides certified ADA passengers an opportunity to receive at no cost to them a Platinum Pass that will allow them to ride fixed route service and light rail free of charge. It is estimated that Peoria will incur an expense of $1,670.00 in FY 2014-15 for residents to receive and use the Platinum Pass program. In the event that Peoria does not spend the full amount, remaining funding may be applied to other ADA programs approved by RPTA, including but not limited to, funding of dial-a-ride and other alternative transportation programs for ADA certified users within Peoria.

Peoria's participation in the ADA Platinum Pass Program is voluntary and may be cancelled by providing a ninety (90) calendar day written notice to RPTA. Participation in the ADA Platinum Pass Program reduces ADA operational costs by encouraging ADA certified passengers to use fixed route service in-lieu of more traditional ADA paratransit services.

Options:

A: The Mayor and Council could act to approve an IGA Contract # 151-75-2015 for ADA PARATRANSIT SERVICE between the City of Peoria and the RPTA. This includes service provided by other provider, ADA Transportation funds and the ADA Platinum Pass Program.

B: The Mayor and Council could decline to approve the IGA Contract # 151-75-2015.

Staff's Recommendation:

Staff recommends approval of this ADA Paratransit Service Agreement between the City of Peoria and RPTA.

Fiscal Analysis:

Funding for this request is currently reflected in Transit's Fiscal Year 2015 budget.

Exhibit(s):

Exhibit 1: ADA Paratransit Service Agreement Contract #151-34-2015

Contact Name and Number: William Mattingly, Public Works – Utilities Director, 623-773-5151

TRANSIT SERVICES AMENDMENT
BETWEEN
THE CITY OF PEORIA AND
THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY
CONTRACT # 151-75-2015

THIS AMENDMENT dated this 1st day of July, 2014, amends the following items of the Transit Service Agreement Contract # 151-75-2014 entered into between the City of Peoria and the Regional Public Transportation Authority, dated the 1st day of July 2013.

The following Section replaces and supersedes that Section of the agreement entered into July 1, 2013.

SECTION 10. INDEMNIFICATION

Except for claims arising solely and exclusively from the negligent or willful acts or omissions of Member, its officers, officials, agents or employees (hereinafter referred to as "Indemnitee"), RPTA shall indemnify, defend, save and hold the Indemnitee harmless from and against any and all claims, actions, liabilities, damages, losses, expenses and costs (including court costs, attorneys' fees and costs of claim processing, primary loss investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), loss or damage to tangible property: (1) arising under this Agreement, or (2) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of RPTA or any of its owners, officers, directors, agents, contractor or employees, including employees from the Member assigned to work full time for RPTA.

It is the specific intent of the Parties to this contract that the Indemnitee shall, in all instances except for loss or damage resulting from the sole and exclusive negligence of the Indemnitee, be indemnified against all liability, loss or damage of any nature whatever for or on

account of any injuries to or the death of any person or damages to or the destruction of property belonging to any person, arising out of or in any way connected with the performance of this Agreement. It is agreed that RPTA will be responsible for primary loss investigation, defense and judgment costs.

The following Schedules amend those Schedules of the agreement entered into July 1, 2013.

The attached Schedule C amends Schedule C entered into July 1, 2013.

The attached Schedule E amends Schedule E entered into July 1, 2013.

The attached Schedule F amends Schedule F entered into July 1, 2013.

All other terms of the Parties Transit Services Agreement dated July 1, 2013 remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have each executed this Agreement as of the date first set forth above.

REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)

Stephen R. Banta, Chief Executive Officer

By: _____

APPROVED AS TO FORM:

By: _____

Michael J. Ladino

General Counsel

City of Peoria

Bob Barrett, Mayor,

By: _____

By: _____

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

By: _____

Member Attorney

SCHEDULE "C" –NORTHWEST VALLEY DIAL A RIDE SERVICES AND FINANCIAL INFORMATION

I. Sources of Project Operating Budget:

FY 2014-2015

For the period of time July 1, 2014 through June 30, 2015, the City of Peoria will pay RPTA an estimated amount of **$199,493.00** for provision of Northwest Valley Dial-a-Ride Services (NWVDAR). Payments will be made monthly based on total revenue miles traveled by CITY residents, boarding fees and other costs, less fare revenue. The cost per revenue mile charged to the CITY boarding fees and other costs are established by the contract between the RPTA and the service provider. CITY shall pay RPTA in twelve (12) monthly installments of **$16,624.42** and shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA.

Expenses for NWVDAR Services under this Agreement are allocated to jurisdictions that are part of the NWVDAR System (Member Jurisdictions) based upon the number of vehicle revenue miles (VRM) projected to be provided to the Member Jurisdiction's passengers based on residency status. VRM shall be allocated based upon the actual number of miles utilized in the following manner: If a passenger is a resident of a Member Jurisdiction, the expense for the passenger's transportation (within the NWVDAR system) shall be charged to the Member Jurisdiction for which the passenger is a resident regardless of where the trip originated or terminated. If a passenger is a non-resident of the Member Jurisdictions, the expense for the passenger's transportation (within the NWVDAR system) shall be allocated to the jurisdiction based on the (VRM) in each Member Jurisdiction; and the non-resident passenger will be transported to the closest transfer location in the City of Phoenix when leaving the NWVDAR Service Area.

SCHEDULE "C" – NORTHWEST VALLEY DIAL A RIDE SERVICE SPECIFICATIONS Cont.

The goal of the Northwest Valley Dial-a-Ride (NWVDAR) is to enhance the mobility of senior citizens and persons with disabilities living in participating the cities and the Towns. The NWVDAR provides service in the cities of Surprise and El Mirage, the Town of Youngtown and the unincorporated Sun City and Sun City West. The NWVDAR call center coordinates transfers with adjoining communities.

The program is designed to meet the performance criteria established by the Federal Transit Administration (FTA) Section 504 Program and the Americans with Disabilities Act (ADA) of 1990. The following is a description of the service:

1. Type of Service:

A reservation based paratransit transportation service with a 45-minute on time window for Non-ADA service at least 95 percent of the time and with a 30 minute on time window for ADA service at least 95 percent of the time. The NWVDAR service is provided by a contracted provider. The contractor has a fleet of taxicabs, sedans and other accessible vehicles and contracts with one other provider that also has medical transport and accessible vehicles. The combined fleet is sized to meet all demands of the NWVDAR.

2. Eligibility Criteria/Certification Cards:

This service is available for use by individuals that are ADA certified, seniors over the age of 65 and other persons with disabilities that reside within the in City, Town or jurisdiction participating in the NWVDAR. Only those with valid ADA certification or ADA visitors will be eligible to book an ADA trip.

SCHEDULE "C" – NORTHWEST VALLEY DIAL A RIDE SERVICE PECIFICATIONS Cont.

3. Restrictions/Priorities:

Priority will be given to all ADA trips and there will be no restrictions or priorities based on trip purpose for any ADA trips.

4. Fares:

ADA fares shall comply with the fares adopted by the City of Peoria Mayor and Council and are a flat rate and apply throughout the CITY.

Non-ADA fares are based a fixed rate as determined by each entity. Notwithstanding any provisions of this Agreement, Fares may be amended at any time upon the approval of the CITY and RPTA Board of Directors. Passengers not a resident of the participating cities trip miles will be charged based upon revenue miles traveled within each city or town's jurisdiction.

5. Days and Hours:

Service hours every day for ADA and Non–ADA service will be from 7:00 a.m. to 5:00 p.m. in El Mirage, Sun City, Sun City West, Surprise and Youngtown. Additionally, Saturday service is available for Dialysis or Cancer treatment from 7:00 a.m. to 5:00 p.m. in Sun City and Sun City West. Days and hours of operation may be amended at any time upon mutual agreement among parties to this Agreement.

6. Service area:

The DAR Service Area is defined by each of the Northwest Valley participating jurisdictions. Each community's Service Area may be amended at any time upon agreement among the parties to this Agreement.

SCHEDULE "C" – NORTH WEST VALLEY DIAL A RIDE SERVICE SPECIFICATIONS Cont.

7. Transfers:

Transfers to or from the Peoria or Glendale Dial-a-Ride services will be arranged by the originating dial-a-ride and in a way that ensures that the receiving dial-a-ride is open and that the passenger does not wait more than 30 minutes for the transfer vehicle.

8. Complaints:

There is a central (RPTA-based) complaint system and process referred to as the Customer Assistance System (CAS). The contractor, monitored by RPTA, will have all complaints entered into CAS. The contractor will respond to the complaints and document resolution in CAS. One of the measures that the contractor receives incentives on is the number of valid complaints per 1,000 trips.

9. Payment to Provider:

The contractor will be paid by cost per revenue mile, boarding fee, group trip charge minus fare revenue collected. All fares will be kept by the operator but remain the property of RPTA and serve to offset expenses.

10. Contract Administration:

RPTA shall serve as Contract Administrator. RPTA Shall:

-Provide regular reports to Funding agencies (cities/town)
-Process, review, validate, and pay contractor invoices
-Monitor customer complaints
-Assume compliance of the contract and that its operation adheres to state, local, and federal Laws.
-Administer federal, regional, and local project funds
-Market and merge the project

SCHEDULE "C" – PEORIA DIAL A RIDE SERVICE COST ESTIMATE

City of Peoria	
Valley Metro Mobility Services	
Fiscal Year 2014-2015	
Sources:	
Payments from Agency	$199,493
Public Transportation Fund - ADA	$0
New Freedom Federal Grant	$75,000
Passenger Fares	$12,500
Total Sources	**$286,993**
Uses:	
Payments to Contractor	$275,043
Administrative and Agency Overhead	$11,950
Total Uses	**$286,993**

SCHEDULE "E" – AMERICANS WITH DISABILITIES ACT (ACT) – PUBLIC TRANSPORTATION FUNDS (PTF) AVAILABILITY

For the period July 1, 2014 to June 30, 2015 the maximum amount of Public Transportation Funds (PTF) available for the City of Peoria is **$216,300.00.** The PTF will pay actual costs for ADA trips and other requests for Paratransit service made by ADA certified Riders up to the maximum amount. A final reconciliation at fiscal year-end will be performed and adjustments, if necessary, will be made using actual ADA eligible costs.

Total reimbursements to the City will not exceed the net amount that factors in estimated and actual costs associated with operating RPTA's In-Person Eligibility Determination Facility and ADA Certification office.

Any remaining ADA PTF funds not used up to the maximum reimbursements may be requested by City for other ADA certified rider eligible expenses, and certified by the City's chief financial officer or designee. RPTA will reimburse City within thirty (30) business days based upon availability of funds. City may request that reimbursements be made electronically. Wire transfers must be pre-arranged through the RPTA Finance Department.

Maximum amount: **$216,300.00**

SCHEDULE "F" – ADA PLATINUM PASS PROGRAM

ADA certified passengers, that have been through the in person process, participating in the Member ADA Platinum Pass Program may apply for a Platinum Pass that will allow them to ride fixed route service at no cost to them. It is estimated that Member's ADA PTF annual allocation for the ADA Platinum Pass Program shall incur a cost of **$1,670.00** in FY 2014-15. In all cases Member shall be responsible for the actual costs incurred by RPTA for administering this program including actual transportation costs by its residents. In the event that Member does not use its estimated funding provided through the RPTA Board approved ADA-PTF allocation, RPTA may direct such remaining funding to other ADA programs approved by RPTA, including but not limited to, funding of dial-a-ride and other alternative transportation programs for ADA certified users within Member jurisdiction.

Member does hereby agree to participate in the Valley Metro ADA Platinum Pass Program specified in this Schedule F. The ADA Platinum Pass program allows free use of fixed route bus and light rail by ADA certified member residents that have been through the in person process. The Member will be responsible for the cost of reduced fare on local service and full express fare on express service. Participation in the ADA Platinum Pass Program is voluntary by Member and may be cancelled by Member by providing a ninety (90) calendar day written notice to RPTA. Participation in the ADA Platinum Pass Program reduces ADA operational costs by encouraging ADA certified passengers to use fixed route service in-lieu of more traditional ADA paratransit services. Each eligible ADA certified passenger that opts to participate will receive a ADA Platinum Pass to be used at rail fare vending machines and at bus fare boxes for the payment of fare, as defined by the Valley Metro RPTA Board approved fare policy in effect. Current fare information can be found here: http://www.valleymetro.org/paying_your_fare/fare_options/. RPTA shall administer this program on behalf of Member and will deduct funding from Member's annual ADA allocation of Public Transportation Funds (PTF) that may be appropriated annually to Member by the RPTA Board of Directors. RPTA shall provide report within 15 calendar days from the receipt of detailed billing report from the City of Phoenix on usage and costs incurred. Member ADA-PTF account shall be debited for all pass uses by residents of CITY on an annual basis up to the monthly capped amount of the individual reduced fare Platinum Pass and/or express fare Platinum Pass when applicable.

Agenda Item: 15C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: November 5, 2014 **Council Meeting Date:** November 25, 2014

TO: Carl Swenson, City Manager

FROM: William Mattingly, Public Works – Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Professional Services Contract for Valuation Services between the City of Peoria and Raftelis Financial Consultants, Inc. and Budget Amendment

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Purpose:

Discussion and possible action to approve a professional services contract in the amount of $30,000 plus contingency costs with Raftelis Financial Consultants, Inc. to determine the value of the New River Utility Company, Inc. and approve a budget amendment from Water Fund contingency of an amount not to exceed $50,000. The valuation (appraisal) will be used to aid in negotiations for the potential acquisition of the New River Utility Company, Inc. (water system) by the city.

Background/Summary:

Findings of a public outreach and civic engagement process were presented at the October 21, 2014 Study Session.

New River Utility Company, Inc. (NRUC) is a private potable water provider serving approximately 2,900 customer accounts in it's roughly 1.75 square mile service area located within the city's municipal boundaries. Those customers currently receive sewer and solid waste services from the city.

Through an extensive outreach and civic engagement process which included a survey of all customers of NRUC and a comparison and explanation of water rate and cost impacts, staff has determined that NRUC customers overwhelmingly support the city's potential acquisition of the company.

Based on Council direction, staff will enter into negotiations to acquire the water company. There are several factors which will be considered in the negotiations including; an appraisal of the value of the water company; a condition assessment of the wells, pumps, reservoirs and other system appurtenances; and the cost of CAP water rights associated with the water company.

Staff requested a proposal from Raftelis Financial Consultants, Inc. to prepare the valuation (appraisal).

Previous Actions:

Staff presented the outreach and civic engagement approach and findings at the October 21, 2014 Study Session and received direction from Council to proceed with the negotiation process.

Options:

A: Council could approve the valuation services agreement allowing the determination of a fair market value of NRUC to aid in negotiations of the potential acquisition of the water system.

B: Council could disapprove the valuation services agreement.

Staff's Recommendation:

Staff recommends that Council approve the valuation services agreement to allow Raftelis Financial Consultants, Inc. to proceed with the valuation of NRUC.

Fiscal Analysis:

The proposed agreement between the City of Peoria and Raftelis Financial Consultants, Inc. allows the City of Peoria to determine the fair market value of the water company.

The valuation services will be funded through a budget amendment from Water Fund Utilities Water/Wastewater Administration Division contingency (2050-2050-570000) to Water Fund Utilities Water/Wastewater Administration Division Other Professional Services Account (2050-2050-520099) in the amount of $50,000.

Narrative:

The NRUC system consists of land, potable wells, water storage and pumping facilities, fire hydrants, valves, meters, miscellaneous equipment, records, and various other appurtenances associated with the normal provision of potable water service to its customers in compliance with applicable regulations. Ownership of various water utility assets may be by NRUC, its affiliates, or other companies owned by the owners of NRUC.

Utility appraisal and valuation is an area of specialized expertise requiring external assistance. Ownership issues may further complicate the valuation analysis and warrant increased scrutiny. The city is therefore seeking the services of Raftelis Financial Consultants, Inc. to perform an independent analysis to establish a fair market value to aid in negotiations for the potential acquisition of the company.

Exhibit 1:

Raftelis Financial Consultants, Inc. Valuation Services agreement.

Contact Name and Number: William Mattingly, Public Works – Utilities Director, 623-773-5151

RAFTELIS
FINANCIAL CONSULTANTS, INC.

1031 S. Caldwell Street
Suite 100
Charlotte, NC 28203

Phone 704 . 373 . 1199
Fax 704 . 373 . 1113

www.raftelis.com

November 7, 2014

Mr. Michael D. Weber, P.E.
Deputy Public Works-Utilities Director
City of Peoria
9875 N. 85th Ave.
Peoria, AZ 85345

Via Regular and Email

Dear Mike:

As you requested, Raftelis Financial Consulting ("RFC") is pleased to submit this engagement letter to assist the City of Peoria ("City") in providing a valuation analysis related to the potential acquisition of a local private water company. Specifically, the City is seeking services for the determination of a value for the New River Utility Company (NRUC). NRUC is a private water company serving approximately 2,900 connections in a 1.75 square mile area generally adjacent to the city's service area and other incorporated areas served by other small private water companies. The company is overseen, and has been granted a Certificate of Convenience and Necessity, by the Arizona Corporation Commission (ACC).

NRUC underwent a rate adjustment process (rate case) before the ACC in late 2012 through early 2014 based on a test year of 2011. New water rates and fees were implemented in January 2014. The rate case process entailed the establishment of a Fair Market Value Rate Base derived from equal weighting (or averaging) of both an Original Construction Rate Base valuation and a Reconstruction Cost New Rate Base valuation. Fair Market Value Rate Base values were established separately using this procedure by both the ACC and by NRUC's consultant. Records of that rate case are available for review.

The owners of the NRUC have approached the City of Peoria regarding the potential sale of the company to the City. Customers of the NRUC are residents of the City of Peoria and many have expressed concerns regarding the private utility's water pressure and customer service. The City is considering the potential acquisition of NRUC and recognizes that utility company valuation requires specialized expertise and is therefore seeking a qualified consultant to perform an independent analysis to establish a fair value to aid in negotiations for the potential acquisition of the company.

The water system consists of land, potable wells, water storage and pumping facilities, fire hydrants, valves, meters, miscellaneous equipment, and various other appurtenances and records associated with the normal provision of potable water service to its customers in compliance with applicable regulations.

Scope of Work

The valuation analysis will entail an appraisal of the subject utility based on publicly available information from the ACC, data provided by NRUC, and data available directly by the City. RFC will consider three approaches to valuation: the income, market, and asset approaches. The valuation scope of work will include the creation of a summary report which can be presented to the subject utility during negotiations.

Specific task descriptions for the valuation and feasibility analyses are as follows:

Task 1 - Data Collection and Review: Upon notice to proceed, RFC will submit a data request to be provided to NRUC. RFC will also obtain updated information from the ACC and the City. RFC expects one person-trip to the area to tour the facilities and to meet with the appropriate stakeholders. To the extent relevant and available, the data gathered will include:

- The nature and history of the Company;
- Financial and economic conditions affecting the Company, its industry, and the general economy;
- Past results, current operations, and future prospects of the Company;
- Past sales of ownership interests in the Company;
- Sales of similar businesses or capital stock of publicly held similar businesses;
- Prices, terms, and conditions affecting past sales of similar business equity; and
- Economic benefit of intangible assets.

Task 2 – Methodology Assessment: RFC will determine the appropriateness of the variety of methodologies to be used to establish the value of NRUC. RFC will consider the following characteristics:

- Appropriateness as a generally recognized, established valuation methodology;
- Applicability for valuing the subject; and
- Availability of relevant data.

Task 3 – Identify Necessary Extraordinary Assumptions and Hypothetical Conditions: RFC will determine if there are extraordinary assumptions or hypothetical conditions that are necessary to appropriately value the Company.

Task 4 – Calculation of Value: RFC will use the data collected in Task 1 to calculate the value of NRUC.

Task 5 – Presentation of Findings and Report: RFC will prepare a report to document the appraised value of the Company. A separate summary letter will be used to communicate the results of the feasibility analysis.

Tasks not included in this scope of work:

- Additional trips/meetings to present value to other parties;
- Assistance during negotiations;
- Litigation support; or
- Expert witness testimony.

Proposed Fees and Expenses

RFC proposes fees and expenses of $30,000 for the proposed scope of work. We will bill strictly on a time and materials basis, not to exceed the project ceiling. Fees and expenses for each additional person-trip to Peoria, not included in this scope of work, are estimated to be $3,000, and will be incurred at the City's discretion.

We look forward to providing this further assistance to the City of Peoria. If you agree with the project fees and expenses documented in this letter, please have a designated representative of the City of Peoria sign in the space below, and return one copy for our files. Should you have any questions or comments regarding this letter, feel free to contact me at [redacted], or Frank Davis at [redacted].

Respectfully,
RAFTELIS FINANCIAL CONSULTANTS, INC.

Harold J. Smith
Vice President

DRAFT

We accept the terms of this engagement letter:

_____	_____
Signature	Name of authorized agent
_____	_____
Date	Title

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 16C

Date Prepared: October 20, 2014 **Council Meeting Date: November 25, 2014**

TO: Honorable Mayor and Council

FROM: Cheryl A. Boswell, Assistant City Attorney

THROUGH: Stephen M. Kemp, City Attorney

SUBJECT: Authorization to Proceed with Litigation Against Auerbach Waste LLC for Providing Commercial Solid Waste Services in Peoria Without a License

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Purpose:

This is a request for City Council to authorize the City Attorney's office to proceed with litigation against Auerbach Waste LLC for operating in Peoria without a license.

Background/Summary:

Chapter 22 of the City Code entitled "Solid Waste," requires commercial solid waste companies providing solid waste collection services in the City to be licensed. For the past several months staff from the City Attorney's office and the Finance Department has been pursuing the licensing of commercial solid waste companies in addition to obtaining past fees and charges.

Previous Actions:

In April City Council approved the issuance of four commercial solid waste licenses in accordance with Chapter 22. Auerbach Waste LLC continues to operate in the City even though they have failed to obtain a license and/or pay past fees and charges. While the City notified Auerbach Waste LLC in an effort to assist them with compliance of the Code, the effort has been unsuccessful.

Options:

A: Authorize the City Attorney's office to proceed with litigation against Auerbach Waste LLC for operating in Peoria without a license.

B: Decline to authorize the City Attorney's office to proceed with litigation against Auerbach Waste LLC for operating in Peoria without a license.

Staff's Recommendation:

That the Mayor and Council authorize the City Attorney's office to proceed with litigation against Auerbach Waste LLC for operating commercial solid waste service in Peoria without a license.

Fiscal Analysis:

This item does not have material financial implications.

Narrative:

Given that the City has unsuccessfully attempted to communicate with Auerbach Waste LLC, and that they have failed to obtain a license and/or pay past fees and charges while remaining unresponsive; the City has very little option other than to proceed with litigation against Auerbach Waste LLC for operating in the City without a license.

Exhibit:

None

Contact Name and Number:

Stephen M. Kemp, City Attorney (623) 773-7321

Agenda Item: 17C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: November 05, 2014 **Council Meeting Date:** November 25, 2014

TO: Carl Swenson, City Manager

FROM: Bobby Ruiz, Fire Chief

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Authorization to amend budget to purchase three new fire engines

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Purpose:

This is a request for City Council to authorize the Peoria Fire Department to amend the approved budget for three new fire engines by an additional $89,334. The original approved amount in the FY'15 budget for the three fire engines was $1,445,820.

Background/Summary:

The City of Peoria Fire Department has been working with the city Fleet Advisory Committee on this planned purchase of three replacement fire engines for over a year. The requested replacements were approved by the Fleet Advisory Committee and the replacement fire engines were approved in the FY15 budget. The actual cost for all three trucks together has increased by a total of $89,334 due to unforeseen manufacturing cost increases. The total contract cost for the three trucks is $1,535,154.

1. Each truck will cost $484,283 - before discount
2. Deduct the prepay discount of $11,732 per truck and trucks will cost $472,551 ea X 3 + $2,000 fee to participate in the Houston Galveston Acquisition Contract = $1,419,653
3. Tax at AZ user rate of 5.6% = $79,501 for 3 trucks
4. Accessories parts (graphics, intake valves, monitors, intercom systems) needed for trucks, added once they get to us is Approx. $12,000.00 per truck X 3 = $36,000.00

Total cost (Trucks (3), Tax, Accessories) with discounts included = $1,535,154

Amount in estimated replacement cost spreadsheet is $481,940 ea truck, X 3 = $1,445,820

Amount underfunded - $89,334

Previous Actions:

City Council has previously approved the purchase of these fire engines during the current fiscal year.

Options:

A: Amend the budget by $89,334 from the vehicle replacement fund to cover the manufacturer cost increase and give final approval for the three trucks together for a total cost of $1,535,154.

B: Choose not to amend the budget by $89,334 and do not purchase the fire engines.

Staff's Recommendation:

Approve a budget amendment and the use of reserves in the amount of $89,334 from the Fleet Reserve Fund Contingency Account 3100-3500-570000 to the Fleet Reserve Fund Other Vehicles Account 3100-3500-542505 to cover the manufacturer cost increase and purchase three replacement fire engines.

Fiscal Analysis:

The funds to support this budget amendment are available in the Fleet Reserve Fund. This request will not affect the ability of this fund to support the scheduled replacement of vehicles across the city.

Narrative:

Once approved by City Council, the contract for three replacement fire engines will be executed.

Contact Name and Number: Tom Pendley, 623-773-7911

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 18C

Date Prepared: November 5, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Percent for the Arts Budget Transfer

Purpose:

A request for City Council to authorize the use of Percent for the Art reserves and approve a budget transfer in the amount of $50,000 for foundation and lighting expenses for public art at Pioneer Community Park and other northern Peoria locations.

Summary:

As Pioneer Community Park was being designed and constructed, a call for artists to develop a unique piece of art for the park started. A budget in the amount of $100,000 was appropriated in FY 13 by City Council to commission the art work. That budget was established during the call for artists to create, design, fabricate and deliver the art work. However, this budget did not include the cost for installation of foundations and lighting. As the park was under construction at the time of the call for artists, and it was determined that the park construction contractor would be able to set foundations and provide lighting for the public art within the park construction plans.

The final direction for the public art piece and the park construction schedule ultimately did not align. The opportunity for the park construction to accommodate the Public Art foundation and lighting was missed. Therefore, we are now requesting an allocation from the Percent for the Arts to complete the Pioneer Park project and prepare similar work for pending Public Art projects in Northern Peoria.

Previous Actions:

January 22, 2013 – City Managers Report with Presentation by John Sefton – Pioneer Park Public Art

February 12, 2013 – The Arts Commission reviewed and recommended continuance of the public art process.

March 5, 2013 - Informed City Council of the process used to select public art, and determine whether this process should continue to be used, or modified for future art projects.

September 3, 2013 – During a Study Session report, City Council decided to increase the opportunities for citizen feedback and agreed to use the existing Pioneer Park Public Art finalists as a pilot project.

January 7, 2014 – City Council approved the artwork for Pioneer Community Park by artist Thomas Sayre.

Options:

A. Approve the budget transfer from the Percent for the Arts Fund and complete the project.

B. Identify a different funding source to install the public art at Pioneer Park.

Staff's Recommendation:

Staff recommends approval of the budget transfer.

Fiscal Analysis:

Request authorization to use Percent for the Art Contingency reserves and approval of a budget transfer in an amount not to exceed $50,000 from the Percent for the Art Contingency Account 1111-0120-570000 to the Percent for the Arts, Grounds Detention Repair and Maintenance Account 1111-0120-524004.

Exhibit 1: None

Contact Name and Number: Kirk Haines, 623-773-7120

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 19C

Date Prepared: October 21, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: William Mattingly, Public Works – Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Purchase One (1) Automated Front Load Sanitation Truck

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Purpose:

Discussion and possible action to approve a budget adjustment in the amount of $278,702 for the purchase of one (1) automated front load sanitation truck to replace vehicle #1630 which recently had major engine failure and has surpassed its useful life.

Background/Summary:

Front load sanitation trucks are used in the commercial sanitation operation to service businesses and multi-family properties. The truck that experienced engine failure was originally scheduled for replacement in Fiscal Year 2015, but when it was reviewed for replacement in early 2014, the consensus between fleet and sanitation management was that the truck life could be extended to Fiscal Year 2016. However, the vehicle has recently had a major engine failure that will cost at least $10,000 to repair. Given the age of the vehicle and the fact that it has over 134,000 miles on it, staff has determined that purchasing a new truck now is more appropriate than investing $10,000 into a vehicle that will be replaced in Fiscal Year 2016. Collection vehicles are an essential component to the Solid Waste Division to maintain service levels for the commercial operations. The current unit has reached the end of its life cycle for city operations and is recommended for replacement by Solid Waste, Fleet Services and the Budget Office.

Previous Actions:

No previous actions have transpired regarding this request.

Options:

A. Approve the purchase of one (1) automated front load sanitation truck.

B: Do not approve the purchase of one (1) automated front load sanitation truck until Fiscal Year 2016 and receive the vehicle in approximately January of 2016.

Staff's Recommendation:

Staff recommends the approval of a budget adjustment to purchase one (1) model year 2015 automated front load sanitation truck. These funds will be used to replace vehicle number 1630.

Fiscal Analysis:

If approved, prepare a budget adjustment for $278,702 to the Solid Waste Equipment Reserve Fund, Trucks and Vans Account (2620-2830-542502) from the Solid Waste Equipment Reserve Fund contingency (2620-2830-570000) ($100,000) and from the Fleet Reserve Fund contingency (3100-3500-570000) ($178,702).

Funds for the replacement of this truck have been collected in full within the Solid Waste Equipment Reserve Fund. As such, approval of the requested budget adjustment will have no financial impact on the City.

Narrative:

With approval of this request, the solid waste and fleet divisions will work together to ensure that a new truck is purchased in time for delivery and payment in Fiscal Year 2015.

Contact Name and Number: William Mattingly, Public Works – Utilities Director, 623-773-5151

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 20C

Date Prepared: October 28, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Maintenance Improvement District No. 1167, Trilogy West Phase 1, Parcel C40, Upcountry Way & Eagle Ridge Lane**

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. 1167, Trilogy West Phase 1, Parcel C40, Upcountry Way & Eagle Ridge Lane, 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. 1167, Trilogy West Phase 1, Parcel C40, located at Upcountry Way & Eagle Ridge Lane. 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 2015, 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 Trilogy West Phase 1, Parcel C40 was approved by the City on October 7, 2014 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: William Beloit, Engineering Tech II, x7573

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

[1167]
MID#
TRILOGY WEST PHASE I,
[PARCEL C40]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Sections 48-574 and 48-575, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal 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 29.235 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 15 day of September 20 14.

	Date:	Property (Tax Parcel Numbers)
Vistancia West Construction, LP Print Property Owner Name Robert Williams Print Name 28620 N. El Mirage Rd, Ste B105 Address Signature [redacted]	9-15-2014	503-52-033A
Vistancia West Construction, LP Print Property Owner Name Joan Scarbrough Print Name 28620 N. El Mirage Rd, Ste B105 Address [redacted] Signature	9-15-2014	503-52-033A

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. 2014-153

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. 1167, TRILOGY WEST PHASE 1, PARCEL C40, 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. <u>Definitions</u>.

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. 1167 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. 1167

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. 1167.

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. 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 7. 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 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 8. 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 9. 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 25th day of November, 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

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. 2014-153 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on November 25, 2014 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

June 3, 2014

LEGAL DESCRIPTION FOR
TRILOGY WEST PARCEL C40 PHASE 1
MAINTENANCE IMPROVEMENT DISTRICT

That part of the Southeast Quarter of Section 22, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the calculated position of the Southeast Corner of said Section 22 as depicted in Book 1129 of Maps, Page 22, Records of Maricopa County, Arizona, from which the G.L.O. Brass Cap marking the South Quarter Corner of said Section 22 bears North 89°45'09" West, a distance of 2,633.73 feet and from which the G.L.O. Brass Cap marking the East Quarter Corner of said Section 22 bears North 00°13'26" East, a distance of 2,639.77 feet;

Thence North 00°13'26" East, along the East line of the Southeast Quarter of said Section 22, a distance of 21.51 feet to a point on a line which is parallel with and 21.50 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 22, said point being the True Point of Beginning;

Thence North 89°45'09" West, along said parallel line, a distance of 903.35 feet;

Thence South 88°54'49" West, a distance of 137.47 feet to a point on a 1,206.73 foot radius non-tangent curve, whose center bears North 78°38'27" West;

Thence Northerly, along said curve, through a central angle of 28°26'29", a distance of 599.02 feet;

Thence North 17°04'56" West, a distance of 50.63 feet;
Thence North 62°04'05" West, a distance of 42.42 feet;
Thence North 17°07'19" West, a distance of 43.00 feet;
Thence North 27°55'55" East, a distance of 42.44 feet;

Thence North 17°04'56" West, a distance of 22.51 feet to the beginning of a tangent curve of 670.81 foot radius, concave Southeasterly;

Thence Northeasterly, along said curve, through a central angle of 68°13'39", a distance of 798.80 feet;

Thence North 08°15'08" East, a distance of 40.84 feet;
Thence North 55°21'34" East, a distance of 43.00 feet;
Thence South 77°32'00" East, a distance of 40.84 feet;
Thence South 38°40'16" East, a distance of 69.80 feet;

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Legal Description for
Trilogy West Parcel C40 Phase 1
Maintenance Improvement District
June 3, 2014

Thence South 12°56'35" West, a distance of 44.30 feet;
Thence South 34°38'26" East, a distance of 78.86 feet;
Thence North 55°21'34" East, a distance of 115.00 feet;
Thence South 34°38'26" East, a distance of 136.71 feet;
Thence South 26°09'53" East, a distance of 147.45 feet;
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Thence South 39°39'51" East, a distance of 67.23 feet;
Thence South 45°16'47" East, a distance of 59.92 feet;
Thence South 45°17'06" East, a distance of 495.15 feet;

Thence South 89°46'34" East, a distance of 41.37 feet to a point on the East line of the Southeast Quarter of said Section 22;

Thence South 00°13'26" West, along said East line, a distance of 702.66 feet to the True Point of Beginning.

Containing 29.235 Acres, more or less.

[redacted]

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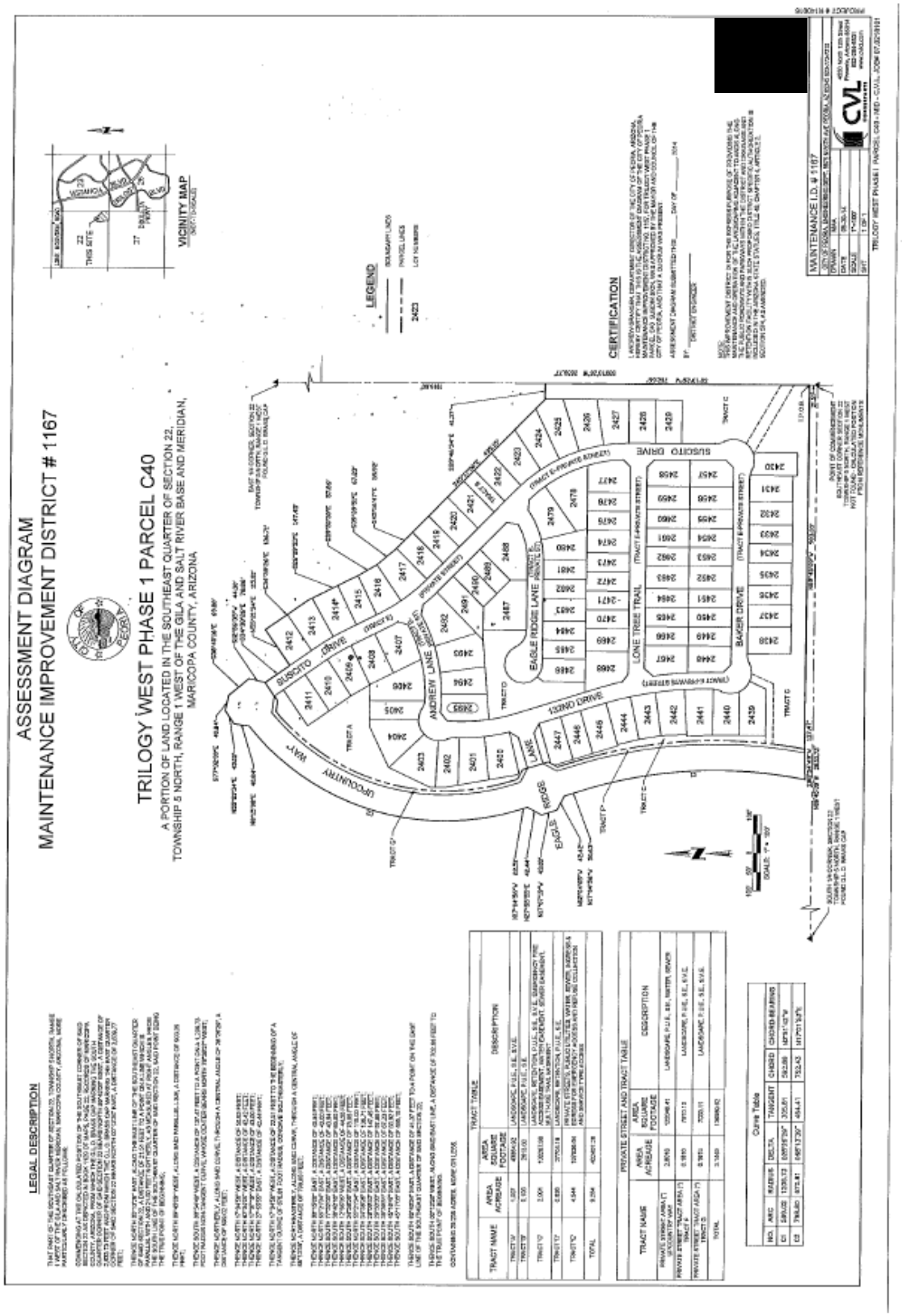
CVL CONSULTANTS

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 # 1167
TRILOGY WEST PHASE 1 PARCEL C40
A PORTION OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22,
TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA
LEGAL DESCRIPTION
VICINITY MAP
LEGEND
CERTIFICATION
MAINTENANCE I.D. # 1167
TRILOGY WEST PHASE 1 PARCEL C40 - RED - CIVIL JOB# 07.029.001
SUSCITO DRIVE
EAGLE RIDGE LANE
LONE TREE TRAIL
BAKER DRIVE
ANDREW LANE
132ND DRIVE
UNCOUNTRY WAY
SCALE: 1" = 100'

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. 1167, TRILOGY WEST PHASE 1, PARCEL C40.

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 25th day of November, 2014 the Mayor and Council of the City of Peoria adopted Resolution No. 2014-154; 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. 1167, 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. 1167 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 _____, 2014.

_____
Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2014-154

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. 1167, TRILOGY WEST PHASE 1, PARCEL C40; 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. 1167.

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 Peoria Maintenance Improvement District No. 1167 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. 1167 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. 1167 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. 1167.

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. 1167 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.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 25th day of November, 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

June 3, 2014

LEGAL DESCRIPTION FOR
TRILOGY WEST PARCEL C40 PHASE 1
MAINTENANCE IMPROVEMENT DISTRICT

That part of the Southeast Quarter of Section 22, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the calculated position of the Southeast Corner of said Section 22 as depicted in Book 1129 of Maps, Page 22, Records of Maricopa County, Arizona, from which the G.L.O. Brass Cap marking the South Quarter Corner of said Section 22 bears North 89°45'09" West, a distance of 2,633.73 feet and from which the G.L.O. Brass Cap marking the East Quarter Corner of said Section 22 bears North 00°13'26" East, a distance of 2,639.77 feet;

Thence North 00°13'26" East, along the East line of the Southeast Quarter of said Section 22, a distance of 21.51 feet to a point on a line which is parallel with and 21.50 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 22, said point being the True Point of Beginning;

Thence North 89°45'09" West, along said parallel line, a distance of 903.35 feet;

Thence South 88°54'49" West, a distance of 137.47 feet to a point on a 1,206.73 foot radius non-tangent curve, whose center bears North 78°38'27" West;

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Legal Description for
Trilogy West Parcel C40 Phase 1
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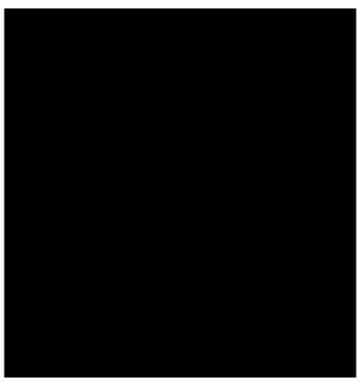
Containing 29.235 Acres, more or less.



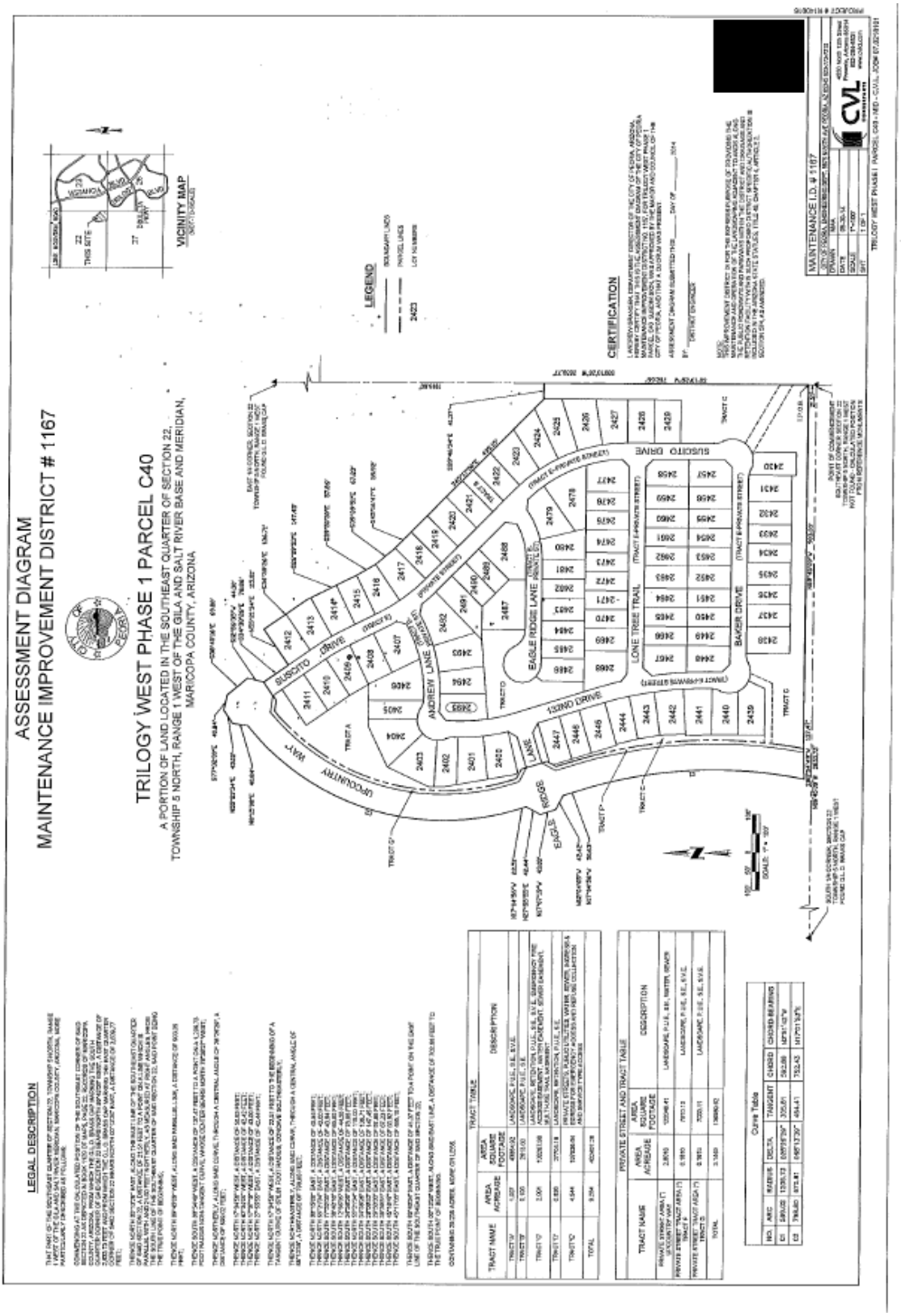
4550 N 12th Street | Phoenix AZ 85014 | 602.264.6831 | (F) 602.264.0928

CVL CONSULTANTS

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 # 1167
TRILOGY WEST PHASE 1 PARCEL C40
A PORTION OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22,
TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA
LEGAL DESCRIPTION
VICINITY MAP
LEGEND
CERTIFICATION
MAINTENANCE I.D. # 1167
TRILOGY WEST PHASE 1 PARCEL C40 - MID - CIVIL JOB# 07.029.001
SUSCITO DRIVE
EAGLE RIDGE LANE
LONE TREE TRAIL
BAKER DRIVE
ANDREW LANE
UNCOUNTRY WAY
TRACT TABLE
PRIVATE STREET AND TRACT TABLE
Curve Table

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 21C

Date Prepared: September 30, 2014 **Council Meeting Date:** November 25, 2014

TO: Carl Swenson, City Manager

FROM: Andy Granger, P.E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Abandonment of City Interest, Drainage Easements, Ventana Lakes Unit 9 & 11

Purpose:

This is a request for City Council to authorize the abandonment of the City's interest in the 20 foot drainage easements located along 111th Avenue between Beardsley Road and Rose Garden Lane and Rose Garden Lane between 109th Avenue and 111th Avenue.

Background/Summary:

The approved Drainage Report for Ventana Lakes identified the site as being exposed to off-site drainage from the north and northeast. In order to protect the site from the off-site flows a small perimeter channel was recommended to be constructed along the northeast corner of the development and then along the eastern property boundary.

In 1985, in order to comply with the Drainage Report for Ventana Lakes the developer constructed a drainage channel along the south side of Rose Garden Lane between 109th Avenue and 111th Avenue and along the east side of the former 111th Avenue from Rose Garden Lane to Beardsley Road. The drainage channel was located within a 20 foot wide drainage easement as identified on the final plats for Ventana Lakes Unit 9 and 11.

In 2007, the City of Peoria and the Flood Control District of Maricopa County partnered to construct the Rose Garden Lane Drainage Improvement project. The project provides 100-year level of protection and consists of an open channel on the north side of Rose Garden Lane from approximately Lake Pleasant Parkway to the Agua Fria River, with underground box culverts at road crossings. The project benefits the area between Lake Pleasant Parkway and the Agua Fria River, south of Rose Garden Lane including Ventana Lakes.

As part of the project, the drainage channel improvements constructed by Ventana Lakes and within the 20 foot drainage easement were removed, backfilled and decomposed granite was placed as requested by the Ventana Lakes Property Owners Association (VLPOA).

Since the drainage improvements no longer exist within the 20 foot easement the VLPOA requested that the City abandon its interest. Following abandonment of the City's interest the responsibility for maintenance of the 20 foot easement will remain with each individual lot owner within the Ventana Lakes Units 9 and 11. The specific lots impacted are:

Ventana Lakes Unit 9: Lots 4, 5, 14, 15, 23, 24, 30, 31, 32, 41, 42, 43, 44, 45, 46, 47, 48, 53, 54, 55, 60, 61, 62 and 66

Ventana Lakes Unit 11: Lots 46, 47, 48, 55, 56, 57, 58, 59, 60, 61 and 62

Previous Actions:

Staff reviewed and approved the request to disclaim any interest the City may have in the 20 foot Drainage Easements that were set forth in the Ventana Lakes Unit 9 and Unit 11 plats.

Options:

A: City Council authorizes the abandonment disclaiming any present and future interest in the 20 foot Drainage Easements set forth in Ventana Lakes Unit 9 and Unit 11 plats.

B: City Council denies the abandonment maintaining any City interest to the 20 foot drainage easements.

Staff's Recommendation:

Staff recommends the adoption of a Resolution declaring an emergency to abandon any City interest in the 20 foot Drainage Easements per the Ventana Lakes Unit 9 Plat (MCR Book 308 Page 2) and Ventana Lakes Unit 11 (MCR Book 308 Page 1) and authorize the City Clerk to record the Resolution.

Fiscal Analysis:

There is no fiscal impact to the City associated with this abandonment.

Narrative:

The abandonment will release the City's interest in the 20 foot drainage easements set forth in the plats for Ventana Lakes Unit 9 and Unit 11.

Exhibit(s):

Exhibit 1: Vicinity Map

Exhibit 2: Location Map

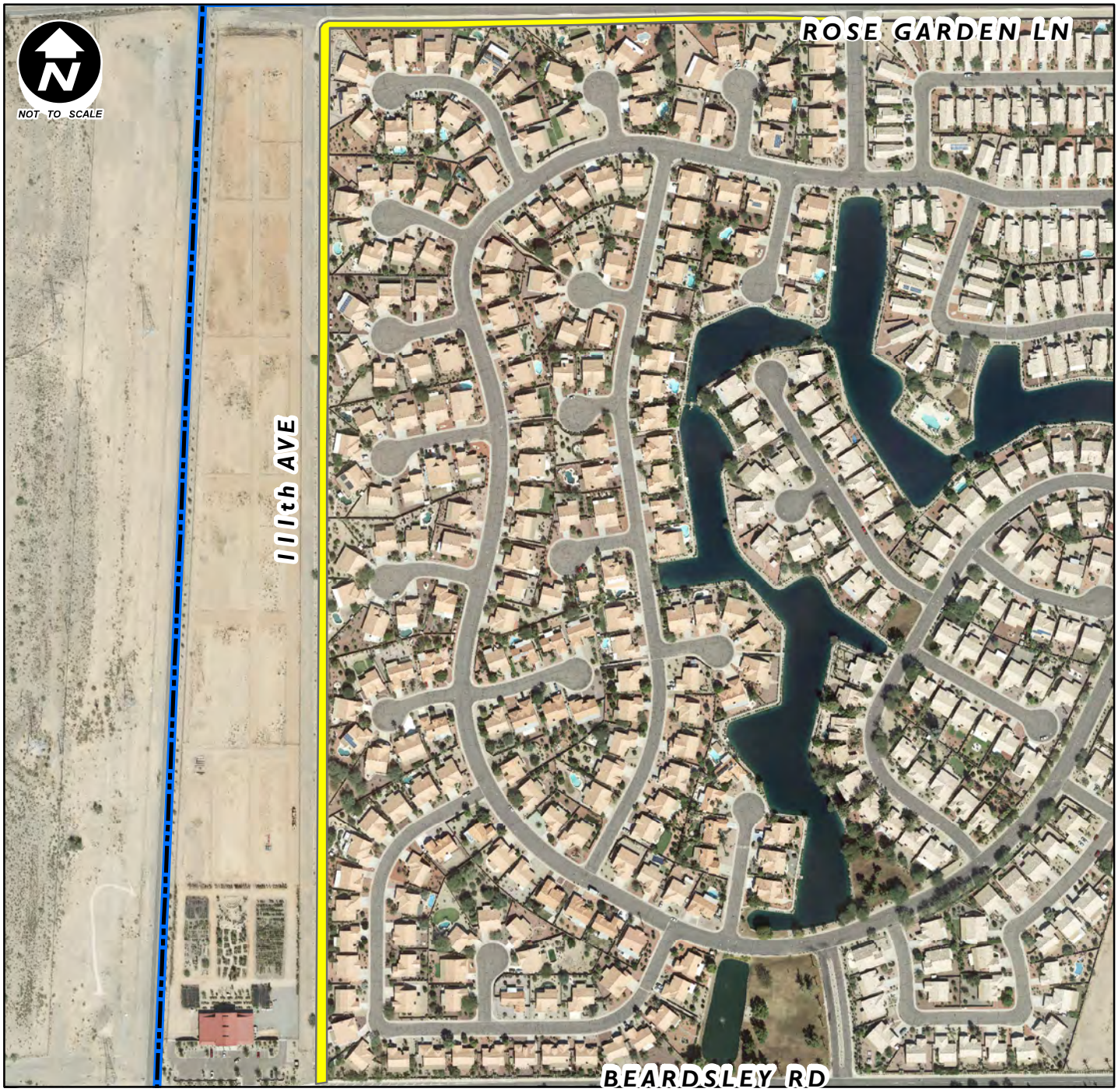
Exhibit 3: Resolution

Contact Name and Number: Kris Luna, Sr Real Property Administrator, (623) 773-7199

City of Peoria
ENGINEERING

Portions of 111th Avenue and Rose Garden Lane - Abandonment of City Interest - 20-foot Drainage Easement

Vicinity Map



LEGEND

Abandonment of City Interest

GIS
GEOGRAPHIC INFORMATION SYSTEMS
City of Peoria Arizona

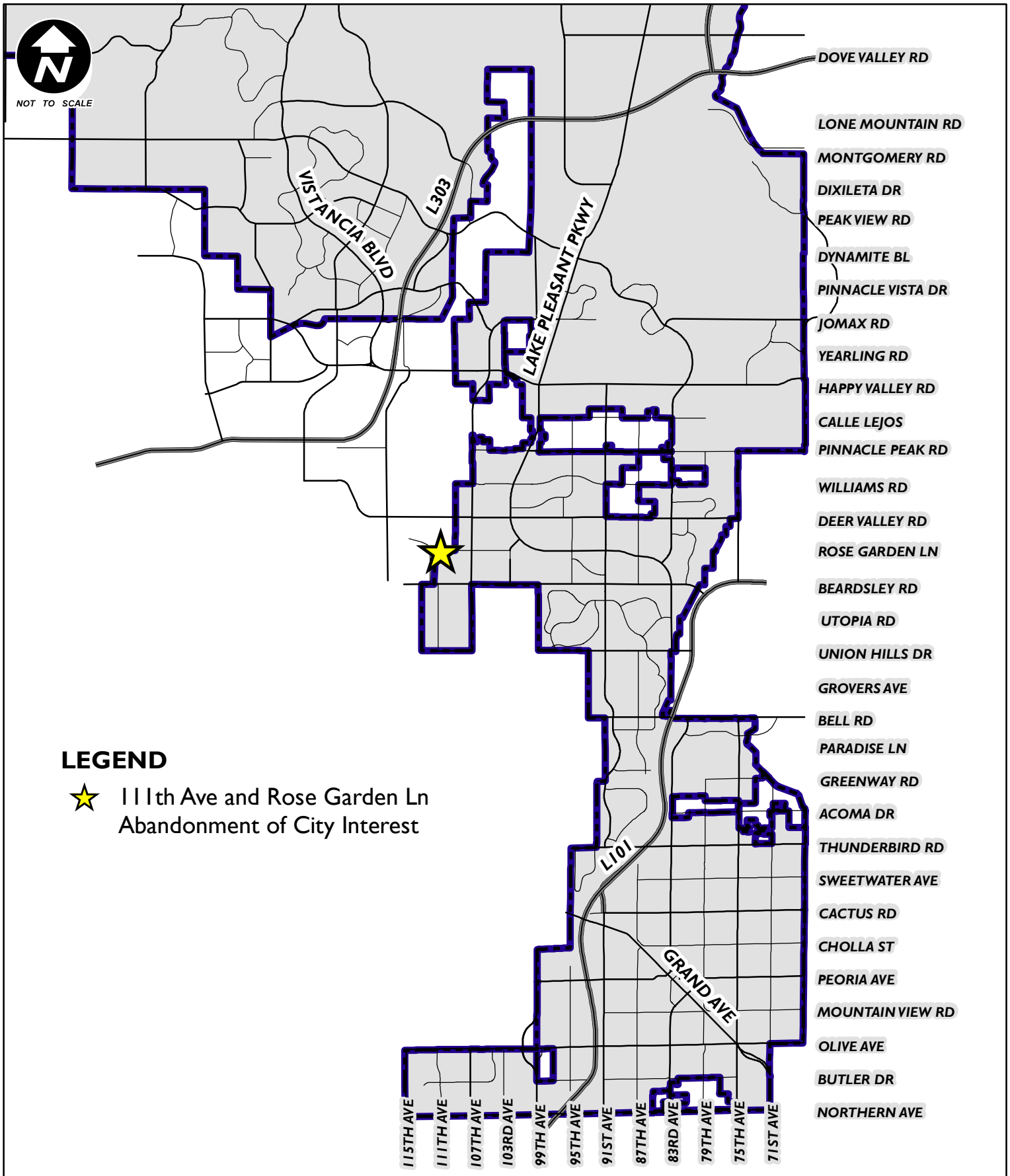
NOTE
Map based on imprecise source Information, subject to change and FOR GENERAL REFERENCE ONLY.

Source Document: O:\PROJECTS\ENGINEERING\Individuals\Angela\Maps by William\DeerValleyRd_SouthwestGasEasement_LocationMap.mxd ENG WRB 2014-03-10

City of Peoria
ENGINEERING

Portions of 111th Avenue and Rose Garden Lane - Abandonment of City Interest - 20-foot Drainage Easement

Location Map



RESOLUTION NO. 2014-156

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN DRAINAGE EASEMENTS TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY DRAINAGE EASEMENTS BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND DECLARING AN EMERGENCY.

THEREFORE**,** BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

WHEREAS, pursuant to A.R.S. 9-402, the City Council of the City of Peoria is vested with the power to determine and find that certain easements may no longer be necessary to the City; and

WHEREAS, pursuant to A.R.S. 9-402, the City Council of the City of Peoria is vested with the power to vacate such easements by vacating any interest to adjacent property owners and others; and

WHEREAS, the Mayor and Council find and determine that certain Drainage Easements located in the City of Peoria, Maricopa County, Arizona, along 111th Avenue between Beardsley Road and Rose Garden Lane and Rose Garden Lane between 109th Avenue and 111th Avenue, and more specifically described in the Legal Description (Exhibit A) attached to this Resolution are no longer needed by the City for drainage purposes.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

<u>SECTION 1.</u> That the Mayor and Council find and determine that the 20 Foot Drainage Easements as set forth in Ventana Lakes Unit 9 (MCR Book 308 Page 2) and Ventana Lakes Unit 11(MCR Book 308 Page 1) and more specifically set forth on Exhibit “A” attached to this Resolution be and are hereby declared abandoned as provided by Chapter 4, Article 1, Title 9 of the Arizona Revised Statutes.

SECTION 2. That the City Engineer is directed to prepare and provide descriptions for the retention of such easements for public utilities, if any, as may be deemed appropriate across the described property.

SECTION 3. That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

SECTION 4. The immediate operation of the provisions of this Resolution are necessary for the preservation of the public peace, health and safety of the City of Peoria, an EMERGENCY is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the City of Peoria, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 25th day of November, 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

ATTACHMENT:

1. Exhibit A – Legal Description

Exhibit A – Legal Description
Abandonment Area

Area 1:

The West 20 feet of Lots 3, 4, 5, 14, 15, 23, 24, 30, 31, 32, 41, 42, 43 and the North 20 feet of Lots 43, 44, 45, 46, 47, 48, 53, 54, 55, 60, 61, 62, 66 of VENTANA LAKES UNIT 9, according to the Plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded as Book 308 of Maps, Page 2 of the Official Records.

Area 2:

The West 20 feet of Lots 46, 47, 48, 55, 56, 57, 58, 59, 60, 61, 62 of VENTANA LAKES UNIT 11, according to the Plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded as Book 308 of Maps, Page 1 of the Official Records.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 22C

Date Prepared: October 27, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Querencia – Phase 1, Lake Pleasant Parkway and Yearling Road (Project No. R140021)**

Purpose:

This is a request for City Council to approve a Final Plat of Querencia – Phase 1, located on Lake Pleasant Parkway and Yearling 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 26 new lots. All internal roadways are private and will be maintained by the HOA.

Previous Actions:

The preliminary plat was reviewed by the City and completed in December 2013 and no 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: 623-773-7577

FINAL PLAT OF "QUERENCIA - PHASE 1"

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

DEDICATION

STATE OF ARIZONA } SS
COUNTY OF MARICOPA

THAT JEN ARIZONA 17, LLC AN ARIZONA LIMITED LIABILITY COMPANY AS OWNER DOES HEREBY PUBLISH THIS FINAL PLAT OF "QUERENCIA – PHASE 1", LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON, AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "QUERENCIA – PHASE 1" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, STREETS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH. RESPECTIVELY ON SAID PLAT, AND THAT JEN ARIZONA 17, LLC AN ARIZONA LIMITED LIABILITY COMPANY AS OWNER HEREBY DEDICATE TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

A 30 FOOT WIDE SCENIC CORRIDOR EASEMENT AS SHOWN HEREON, IS DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH.

TRACT "A" IS DEDICATED TO AND OWNED BY THE QUERENCIA COMMUNITY ASSOCIATION FOR THE PURPOSE OF PRIVATE STREETS/ACCESS. THE QUERENCIA COMMUNITY ASSOCIATION IS RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE STREETS/ACCESS. A PUBLIC UTILITIES EASEMENT, PUBLIC WATER EASEMENT, PUBLIC SEWER EASEMENT, INGRESS AND EGRESS FOR REFUSE COLLECTION, EMERGENCY AND SERVICE TYPE ACCESS ARE HEREBY DEDICATED OVER TRACT A.

JEN ARIZONA 17, LLC AN ARIZONA LIMITED LIABILITY COMPANY AS OWNER, HEREBY DECLARES THAT EFFECTIVE AS OF THE DATE OF THE RECORDATION OF THIS PLAT, THE PROPERTY WITHIN "QUERENCIA – PHASE 1" SHALL BE HELD, SOLD CONVEYED, ENCUMBERED, HYPOTHECATED, LEASED, USED, OCCUPIED, AND IMPROVED SUBJECT TO THE FOLLOWING RESTRICTION: THE PRIVATE STREETS DEPICTED ON THIS PLAT SHALL BE PRIVATE AND SHALL NOT BE DEDICATED TO PUBLIC USE UNTIL SUCH TIME AS ALL OWNERS (I.E. 100%) OF THE LOTS WITHIN THIS PLAT VOTE TO APPROVE SUCH STREETS BEING DEDICATED TO PUBLIC USE AND SUCH DEDICATION IS ACCEPTED BY THE CITY. IF THE DEDICATION OF SUCH STREETS TO PUBLIC USE IS APPROVED BY 100% OF SUCH OWNERS AND ACCEPTED BY THE CITY, THE CITY WILL REQUIRE (AS A CONDITION TO ITS ACCEPTANCE OF SUCH DEDICATION), THAT SUCH STREETS SHALL BE UPGRADED TO THE THEN-CURRENT CITY STANDARDS, AT NO EXPENSE TO THE CITY (I.E.SUCH UPGRADING SHALL BE AT THE EXPENSE OF SUCH OWNERS AND/OR A HOMEOWNERS ASSOCIATION THAT INCLUDES SUCH OWNERS). THIS RESTRICTION MAY BE AMENDED ONLY UPON THE WRITTEN CONSENT OF THE CITY AND ALL OWNERS (I.E. 100%) OF THE LOTS WITHIN THIS PLAT.

JEN ARIZONA 17, LLC AN ARIZONA LIMITED LIABILITY COMPANY AS OWNER, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT, PERPETUAL, AND EXCLUSIVE UTILITIES EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ACCESS AND ENTER UPON, OVER, ACROSS, AND UNDER THE SURFACE, FOR ACCESS, CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF PUBLIC WATER LINES OVER, UNDER, AND ACROSS TRACT "D", AS REFLECTED ON THE PLAT SITUATED IN MARICOPA COUNTY, ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER LINES SUBJECT TO NOTES 1, 2, 3, AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT HAS LAWFULLY SEIZED AND POSSESSED THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

1.) THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.

2.) THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3.) THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALTIC CONCRETE PAVEMENT SURFACES.

4.) GRANTOR, ITS SUCCESSORS OR ASSIGNS, AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY ASPHALT, LANDSCAPING OR ANY IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

TRACTS "B", & "G" ARE HEREBY DEDICATED FOR USE AS OPEN SPACE, LANDSCAPE, PUE, RETENTION AND DRAINAGE, SCENIC CORRIDOR EASEMENT, SIDEWALK EASEMENT AND ROAD WAY EASEMENT.

TRACTS "C", "E" & "F" ARE HEREBY DEDICATED FOR USE AS OPEN SPACE, LANDSCAPE AND PUE.

TRACT "D" IS HEREBY DEDICATED FOR USE AS OPEN SPACE, LANDSCAPE, PUE, RETENTION AND DRAINAGE, PEORIA WATERLINE EASEMENT, EPNG EASEMENT AND TEMPORARY TURN AROUND EASEMENT.

TRACT "H" IS FOR FUTURE DEVELOPMENT.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS B, D, E, F, G, AND H. THE EASEMENTS MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASINS, PIPE STORAGE SYSTEM, OR ANY DRAINAGE FACILITY WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLANS. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION, AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

IN WITNESS WHEREOF:
THAT JEN ARIZONA 17, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED THEIR NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED THIS 10th DAY OF October 2014.

JEN [redacted] TED LIABILITY COMPANY

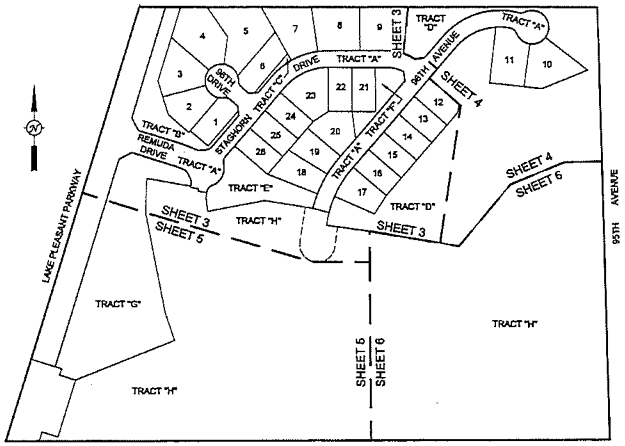
BY: [redacted] ITS: Authorized Signer

FLOOD ZONE INFORMATION

THIS SITE IS LOCATED WITHIN ZONE "X" SHADED, AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER THE FLOOD INSURANCE RATE MAP NUMBER: 04013C1235L, MARICOPA COUNTY ARIZONA AND INCORPORATED AREAS, DATED OCTOBER 16, 2013.

FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.



ACKNOWLEDGMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA

ON THIS, THE 20th DAY OF October 2014, BEFORE ME PERSONALLY APPEARED mike Jeslberger WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE AUTHORIZED AGENT OF JEN ARIZONA 17, LLC, AN ARIZONA LIMITED LIABILITY COMPANY AND ACKNOWLEDGED THAT HE/SHE AS SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES CONTAINED THEREIN.

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: [redacted]
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 16, 2017

CANDACE C. MALAPANIS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires April 16, 2017

RATIFICATION

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, DULY AUTHORIZED OFFICER OF THE QUERENCIA COMMUNITY ASSOCIATION, HEREBY RATIFIES THE RECORDATION OF THIS FINAL PLAT FOR QUERENCIA – PHASE 1, AND ACKNOWLEDGES THE RESPONSIBILITIES SET FORTH THEREIN.

THE [redacted] ARIZONA NON-PROFIT CORP

BY: [redacted]

ITS: President

ACKNOWLEDGMENT FOR RATIFICATION

STATE OF ARIZONA } SS
COUNTY OF MARICOPA

ON THIS, THE 10th DAY OF October 2014, BEFORE ME

PERSONALLY APPEARED Lori L. Crabtree WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE AUTHORIZED AGENT OF THE QUERENCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION AND ACKNOWLEDGED THAT HE/SHE AS SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES CONTAINED THEREIN.

IN WITNESS WHEREOF:

I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: [redacted]
NOTARY PUBLIC

CANDACE C. MALAPANIS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires April 16, 2017

BASIS OF BEARING

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 EAST, GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA. THE BEARING OF SAID LINE IS NORTH 89°57'37" WEST, BETWEEN 2 FOUND MONUMENTS AS SHOWN HEREON.

SHEET INDEX

SHEET 1	COVER SHEET
SHEET 2	TABLES
SHEET 3	FINAL PLAT
SHEET 4	FINAL PLAT
SHEET 5	FINAL PLAT
SHEET 6	FINAL PLAT

RATIFICATION

STATE OF ARIZONA } SS
COUNTY OF MARICOPA

KNOW ALL BY THESE PRESENTS:

THE UNDERSIGNED, DULY AUTHORIZED OFFICER OF MERITAGE HOMES OF ARIZONA, INC., AS DEVELOPER AND OPTIONEE UNDER THAT CERTAIN MEMORANDUM OF OPTION RECORDED MARCH 7, 2014 IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AT DOCUMENT NO. 20140149176, HEREBY RATIFIES AND APPROVES THE RECORDATION OF THE FINAL PLAT OF QUERENCIA – PHASE 1.

MERITAGE [redacted] ARIZONA INC., AN ARIZONA CORPORATION

BY: [redacted]

ITS: President

ACKNOWLEDGMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA

ON THIS, THE 20th DAY OF October 2014, BEFORE ME

PERSONALLY APPEARED Fred Hermann WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE AUTHORIZED AGENT OF MERITAGE HOMES OF ARIZONA, INC., AN ARIZONA CORPORATION AND ACKNOWLEDGED THAT HE/SHE AS SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES CONTAINED THEREIN.

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: [redacted]
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 16, 2017

CANDACE C. MALAPANIS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires April 16, 2017

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA

ON THIS THE ________ DAY OF ____________ 2014.

BY: ______________________ DATE
MAYOR

ATTEST: ______________________ DATE
CITY CLERK

APPROVED BY: ______________________ DATE
CITY ENGINEER

OWNER

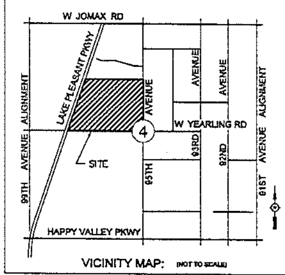
JEN ARIZONA 17, LLC
20045 N. 19TH AVENUE
BUILDING #10, SUITE #3
PHOENIX, ARIZONA 85027

DEVELOPER

MERITAGE HOMES OF ARIZONA, INC.
8800 E. RAINTREE DRIVE, SUITE 300
SCOTTSDALE, ARIZONA 85260
PHONE: (480) 515-8110
CONTACT: FIL HIROHATA

ENGINEER/SURVEYOR

CARDNO, INC.
9977 NORTH 90TH STREET, SUITE 150
SCOTTSDALE, ARIZONA 85258
PHONE: (602) 977-8000
FAX: (602) 977-8099
SURVEYOR: MICHAEL J. SEXTON, R.L.S.



VICINITY MAP: (NOT TO SCALE)

GENERAL NOTES

1.) THIS SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID) # 1170.

2.) NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND /OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.

3.) ALL NEW AND EXITING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.

4.) MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.

5.) ALL INTERIOR LOT CORNERS SHALL BE MONUMENTED, AFTER CONSTRUCTION IS COMPLETE, WITH ½" REBAR WITH CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT. IF THAT IS NOT THE SURVEYOR OF RECORD, THEN A RECORD OF SURVEY MUST BE RECORDED WITH MARICOPA COUNTY RECORDERS OFFICES BY THE RESPONSIBLE SURVEYOR.

6.) SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.

7.) THE SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.

8.) THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.

9.) THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.

10.) THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. LAKE PLEASANT PARKWAY AND HAPPY VALLEY ROAD ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.

11.) THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).

12.) NO STRUCTURE OF ANY KIND WILL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.

13.) THE QUERENCIA COMMUNITY ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS

14.) HILLSIDE LOTS WILL REQUIRE INDIVIDUAL HILLSIDE DEVELOPMENT REVIEW BY THE CITY'S PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

PARCEL ZONING

ZONING: PAD ZONING CASE Z05-08A.2 PRELIMINARY PLAT CASE P13-0033

PARCEL AREA

THE FINAL PLAT OF QUERENCIA PHASE 1 CONTAINS 2,057,892 SQUARE FEET OR 47.2427 (GROSS AREA), 1,922,861 SQUARE FEET OR 44.1428 ACRES (NET AREA), MORE OR LESS

SURVEYOR'S CERTIFICATE

I, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS PLAT CONSISTING OF FIVE (6) SHEETS REPRESENTS A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF AUGUST, 2013, AND THAT THIS PLAT IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, AND THAT ALL THE DATA SHOWN HEREON IS SUFFICIENT TO ALLOW THE RETRACEMENT OF THE SURVEY AND DIVISION.

MICHAEL J. SEXTON, R.L.S. #2338[redacted] 10-20-2014
DATE

SUBMITTAL REVIEW #R140021

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FINAL PLAT FOR
QUERENCIA - PHASE 1
MERITAGE HOMES
COVER SHEET

[redacted]

DATE	10-20-2014
DRAWN	CLL/MJS
SURVEYOR	MMO
CHECKED	MJS
PROJECT #	4150462000

SHEET TITLE: 0462-COVER

SHEET NUMBER: 1 OF 6

CURVE	DELTA	RADIUS	LENGTH
C1	31°55'42"	180.00'	100.31'
C2	78°06'59"	200.00'	272.68'
C3	40°50'19"	125.00'	89.10'
C4	26°16'08"	350.00'	160.47'
C5	49°09'41"	200.00'	171.61'
C6	12°30'48"	350.00'	76.44'
C7	20°56'28"	180.00'	65.79'
C8	10°59'15"	180.00'	34.52'
C9	44°52'13"	200.00'	156.63'
C10	9°41'52"	200.00'	33.85'
C11	23°32'54"	200.00'	82.20'
C12	16°50'46"	155.00'	45.57'
C13	6°45'25"	325.00'	38.33'
C14	1°05'42"	205.00'	3.92'
C15	2°16'47"	180.00'	7.16'
C16	0°17'24"	155.00'	.79'
C17	26°16'08"	325.00'	149.00'
C18	2°08'50"	205.00'	7.68'
C19	48°13'19"	25.00'	21.04'
C20	38°26'59"	25.00'	16.78'
C21	45°19'18"	25.00'	19.78'
C22	43°01'54"	25.00'	18.78'
C23	64°03'20"	25.00'	27.95'
C24	54°17'06"	25.00'	23.69'
C25	10°45'52"	55.00'	10.33'
C26	11°43'26"	55.00'	11.25'
C27	83°47'47"	55.00'	80.44'
C28	58°08'40"	25.00'	25.37'
C29	41°24'35"	25.00'	18.07'
C30	275°20'32"	50.00'	240.28'
C31	33°11'37"	150.00'	86.90'
C32	29°21'37"	100.00'	51.24'
C33	49°09'41"	225.00'	193.06'
C34	49°09'41"	175.00'	150.15'
C35	26°16'08"	375.00'	171.93'
C36	63°45'18"	225.00'	250.36'
C37	59°32'35"	175.00'	181.86'
C38	48°11'23"	25.00'	21.03'
C39	48°11'23"	25.00'	21.03'
C40	7°16'09"	315.00'	39.95'
C41	8°26'55"	385.00'	56.77'
C42	275°22'46"	50.00'	241.19'

LINE	BEARING	LENGTH
L1	N49°25'50"W	25.00'
L2	N80°25'05"W	25.00'
L3	N75°41'57"W	50.00'
L4	N79°45'47"W	25.07'
L5	N81°00'23"W	25.00'
L6	S09°48'46"W	15.85'
L7	N11°06'38"W	10.80'
L8	N72°55'53"W	20.00'
L9	N17°04'07"E	19.89'
L10	N72°55'53"W	50.00'
L11	N08°28'35"E	25.61'
L12	S85°34'10"W	28.28'
L13	S04°25'50"E	28.28'
L14	S83°39'30"W	29.21'
L15	S07°18'00"E	26.83'
L16	N89°58'23"W	30.01'
L17	N27°55'53"W	42.43'
L18	S82°04'07"W	42.43'

LOT AREA TABLE		
LOT	SQ.FT.	ACRES
1	10,119	0.2323
2	12,565	0.2885
3	15,579	0.3576
4	20,915	0.4801
5	22,871	0.5250
6	12,139	0.2787
7	17,297	0.3971
8	17,688	0.4061
9	18,023	0.4138
10	16,740	0.3843
11	16,259	0.3733
12	9,004	0.2067
13	9,100	0.2089
14	9,100	0.2089
15	9,100	0.2089
16	9,100	0.2089
17	11,203	0.2572
18	11,644	0.2673
19	10,196	0.2341
20	12,183	0.2797
21	9,100	0.2089
22	9,188	0.2109
23	14,851	0.3409
24	9,100	0.2089
25	9,100	0.2089
26	9,100	0.2089
TOTALS		
	331,264	7.6048

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING EAST OF THE CENTER LINE OF LAKE PLEASANT PARKWAY AS ESTABLISHED IN BOOK 2 OF MAPS, PAGE 43A, IN THE RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 4, MONUMENTED BY AN IRON ROD;

THENCE, SOUTH 89°33'42" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1707.46 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LAKE PLEASANT PARKWAY;

THENCE, CONTINUING ALONG SAID SOUTH LINE, SOUTH 89°33'42" WEST, A DISTANCE OF 99.81 FEET, TO THE CENTER LINE OF SAID LAKE PLEASANT PARKWAY;

THENCE, LEAVING SAID SOUTH LINE, NORTH 17°04'07" EAST, ALONG SAID CENTER LINE, A DISTANCE OF 1,360.04 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 4;

THENCE, LEAVING SAID CENTER LINE, NORTH 89°43'51" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 78.57 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID LAKE PLEASANT PARKWAY;

THENCE, CONTINUING ALONG SAID NORTH LINE, NORTH 89°43'51" EAST, A DISTANCE OF 1,291.92 FEET, TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER;

THENCE, LEAVING SAID NORTH LINE, SOUTH 01°39'18" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1,293.29 FEET, TO THE POINT OF BEGINNING;

THE DESCRIBED PARCEL CONTAINS 2,057,892 SQUARE FEET, OR 47.2427 ACRES, MORE OR LESS.

THE DESCRIBED PARCEL SUBJECT TO EXISTING EASEMENTS AND RIGHTS-OF-WAY.

LEGEND

P.O.B. – DENOTES POINT OF BEGINNING
P.U.E. – DENOTES PUBLIC UTILITY EASEMENT
V.N.A.E. – DENOTES VEHICLE NON-ACCESS EASEMENT
P.W.E. – DENOTES PEORIA WATERLINE EASEMENT
U.V.E. – DENOTES UN-OBSTRUCTED VIEW EASEMENT PER PEORIA STD. DTL. PE-091
R.O.W. – DENOTES RIGHT OF WAY
SQ.FT. – DENOTES SQUARE FEET
FND. – DENOTES FOUND
O.P.C. – DENOTES ORANGE PLASTIC CAP
Y.P.C. – DENOTES YELLOW PLASTIC CAP
DKT. – DENOTES DOCKET
EPNG – DENOTES EL PASO NATURAL GAS
M.C.R. – DENOTES MARICOPA COUNTY RECORDER
RLS – DENOTES REGISTERED LAND SURVEYOR
BK – DENOTES "BOOK OF MAPS" IN THE OFFICE OF MARICOPA COUNTY RECORDER
PG – DENOTES PAGE
APN – DENOTES ASSESSOR'S PARCEL NUMBER
(R) – DENOTES RECORD MEASUREMENT FROM BK. 662, PG. 37, M.C.R.

⊗ – DENOTES FOUND SURVEY MONUMENT AS NOTED OR SET ½" REBAR W/CAP OR TAG MARKED RLS 23385

● – DENOTES SURVEY MARKER TO BE SET AT TIME OF STREET IMPROVEMENTS BY PAVING CONTRACTOR PER M.A.G. STD. DTL. 120, TYPE "B".

▲ – DENOTES CORNER OF THIS SUBDIVISION FOUND AS NOTED OR WILL BE SET PER M.A.G. STD. DTL. 120, TYPE "C".

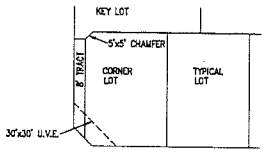
— — — — – DENOTES EASEMENT LINE AS NOTED
— — — — – DENOTES VEHICLE NON ACCESS EASEMENT LINE
— — — — – DENOTES ROAD CENTERLINE
— — — — – DENOTES BOUNDARY LINE OF PLAT
— — — — – DENOTES UN-OBSTRUCTED VIEW EASEMENT LINE – ALL STREETS
— — — — – DENOTES SECTION LINE

TRACT AREA TABLE				
TRACT	USAGE	AREA (SQ.FT.)	USEABLE	ACRES
A	ROADWAY, INGRESS, EGRESS, UTILITIES AND PUE	124,338	USEABLE	2.8544
B	OPEN SPACE, LANDSCAPE, PUE, RETENTION & DRAINAGE, SCENIC CORRIDOR EASEMENT, SIDEWALK EASEMENT AND ROADWAY EASEMENT	30,347	USEABLE	0.6967
C	OPEN SPACE, LANDSCAPE AND PUE	1,536	USEABLE	0.0353
D	OPEN SPACE/NATURAL OPEN SPACE, LANDSCAPE, PUE, RETENTION & DRAINAGE, EPNG EASEMENT, TEMPORARY CONSTRUCTION EASEMENT AND PEORIA WATERLINE EASEMENT	265,208	USEABLE	6.1802
E	OPEN SPACE, LANDSCAPE, PUE, RETENTION & DRAINAGE	31,233	USEABLE	0.7170
F	OPEN SPACE, LANDSCAPE, PUE, RETENTION & DRAINAGE	10,988	USEABLE	0.2522
G	OPEN SPACE, LANDSCAPE, PUE, RETENTION & DRAINAGE, SCENIC CORRIDOR EASEMENT, SIDEWALK EASEMENT AND ROADWAY EASEMENT	134,231	USEABLE	3.0815
H	FUTURE DEVELOPMENT	989,714	USEABLE	22.7207
		TOTALS		
		1,591,597		36.5380

NOTES:
1. THE TERM "USEABLE" AS SHOWN ON THIS PLAN REFERS TO THE AREA WITHIN THE TRACT THAT HAS ENOUGH WIDTH TO HOUSE SIGNIFICANT OPEN SPACE AMENITIES SUCH AS PARKS & RETENTION BASINS.
2. NATURAL OPEN SPACE IS TO BE LEFT UNDISTURBED.

AREA TABLE		
USAGE	AREA (SQ.FT.)	ACRES
LOTS AND TRACTS =	1,922,861	44.1428
LAKE PLEASANT PARKWAY RIGHT OF WAY =	83,494	1.9168
95TH AVENUE RIGHT OF WAY =	19,404	0.4454
PEORIA RIGHT OF WAY DOCUMENT NO. 2004-1086343 M.C.R. =	32,134	0.7377
GROSS AREA =	2,057,892	47.2427
NET AREA =	1,922,861	44.1428

NOTE: NET AREA = GROSS AREA LESS ANY RIGHT OF WAY



30" HIGH VISIBILITY
UNOBSTRUCTED VIEW EASEMENT DETAIL

SUBMITTAL REVIEW #R140021

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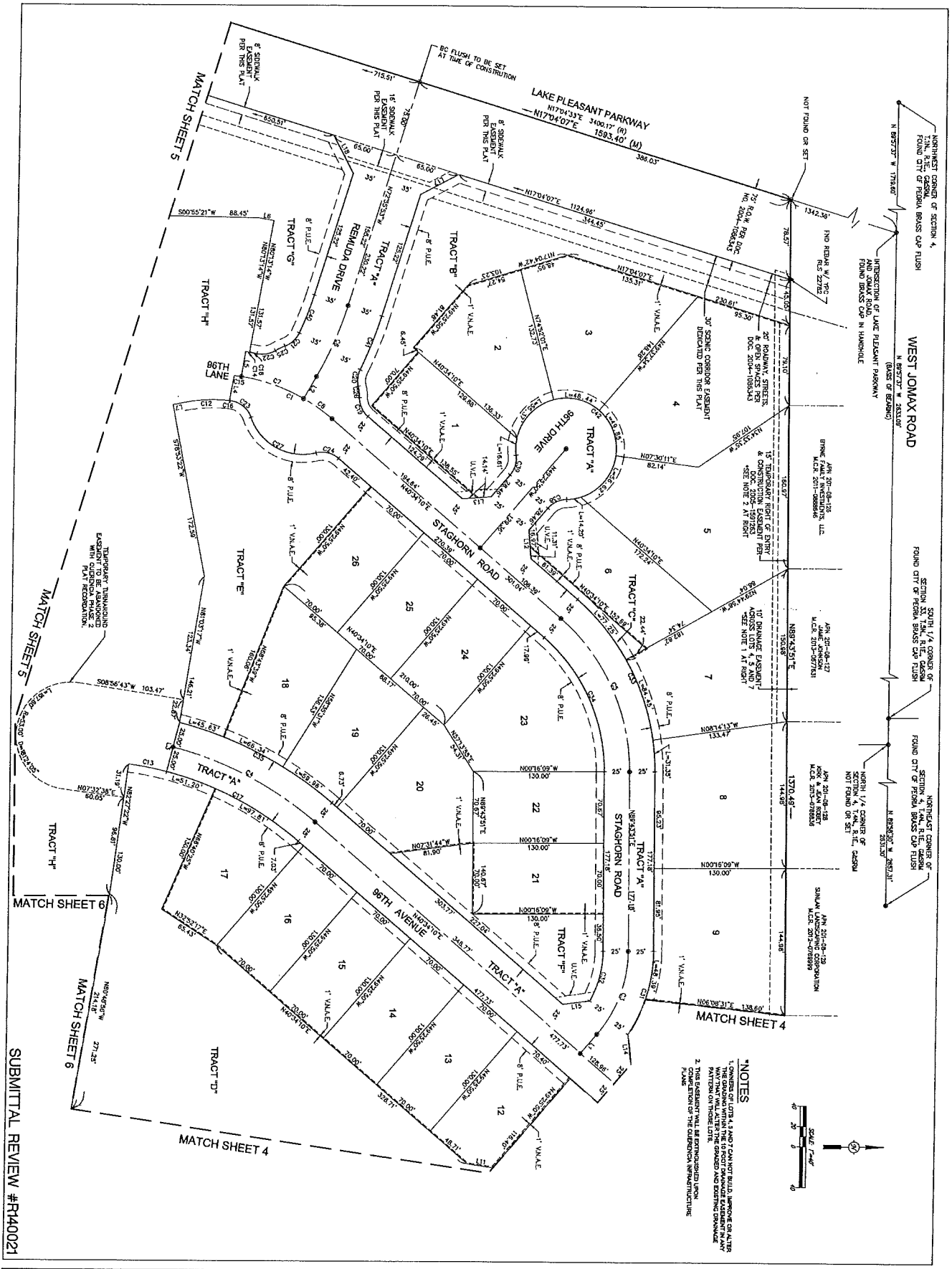
FINAL PLAT FOR
QUERENCIA - PHASE 1
MERITAGE HOMES
LINE, CURVE AND LOT AREA TABLES

[redacted]

DATE	10-30-2014
DRAWN	CLL/MJB
SURVEYOR	MJB
CHECKED	MJB
PROJECT #	4700403000

SHEET TITLE
0462 - TABLES

SHEET NUMBER
2 OF 6



SUBMITTAL REVIEW #R140021

FINAL PLAT FOR

QUERENCIA - PHASE 1

MERITAGE HOMES

NORTHWEST QUARTER

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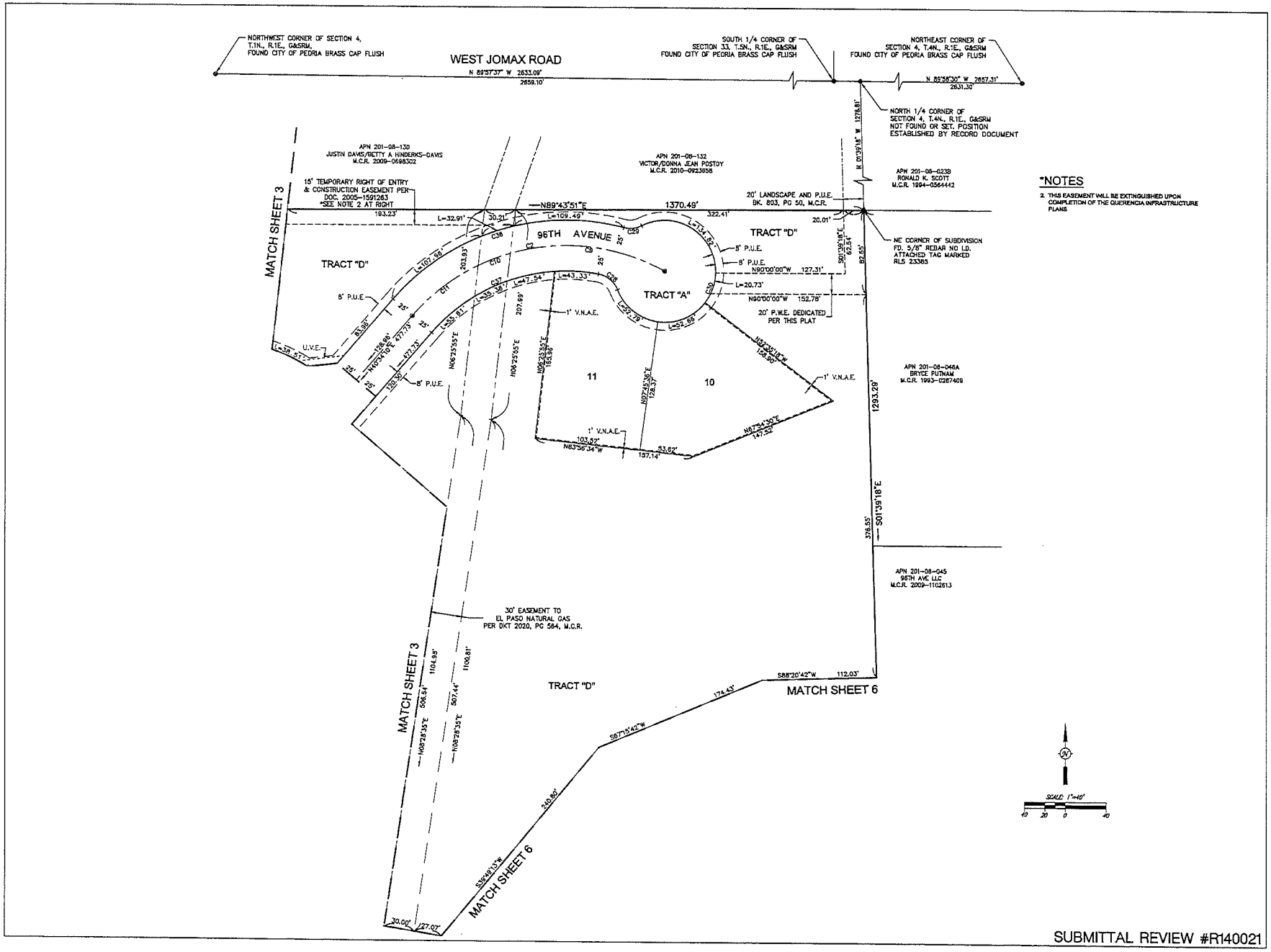
DATE	10-30-2014
DRAWN	CLJ-AJS
SURVEYOR	AJS
CHECKED	AJS
PROJECT #	4004-00000
SHEET TITLE	04402 - PLAT
SHEET NUMBER	3 OF 6



*NOTES

2. THIS EASEMENT WILL BE EXTINGUISHED UPON COMPLETION OF THE QUERENCIA INFRASTRUCTURE PLANS

SUBMITTAL REVIEW #R140021

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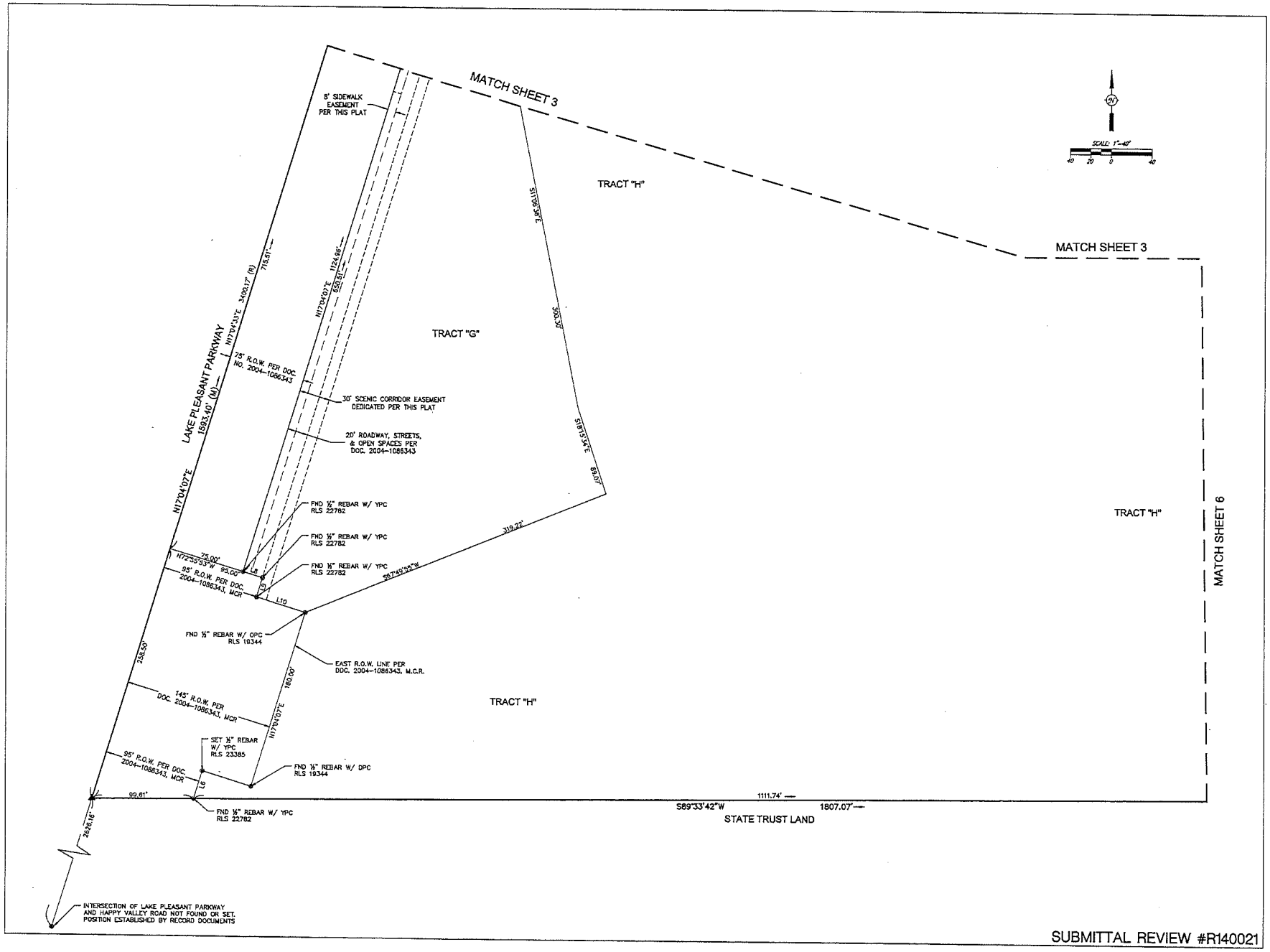
FINAL PLAT FOR
QUERENCIA - PHASE 1
MERITAGE HOMES
NORTHEAST QUARTER

DATE	10-20-2014
DRAWN	CLL/MJS
SURVEYOR	MMS
CHECKED	MJS
PROJECT #	4120462000

SHEET TITLE
0452-PLAT

SHEET NUMBER
4 OF 6



SUBMITTAL REVIEW #R140021

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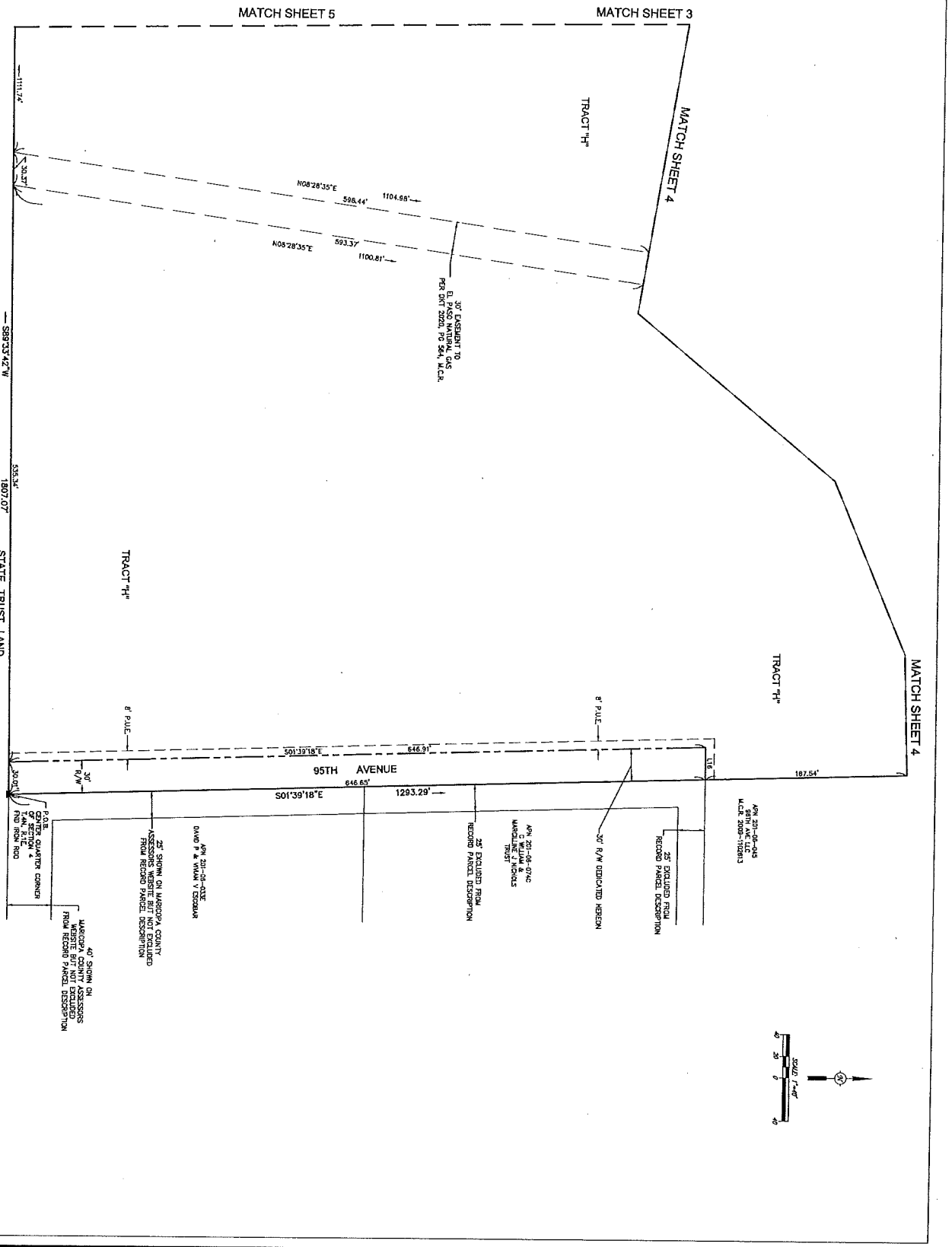
FINAL PLAT FOR
QUERENCIA - PHASE 1
MERITAGE HOMES
SOUTHWEST RETENTION BASIN

[redacted]

DATE	10-20-2014
DRAWN	CLL/MJB
SURVEYOR	MMB
CHECKED	MJB
PROJECT #	4100042000

SHEET TITLE
0462-PLAT

SHEET NUMBER
5 OF 6



SUBMITTAL REVIEW #R140021

[redacted]

FINAL PLAT FOR

QUERENCIA - PHASE 1

MERITAGE HOMES

SOUTHWEST RETENTION BASIN

DATE	10-30-2024
DRAWN	CLL/AJB
SURVEYOR	NAB
CHECKED	NAB
PROJECT #	4150402000
SHEET TITLE	D462-PLAT
SHEET NUMBER	6 OF 6

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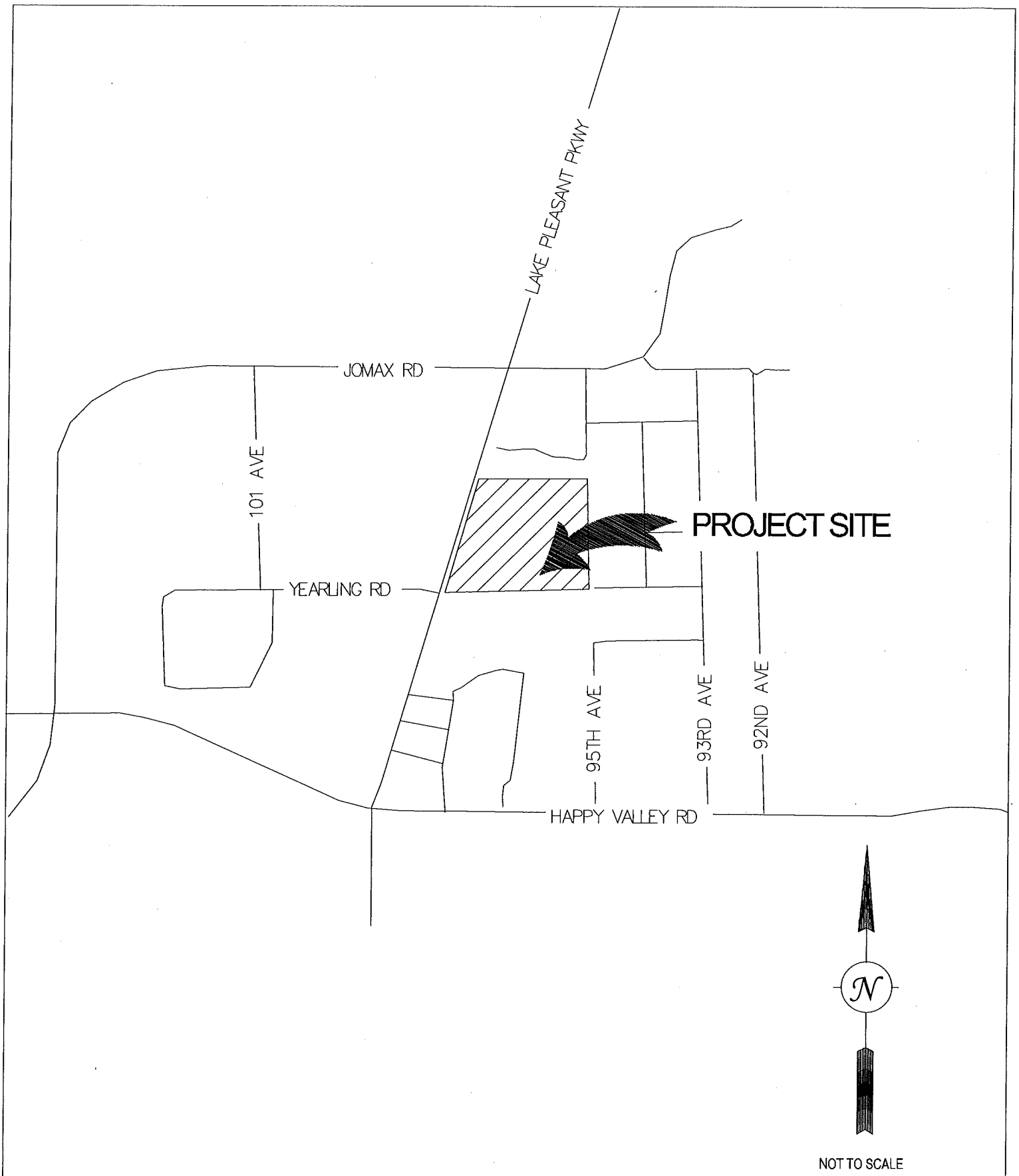

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VICINITY MAP
QUERENCIA

MERITAGE HOMES OF ARIZONA, INC.
PEORIA, ARIZONA

PROJECT NO.	413046200
DATE:	11-26-2013
BY:	BMN
SCALE:	NTS
EXHIBIT	1

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 23C

Date Prepared: October 13, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Trilogy West Phase 1 – Parcel C41, Vistancia Blvd. South of Lone Mountain Road (Project No. R140017)**

Purpose:

This is a request for City Council to approve a Replat of Trilogy West Phase 1 - Parcel C41, located on Vistancia Blvd. South of Lone Mountain 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 Replat.

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 Replat.

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 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 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 70 new lots within

the Trilogy West development. All internal roadways are private and will be maintained by the HOA.

In September 2014, the City Council approved the Master Final Plat for Trilogy West Phase 1, creating all of the individual parcels and the roadways for the master subdivision. The Replats are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The preliminary plat was reviewed by the City and completed in February 2014 and no 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: Replat
Exhibit 2: Vicinity Map

Contact Name and Number:
Jodi Breyfogle, PE: 623-773-7577

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP, AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "TRILOGY WEST PHASE 1 - PARCEL C41", BEING A SUBDIVISION OF TRACTS L AND M OF A MASTER PLAT FOR "TRILOGY WEST PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, CITY OF PEORIA, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "TRILOGY WEST PHASE 1 - PARCEL C41" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, STREETS AND EASEMENTS CONSTITUTING SAME AND THAT EACH LOT, TRACT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE AND SUCH THE PUBLIC UTILITY EASEMENT (PUE) AS SHOWN HEREON AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY DEDICATES TO THE TRILOGY AT VISTANCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION FOR USE AND SUCH THE SIDEWALK EASEMENT (SE) AS SHOWN HEREON AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. THE MAINTENANCE OF THE LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

AS USED HEREIN, THE TERM "MAINTENANCE CORPORATION DECLARATION" SHALL MEAN AND REFER TO THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VISTANCIA DATED JULY 9, 2003 AND RECORDED JULY 9, 2003 IN INSTRUMENT NO. 2003-0903772, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AS FROM TIME TO TIME THEREAFTER SUPPLEMENTED AND/OR AMENDED, AND THE TERM "MAINTENANCE CORPORATION" SHALL MEAN AND REFER TO VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION.

AS USED HEREIN, THE TERM "TRILOGY DECLARATION" SHALL MEAN AND REFER TO THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TRILOGY AT VISTANCIA DATED JANUARY 20, 2004 AND RECORDED JANUARY 20, 2004 IN INSTRUMENT NO. 2004-0062577, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AS FROM TIME TO TIME THEREAFTER SUPPLEMENTED AND/OR AMENDED, AND THE TERM "TRILOGY ASSOCIATION" SHALL MEAN AND REFER TO TRILOGY AT VISTANCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION.

SUBJECT TO THE TERMS OF THE TRILOGY DECLARATION, TRACTS "S" – "U" ARE HEREBY DECLARED AS PRIVATE STREETS FOR THE EXCLUSIVE USE AND BENEFIT OF (1) THE OWNERS, RESIDENTS AND OCCUPANTS OF ALL OR ANY PART (WHETHER LOTS, TRACTS OR THE ENTIRE PARCEL) OF THE "PROJECT" (AS DEFINED IN THE TRILOGY DECLARATION) AND THEIR RESPECTIVE FAMILY MEMBERS, AGENTS, GUESTS, TENANTS, LESSEES AND INVITEES, AND (2) SUCH OTHER PERSONS OR ENTITIES AS MAY BE GRANTED THE RIGHT TO USE SUCH PRIVATE STREET IN ANY EASEMENT OR SUPPLEMENTAL DECLARATION RECORDED WITH RESPECT TO SAID TRACTS "S" – "U" BY THE OWNER THEREOF. SUBJECT TO THE TERMS OF THE TRILOGY DECLARATION, MAINTENANCE OF SAID TRACTS "S" – "U" AND THE IMPROVEMENTS THEREON SHALL BE THE RESPONSIBILITY OF THE TRILOGY ASSOCIATION PURSUANT TO THE TERMS OF THE TRILOGY DECLARATION. ANY SUPPLEMENTAL DECLARATION HEREINAFTER RECORDED PURSUANT TO THE TRILOGY DECLARATION WITH RESPECT TO SAID TRACTS "S" – "U" MAY SET FORTH ADDITIONAL COVENANTS, CONDITIONS AND/OR RESTRICTIONS WITH RESPECT TO SAID TRACTS "S" – "U" AND/OR THE USE THEREOF.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY GRANTS TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION IN MARICOPA COUNTY, ARIZONA (HEREINAFTER REFERRED TO AS THE "CITY"), ITS SUCCESSORS AND ASSIGNS, A PERMANENT, PERPETUAL AND NON-EXCLUSIVE EASEMENT OVER TRACTS "S" – "U" FOR THE FOLLOWING PURPOSES, NAMELY: (A) A PUBLIC UTILITIES EASEMENT, (B) PUBLIC WATER EASEMENT, (C) PUBLIC SEWER EASEMENT, AND (D) INGRESS AND EGRESS EASEMENT FOR REFUSE COLLECTION, EMERGENCY AND SERVICE TYPE ACCESS. VISTANCIA WEST CONSTRUCTION LP HEREBY COVENANTS TO AND WITH THE CITY AND ITS SUCCESSORS AND ASSIGNS THAT AS OF THE DATE OF THE RECORDATION OF THIS PLAT, VISTANCIA WEST CONSTRUCTION LP IS LAWFULLY SEIZED AND POSSESSED OF TRACTS "S" – "U", THAT VISTANCIA WEST CONSTRUCTION LP HAS GOOD AND LAWFUL RIGHT TO GRANT THE TRACTS "S" – "U" EASEMENT, AND THAT VISTANCIA WEST CONSTRUCTION LP WILL WARRANT TO THE CITY AND ITS SUCCESSORS AND ASSIGNS THE TITLE AND QUIET POSSESSION OF THE TRACTS "S" – "U" EASEMENT AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY DECLARES THAT EFFECTIVE AS OF THE DATE OF THE RECORDATION OF THIS PLAT, THE PROPERTY WITHIN "TRILOGY WEST PHASE 1 – PARCEL C41" SHALL BE HELD, SOLD, CONVEYED, ENCUMBERED, HYPOTHECATED, LEASED, USED, OCCUPIED AND IMPROVED SUBJECT TO THE FOLLOWING RESTRICTION. THE PRIVATE STREETS DEPICTED ON THIS PLAT SHALL BE PRIVATE AND SHALL NOT BE DEDICATED TO PUBLIC USE UNTIL SUCH TIME AS ALL OWNERS (I.E., 100%) OF THE LOTS WITHIN "TRILOGY WEST PHASE 1 – PARCEL C41" AS PLATTED HEREON VOTE TO APPROVE SUCH STREETS BEING DEDICATED TO PUBLIC USE AND SUCH DEDICATION IS ACCEPTED BY THE CITY. IF THE DEDICATION OF SUCH STREETS TO PUBLIC USE IS APPROVED BY 100% OF SUCH OWNERS AND ACCEPTED BY THE CITY, THE CITY WILL REQUIRE (AS A CONDITION TO ITS ACCEPTANCE OF SUCH DEDICATION), THAT SUCH STREETS SHALL BE UPGRADED TO THE THEN-CURRENT CITY STANDARDS, AT NO EXPENSE TO THE CITY (I.E., SUCH UPGRADING SHALL BE AT THE EXPENSE OF SUCH OWNERS AND/OR A HOMEOWNERS ASSOCIATION THAT INCLUDE SUCH OWNERS). THIS RESTRICTION MAY BE AMENDED ONLY UPON THE WRITTEN CONSENT OF THE CITY AND ALL OWNERS (I.E., 100%) OF THE LOTS WITHIN THIS PLAT.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF WATER LINE AND/OR SEWER LINE FACILITIES OVER, UNDER AND ACROSS THE EASEMENT AREAS DESIGNATED AS SUCH ON THIS FINAL PLAT. TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE, SUBJECT TO NOTES 1, 2, 3 AND 4, AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND, THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT, AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS. (1) THE SAID EASEMENT ALSO INCLUDES THE RIGHT FOR THE CITY TO CUT BACK AND TRIM SUCH PORTION OF BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE DESIGNATED EASEMENT AREA, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER AND SEWER LINE FACILITIES; (2) THE CITY SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED WITHIN THE EASEMENT BY OWNER OR ITS SUCCESSORS OR ASSIGNS, (3) THE CITY WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALTIC CONCRETE PAVEMENT SURFACES, AND (4) THE OWNER, ITS SUCCESSORS OR ASSIGNS, AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY ASPHALT, LANDSCAPING OR ANY IMPROVEMENT PLACED WITHIN THE EASEMENT BY OWNER OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED, ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE OWNER, ITS HEIRS OR ASSIGNS.

DEDICATION (CONTINUED)

SUBJECT TO THE TERMS OF THE TRILOGY DECLARATION, TRACTS "A, C, D, E, G, J, K, L, M, O, P, R, S, T AND U" ARE DECLARED TO BE VILLAGE COMMON AREAS (AS DEFINED IN THE MAINTENANCE CORPORATION DECLARATION) AND COMMON AREA (AS DEFINED IN THE TRILOGY DECLARATION), WHICH (1) ARE RESERVED EXCLUSIVELY FOR THE USE OF OWNERS, RESIDENTS AND LESSEES OF THE "PROJECT" AS DEFINED IN THE TRILOGY DECLARATION) AND THEIR RESPECTIVE GUESTS AND INVITEES, AS SET FORTH IN THE MAINTENANCE CORPORATION DECLARATION AND THE TRILOGY DECLARATION, AND (2) SHALL BE CONVEYED TO AND MAINTAINED BY THE TRILOGY ASSOCIATION, PURSUANT TO THE TERMS OF THE TRILOGY DECLARATION AND THE MAINTENANCE CORPORATION DECLARATION.

TRACT "N" SHALL BE USED FOR FUTURE DEVELOPMENT.

TRACTS B, F, H, I AND Q ARE DECLARED TO BE COMMUNITY COMMON AREAS (AS DEFINED IN THE MAINTENANCE CORPORATION DECLARATION), WHICH SHALL BE CONVEYED TO AND MAINTAINED BY THE MAINTENANCE CORPORATION PURSUANT TO THE TERMS OF THE MAINTENANCE CORPORATION DECLARATION.

TRACTS "S" – "U" SHALL BE USED FOR THE PURPOSE OF PRIVATE STREETS/ACCESS AND THE OTHER USES AS SET FORTH HEREIN. THE FOREGOING TRACTS "S" – "U" SHALL BE USED FOR DRAINAGE AND/OR OTHER PURPOSES AS MORE FULLY SET FORTH IN THE "TRACT TABLE" SHOWN HEREON. ANY SUPPLEMENTAL DECLARATION HEREAFTER RECORDED WITH RESPECT TO ANY OR ALL OF THE FOREGOING TRACTS MAY SET FORTH ADDITIONAL COVENANTS, CONDITIONS AND/OR RESTRICTIONS WITH RESPECT TO ANY OR ALL OF THE FOREGOING TRACTS AND/OR THE USE THEREOF (INCLUDING BUT NOT LIMITED TO, RESTRICTIONS WHICH FURTHER LIMIT THE PERSONS ENTITLED TO USE ANY OR ALL OF SUCH TRACTS).

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY GRANTS TO THE CITY THE EASEMENTS SHOWN HEREON AS RETENTION AND/OR DRAINAGE EASEMENTS FOR THE PURPOSE OF DRAINAGE SERVICES AND RELATED FACILITIES AND ACCESS AND MAINTENANCE ASSOCIATED WITH SUCH EASEMENT RIGHTS.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY GRANTS TO THE CITY AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS "A" - "M" AND "O" - "U" AS APPLICABLE. THIS EASEMENT MAY BE EXERCISED BY THE CITY AT SUCH TIME AS THE TRILOGY ASSOCIATION (ONLY WITH RESPECT TO TRACTS A, C, D, E, G, J, K, L, M, O, P, R, S, T AND U) AND/OR THE MAINTENANCE CORPORATION (ONLY WITH RESPECT TO TRACTS B, F, H, I AND Q) FAIL TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES IN SUCH TRACTS. AS LONG AS THE TRILOGY ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES IN TRACTS A, C, D, E, G, J, K, L, M, O, P, R, S, T AND U, AND AS LONG AS THE MAINTENANCE CORPORATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES IN TRACTS B, F, H, I AND Q, REGARDLESS OF THE DEDICATION OF THIS EASEMENT.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY GRANTS TO THE TRILOGY ASSOCIATION AN EASEMENT FOR LANDSCAPE MAINTENANCE PURPOSES OVER, UNDER AND ACROSS PORTIONS OF CERTAIN LOTS AS SHOWN HEREON. SUBJECT TO THE TERMS OF THE TRILOGY DECLARATION, MAINTENANCE OF SAID LANDSCAPE MAINTENANCE EASEMENTS AND THE IMPROVEMENTS THEREON SHALL BE THE RESPONSIBILITY OF THE TRILOGY ASSOCIATION PURSUANT TO THE TERMS OF THE TRILOGY DECLARATION. ANY SUPPLEMENTAL DECLARATION HEREAFTER RECORDED PURSUANT TO THE TRILOGY DECLARATION WITH RESPECT TO SAID LANDSCAPE MAINTENANCE EASEMENTS MAY SET FORTH ADDITIONAL COVENANTS, CONDITIONS AND/OR RESTRICTIONS WITH RESPECT TO SAID LANDSCAPE MAINTENANCE EASEMENTS AND/OR THE USE THEREOF.

THE UNDERSIGNED VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS ____ DAY OF __________, 2014.

VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP

BY: VISTANCIA WEST CONSTRUCTION HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY ______________________

ITS ______________________

TRILOGY ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

TRILOGY AT VISTANCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________________

ITS: ______________________

TRILOGY ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED __________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

____
NOTARY PUBLIC

FINAL PLAT FOR

"TRILOGY WEST PHASE 1 - PARCEL C41"

BEING A SUBDIVISION OF TRACTS L AND M OF A MASTER PLAT FOR "TRILOGY WEST PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, CITY OF PEORIA, ARIZONA

ZONING

ZONING CASE Z13-0007

PRELIMINARY PLAT

PRELIMINARY PLAT CASE P13-0014

SUBDIVIDER'S CERTIFICATIONS

BY ITS EXECUTION OF THIS PLAT, VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP, AS SUBDIVIDER, HEREBY CERTIFIES (1) RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE, (2) RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE, (3) RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE, AND (4) THE REQUIREMENTS OF THE CITY OF PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DEVELOPMENT GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.

VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP

BY: VISTANCIA WEST CONSTRUCTION HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: ______________________

ITS: ______________________

APPROVAL OF VISTANCIA DECLARANT

THE UNDERSIGNED, DECLARANT UNDER THE MAINTENANCE CORPORATION DECLARATION, HEREBY APPROVES THIS PLAT PURSUANT TO SECTION 14.2 OF THE MAINTENANCE CORPORATION DECLARATION.

VISTANCIA LAND HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF III - VISTANCIA, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III, L.P., A DELAWARE LIMITED PARTNERSHIP, ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: ______________________

ITS: ______________________

VISTANCIA DECLARANT ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED __________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

____
NOTARY PUBLIC

DEDICATION ACKNOWLEDGEMENT

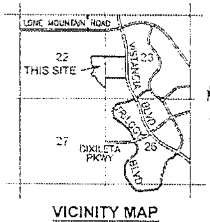
STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED __________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

____
NOTARY PUBLIC

COUNTY RECORDER



VICINITY MAP

(NOT-TO-SCALE)

OWNER / DEVELOPER

VISTANCIA WEST CONSTRUCTION LP
8800 NORTH GAINEY CENTER DRIVE
SUITE 350
SCOTTSDALE, ARIZONA 85258
PHONE: (480) 348-0050
FAX: (480) 948-0138
CONTACT: JOAN SCARBROUGH

ENGINEER

COE & VAN LOO CONSULTANTS INC
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-6831
CONTACT: RYAN WEED

SITE AREA

2,530,208 SQUARE FEET OR 58.087 ACRES

MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON PROFIT CORPORATION

BY ______________________

ITS ______________________

MAINTENANCE CORPORATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED __________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

____
NOTARY PUBLIC

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ________ DAY OF ______________, 2014.

BY ______________________ MAYOR ________ DATE

ATTEST ______________________ CITY CLERK ________ DATE

______________________ FOR CITY ENGINEER ________ DATE

CERTIFICATION

I, LARRY E. SULLIVAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS MAP, CONSISTING OF SEVEN (7) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF NOVEMBER, 2013, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY [redacted]
LARRY E. SULLIVAN
REGISTRATION NUMBER 22782
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602) 264-6831
CVLSURVEY@CVLCI.COM

PEORIA NO. R140017

GROSS AREA = 58.087 ACRES	SEE SHEET 2 FOR LOT AREA TABLE AND LEGEND AND SHEET 7 FOR CURVE TABLE

FINAL PLAT

TRILOGY WEST PHASE 1 - PARCEL C41

[redacted]

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

Coe & Van Loo Consultants, Inc.

NO.	REVISION	DATE

LIENHOLDER RATIFICATION AND CONSENT

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED MARCH 26TH 2014 AS INSTRUMENT NO. 2014-0192118 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN FINAL PLAT FOR "TRILOGY WEST PHASE 1 - PARCEL C41" AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THERON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO AND HAVE PRIORITY OVER THE ABOVE-DESCRIBED DEED OF TRUST.

FRI EMPIRE/TWIGG, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: FARNAM REALTY, INC., AN ARIZONA CORPORATION
ITS: SOLE MEMBER

BY: ______________________

ITS: PRESIDENT

LIENHOLDER RATIFICATION AND CONSENT ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ______________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

____
NOTARY PUBLIC

LIENHOLDER RATIFICATION AND CONSENT

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED MARCH 27TH 2014, AS INSTRUMENT NO. 2014-0192?? OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN FINAL PLAT FOR "TRILOGY WEST PHASE 1 - PARCEL C41" AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THERON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO, AND HAVE PRIORITY OVER THE ABOVE-DESCRIBED DEED OF TRUST.

TRICON USA INC., A DELEWARE CORPORATION

BY: ______________________

ITS: ______________________

LIENHOLDER RATIFICATION AND CONSENT ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ______________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

____
NOTARY PUBLIC

LIENHOLDER RATIFICATION AND CONSENT

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED ____________ 2014, AS INSTRUMENT NO. ________ , ________ OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN FINAL PLAT FOR "TRILOGY WEST PHASE 1 - PARCEL C41" AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THERON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO, AND HAVE PRIORITY OVER THE ABOVE-DESCRIBED DEED OF TRUST.

WESTERN ALLIANCE BANK, AN ARIZONA CORPORATION

BY: ______________________

ITS: ______________________

LIENHOLDER RATIFICATION AND CONSENT ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ______________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

____
NOTARY PUBLIC

NOTES

1. THE SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID# 1150).
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN TRACTS A, C, D, E, G, J, K, L, M, O, P, K, S, T AND U SHALL BE THE RESPONSIBILITY OF THE TRILOGY ASSOCIATION. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN TRACTS B, F, H, I AND Q SHALL BE THE RESPONSIBILITY OF THE MAINTENANCE CORPORATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE UNOBSTRUCTED VIEW EASEMENT. NO LIMBS, LEAVES, NEEDLES, OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE (BOULEVARD AND ROAD).
10. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
11. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, HAS BEEN FORMED AND HAS THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS", INCLUDING DRAINAGE FACILITIES IN ACCORDANCE WITH THE APPROVED PLANS.
12. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
13. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 70 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
14. HOMES LOCATED ON LOTS DEFINED WITH ONE ASTERISK (*) ON THE PRELIMINARY PLAT SHALL BE LIMITED TO SINGLE STORY CONSTRUCTION. HOMES LOCATED ON LOTS IDENTIFIED WITH A DOUBLE ASTERISK (**) SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 27 FEET.
15. THE BUILDING SETBACK LINE INTENDED ON LOT 2515 IS EXCLUSIVE TO THE PRIMARY RESIDENCE AND IS NOT INTENDED TO PROHIBIT ACCESSORY STRUCTURES OR GROUND MECHANICAL UNITS IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS.
16. AS REQUIRED BY (P13-0014), THE HOMEOWNER OF LOT 2517 SHALL BE REQUIRED TO MAINTAIN 1 TREE AND 5 SHRUBS PER 30 LINEAR FEET ON AVERAGE WITHIN THE SIDE YARD ALONG THE END OF THE BLOCK.
17. LOTS AT T-INTERSECTIONS WILL REQUIRE DRIVEWAY SET IN LINE WITH ONCOMING TRAFFIC. THIS APPLIES TO LOT 2512.

BASIS OF BEARING

THE BASIS OF BEARING IS NORTH 89°45'02" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 1032 OF MAPS, PAGE 6, MARICOPA COUNTY, ARIZONA.

BENCHMARK

USGLO BRASS CAP AT THE EAST QUARTER CORNER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST

ELEVATION = 1560.63 (CITY OF PEORIA / NAVD 88)

FLOOD ZONE INFORMATION

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER FLOOD INSURANCE RATE MAP NUMBER 04013C____, MARICOPA COUNTY, DATED OCTOBER 16, 2013.

FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.365 ACRES	LANDSCAPE, DRAINAGE, P.U.E., S.E., MULTI-USE TRAIL
TRACT 'B' = 2.750 ACRES	LANDSCAPE, DRAINAGE, NATURAL AREA OPEN SPACE, MULTI-USE TRAIL
TRACT 'C' = 0.346 ACRES	LANDSCAPE, DRAINAGE, MULTI-USE TRAIL
TRACT 'D' = 3.662 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., S.E., SEWER, MULTI-USE TRAIL
TRACT 'E' = 4.175 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., S.E., SEWER, WATER, U.V.E., MULTI-USE TRAIL
TRACT 'F' = 0.772 ACRES	NATURAL AREA OPEN SPACE
TRACT 'G' = 1.329 ACRES	MULTI-USE TRAIL
TRACT 'H' = 5.462 ACRES	NATURAL AREA OPEN SPACE
TRACT 'I' = 5.611 ACRES	NATURAL AREA OPEN SPACE
TRACT 'J' = 2.064 ACRES	LANDSCAPE, DRAINAGE, P.U.E., S.E., U.V.E., MULTI-USE TRAIL
TRACT 'K' = 0.226 ACRES	LANDSCAPE, DRAINAGE, P.U.E., S.E., U.V.E.
TRACT 'L' = 6.134 ACRES	LANDSCAPE, P.U.E., S.E., U.V.E.
TRACT 'M' = 0.326 ACRES	LANDSCAPE, DRAINAGE, P.U.E., S.E., SEWER EASEMENT
TRACT 'N' = 7.504 ACRES	WATER AND SEWER EASEMENT, TEMPORARY TURN-AROUND EASEMENT, FUTURE DEVELOPMENT
TRACT 'O' = 0.051 ACRES	LANDSCAPE, DRAINAGE, P.U.E., S.E.
TRACT 'P' = 1.145 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., S.E., WATER AND SEWER EASEMENT, U.V.E., MULTI-USE TRAIL
TRACT 'Q' = 2.053 ACRES	LANDSCAPE, DRAINAGE, NATURAL AREA OPEN SPACE
TRACT 'R' = 0.609 ACRES	LANDSCAPE, DRAINAGE
TRACT 'S' = 0.782 ACRES	PRIVATE STREETS, PUBLIC UTILITIES, WATER, SEWER, INGRESS & EGRESS FOR EMERGENCY ACCESS AND REFUSE COLLECTION AND SERVICE TYPE ACCESS
TRACT 'T' = 2.516 ACRES	PRIVATE STREETS, PUBLIC UTILITIES, WATER, SEWER, INGRESS & EGRESS FOR EMERGENCY ACCESS AND REFUSE COLLECTION AND SERVICE TYPE ACCESS
TRACT 'U' = 0.463 ACRES	PRIVATE STREETS, PUBLIC UTILITIES, WATER, SEWER, INGRESS & EGRESS FOR EMERGENCY ACCESS AND REFUSE COLLECTION AND SERVICE TYPE ACCESS
TOTAL = 45.033 ACRES	

LAND USE AREAS	SQUARE FEET	ACRES
TOTAL AREA OF LOTS	578,077	13.271
TOTAL AREA OF TRACTS (A - R)	1,816,040	41.691
PRIVATE STREET AREA (TRACT S, T & U)	170,001	3.902
TOTAL GROSS AREA	2,564,118	58.864

LOT SIZE VARIATION BY PERCENTAGE		
PAD LOT SIZE	PAD MIX %	PARCEL C41 LOTS (%)
50' X 105'/115'	15% - 40%	25 (2.40%)
62' X 105'/115'/120'	20% - 50%	29 (2.85%)
70' X 105'/115'	15% - 30%	16 (1.57%)
TOTAL MAX # OF LOTS	1016	70 (6.89%)

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	70
TOTAL NUMBER OF TRACTS	21
GROSS RESIDENTIAL DENSITY	1.189 D.U./A.C.

LEGEND

INDICATES SECTION CORNER - FOUND BRASS CAP (UNLESS OTHERWISE NOTED)		U.V.E.	INDICATES UNOBSTRUCTED VIEW EASEMENT
INDICATES FOUND BRASS CAP PER ADJOINING RECORDED SUBDIVISION PER M.A.G. STD. DET. 120-1, TYPE "B" (UNLESS OTHERWISE NOTED)		P.U.E.	INDICATES PUBLIC UTILITY EASEMENT
INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET 120-1 TYPE "B" (UNLESS OTHERWISE NOTED)		S.E.	INDICATES SIDEWALK EASEMENT
INDICATES FOUND 1" IRON PIPE LS#22782		V.N.A.E.	INDICATES VEHICULAR NON ACCESS EASEMENT
INDICATES FOUND 1/2" REBAR WITH CAP LS#22782		AC	INDICATES ACRES
INDICATES CORNER OF THIS SUBDIVISION SET SURVEY MARKER PER M.A.G. STD DET. 120-1, TYPE "C" - MODIFIED (UNLESS OTHERWISE NOTED)		C1	INDICATES CURVE NUMBER
INDICATES SHEET NUMBER		P.O.C.	INDICATES POINT OF COMMENCEMENT
INDICATES UNOBSTRUCTED VIEW EASEMENT (30' X 30')		T.P.O.B.	INDICATES TRUE POINT OF BEGINNING
INDICATES SECTION LINE		B.S.L.	INDICATES BUILDING SETBACK LINE
INDICATES MID-SECTION LINE		M.C.R.	INDICATES MARICOPA COUNTY RECORDER
INDICATES BOUNDARY LINE		DOC.#	INDICATES DOCUMENT NUMBER
INDICATES LOT LINE		G.L.O.	INDICATES GENERAL LAND OFFICE
INDICATES CENTERLINE		L.M.S.E.	INDICATES LANDSCAPE MAINTENANCE EASEMENT
INDICATES EASEMENT		B.S.L.E.	INDICATES 5' BUILDING SETBACK LINE EASEMENT
		*	LOT RESTRICTED TO SINGLE STORY HOME
		**	LOT 27' MAX BUILDING HEIGHT (ABOVE FINISHED FLOOR ELEVATION)

COUNTY RECORDER

LOT AREA TABLE	
LOT	AREA (SQUARE FEET)
2496	8,865
2497	8,014
2498	10,831
2499	9,719
2500	9,083
2501	10,080
2502	7,500
2503	6,000
2504	11,288
2505	7,352
2506	6,500
2507	7,145
2508	3,002
2509	9,397
2510	10,688
2511	9,659
2512	10,336
2513	10,307
2514	8,495
2515	7,601
2516	7,360
2517	8,244
2518	8,550
2519	8,750
2520	8,800
2521	8,260
2522	7,408
2523	8,304
2524	8,375
2525	8,329
2526	8,326
2527	7,572
2528	8,329
2529	8,329
2530	7,573
2531	8,155

LOT AREA TABLE	
LOT	AREA (SQUARE FEET)
2532	8,514
2533	11,143
2534	10,874
2535	7,568
2536	6,988
2537	6,873
2538	6,873
2539	8,279
2540	6,873
2541	9,025
2542	9,950
2543	7,959
2544	7,638
2545	8,333
2546	7,735
2547	5,750
2548	5,750
2549	7,511
2550	7,096
2551	8,942
2552	15,650
2553	16,686
2554	7,345
2555	8,222
2556	7,500
2557	8,250
2558	8,250
2559	7,528
2560	10,362
2561	7,990
2562	8,750
2563	10,715
2564	7,430
2565	9,799
TOTAL	578,077

PEORIA NO.: R140017

SEE SHEET 7 FOR LOT AREA TABLE AND LEGEND AND SHEET 7 FOR CURVE TABLE

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

TRILOGY WEST PHASE 1 - PARCEL C41

FINAL PLAT

[redacted]

SHEET 2 OF 7

CVL Contact: R. WEED
CVL Project #: 07-0218101

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CALCULATED POSITION OF THE SOUTHEAST CORNER OF SAID SECTION 22 AS DEPICTED IN BOOK 1129 OF MAPS, PAGE 22, RECORDS OF MARICOPA COUNTY, ARIZONA, FROM WHICH THE G.L.O. BRASS CAP MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 22 BEARS NORTH 89°45'00" WEST, A DISTANCE OF 2,634.73 FEET AND FROM WHICH THE G.L.O. BRASS CAP MARKING THE EAST QUARTER CORNER OF SAID SECTION 22 BEARS NORTH 00°13'26" EAST, A DISTANCE OF 2,633.73 FEET.

THENCE NORTH 00°13'26" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 724.17 FEET TO THE TRUE POINT OF BEGINNING.

THENCE NORTH 89°48'34" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 41.37 FEET.

THENCE NORTH 45°17'08" WEST, A DISTANCE OF 495.15 FEET.
THENCE NORTH 45°16'47" WEST, A DISTANCE OF 50.92 FEET.
THENCE NORTH 39°39'51" WEST, A DISTANCE OF 67.23 FEET.
THENCE NORTH 29°50'30" WEST, A DISTANCE OF 57.86 FEET.
THENCE NORTH 20°03'53" WEST, A DISTANCE OF 147.45 FEET.
THENCE NORTH 34°38'28" WEST, A DISTANCE OF 66.71 FEET.
THENCE NORTH 34°38'26" WEST, A DISTANCE OF 70.00 FEET.
THENCE SOUTH 55°21'34" WEST, A DISTANCE OF 115.00 FEET.
THENCE NORTH 34°38'26" WEST, A DISTANCE OF 78.86 FEET.
THENCE NORTH 55°21'34" EAST, A DISTANCE OF 14.83 FEET.

THENCE NORTH 12°50'35" EAST, A DISTANCE OF 28.92 FEET TO A POINT ON A 591.31 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 20°02'50" EAST;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 46°15'28", A DISTANCE OF 477.37 FEET.

THENCE SOUTH 29°18'57" EAST, A DISTANCE OF 27.66 FEET.

THENCE SOUTH 76°14'19" EAST, A DISTANCE OF 35.19 FEET TO A POINT ON A 200.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 76°14'10" EAST.

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°15'47", A DISTANCE OF 14.89 FEET;

THENCE SOUTH 80°25'08" EAST, A DISTANCE OF 37.13 FEET;
THENCE NORTH 58°47'54" EAST, A DISTANCE OF 29.41 FEET.

THENCE SOUTH 69°59'05" EAST, A DISTANCE OF 220.73 FEET TO THE BEGINNING OF A TANGENT CURVE OF 810.50 FOOT RADIUS, CONCAVE NORTHEASTERLY.

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°42'26", A DISTANCE OF 278.78 FEET;

THENCE SOUTH 89°41'33" EAST, A DISTANCE OF 303.81 FEET TO THE BEGINNING OF A TANGENT CURVE OF 410.50 FOOT RADIUS, CONCAVE NORTHERLY.

THENCE EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°37'02", A DISTANCE OF 54.58 FEET.

THENCE NORTH 82°21'25" EAST, A DISTANCE OF 110.35 FEET TO THE BEGINNING OF A TANGENT CURVE OF 389.50 FOOT RADIUS, CONCAVE SOUTHERLY.

THENCE EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°57'18", A DISTANCE OF 115.20 FEET.

THENCE SOUTH 80°41'17" EAST, A DISTANCE OF 37.60 FEET TO THE BEGINNING OF A TANGENT CURVE OF 410.50 FOOT RADIUS, CONCAVE NORTHERLY.

THENCE EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°13'30", A DISTANCE OF 195.07 FEET.

THENCE NORTH 72°05'07" EAST, A DISTANCE OF 66.03 FEET TO A POINT ON A 248.50 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 16°47'31" EAST.

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°32'01", A DISTANCE OF 63.06 FEET.

THENCE SOUTH 44°45'52" EAST, A DISTANCE OF 33.93 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 75.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23.

THENCE SOUTH 00°14'08" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 100.02 FEET

TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23.

THENCE NORTH 89°41'33" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,245.62 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22.

THENCE SOUTH 00°13'26" WEST, A DISTANCE OF 593.81 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 22 AND THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE G.L.O. BRASS CAP MARKING THE EAST QUARTER CORNER OF SAID SECTION 22, FROM WHICH THE CALCULATED POSITION OF THE SOUTHEAST CORNER OF SAID SECTION 22 AS DEPICTED IN BOOK 1129 OF MAPS, PAGE 22, RECORDS OF MARICOPA COUNTY, ARIZONA BEARS SOUTH 00°13'26" WEST, A DISTANCE OF 2,633.73 FEET.

THENCE SOUTH 89°41'28" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 1,245.89 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 75.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23.

THENCE SOUTH 00°14'08" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1,079.56 FEET.

THENCE SOUTH 45°14'08" WEST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 34.14 FEET.

THENCE NORTH 89°45'52" WEST, A DISTANCE OF 28.66 FEET TO THE BEGINNING OF A TANGENT CURVE OF 260.50 FOOT RADIUS, CONCAVE NORTHEASTERLY

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°24'41", A DISTANCE OF 101.50 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE OF 290.50 FOOT RADIUS, CONCAVE SOUTHERLY.

THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°39'37", A DISTANCE OF 206.15 FEET

THENCE SOUTH 71°09'10" WEST, A DISTANCE OF 194.55 FEET TO THE BEGINNING OF A TANGENT CURVE OF 380.50 FOOT RADIUS, CONCAVE NORTHWESTERLY.

LEGAL DESCRIPTION

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°07'17", A DISTANCE OF 126.22 FEET

THENCE NORTH 89°41'33" WEST, A DISTANCE OF 172.71 FEET TO THE BEGINNING OF A TANGENT CURVE OF 320.50 FOOT RADIUS, CONCAVE NORTHEASTERLY.

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°21'35", A DISTANCE OF 410.73 FEET.

THENCE NORTH 29°19'58" WEST, A DISTANCE OF 353.09 FEET.
THENCE NORTH 15°40'02" EAST, A DISTANCE OF 28.28 FEET.
THENCE NORTH 29°19'58" WEST, A DISTANCE OF 71.28 FEET.
THENCE NORTH 74°19'58" WEST, A DISTANCE OF 28.28 FEET.
THENCE NORTH 29°19'58" WEST, A DISTANCE OF 149.95 FEET.
THENCE SOUTH 60°40'02" WEST, A DISTANCE OF 81.00 FEET.
THENCE SOUTH 29°19'58" EAST, A DISTANCE OF 149.96 FEET.
THENCE SOUTH 15°40'02" WEST, A DISTANCE OF 28.28 FEET.
THENCE SOUTH 29°19'58" EAST, A DISTANCE OF 71.28 FEET.
THENCE SOUTH 74°19'58" EAST, A DISTANCE OF 28.28 FEET.

THENCE SOUTH 29°19'58" EAST, A DISTANCE OF 229.39 FEET TO THE BEGINNING OF A TANGENT CURVE OF 190.50 FOOT RADIUS, CONCAVE SOUTHWESTERLY.

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°41'17", A DISTANCE OF 175.22 FEET;

THENCE SOUTH 60°11'39" WEST, A DISTANCE OF 36.50 FEET.

THENCE NORTH 69°59'05" WEST, A DISTANCE OF 202.80 FEET TO THE BEGINNING OF A TANGENT CURVE OF 680.81 FOOT RADIUS, CONCAVE SOUTHEASTERLY.

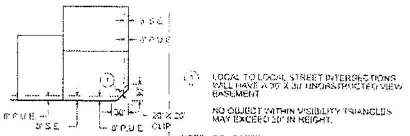
THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°08'30", A DISTANCE OF 595.43 FEET.

THENCE NORTH 77°32'00" WEST, A DISTANCE OF 27.64 FEET.
THENCE NORTH 34°38'20" WEST, A DISTANCE OF 5.48 FEET.
THENCE NORTH 58°49'20" EAST, A DISTANCE OF 98.16 FEET;
THENCE NORTH 31°41'27" EAST, A DISTANCE OF 98.47 FEET;
THENCE NORTH 15°03'45" EAST, A DISTANCE OF 98.47 FEET;
THENCE NORTH 00°23'29" WEST, A DISTANCE OF 84.64 FEET.
THENCE NORTH 14°40'15" WEST, A DISTANCE OF 84.64 FEET.
THENCE NORTH 29°00'13" WEST, A DISTANCE OF 142.08 FEET.
THENCE NORTH 22°46'00" WEST, A DISTANCE OF 58.85 FEET.
THENCE NORTH 17°14'24" WEST, A DISTANCE OF 59.10 FEET;
THENCE NORTH 12°08'03" WEST, A DISTANCE OF 59.10 FEET;
THENCE NORTH 01°11'43" EAST, A DISTANCE OF 58.89 FEET.
THENCE NORTH 00°46'27" EAST, A DISTANCE OF 128.89 FEET.

THENCE NORTH 00°17'26" EAST, A DISTANCE OF 168.20 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22.

THENCE SOUTH 89°42'34" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 844.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 58.884 ACRES, MORE OR LESS.



(1) LOCAL TO LOCAL STREET INTERSECTIONS WILL HAVE A 30' X 30' UNOBSTRUCTED VIEW EASEMENT

NO OBJECT WITHIN VISIBILITY TRIANGLES MAY EXCEED 30" IN HEIGHT.

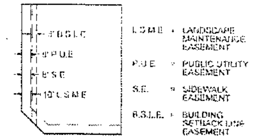
NOTE: CONCRETE MASONRY WALLS CANNOT BE CONSTRUCTED IN THE PUBLIC UTILITY EASEMENT

SETBACKS

BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

50', 60' & 70' TYPICAL LOT LAYOUT

(NOT-TO-SCALE)



L.S.M.E. = LANDSCAPE MAINTENANCE EASEMENT

P.U.E. = PUBLIC UTILITY EASEMENT

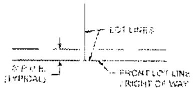
S.E. = SIDEWALK EASEMENT

B.S.L.E. = BUILDING SETBACK LINE EASEMENT

TYPICAL BLOCK END LOTS WITHOUT LANDSCAPE TRACT

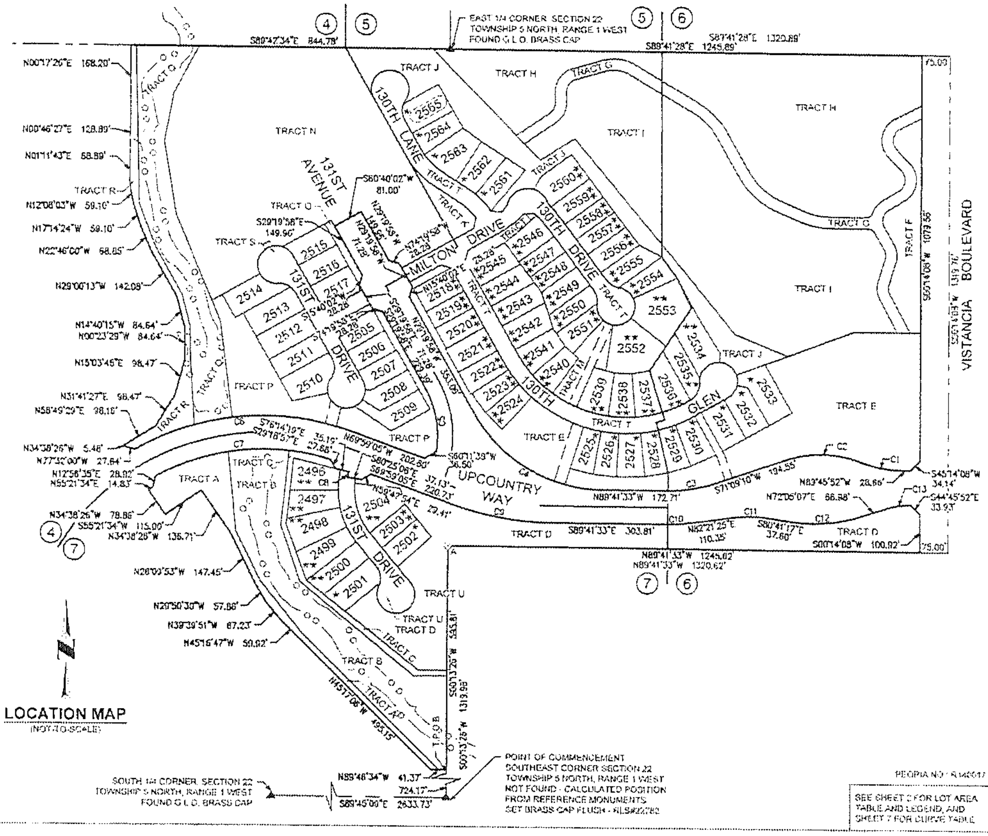
(NOT-TO-SCALE)

COUNTY RECORDER



TYPICAL PUBLIC UTILITY EASEMENT DETAIL

(NOT-TO-SCALE)



LOCATION MAP

(NOT-TO-SCALE)

PEORIA NO. R140047

SEE SHEET 2 FOR LOT AREA TABLE AND LEGEND, AND SHEET 7 FOR CURVE TABLE

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

TRILOGY WEST PHASE 1 - PARCEL C41

FINAL PLAT

[redacted]

SHEET 3 OF 7

CVL Contact: R. WEED

CVL Project #: 07-0218101

FINAL PLAT

TRILOGY WEST PHASE 1 - PARCEL C41

[redacted]

SHEET 4 OF 7

NO	REVISION	DATE

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Phoenix, Arizona 85014
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COUNTY RECORDER

NOTE:
EXISTING EROSION CONTROL SETBACK UNITS ARE MAPPED HEREON. NO STRUCTURES SHALL BE CONSTRUCTED WITHIN THE PROPOSED EROSION CONTROL SETBACK UNITS

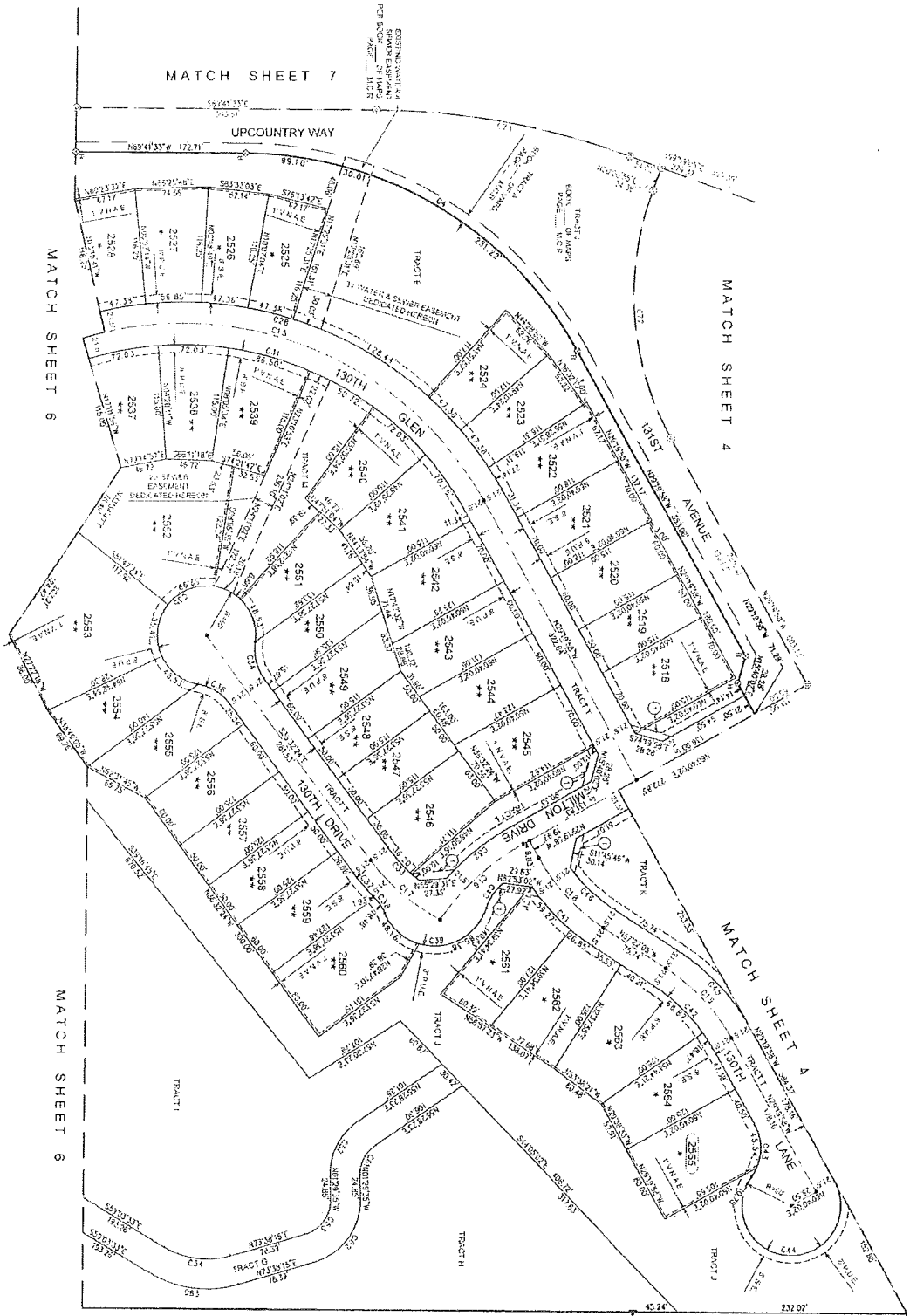
NOTES

(4) INDICATES DRY WATER & SEWER EASEMENT TO BE DEDICATED HEREON
(B) INDICATES 10' PUBLIC UTILITY EASEMENT DEDICATED HEREON

DETAIL 'A'
(NOT TO SCALE)

DETAIL 'B'
(NOT TO SCALE)

PEORIA NO. 91-0007
SEE SHEET 2 FOR SITE VICINITY MAP, TABLE AND LEGEND AND SHEET 3 FOR CURVE TABLE



COUNTY RECORDER

PROJECT NO. 13-0017

SHEET 5 OF 7

FINAL PLAT

TRILOGY WEST PHASE 1 - PARCEL C41

NO.	REVISION	DATE

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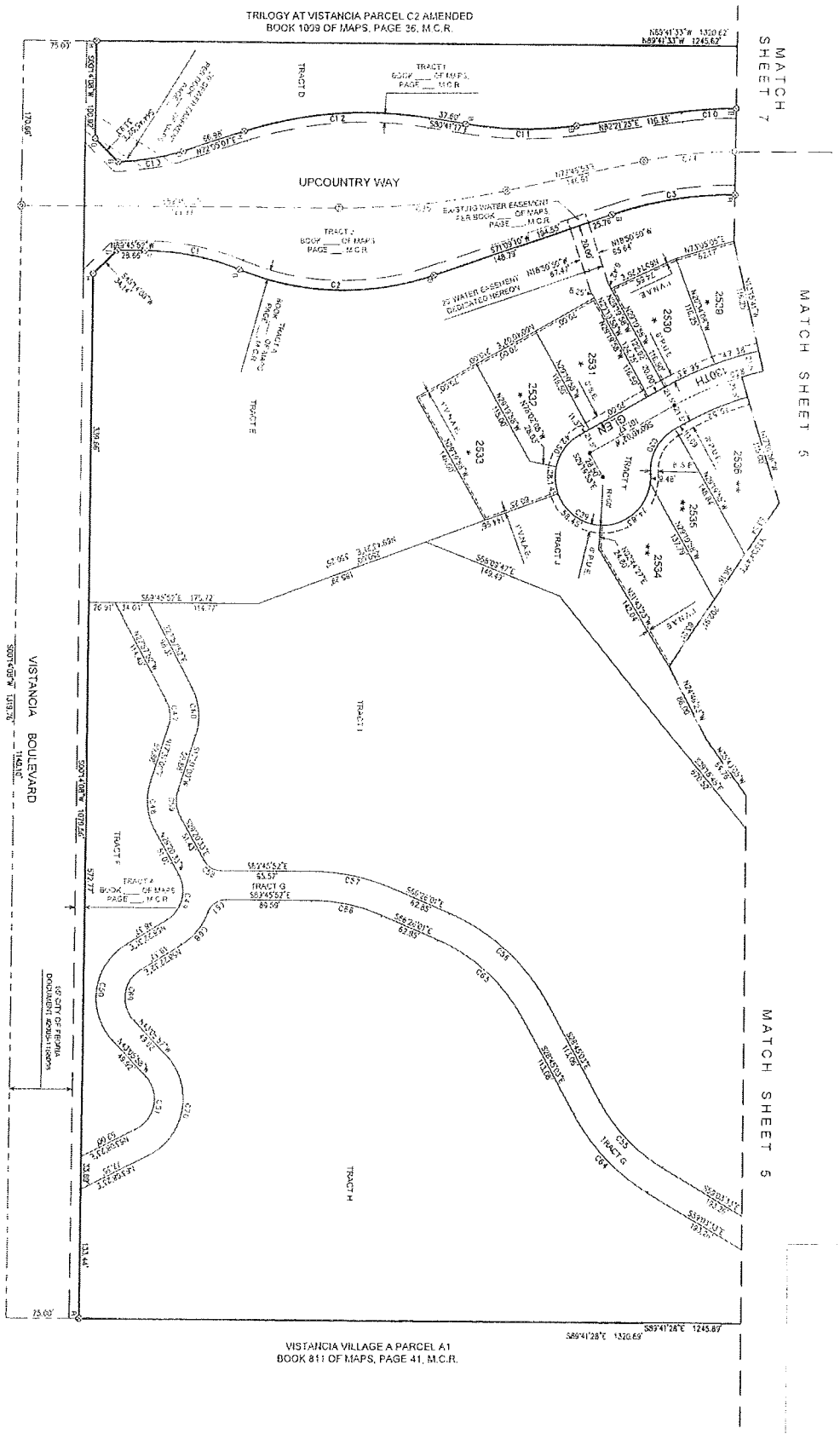

COUNTY RECORDER

PEORIA NO. 5140017

SEE SHEET 2 FOR LOT AREA TABLE AND LEGEND AND SHEET 7 FOR CURVE TABLE

SHEET 6 OF 7

FINAL PLAT

TRILOGY WEST PHASE 1 - PARCEL C41

NO.	REVISION	DATE

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Phoenix, Arizona 85014
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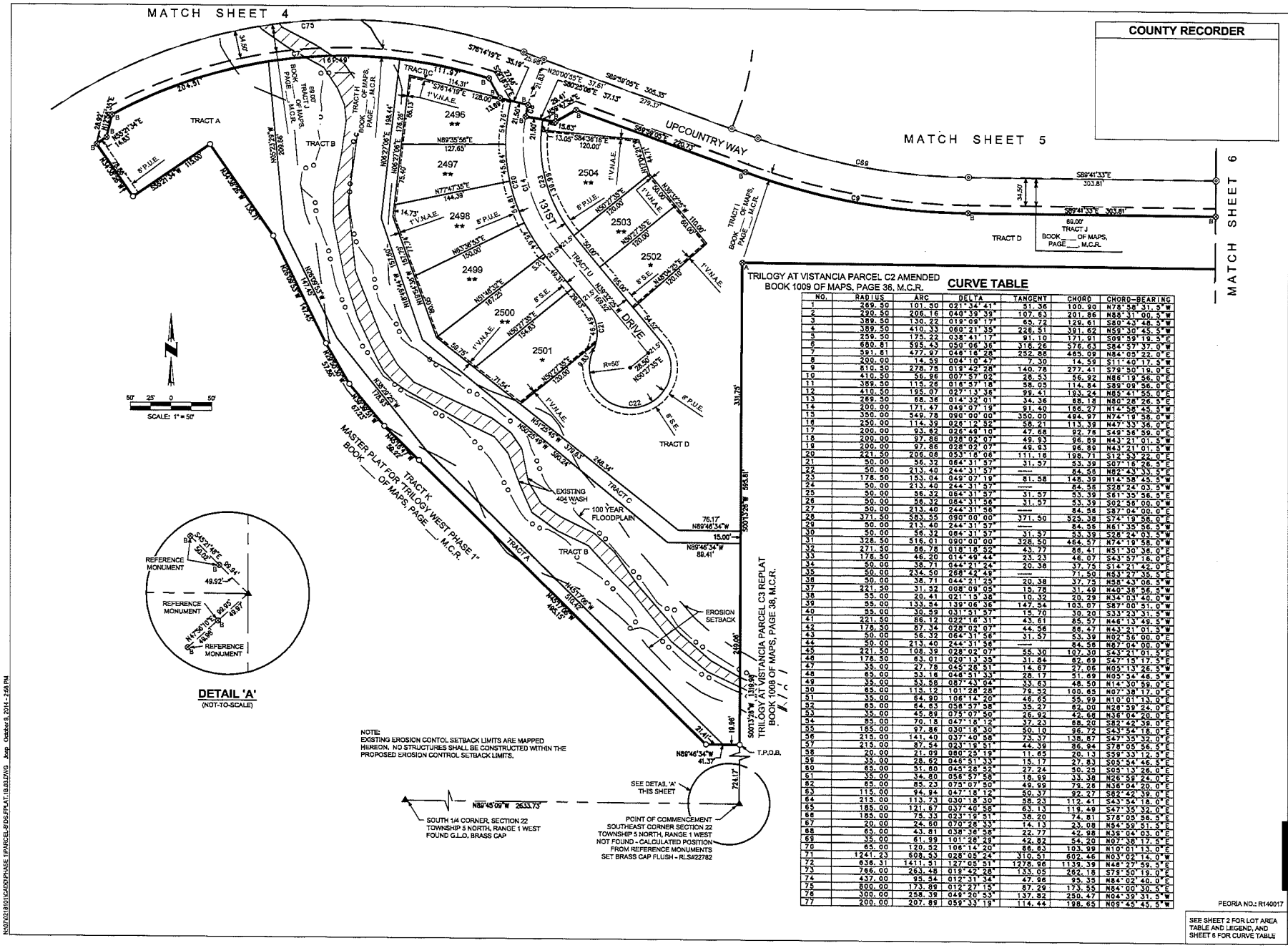


NOTE:
EXISTING EROSION CONTOL SETBACK LIMITS ARE MAPPED HEREON. NO STRUCTURES SHALL BE CONSTRUCTED WITHIN THE PROPOSED EROSION CONTROL SETBACK LIMITS.

TRILOGY AT VISTANCIA PARCEL C2 AMENDED
BOOK 1009 OF MAPS, PAGE 36, M.C.R.

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	269.50	101.50	021°34'41"	51.36	100.90	N78°36'31.5"W
2	290.50	206.16	040°39.39"	107.63	201.86	N88°31'00.5"W
3	389.50	130.22	019°09'17"	65.72	129.61	S80°43'46.5"W
4	389.50	410.33	060°21'35"	226.51	391.62	N59°30'45.5"W
5	259.50	175.22	038°41'17"	91.10	171.91	S09°39'19.5"E
6	680.81	595.43	050°06'36"	318.26	576.63	S84°57'37.0"W
7	591.81	477.97	046°16'28"	252.86	465.09	N84°05'22.0"E
8	200.00	14.59	004°10'47"	7.30	14.59	S11°40'17.5"W
9	810.50	278.78	019°42'28"	140.78	277.41	S79°50'19.0"E
10	410.50	56.96	007°57'02"	28.53	56.92	N86°13'56.0"E
11	389.50	115.26	016°57'18"	58.05	114.84	S89°09'56.0"E
12	410.50	195.07	027°13'36"	99.41	193.24	N85°41'55.0"E
13	269.50	68.36	014°32'01"	34.36	68.18	N80°28'26.5"E
14	200.00	171.47	049°07'19"	91.40	166.27	N14°58'45.5"W
15	350.00	549.78	090°00'00"	350.00	494.97	N74°19'58.0"W
16	250.00	114.39	026°12'52"	58.21	113.38	N47°33'36.0"E
17	200.00	93.82	026°49'10"	47.68	92.76	S49°56'59.0"E
18	200.00	97.86	028°02'07"	49.93	96.89	N43°21'01.5"W
19	200.00	97.86	028°02'07"	49.93	96.89	N43°21'01.5"W
20	221.50	206.08	053°18'06"	111.16	198.71	S12°53'22.0"E
21	50.00	56.32	064°31'57"	31.57	53.39	S07°16'26.5"E
22	50.00	213.40	244°31'57"	—	84.56	N82°43'33.5"E
23	178.50	153.04	049°07'19"	81.58	148.39	N14°58'45.5"W
24	50.00	213.40	244°31'57"	—	84.56	S28°24'03.5"W
25	50.00	56.32	064°31'57"	31.57	53.39	S61°35'56.5"E
26	50.00	56.32	064°31'56"	31.57	53.39	S02°36'00.0"W
27	50.00	213.40	244°31'56"	—	84.56	S87°04'00.0"E
28	371.50	583.55	090°00'00"	371.50	525.38	S74°19'58.0"E
29	50.00	213.40	244°31'57"	—	84.56	N61°35'56.5"W
30	50.00	56.32	064°31'57"	31.57	53.39	S28°24'03.5"W
31	328.50	516.01	090°00'00"	328.50	464.57	N74°19'58.0"W
32	271.50	86.78	018°18'52"	43.77	86.41	N51°30'36.0"E
33	176.50	46.20	014°49'44"	23.23	46.07	S43°57'16.0"E
34	50.00	38.71	044°21'24"	20.38	37.75	S14°21'42.0"E
35	50.00	234.50	268°42'49"	—	71.50	N53°27'35.5"E
36	50.00	38.71	044°21'25"	20.38	37.75	N58°43'06.5"W
37	221.50	31.52	008°09'05"	15.78	31.49	N40°38'56.5"W
38	35.00	20.41	021°13'38"	10.32	20.29	N34°03'40.0"W
39	55.00	133.34	139°06'36"	147.34	103.07	S67°00'51.0"W
40	55.00	30.59	031°51'57"	15.70	30.20	S33°23'31.5"W
41	221.50	86.12	022°16'31"	43.61	85.57	N46°13'49.5"W
42	178.50	87.34	028°02'07"	44.56	86.47	N43°21'01.5"W
43	50.00	56.32	064°31'56"	31.57	53.39	N02°36'00.0"E
44	50.00	213.40	244°31'56"	—	84.56	S87°04'00.0"W
45	221.50	108.39	028°02'07"	55.30	107.30	S43°21'01.5"E
46	178.50	63.01	020°13'35"	31.84	62.69	S47°13'17.5"E
47	35.00	27.78	045°28'51"	14.67	27.06	N05°13'26.5"W
48	65.00	53.16	046°51'33"	28.17	51.69	N02°54'46.5"W
49	35.00	53.58	087°43'04"	33.63	48.50	N14°30'59.0"E
50	65.00	115.12	101°28'28"	79.32	100.65	N07°38'17.0"E
51	35.00	64.90	106°14'20"	46.65	55.99	N10°01'13.0"E
52	65.00	64.63	056°57'38"	35.27	62.00	N28°59'24.0"E
53	35.00	45.89	075°07'50"	26.92	42.68	N36°04'20.0"E
54	85.00	70.18	047°16'12"	37.23	68.20	S82°42'39.0"E
55	185.00	97.86	030°18'30"	50.10	96.72	S43°54'18.0"E
56	215.00	141.40	037°40'58"	73.37	138.87	S47°33'32.0"E
57	215.00	87.54	023°19'51"	44.39	86.94	S78°05'56.5"E
58	20.00	21.09	060°25'19"	11.65	20.13	S59°33'12.5"E
59	35.00	28.62	046°51'33"	15.17	27.83	S05°54'46.5"E
60	65.00	51.60	045°28'52"	27.24	50.25	S05°13'26.0"E
61	35.00	34.80	056°57'50"	18.99	33.38	N26°59'24.0"E
62	65.00	85.23	075°07'50"	49.99	79.26	N36°04'20.0"E
63	115.00	94.94	047°18'12"	50.37	92.27	S82°42'39.0"E
64	215.00	113.73	030°18'30"	58.23	112.41	S43°54'18.0"E
65	185.00	121.67	037°40'58"	63.13	119.49	S47°33'32.0"E
66	185.00	75.33	023°19'51"	38.20	74.81	S78°05'56.5"E
67	20.00	24.60	070°28'33"	14.13	23.08	N54°59'51.5"E
68	65.00	43.81	038°36'58"	22.77	42.98	N39°04'03.0"E
69	35.00	61.99	101°28'29"	42.82	54.20	N07°38'17.5"E
70	65.00	120.52	106°14'20"	86.83	103.99	N10°01'13.0"E
71	1241.23	608.53	026°03'24"	310.51	602.46	N03°02'14.0"W
72	636.31	1411.51	127°05'51"	1278.96	1132.39	N46°27'59.5"E
73	766.00	263.46	019°42'28"	133.05	262.18	S79°50'19.0"E
74	437.00	95.34	012°31'34"	47.96	95.35	N84°02'40.0"E
75	800.00	173.89	012°27'15"	87.29	173.55	N84°00'30.5"E
76	300.00	258.39	049°20'53"	137.82	250.47	N04°39'31.5"W
77	200.00	207.89	059°33'19"	114.44	198.65	N09°45'45.5"W

PEORIA NO.: R140017

SEE SHEET 2 FOR LOT AREA TABLE AND LEGEND, AND SHEET 6 FOR CURVE TABLE

COUNTY RECORDER

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6861
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

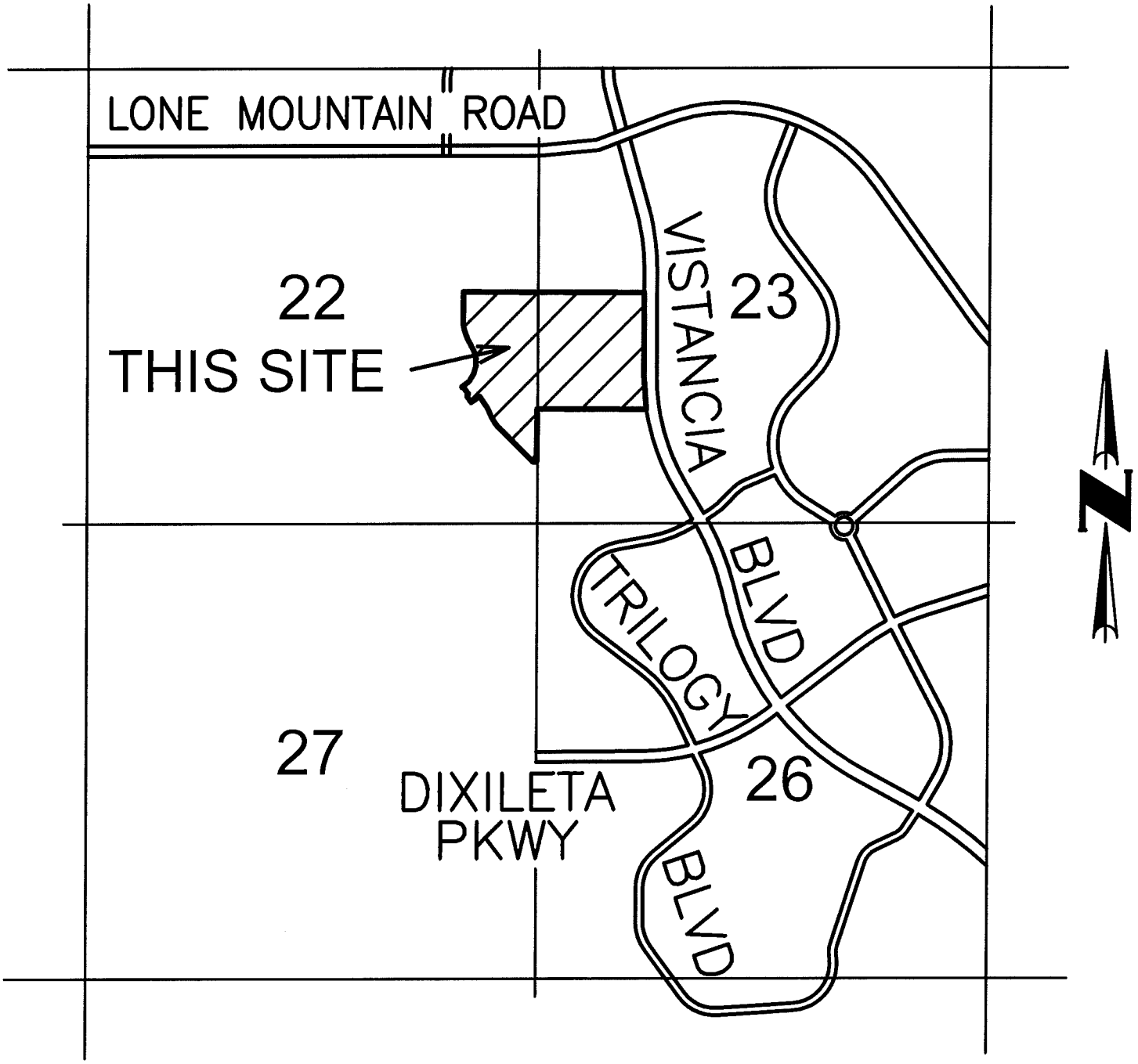
TRILOGY WEST PHASE 1 - PARCEL C41

[redacted]

SHEET 7 OF 7

CVL Contact: R. WEED
CVL Project #: 07-02181101
CVL File #:

M:\07\02181101\CAD\2\PHASE 1\PARCEL-E\05-FP\FAT-1B-03.DWG Joep October 8, 2014 - 2:56 PM



VICINITY MAP

(NOT-TO-SCALE)

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 24C

Date Prepared: October 20, 2013 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Sierra Ridge Estates, 107th Avenue and Pinnacle Peak Road (Project No. R140028)**

Purpose:

This is a request for City Council to approve a Final Plat of Sierra Ridge Estates, located on 107th Avenue and Pinnacle Peak 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 24 new lots. All internal roadways are public and will be maintained by the City.

Previous Actions:

The preliminary plat was reviewed by the City and completed in December 2013 and no 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: 623-773-7577

FINAL PLAT
OF
"SIERRA RIDGE ESTATES"

NEC OF 107TH AVENUE AND PINNACLE PEAK ROAD
LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS: THAT DR HORTON, INC., A DELAWARE CORPORATION, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "SIERRA RIDGE ESTATES", LOCATED ON THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "SIERRA RIDGE ESTATES", AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATIONS AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, STREETS, AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER AND NAME THAT IS GIVEN TO EACH RESPECTIVELY ON SAID PLAT. DR HORTON, INC., AS OWNER, HEREBY DEDICATES TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS AND ASSIGNS (THE CITY), FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

DR HORTON, INC., AS OWNER, HEREBY DEDICATE TO THE CITY THE PINNACLE PEAK ROAD, ELECTRA LANE, CAMINO DE ORO, 105TH LANE & 107 AVENUE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING ASSOCIATION. DR HORTON, INC., HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

TRACTS A, B, C, D, E AND F ARE HEREBY DECLARED AS COMMON AREA FOR THE USE AND ENJOYMENT OF THE PROPERTY OWNERS AND FOR DRAINAGE, STORM WATER RETENTION, RECREATION, LANDSCAPING AND OPEN SPACE PURPOSES MORE FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS TO BE HEREINAFTER RECORDED.

THE SIERRA RIDGE ESTATE HOMEOWNERS ASSOCIATION WILL MAINTAIN ALL TRACTS. DWELLING UNITS SHALL NOT BE CONSTRUCTED ON SAID TRACTS. THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS A, B, C, D, E AND F. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST OR PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AS EASEMENT FOR MAINTENANCE OF ONSITE RETENTION BASINS(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER, AND ACROSS TRACT A.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE. SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREON.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DR HORTON, INC. HEREBY WARRANTS TO THE CITY THE TITLE TO SAID TRACT AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

OWNER'S AGREEMENT
IT IS AGREED THAT BY THE COMPLETION OF CONSTRUCTION ALL LOTS WILL BE ACCURATELY STAKED AND MARKED WITH PERMANENT MARKERS, AS DESIGNATED ON THIS PLAT AND A CERTIFICATION FILED WITH MARICOPA COUNTY BY AN ARIZONA REGISTERED LAND SURVEYOR CERTIFYING SUCH LOTS ARE ACCURATELY STAKED AND MARKED WITH THE LAND SURVEYORS REGISTRATION NUMBER, AND DESCRIBING THE TYPE OF MARKERS USED.

IN WITNESS WHEREOF:
THE UNDERSIGNED, DR HORTON, INC., AS OWNER, HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SUNER THEREUNTO DULY AUTHORIZED THIS 2nd DAY OF OCTOBER, 2014.

DR HORTON, INC., A DELAWARE CORPORATION

BY: [redacted] DATE: 10-2-14

ITS: VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

ON THIS 2ND DAY OF October 2014, BEFORE ME THE UNDERSIGNED, PERSONALLY APPEARED Holly R. James, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE VICE PRESIDENT OF D.R. HORTON, INC., A DELAWARE CORPORATION, AND ACKNOWLEDGED THAT HE/SHE AS SUCH OFFICER BEING DULY AUTHORIZED TO DO SO EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

[redacted] 10/2/14
NOTARY PUBLIC DATE

[redacted]

LEGAL DESCRIPTION

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

THAT PARCEL OF LAND RECORDED AS DOC. NO. 2012-1138430, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 8, BEING A BRASS CAP IN HANDHOLE, FROM WHICH THE WEST QUARTER CORNER OF SECTION 8, BEING A BRASS CAP IN HANDHOLE, BEARS NORTH 00°25'08" WEST, A DISTANCE OF 2641.59 FEET;

THENCE NORTH 00°25'08" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 91.57 FEET;

THENCE DEPARTING SAID WEST LINE NORTH 89°34'52"EAST, A DISTANCE OF 33.30 FEET;

THENCE SOUTH 00°25'35"EAST, A DISTANCE OF 58.56 FEET;

THENCE SOUTH 89°05'51"EAST, A DISTANCE OF 101.35 FEET;

THENCE NORTH 00°40'07"WEST, A DISTANCE OF 87.27 FEET;

THENCE SOUTH 89°24'46"WEST, A DISTANCE OF 34.91 FEET;

THENCE NORTH 00°25'35"WEST, A DISTANCE OF 103.02 FEET;

THENCE NORTH 26°37'39"EAST, A DISTANCE OF 486.39 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8;

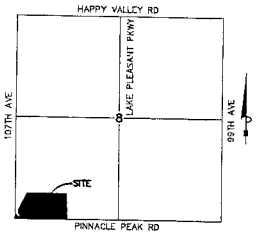
THENCE SOUTH 89°17'25"EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1006.51 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8;

THENCE SOUTH 00°36'19"EAST, ALONG SAID EAST LINE, A DISTANCE OF 660.35 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8;

THENCE NORTH 89°17'38"WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1329.20 FEET TO THE POINT OF BEGINNING.

NOTES

1. THE SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID 1160) AND STREET LIGHT IMPROVEMENT DISTRICT (SLID 1096), AS REQUIRED.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCES TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.



VICINITY MAP
N.T.S.

CIVIL ENGINEER

BOWMAN CONSULTING, LLC
14100 NORTH 83RD AVENUE, STE 250
PEORIA, ARIZONA 85381
(623) 299-8381
CONTACT: SHELBY DUPLESSIS

DEVELOPER

DR HORTON INC.
20410 N 19TH AVE, STE 100
PHOENIX, ARIZONA 85027
(480) 483-0006
CONTACT: HOLLY JAMES

SHEET INDEX

SHEET 1 COVER, NOTES, DEDICATION, CERTIFICATIONS & LEGAL DESCRIPTION
SHEET 2 FINAL PLAT, LOT AREA TABLE

ZONING

PAD (ZONING CASE Z13-0001)
(PRE-PLAT CASE P13-0035)

BASIS OF BEARING

BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID BEARING BEING:

NORTH 00 DEGREES 25 MINUTES 08 SECONDS WEST

FLOOD ZONE INFORMATION

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, AS DEPICTED WITHIN THE FEMA FLOOD INSURANCE RATE MAP (FIRM) FOR MARICOPA COUNTY, ARIZONA, ON COMMUNITY PANEL #04013C1235L, DATED OCTOBER 16, 2013 THIS PROPERTY IS LOCATED IN FLOOD ZONE "X". AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

RATIFICATION AND APPROVAL

THE UNDERSIGNED, DULY APPOINTED PRESIDENT OF THE "SIERRA RIDGE ESTATES HOMEOWNERS ASSOCIATION", ON BEHALF OF THE ASSOCIATION, RATIFIES AND APPROVES THIS PLAT AND APPROVES ALL DEDICATIONS OF COMMON AREAS SET FORTH HEREIN.

SIERRA RIDGE ESTATES HOMEOWNERS ASSOCIATION

BY: [redacted] PRESIDENT 10.8.14
DATE

ACKNOWLEDGEMENT FOR RATIFICATION AND APPROVAL

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF October, 2014, BY Holly R. James PRESIDENT OF SIERRA RIDGE ESTATES HOMEOWNERS ASSOCIATION, ON BE[redacted] ASSOCIATION.

[redacted] - Notary Public

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT THIS PLAT IS CORRECT AND ACCURATE AND THE MONUMENTS DESCRIBED HERE[redacted] BEEN SET OR LOCATED AS DESCRIBED UNDER MY DIRECTION OR SUPERVISION.

[redacted] 9-25-14
KENT M. GROH DATE
kgroh@bowmancg.com

REGISTERED LAND SURVEYOR # 44808
BOWMAN CONSULTING
1295 W. WASHINGTON STREET, SUITE 108
TEMPE, ARIZONA 85281
PHONE: (480) 629-8300

APPROVALS

APPROVED BY THE COUNCIL OF THE CITY OF PEORIA, ARIZONA THIS _____ DAY OF _____ 2014

ATTEST: _____ _____
MAYOR DATE

_____ _____
CITY CLERK DATE

_____ _____
CITY ENGINEER DATE

R140028

Bowman CONSULTING
Bowman Consulting Group, Ltd.
1295 W. Washington Street, #108
Tempe, AZ 85281
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmancg.com

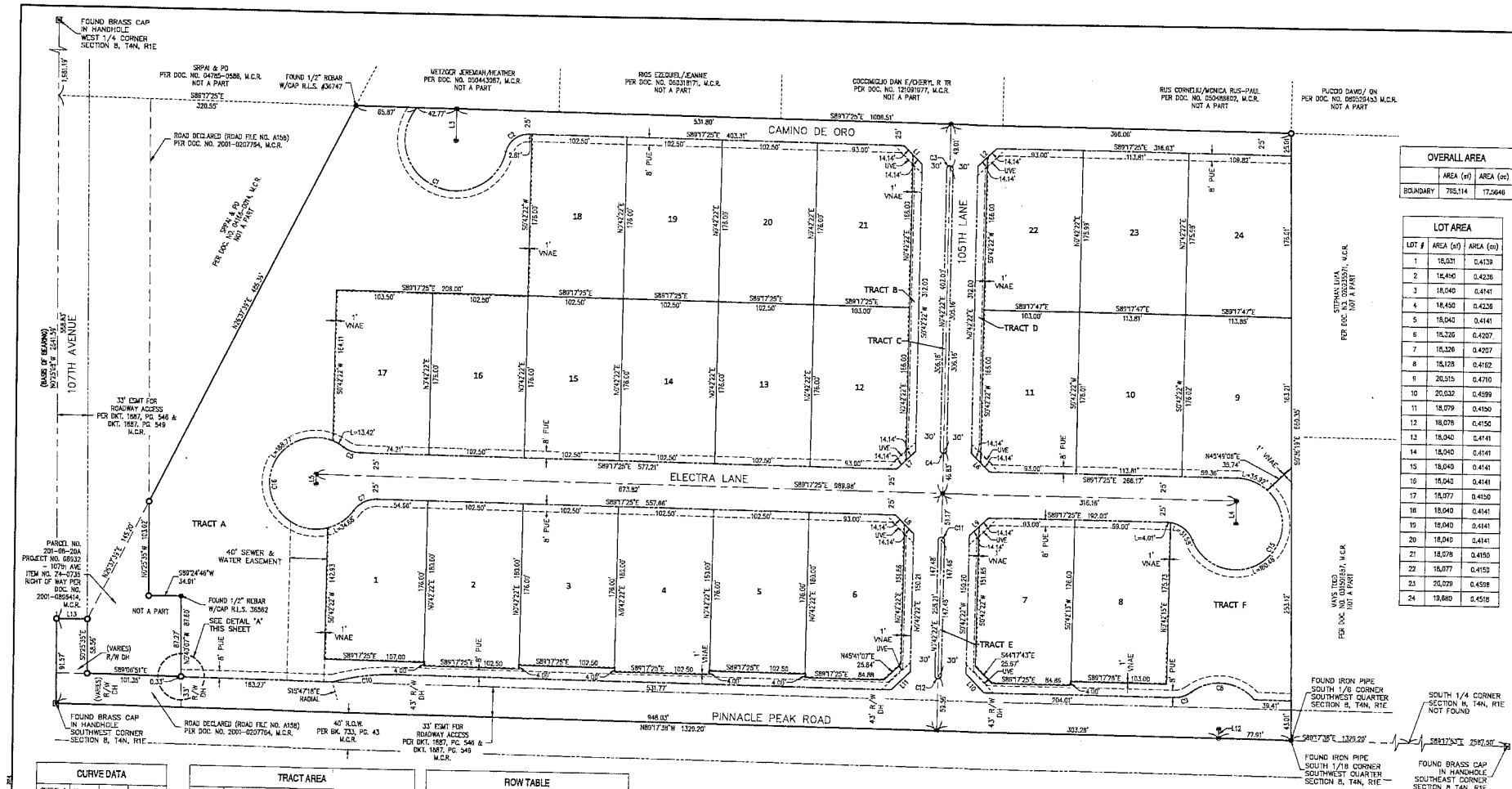
[redacted]

FINAL PLAT
SIERRA RIDGE ESTATES
PEORIA, ARIZONA

REVISION	DATE

© Bowman Consulting Group, Ltd.

DATE: 09-25-14
PROJ NO: 9694-02
TASK NUM: 001
DRAWN BY: DD
CHECKED: DT
QUALITY: KG
CLIENT NO:
SCALE N.T.S.



OVERALL AREA		
	AREA (sf)	AREA (ac)
BOUNDARY	765,114	17.5646

LOT AREA		
LOT #	AREA (sf)	AREA (ac)
1	18,031	0.4139
2	18,450	0.4236
3	18,040	0.4141
4	18,450	0.4236
5	18,040	0.4141
6	18,326	0.4207
7	18,326	0.4207
8	18,128	0.4162
9	20,515	0.4710
10	20,032	0.4599
11	18,079	0.4150
12	18,078	0.4150
13	18,040	0.4141
14	18,040	0.4141
15	18,040	0.4141
16	18,040	0.4141
17	18,077	0.4150
18	18,040	0.4141
19	18,040	0.4141
20	18,040	0.4141
21	18,078	0.4150
22	18,077	0.4150
23	20,029	0.4598
24	19,880	0.4518

CURVE DATA			
CURVE #	LENGTH	RADIUS	DELTA
C1	189.51'	55.00'	207°50'35"
C2	34.42'	25.00'	78°53'12"
C3	10.74'	3.42'	180°00'00"
C4	10.74'	3.42'	180°00'00"
C5	18.08'	30.00'	35°38'00"
C7	28.21'	30.00'	53°47'17"
C8	75.60'	50.00'	80°37'34"
C9	19.89'	30.00'	37°59'42"
C10	89.06'	242.00'	16°29'40"
C11	10.74'	3.42'	180°00'00"
C12	10.74'	3.42'	178°35'36"
C15	216.40'	50.00'	247°58'32"
C16	236.68'	50.00'	271°25'23"

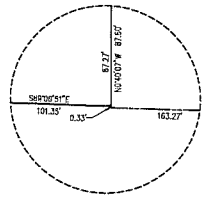
TRACT AREA			
TRACT ID	TRACT USE	AREA (sf)	AREA (ac)
A	LANDSCAPE, OPEN SPACE, DRAINAGE, WATER, SEWER & PUE	109,012	2.5026
B	LANDSCAPE, OPEN SPACE & PUE	3,220	0.0739
C	LANDSCAPE & OPEN SPACE	2,131	0.0489
D	LANDSCAPE, OPEN SPACE & PUE	3,220	0.0739
E	LANDSCAPE & OPEN SPACE	1,046	0.0240
F	LANDSCAPE, OPEN SPACE & PUE	25,285	0.5805
TOTAL TRACT AREA		143,914	3.3038

ROW TABLE			
ROW	CLASSIFICATION	AREA (sf)	AREA (ac)
105TH LANE	LOCAL	33,156	0.7612
107TH AVENUE	MAJOR ARTERIAL	3,060	0.0703
CAMINO DE ORO	LOCAL	29,607	0.6797
ELECTRA LANE	LOCAL	58,871	1.3515
PINNACLE PEAK ROAD	MINOR ARTERIAL	53,792	1.2349
TOTAL ROW AREA		178,486	4.0976

LINE DATA		
LINE #	BEARING	DISTANCE
L1	S44°17'31"E	28.29'
L2	N45°42'29"E	28.28'
L3	N0°42'35"E	34.08'
L4	N0°42'35"E	25.00'
L5	N0°42'35"E	10.02'

LINE DATA		
LINE #	BEARING	DISTANCE
L6	S44°17'31"E	28.29'
L7	N45°42'29"E	28.28'
L8	S44°17'31"E	28.28'
L9	N45°42'29"E	28.28'
L10	S44°17'38"E	28.28'

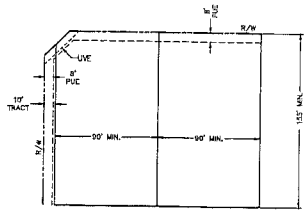
LINE DATA		
LINE #	BEARING	DISTANCE
L11	N45°42'22"E	28.28'
L12	S0°42'22"W	9.95'
L13	N89°34'52"E	33.30'



DETAIL 'A'
N.T.S.

LEGEND

- FOUND BRASS CAP AS NOTED
- FOUND SURVEY MONUMENT AS NOTED
- SET SURVEY MONUMENT PER MAG STD. DETAIL 120, TYPE 'B'
- SUBDIVISION CORNER
- M.C.R. MARICOPA COUNTY RECORDER
- PUE PUBLIC UTILITY EASEMENT
- R/W RIGHT-OF-WAY
- UVE UNOBSTRUCTED VIEW EASEMENT
- VNAE VEHICLE NO-ACCESS EASEMENT
- DH DEDICATED HEREON
- EASEMENT LINE (AS NOTED)
- PUBLIC UTILITY EASEMENT
- VEHICLE NO-ACCESS EASEMENT
- RIGHT-OF-WAY
- LOT LINE
- ROADWAY MONUMENT LINE
- SUBDIVISION BOUNDARY
- EXIST RIGHT OF WAY LINE



TYPICAL LOT DETAIL
NOT TO SCALE

NOTE: BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

GRAPHIC SCALE 1" = 50'

R140028

Bowman CONSULTING
Bowman Consulting Group, Ltd.
15375 N. 92nd Street, #108
Tempe, AZ 85260
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmanconsulting.com

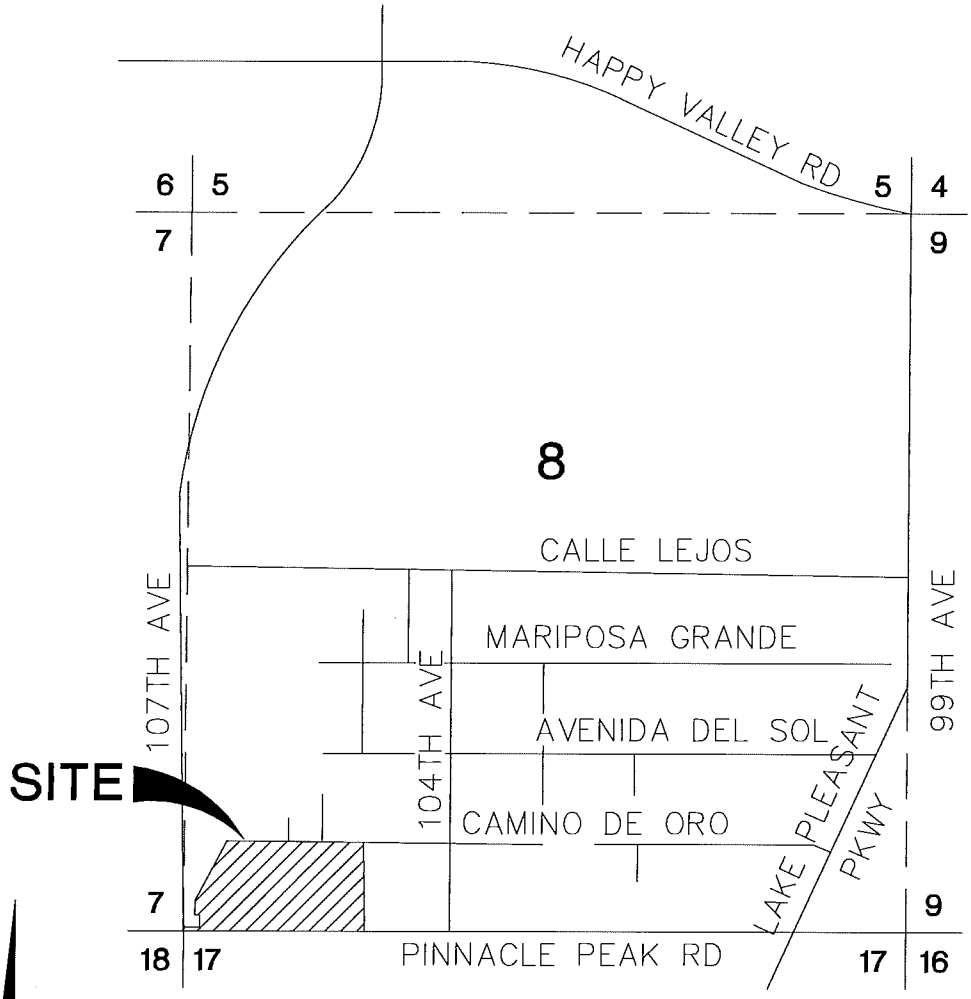
[redacted]

FINAL PLAT
SIERRA RIDGE ESTATES
PEORIA, ARIZONA

DATE	REVISION

© Bowman Consulting Group, Ltd.

DATE: 09-25-14
PROJ NO: 9984-02
TASK NUM: 001
DRAWN BY: DD
CHECKED: DT
QUALITY: KG
CLIENT NO:
SCALE 1" = 50'
2 OF 2



VICINITY MAP

SECTION 8,
TOWNSHIP 4 NORTH, RANGE 1 EAST,
GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY ARIZONA
NOT TO SCALE

Bowman CONSULTING
14100 N 83rd Avenue, Suite 250
Peoria, Arizona 85381
Phone: (480) 629-8830
www.bowmanconsulting.com

SIERRA RIDGE ESTATES
PEORIA, ARIZONA
EXHIBIT 1: VICINITY MAP

JOB #	9684-01-001
DATE	JAN. 2014
SCALE	N.T.S.
DRAWN	JG
SHT	1 OF 1

CAD FILE NAME: P:\9684 – NEC 107th Ave & Pinnacle Peak\9684-01-001 (ENG)\Engineering\Exhibits\Drianage Exhibits\9684-VI(

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 25R

Date Prepared: August 28, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Master Final Plat, Aloravita Phase 1, 75th Avenue and Jomax Road (Project No. R140052)**

Purpose:

This is a request for City Council to approve the Master Final Plat for Aloravita Phase 1, located on 75th Avenue and Jomax Road, and authorize the Mayor and City Clerk to sign and record the Master 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 Master 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 Master 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 Master Final Plat.

4. In the event that the Master Final Plat is not recorded within 60 days of Council approval, the Master 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 Master Final Plat is to dedicate the major roadway network and establish the overall parcel boundaries. As each parcel is ready to develop, it will be necessary to replat that parcel, to dedicate the local roadways and establish the individual lots.

Previous Actions:

There has been no previous Council action.

Options:

A: The Master Final Plat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Master Final Plat; although it should be noted that not approving the Master Final Plat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Master Final Plat and allow this parcel to be developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Master Final Plat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Master Final Plat.

Narrative:

The acceptance of this Master Final Plat by City Council will allow the developer to move forward in developing this property.

Exhibit(s):

Exhibit 1: Master Final Plat

Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE: 623-773-7577

MASTER FINAL PLAT FOR
"ALORAVITA PHASE 1"

BEING A SUBDIVISION OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS MASTER FINAL PLAT FOR "ALORAVITA PHASE 1", BEING A SUBDIVISION OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "ALORAVITA PHASE 1" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID MASTER FINAL PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE PARCELS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH PARCEL, TRACT, EASEMENT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

PUBLIC UTILITY EASEMENTS (PUE) AND SIDEWALK EASEMENTS (SE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY OF PEORIA THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ALORAVITA HOMEOWNERS ASSOCIATION. ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY OF PEORIA THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATES TO THE CITY OF PEORIA TRACT A AS SHOWN HEREON, FOR THE USE AS (A) BOOSTER PUMP STATION (B) ANY AND ALL PUBLIC SEWER, WATER, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ALORAVITA HOMEOWNERS ASSOCIATION. ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY OF PEORIA THE TITLE TO SAID TRACT A AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS A THROUGH K, INCLUSIVE, AND TRACTS N THROUGH Q, INCLUSIVE. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT. TRACT E MAY BE AT SUCH TIME, CONVEYED TO THE CITY OF PEORIA, AT NO COST TO THE CITY.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASINS(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY DOES HEREBY GRANT TO THE CITY OF PEORIA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER, AND ACROSS TRACTS D AND N SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT (AT THE CITY OF PEORIA'S DISCRETION) TO ALLOW OTHER UTILITIES TO UTILIZE SUCH EASEMENT, INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF UTILITIES SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

DEDICATION

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

THE UNDERSIGNED ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS ____ DAY OF ________, 2014.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: ____________________

ITS: ____________________

DEDICATION ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF ________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

____________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

ALORAVITA HOMEOWNERS ASSOCIATION, AN ARIZONA NON PROFIT CORPORATION

BY: ____________________

ITS: ____________________

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

ON THIS ____ DAY OF ________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

____________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

NOTES

1. THE SUBDIVISION IS SUBJECT TO MASTER MAINTENANCE IMPROVEMENT DISTRICT (MID) #____.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
11. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
12. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
13. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
14. TRACT M IS HEREBY LISTED AS OPEN SPACE TO BE RETAINED AS NATURAL DESERT WITHOUT ANY OWNERSHIP OR LANDSCAPING OBLIGATION TO THE CITY OF PEORIA.
15. AN OFFSITE DRAINAGE EASEMENT LOCATED AT THE SOUTHWEST CORNER OF 75TH AVENUE AND JOMAX ROAD WILL BE LEASED FROM THE ARIZONA STATE LAND DEPARTMENT THROUGH SEPARATE INSTRUMENT, WITH ALL MAINTENANCE OBLIGATIONS AND CONSIDERATIONS BEING THE RESPONSIBILITY OF THE ALORAVITA HOMEOWNERS ASSOCIATION.

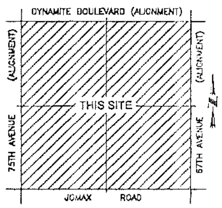
FLOOD ZONE INFORMATION

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER FLOOD INSURANCE RATE MAP NUMBER 04013C-1255L, MARICOPA COUNTY, DATED OCTOBER 16, 2013.

FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

COUNTY RECORDER



VICINITY MAP
(NOT-TO-SCALE)

OWNER / DEVELOPER

ALORAVITA I, LLC
27417 N. 39TH LANE
PEORIA, AZ 85383
PHONE: (602) 999-8348
CONTACT: SIDNEY ALLSOP

ENGINEER

CVL CONSULTANTS
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-0031
CONTACT: RYAN WEED

SITE AREA

27,916,621 SQUARE FEET OR 640.877 ACRES

ZONING

ZONING CASE Z08-02A.1

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ________ DAY OF ________________, 2014.

BY: ____________________ ________
MAYOR DATE

ATTEST: ____________________ ________
CITY CLERK DATE

____________________ ________
FOR CITY ENGINEER DATE

CERTIFICATION

I, LARRY E. SULLIVAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF THIRTEEN (13) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2014, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: [redacted]
LARR
REGISTRATION NUMBER 22782
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

PEORIA NO.: R140052

GROSS AREA = 640.877 ACRES

SEE SHEET 5 FOR CURVE TABLE

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

[redacted]

SHEET 1 OF 13

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

LEGAL DESCRIPTION

ALL OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CITY OF PEORIA BRASS CAP FLUSH MARKING THE SOUTHWEST CORNER OF SAID SECTION 36;

THENCE NORTH 00°46'18" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,635.65 FEET, TO A ALUMINUM CAP FLUSH STAMPED LS# 27239, MARKING THE WEST QUARTER CORNER OF SAID SECTION 36;

THENCE NORTH 00°46'13" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,635.12 FEET, TO A MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS# 29891, MARKING THE NORTHWEST CORNER OF SAID SECTION 36;

THENCE SOUTH 89°44'10" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,668.91 FEET, TO AN ALUMINUM CAP FLUSH STAMPED LS# 19854, MARKING THE NORTH QUARTER CORNER OF SAID SECTION 36;

THENCE SOUTH 89°44'09" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,668.95 FEET, TO AN ALUMINUM CAP FLUSH STAMPED LS# 27239, MARKING THE NORTHEAST CORNER OF SAID SECTION 36;

THENCE SOUTH 00°02'29" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,628.01 FEET, TO A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP FLUSH, MARKING THE EAST QUARTER CORNER OF SAID SECTION 36;

THENCE SOUTH 00°22'28" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,624.88 FEET, TO A CITY OF PHOENIX BRASS CAP FLUSH, MARKING THE SOUTHEAST CORNER OF SAID SECTION 36;

THENCE NORTH 89°56'23" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,641.16 FEET;

THENCE NORTH 89°55'37" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,640.98 FEET TO SAID CITY OF PEORIA BRASS CAP FLUSH MARKING THE SOUTHWEST CORNER OF SAID SECTION 36 AND THE POINT OF BEGINNING.

CONTAINING 640.877 ACRES, MORE OR LESS.

LEGEND

- INDICATES SECTION CORNER - FOUND BRASS CAP (UNLESS OTHERWISE NOTED)
- INDICATES FOUND BRASS CAP PER ADJOINING RECORDED SUBDIVISION (UNLESS OTHERWISE NOTED)
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET.120, TYPE "B" (UNLESS OTHERWISE NOTED)
- INDICATES MID-SECTION LINE
- INDICATES BOUNDARY LINE
- INDICATES LOT LINE
- INDICATES CENTERLINE
- INDICATES EASEMENT
- INDICATES MATCH LINE
- (1) INDICATES SHEET NUMBER
- (1) INDICATES UNOBSTRUCTED VIEW EASEMENT (30' X 30')
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- V.N.A.E. INDICATES VEHICULAR NON ACCESS EASEMENT
- S.E. INDICATES SIDEWALK EASEMENT
- AC. INDICATES ACRES
- C1 INDICATES CURVE NUMBER
- M.C.R. INDICATES MARICOPA COUNTY RECORDER
- DOC.# INDICATES DOCUMENT NUMBER
- EX. INDICATES EXISTING

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 89°44'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 588 OF MAPS, PAGE 3, MARICOPA COUNTY RECORDS.

BENCHMARKS

CITY OF PEORIA BRASS CAP FLUSH AT THE INTERSECTION OF 75TH AVENUE AND JOMAX ROAD BEING THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1372.97' (CITY OF PEORIA DATUM & NAVD-88)

MARICOPA COUNTY BRASS CAP FLUSH MARKING THE EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1567.39' (NAVD-88)

MARICOPA COUNTY ALUMINUM CAP FLUSH MARKING THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

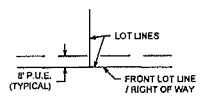
ELEVATION = 1539.84' (NAVD-88)

LAND USE AREAS	SQUARE FEET	ACRES
TOTAL AREA OF PARCELS	3,188,269	73.148
TOTAL AREA OF TRACTS (A - Q)	24,661,276	566.175
TOTAL AREA OF STREETS	503,359	11.554
TOTAL GROSS AREA	28,350,904	640.877

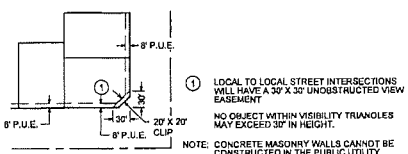
PARCEL AREAS		
PARCEL NUMBER	AREA (SQUARE FEET)	AREA (ACRES)
1	607,824	13.954
2	763,708	17.303
3	539,392	12.383
5	572,717	13.148
6	712,630	16.360
TOTAL	3,188,269	73.148

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.511 ACRES	CITY OF PEORIA BOOSTER PUMP STATION
TRACT 'B' = 2.480 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E.
TRACT 'C' = 1.932 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E.
TRACT 'D' = 3.183 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., SEWER, WATER, MULTI-USE TRAIL
TRACT 'E' = 0.070 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., MULTI-USE TRAIL
TRACT 'F' = 1.690 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., MULTI-USE TRAIL
TRACT 'G' = 0.472 ACRES	LANDSCAPE, P.U.E.
TRACT 'H' = 0.076 ACRES	LANDSCAPE
TRACT 'I' = 0.076 ACRES	LANDSCAPE
TRACT 'J' = 0.084 ACRES	LANDSCAPE
TRACT 'K' = 0.042 ACRES	LANDSCAPE
TRACT 'L' = 528.654 ACRES	FUTURE DEVELOPMENT
TRACT 'M' = 6.632 ACRES	OPEN SPACE
TRACT 'N' = 2.554 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., S.E., SEWER, WATER, MULTI-USE TRAIL
TRACT 'O' = 0.784 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., MULTI-USE TRAIL
TRACT 'P' = 1.880 ACRES	LANDSCAPE, DRAINAGE, RETENTION, P.U.E., MULTI-USE TRAIL
TRACT 'Q' = 0.055 ACRES	LANDSCAPE, P.U.E., MONUMENTATION
TOTAL = 566.175 ACRES	

COUNTY RECORDER



TYPICAL PUBLIC UTILITY EASEMENT DETAIL
(NOT-TO-SCALE)



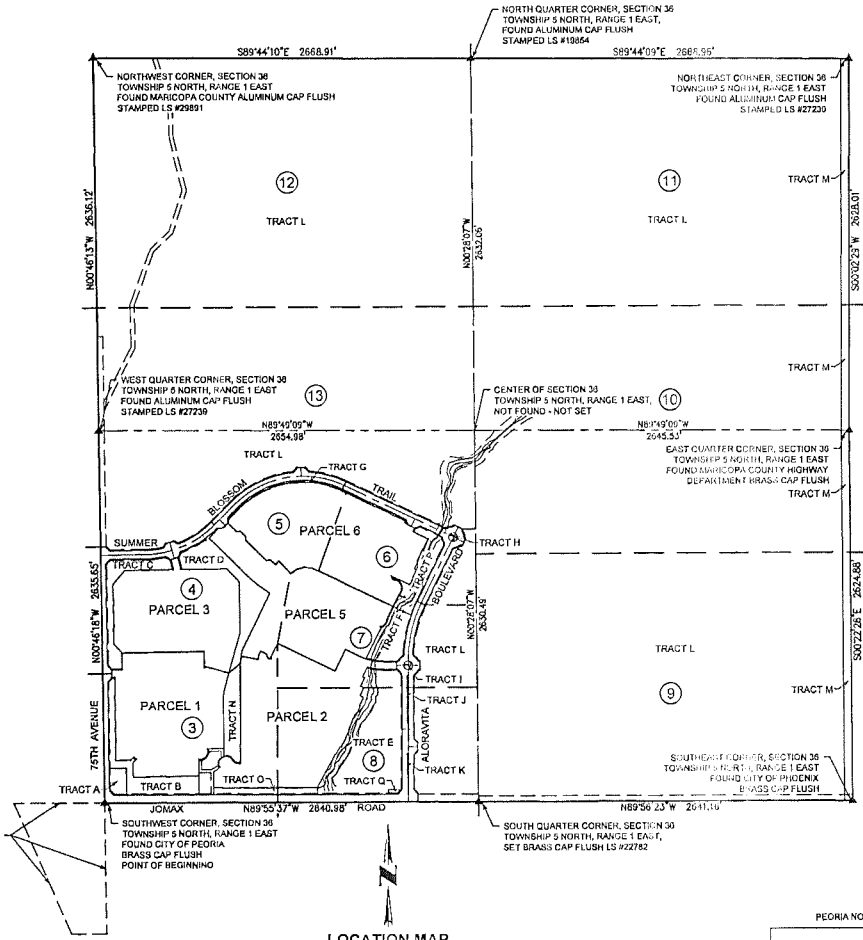
(1) LOCAL TO LOCAL STREET INTERSECTIONS WILL HAVE A 30' X 30' UNOBSTRUCTED VIEW EASEMENT

NO OBJECT WITHIN VISIBILITY TRIANGLES MAY EXCEED 30" IN HEIGHT.

NOTE: CONCRETE MASONRY WALLS CANNOT BE CONSTRUCTED IN THE PUBLIC UTILITY EASEMENT

SETBACKS
BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

50', 60' & 70' TYPICAL LOT LAYOUT
(NOT-TO-SCALE)



LOCATION MAP
(SCALE: 1" = 400')

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www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

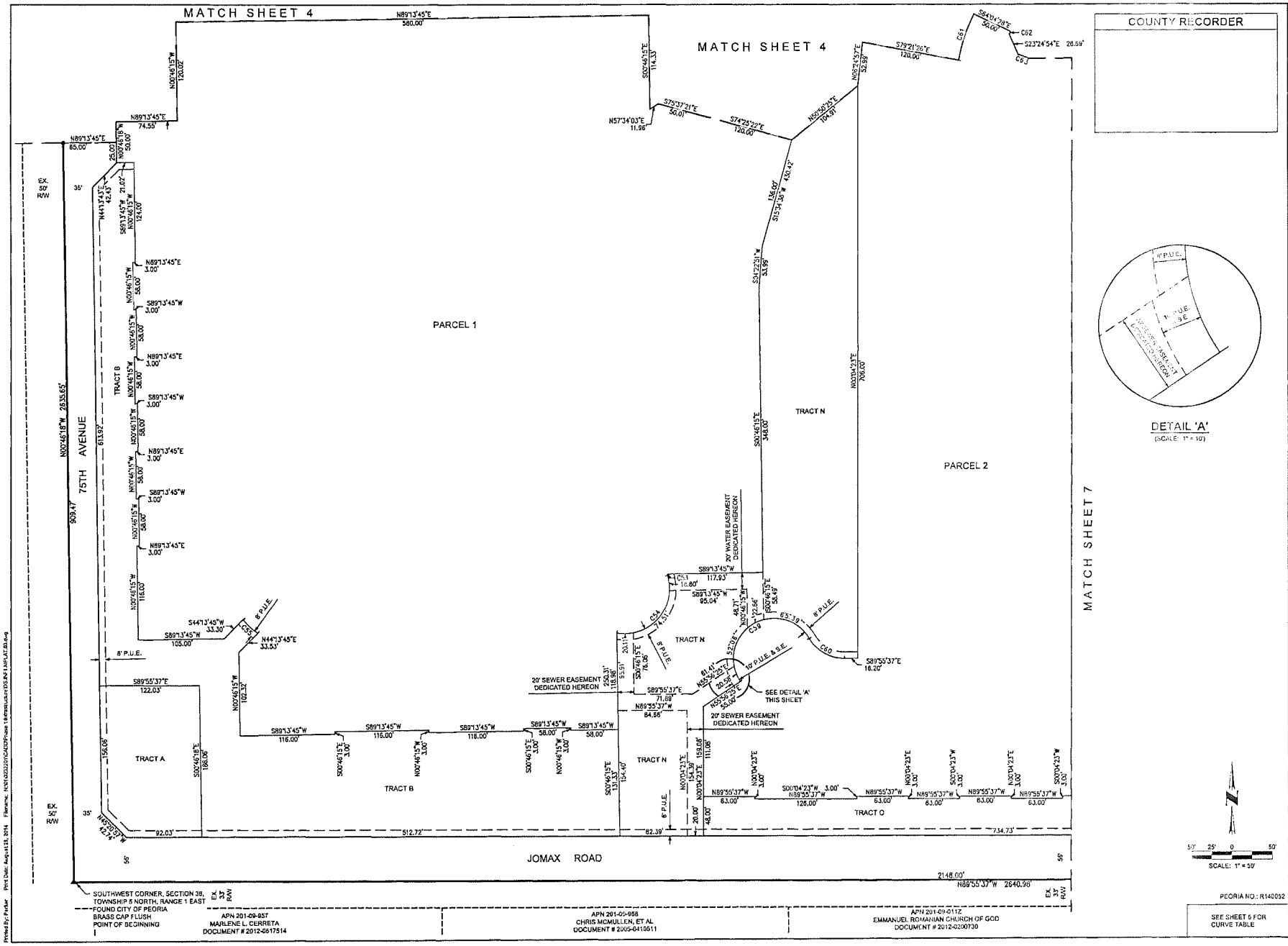
[redacted]

PEORIA NO.: R140062

SEE SHEET 5 FOR CURVE TABLE

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

Plotted By: Parker Print Date: August 28, 2014 Filename: K:\01\0232201\CADD\Phase 1\production\dwg\05.MFP\MFP1.01.dwg



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MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

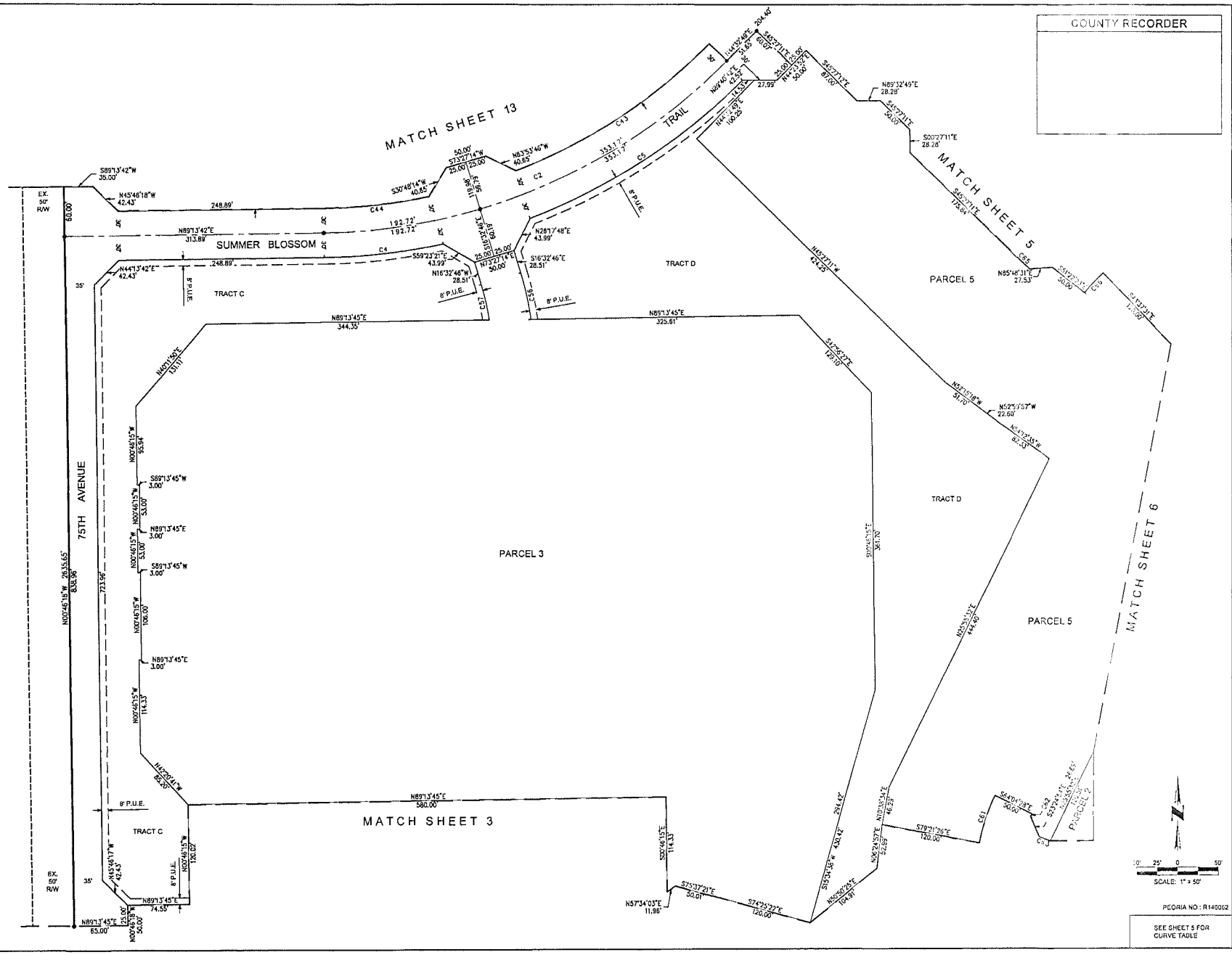
PEORIA NO.: R140052

SHEET 3 OF 13

CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #:

SEE SHEET 5 FOR CURVE TABLE

Printed By: Parker Print Date: August 28, 2014 Filename: N:\01\0232201\CADD\Phase 1\#Products\c-105 FINS MPLAT 2D.dwg



COUNTY RECORDER

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MASTER FINAL PLAT

ALORAVITA PHASE 1

PEORIA, ARIZONA

PEORIA NO.: R140062

SHEET 4 OF 13

CVL Contact: R. WEED

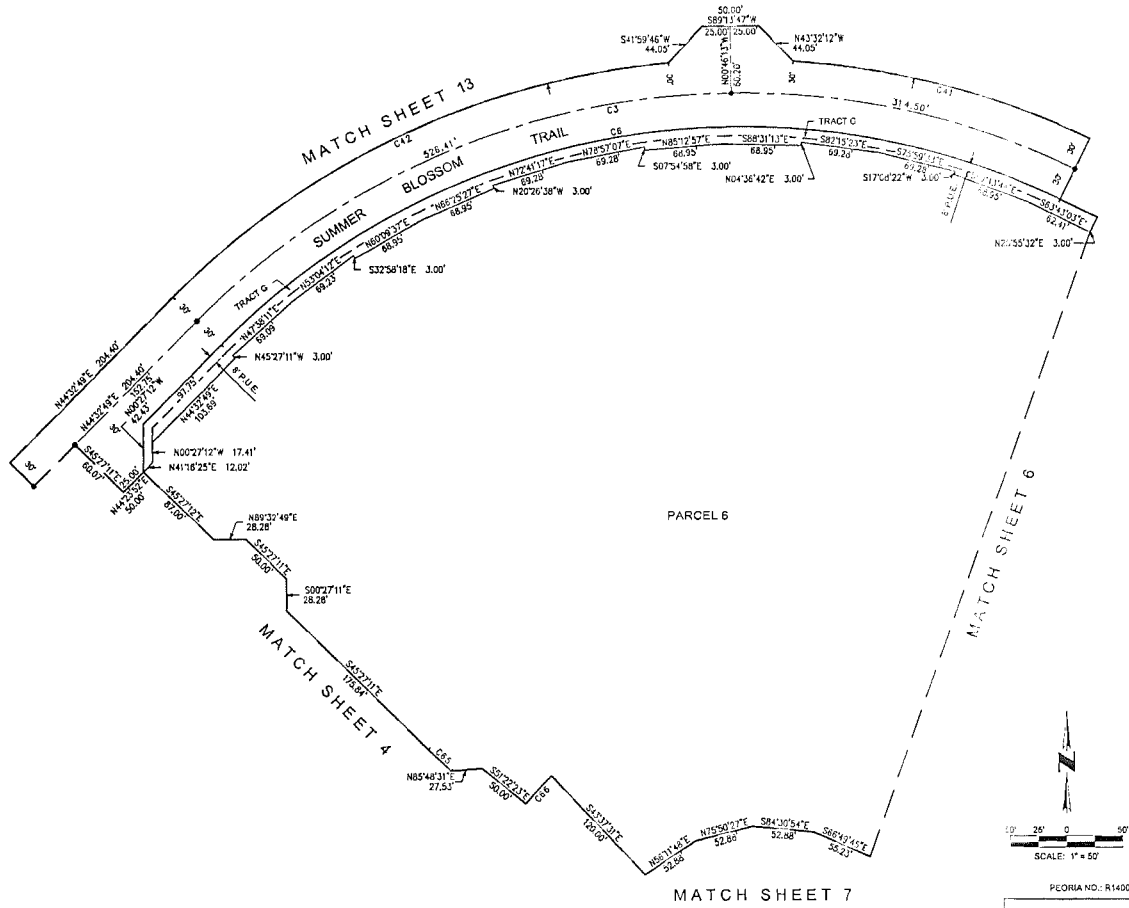
CVL Project # 01-0232201

CVL File #

Plotted By: Parker Plot Date: August 25, 2014 File name: N:\01\0232201\CADD\Plats 1\MASTER PLAT 02.dwg

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	900.00	406.09	025°51'09"	206.35	402.86	N12°59'57.5"E
2	700.00	545.89	044°40'54"	287.67	532.15	N66°53'15.0"E
3	675.00	840.91	071°22'43"	484.85	787.58	N60°14'10.5"E
4	730.00	145.02	011°27'37"	73.25	145.77	N83°29'53.5"E
5	730.00	309.99	024°19'47"	157.36	307.66	N56°58'29.5"E
6	645.00	803.54	071°22'43"	463.30	752.57	N60°14'10.5"E
7	20.00	20.33	058°14'35"	11.14	19.47	S34°57'10.0"E
8	75.00	34.67	026°29'11"	17.65	34.38	S19°04'27.5"E
9	20.00	20.33	058°14'35"	11.14	19.47	S03°11'45.5"E
10	930.00	387.29	023°51'37"	196.49	384.50	S13°59'43.5"W
11	20.00	19.78	056°39'26"	10.78	18.98	S30°23'38.0"W
12	75.00	39.76	030°22'33"	20.38	39.30	S45°32'04.5"W
13	20.00	21.55	061°43'35"	11.95	20.52	S59°12'35.5"W
14	20.00	21.55	061°43'35"	11.95	20.52	S59°03'49.5"E
15	75.00	24.29	018°33'10"	12.25	24.18	S37°28'37.0"E
16	20.00	16.35	046°49'35"	8.66	15.89	S23°20'24.5"E
17	32.50	51.05	090°00'00"	32.50	45.96	N44°55'37.0"W
18	32.50	51.05	090°00'00"	32.50	45.96	N45°04'23.0"E
19	32.50	51.05	090°00'00"	32.50	45.96	S44°55'37.0"E
20	32.50	51.05	090°00'00"	32.50	45.96	S45°04'23.0"W
21	32.50	51.05	090°00'00"	32.50	45.96	N19°04'28.0"W
22	32.50	51.05	090°00'00"	32.50	45.96	N70°55'32.0"E
23	32.50	51.05	090°00'00"	32.50	45.96	S19°04'28.0"E
24	32.50	51.05	090°00'00"	32.50	45.96	S70°55'32.0"W
25	20.00	19.07	054°37'24"	10.33	18.35	N27°23'05.0"E
26	75.00	34.49	026°20'59"	17.58	34.19	N41°31'17.5"E
27	20.00	21.55	061°43'35"	11.95	20.52	N59°12'35.5"E
28	20.00	21.55	061°43'35"	11.95	20.52	N59°03'49.5"W
29	75.00	38.66	029°32'00"	19.77	38.23	N42°58'02.0"W
30	20.00	20.94	059°59'03"	11.54	20.00	N27°44'30.5"W
31	870.00	359.50	023°40'31"	182.35	356.95	N14°05'16.5"E
32	20.00	20.33	058°14'35"	11.14	19.47	N55°02'50.0"E
33	75.00	39.23	029°58'10"	20.07	38.78	N69°11'03.0"E
34	20.00	21.55	061°43'35"	11.95	20.52	N85°03'45.0"E
35	20.00	21.55	061°43'35"	11.95	20.52	N33°12'40.5"W
36	75.00	39.23	029°58'10"	20.07	38.78	N17°19'58.0"W
37	20.00	20.33	058°14'35"	11.14	19.47	N03°11'45.5"W
38	20.00	20.33	058°14'35"	11.14	19.47	S55°02'50.0"W
39	75.00	34.67	026°29'11"	17.65	34.38	S70°55'32.5"W
40	20.00	20.33	058°14'35"	11.14	19.47	S86°48'14.5"W
41	705.00	273.52	022°13'44"	138.50	271.81	N75°11'20.0"W
42	705.00	494.84	040°12'57"	258.10	484.74	S64°39'17.5"W
43	670.00	283.07	024°12'28"	143.68	280.97	S56°59'01.0"W
44	670.00	129.50	011°04'28"	64.95	129.30	S83°41'28.0"W
45	5.00	15.71	180°00'00"	---	10.00	S89°55'37.0"E
46	1.50	4.71	180°00'00"	---	3.00	N89°55'37.0"W
47	100.00	26.54	015°12'13"	13.35	26.46	N07°31'43.5"W
48	100.00	26.54	015°12'13"	13.35	26.46	N07°31'43.5"W
49	5.00	15.71	180°00'00"	---	10.00	S89°55'37.0"E
50	1.50	4.71	180°00'00"	---	3.00	N89°55'37.0"W
51	100.00	26.54	015°12'13"	13.35	26.46	N07°31'43.5"W
52	100.00	26.54	015°12'13"	13.35	26.46	N07°31'43.5"W
53	55.00	1.52	001°34'33"	0.76	1.51	S17°19'28.5"E
54	55.00	113.42	118°09'32"	91.82	94.37	S40°58'01.0"W
55	55.00	25.22	026°16'27"	12.84	25.00	N46°17'00.5"W
56	375.00	57.94	008°51'08"	29.03	57.88	S12°07'12.0"E
57	325.00	44.14	007°46'50"	22.10	44.10	N12°39'21.0"W
58	425.00	118.65	015°59'45"	59.71	118.27	N81°55'44.5"W
59	50.00	160.69	184°07'58"	---	99.93	N58°00'24.0"E
60	50.00	52.36	060°00'00"	28.87	50.00	S59°55'37.0"E
61	225.00	60.02	015°16'58"	30.19	59.84	N18°17'03.0"E
62	175.00	3.65	001°11'38"	1.82	3.65	S25°19'44.0"W
63	225.00	14.29	003°38'19"	7.15	14.29	S69°44'34.5"E
64	375.00	169.20	025°51'09"	86.07	167.77	S77°00'02.5"E
65	700.00	27.37	002°14'23"	13.68	27.36	S46°34'22.5"E
66	275.00	33.31	006°56'25"	16.68	33.29	N42°54'18.5"E
67	35.00	16.65	017°20'29"	8.39	16.58	S17°15'17.5"W
68	55.00	67.73	070°33'13"	38.91	63.53	S43°51'39.5"W
69	55.00	16.65	017°20'29"	8.39	16.58	S72°44'42.5"E
70	55.00	119.69	124°40'59"	104.94	97.43	S19°04'27.5"E
71	55.00	16.65	017°20'30"	8.39	16.58	S34°35'47.0"W



COUNTY RECORDER

SEE SHEET 5 FOR CURVE TABLE

PEORIA NO.: R140062

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NO.	REVISION	DATE

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MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

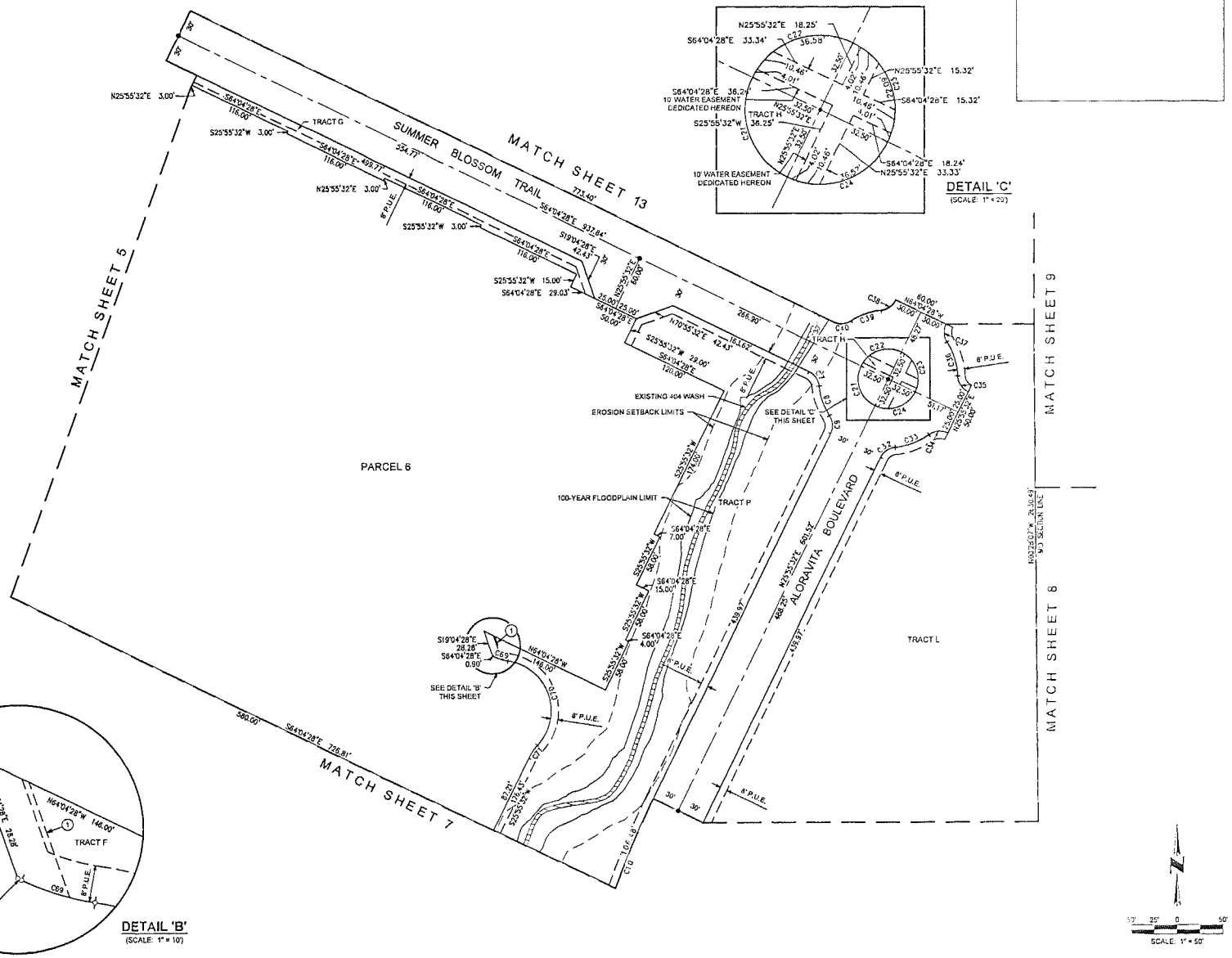
[redacted]

SHEET 5 OF 13

CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #:

Plotted By: Parker Print Date: August 28, 2014 Filename: N:\01\0232201\CADD\Plans\FinalPlat\FINALPLAT.dwg

COUNTY RECORDER



PEORIA NO.: R140062

SEE SHEET 5 FOR CURVE TABLE

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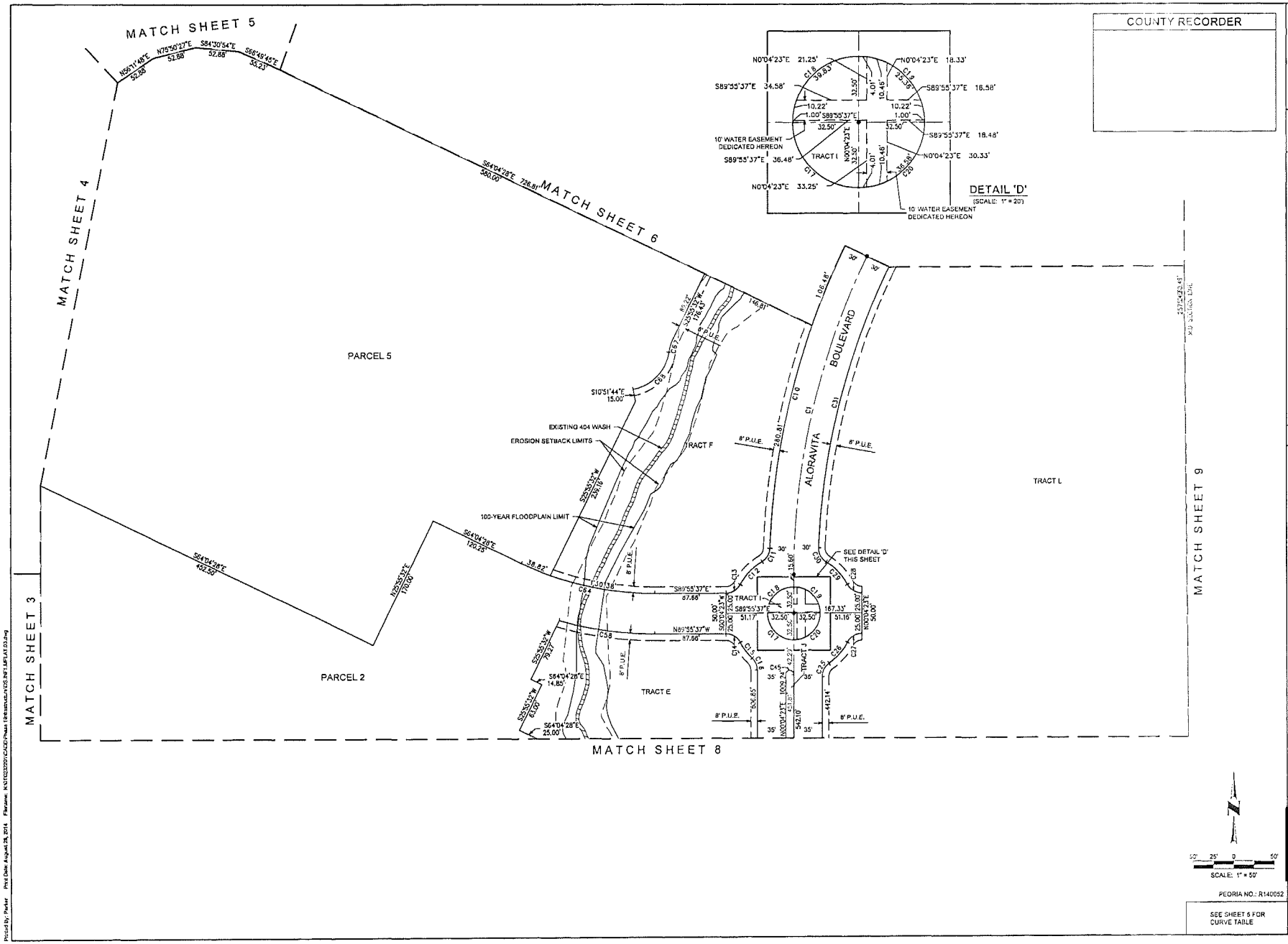
ALORAVITA PHASE 1
PEORIA, ARIZONA

[redacted]

SHEET 6 OF 13

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

Printed By: Parker Print Date: August 28, 2014 Filename: N:\01232201\CADD\Phase 1\Preliminary\25 Rd 1 MFL\FD3.dwg



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MASTER FINAL PLAT

ALORAVITA PHASE 1

PEORIA, ARIZONA

PEORIA NO.: R140052

SEE SHEET 5 FOR CURVE TABLE

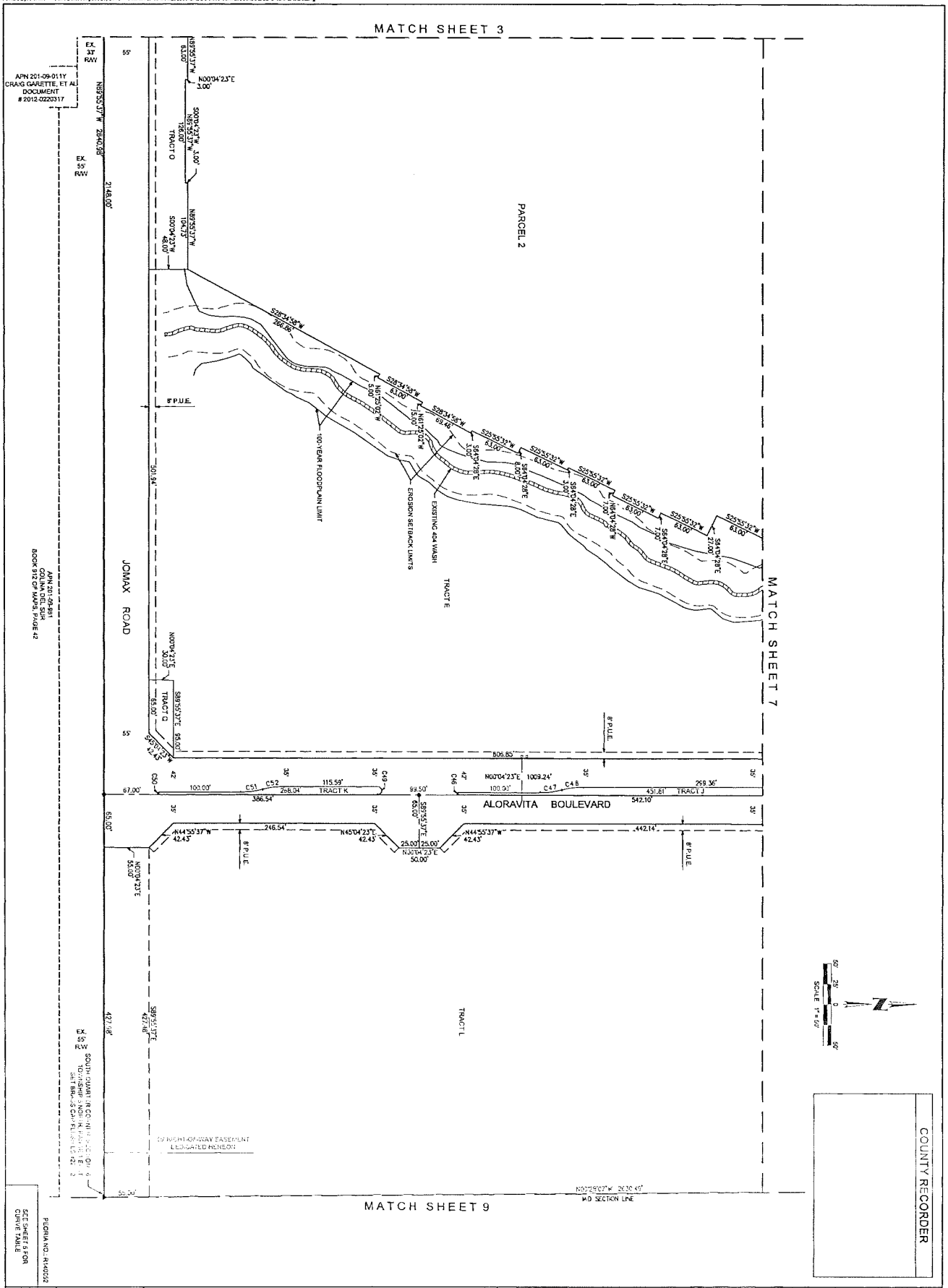
SHEET 7 OF 13

CVL Contact: R. WEED

CVL Project #: 01-0232201

CVL File #:

Plot Date: August 28, 2014 Filename: K:\01232201\CADD\Phase 1\Preliminary\02-MFP-LAT-03.dwg



COUNTY RECORDER

SEE SHEET 15 FOR CURVE TABLE

PEORIA NO. R14-0052

SHEET 8 OF 13

DWG Drawn: R. WEED
DWG Project # 01-0232201
04/14/14

MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

NO.	REVISION	DATE

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COUNTY RECORDER

MATCH SHEET 10

MATCH SHEET 6

MATCH SHEET 7

MATCH SHEET 8

N00°28'01"W 2630.49' MID SECTION LINE

TRACT L

TRACT M

67TH AVENUE

APN 201-07-728
ALBERT P. MARTINEZ
DOCUMENT # 2005-1027447

APN 201-07-762
GOLD MOUNTAIN PRESERVE
COMMUNITY ASSOCIATION
DOCUMENT # 2005-0533693

APN 201-07-768
GOLD MOUNTAIN PRESERVE
COMMUNITY ASSOCIATION
DOCUMENT # 2006-0018487

JURISDICTIONAL BOUNDARY
CITY OF PEORIA (WEST)
CITY OF PHOENIX (EAST)

2625.03'

55'

EX. 55' R/W

47' RIGHT-OF-WAY EASEMENT
PER ARIZONA STATE LAND DEPARTMENT
PATENT NO. 7762

SOUTH QUARTER CORNER, SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST
SET BRASS CAP FLUSH LS #22762

2566.16'
N89°56'23"W 2641.16'

55.00

JOMAX ROAD

EX. 55' R/W

SOUTHEAST CORNER, SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST
FOUND CITY OF PHOENIX
BRASS CAP FLUSH

APN 201-09-051
CITY OF PEORIA
A MUNICIPAL CORPORATION
DOCUMENT # 2002-0193114

APN 201-09-179
TERRAMAR PARCEL 6
BOOK 482 OF MAPS, PAGE 11

APN 201-09-956
TERRAMAR PARCEL 5
BOOK 472 OF MAPS, PAGE 48

SCALE: 1" = 100'

SEE SHEET 5 FOR CURVE TABLE

PEORIA NO.: R140052

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MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

[redacted]

CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #:

Printed By: Parker Print Date: August 28, 2014 Filename: N:\01232201\CADD\Phase 1\PrelimPlat\PLAT 03.dwg

COUNTY RECORDER

MATCH SHEET 11

MATCH SHEET 13

MATCH SHEET 6

MATCH SHEET 9

N00°28'07"W 2632.06'

N00°28'07"W 2636.43'

MID SECTION LINE

100-YEAR FLOODPLAIN LIMIT

EROSION SETBACK LIMITS

EXISTING 404 WASH

CENTER OF SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST
NOT FOUND, NOT SET

S89°49'09"E 2645.53'
2590.53'

MID SECTION LINE

TRACT L

TRACT L

JURISDICTIONAL BOUNDARY
CITY OF PEORIA (WEST)
CITY OF PHOENIX (EAST)

EAST QUARTER CORNER, SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST
FOUND MARICOPA COUNTY HIGHWAY
DEPARTMENT BRASS CAP FLUSH

JURISDICTIONAL BOUNDARY
CITY OF PEORIA (WEST)
CITY OF PHOENIX (EAST)

TRACT M

S00°02'29"W 2628.01'

TRACT M

S00°22'29"E 2624.83'

APN 201-28-375
EAGLE PRESERVE
COMMUNITY ASSOCIATION
DOCUMENT # 2003-0200591

APN 201-07-758
EAGLE PRESERVE
COMMUNITY ASSOCIATION
DOCUMENT # 2005-0533093

APN 201-07-728
ALBERT P. MARTINEZ
DOCUMENT # 2005-1027447

PEORIA NO. R140052

SEE SHEET 5 FOR
CURVE TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

[redacted]

CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #

Printed By: Parker Print Date: August 28, 2014 Filename: N:\01\0232201\CADD\Phase 1\Master\Aloravita 01S.RFT\MPLAT.01.dwg

COUNTY RECORDER

APN 201-03-025
CITY OF PEORIA
DOCUMENT # 2005-0500754

S89°44'09"E 2668.96'
2613.96'

55.00

NORTH QUARTER CORNER, SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST,
FOUND ALUMINUM CAP FLUSH
STAMPED LS #19854

NORTHEAST CORNER, SECTION 36,
TOWNSHIP 5 NORTH, RANGE 1 EAST
FOUND ALUMINUM CAP FLUSH
STAMPED LS #27239

JURISDICTIONAL BOUNDARY
CITY OF PEORIA (WEST)
CITY OF PHOENIX (EAST)

55'

TRACT M

TRACT L

APN 201-04-375
EAGLE PRESERVE
COMMUNITY ASSOCIATION
DOCUMENT # 2010-0200581

N00°02'07"W
2632.00'

MID SECTION LINE

MATCH SHEET 12

N00°03'29"E
2626.00'

S00°02'29"W 2626.01'

MATCH SHEET 10

100' 50' 0 100'
SCALE: 1" = 100'

PEORIA NO.: R140052

SEE SHEET 5 FOR
CURVE TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvl.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

MASTER FINAL PLAT

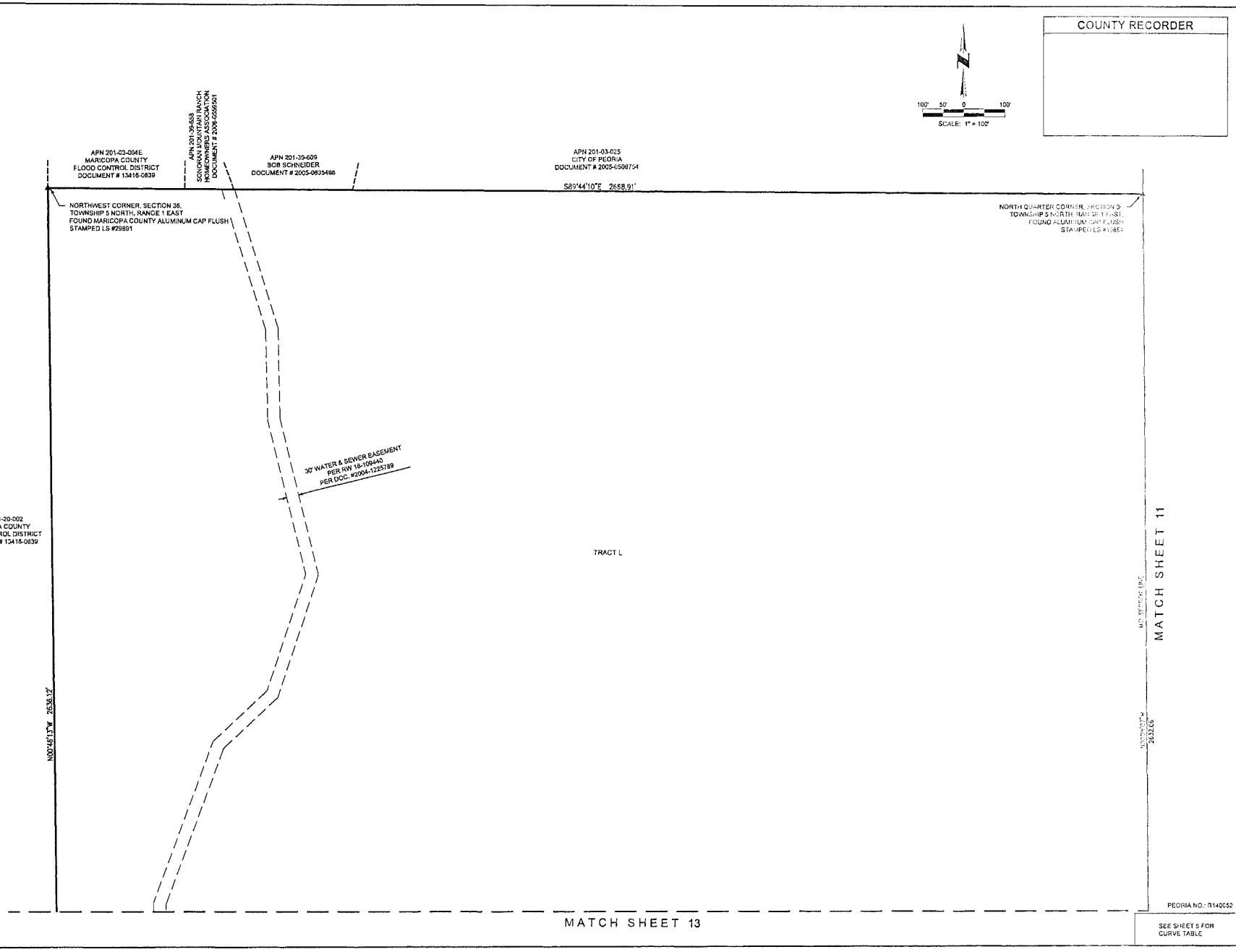
ALORAVITA PHASE 1
PEORIA, ARIZONA

[redacted]

SHEET 11 OF 13

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

Printed By: Parker Print Date: Aug. at 28, 2014 Filename: N:\01\0232201\CADD\Plats\Waterfront\PS\FSTMPLAT\PS.dwg



PEORIA NO.: R140052

SEE SHEET 5 FOR CURVE TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

[redacted]

SHEET 12 OF 13

CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #

Plotted By: Parker Print Date: August 26, 2014 Filename: N:\01\0232201\CADD\Phase 1\Reproducibles\FINAL\PLAT 23.dwg

COUNTY RECORDER

SCALE: 1" = 100'

MATCH SHEET 12

APN 201-20-002
MARICOPA COUNTY
FLOOD CONTROL DISTRICT
DOCUMENT # 13418-0639

N00°46'13"W 2636.12'

30' WATER & SEWER EASEMENT
PER R/W 16-109440
PER DOC. #2004-1225789

TRACT L

WEST QUARTER CORNER, SECTION 36,
TOWNSHIP 5 NORTH, RANGE 1 EAST
FOUND ALUMINUM CAP FLUSH
STAMPED LS #27239

S89°49'09"E
2654.99'

MID SECTION LINE

CENTER OF SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST
NOT FOUND, NOT SET

N00°26'07"W
2632.09'

MATCH SHEET 10

EX. 50' R/W

40' RIGHT-OF-WAY EASEMENT
PER ARIZONA STATE LAND DEPARTMENT
PATENT NO. 7162

N00°46'18"W 2635.65'
827.22'

TRACT L

EXISTING 404 WASH

EROSION SETBACK LIMITS

TRACT L

100-YEAR FLOODPLAIN LIMIT

MID SECTION LINE

N00°26'07"W
2630.49'

MATCH SHEET 5

MATCH SHEET 6

EX. 50' R/W

S89°13'42"W
35.00'

N45°46'18"W
42.43'

N89°13'42"E
248.89'

8' P.U.E.

C4.4

S30°48'14"W
40.85'

S73°27'14"W
50.00'

N63°33'46"W
40.85'

C4.3

N00°27'12"W 204.40'

C4.2

S41°59'45"W
44.05'

50.00'
S89°13'47"W

N41°32'12"W
44.05'

C4.1

S64°04'38"E 715.40'

C4.0

C3.9

MATCH SHEET 4

PEORIA NO.: R140052

SEE SHEET 5 FOR
CURVE TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

MASTER FINAL PLAT

ALORAVITA PHASE 1
PEORIA, ARIZONA

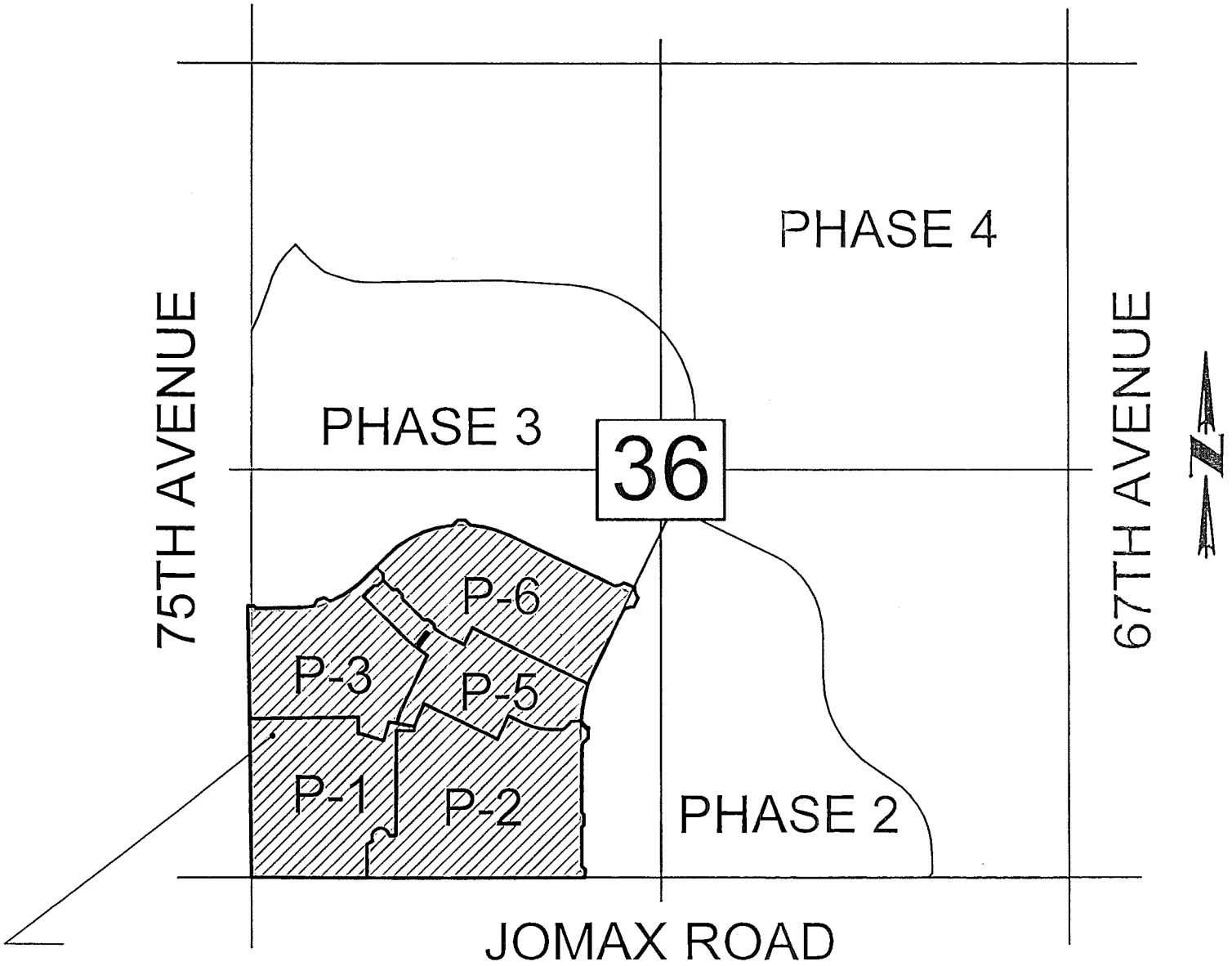
[redacted]

SHEET 13 OF 13

CVL Contact: R. WEED
CVL Project #: 01-0202201
CVL File #:

Plotted By: PaTar Plot Date: August 28, 2014 Filename: K:\Projects\201\CADD\Phase 1\Subdivision\PCS\MFL\MFL01.dwg

ALORAVITA SUBDIVISION



VICINITY MAP

N.T.S.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 26R

Date Prepared: August 28, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Aloravita Phase 1 - Parcel 1, 75th Avenue and Jomax Road (Project No. R140053)**

Purpose:

This is a request for City Council to approve the Final Plat for Aloravita Phase 1 - Parcel 1, located on 75th Avenue and Jomax 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 and sewer service area. This Final Plat creates a total of 65 new lots

within the Aloravita Planned Community District. All internal roadways are public and will be maintained by the City.

The Master Final Plat for Aloravita dedicated the major roadway network and established the overall parcel boundaries. As each parcel is ready to develop, it is necessary to replat that parcel, to dedicate the local roadways and establish the individual lots.

Previous Actions:

The Master Final Plat for Aloravita is on the agenda for the City Council meeting on October 7th, and will be recorded prior to this parcel Final Plat. The preliminary plat for this parcel was approved on September 2, 2014. There are no significant changes from the preliminary plat 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: 623-773-7577

FINAL PLAT FOR

"ALORAVITA PHASE 1 - PARCEL 1"

BEING A SUBDIVISION OF PARCEL 1 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "ALORAVITA PHASE 1 - PARCEL 1", BEING A SUBDIVISION OF PARCEL 1 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ___ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "ALORAVITA PHASE 1 - PARCEL 1" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, EASEMENT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY OF PEORIA THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ALORAVITA HOMEOWNERS ASSOCIATION. ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY OF PEORIA THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACT E. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASIN(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY/CENTER OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY/CENTER OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT (AT THE CITY OF PEORIA'S DISCRETION) TO ALLOW OTHER UTILITIES TO UTILIZE SUCH EASEMENT, INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF UTILITIES SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION

THE UNDERSIGNED ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS ____ DAY OF ________, 2014.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: ____________________

ITS: ____________________

DEDICATION ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

__________________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

ALORAVITA HOMEOWNERS ASSOCIATION, AN ARIZONA NON PROFIT CORPORATION

BY: ____________________

ITS: ____________________

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

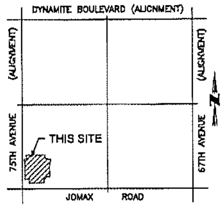
__________________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #____ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #____.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. (INSERT THE NAME OF THE STREET(S)) IS/ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. HILLSIDE LOTS WILL REQUIRE INDIVIDUAL HILLSIDE DEVELOPMENT REVIEW BY THE CITY'S PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
15. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
16. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 65 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
17. LOTS AT T-INTERSECTIONS WILL REQUIRE DRIVEWAY SET IN LINE WITH ONCOMING TRAFFIC. THIS APPLIES TO LOTS 2, 39, 43, 56 AND 61 (**).



VICINITY MAP
(NOT-TO-SCALE)

OWNER / DEVELOPER

ALORAVITA I, LLC
27417 N. 86TH LANE
PEORIA, AZ 85383
PHONE: (602) 999-8346
CONTACT: SIDNEY ALLSOP

ENGINEER

CVL CONSULTANTS
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-0831
CONTACT: RYAN WEED

SITE AREA

607,825 SQUARE FEET OR 13.954 ACRES

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ________ DAY OF ______________, 2014.

BY: ____________________ MAYOR ________ DATE

ATTEST: ____________________ CITY CLERK ________ DATE

____________________ FOR CITY ENGINEER ________ DATE

CERTIFICATION

I, RICHARD G. ALCOCER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2014, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: [redacted]
RICHARD G. ALCOCER
REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

PEORIA NO.: RXXXXXX

GROSS AREA = 13.954 ACRES

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

COUNTY RECORDER

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 1
PEORIA, ARIZONA

[redacted]

SHEET 1 OF 3

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #: 505 P14 -

Printed By: Parker Print Date: July 10, 2014 Filename: N:\01\0232201\CADD\Parcel 1\Parcel 1\DS-PH1-P01-FPLAT-01.dwg

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF PEORIA BRASS CAP FLUSH MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH THE ALUMINUM CAP FLUSH STAMPED LS# 27239 MARKING THE WEST QUARTER CORNER OF SAID SECTION 36 BEARS NORTH 00°46'18" WEST, A DISTANCE OF 2,633.65 FEET;

THENCE NORTH 00°46'18" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 909.47 FEET;

THENCE NORTH 89°13'45" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°13'45" EAST, A DISTANCE OF 33.30 FEET;
THENCE SOUTH 00°46'15" EAST, A DISTANCE OF 116.00 FEET;
THENCE NORTH 89°13'45" EAST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 00°46'15" EAST, A DISTANCE OF 58.00 FEET;
THENCE SOUTH 89°13'45" WEST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 00°46'15" EAST, A DISTANCE OF 116.00 FEET;
THENCE NORTH 89°13'45" EAST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 00°46'15" EAST, A DISTANCE OF 58.00 FEET;
THENCE SOUTH 89°13'45" WEST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 00°46'15" EAST, A DISTANCE OF 58.00 FEET;
THENCE NORTH 89°13'45" EAST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 00°46'15" EAST, A DISTANCE OF 58.00 FEET;
THENCE SOUTH 89°13'45" WEST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 00°46'15" EAST, A DISTANCE OF 58.00 FEET;
THENCE NORTH 89°13'45" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°46'15" WEST, A DISTANCE OF 58.00 FEET;
THENCE NORTH 89°13'45" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°46'15" WEST, A DISTANCE OF 58.00 FEET;
THENCE NORTH 89°13'45" WEST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°46'15" WEST, A DISTANCE OF 58.00 FEET;
THENCE NORTH 89°13'45" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°46'15" WEST, A DISTANCE OF 124.00 FEET;
THENCE SOUTH 89°13'45" WEST, A DISTANCE OF 21.02 FEET;

THENCE NORTH 00°46'18" WEST, A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 13.954 ACRES, MORE OR LESS.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 89°44'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 588 OF MAPS, PAGE 3, MARICOPA COUNTY RECORDS.

BENCHMARKS

CITY OF PEORIA BRASS CAP FLUSH AT THE INTERSECTION OF 75TH AVENUE AND JOMAX ROAD BEING THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1372.97' (CITY OF PEORIA DATUM & NAVD-88)

MARICOPA COUNTY BRASS CAP FLUSH MARKING THE EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1367.39' (NAVD-88)

MARICOPA COUNTY ALUMINUM CAP FLUSH MARKING THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1339.64' (NAVD-88)

FLOOD ZONE INFORMATION

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER FLOOD INSURANCE RATE MAP NUMBER 04013C-1255L, MARICOPA COUNTY, DATED OCTOBER 16, 2013.

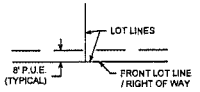
FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.078 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'B' = 0.039 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'C' = 0.038 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'D' = 0.038 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'E' = 0.065 ACRES	LANDSCAPE, DRAINAGE, P.U.E., MULTI-USE TRAIL
TRACT 'F' = 0.019 ACRES	LANDSCAPE, P.U.E., U.V.E.
TOTAL = 0.265 ACRES	

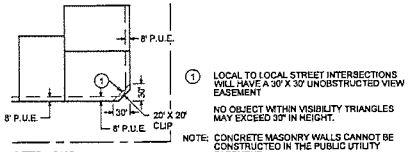
LAND USE AREAS	SQUARE FEET	ACRES
TOTAL AREA OF LOTS	457,757	10.509
TOTAL AREA OF TRACTS (A - F)	11,560	0.265
TOTAL AREA OF STREETS	138,499	3.180
TOTAL GROSS AREA	607,825	13.954

LEGEND

- INDICATES SECTION CORNER - FOUND BRASS CAP (UNLESS OTHERWISE NOTED)
- INDICATES FOUND BRASS CAP PER ADJOINING RECORDED SUBDIVISION (UNLESS OTHERWISE NOTED)
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET.120, TYPE "B" (UNLESS OTHERWISE NOTED)
- INDICATES CORNER OF THIS SUBDIVISION - SET SURVEY MARKER PER M.A.G. STD DET. 120, TYPE "C" - MODIFIED (UNLESS OTHERWISE NOTED)
- INDICATES SECTION LINE
- INDICATES MID-SECTION LINE
- INDICATES BOUNDARY LINE
- INDICATES LOT LINE
- INDICATES CENTERLINE
- INDICATES EASEMENT
- (1) INDICATES UNOBSTRUCTED VIEW EASEMENT (30' X 30')
- U.V.E. INDICATES UNOBSTRUCTED VIEW EASEMENT
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- V.N.A.E. INDICATES VEHICULAR NON ACCESS EASEMENT
- AC. INDICATES ACRES
- C1 INDICATES CURVE NUMBER
- * * INDICATES HEADLIGHT INTRUSION
- M.C.R. INDICATES MARICOPA COUNTY RECORDER



TYPICAL PUBLIC UTILITY EASEMENT DETAIL
(NOT-TO-SCALE)



SETBACKS
BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

50', 60' & 70' TYPICAL LOT LAYOUT
(NOT-TO-SCALE)

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	55.00	1.52	001°34'33"	0.76	1.51	S17°19'28.5"E
2	55.00	113.42	118°09'32"	91.82	94.37	S40°56'01.0"W
3	55.00	25.22	026°16'27"	12.84	25.00	N40°17'00.5"W
4	200.00	57.07	016°20'53"	28.73	56.87	S82°35'48.5"E
5	200.00	57.07	016°20'53"	28.73	56.87	N07°24'11.5"E
6	55.00	16.85	017°20'29"	8.39	16.58	S07°53'59.5"W
7	55.00	119.89	124°40'59"	104.94	97.43	S45°46'15.5"E
8	55.00	16.85	017°20'30"	8.39	16.58	N80°33'30.0"E
9	55.00	16.85	017°20'29"	8.39	16.58	S82°08'00.5"E
10	55.00	119.89	124°40'59"	104.94	97.43	N44°13'44.5"E
11	55.00	16.85	017°20'30"	8.39	16.58	N09°26'30.0"W
12	175.00	49.93	016°20'53"	25.14	49.76	N07°24'11.5"E
13	225.00	40.56	010°19'43"	20.34	40.51	N85°36'23.5"W
14	175.00	26.34	008°37'22"	13.19	26.31	S88°27'34.0"E
15	225.00	84.20	016°20'53"	32.32	63.98	S07°24'11.5"W

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	65
TOTAL NUMBER OF TRACTS	6
GROSS RESIDENTIAL DENSITY	4.658 D.U./A.C.

LOT AREAS	
LOT NUMBER	AREA (SQUARE FEET)
1	6,961
2	6,961
3	6,961
4	6,961
5	6,961
6	6,961
7	6,961
8	6,961
9	6,961
10	6,994
11	7,105
12	7,105
13	7,105
14	7,105
15	7,105
16	7,105
17	7,033
18	7,033
19	7,105
20	7,105
21	7,105
22	7,105
23	7,105
24	7,033
25	6,888
26	6,960
27	6,960
28	6,960
29	6,960
30	6,960
31	6,888
32	6,888
33	6,960
34	6,960
35	6,960
36	6,960
37	6,960
38	6,888
39	6,960
40	6,960
41	6,885
42	6,960
43	6,960
44	6,960
45	6,960
46	6,960
47	6,960
48	7,100
49	6,960
50	7,134
51	7,134
52	6,960
53	6,960
54	7,060
55	6,828
56	6,966
57	7,193
58	7,076
59	7,250
60	7,076
61	7,250
62	7,076
63	7,250
64	7,076
65	7,004
TOTAL	457,757

COUNTY RECORDER

PEORIA NO.: RXXXXXX

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

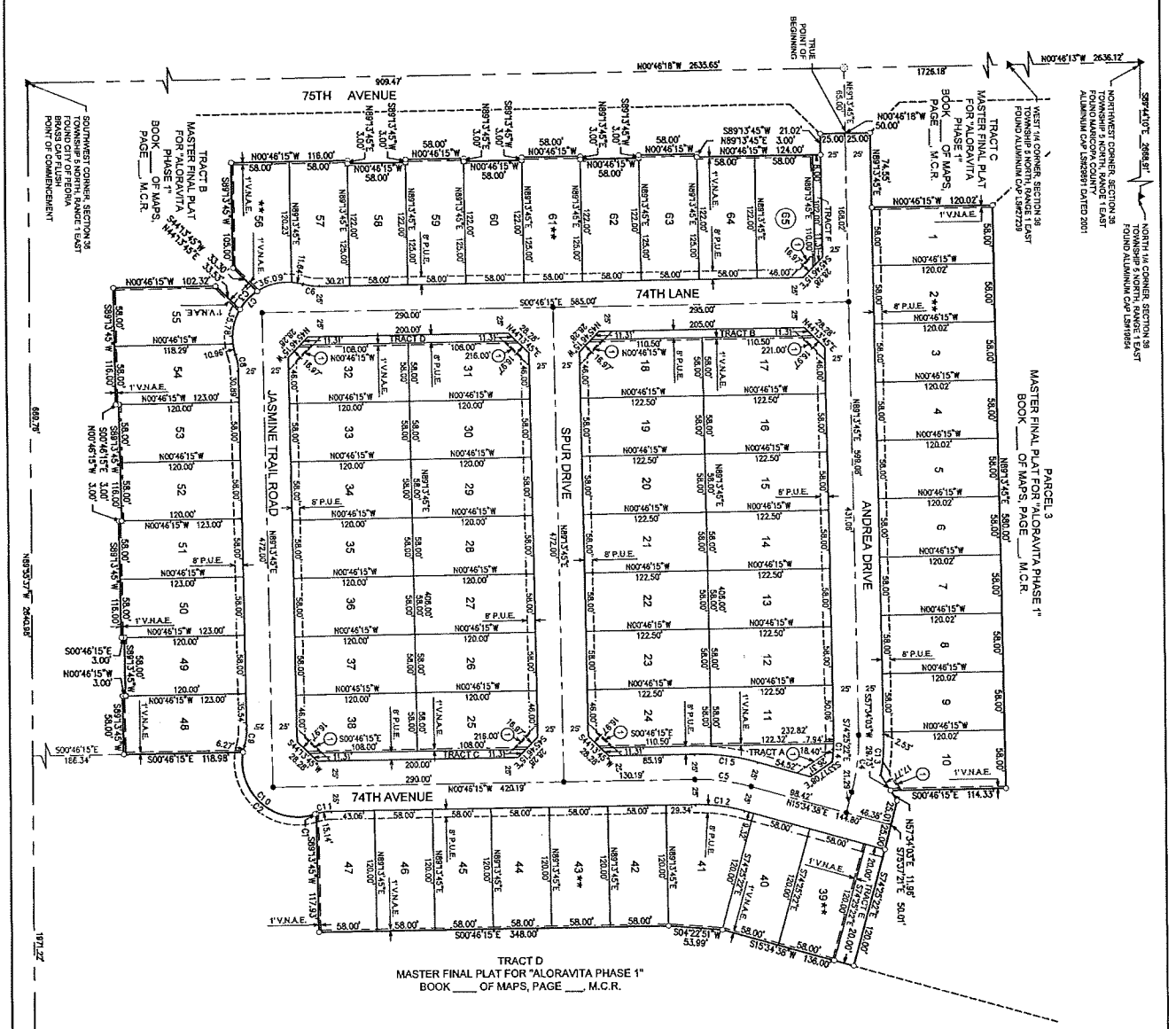
Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 1
PEORIA, ARIZONA

CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #:

Picked By: Parker Print Date: July 18, 2014 Filename: N:\01232201\CADD\Plats 1\Parcel 1\05_PH1_FINAL PLAT.01.dwg



COUNTY RECORDER

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

PEORIA NO: BXXXXXX

SCALE: 1" = 50'

50' 25' 0 50'

SHEET 3 OF 3

Drawn by: R. VREED
Date: 07-02-2014
Drawing: 0232201

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 1

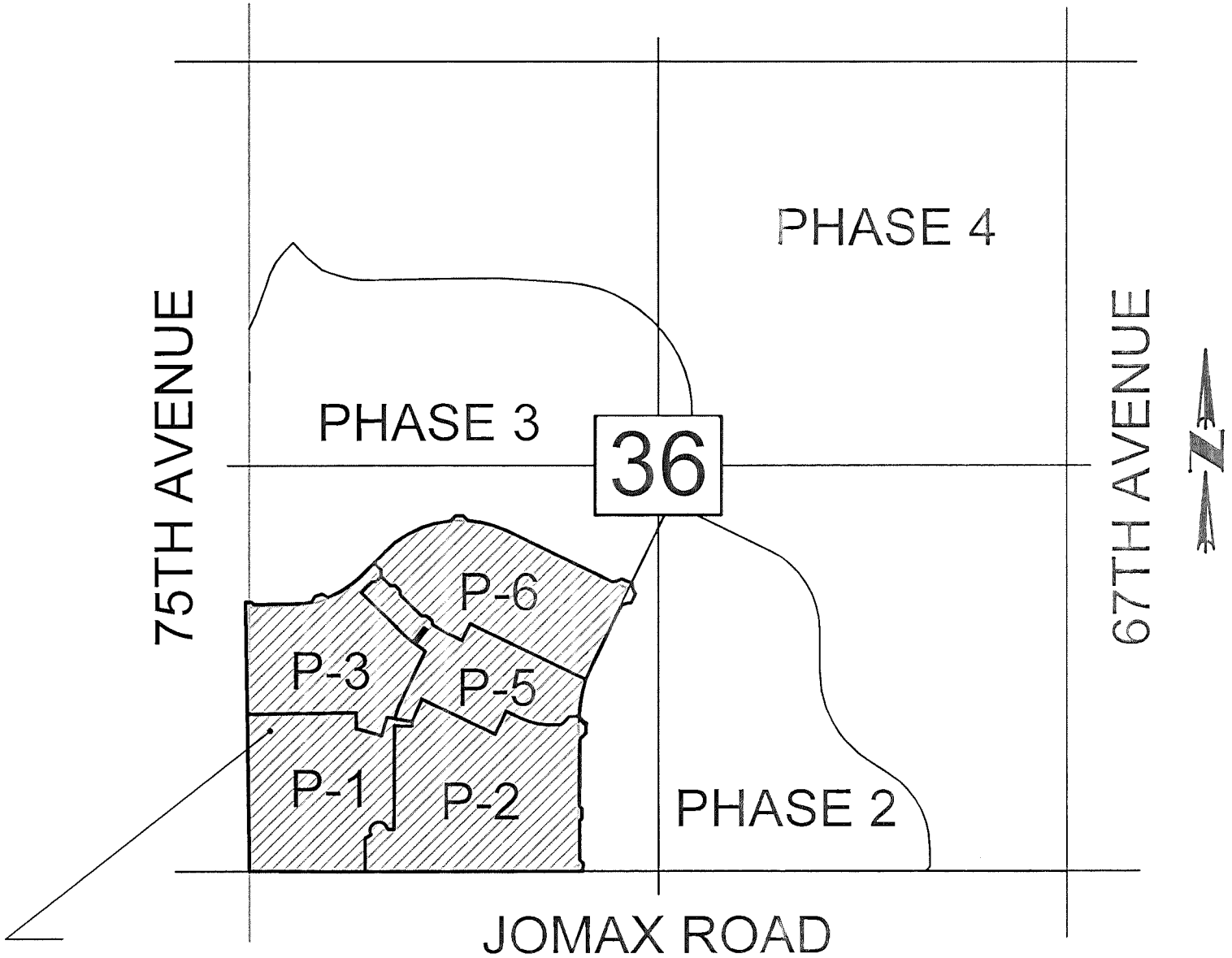
PEORIA, ARIZONA

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

ALORAVITA SUBDIVISION



VICINITY MAP

N.T.S.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 27R

Date Prepared: August 28, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Aloravita Phase 1 - Parcel 2, 75th Avenue and Jomax Road (Project No. R140054)**

Purpose:

This is a request for City Council to approve the Final Plat for Aloravita Phase 1 - Parcel 2, located on 75th Avenue and Jomax 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 and sewer service area. This Final Plat creates a total of 65 new lots

within the Aloravita Planned Community District. All internal roadways are public and will be maintained by the City.

The Master Final Plat for Aloravita dedicated the major roadway network and established the overall parcel boundaries. As each parcel is ready to develop, it is necessary to replat that parcel, to dedicate the local roadways and establish the individual lots.

Previous Actions:

The Master Final Plat for Aloravita is on the agenda for the City Council meeting on October 7th, and will be recorded prior to this parcel Final Plat. The preliminary plat for this parcel was approved on September 2, 2014. There are no significant changes from the preliminary plat 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: 623-773-7577

FINAL PLAT FOR

"ALORAVITA PHASE 1 - PARCEL 2"

BEING A SUBDIVISION OF PARCEL 2 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "ALORAVITA PHASE 1 - PARCEL 2", BEING A SUBDIVISION OF PARCEL 2 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "ALORAVITA PHASE 1 - PARCEL 2" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, EASEMENT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY OF PEORIA THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ALORAVITA HOMEOWNERS ASSOCIATION. ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY OF PEORIA THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

PUBLIC UTILITY EASEMENTS (PUE) AND SIDEWALK EASEMENTS (SE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACT E. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASIN(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY/CENTER OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY/CENTER OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT (AT THE CITY OF PEORIA'S DISCRETION) TO ALLOW OTHER UTILITIES TO UTILIZE SUCH EASEMENT, INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPENATION, MAINTENANCE, AND REPLACEMENT OF UTILITIES SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION

THE UNDERSIGNED ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS ____ DAY OF ________, 2014.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: ______________________

ITS: ______________________

DEDICATION ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ___ DAY OF _________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

______________________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

ALORAVITA HOMEOWNERS ASSOCIATION, AN ARIZONA NON PROFIT CORPORATION

BY: ______________________

ITS: ______________________

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

ON THIS ___ DAY OF _________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

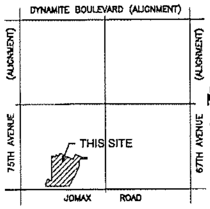
______________________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #____ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #____.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. (INSERT THE NAME OF THE STREET(S)) IS/ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. HILLSIDE LOTS WILL REQUIRE INDIVIDUAL HILLSIDE DEVELOPMENT REVIEW BY THE CITY'S PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
15. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
16. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 65 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
17. LOTS AT T-INTERSECTIONS WILL REQUIRE DRIVEWAY SET IN LINE WITH ONCOMING TRAFFIC. THIS APPLIES TO LOTS 5, 9, 19 AND 38 (*).



VICINITY MAP
(NOT-TO-SCALE)

SITE AREA

753,695 SQUARE FEET OR 17.307 ACRES

OWNER / DEVELOPER

ALORAVITA I, LLC
27417 N, 86TH LANE
PEORIA, AZ 85383
PHONE: (602) 899-8346
CONTACT: SIDNEY ALLSOP

ENGINEER

CVL CONSULTANTS
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-6831
CONTACT: RYAN WEED

COUNTY RECORDER

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ________ DAY OF ____________, 2014.

BY: ______________________ MAYOR ________ DATE

ATTEST: ______________________ CITY CLERK ________ DATE

______________________ FOR CITY ENGINEER ________ DATE

CERTIFICATION

I, RICHARD G. ALCOCER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2014, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY [redacted]
RICHARD G. ALCOCER
REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

PEORIA NO.: RXXXXXX

GROSS AREA = 17.303 ACRES

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 2
PEORIA, ARIZONA

[redacted]

SHEET 1 OF 3

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #: 596 P14

Printed By: Parker Print Date: July 18, 2014 Filename: N:\01\0232201\CAD\Plats 1\Parcel 2\DS FH\FO PLAT 01.dwg

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF PEORIA BRASS CAP FLUSH MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH THE ALUMINUM CAP FLUSH STAMPED LS# 27239 MARKING THE WEST QUARTER CORNER OF SAID SECTION 36 BEARS NORTH 00°40'18" WEST, A DISTANCE OF 2,633.65 FEET;

THENCE SOUTH 89°55'37" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,148.00 FEET;

THENCE NORTH 00°04'23" EAST, A DISTANCE OF 961.14 FEET;

THENCE NORTH 89°55'37" WEST, A DISTANCE OF 83.87 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°04'23" WEST, A DISTANCE OF 25.00 FEET;

THENCE NORTH 89°55'37" WEST, A DISTANCE OF 87.66 FEET TO THE BEGINNING OF A TANGENT CURVE OF 425.00 FOOT RADIUS, CONCAVE NORTHEASTERLY;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°59'45", A DISTANCE OF 118.65 FEET;

THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 79.27 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 14.85 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 25.00 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 27.00 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 7.00 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 63.00 FEET;
THENCE NORTH 64°04'28" WEST, A DISTANCE OF 7.00 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 8.00 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 3.00 FEET;
THENCE SOUTH 28°34'58" WEST, A DISTANCE OF 69.46 FEET;
THENCE NORTH 61°25'02" WEST, A DISTANCE OF 5.00 FEET;
THENCE SOUTH 28°34'58" WEST, A DISTANCE OF 63.00 FEET;
THENCE NORTH 61°25'02" WEST, A DISTANCE OF 5.00 FEET;
THENCE SOUTH 28°34'58" WEST, A DISTANCE OF 266.86 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 104.73 FEET;
THENCE SOUTH 00°04'23" WEST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 128.00 FEET;
THENCE NORTH 00°04'23" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 00°04'23" WEST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 63.00 FEET;
THENCE NORTH 00°04'23" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 00°04'23" WEST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 63.00 FEET;
THENCE NORTH 00°04'23" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 63.00 FEET;
THENCE SOUTH 00°04'23" WEST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 128.00 FEET;
THENCE NORTH 00°04'23" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 89°55'37" WEST, A DISTANCE OF 63.00 FEET;
THENCE NORTH 00°04'23" EAST, A DISTANCE OF 111.08 FEET;

THENCE NORTH 55°56'25" EAST, A DISTANCE OF 55.00 FEET TO A POINT ON A 50.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS NORTH 55°56'25" EAST;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 184°07'58", A DISTANCE OF 160.69 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE OF 50.00 FOOT RADIUS, CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°00'00", A DISTANCE OF 52.36 FEET;

THENCE SOUTH 89°55'37" EAST, A DISTANCE OF 16.20 FEET;
THENCE NORTH 00°04'23" EAST, A DISTANCE OF 706.00 FEET;
THENCE NORTH 08°24'57" EAST, A DISTANCE OF 52.99 FEET;

THENCE SOUTH 70°21'26" EAST, A DISTANCE OF 120.00 FEET TO A POINT ON A 225.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 79°21'26" EAST;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°16'58", A DISTANCE OF 60.02 FEET;

THENCE SOUTH 04°04'28" EAST, A DISTANCE OF 60.00 FEET TO A POINT ON A 175.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 64°04'28" EAST;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°11'36", A DISTANCE OF 3.65 FEET;

THENCE SOUTH 23°24'54" EAST, A DISTANCE OF 26.69 FEET TO A POINT ON A 225.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 18°26'18" WEST;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°38'19", A DISTANCE OF 14.29 FEET;

THENCE NORTH 25°55'32" EAST, A DISTANCE OF 120.51 FEET;
THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 462.50 FEET;
THENCE NORTH 25°55'32" EAST, A DISTANCE OF 170.00 FEET;

THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 120.25 FEET TO THE BEGINNING OF A TANGENT CURVE OF 375.00 FOOT RADIUS, CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°51'09", A DISTANCE OF 169.20 FEET;

THENCE SOUTH 89°55'37" EAST, A DISTANCE OF 87.66 FEET;

THENCE SOUTH 00°04'23" WEST, A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 17.303 ACRES, MORE OR LESS.

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.028 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'B' = 0.049 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'C' = 0.227 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'D' = 0.024 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'E' = 0.120 ACRES	LANDSCAPE, DRAINAGE, P.U.E., MULTI-USE TRAIL
TRACT 'F' = 0.154 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'G' = 0.024 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'H' = 0.135 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'I' = 0.150 ACRES	LANDSCAPE, P.U.E., U.V.E.
TOTAL = 0.911 ACRES	

LAND USE AREAS	SQUARE FEET	ACRES
TOTAL AREA OF LOTS	531,148	12.194
TOTAL AREA OF TRACTS (A - I)	39,671	0.911
TOTAL AREA OF STREETS	182,887	4.198
TOTAL GROSS AREA	753,706	17.303

LEGEND

- INDICATES SECTION CORNER - FOUND BRASS CAP (UNLESS OTHERWISE NOTED)
- INDICATES FOUND BRASS CAP PER ADJOINING RECORDED SUBDIVISION (UNLESS OTHERWISE NOTED)
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET.120, TYPE "B" (UNLESS OTHERWISE NOTED)
- INDICATES CORNER OF THIS SUBDIVISION - SET SURVEY MARKER PER M.A.G. STD DET. 120, TYPE "C" - MODIFIED (UNLESS OTHERWISE NOTED)
- INDICATES SECTION LINE
- INDICATES MID-SECTION LINE
- INDICATES BOUNDARY LINE
- INDICATES LOT LINE
- INDICATES CENTERLINE
- INDICATES EASEMENT
- (1) INDICATES UNOBSTRUCTED VIEW EASEMENT (30' X 30')
- U.V.E. INDICATES UNOBSTRUCTED VIEW EASEMENT
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- V.N.A.E. INDICATES VEHICULAR NON ACCESS EASEMENT
- S.E. INDICATES SIDEWALK EASEMENT
- AC. INDICATES ACRES
- C1 INDICATES CURVE NUMBER
- * * INDICATES HEADLIGHT INTRUSION
- M.C.R. INDICATES MARICOPA COUNTY RECORDER

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 89°44'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 588 OF MAPS, PAGE 3, MARICOPA COUNTY RECORDS.

FLOOD ZONE INFORMATION

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER FLOOD INSURANCE RATE MAP NUMBER 04013C-1265L, MARICOPA COUNTY, DATED OCTOBER 16, 2013.

FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

BENCHMARKS

CITY OF PEORIA BRASS CAP FLUSH AT THE INTERSECTION OF 75TH AVENUE AND JOMAX ROAD BEING THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

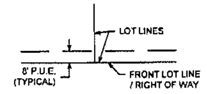
ELEVATION = 1372.97' (CITY OF PEORIA DATUM & NAVD-88)

MARICOPA COUNTY BRASS CAP FLUSH MARKING THE EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

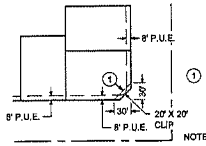
ELEVATION = 1567.39' (NAVD-88)

MARICOPA COUNTY ALUMINUM CAP FLUSH MARKING THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1539.64' (NAVD-88)



TYPICAL PUBLIC UTILITY EASEMENT DETAIL
(NOT-TO-SCALE)



(1) LOCAL TO LOCAL STREET INTERSECTIONS WILL HAVE A 30' X 30' UNOBSTRUCTED VIEW EASEMENT

NO OBJECT WITHIN VISIBILITY TRIANGLES MAY EXCEED 30" IN HEIGHT.

NOTE: CONCRETE MASONRY WALLS CANNOT BE CONSTRUCTED IN THE PUBLIC UTILITY EASEMENT

SETBACKS
BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

50', 60' & 70' TYPICAL LOT LAYOUT
(NOT-TO-SCALE)

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	65
TOTAL NUMBER OF TRACTS	9
GROSS RESIDENTIAL DENSITY	3.756 D.U./A.C.

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	425.00	118.65	015°59'45"	59.71	118.27	N81°55'44.5"W
2	50.00	160.69	184°07'58"	---	99.93	N58°00'24.0"E
3	50.00	52.36	060°00'00"	28.87	50.00	S59°55'37.0"E
4	225.00	60.02	015°16'58"	30.19	59.84	N18°17'03.0"E
5	175.00	3.65	001°11'36"	1.82	3.65	S25°19'44.0"W
6	225.00	14.29	003°38'19"	7.15	14.29	S69°44'34.5"E
7	375.00	169.20	025°51'09"	86.07	167.77	S77°00'02.5"E
8	400.00	180.49	025°51'09"	91.81	178.96	N77°00'02.5"W
9	425.00	115.74	015°36'15"	58.23	115.39	S18°07'24.5"W
10	375.00	119.52	018°15'41"	60.27	119.02	S19°27'07.5"W
11	200.00	90.24	025°51'09"	45.90	89.48	N12°59'57.5"E
12	200.00	75.53	021°38'20"	38.22	75.09	S79°06'27.0"E
13	200.00	55.95	016°01'44"	28.16	55.77	S72°05'20.0"E
14	225.00	101.53	025°51'09"	51.64	100.66	S12°59'57.5"W
15	50.00	209.44	240°00'00"	---	86.60	S30°04'23.0"W
16	55.00	16.65	017°20'29"	8.39	16.58	S81°15'22.5"E
17	55.00	92.32	096°10'23"	61.27	81.86	N59°19'40.5"E
18	55.00	16.65	017°20'29"	8.39	16.58	N19°54'43.5"E
19	400.00	127.48	018°15'41"	64.29	126.95	N19°27'07.5"E
20	400.00	108.94	015°36'15"	54.81	108.60	N18°07'24.5"E
21	425.00	191.76	025°51'09"	97.54	190.14	S77°00'02.5"E
22	175.00	66.09	021°38'20"	33.44	65.70	S79°06'27.0"E
23	175.00	14.56	004°46'05"	7.29	14.56	S66°27'30.5"E
24	450.00	12.27	001°33'47"	6.14	12.28	S11°06'10.5"W
25	350.00	24.62	004°01'51"	12.32	24.62	S12°20'12.5"W
26	225.00	84.98	021°38'20"	43.00	84.47	N79°06'27.0"W
27	450.00	19.80	002°31'16"	9.90	19.80	S24°39'54.0"W
28	225.00	29.41	007°29'16"	14.72	29.38	N67°49'06.0"W

COUNTY RECORDER

LOT AREAS	
LOT NUMBER	AREA (SQUARE FEET)
1	7,510
2	8,490
3	10,071
4	11,673
5	11,492
6	9,987
7	9,067
8	8,598
9	8,725
10	7,875
11	7,560
12	7,560
13	8,943
14	11,727
15	7,085
16	7,740
17	7,560
18	7,740
19	7,560
20	7,740
21	7,560
22	7,740
23	7,774
24	8,101
25	7,510
26	7,560
27	7,560
28	7,540
29	7,850
30	7,875
31	7,875
32	7,875
33	7,825
34	7,510
35	7,560
36	7,560
37	7,560
38	7,560
39	7,560
40	7,560
41	7,500
42	7,560
43	7,560
44	7,899
45	8,124
46	7,560
47	7,560
48	7,500
49	7,510
50	10,215
51	9,478
52	9,181
53	8,428
54	7,475
55	7,560
56	8,104
57	9,192
58	11,039
59	7,563
60	7,560
61	7,560
62	7,560
63	7,560
64	7,560
65	7,560
TOTAL	531,148

PEORIA NO.: RXXXXXX

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

NO.	REVISION	DATE

FINAL PLAT

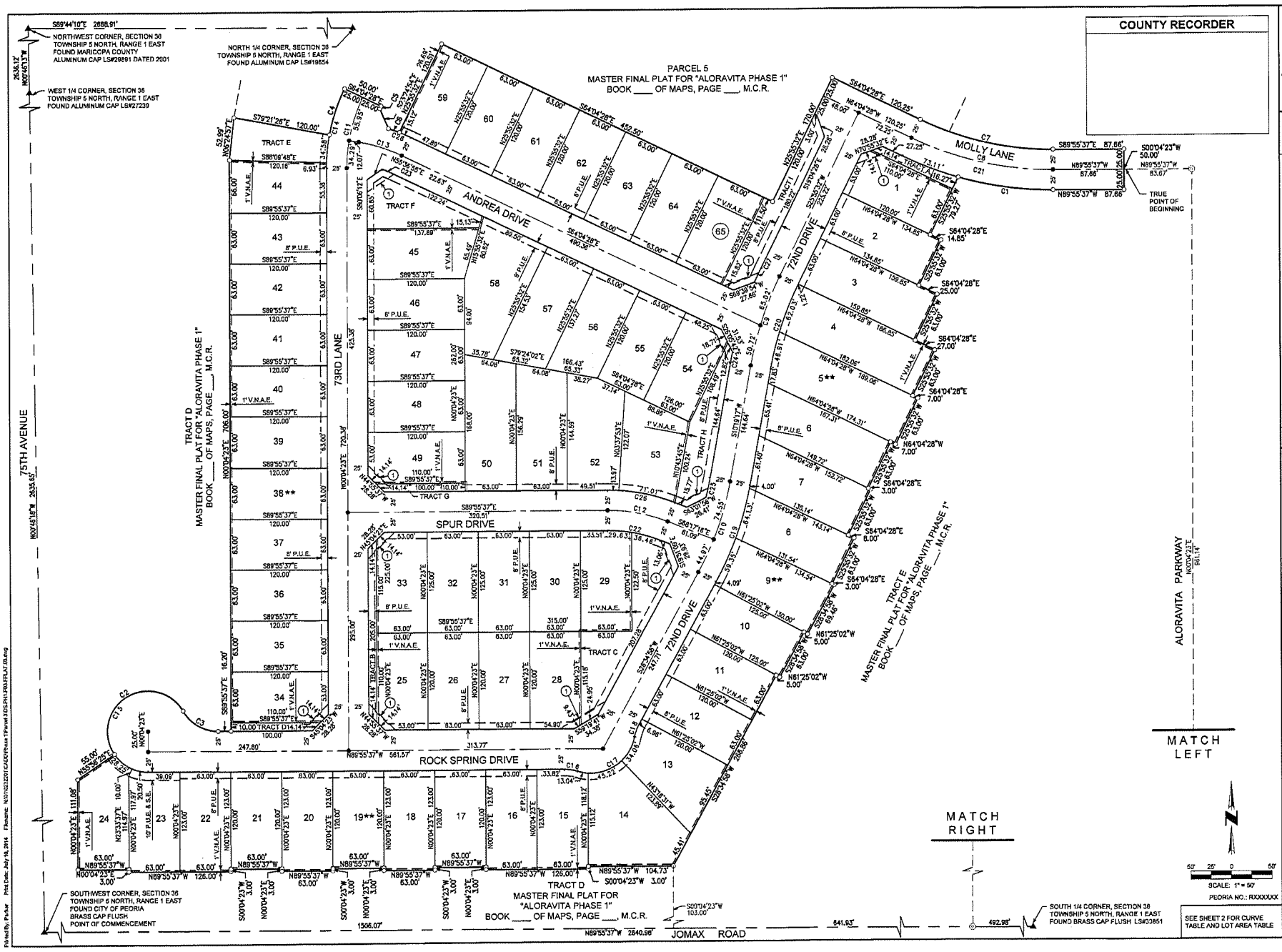
ALORAVITA PHASE 1 - PARCEL 2
PEORIA, ARIZONA

Coe & Van Loo Consultants, Inc.
CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

[redacted]

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

Printed By: Parker Print Date: July 18, 2014 Filename: N:\01023220\CAD\Phase 1\Parcel 2\CS-FH1\FC\FPLAT01.dwg



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NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 2

PEORIA, ARIZONA

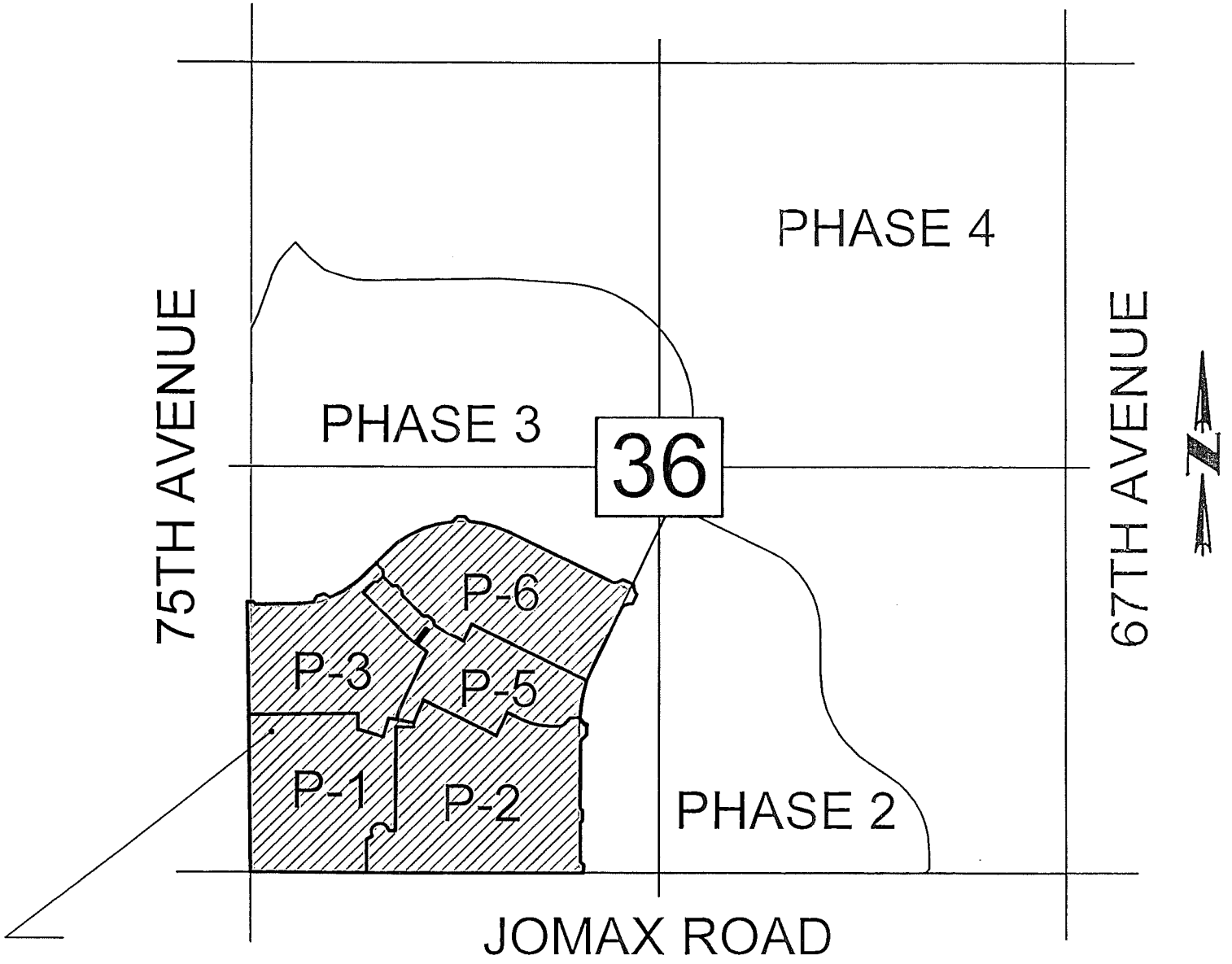
SHEET 3 OF 3

CVL Contact: R. WEED

CVL Project #: 01-0232201

CVL File #:

ALORAVITA SUBDIVISION



VICINITY MAP

N.T.S.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 28R

Date Prepared: August 28, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Aloravita Phase 1 - Parcel 3, 75th Avenue and Jomax Road (Project No. R140055)**

Purpose:

This is a request for City Council to approve the Final Plat for Aloravita Phase 1 - Parcel 3, located on 75th Avenue and Jomax 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 and sewer service area. This Final Plat creates a total of 59 new lots

within the Aloravita Planned Community District. All internal roadways are public and will be maintained by the City.

The Master Final Plat for Aloravita dedicated the major roadway network and established the overall parcel boundaries. As each parcel is ready to develop, it is necessary to replat that parcel, to dedicate the local roadways and establish the individual lots.

Previous Actions:

The Master Final Plat for Aloravita is on the agenda for the City Council meeting on October 7th, and will be recorded prior to this parcel Final Plat. The preliminary plat for this parcel was approved on September 2, 2014. There are no significant changes from the preliminary plat 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: 623-773-7577

FINAL PLAT FOR
"ALORAVITA PHASE 1 - PARCEL 3"

BEING A SUBDIVISION OF PARCEL 3 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "ALORAVITA PHASE 1 - PARCEL 3", BEING A SUBDIVISION OF PARCEL 3 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "ALORAVITA PHASE 1 - PARCEL 3" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, EASEMENT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY OF PEORIA THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ALORAVITA HOMEOWNERS ASSOCIATION. ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY OF PEORIA THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASINS(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY/CENTER OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY, AS LONG AS THE PROPERTY/CENTER OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT (AT THE CITY OF PEORIA'S DISCRETION) TO ALLOW OTHER UTILITIES TO UTILIZE SUCH EASEMENT, INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF UTILITIES SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

THE UNDERSIGNED ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS ____ DAY OF ________, 2014.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: ____________________

ITS: ____________________

DEDICATION ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF ________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

________________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

ALORAVITA HOMEOWNERS ASSOCIATION, AN ARIZONA NON PROFIT CORPORATION

BY: ____________________

ITS: ____________________

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

ON THIS ____ DAY OF ________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

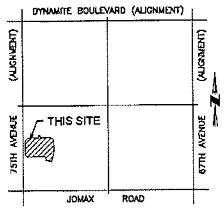
________________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #____ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #____.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. (INSERT THE NAME OF THE STREET(S)) IS/ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. HILLSIDE LOTS WILL REQUIRE INDIVIDUAL HILLSIDE DEVELOPMENT REVIEW BY THE CITY'S PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
15. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
16. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 59 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
17. LOTS AT T-INTERSECTIONS WILL REQUIRE DRIVEWAY SET IN LINE WITH ONCOMING TRAFFIC. THIS APPLIES TO LOTS 27, 44 AND 45 (*).



VICINITY MAP
(NOT-TO-SCALE)

OWNER / DEVELOPER

ALORAVITA I, LLC
27417 N, 88TH LANE
PEORIA, AZ 85383
PHONE: (602) 999-8340
CONTACT: SIDNEY ALLSOP

ENGINEER

CVL CONSULTANTS
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-6831
CONTACT: RYAN WEED

SITE AREA

539,392 SQUARE FEET OR 12.383 ACRES

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ________ DAY OF ________, 2014.

BY: ____________________ ________
MAYOR DATE

ATTEST: ____________________ ________
CITY CLERK DATE

____________________ ________
FOR CITY ENGINEER DATE

CERTIFICATION

I, RICHARD G. ALCOCER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2014, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SU[redacted] TO BE RETRACED.

B[redacted]
RI[redacted]
REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

PEORIA NO.: RXXXXXX

GROSS AREA = 12.383 ACRES

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

COUNTY RECORDER

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 3
PEORIA, ARIZONA

[redacted]

SHEET 1 OF 3

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File: 5.07

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF PEORIA BRASS CAP FLUSH MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH THE ALUMINUM CAP FLUSH STAMPED LS# 27239 MARKING THE WEST QUARTER CORNER OF SAID SECTION 36 BEARS NORTH 00°46'16" WEST, A DISTANCE OF 2,633.65 FEET;

THENCE NORTH 00°46'16" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 1,748.43 FEET;

THENCE NORTH 89°13'42" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 313.89 FEET TO THE BEGINNING OF A TANGENT CURVE OF 700.00 FOOT RADIUS, CONCAVE NORTHWESTERLY;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°48'28", A DISTANCE OF 192.72 FEET;

THENCE SOUTH 10°32'46" EAST, A DISTANCE OF 60.19 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 73°27'14" EAST, A DISTANCE OF 25.00 FEET;

THENCE SOUTH 16°32'46" EAST, A DISTANCE OF 28.51 FEET TO THE BEGINNING OF A TANGENT CURVE OF 375.00 FOOT RADIUS, CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°51'08", A DISTANCE OF 57.94 FEET;

THENCE NORTH 89°13'46" EAST, A DISTANCE OF 325.61 FEET;
THENCE SOUTH 42°56'27" EAST, A DISTANCE OF 120.10 FEET;
THENCE SOUTH 00°46'16" EAST, A DISTANCE OF 361.70 FEET;
THENCE SOUTH 15°34'38" WEST, A DISTANCE OF 294.42 FEET;
THENCE NORTH 74°29'22" WEST, A DISTANCE OF 120.00 FEET;
THENCE NORTH 75°37'21" WEST, A DISTANCE OF 90.01 FEET;
THENCE SOUTH 57°34'03" WEST, A DISTANCE OF 11.98 FEET;
THENCE NORTH 00°46'16" WEST, A DISTANCE OF 114.33 FEET;
THENCE SOUTH 89°13'46" WEST, A DISTANCE OF 580.00 FEET;
THENCE NORTH 42°20'41" WEST, A DISTANCE OF 88.20 FEET;
THENCE NORTH 00°46'16" WEST, A DISTANCE OF 114.33 FEET;
THENCE NORTH 89°13'46" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°40'15" WEST, A DISTANCE OF 106.00 FEET;
THENCE SOUTH 89°13'46" WEST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°40'15" WEST, A DISTANCE OF 53.00 FEET;
THENCE NORTH 89°13'46" EAST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°46'15" WEST, A DISTANCE OF 53.00 FEET;
THENCE SOUTH 89°13'46" WEST, A DISTANCE OF 3.00 FEET;
THENCE NORTH 00°46'15" WEST, A DISTANCE OF 95.94 FEET;
THENCE NORTH 40°11'50" EAST, A DISTANCE OF 131.11 FEET;

THENCE NORTH 89°13'46" EAST, A DISTANCE OF 344.35 FEET TO A POINT ON A 325.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 81°14'04" WEST;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°46'50", A DISTANCE OF 44.13 FEET;

THENCE NORTH 16°32'46" WEST, A DISTANCE OF 28.51 FEET;

THENCE NORTH 73°27'14" EAST, A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 12.383 ACRES, MORE OR LESS.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 89°44'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 588 OF MAPS, PAGE 3, MARICOPA COUNTY RECORDS.

BENCHMARKS

CITY OF PEORIA BRASS CAP FLUSH AT THE INTERSECTION OF 75TH AVENUE AND JOMAX ROAD BEING THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1372.97' (CITY OF PEORIA DATUM & NAVD-88)

MARICOPA COUNTY BRASS CAP FLUSH MARKING THE EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1567.30' (NAVD-88)

MARICOPA COUNTY ALUMINUM CAP FLUSH MARKING THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1539.64' (NAVD-88)

FLOOD ZONE INFORMATION

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER FLOOD INSURANCE RATE MAP NUMBER 04013C-1255L, MARICOPA COUNTY, DATED OCTOBER 16, 2013.

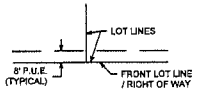
FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.074 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'B' = 0.207 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'C' = 0.020 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'D' = 0.036 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'E' = 0.042 ACRES	LANDSCAPE, P.U.E., U.V.E.
TOTAL = 0.381 ACRES	

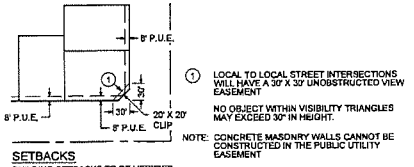
LAND USE AREAS	SQUARE FEET	ACRES
TOTAL AREA OF LOTS	410,188	9.417
TOTAL AREA OF TRACTS (A - E)	16,616	0.381
TOTAL AREA OF STREETS	112,588	2.585
TOTAL GROSS AREA	539,392	12.383

LEGEND

- INDICATES SECTION CORNER - FOUND BRASS CAP (UNLESS OTHERWISE NOTED)
- INDICATES FOUND BRASS CAP PER ADJOINING RECORDED SUBDIVISION (UNLESS OTHERWISE NOTED)
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET.120, TYPE "B" (UNLESS OTHERWISE NOTED)
- INDICATES CORNER OF THIS SUBDIVISION - SET SURVEY MARKER PER M.A.G. STD DET. 120, TYPE "C" - MODIFIED (UNLESS OTHERWISE NOTED)
- INDICATES SECTION LINE
- INDICATES MID-SECTION LINE
- INDICATES BOUNDARY LINE
- INDICATES LOT LINE
- INDICATES CENTERLINE
- INDICATES EASEMENT
- (1) INDICATES UNOBSTRUCTED VIEW EASEMENT (30' X 30')
- U.V.E. INDICATES UNOBSTRUCTED VIEW EASEMENT
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- V.N.A.E. INDICATES VEHICULAR NON ACCESS EASEMENT
- AC. INDICATES ACRES
- C1 INDICATES CURVE NUMBER
- ★ ★ INDICATES HEADLIGHT INTRUSION
- M.C.R. INDICATES MARICOPA COUNTY RECORDER



TYPICAL PUBLIC UTILITY EASEMENT DETAIL
(NOT-TO-SCALE)



SETBACKS
BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

50', 60' & 70' TYPICAL LOT LAYOUT
(NOT-TO-SCALE)

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	59
TOTAL NUMBER OF TRACTS	5
GROSS RESIDENTIAL DENSITY	4.765 D.U./A.C.

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	375.00	57.94	008°51'08"	29.03	57.88	S12°07'12.0"E
2	325.00	44.14	007°46'50"	22.10	44.10	N12°39'21.0"W
3	200.00	57.07	016°20'52"	28.73	56.87	N07°24'11.0"E
4	200.00	55.04	015°46'04"	27.70	54.87	S82°53'13.0"E
5	350.00	96.36	015°46'29"	48.49	96.06	S08°39'31.5"E
6	225.00	64.20	016°20'52"	32.32	63.98	N07°24'11.0"E
7	55.00	16.65	017°20'29"	8.39	16.58	N07°53'59.5"E
8	55.00	119.69	124°40'59"	106.94	97.43	N45°46'15.5"W
9	55.00	16.65	017°20'30"	8.39	16.58	S80°33'30.0"W
10	375.00	103.24	015°46'29"	51.95	102.92	N08°39'31.5"W
11	325.00	89.48	015°46'29"	45.02	88.20	S08°39'31.5"E
12	55.00	16.65	017°20'29"	8.39	16.58	N82°06'00.5"W
13	55.00	119.69	124°40'59"	104.94	97.43	S44°13'44.5"W
14	55.00	16.65	017°20'30"	8.39	16.58	S09°26'30.0"E
15	55.00	16.65	017°20'29"	8.39	16.58	S07°53'59.5"W
16	55.00	119.69	124°40'59"	104.94	97.43	S45°46'15.5"E
17	55.00	16.65	017°20'30"	8.39	16.58	N80°33'30.0"E
18	175.00	46.16	015°46'04"	24.23	46.01	S82°53'13.0"E
19	175.00	3.32	001°05'18"	1.66	3.32	S00°13'36.0"E
20	225.00	81.92	015°46'04"	31.16	81.73	N82°53'13.0"W
21	700.00	192.72	015°46'28"	96.98	192.12	N81°20'26.0"E

COUNTY RECORDER

LOT AREAS	
LOT NUMBER	AREA (SQUARE FEET)
1	6,360
2	6,360
3	6,360
4	6,349
5	8,863
6	10,651
7	8,686
8	6,465
9	6,625
10	6,466
11	6,399
12	11,414
13	12,889
14	7,630
15	6,625
16	6,625
17	6,625
18	6,625
19	6,625
20	6,625
21	6,625
22	6,613
23	6,360
24	6,360
25	6,360
26	6,360
27	6,750
28	7,420
29	6,360
30	6,360
31	6,360
32	6,357
33	6,363
34	10,290
35	8,664
36	6,353
37	6,360
38	6,360
39	6,288
40	6,408
41	6,360
42	6,360
43	6,360
44	6,360
45	6,360
46	6,360
47	6,360
48	6,360
49	6,408
50	7,029
51	6,425
52	6,360
53	6,360
54	6,360
55	6,360
56	6,360
57	6,360
58	6,360
59	6,408
TOTAL	410,188

PEORIA NO.: RXXXXXX

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

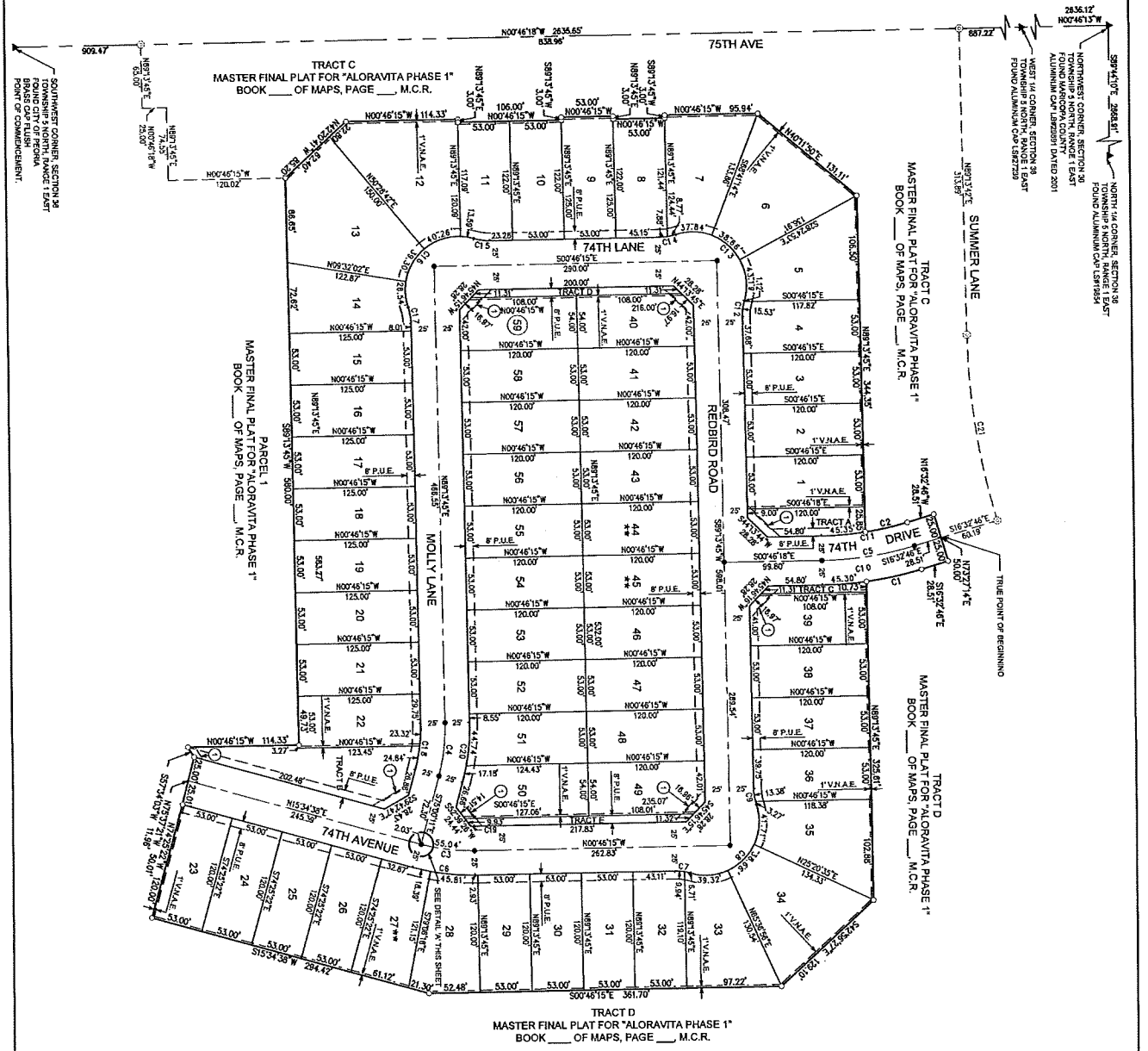
Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 3
PEORIA, ARIZONA

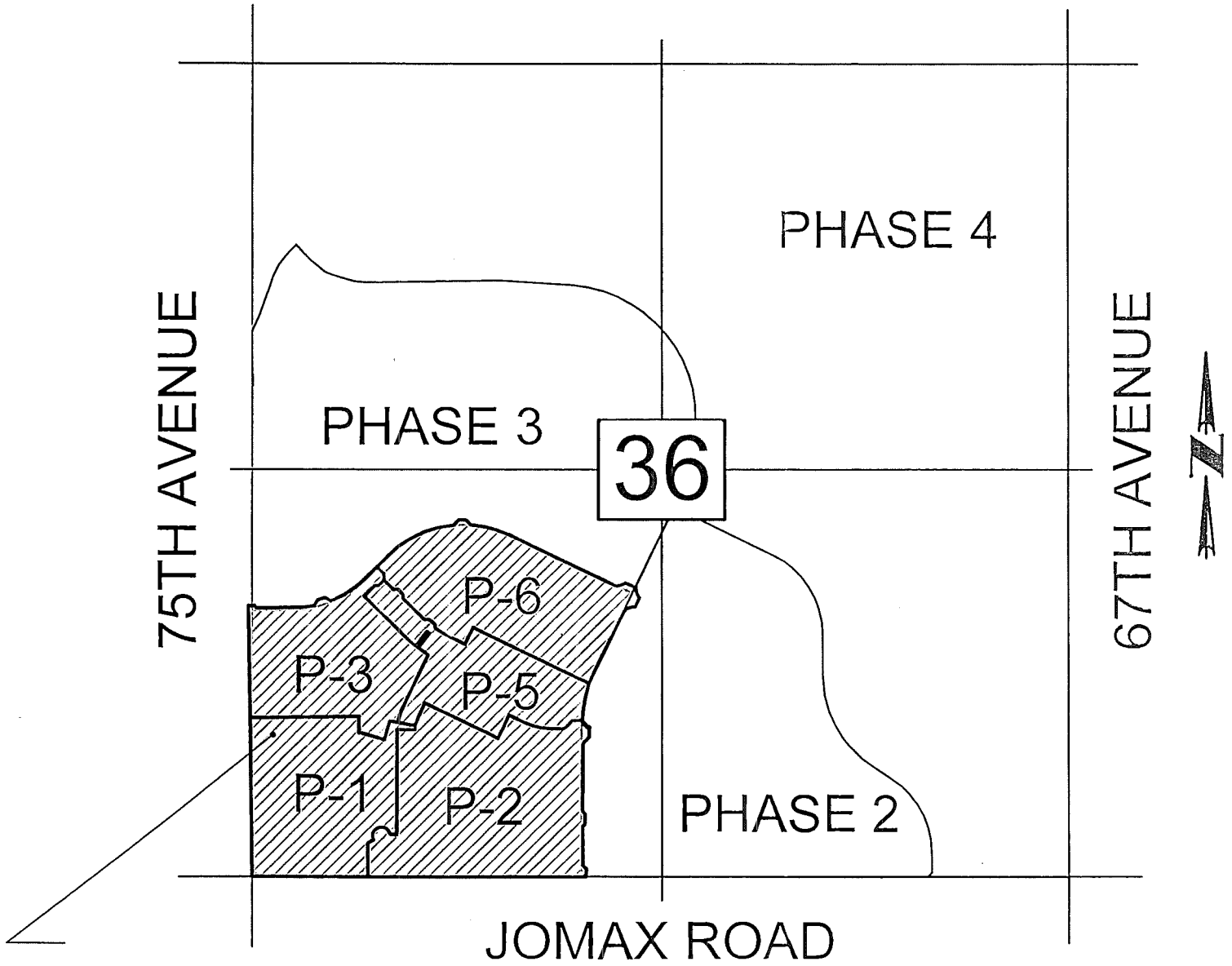
CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #:

Plotted By: Parker Print Date: July 16, 2014 Filename: N:\01\0232201\CADD\Phase 1\Parcel 2\03-FPL\FP02-FPL-FLAT 01.dwg



SHEET 3 OF 3	FINAL PLAT	NO. / REVISION / DATE	CVL CONSULTANTS 4550 North 12th Street Phoenix, Arizona 85014 602-264-6831 www.cvlci.com
	ALORAVITA PHASE 1 - PARCEL 3 PEORIA, ARIZONA	Coe & Van Loo Consultants, Inc.	

ALORAVITA SUBDIVISION



VICINITY MAP

N.T.S.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 29R

Date Prepared: August 28, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Aloravita Phase 1 - Parcel 5, 75th Avenue and Jomax Road (Project No. R140057)**

Purpose:

This is a request for City Council to approve the Final Plat for Aloravita Phase 1 - Parcel 5, located on 75th Avenue and Jomax 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 and sewer service area. This Final Plat creates a total of 59 new lots

within the Aloravita Planned Community District. All internal roadways are public and will be maintained by the City.

The Master Final Plat for Aloravita dedicated the major roadway network and established the overall parcel boundaries. As each parcel is ready to develop, it is necessary to replat that parcel, to dedicate the local roadways and establish the individual lots.

Previous Actions:

The Master Final Plat for Aloravita is on the agenda for the City Council meeting on October 7th, and will be recorded prior to this parcel Final Plat. The preliminary plat for this parcel was approved on September 2, 2014. There are no significant changes from the preliminary plat 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: 623-773-7577

FINAL PLAT FOR

"ALORAVITA PHASE 1 - PARCEL 5"

BEING A SUBDIVISION OF PARCEL 5 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ____, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

[illegible]

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY OF PEORIA THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ALORAVITA HOMEOWNERS ASSOCIATION. ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY OF PEORIA THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACT A. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASINS(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY/CENTER OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY/CENTER OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT (AT THE CITY OF PEORIA'S DISCRETION) TO ALLOW OTHER UTILITIES TO UTILIZE SUCH EASEMENT, INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF UTILITIES SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION

THE UNDERSIGNED ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS ____ DAY OF ________, 2014.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: ____________________

ITS: ____________________

DEDICATION ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF ________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

________________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATONS AS SET FORTH HEREIN.

ALORAVITA HOMEOWNERS ASSOCIATION, AN ARIZONA NON PROFIT CORPORATION

BY: ____________________

ITS: ____________________

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

ON THIS ____ DAY OF ________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED

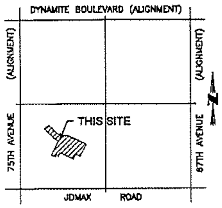
________________ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #____ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #____.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. (INSERT THE NAME OF THE STREET(S)) IS/ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINACE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. HILLSIDE LOTS WILL REQUIRE INDIVIDUAL HILLSIDE DEVELOPMENT REVIEW BY THE CITY'S PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
15. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
16. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 69 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
17. LOTS AT T-INTERSECTIONS WILL REQUIRE DRIVEWAY SET IN LINE WITH ONCOMING TRAFFIC. THIS APPLIES TO LOT 14 (**).



VICINITY MAP
(NOT-TO-SCALE)

SITE AREA

572,716 SQUARE FEET OR 13.148 ACRES

COUNTY RECORDER

OWNER / DEVELOPER

ALORAVITA I, LLC
27417 N, 86TH LANE
PEORIA, AZ 85383
PHONE: (602) 999-8346
CONTACT: SIDNEY ALLSOP

ENGINEER

CVL CONSULTANTS
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-6831
CONTACT: RYAN WEED

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ________ DAY OF ________________, 2014.

BY: ____________________ MAYOR ________ DATE

ATTEST: ____________________ CITY CLERK ________ DATE

____________________ FOR CITY ENGINEER ________ DATE

CERTIFICATION

I, RICHARD G. ALCOCER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2014, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: [redacted]
RICHARD G. ALCOCER
REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

PEORIA NO.: RXXXXXX

GROSS AREA = 13.148 ACRES

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 5
PEORIA, ARIZONA

[redacted]

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #: 5?8 P14

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF PEORIA BRASS CAP FLUSH MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH THE ALUMINUM CAP FLUSH STAMPED LS# 27239 MARKING THE WEST QUARTER CORNER OF SAID SECTION 36 BEARS NORTH 00°46'18" WEST, A DISTANCE OF 2,633.65 FEET;

THENCE NORTH 00°46'18" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 1,746.43 FEET;

THENCE NORTH 89°13'42" EAST, A DISTANCE OF 313.89 FEET TO THE BEGINNING OF A TANGENT CURVE OF 700.00 FOOT RADIUS, CONCAVE NORTHWESTERLY;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 44°40'54", A DISTANCE OF 545.89 FEET;

THENCE NORTH 44°32'49" EAST, A DISTANCE OF 51.65 FEET;

THENCE SOUTH 45°27'11" EAST, A DISTANCE OF 80.07 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 44°23'52" EAST, A DISTANCE OF 25.00 FEET;
THENCE SOUTH 45°27'12" EAST, A DISTANCE OF 87.00 FEET;
THENCE NORTH 89°32'49" EAST, A DISTANCE OF 28.28 FEET;
THENCE SOUTH 45°27'11" EAST, A DISTANCE OF 56.00 FEET;
THENCE SOUTH 00°27'11" EAST, A DISTANCE OF 28.28 FEET;

THENCE SOUTH 45°27'11" EAST, A DISTANCE OF 175.84 FEET TO THE BEGINNING OF A TANGENT CURVE OF 700.00 FOOT RADIUS, CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°14'23", A DISTANCE OF 27.37 FEET;

THENCE NORTH 85°48'31" EAST, A DISTANCE OF 27.63 FEET;

THENCE SOUTH 51°22'23" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A 275.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 50°33'56" EAST;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°59'26", A DISTANCE OF 33.31 FEET;

THENCE SOUTH 43°37'31" EAST, A DISTANCE OF 120.00 FEET;
THENCE NORTH 90°11'40" EAST, A DISTANCE OF 52.88 FEET;
THENCE NORTH 75°50'27" EAST, A DISTANCE OF 52.88 FEET;
THENCE SOUTH 84°30'54" EAST, A DISTANCE OF 52.88 FEET;
THENCE SOUTH 86°49'45" EAST, A DISTANCE OF 65.23 FEET;
THENCE SOUTH 84°04'28" EAST, A DISTANCE OF 580.00 FEET;

THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 89.21 FEET TO THE BEGINNING OF A TANGENT CURVE OF 55.00 FOOT RADIUS, CONCAVE SOUTHEASTERLY;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°20'29", A DISTANCE OF 16.65 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE OF 55.00 FOOT RADIUS, CONCAVE NORTHWESTERLY;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°33'13", A DISTANCE OF 67.73 FEET;

THENCE SOUTH 10°01'44" EAST, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 239.10 FEET TO A POINT ON A 375.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS NORTH 19°59'36" EAST;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°55'56", A DISTANCE OF 38.82 FEET;

THENCE NORTH 84°04'28" WEST, A DISTANCE OF 120.25 FEET;
THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 170.00 FEET;
THENCE NORTH 64°04'28" WEST, A DISTANCE OF 462.50 FEET;

THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 120.51 FEET TO A POINT ON A 225.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 22°04'28" WEST;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°38'19", A DISTANCE OF 14.29 FEET;

THENCE NORTH 23°24'54" WEST, A DISTANCE OF 26.60 FEET TO A POINT ON A 175.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 65°19'04" EAST;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°11'38", A DISTANCE OF 3.65 FEET;

THENCE NORTH 64°04'28" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A 225.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 64°04'28" EAST;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°16'56", A DISTANCE OF 60.02 FEET;

THENCE NORTH [illegible]
THENCE NORTH [illegible]
THENCE NORTH [illegible]
THENCE NORTH [illegible]
THENCE NORTH [illegible]
THENCE NORTH [illegible]
THENCE NORTH [illegible]
THENCE NORTH [illegible]

THENCE NORTH 44°23'52" EAST, A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 13.148 ACRES, MORE OR LESS.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 89°44'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 588 OF MAPS, PAGE 3, MARICOPA COUNTY RECORDS.

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.098 ACRES	LANDSCAPE, DRAINAGE, P.U.E., U.V.E., MULTI-USE TRAIL
TRACT 'B' = 0.024 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'C' = 0.151 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'D' = 0.040 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'E' = 0.019 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'F' = 0.328 ACRES	LANDSCAPE, P.U.E., U.V.E.
TOTAL = 0.620 ACRES	

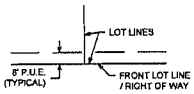
LAND USE AREAS	SQUARE FEET	ACRES
TOTAL AREA OF LOTS	418,653	9.611
TOTAL AREA OF TRACTS (A - F)	26,994	0.620
TOTAL AREA OF STREETS	127,069	2.917
TOTAL GROSS AREA	572,716	13.148

LEGEND

- INDICATES SECTION CORNER - FOUND BRASS CAP (UNLESS OTHERWISE NOTED)
- INDICATES FOUND BRASS CAP PER ADJOINING RECORDED SUBDIVISION (UNLESS OTHERWISE NOTED)
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET.120, TYPE "B" (UNLESS OTHERWISE NOTED)
- INDICATES CORNER OF THIS SUBDIVISION - SET SURVEY MARKER PER M.A.G. STD DET. 120, TYPE "C" - MODIFIED (UNLESS OTHERWISE NOTED)
- INDICATES SECTION LINE
- INDICATES MID-SECTION LINE
- INDICATES BOUNDARY LINE
- INDICATES LOT LINE
- INDICATES CENTERLINE
- INDICATES EASEMENT
- (1) INDICATES UNOBSTRUCTED VIEW EASEMENT (30' X 30')
- U.V.E. INDICATES UNOBSTRUCTED VIEW EASEMENT
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- V.N.A.E. INDICATES VEHICULAR NON ACCESS EASEMENT
- AC. INDICATES ACRES
- C1 INDICATES CURVE NUMBER
- * * INDICATES HEADLIGHT INTRUSION
- M.C.R. INDICATES MARICOPA COUNTY RECORDER

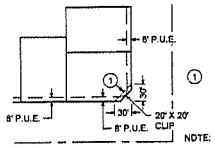
CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	700.00	27.37	002°14'23"	13.68	27.36	S46°34'22.5"E
2	275.00	33.31	006°56'25"	16.68	33.29	N42°54'16.5"E
3	55.00	16.65	017°20'29"	8.39	16.58	S17°15'17.5"W
4	55.00	67.73	070°33'13"	38.91	63.53	S43°51'39.5"W
5	375.00	38.82	005°55'54"	19.43	38.81	N67°02'25.0"W
6	225.00	14.29	003°38'19"	7.15	14.29	N69°44'34.5"W
7	175.00	3.65	001°11'36"	1.82	3.65	N25°19'44.0"E
8	225.00	60.02	015°16'56"	30.19	59.84	S18°17'03.0"W
9	725.00	235.83	018°37'17"	118.86	234.59	S54°45'49.5"E
10	300.00	45.28	008°38'54"	22.68	45.24	N35°02'34.0"E
11	55.00	16.65	017°20'30"	8.39	16.58	S55°24'13.0"E
12	55.00	119.69	124°40'59"	104.94	97.43	N70°55'32.5"E
13	750.00	243.75	018°37'17"	122.96	242.68	S54°45'49.5"E
14	700.00	110.20	009°01'11"	55.21	110.08	N39°33'52.5"W
15	700.00	543.89	044°40'54"	287.67	532.16	N66°53'15.0"E
16	400.00	180.48	025°51'09"	91.81	178.96	S77°00'02.5"E



TYPICAL PUBLIC UTILITY EASEMENT DETAIL

(NOT-TO-SCALE)



1 LOCAL TO LOCAL STREET INTERSECTIONS WILL HAVE A 30' X 30' UNOBSTRUCTED VIEW EASEMENT

NO OBJECT WITHIN VISIBILITY TRIANGLES MAY EXCEED 30" IN HEIGHT.

NOTE: CONCRETE MASONRY WALLS CANNOT BE CONSTRUCTED IN THE PUBLIC UTILITY EASEMENT

SETBACKS

BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

50', 60' & 70' TYPICAL LOT LAYOUT

(NOT-TO-SCALE)

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	59
TOTAL NUMBER OF TRACTS	6
GROSS RESIDENTIAL DENSITY	4.487 D.U./A.C.

FLOOD ZONE INFORMATION

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER FLOOD INSURANCE RATE MAP NUMBER 04013C-1255L, MARICOPA COUNTY, DATED OCTOBER 16, 2013.

FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

BENCHMARKS

CITY OF PEORIA BRASS CAP FLUSH AT THE INTERSECTION OF 75TH AVENUE AND JOMAX ROAD BEING THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1372.07' (CITY OF PEORIA DATUM & NAVD-88)

MARICOPA COUNTY BRASS CAP FLUSH MARKING THE EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1507.39' (NAVD-88)

MARICOPA COUNTY ALUMINUM CAP FLUSH MARKING THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1530.84' (NAVD-88)

LOT AREAS	
LOT NUMBER	AREA (SQUARE FEET)
1	6,764
2	6,960
3	6,960
4	6,960
5	6,960
6	6,960
7	7,177
8	7,361
9	7,355
10	7,437
11	7,054
12	6,960
13	6,960
14	6,960
15	6,960
16	6,960
17	6,960
18	7,077
19	8,153
20	6,960
21	6,960
22	6,960
23	6,960
24	6,960
25	6,960
26	6,960
27	6,960
28	7,005
29	7,031
30	7,031
31	7,031
32	7,031
33	7,031
34	7,031
35	7,031
36	7,031
37	7,031
38	6,959
39	7,236
40	7,308
41	7,308
42	7,308
43	7,308
44	7,308
45	7,308
46	7,308
47	7,308
48	7,294
49	7,190
50	7,004
51	7,076
52	7,076
53	7,076
54	7,076
55	7,076
56	7,076
57	7,076
58	7,076
59	6,994
TOTAL	418,651

COUNTY RECORDER

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvld.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 5
PEORIA, ARIZONA

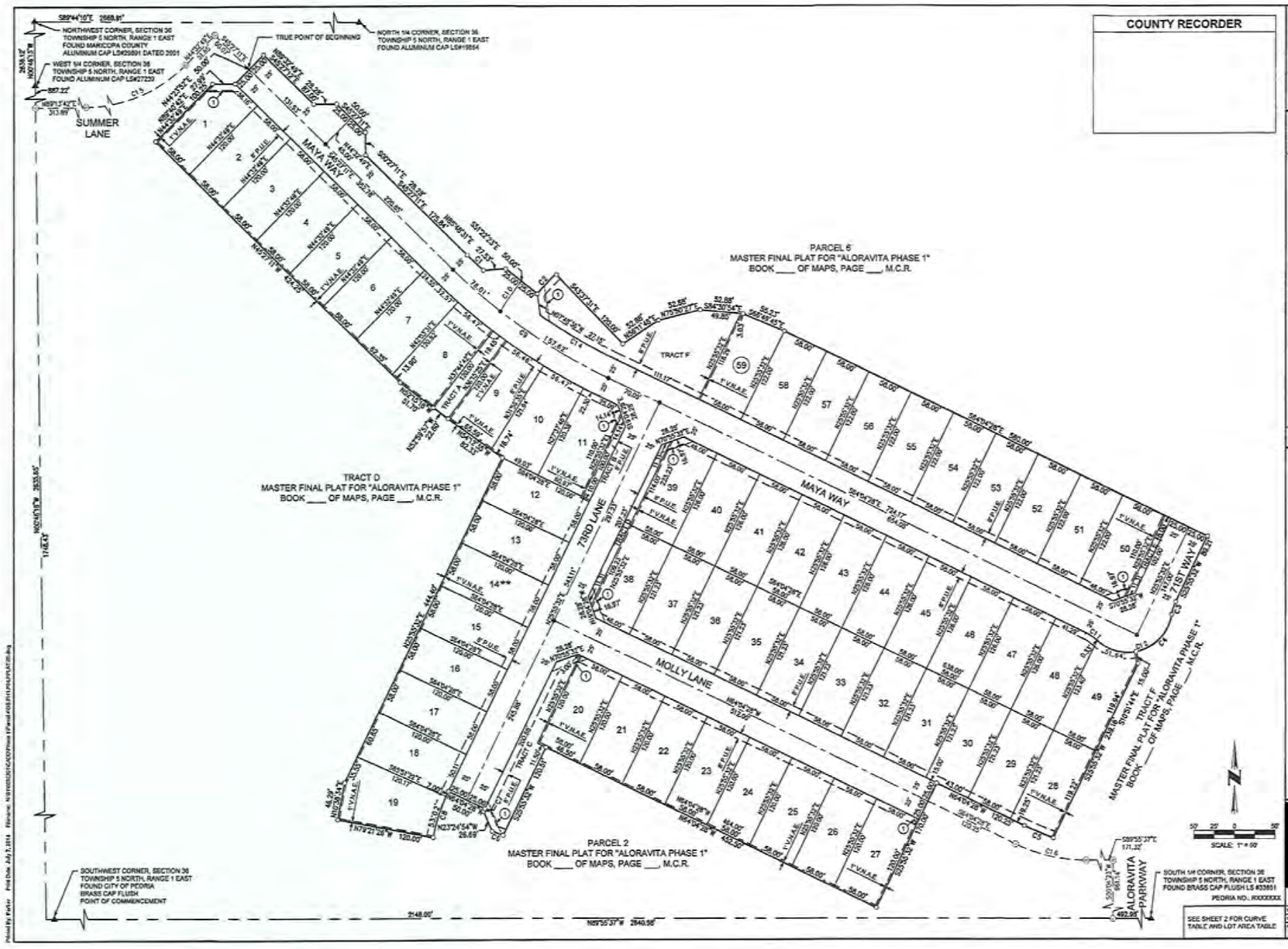
[redacted]

PEORIA NO.: RXXXXXX

SEE SHEET 2 FOR CURVE TABLE AND LOT AREA TABLE

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

Plotted By: Parker Print Date: July 7, 2014 Filename: N:\01\0232201\CADD\Phase 1\Final 4\05 FINL\FINAL\FINAL01.dwg



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Phoenix, Arizona 85014
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www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 5

PEORIA, ARIZONA

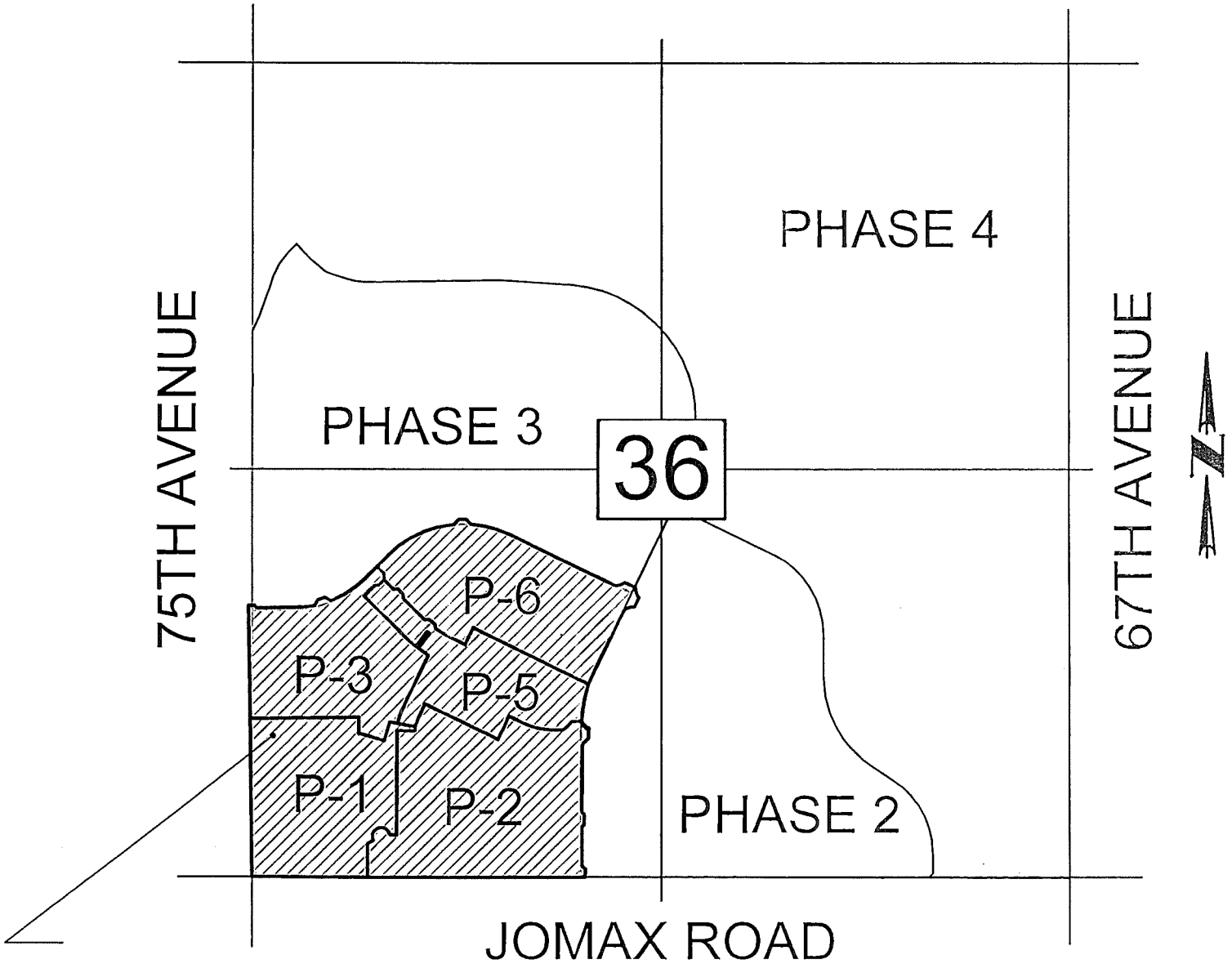
SHEET 3 OF 3

CVL Contact: R. WEED

CVL Project #: 01-0232201

CVL File #:

ALORAVITA SUBDIVISION



THIS SITE
PHASE 1

VICINITY MAP

N.T.S.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 30R

Date Prepared: August 28, 2014 **Council Meeting Date: November 25, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Aloravita Phase 1 - Parcel 6, 75th Avenue and Jomax Road (Project No. R140058)**

Purpose:

This is a request for City Council to approve the Final Plat for Aloravita Phase 1 - Parcel 6, located on 75th Avenue and Jomax 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 and sewer service area. This Final Plat creates a total of 74 new lots

within the Aloravita Planned Community District. All internal roadways are public and will be maintained by the City.

The Master Final Plat for Aloravita dedicated the major roadway network and established the overall parcel boundaries. As each parcel is ready to develop, it is necessary to replat that parcel, to dedicate the local roadways and establish the individual lots.

Previous Actions:

The Master Final Plat for Aloravita is on the agenda for the City Council meeting on October 7th, and will be recorded prior to this parcel Final Plat. The preliminary plat for this parcel was approved on September 2, 2014. There are no significant changes from the preliminary plat 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: 623-773-7577

FINAL PLAT FOR
"ALORAVITA PHASE 1 - PARCEL 6"

BEING A SUBDIVISION OF PARCEL 6 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "ALORAVITA PHASE 1 - PARCEL 6", BEING A SUBDIVISION OF PARCEL 6 OF A MASTER FINAL PLAT FOR "ALORAVITA PHASE 1" RECORDED AS BOOK ____ OF MAPS, PAGE ___ RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "ALORAVITA PHASE 1 - PARCEL 6" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, EASEMENT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY OF PEORIA THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE ALORAVITA HOMEOWNERS ASSOCIATION. ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY OF PEORIA THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASINS(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY/CENTER OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY/CENTER OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO THE CITY OF PEORIA, AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT (AT THE CITY OF PEORIA'S DISCRETION) TO ALLOW OTHER UTILITIES TO UTILIZE SUCH EASEMENT, INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF UTILITIES SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

THE UNDERSIGNED ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER THEREUNTO DULY AUTHORIZED THIS ____ DAY OF ________, 2014.

ALORVITA I LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: ______________________

ITS: ______________________

DEDICATION ACKNOWLEDGEMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ______________________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

ALORAVITA HOMEOWNERS ASSOCIATION, AN ARIZONA NON PROFIT CORPORATION

BY: ______________________

ITS: ______________________

ALORAVITA HOMEOWNERS ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT

ON THIS ____ DAY OF __________, 2014, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ______________________, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY, AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

____
NOTARY PUBLIC

BENCHMARKS

CITY OF PEORIA BRASS CAP FLUSH AT THE INTERSECTION OF 75TH AVENUE AND JOMAX ROAD BEING THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1372.07' (CITY OF PEORIA DATUM & NAVD-88)

MARICOPA COUNTY BRASS CAP FLUSH MARKING THE EAST QUARTER CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1567.39' (NAVD-88)

MARICOPA COUNTY ALUMINUM CAP FLUSH MARKING THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST.

ELEVATION = 1539.64' (NAVD-88)

NOTES

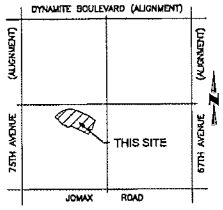
1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #____ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #____.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY. IN CASES OF PRIVATE WATER COMPANIES, THE NOTE SHALL READ: THIS SUBDIVISION IS LOCATED WITHIN THE (INSERT PRIVATE COMPANY NAME) WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. (INSERT THE NAME OF THE STREET(S)) IS/ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. HILLSIDE LOTS WILL REQUIRE INDIVIDUAL HILLSIDE DEVELOPMENT REVIEW BY THE CITY'S PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
15. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
16. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 74 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
17. LOTS AT T-INTERSECTIONS WILL REQUIRE DRIVEWAY SET IN LINE WITH ONCOMING TRAFFIC. THIS WILL APPLY TO LOTS 24 AND 63 (**)

FLOOD ZONE INFORMATION

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

PER FLOOD INSURANCE RATE MAP NUMBER 04013C-1255L, MARICOPA COUNTY, DATED OCTOBER 16, 2013.

FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.



VICINITY MAP
(NOT-TO-SCALE)

OWNER / DEVELOPER

ALORAVITA I, LLC
27417 N. 88TH LANE
PEORIA, AZ 85383
PHONE: (602) 999-8346
CONTACT: SIDNEY ALLSOP

ENGINEER

CVL CONSULTANTS
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-6831
CONTACT: RYAN WEED

SITE AREA

712,626 SQUARE FEET OR 16.360 ACRES

COUNTY RECORDER

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 89°44'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 588 OF MAPS, PAGE 3, MARICOPA COUNTY RECORDS.

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ________ DAY OF ______________, 2014.

BY: ______________________ MAYOR ________ DATE

ATTEST: ______________________ CITY CLERK ________ DATE

______________________ FOR CITY ENGINEER ________ DATE

CERTIFICATION

I, RICHARD G. ALCOCER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF FOUR (4) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2014, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

B[redacted]
R
REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)-264-6831
CVLSURVEY@CVLCI.COM

PEORIA NO.: RXXXXXX

GROSS AREA = 16.360 ACRES

SEE SHEET 2 FOR CURVE TABLE AND SEE SHEET 4 FOR LOT AREA TABLE

NO.	REVISION	DATE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

Coe & Van Loo Consultants, Inc.

FINAL PLAT

ALORAVITA PHASE 1 - PARCEL 6
PEORIA, ARIZONA

[redacted]

SHEET 1 OF 4

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL Fig: P14

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF PEORIA BRASS CAP FLUSH MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH THE ALUMINUM CAP FLUSH STAMPED LS# 27239 MARKING THE WEST QUARTER CORNER OF SAID SECTION 36 BEARS NORTH 00°46'18" WEST, A DISTANCE OF 2,633.65 FEET;

THENCE SOUTH 89°55'37" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 2,148.00 FEET;

THENCE NORTH 00°04'23" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 1,009.24 FEET TO THE BEGINNING OF A TANGENT CURVE OF 900.00 FOOT RADIUS, CONCAVE SOUTHEASTERLY;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°51'08", A DISTANCE OF 406.09 FEET;

THENCE NORTH 25°55'32" EAST, A DISTANCE OF 520.75 FEET;
THENCE NORTH 64°04'28" WEST, A DISTANCE OF 206.40 FEET;

THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING;

[illegible]

THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 0.90 FEET TO THE BEGINNING OF A TANGENT CURVE OF 55.00 FOOT RADIUS, CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°20'20", A DISTANCE OF 16.65 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE OF 55.00 FOOT RADIUS, CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 124°40'59", A DISTANCE OF 119.69 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE OF 55.00 FOOT RADIUS, CONCAVE SOUTHEASTERLY;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°20'20", A DISTANCE OF 16.65 FEET;

THENCE SOUTH 25°55'32" WEST, A DISTANCE OF 87.21 FEET;
THENCE NORTH 64°04'28" WEST, A DISTANCE OF 580.00 FEET;
THENCE NORTH 60°49'45" WEST, A DISTANCE OF 55.23 FEET;
THENCE NORTH 84°30'54" WEST, A DISTANCE OF 52.88 FEET;
THENCE SOUTH 75°50'27" WEST, A DISTANCE OF 52.88 FEET;
THENCE SOUTH 66°11'46" WEST, A DISTANCE OF 52.88 FEET;

THENCE NORTH 43°37'31" WEST, A DISTANCE OF 120.00 FEET TO A POINT ON A 275.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 43°37'31" EAST;

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°56'25", A DISTANCE OF 33.31 FEET;

THENCE NORTH 51°22'23" WEST, A DISTANCE OF 50.00 FEET;

THENCE SOUTH 85°48'31" WEST, A DISTANCE OF 27.53 FEET TO A POINT ON A 700.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS NORTH 42°18'26" EAST;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°14'23", A DISTANCE OF 27.36 FEET;

[illegible]

THENCE SOUTH 64°04'28" EAST, A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING.

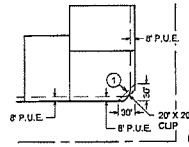
CONTAINING 16.380 ACRES, MORE OR LESS.

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.026 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'B' = 0.065 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'C' = 0.039 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'D' = 0.039 ACRES	LANDSCAPE, P.U.E., U.V.E.
TRACT 'E' = 0.019 ACRES	LANDSCAPE, P.U.E., U.V.E.
TOTAL = 0.188 ACRES	

LAND USE AREAS	SQUARE FEET	ACRES
TOTAL AREA OF LOTS	565,181	12.975
TOTAL AREA OF TRACTS (A - E)	8,167	0.188
TOTAL AREA OF STREETS	139,278	3.197
TOTAL GROSS AREA	712,626	16.360

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	55.00	16.65	017°20'20"	8.39	16.58	S72°44'42.5"E
2	55.00	119.69	124°40'59"	104.94	97.43	S19°04'27.5"E
3	55.00	16.65	017°20'20"	8.39	16.58	S34°35'47.0"W
4	275.00	33.32	006°56'25"	16.68	33.29	S42°54'18.5"W
5	700.00	27.36	002°14'23"	13.68	27.36	N46°34'22.5"W
6	485.00	604.21	071°22'43"	348.37	565.89	N80°14'10.5"E
7	300.00	400.66	076°33'31"	236.75	371.70	S77°38'46.5"W
8	510.00	635.35	071°22'43"	366.33	595.06	S80°14'10.5"W
9	275.00	367.13	076°29'28"	216.76	340.47	N77°40'48.0"E
10	460.00	573.07	071°22'43"	330.41	536.72	N80°14'10.5"E
11	325.00	434.59	076°36'56"	256.74	402.93	S77°37'04.0"W
12	692.00	34.68	002°52'18"	17.34	34.68	N46°53'20.0"W
13	900.00	406.09	025°51'09"	206.56	402.66	N12°59'57.5"E
14	700.00	545.89	044°40'54"	287.87	532.18	N86°53'15.0"E



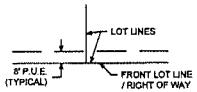
1 LOCAL TO LOCAL STREET INTERSECTIONS WILL HAVE A 30' X 30' UNOBSTRUCTED VIEW EASEMENT

NO OBJECT WITHIN VISIBILITY TRIANGLES MAY EXCEED 30" IN HEIGHT.

NOTE: CONCRETE MASONRY WALLS CANNOT BE CONSTRUCTED IN THE PUBLIC UTILITY EASEMENT

SETBACKS
BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING

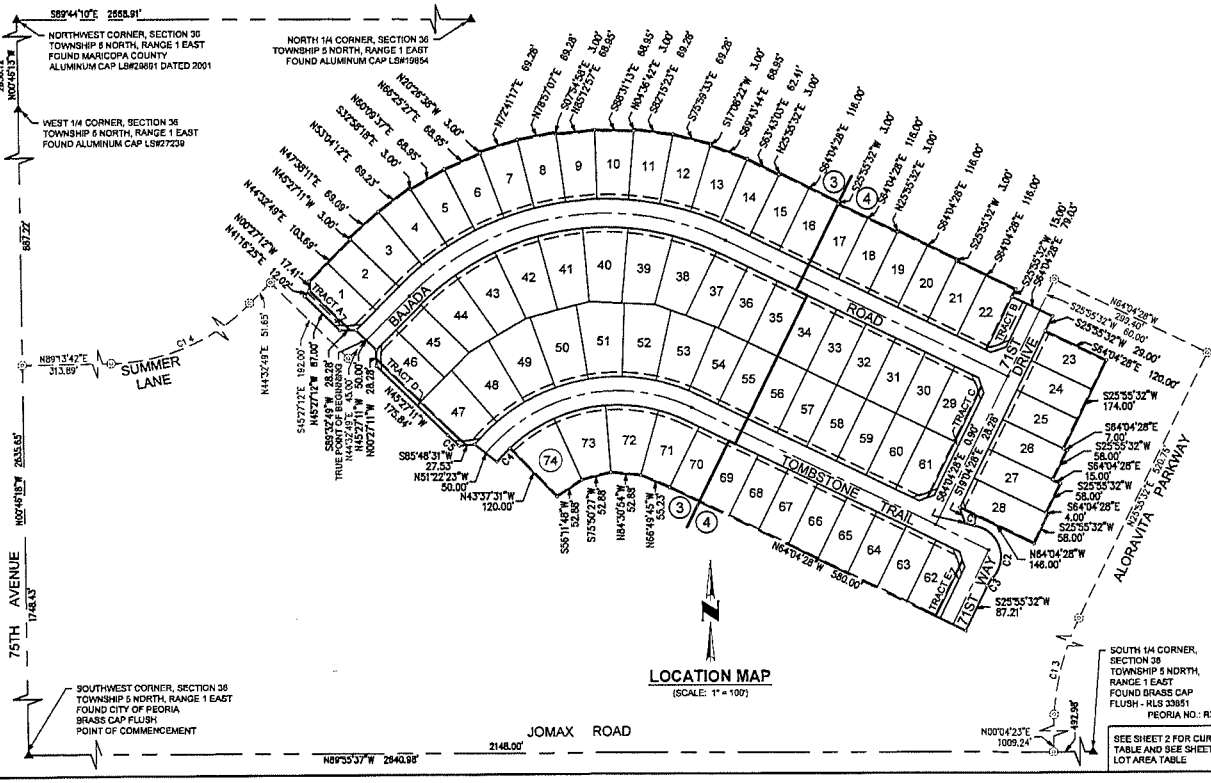
50', 60' & 70' TYPICAL LOT LAYOUT
(NOT-TO-SCALE)



TYPICAL PUBLIC UTILITY EASEMENT DETAIL
(NOT-TO-SCALE)

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	74
TOTAL NUMBER OF TRACTS (A-E)	5
GROSS RESIDENTIAL DENSITY	4.523 D.U./A.C.

COUNTY RECORDER



LOCATION MAP
(SCALE: 1" = 100')

SEE SHEET 2 FOR CURVE TABLE AND SEE SHEET 4 FOR LOT AREA TABLE

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

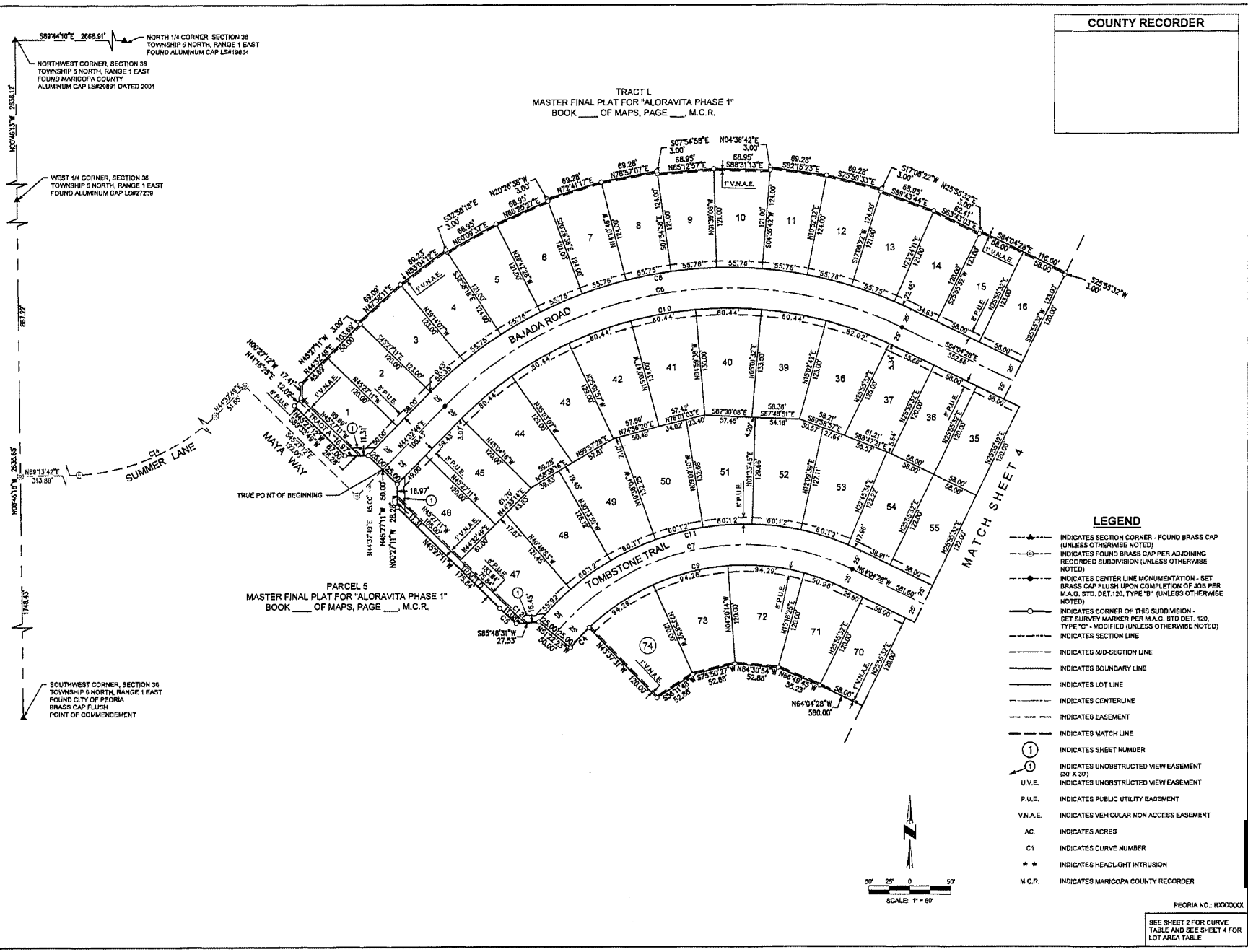
ALORAVITA PHASE 1 - PARCEL 6
PEORIA, ARIZONA

[redacted]

SHEET 2 OF 4

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

Printed By: Parker Print Date: July 7, 2014 Filename: N:\01\0232201\CADD\Plats 1\Parcel 6\DS\PH1\PS\FINAL\F21.dwg



COUNTY RECORDER

SEE SHEET 2 FOR CURVE TABLE AND SEE SHEET 4 FOR LOT AREA TABLE

PEORIA NO.: RXXXXXX

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

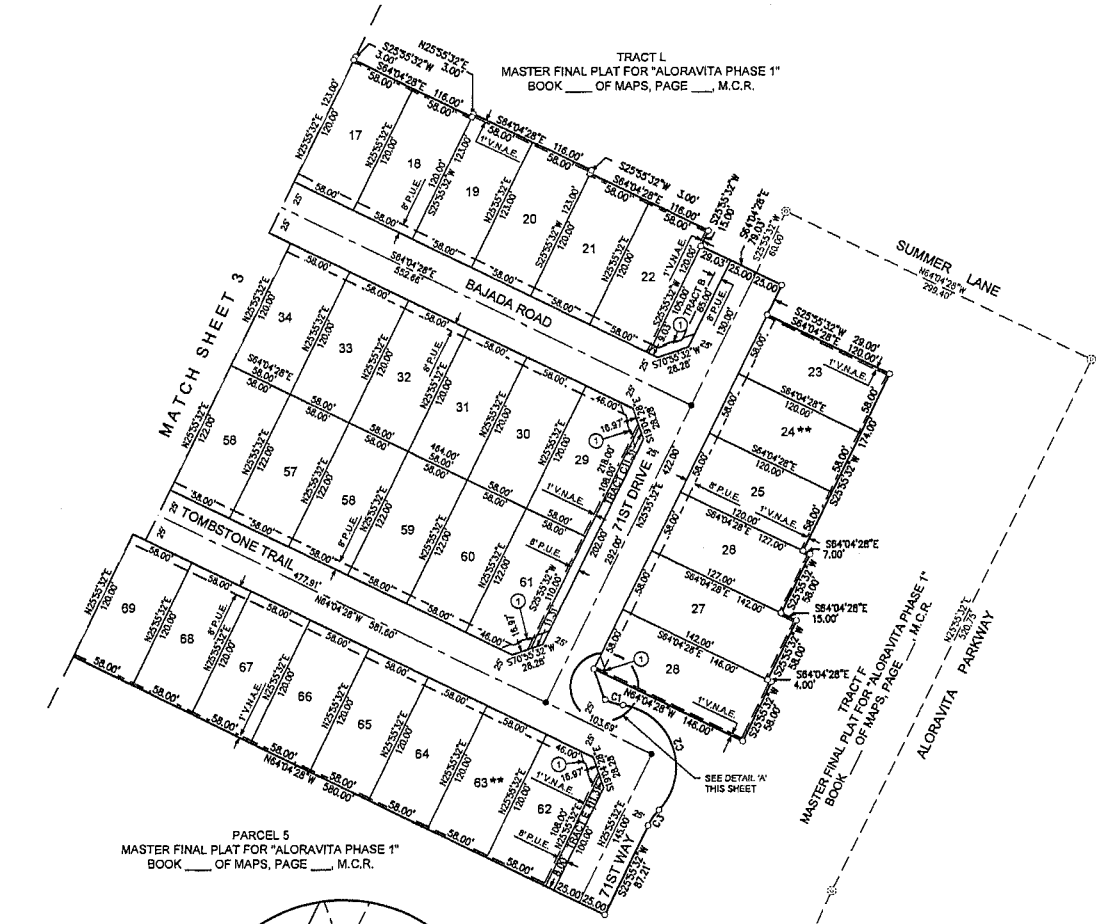
ALORAVITA PHASE 1 - PARCEL 6
PEORIA, ARIZONA

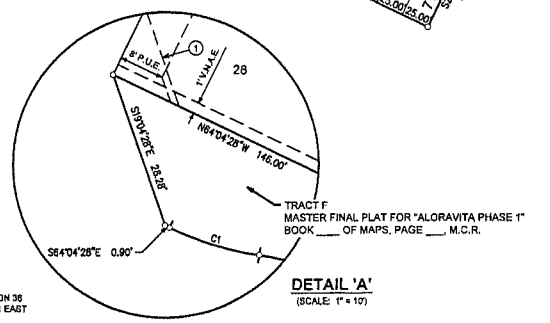
[redacted]

SHEET 3 OF 4

CVL Contact: R. WEED
CVL Project #: 01-0232201
CVL File #:

Plotted By: Parker Print Date: July 7, 2014 Filename: N:\01232201\CADD\Plats\FP05-PH1\FP05-FINAL1.dwg





SOUTHWEST CORNER, SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST
FOUND CITY OF PEORIA
BRASS CAP FLUSH

SOUTH 1/4 CORNER, SECTION 36
TOWNSHIP 5 NORTH, RANGE 1 EAST
FOUND BRASS CAP FLUSH - RLS 33851

JOMAX ROAD

LOT AREAS	
LOT NUMBER	AREA (SQUARE FEET)
1	6,852
2	6,960
3	7,637
4	7,670
5	7,503
6	7,503
7	7,710
8	7,710
9	7,503
10	7,503
11	7,710
12	7,710
13	7,503
14	7,185
15	7,134
16	7,134
17	6,960
18	6,960
19	7,134
20	7,134
21	6,960
22	6,960
23	6,960
24	6,960
25	6,960
26	7,386
27	8,236
28	8,466
29	6,655
30	6,960
31	6,960
32	6,960
33	6,960
34	6,960
35	6,960
36	6,960
37	7,473
38	6,817

LOT AREAS	
LOT NUMBER	AREA (SQUARE FEET)
39	8,972
40	9,114
41	9,143
42	9,115
43	8,971
44	8,711
45	7,452
46	7,247
47	8,836
48	8,985
49	9,286
50	9,493
51	9,576
52	9,368
53	8,841
54	7,354
55	7,076
56	7,076
57	7,076
58	7,076
59	7,076
60	7,076
61	7,004
62	6,888
63	6,960
64	6,960
65	6,960
66	6,960
67	6,960
68	6,960
69	6,960
70	6,960
71	8,022
72	8,926
73	8,926
74	8,026
TOTAL	565,181

SEE SHEET 2 FOR CURVE TABLE AND SEE SHEET 4 FOR LOT AREA TABLE

SCALE: 1" = 50'

PEORIA NO.: RXXXXXX

COUNTY RECORDER

CVL CONSULTANTS
4550 North 12th Street
Phoenix, Arizona 85014
602-264-6831
www.cvlci.com

NO.	REVISION	DATE

Coe & Van Loo Consultants, Inc.

FINAL PLAT

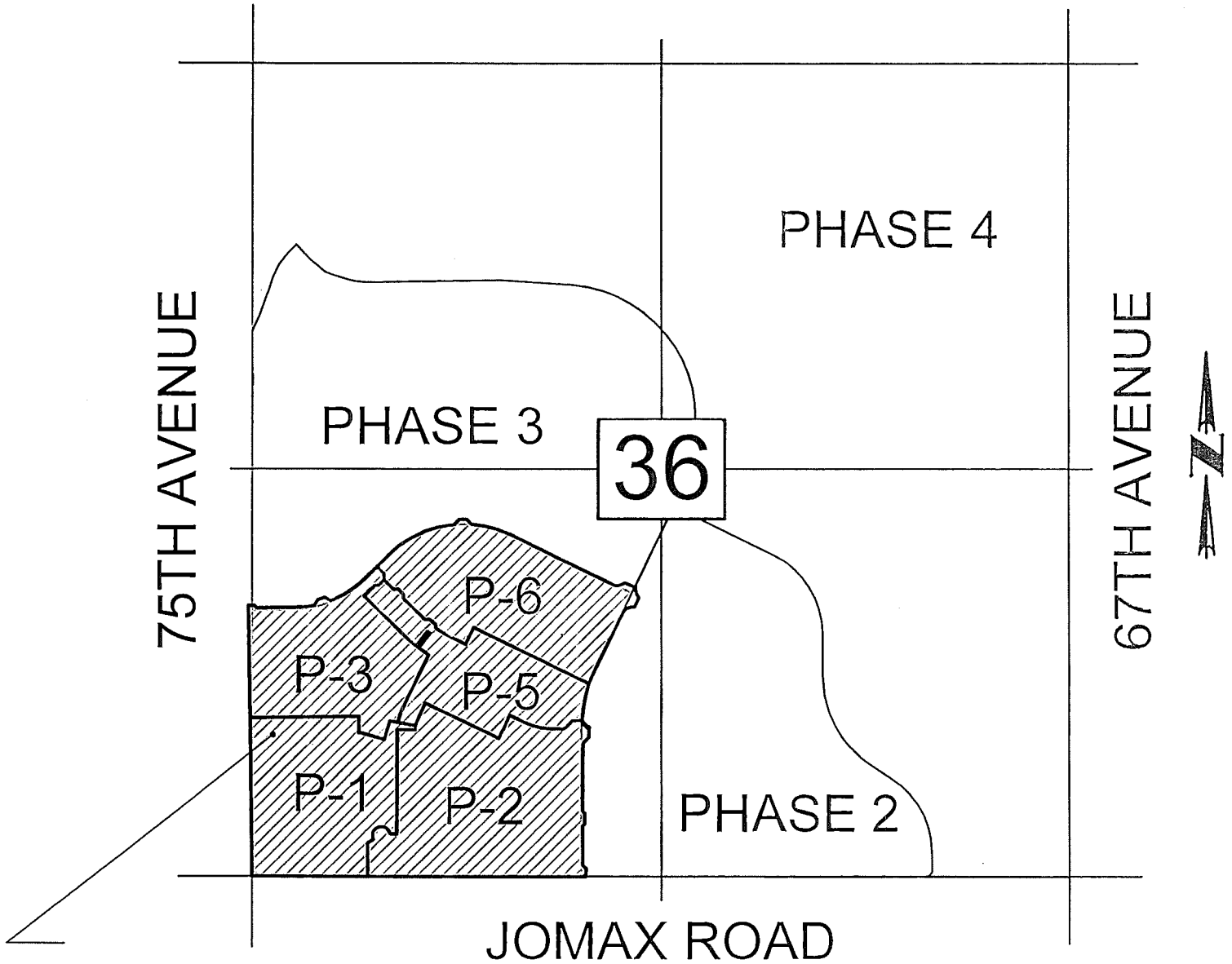
ALORAVITA PHASE 1 - PARCEL 6
PEORIA, ARIZONA

SHEET 4 OF 4

CVL Contact: R. WEED
CVL Project # 01-0232201
CVL File #

Plotted By: Fadbur Plot Date: July 7, 2014 Filename: K:\01\0232201\CADD\Phase 1\Final EDS\PH1\PS5\FPLAT\S3.dwg

ALORAVITA SUBDIVISION



VICINITY MAP

N.T.S.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 31R

Date Prepared: November 3, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning & Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: ANX 13-0003 – Armstrong/Martin Annexation

Purpose:

This is a request for City Council to hold a Public Hearing to hear any testimony deemed appropriate on the proposed annexation. No Council action can be taken at this time.

Background/Summary:

The City of Peoria is initiating a request on behalf of the property owners, Robert and Susan Armstrong, and John and Chris Martin, for annexation of two parcels of privately owned property totaling approximately 2.36 acres located south of the southeast corner of 89th Avenue and Patrick Lane. The subject property is more specifically depicted in the legal description and map attached to this report (Exhibit A). The property is contiguous to the City's jurisdictional boundaries, lies within the City's Planning Area (General Plan) and is in conformance with the adopted annexation policy.

The annexation process pursuant to A.R.S. §9-471 is briefly described below:

(a) Filing of blank petition with County Recorder by the City opens up a thirty (30) day waiting period to discuss the proposal – **COMPLETED**
(b) The City must then hold a public hearing (no action) to discuss the proposal within the waiting period – **CITY COUNCIL (11/25/2014)**
(c) At the conclusion of the 30-day waiting period, the municipality has up to 1-year to collect signatures satisfying the annexation "test." – **NOT COMPLETED**
(d) The City holds a final public hearing to consider and take action on the annexation request – **TBD**
(e) The annexation is effective 30 days upon adoption of the ordinance.

Under State Statute, a successful annexation requires the completion of a petition with (a) signatures of owners of one-half or more in value of the real and personal property; and (b) more than one-half of the persons owning real and personal property that would be subject to taxation by the City in the event of annexation.

Previous Actions:

No previous actions have been taken on this item.

Options:

A: Hold the first of two public hearings (no action) as required for annexation under A.R.S. §9-471.

Staff's Recommendation:

Hold the first of two public hearings required under A.R.S. §9-471 to begin proceedings to annex the subject property into the City.

Fiscal Analysis:

This request will not generate any direct budgetary impacts. However, should the Council elect to annex the property, the City would assume operational costs associated with the provision and maintenance of services for public safety, wastewater, transportation, recreation and general governance and would be the beneficiary of new property tax revenues. The parcels are located in the Rose Valley Water Company Service area, and therefore would not be served by the City's water distribution system. The City could potentially provide sewer collection service to the parcels, however the parcels are currently served by septic systems and there is no requirement for sewer connection at this time.

Narrative:

The parcels have each been developed as single-family residences and are currently zoned Rural-43 in the County, which retains a suburban/rural, one-acre lot minimum character. The Peoria General Plan Land Use designation is Residential Estate (0-2 du/ac, target of 1 du/ac). It is anticipated that should the property be annexed into the City, the comparable City zoning designation of SR-43 (Suburban Ranch) would be applied to the property at the time of initial zoning.

Exhibit(s):

Exhibit A: Legal Description (Written & Map)
Exhibit B: Vicinity Map

Contact Name and Number: Melissa Sigmund, Interim Principal Planner, x 7603

EXHIBIT A

ANX13-0003

LEGAL DESCRIPTION

PARCEL 1

THE SOUTH HALF OF THE NORTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

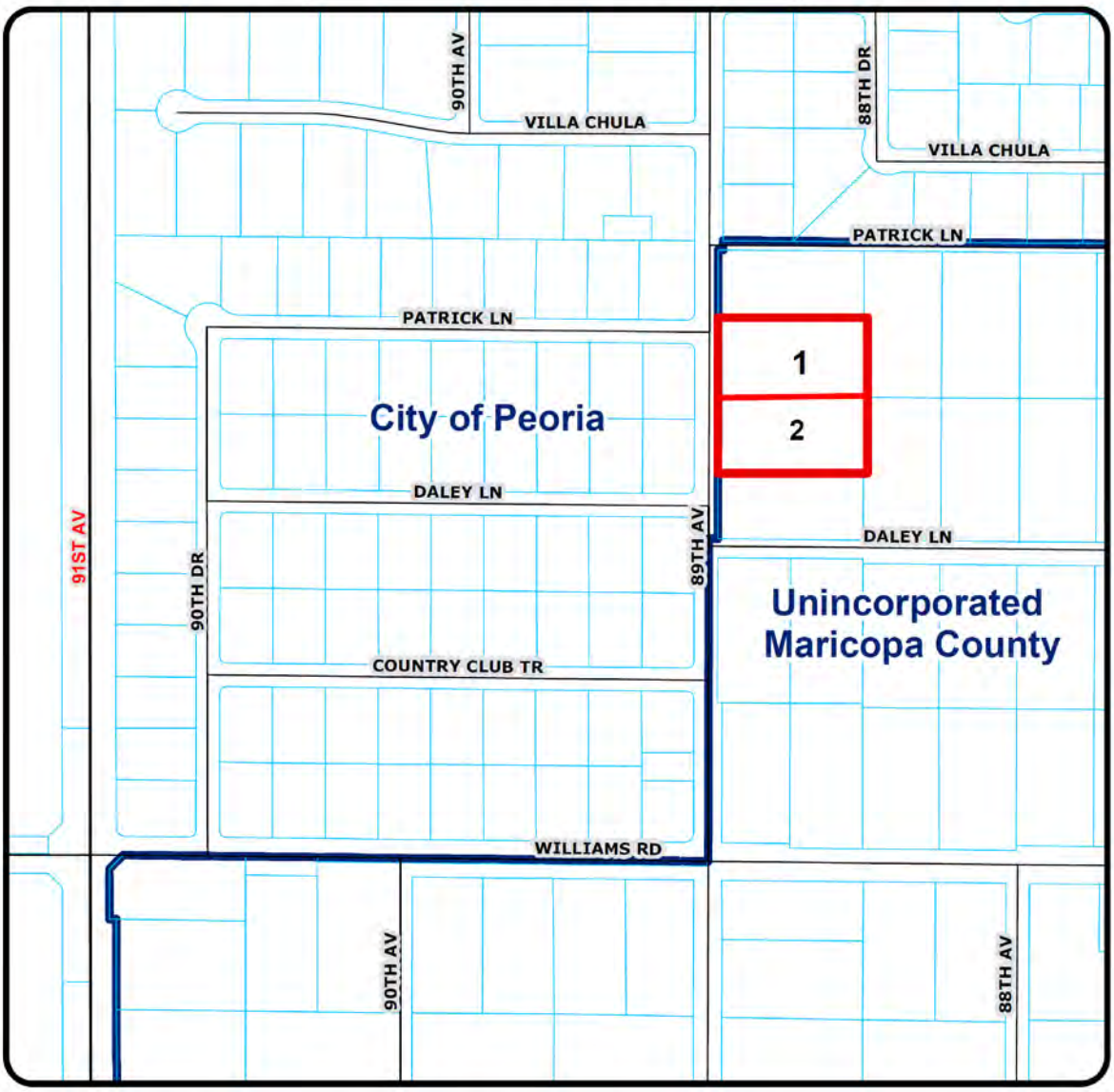
EXCEPT THE WEST 20 FEET THEREOF; AND

EXCEPT THE SOUTH 8 FEET RECORDED IN QUIT CLAIM DEED TO THE ROSE VALLEY WATER COMPANY, IN DOCUMENT NO. 2003-758071.

PARCEL 2

THE NORTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN

Parcel Map



ANX13-0003 Armstrong/Martin Annexation

Exhibit A

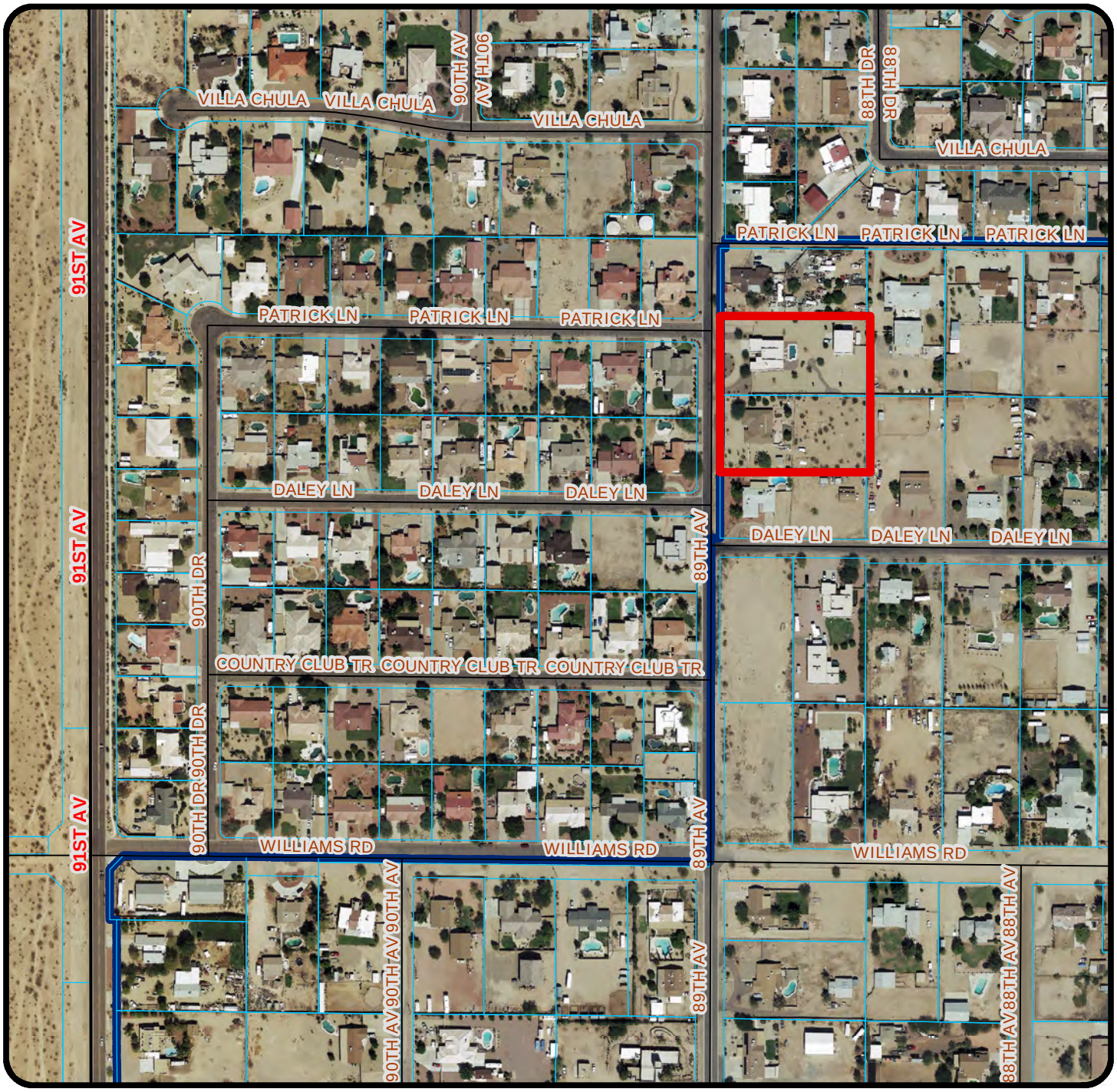
Proposed Annexation:
Parcel 1, 200-08-054C: 22907 N 89th Ave - Armstrong
Parcel 2, 200-08-054D: 22840 N 89th Ave - Martin

Total: 2.35 acres

N

Not to Scale

Vicinity Map



ANX13-0003 Armstrong/Martin Annexation

Exhibit B

Proposed Annexation:
200-08-054C: 22907 N 89th Ave - Armstrong
200-08-054D: 22840 N 89th Ave - Martin

Total: 2.35 acres

N

Not to Scale

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 32R

Date Prepared: November 18, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: CU14-0006 – Private Self Defense / Studio Martial Arts – Appeal Request

---

Purpose:

This is a request for City Council to hold a Public Hearing to consider an appeal of the Planning and Zoning Commission's decision on October 16, 2014 to approve a Conditional Use Permit to allow for a home occupation of a "martial arts studio for private instruction" as an accessory use to the single-family dwelling unit.

Background/Summary:

The subject site is an existing single-family residence, approximately 1.03 acres in size and located on the northeast corner of 81st Avenue and Country Gables Drive. The Applicant is the property owner and the master instructor for the Hwa Rang Do Phoenix Academy.

On October 16, 2014, Planning and Zoning Commission approved a Conditional Use Permit to allow for a home occupation of a "martial arts studio for private instruction" as an accessory use to the single-family dwelling unit. The private studio would be located within an existing accessory building in the northeast corner or the property, separate from the main residence.

Pursuant to Section 14-39-10.H of the Zoning Ordinance, any member of the public, including the applicant, may appeal a decision of the Planning and Zoning Commission to the City Council. Such appeal must be filed within 10 calendar days of the date of the hearing with the Planning and Community Development Department. Staff has received two letters of appeal from residents located to the south within the County Island (Exhibit A).

If the decision is appealed, the Mayor and Council make final determination to reverse, modify or affirm the Planning and Zoning Commission's decision pursuant to Section 14-39-10.H-2 of the Zoning Ordinance. The Council shall base its decision on the review criteria stipulated in the Zoning Ordinance, applicable law, the written findings previously issued by the Commission, and guidelines promulgated by the Planning and Community Department.

Conditional Use Permit – Review Criteria

Pursuant to Section 14-39-10.E, Conditional Use Permits must be reviewed against the following decision criteria:

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.
2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional or Special Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.
4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.
5. Whether the use complies with all applicable city codes, standards, and guidelines governing such use.
6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
    a. Damage or nuisance arising from noise, smoke, odor, dust vibration, or illumination;
    b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
    c. Ingress and egress to the property and proposed structures;
    d. Pedestrian and vehicular circulation with particular reference to fire protection;
    e. Parking and loading; and
    f. Impact on public services, including schools, utilities, and recreation.
7. The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) the property that is the subject of the Conditional Use Permit or has determined that the absence of such Waiver of Proposition 207 is consistent with the City's General Plan and Zoning goals and regulations. (See Exhibit 6)

Planning & Zoning Commission Public Hearing (October 16, 2014)

In the staff report to the Planning and Zoning Commission, staff indicated that the proposed use is consistent with the definition of a home occupation and that the use met criteria as stated in the recommended findings. The Planning and Zoning Commission staff report and corresponding exhibits are shown in Exhibit 2.

As outlined in the report and presentation to the Commission, martial arts studios are typically classified as a commercial business and located within a retail or employment center. In this application, the property owner seeks to scale down from a commercial operation and is proposing limited hours and classes in the private setting of an accessory building located on his residence. “Employees” of the business are limited to the property owner and his son who both reside at the residence. While the proposed use is considered atypical for an accessory use, it is similar in many aspects to a “preschool or daycare center”, which is allowed as a conditional use within the SR-43 district. Accordingly, staff compared the private martial arts studio using a “preschool or daycare center” as a baseline in determining conformance with the Conditional Use Permit criteria. Based on the results of staff’s analysis, the proposed use is similar to, and in some instances less intense than a preschool or daycare center which is also allowed with a Conditional Use Permit within residential districts.

Section 14-39-6 of the Zoning Ordinance requires a Notice of Application and Notice of Hearing to be provided to each owner of real property within six hundred (600) feet of the subject site, along with home owner association’s within one (1) mile, along with publication in the Peoria Times and on-site posting. As a requirement of this Conditional Use Permit application, a citizen participation component was required.

A neighborhood meeting was held at the Paso Verde Christian Church for this request. Five county property owners attended the meeting and expressed their concerns about allowing more businesses in the neighborhood, generation of more traffic, parking and noise. Subsequent to submitting the citizen participation report, the Applicant modified their proposal to reduce their number of days based on these conversations in order to minimize impacts to the existing residents located across to south of the residence on Country Gables Drive. (Businesses surround the accessory structure to the north, east and west of the property.)

As of the day of the hearing, staff received 25 letters of support from neighbors, 7 letters of support from past/present students, along with 1 letter and 3 phone calls in opposition to the request. These are included in Exhibits E through G of the Planning and Zoning Commission staff report, located in Exhibit 2 of this report. A number of these citizens, both in support and opposed to the application presented their views at the Commission hearing.

The Planning and Zoning Commission examined staff analysis and gave consideration to public testimony regarding this proposal. Based on the findings presented, the Planning and Zoning Commission voted unanimously to approve the requested Conditional Use Permit subject to Conditions 1-7 as contained in the staff report.

<u>Appeal of Planning & Zoning Commission Action</u>

Staff received two letters of appeal of the Planning and Zoning Commission’s decision to approve this request in accordance with Section 14-39-12.H. The concerns raised included allowing a business in the neighborhood, crime, noise, traffic and diminution of home value.

The applicant requested copies of the letters, and the appellants' concerns were forwarded to the applicant by staff. Copies of the appellants' letters are provided in Exhibit 3. Subsequent to the appeal deadline, a total of ten letters of opposition were received from residents within the unincorporated area, which are provided in Exhibit 4. The applicant has responded to the concerns in writing. This response is included within the Council Communication as Exhibit 5.

Previous Actions:

This request has been subject to the City's Conditional Use Permit process according to Section 14-39-12 of the Peoria Zoning Ordinance. A public hearing was held for this item at the October 16, 2014 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously approved this request with a 7-0 vote, subject to Conditions 1-7 as contained in the staff report. The October 16, 2014 Commission meeting minutes are provided in Exhibit 6.

Options:

Based upon written findings previously issued by the Commission, applicable law, the review criteria stipulated in the Zoning Ordinance, and guidelines promulgated by the Planning and Community Development Department, the City Council may:

A: Affirm decision of Planning & Zoning Commission; or
B: Affirm with modifications; or
C: Reverse; or
D: Continue action to a date certain if applicant is in concurrence with said request.

If the City Council reverses or modifies the decision of the Commission, the Council shall direct the City Attorney to prepare written findings setting forth the basis for reversal or modification.

Staff's Recommendation:

Staff recommends that the City Council affirm the Planning and Zoning Commission's October 16, 2014 recommendation (7-0) to approve Case CU14-0006.

Fiscal Analysis:

This request is not expected to have budgetary impacts to the City.

Narrative:

No further action would be necessary.

Exhibit(s):

Exhibit 1: Vicinity Map
Exhibit 2: October 16, 2014 Planning and Zoning Commission Staff Report with Exhibits
Exhibit 3: Letters of Appeal
Exhibit 4: Letters of Opposition
Exhibit 5: Applicant's Response Letter
Exhibit 6: Minutes of the Planning and Zoning Commission

Contact Name and Number: Lorie Dever, Planner, x5168

Vicinity Map

CU14-0006 Private Self Defense/Martial Arts Studio - Appeal Request

Not to Scale

Applicant: Jeff Blilie on behalf of Mr. and Mrs. Elliott

Request: To consider an appeal of the Planning and Zoning Commission's decision on October 16, 2014 to approve a Conditional Use Permi to allow for a home occupation of a "martial arts studio for private instruction" as an accessory use to the single-family dwelling unit.

Location: Northeast corner of 81st Avenue and Country Gables Drive

Exhibit 1

Exhibit 2
October 16, 2014 Planning and Zoning Commission
Staff Report and Exhibits

CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU14-0006

DATE: October 16, 2014

AGENDA ITEM: 3R

Applicant: Jeff Blilie for Timothy and Susan Elliott

Request: Obtain a Conditional Use Permit (CUP) to allow a private self defense/martial arts studio.

Proposed Business: Hwa Rang Do Phoenix Academy

Location: Northeast corner of 81st Avenue and Country Gables Drive

Site Area: Approximately 840 square feet

Support / Opposition: As of the date of this printing, Staff has received 25 letters of support from neighbors and 7 letters from past and present students, along with 1 letter and 3 phone calls of opposition to this request.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: *Existing Land Use, General Plan Designation, Current Zoning. (Exhibits A, B & C)*

	Land Use	General Plan	Zoning
Subject Property	**Single-Family Residential**	**Residential Estate (0-2 du/ac)**	**Suburban Ranch (SR-43)**
North	Single-Family Residential	Residential Estate (0-2 du/ac)	Suburban Ranch (SR-43)
South	Single-Family Residential	Residential Estate (0-2 du/ac)	Maricopa County (RU-43)
East	Single-Family Residential	Residential Estate (0-2 du/ac)	Suburban Ranch (SR-43)
West	Religious/Worship Facility	Residential Estate (0-2 du/ac)	Suburban Ranch (SR-43)

LAND USE BACKGROUND

1. In December 1977, the property was annexed into the City of Peoria. Pursuant to Arizona State Statute and the Peoria City Code, the City must assign City zoning to the annexed property following the official adoption of the annexation. Per State Statue, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation.

2. The subject property had a Maricopa County Rural-43 (minimum lot of 1-acre or 43,560 sf) District designation, which is "primarily intended to conserve and protect farms and other open land uses…" The closest City of Peoria zoning category to the County designation at that time was City of Peoria General Agricultural District (AG).

3. At the time the equivalent zoning district was established for the parcel, the minimum size for a property zoned AG was five (5) acres. Since the subject property did not meet the minimum size requirement at the time of annexation, the undersized parcel was considered legally non-conforming, or "grandfathered".

4. The Peoria City Council approved the Applicant's request to rezone the property from General Agricultural (AG) to Suburban Ranch (SR-43) on September 14, 2014 to bring an undersized parcel into conformance with development standards.

PROJECT DESCRIPTION

Request and Development Details

5. The Applicant is requesting a conditional use permit to allow for a home occupation of a "marital arts studio for private instruction" as an accessory use to the single-family dwelling unit. The private studio would be located within an existing accessory building in the northeast corner or the property, separate from the main residence.

6. Proposed hours of operation would be from 4:15pm to 8:00pm on Monday and Wednesday, and 5:30pm to 8:00pm on Tuesday and Thursday. There would be a maximum of 3 classes (or sessions) per day on Monday and Wednesday, and 2 classes per day on Tuesday and Thursday.

7. Majority of the students are family members, such as husband and wife, father and son, or siblings. Additionally, students are regularly paired up for practice, so an even number of students per class is preferred. The Applicant's proposal identifies a maximum of 6 students per each session, but no more than 15

students a day on Monday and Wednesday, and no more than 10 students a day on Tuesday and Thursday.

8. Classes are approximately 45 minutes in duration, and the anticipated class schedule would be similar to the following:

Hours	Monday	Tuesday	Wednesday	Thursday
4:30-5:15pm	Kids Session (1st to 6th grade)		Kids Session (1st to 6th grade)	
5:45-6:30pm	Teen Session	Teen Session	Teen Session	Teen Session
7:00-7:45pm	Adult Session	Adult Session	Adult Session	Adult Session
Total	Max 6 students per session, but no more than 15 students per day	Max 6 students per session, but no more than 10 students per day	Max 6 students per session, but no more than 15 students per day	Max 6 students per session, but no more than 10 students per day

9. The property owner is also the master instructor for the academy, and would conduct the majority of the sessions. His son resides at the property and is the substitute instructor when the master is unavailable.

DISCUSSION AND ANALYSIS

Applicability

10. Home occupations are allowed in any residential district, including SR-43 as a permitted accessory use if the home occupation is in accordance with Article 14-3, “General Provisions”.

11. Within General Provisions of the Zoning Ordinance, Article 14-3-9 “Home Occupations” specifically outlines the standards which are intended to ensure compatibility of the intended home occupation with the residential character of the neighborhood. Home Occupations may be permitted as an accessory use if they comply with applicable standards and are not identified as an expressly prohibited use. If a proposed home occupation does not meet all of the stated criteria, it may still be allowed if a conditional use permit is obtained.

12. The proposed home occupation would have more than one (1) visitor at any one time, and more than two (2) visitors per hour as outlined in the criteria within Article 14-3.B.1.e. Therefore, a Conditional Use Permit would be necessary to allow the home occupation to occur at the residence.

Analysis

13. Home Occupation is defined within the Article 14-2 of the Zoning Ordinance to mean “an occupation carried out solely by the occupant of the residence that is subordinate or incidental to the primary function of the principal residence or dwelling unit”.

14. Martial arts studios are typically classified as a commercial business and located within a retail or employment center. In this application, the property owner is scaling down from a commercial operation and proposing limited hours and classes in the private setting of an accessory building located on his residence. Additionally, “employees” of the business are limited to the property owner and his son who both reside at the residence. As a result, the size and scale of the proposed private martial arts studio is significantly less than a commercial studio and appears consistent with the definition of a home occupation within Article 14-2 of the Zoning Ordinance.

15. While the proposed use is considered atypical for an accessory use, it is similar in many aspects to a “preschool or daycare center”, which is allowed as a conditional use within the SR-43 district. Accordingly, staff compared the private martial arts studio using a “preschool or daycare center” as a baseline.

16. “Preschool or daycare centers” (hereinafter referred to as Preschool) would be allowed up to ten students per day, five days a week; resulting in a total of 50 students. The proposed private martial arts studio would similarly allow up to 50 students within a condensed four day schedule.

17. Preschool centers generally have two distinct drop-off times and potentially up to three (staggered) pick-up times each day, which accounts for the majority of the vehicular traffic associated with the business. In comparison, the martial arts studio would have three drop-off and pick-up times on Monday and Wednesday, and two drop-off and pick-up times on Tuesday and Thursday. The condensed four day schedule contributes to the additional number of events on the two days; however, looking at the number of trips in totality, the overall number is less.

18. Based on previous history of enrollment, the majority of the students utilizing the private studio will likely continue to be family members, so a reasonable number of students are expected to carpool together. For a Preschool, it is typical to expect one vehicle per student. Thus, the private studio is expected to generate less number of vehicular trips compared to a Preschool.

19. The surrounding area is primarily comprised of large lot residences; however, there are several schools, churches and commercial businesses within the immediate area which account for the majority of existing vehicular traffic already on 81st Avenue and Country Gables Drive. These organizations and businesses regularly have events outside of normal core business hours; both during the

week, as well as on the weekends. In staff's judgment, resulting traffic from the private studio during peak periods during drop-off and pick-up times would not create an unusual volume of traffic in comparison with existing volumes.

20. Unlike a Preschool where students utilize outside playground area, all instruction and operations for the business will be conducted internal to the (accessory) building. No outdoor classes or activities are proposed.

21. Parents electing to stay on the property during the kid's sessions will be directed to wait inside the residence until class has concluded.

22. The residence has a large driveway and parking area to the west of the main residence, facing a religious facility located to the west of the site. Parking for the private studio will be accommodated within the existing driveway area and away from adjoining neighbors to the south of the residence.

23. The accessory structure in the northeast corner of the property is located at the furthest point away from adjacent residences to the south, and is adjacent to a commercial stable located directly north and east of the residence. The accessory building is similar to and indistinguishable from the character of the existing residence. Visibility of the structure from both streets is minimized due to the wall and landscaping adjacent to the street.

24. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

    a. The permit was obtained by fraud or misrepresentation;
    b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
    c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
    d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Noticing and Neighborhood Comment

25. Section 14-39-8.E of the Peoria Zoning Ordinance requires the applicant of a rezoning request to hold at least one neighborhood meeting. A neighborhood meeting was also required for the Rezoning application. A combined citizen participation meeting addressing both the Rezoning and Conditional Use Permit applications was held at the Paseo Verde Christian Church on June 2, 2014.

The Applicant notified all property owners within a 600 foot radius of the site and all registered Homeowner's Associations within 1 mile for the required neighborhood meeting.

26. As indicated in the Citizen Participation Report prepared by the property owner, there were a total of five county property owners that attended the meeting and commented on the project. See attached Exhibit E, Applicant's Citizen Participation Report.

27. As part of the Applicant's report, they identified the following primary questions and concerns from neighboring residents as listed below. The Applicant's original response to those concerns is noted in italics.

    Subsequent to submitting the report, the Applicant modified their proposal to reduce their number of days based on these conversations in order to minimize impacts to the existing residents located across to south of the residence on Country Gables Drive. (Businesses surround the accessory structure to the north, east and west of the property.)

    - The main concern of the neighbors on the south side of Country is that they did not want any more businesses, of any type in the neighborhood.

      The proposed home occupation use is an extremely low intensity use that will have no impact on the character of the neighborhood. There are two churches and a number of home occupations in the general area, including a rather large church across the street.

    - Concern that more traffic, parking and noise will be bad for their neighborhood.

      Traffic: The hours of operation of the private school (Mon-Friday 4:30-8pm and Saturday 11-2pm) would also help mitigate these concerns. The work week class hours in the early evenings Monday thru Friday are the same time as rush hour when traffic impacts are the highest; therefore any traffic generated by students would seem minimal during this time.

      Also the Saturday class hours are during low-impact traffic times, and with a typical class of 5 to 6 students inside the building at one time, the traffic generated would be very low impact during the weekend.

      <u>Note:</u> Applicant has modified proposal hours of operation to be 4:15pm to 8:00pm on Monday and Wednesday, and 5:30pm to 8:00pm on Tuesday and Thursday.

      Parking: There is sufficient parking space inside the Elliott's 1-acre property for vehicles to be accommodated. The Elliott's will assure that their students or visitors will not be allowed to park outside of the Elliotts' property.

Noise: The Elliott's believe that the current location of the accessory structure, just under 840 square feet, in the far northeast corner of the lot, would not present a noise issue due to the large 1-acre size of the property, and that it is bound on the north and east side by a large buffer property used for horse stables. The accessory structure is also built with thick concrete masonry block walls and would by itself block much of the noise emanating from the small building when martial arts classes are in session. The Elliott's have also placed attractive wooden screen walls on the interior of the property that effectively block the view of the proposed studio in the far northeast corner of the property. These walls will also help mitigate noise and block the view from the street, adding privacy to the property. Also, there are numerous trees and shrubs along the south property boundary that mitigate these same noise and potential nuisance issues.

Meanwhile the very large adjacent horse property on the north and east sides of the site will further mitigate any noise or nuisance that may be observed from surrounding properties and the adjacent streets.

28. Staff has received a number of inquiries regarding this case and/or in support of or opposition to this case. There are 25 letters of support from adjacent residents as shown in Exhibit E. Seven letters of support from past and present students are provided in Exhibit F. Staff received one letter (Exhibit G) and three phone calls in opposition from adjacent residents.

Proposition 207

29. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of their property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the Applicant has furnished a signed and notarized Proposition 207 Waiver.

FINDINGS AND RECOMMENDATION

30. Based on the following findings:

- The request is consistent with the definition of a home occupation;
- The proposed use is similar to, and in some instances less intense than a preschool or daycare center which is also allowed with a Conditional Use Permit within residential districts;
- The request is compatible and consistent with the surrounding context and uses in the vicinity of the project;
- The home occupation will operate in a manner that will minimize and/or mitigate any impacts on the surrounding properties.

It is recommended that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU14-0006, subject to the following conditions:

1. The use shall substantially conform to the Site Plan (Exhibit C) as contained in the staff report to the Planning & Zoning Commission dated August 6, 2014.
2. The use shall not commence until a building permit is obtained for the accessory structure in the northeast corner of the property.
3. All activities will occur within an enclosed building. No outside classes or practices shall be permitted.
4. Hours of operation shall be limited to 4:15pm to 8:00pm on Monday and Wednesday, and 5:30pm to 8:00pm on Tuesday and Thursday.
5. There shall be a maximum of three (3) classes per day on Monday and Wednesday, and two (2) classes per day on Tuesday and Thursday.
6. A maximum of six (6) students per each session, but no more than 15 students a day on Monday and Wednesday, and no more than 10 students a day on Tuesday and Thursday.
7. No commercial advertising or signage is allowed on site.

Attachments:

Exhibit A	Vicinity / Aerial Map
Exhibit B	Zoning Map
Exhibit C	Site Plan
Exhibit D	Citizen Participation Report
Exhibit E	Letters of Support from Residents
Exhibit F	Letter of Support from Past/Present Students
Exhibit G	Letter of Opposition from Residents

Prepared by: Lorie Dever
Planner

Vicinity Map

CU14-0006 Private Self Defense/Martial Arts Studio

Applicant: Jeff Blilie on behalf of Mr. and Mrs. Elliott

Request: Obtain a Conditional Use Permit (CUP) to allow a private self defense/martial arts studio.

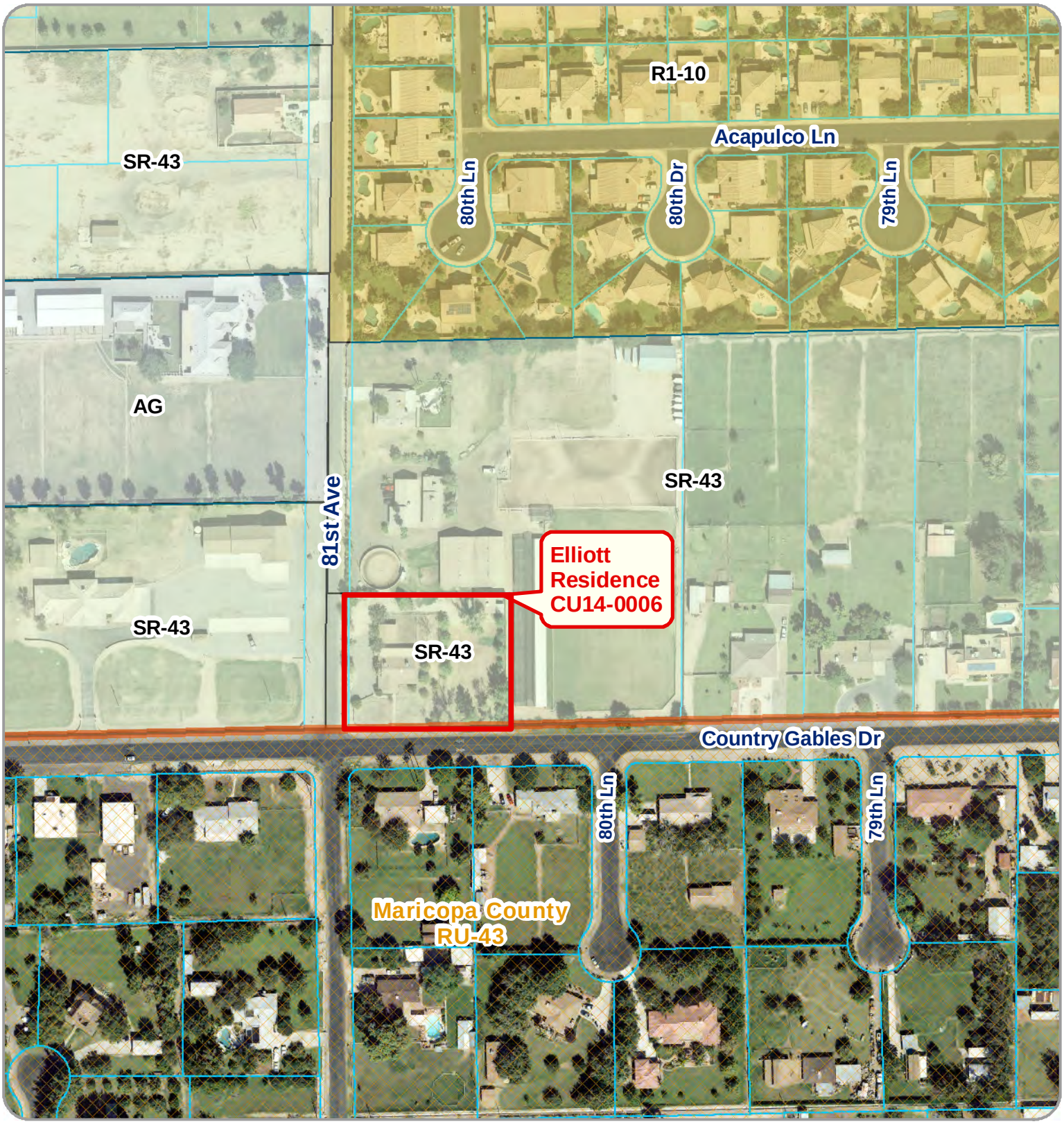
Location: Northeast corner of 81st Avenue and Country Gables Drive

N

Not to Scale

Exhibit A

Existing Zoning Map



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Request: Obtain a Conditional Use Permit (CUP) to allow a private self defense/martial arts studio.

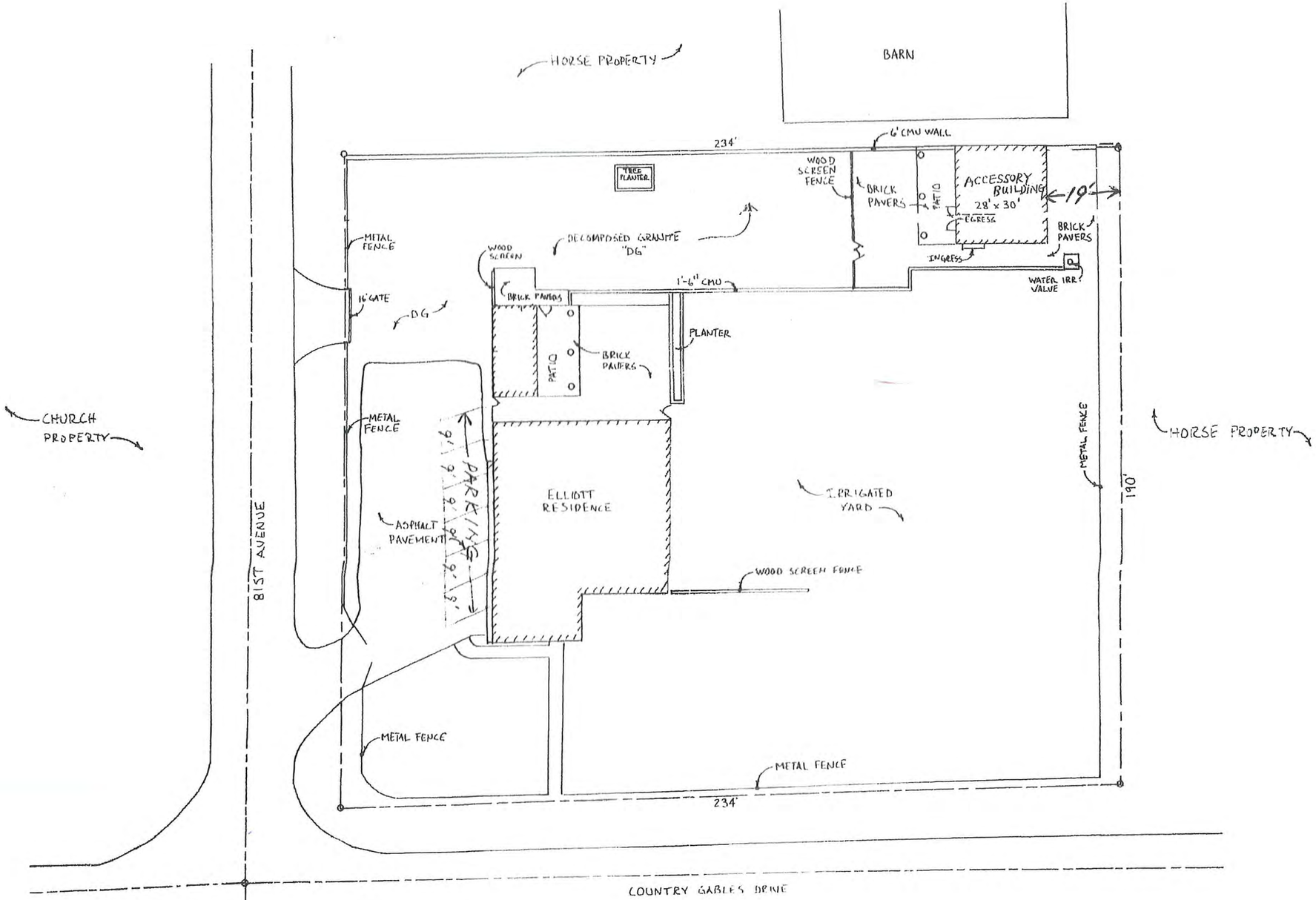
Location: Northeast corner of 81st Avenue and Country Gables Drive

N

Not to Scale

Exhibit B

Exhibit C
Site Plan



ELLIOTT RESIDENCE
8[redacted]W. COUNTRY GABLES DR.
PEORIA ARIZONA 85381
EXISTING CONDITIONS MAP

RENTENTION CALCULATIONS

TOTAL LOT SIZE: 44,956 SF

IRRIGATED AREA: 19,684 SF

Volume (required) = C*A*P/2

0.60*44,956*2.4/12=5,395 CF

C=0.60, Area=44,956 SF, P=2.4 inches

Volume (provided) = (Irrigated area)*(depth of irrigated area) = 19,684*0.33=6,462 CF

RECEIVED
AUG 2014
CU14-0006
2nd

Exhibit D
Applicant's Citizen
Participation Report

To: Lorie Dever, City of Peoria

Re: Neighborhood Meeting Summary about the Elliotts' Rezoning (Z14-0005) and Conditional Use Permit (CU14-0006)

The Elliotts sent a two page letter, on May 19, 2014 to 42 recipients who are on the neighborhood ownership list generated by the City of Peoria Planning Department prior to the meeting. All land owners within 600 feet of the boundary (Per Peoria Zoning Ordinance 14-39-6) were sent mailers describing the neighborhood meeting and the fact that the Elliotts were applying for a Re-zoning application and Conditional Use Permit (CUP). The same letters were also sent to any Neighborhood Association and/or Home Owners Association within a 1-mile radius of the site. Also, a sign announcing the variance has been posted at the front of the Elliotts driveway (in a conspicuous location) by the City of Peoria along 81st Avenue ingress driveway entrance, near the Right of Way (R.O.W.) that announces the upcoming meetings, times and location of said meetings.

The neighborhood meeting was held on June 2nd, 2014 at the Paseo Verde Christian Church located 7569 W. Greenway Rd. Peoria, AZ 85381.

Those who attended this meeting were:

- Vice-mayor Dr. Ron Aames and City staff Lorie Dever
- Timothy and Susan Elliott
- 5 Maricopa County residents: Robert Strom, Fred and Darlene Treguboff, William Zobava, and Dadley Westerfield
- 7 adults and 1 child in support of the Elliotts: Max Enterline, Melissa and Michael Cocanower, Melissa and Frank Larance, S[redacted] Larance, Eddie Woods, and Brian Reed

Here are concerns and questions raised by the county side residents and responses given by the Elliotts during the meeting:

- The main concern of the neighbors on the south side of Country Gables in the County island were, that they did not want any more businesses, of any type in the neighborhood. This includes the Elliotts proposed private martial arts studio, the CUP case. The neighbors who attended were not very concerned about the re-zoning case from AG to SR-43.

  The proposed home occupation use is an extremely low intensity use that will have no impact on the character of the neighborhood. There are two churches and a number of home occupations in the general area, including a rather large church across the street. The neighbors that were voicing their concerns consisted entirely of those persons living in a pocket of unincorporated Maricopa County.

- These neighbors expressed concern that more traffic, parking and noise will be bad for their neighborhood.

  Traffic: *The Elliotts believe the impacts will be minimal to non-existant. The Vice Mayor seemed to support this position when he stated during the neighborhood meeting that the traffic impact would be found to be very minimal if a traffic study was conducted. The hours of operation of the private school (Mon-Friday 4:30-8pm and Saturday 11-2pm) would also help mitigate these concerns. The work week class hours in the early evenings Monday thru Friday are the same time as rush hour when traffic impacts are the highest; therefore any traffic generated by students would seem minimal during this time. Also the Saturday class hours are during low-impact traffic times, and with a typical class of 5 to 6 students inside the building at one time, the traffic generated would be very low impact during the weekend.*

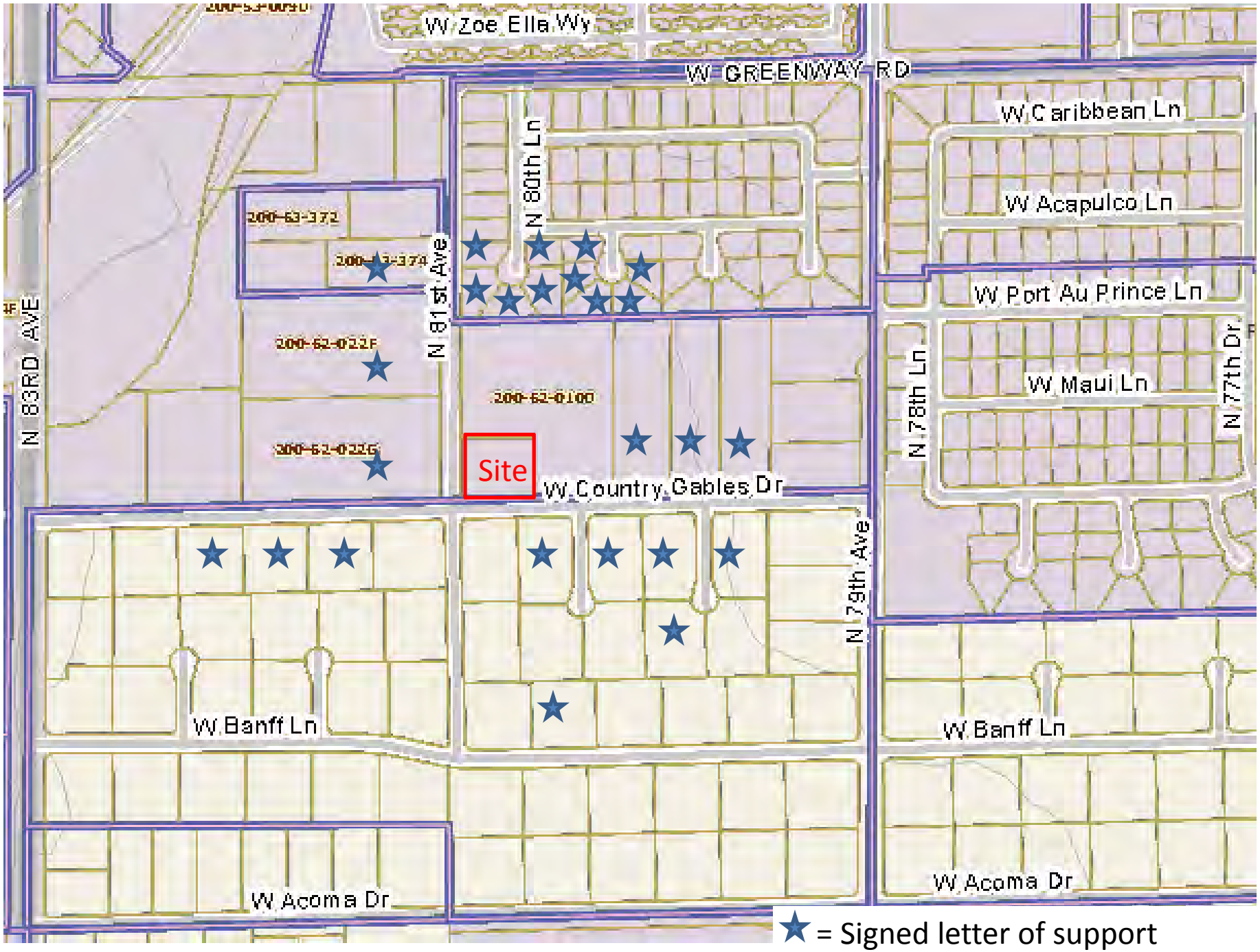
  Parking: *There is sufficient parking space inside the Elliotts 1-acre property for vehicles to be accommodated. The Elliotts will assure that their students or visitors will not be allowed to park outside of the Elliotts' property.*

  Noise: *The Elliotts believe that the current location of the accessory structure, just under 840 square feet, in the far northeast corner of the lot, would not present a noise issue due to the large 1-acre size of the property, and that it is bound on the north and east side by a large buffer property used for horse stables. The accessory structure is also built with thick concrete masonry block walls and would by itself block much of the noise emanating from the small building when martial arts classes are in session. The Elliotts have also placed attractive wooden screen walls on the interior of the property that effectively block the view of the proposed school in the far northeast corner of the property. These walls will also help mitigate noise and block the view from the street, adding privacy to the property. Also, there are numerous trees and shrubs along the south property boundary that mitigate these same noise and potential nuisance issues. Meanwhile the very large adjacent horse property on the north and east sides of the site will further mitigate any noise or nuisance that may be observed from surrounding properties and the adjacent streets.*

Exhibit E
Letters of Support from Residents

600 ft radius from Elliott's residence (8030 W Country Gables Dr. Peoria, AZ 85381)

	Name	Address	Jurisdiction	Who has already signed for the support letter
1	ABBERTON STEPHEN J / EILEEN TR	[redacted]	City of Peoria	*
2	ALSOBROOK TROY/RHONDA		City of Peoria	*
3	BELMONTEZ AGUSTIN JR/MONICA		City of Peoria	*
4	BELT BRADLEY W		City of Peoria	
5	BLOOMQUIST KEVIN L/ANDREA R		City of Peoria	*
6	BOUTHILLIER FAMILY TRUST		Maricopa County island	
7	BROWN THOMAS B SR/YVONNE L		City of Peoria	*
8	BUTLER L N III/JUDITH A		Maricopa County island	
9	CLIFFORD HOWARD W/BONNIE J		Maricopa County island	
10	COLBERG JOERG E/URSULA M TR		City of Peoria	
11	COLE JOSEPH R		City of Peoria	*
12	CRAFT SCOTT L/ANITA P		City of Peoria	*
13	CUEVAS MICHAEL F/HOKE JULIE L		Maricopa County island	*
14	DUMESNIL BRIAN/KAREN		City of Peoria	
15	FLORES VICTOR Y/FRIEDA A		City of Peoria	*
16	FRITZLER DOUGLAS C/NANCY S		Maricopa County island	
17	GALIZIA GIUSEPPA/JESSICA		City of Peoria	*
18	GANEM JEFF CHARLES/DEBORAH LYNN		City of Peoria	*
19	GUTIERREZ JUAN JR		City of Peoria	*
20	HAMILTON JOE F/BARBARA C TR		Maricopa County island	
21	HOOLEY CRISTINA Y		City of Peoria	*
22	JUDITH W SCHMIDT REVOCABLE TRUST/SCHMIDT GERA		Maricopa County island	
23	MENDEZ BRITTNEY		Maricopa County island	*
24	PRINS HENRI		City of Peoria	*
25	REDEEMED CHURCH OF GOD		City of Peoria	*
26	SALEM JAMES R/DEBRA L		Maricopa County island	*
27	SHIRLEY MAE HOLLY REVOCABLE TRUST		Maricopa County island	
28	STRICKLAND MARCUS L JR / PATRICIA M		Maricopa County island	*
29	STROM ROBERT A/MALINDA		Maricopa County island	
30	THURMAN RYAN		Maricopa County island	*
31	TREGUBOFF FRED/PATSY DARLENE TR		Maricopa County island	
32	TRIMBLE DENNIS C/MARILYN J TR		City of Peoria	*
33	UHRIK OTTO		Maricopa County island	*
34	WEBB STEVEN E/JILL D		Maricopa County island	*
35	WESTERFIELD D C/PATRICIA E TR		Maricopa County island	
36	WHALEN ANDREW F/JANE D		City of Peoria	*
37	WOMACK DONALD D / CHERYL M		Maricopa County island	*
38	WRIGHT LYLE DEE/ELLYN JEAN/TRACY TODD		Maricopa County island	*
39	ZOBAVA WILLIAM G/KAREN D TR		Maricopa County island	
				25
			City of Peoria: 19 County island: 20	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W GREENWAY RD
W Caribbean Ln
W Acapulco Ln
W Port Au Prince Ln
W Maui Ln
N 77th Dr
N 78th Ln
N 79th Ave
N 80th Ln
N 81st Ave
N 83RD AVE
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200-62-022F
200-62-0100
200-62-022G
Site
W Country Gables Dr
W Banff Ln
W Banff Ln
W Acoma Dr
W Acoma Dr
= Signed letter of support

To: City of Peoria Planning and Zoning Commission

Subject: Conditional Use Permit for Mr. Elliott's Private Martial Arts Studio

Dear Planning and Zoning Commission members:

Please let this letter serve as support for the Conditional Use Permit that is needed in order for Mr. Tim Elliott to operate a private martial arts studio on his residence. As of April 2013, Mr. Elliott purchased this property at 8030 W. Country Gables Dr. and, along with his family, has been working continuously to improve the structures on it and the surrounding landscape. During this time, he has been a very good neighbor and a positive member of the community.

As a direct neighbor of Mr. Elliott, I have no problem with him operating a private studio on his residence and I understand that his private studio can be run as a home occupation on his property with a CUP. In no way do Mr. Elliott and his family's presence negatively impact the neighborhood or our lifestyle.

We believe that Mr. Elliott is vital to this neighborhood and he brings with him a bright and positive demeanor, which we are eager to have.

Sincerely,

Mr. Stephen Abberton: [redacted] Date: 6/27/2014

[redacted]

Exhibit F
Letters of Support from Past/Present Students

To: City of Peoria Planning and Zoning Commission Members

Subject: Conditional Use Permit for Mr. Tim Elliott's Private Martial Arts Studio

I am and have been a police officer for the past 15 years with the City of Mesa and have been a student of Master Elliott's martial art's academy for a year and a half. The instruction I have received under Master Elliott has given me a technical advantage in the every day commission of my job as well as giving me increased confidence in the ability to perform my job duties.

I have been to several martial art studios over the past 15 years and have never felt personally comfortable identifying myself to fellow students as a police officer, because most of the people seeking a "fighting school" are not the type of people I would feel comfortable giving personal information to. Often in my experience, the general public is not pro-police, but thankfully, my fellow students at Master Elliott's studio do not fit into this category and I feel no hesitation in telling them I am a police officer. The students at Master Elliott's studio are interested in learning ***an art*** and are not looking for a "fighting school". The students I have met are, for the most part, professional adults who take the martial arts seriously. The others are young children who are learning valuable lessons that will help them develop into productive members of society as they grow up. Most of us come from a background of other martial arts and were looking for a school that shares a seriousness and respect for the martial ***arts*** and not simply a place to learn to fight on the streets.

Master Elliott's studio is unique in its philosophy of the martial arts and its commitment to not only train the body, but to help the student grow as an individual. The tenants of Master Elliott's studio teach Humanity, Justice, Courtesy, Wisdom, Trust, Goodness, Virtue, Loyalty, and Courage. The students learn discipline through the training and the importance of setting goals and driving toward those goals. This training makes the students honorable and dedicated. The studio is a positive force in the community and the students are valuable members of the community.

The studio is not open to the public and potential students are interviewed to see if they will fit in the school and maintain the level of student who is currently training at the studio. In a time of martial arts schools on every corner this is a difficult and very unique way to running an academy. But this practice, although limiting the amount of students and the size of the classes, has made the studio a "family" of similar minded, dedicated, disciplined, and honorable students all in pursuit of improving themselves as individuals.

Because of the uniqueness of Master Elliot's studio I travel an hour each way to class although there are other martial arts schools much closer to my home. This commute is worthwhile due to the caliber of the students at Master Elliott's studio as well as the philosophy of the school. I am looking forward to Master Elliot opening a school on his property because the environment we learn in has an impact on our classes and Master Elliot has gone above and beyond in providing a unique and positive area to learn.

I believe Master Elliott's Studio is a positive force in the community because of the above reasons. I think any community would be fortunate to have such a virtuous, positive school as Master Elliott's in their area.

Thank you for your time.

Sincerely,

[redacted]

Steven Hash
Mesa Police Officer

To: City of Peoria Planning and Zoning Commission members

Subject: Conditional Use Permit for Mr. Tim Elliott's Private Martial Arts Studio

My son, [redacted] (8 years old), and I (38 years old) have been studying martial arts under the instruction of Mr. Tim Elliot for about a year now. Interestingly, I had previously studied with Mr. Tim Elliott back in the 1980's when I was a child, but was unable to continue at that time due to my parents' divorce. I was delighted to see that he was still teaching martial arts and that his storefront location (on 67th Ave and Bell Rd) was near our home.

When I visited the class a year ago, I was very impressed with what I saw. Since I was looking for something that my son would be able to study, I watched the kid's class closely. This class is usually taught by Mr. Elliott's son, Jonathan (a 2nd degree black belt). The younger students demonstrated great technique, were very respectful and well-behaved, and were clearly having fun and enjoying themselves. Over this last year, my son has benefitted tremendously from the interaction with Mr. Jonathan—he is a very patient instructor and an outstanding role model for the children.

The teen/adult classes, which I take, emphasize learning a comprehensive art—including self-defense techniques, breathing exercises, soft style "Tai Chi" kinds of techniques, Qigong healing techniques (stretching, physical postures, breathing exercises, and massage). The teen/adult students, like myself, are people from all walks of life—firemen, police officers, lawyers, airline pilots, pastors, school teachers, housewives, students, etc. It truly is a family environment, filled with a lot of encouragement as students cheer one another on and are always willing to help a less advanced student out.

One of the greatest benefits of the studio—and our main reason for studying with Mr. Elliott—is that it is a SMALL, private studio. The small setting gives ample time for one-on-one interaction with the instructors and affords a better quality of instruction because the instructors are only teaching a few students at a time. Mr. Elliott has been very forthright with students that his intention in relinquishing the storefront to move to a more private, home setting is to keep the studio small and accept students by invitation only.

I have been very pleased with our experience at Mr. Elliott's studio, and especially the investment it has made in my son. Especially because it is a small studio which intends to focus on quality instead of quantity, I encourage you to consider the miniscule impact it will have in the neighborhood with regard to things like traffic and noise and see that in light of the tremendous impact Mr. Elliott is having on the lives of people in the communities of Peoria, Glendale, and Phoenix as you discuss the merits of the Conditional Use Permit.

Please feel free to contact me if you'd like to discuss anything I've written or ask any follow-up questions.

Sincerely,

[redacted]

Brian J. Reed, M.Th., M.Div.
Senior Pastor
Glendale Christian Church

[redacted]

To: City of Peoria Planning and Zoning Commission Members

Subject: Conditional Use Permit for Mr. Tim Elliott's Private Martial Arts Studio

Date: June 21, 2014

Dear Commission Members,
We are writing to support Mr. Tim Elliott and his family regarding the Hwa Rang Do Martial Arts teaching that he has provided to my son for the past eight years. Our son [redacted] Hodges started attending lessons at the age of five and a half years old. My son was a very "busy" child at that age. Over the years the lessons with Mr. Elliott has helped our child to learn many very valuable life lessons. He has learned to stay focused, show respect to all people, to set goals, and be disciplined. I truly believe that his martial arts learning has also helped him academically. He has been a straight A student and was just inducted into the National Junior Honor Society. We had attended a different Martial Arts School prior to Mr. Elliot's, however we found it to be a place that was "just a business" not always doing things that were best for the students. At Mr. Elliott's studio we found a warm and nurturing family atmosphere where our son could grow and develop life skills.
We drive all the way in to town from the Wittmann area (30 miles each way) for our son to attend lessons with Mr. Elliott. We feel it is that valuable. We are respectfully requesting that Mr. Elliott's Martial Arts Studio be be given full permission to operate in its new location in Peoria. Mr. Elliott and his family has turned a foreclosed upon eyesore property into a beautiful, peaceful and serene location that is perfect to continue lessons for the students. We feel it is very safe to leave my son there for lessons as there are no strangers coming and going. As our son is entering his teenage years we feel it is more important than ever that he is able to continue his lessons with Mr. Elliott as he to develops into a young man.

Sincerely,
Nora and David Hodges
[redacted]

To: City of Peoria Planning and Zoning Commission Members

Subject: Conditional Use Permit for Mr. Tim Elliott's Private Martial Arts Studio

By way of introduction my name is Melissa Larance, a city of Peoria resident as well as a former school teacher in the Peoria Unified School District. Most importantly, I am also a Mom to a precious eleven year old boy. You could say... I live, work, play, and invest in Peoria. I am writing this letter, as an active member of the community, in support of the Elliott Family's attempt to open their Martial Arts studio on their own property.

I am a Peoria resident and I support the opening of this studio on the Elliott's property because they have added to the beautification and revival of Peoria. As proud as I am of the city of Peoria community, I was alarmed that the Elliott's dreams of opening their own studio on their own property were put on hold because they have to fight for their rights against non-city residents. The residents that are objecting the studio on their property are County residents, not residents of Peoria. As a Peoria resident myself, I believe that the Elliott's have a vested interest in our neighborhood and community. As the housing market and our economy took a huge hit several years ago, I have witnessed homes sitting abandoned and neglected for years. This is an eyesore for our community; not to mention, a decrease to our property value as homeowners. The Elliott's acquired a home that was abandoned. They saw past all of the hard work and money that this property required and saw potential. They focused on their vision and their dream to have a Martial Arts studio on the same property as their home. Endlessly and tirelessly, the Elliott family worked to make this vision and dream a reality. Only to be rejected and disheartened by objection from their distant neighbors. If anything, the Elliott's have brought life to that corner property by investing all their resources to create a beautiful place of tranquility and peace... a beautiful place to call home and work. Where better than Peoria?

I am a Mom and I support the opening of this studio on the Elliott's property because they have added to the value and quality of life for not just my son, but many other lives as well. My son, S[redacted], was diagnosed with ADHD and Anxiety when he was in the first grade. In order to help him with the symptoms of these disorders, in 2010 my husband and I enrolled our son in Hwa Rang Do Martial Arts. My husband practiced with Master Elliott when he was a teenager. So, when looking for a studio none other than Master Elliott would do! Therefore, S[redacted] is a second generation student of Master Elliott's (there are several families who are second and even third generation students). Once S[redacted] became an active member and his training progressed we saw so many wonderful ways in which this style of Martial Arts and the Elliott Family benefited our son. After 3 1/2 years of practice, hard work, and dedication, S[redacted] has earned a black belt. He doesn't want to stop there, he wants to keep pursuing the art because S[redacted] isn't just a member of a studio; he is part of a family. Allowing the Elliott's to have their Martial Arts studio on the same property as their home only reiterates the family connection each and every member feels. They aren't necessarily opening a "just" a business; they are opening their home to family.

Thank you for a moment of your time to express my support of the Elliott's vision and dream to breathe life into a Peoria property that is their home and work. They are a family of Christian values and morals who benefit our neighborhood... a family that extends beyond the walls of a Martial Arts studio and into a community we call Peoria.

Very truly yours,

Melissa Larance; [redacted] Date: 8-8-14

[redacted]

To: City of Peoria Planning and Zoning Commission

Subject: Conditional Use Permit for Mr. Elliott's Private Martial Arts Studio

Dear Planning and Zoning Commission members:

We have been students at Mr. Elliott's Martial Arts Studio for the last 3.5 years. We attend with our two teenaged sons. The programs at Mr. Elliott's studio have helped us all individually and as a family. Mr. Elliott's studio has become an important part of our lives and the students and instructors have become a second family to us.

Mr. Elliott's school is a positive and safe place to learn how to defend oneself. Mr. Elliott and his son, Jonathon, are patient and skilled instructors that not only care about their student's development as martial artists, but also about each student individually.

All students are respectful and supportive of each other. The class sizes are small and promote good student and instructor interaction. The program is very comprehensive and mentally challenging.

The studio has become a way for us to connect with our teenage boys, B[redacted] and R[redacted]. They both have learned to practice respect and discipline. The studio helps improve their outlook and attitude and provides good role models to them. The program has helped us find a positive and fun way to connect with our teenagers.

As a married couple, we have enjoy practicing together. Although, we are both in our 40's, we feel we are in the best shape of our lives. The program has helped our coordination and concentration. We have also made friends with the other students and parents.

We support Mr. Elliott's studio operating from his Peoria home and respectfully request that your Commission consider this letter of support.

Sincerely,

[redacted]

Jimmy and Tina Graham

To: The City of Peoria Arizona
April 14, 2014

From: Max Enterline, Planner II City of Phoenix & Black Belt Student of Master Elliott

Subject: Conditional Use Permit Application
- The Economic & Societal Benefits of the New Hwa Rang Do Martial Arts Academy

To the City of Peoria:

I have personally known both Master Tim Elliott and his wife Susan since 2006 when I first joined his school formerly located in Glendale Arizona. I am writing this letter in support of his Conditional Use Permit (CUP) application, and hope you will consider the following when making your decision with this very important matter. This school is a dream of not only the Elliott family, but of many students who follow him, & is my dream as well.

Economic Benefits – There are several obvious economic benefits that a new martial arts school would bring to the City of Peoria. Numerous families, children and adult members currently follow Master Elliott's martial arts teachings and curricula, and they are loyal to him and the martial art of Hwa Rang Do. Master Elliott has been teaching for over 30 years in the general Phoenix area and has brought many immeasurable benefits to those who have trained under him. Therefore Master Elliott has built a very large and loyal following (a legacy) of students that hope to continue their training and mastery of the martial art of Hwa Rang Do. His students, along with the parents *and* families of the students will on occasion drive through Peoria and will most likely need to use other commercial/retail facilities along the way to and from the school. We will in short spend money there which will in turn increase the local sales tax revenues that eventually come to the City. I myself have already found occasion to enjoy the local restaurants near 81st Avenue and Bell Road since they are very close to the Elliott's property. I also have stopped for gas and purchased sports drinks at the local convenience markets near the school. The Elliott's have fixed up a formerly blighted & foreclosed property and improved the aesthetic of the immediate neighborhood – which improves the value of said parcel *and* surrounding properties. All the improvements on this property are tastefully done with the school building matching the colors of the residential home, new color-matched roofing shingles, concrete masonry walls, wooden screen walls as well as brick paver materials thru-out the property. Peoria and surrounding neighbors are already enjoying the real estate, economic and aesthetic benefits from the many improvements.

Societal Benefits – What may not be as obvious are the societal benefits that this Hwa Rang Do School will bring to the future of Peoria. It is the intangible benefits that I think are actually more important than the economic benefits. It should be clearly stated the Hwa Rang Do, unlike some other martial arts, is taught in a very traditional way & is a very legitimate curriculum for self-improvement. The students are not only taught the discipline of martial arts, but they are taught the philosophy of non-violence that comes with "traditional" martial arts teaching. Students who learn Hwa Rang Do from Master Elliott get better grades, in my case I achieved my Masters in Environmental Planning (MEP) from ASU and I graduated with Distinction. My training in the martial arts of Hwa Rang Do had a lot to do with this. I have also trained with several young kids who have grown into amazing teenagers that have made their respective parents very happy and proud to have straight A's *and* have earned high ranking as Black Belts. Most importantly I firmly believe that those who study "traditional" martial arts become better model citizens and are the first to lend a hand when someone may become bullied in school; or on the street when someone may be subject to a crime or personal assault. I have even written

a Thesis paper to Master Elliott describing my hypothesis with this idea as the core of my paper. I believe that wherever a traditional martial arts school is located, the school helps curb crime in that specific area. I firmly believe that future leaders of our society will be borne out of traditional martial arts education, including from this Hwa Rang Do Academy.

Therefore I would like to say that your decision to allow the school to operate at his nicely upgraded residential property would help a lot of those loyal students to continue their quest for self-improvement, and at the same time benefit the City of Peoria in many economically tangible and intangible ways. For the sake of the Elliott family and all his loyal students, I ask that you approve this Conditional Use Permit (CUP).

Sincerely,
J. Maxwell Enterline, (MEP)
Planner II – City of Phoenix

[redacted]

June 25, 2014

City of Peoria
8401 West Monroe Street
Peoria, AZ 85345

To Whom It May Concern:

Please accept this letter in support of the request from Tim and Susan Elliott for a Conditional Use Permit from the City of Peoria that would allow them to conduct small, private training classes for Mr. Elliott's martial arts discipline (Hwa Rang Do) at his newly purchased property.

We have both been students of Mr. Elliott's since 2008 and have very much enjoyed the opportunity it has given the two of us (both busy local professionals) to spend time together in a fun and rewarding activity. When we originally began our search for a martial art to train in back in 2008, we visited a number of schools throughout the valley and chose Hwa Rang Do not only because of the quality of the training, but also because of the close knit community and family atmosphere that permeates the school.

When we learned that Master Elliott had a desire to move to a new location in Peoria, and hold smaller more focused classes with personalized attention, we were very excited. As you may or may not be aware, Master Elliott is the only licensed instructor in the entire state of Arizona that is able to teach this discipline. The quality of his teaching draws students from all around the Valley and even often from other states. Having the school located in the vibrant and growing community of Peoria sounded to us like the ideal scenario.

I firmly believe that the City of Peoria would benefit in numerous ways by granting the permit and allowing the school to meet at Master Elliott's home in Peoria. First, since the vast majority of students travel quite some distance to train under Master Elliott, we are all VERY likely to utilize the many retail establishments along 83rd Avenue near the Peoria Sports Complex. This obviously generates additional sales tax revenue for the city, and makes the retail districts a more desirable place for business owners to locate. Additionally, the additional spending we do in the City of Peoria is welcomed with open arms from the retailers, as our patronage most often comes on 'slow nights' when there is no game or other event nearby and business slows down considerably due to the lower traffic volumes.

Additionally, because of the quality of individuals I have met over the years that are all part of the Hwa Rang Do 'family', I firmly believe there is great benefit in bringing these individuals to Peoria to expose them to the many things Peoria has to offer. Many of the school's students hold high positions within the community in law enforcement, fire science, business, and other areas. Having these individuals visit the city regularly, patronize its establishments, and spend their hard earned dollars on gas, food, services, and other retail goods creates an extremely positive vibe for the community which continues to grow.

At the school itself, the Elliotts have worked very hard, invested significant funds, and completely transformed an extremely run down bank owned property that was the 'ugly duckling' of the neighborhood into what is now a point of pride for the surrounding area. The city has already

acknowledged there is no traffic impact to the neighborhood because of the off peak hours during which students visit the school. Additionally, having the type of people around that train under Master Elliott (only the martial artists that are the most serious about their discipline) can only have a positive effect on the surrounding area in terms of noise impact, creating an environment that is not conducive to crime and other undesirable activity, and overall cleanliness.

In summary, we both feel strongly that there are many positives to allowing Master Elliott to continue down the path he has dedicated his life to – instruction in the art of Hwa Rang Do – out of his home in Peoria. We would humbly ask that you grant the Conditional Use Permit to allow him to continue, and to allow our Hwa Rang Do 'family' the opportunity to continue in our training.

Sincerely,

[redacted]

Michael W. Cocanower
Hwa Rang Do Blue Sash

[redacted]

Melissa K. Cocanower
Hwa Rang Do Brown Sash

Exhibit G
Letters of Opposition from Residents

Lorie Dever

From: ftreguboff [redacted]
Sent: Wednesday, May 07, 2014 2:45 PM
To: Lorie Dever
Subject: Fw: case numbers-- Z14-0005--CU14-0006
Attachments: IMG.pdf; IMG_0001.pdf

----- Original Message -----
From: ftreguboff
To: lorie.dever@peoria.gov
Sent: Wednesday, May 07, 2014 10:52 AM
Subject: case numbers-- Z14-0005--CU14-0006

Ms. Dever

Our name is Fred and Darlene Treguboff, we live at [redacted]

This is in reference to the conditional use permit for a self defense Martial Arts Studio for the Elliott residence, which is a business ! We are against this use permit, because this area has been residential for over 40 Yrs. and we would love to keep it that way, also were against anyone buying residential property and then turning it into a business.

In the 42 yrs we have lived here it has been a constant fight to keep our area residential. The reason why we moved here is because we love the area and to raise our family. We did not plan on living here if others were going to buy the properties and turn them into businesses.

Mr elliott wants to change to (sr 43) from my understanding (sr 43)I is to provide for and conserve existing rural and low-density residential uses.

We would appreciate that this special conditional use permit be denied.

See attachments Mr. Elliott is advertising his bussiness before getting his permit.

Thank You Fred and Darlene Treguboff

Exhibit 3
Letters of Appeal

October 17, 2014

Malinda Strom
[redacted]

RE: CU14-0006-Private Self Defense/Martial Arts Studio
SITE LOCATION: 81st Avenue and Country Gables Drive, Peoria, Arizona

SUBJECT: Dispute/Oppose Zoning Commission Decision

In regards to the above captioned subject for a Conditional Use Permit (CUP); as a homeowner in the immediate area (within 600 feet) of the residence in question, I oppose the Zoning Commissions decision made on October 16, 2014, for the following reasons:

A. Unfair, analysis by City of Peoria Staff. The lengthy analysis presented by Staff was written in a manner that showed favoritism to the applicant and did not offer a fair impartial review.
B. Many untruths were told without challenge or interest from the Zoning Commission.
C. No homeowners were used in the analysis.
D. One board member presented a personal opinion on the request in favor of the applicant that does not reside in the immediate area.
E. There were approximately ten (10) homeowners that opposed the CUP with only one (1) in favor and the board presented themselves as disregarding any concerns brought forward.
F. All students that will attend this proposed commercial businesses classes DO NOT pay taxes to the City Of Peoria, they commute from surrounding cities therefore, have no concern about the neighborhood. Case in point; when the applicants first moved in and started their business illegally, I was in my front yard (directly across the street) a woman was walking her dog and it defecated in my yard right in front of me. I did not recognize the woman so I asked her if she lived in the area and she replied "no my son is those karate classes over there" and walked on leaving the mess in my front yard.
G. The lawyer for the applicant was afforded both an opening statement (lasted well over 3 minutes) and a closing statement which provided an opportunity for applicant rebuttal and the homeowners were not.

Should the City of Peoria allow this spot zoning it will be a travesty of all City codes and laws that support and defend residential areas. Introduction of a commercial business in this residential area without an unbiased review is not a fair consideration for the people that live in the area.

Additional reasons why I oppose the Zoning Commissions decision:

A. **Crime,** graffiti which has never been in our neighborhood was introduced with the placement of the announcement board in front of the applicant's residence.
B. **Noise,** the sounds (loud screaming/yelling, punching sounds, etc.) associated with martial arts teachings coming from the classes inside the designated building located in the north east corner of the property is heard in my house. Thus unfair to my family to have listen to at 8PM in the evening.
C. **Other nuisance,** added traffic to an already busy intersection which jeopardizes the safety of residences that walk, jog, bike and horseback ride in the area.
D. **Diminution of home value,** commercial businesses in a residential does instigate a decreased value of my home.

In conclusion, I feel compelled to inquire why the City of Peoria Zoning Commission would support something that is as destructive to a residential area as introducing a commercial business that accommodates students that do not pay taxes to the City of Peoria. I plead with the City of Peoria to reconsider this application for a Conditional Use Permit.

[redacted]

October 20, 2014

Robert A. Strom
[redacted]

RE: CU14-0006-Private Self Defense/Martial Arts Studio
SITE LOCATION: 81st Avenue and Country Gables Drive, Peoria, Arizona
SUBJECT: Dispute/Disagree with Zoning Commission Decision

In regards to the above captioned subject for a Conditional Use Permit (CUP); as a homeowner in the immediate area (within 600 feet) of the residence in question, I oppose/disagree with the Zoning Commissions decision rendered on October 16, 2014, for the following reasons:

A. The hearing was conducted in an unfair, unbalanced manner in favor of the applicant.
B. This CUP request is spot zoning as this is the only residential property out of hundreds being considered for a commercial business.
C. The analysis provided by the City of Peoria Staff was written in a manner that demonstrated favoritism to the applicant and did not offer a fair impartial review of all facts related.
D. Many untruths were told without challenge or interest by members of the Zoning Commission.
E. The Zoning Commission Board used personal opinion as a basis for their decision and even commented to that fact while giving their decision. One board member stated "no evidence was provided by the applicant to support their request" but, then agreed to the request for the CUP.
F. The students that will attend these commercial classes do not live in the City of Peoria therefore; do not pay city taxes.
G. The homeowners were not afforded the same opportunities as the applicant to open with a statement and or rebut the applicant's lawyer's rude and personal attacks.

I urge the city to reconsider this CUP request. There has been no good reason presented to support introducing commercial businesses to a residential area. Should the City allow this spot zoning it will open the door for other commercial businesses thus, taking away from the tranquility of a nice quite area where citizens feel comfortable to walk, jog, bike, ride horses and raise their families in a low crime area.

In conclusion, families in the City of Peoria should have the right and be afforded the chance by the City to separate their commercial needs from their family lives. Commercial businesses that cater to the public have the potential to introduce crime, noise, and other nuisances as well as deceased home values.

These are all valid reasons why this CUP should be denied, why would the City of Peoria Zoning Commission see otherwise when no good or valid reason has been presented to support introducing commercial business to our neighborhood? Please reconsider this application for a Conditional Use Permit. IT IS NOT FAIR TO FAMILIES THAT LIVE IN THIS AREA.

[redacted]

Exhibit 4
Letters of Opposition

10-30-2014

MS DEVER

OUR NAME IS FRED & DARLENE TREGUBOFF, WE LIVE AT

[redacted]

THIS IS IN REFERENCE TO THE CONDITIONAL USE PERMIT FOR A SELF DEFENSE MARTIAL ARTS STUDIO FOR THE ELLIOTT RESIDENCE, WHICH IS A BUSINESS.

WE ARE AGAINST THIS USE PERMIT, BECAUSE THIS AREA HAS BEEN RESIDENTIAL FOR OVER 40 YRS., AND WE WOULD LOVE TO KEEP IT THAT WAY, ALSO WERE AGAINST ANYONE BUYING RESIDENTIAL PROPERTY AND THEN TURNING INTO A BUSINESS.

IN THE 42 YRS. WE'VE LIVED HERE IT HAS BEEN A CONSTANT FIGHT TO KEEP OUR AREA RESIDENTIAL.

WE MOVED HERE BECAUSE OF THE EXISTING RURAL AND LOW DENSITY RESIDENTIAL USE, WE AND OTHERS LOVE THE AREA TO RAISE OUR FAMILY'S HERE, NOT FOR OTHERS TO BUY FOR BUSINESSES

MR ELLIOTT WANTS TO CHANGE TO (SR43), FROM MY UNDERSTANDING (SR43) IS TO PROVIDE FOR, AND CONSERVE EXISTING RURAL AND LOW DENSITY RESIDENTIAL USE.

WE WOULD APPRECIATE THAT THIS SPECIAL CONDITIONAL USE PERMIT BE DENIED.

THANK YOU

FRED & DARLENE TREGUBOFF

Dear Peoria City Council Members, 11/6/2014

Opposition to businesses operating in residential areas

As a lifelong resident of Peoria AZ I am troubled by the choice to allow commercial businesses with multiple customers that will be arriving and leaving to operate in a residential zoned area. This letter is specifically in regards to the use of a "Private self-defense/martial arts studio" on the NE corner of Country Gables and 81st ave. in Peoria Az, which is zoned a residential area.

Directly four houses south of this address the Maricopa County Board of Supervisors Rejected a business, "One Step Beyond, Inc." from operating in a residential area, they located their business in the Peoria city limits at 9299 W. Olive Avenue, Suite 311 Peoria, AZ 85345 and are having great success in our city and for the community they serve. I too am a practicing Green Belt in American Kenpo Karate at Attitude First Training center in Phoenix, Az. under Master Lawrence Robinson. In Phoenix he was not allowed to operate his studio in a residential area as he applied for the permits but was instructed he would need to operate his Martial Arts Studio in a commercial zoned area. I am not trying to compare Phoenix or Maricopa County to Peoria but identifying precedence set by nearby municipalities.

As I drive around our city I am constantly faced with seeing empty big box stores, strip malls with no tenants, and commercial building with no customers. Just directly north of this residential area the city is developing the P83 commercial area, yet several of the building sit empty directly on this area of 83rd Ave. I do not see the need for businesses to locate themselves where people have built their home to reside in peace, away from the hustle and bustle of business. We don't see people looking to set up their home in the vacant strip mall pad or big box store for a reason. If we are going to continue to allow businesses to set up shop in residential areas then why do we have commercial or residential zoned areas in the first place? I think this individual business is great for the city and community as a service and business. They have been in operation for a number of years and I think they need to continue to operate their business but in a commercially zoned area. Please allow this business to operate but allow them to operate in a business established area like all the rest of the Martial Arts Studios and maybe this will help fill those vacant store spaces that are such an eye sore in our commercial areas of Peoria.

Thank you

Steve Treguboff

[redacted]

[redacted]

Science Teacher

Peoria High School

Lorie Dever

From: Dudley Westerfield [redacted]]
Sent: Wednesday, November 12, 2014 7:27 AM
To: Lorie Dever
Cc: Bill Zobava
Subject: Corner of 81st Ave and Country Gables

Lorie.dever@peoriaaz.gov

RE: Corner if 81st Ave. and Country Gables

Regarding the proposal of Mr. Elliott to continue teaching martial arts classes at his residence.

We have lived in this neighborhood for over 40 years, and have enjoyed the rural lifestyle and raising 4 children. We have seen progress as well with more homes and quite a bit of increased traffic going through our area to reach these new subdivisions, along with homes being converted into churches that add to the traffic.

Mr. Elliott has started his classes without the permission of the city of Peoria. Then after being contested applied for permission. Also changed his class sizes and schedules to make it seem like there would be no impact on the neighbors.

It is my understanding the building he is using for his classes is not in compliance with the area's setbacks.

We attended the council meeting last month, and heard how nice and good Mr. Elliott is. I am sure he is, but the people living in the neighborhood are also good and decent people who cringe when we see commercial business creeping onto our neighborhood.

We would implore you to deny Mr Elliott's permission for this commercial business.

Thank you,

Dudley and Pat Westerfield

[redacted]

Lorie Dever

From: Karen Zobava [redacted]]
Sent: Wednesday, November 12, 2014 4:31 PM
To: Lorie Dever
Subject: CUP for property on NE corner of 81st Ave and Country Gables

November 12, 2014

Lorie,

I am sending this letter so it will be counted for the upcoming meeting regarding for the appeal for a CUP for a karate studio home business. We are obviously still opposed to a business in the neighborhood, but that seems to be a moot point. The purpose of the last meeting was for the business owner to prove why his residence was a good fit for his business. One of the board members even stated that he had not proven that, but approved it anyway. ??? Going forward, the thing that stands out most in our minds is the noise concern (especially in the building they ultimately want to have their business in), the added traffic, and of course the idea that they could expand their hours and amount of students and traffic.

A karate studio is a bustle of activity and can be extremely loud, which is why they are normally housed in commercial buildings. They are, in our opinion, much less like a daycare (which is what it was compared to in your study of the neighborhood) and much more like allowing a rock band to practice in the driveway 4-5 hours a day 4 days a week. That would be a little much for any residential neighborhood to handle. The issue at hand then becomes how do you contain the noise? The question "Are they allowed to practice in the yard?" was asked and answered with a "No", which I found interesting because the size and grounds of the property was one of the business owners reasons for requesting the CUP. The next question then is how well does the building contain the noise? How loud can they shout? Can they have the windows open (I would think not)? What happens if this is approved and the noise is intolerable? Do the neighbors across the street just have to suck it up and listen to it 4-5 hours a day 4 days a week?

A comment was also made about how there are already two churches in the neighborhood, so what's a few more cars. Actually, that's exactly why we don't want even one more. Apparently there is nothing we can do to stop churches from being in a residential neighborhood, but church services are primarily on Wednesday evenings and on Sunday morning. That's it. Since we already have that added traffic, why would we want more? We don't.

When they originally applied for the CUP, they wanted to use the building in the yard 6 days a week 6 hours a day. They were originally denied use of the building but have since been granted it. They were also made to modify their hours to 4 days a week approximately 4 hours a day. They have promised to carpool and "be good neighbors", and not expand. It really goes against what a business is. A business wants to prosper and grow. A business's primary goal is to make money. Do you really believe that they are going to turn people away if even one person wants to join? Who is going to monitor to make sure that they follow these mandates? The neighbors that live here and didn't want the business in the first place will have to. That creates a hostile living environment.

We all go to work away from here each day, and return in the afternoons to our residence, the place we paid good money for to hopefully have peace and tranquility. I think the county side of our little development is living up to that end of the bargain for the most part.

The Peoria side (north of Country Gables) seems bent on destroying our neighborhood. Just drive down Country Gables and look at both sides of the road and judge for yourself.

Things were said and questions were asked by the board members at the last meeting that make no sense. "Letting one business in doesn't set a precedent." It does! More will come and are we then expected to fight each and every time? "Can the neighbors opposed to this sue the city if we approve this?" And the answer was no, said with a chuckle. In fact, that is not true. We contacted Maricopa County to ask if we had any recourse (since we live in the county island and the decisions the City of Peoria are making effect us) and we were told to contact a property lawyer. We were also advised that there is actually a similar case going on right now between county residents and the city of Mesa. If there is no recourse, then what is the point of these meetings? Then anyone can do anything they want and everyone else be damned. We also contacted the City of Glendale to inquire on how they govern their neighborhoods such as these. The neighborhood just south of Thunderbird on 67th Avenue used to be part of the county island. They were annexed years ago and the City of Glendale has done a magnificent job of preserving the integrity of the neighborhood. They are all older homes on acreage with irrigation. There are no visible schools, churches, or businesses. They are very concerned with keeping their residential areas residential. Why can't Peoria do the same? We are appealing the decision in hopes that the city of Peoria will finally do the right thing.

Sincerely,

Karen Zobava

Sent from my iPad

Lorie Dever

From: Jude [redacted]
Sent: Thursday, November 13, 2014 5:54 AM
To: Lorie Dever
Subject: Jeff Billie - Private Self Defense Studio

Follow Up Flag: Follow up
Flag Status: Flagged

I live two houses away from this Karate Studio. I am not in favor of this business in my neighborhood. I strongly oppose a business with traffic being allowed to operate in my neighborhood. We have a rural atmosphere and I believe this would open the door for commercial enterprise and change our peaceful area. I believe the interests of " all" the neighbors should be considered not just one.

Judith & Gerry Schmidt
[redacted]

Lorie Dever

From: [redacted]
Sent: Thursday, November 13, 2014 4:58 AM
To: Lorie Dever
Subject: Karate CUP for house at Country Gables & 81st, SE corner

Follow Up Flag: Follow up
Flag Status: Flagged

Regarding the above property and use permit for a karate studio in the home, we wish to voice our opposition. This is a residential area, and we already have heavy traffic due to the high school and grade school close by. We also have four churches in our area, which generate heavy traffic on certain days. The residents in this area had speed bumps installed to slow down the traffic created by young drivers. A two-year old boy was hit by a pickup, driven by a teenager, on our street. We don't object to people wanting to make a living, but it's their responsibility to have their businesses in areas zoned for them. We sincerely hope the Council will take these valid concerns into consideration before making a decision and not grant this permit.

Don and Cheryl Womack
[redacted]

Lorie Dever

From: [redacted]
Sent: Friday, November 14, 2014 9:18 AM
To: Lorie Dever
Subject: Case number CU14-0006

To whom it may concern,

Case number CU14-0006 is concerning a residential property that is trying to rezone for business. This is the neighborhood that I grew up in and seems more and more people are trying to move in and change the zone to run businesses out of this area. I believe this should be stopped for the sake of the residents who have lived here for 40 plus years and never saw this occurring. For the person trying to start a Karate business in the neighborhood, I would suggest they lease one of the many vacant strip mall facilities available in the city area. I'm strongly against this rezoning effort and ask for your consideration in stopping this change.

Thank you,
Mike Treguboff

November 15, 2014

John Lanzerotta
[redacted]

RE: CU14-0006-Private Self Defense/Martial Arts Studio
SITE LOCATION: 81st Avenue and Country Gables Drive. Peoria. Arizona

SUBJECT: Dispute/Oppose Zoning Commission Decision

In regards to the above captioned subject for a Conditional Use Permit (CUP): as a homeowner in the immediate area (within 600 feet) of the residence in question, I oppose the Zoning Commission' decision made on October 16, 2014, for the following reasons:

A. Unfair, analysis by City of Peoria Staff. The lengthy analysis presented by Staff was written in a manner that showed favoritism to the applicant and did **not offer** a fair impartial review.
B. Many untruths were told without challenge or interest from the Zoning Commission.
C. No homeowners were used in the analysis.
D. One board member presented a personal opinion on the request in favor of the applicant that does not reside in the immediate area.
E. There were approximately ten (10) homeowners that opposed the CUP with only one (1) in favor and the board presented themselves as disregarding any concerns brought forward.
F. The great majority of students that will attend this proposed commercial businesses classes DO NOT pay taxes to the City Of Peoria. They commute from surrounding cities and therefore have no concern about the neighborhood. Case in point; when the applicants first moved in and started their business illegally, I spoke to a woman who was walking her dog down 81st Ave. (the street that both the proposed Martial Arts Studio and I live on) who I did not recognize. I asked her if she lived in the area and she replied "no, my son takes karate classes over there" and pointed to the proposed Martial Arts Studio.
G. the lawyer for the applicant was afforded both an opening statement (lasted well over 3 minutes) and a closing statement which provided an opportunity for applicant rebuttal; yet, the surrounding homeowners were not afforded rebuttal to the applicant's closing statement.

Should the City of Peoria allow this spot zoning it will be **a travesty** of all City codes and laws that support and defend residential areas. Introduction of a commercial business in this residential area without an unbiased review is not a fair consideration for the people that live in the area.

Additional reasons why I oppose the Zoning Commissions decision:

A. Crime, graffiti which has never been in our neighborhood was introduced with the placement of the announcement board in front of the applicant's residence.
B. Noise, the sounds (loud screaming/yelling, punching sounds, etc.) associated with martial arts teachings coming from the classes inside the designated building located in the north east corner of the property is heard across the street from the residence (on a neighbor's property). Thus unfair to neighbors to have to listen to at 8PM in the evening.
C. Other nuisance, added traffic to an already busy intersection which jeopardizes the safety of residences that walk, jog, hike and horseback ride in the area.
D. Diminution of home value, commercial businesses in a residential does instigate a decreased value of my home.

In conclusion, I feel compelled to inquire why the City of Peoria Zoning Commission would support something that is as destructive to a residential area as introducing a commercial business that accommodates students that do not pay taxes to the City of Peoria. I plead with the City of Peoria to reconsider this application for a Conditional Use Permit.

Sincerely [redacted]

John Lanzerotta

November 15, 2014

Shannon Mathis
[redacted]

RE: CU14-0006-Private Self Defense/Martial Arts Studio
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Sincerely

Shannon Mathis [redacted]

November 15, 2014

L[redacted] Lanzerotta
[redacted]

RE: CU14-0006-Private Self Defense/Martial Arts Studio
SITE LOCATION: 81st Avenue and Country Gables Drive. Peoria. Arizona

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Sincerely [redacted]

L[redacted] Lanzerotta

Exhibit 5
Applicant’s Response Letter

BEUS GILBERT
PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
FAX (480) 429-3100

Jeffrey M. Blilie
DIRECT (480) 429-3030
E-Mail Address: jblilie@beusgilbert.com

FILE NUMBER
88108-012

November 4, 2014

VIA EMAIL

Lorie Dever
Planner
Planning and Community Development
City of Peoria
9875 N. 85th Avenue
Peoria, AZ 85345

Re: Appeal of Elliotts' CUP (CU14-0006)

Dear Lorie:

I understand a husband and wife couple (Robert and Malinda Strom), non-residents living in an unincorporated county island, have appealed the Elliotts' CUP for a home based business to provide private self-defense/martial arts training. The Elliotts' CUP was approved by a unanimous 7-0 vote of the Planning and Zoning Commission.

First off, I would like to commend City Staff for its very fair and thorough report and presentation made to the Planning and Zoning Commission. Contrary to the Stroms' assertions, there was nothing unfair or unbalanced during the entire review process, including the public hearing before the Planning and Zoning Commission. The City Staff made a professional presentation that compared the Elliotts' requested use to a home based day-care and the Planning and Zoning Commission afforded everyone an opportunity to speak (they even let a neighbor in opposition speak after the public hearing had been closed). There was absolutely no favoritism shown the Elliotts, and frankly I am bit offended by the Stroms' comment that many "untruths" were told during the hearing process. I did not say anything untruthful and I don't believe the City Staff did either. On a personal note, I have attended hundreds of Planning and Zoning Commission hearings and this was as fair a hearing as I have ever seen.

The Elliotts purchased a home in the City of Peoria that sits on a lot that is a little larger than 1 acre. The Elliotts like the thousands of other Peoria residents would like to conduct a home based business out of their residence. Just to be clear, the property in question is the

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Elliotts' home not a commercial piece of property. This is where the Elliotts currently live and plan on living into the distant future.

The Elliotts have done everything imaginable to mitigate all perceived impacts their private self-defense/martial arts classes may have on the neighborhood. They worked with the City to reduce both the number of days classes are taught as well as the total number of classes to be taught. The result is a handful of students coming to their home for a couple of hours, four times a week. The traffic to be generated will be negligible and indiscernible from the normal background traffic. There will be no onstreet parking and many of the persons receiving training are related thus reducing the total number of vehicle trips. The classes will be taught entirely within an enclosed, slump block structure, located as far away as possible from the unincorporated county residents (including the Stroms). The Elliotts have also provided additional fencing and vegetation to further screen the accessory structure from public view. Noise and traffic will not be an issue.

The Stroms also make assertions of increased crime and diminution of property values; typical "not in my back yard" comments. They provide no evidence supporting these assertions other than the fact that someone sprayed graffiti on the public notice sign advertising the Planning and Zoning Commission meeting for the CUP. I struggle to see how that in any way relates to the proposed self-defense/martial arts classes.

Here is the bottom line. The Elliotts have done everything that has been requested of them to garner the necessary permits from the City of Peoria that would allow for Tim Elliott to provide private self-defense/martial arts training out of his residence. Home based businesses do not convert a residential neighborhood to a commercial area, and allowing a home based business is not a stepping stone to more intense commercial operations. If such were the case the entire City of Peoria would be one large commercial area. The Elliotts property is zoned SR 43 (which by the way they processed at the recommendation of the City Staff in order to bring their property into conformance with current City zoning code). The SR 43 zoning district is about as far from a commercial zoning district as it gets. If the Stroms are truly concerned about this area turning into a commercial area, then those concerns should have been assuaged when the Elliotts property was rezoned SR 43.

The professional analysis provided by City Staff and the thoughtful comments made by the Planning and Zoning Commission hold true; this CUP (i) meets all of the City requirements, (ii) will in no way be detrimental to the community, and (iii) should be confirmed by the City Council. I appreciate your continued assistance.

Sincerely,

BEUS GILBERT PLLC

[redacted]

Jeffrey Blilie

Exhibit 6
Minutes of the Planning and Zoning Commission

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
RIO VISTA RECREATION CENTER
OCTOBER 16, 2014

A Meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8866-A W. Thunderbird Road, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Nancy Golden, Vice-Chair Leigh Strickman, Secretary Leonard Spraker, Commission Members Greg Loper, Bill Louis and Jeff Nelson

Members Absent: none

Others Present: Chris Jacques – Planning Director, Steve Burg – Deputy City Attorney, Melissa Sigmund – Senior Planner, Rick Williams – Planner, Lorie Dever – Planner and Della Ernest – Executive Assistant

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Opening Statement: Read by Chair Golden

Call for speaker request forms.

Audience: 52

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a "**C**" are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absence of Vice-Chair Strickman and Commissioners Shawn Hutchinson and Bill Louis from the September 18, 2014 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on September 18, 2014.

COMMISSION ACTION: Commissioner Louis moved to approve the Consent Agenda. The motion was seconded by Vice-Chair Strickman and upon vote, carried unanimously, 7-0.

REGULAR AGENDA

NEW BUSINESS:

3R **PUBLIC HEARING:** RE: Conditional Use Permit – Private Self Defense/Martial Arts Studio

CU14-0006: A public hearing was held to consider a request for a Conditional Use Permit to allow a private self defense/martial arts studio. Proposed hours of operation would be 4:15pm to 8:00pm on Monday and Wednesday, and 5:30pm to 8:00pm on Tuesday and Thursday. The property is located at the northeast corner of 81st Avenue and Country Gables Drive, more specifically described as Assessor's Parcel Number 200-62-010C.

Staff Report: presented by Lorie Dever, Planner

Public Comment:

Jeff Blilie with Beus Gilbert, representing the applicant provided some history of the home purchase, business background and changes that were made to the initial request to mitigate some of the resident concerns.

William Flohr: a citizen, spoke in favor of the applicant

Steve Hash and his son: a citizen and student, spoke in favor of the applicant

Brian Reed: a citizen, spoke in favor of the applicant

Jimmy Graham: a citizen, spoke in favor of the applicant

Tina Graham: a citizen, spoke in favor of the applicant

Max Enterline: a citizen, spoke in favor of the applicant

Frank Larance and his son: a citizen and student, spoke in favor of the applicant

Michael Cocanower: a citizen, spoke in favor of the applicant

Melissa Cocanower: a citizen, spoke in favor of the applicant

Eddie Woods: a citizen, spoke in favor of the applicant

Otto Uhrik: a citizen, spoke in favor of the agenda item mentioning citing concerns with traffic, clientele and growth of the commercial business

William Zobava: a citizen, spoke against the agenda item citing concerns with traffic and the potential increase of additional businesses

Christina Yoder: a citizen, spoke in favor of the applicant

Darlene Treguboff: a citizen, spoke against the agenda item citing concerns with the potential increase of additional businesses and she would like to keep the area residential

Pat Strickland: a citizen, spoke in favor of the applicant

Melinda Strom: a citizen, spoke against the agenda item citing concerns with crime, noise and potential decrease in home value

Robert Strom: a citizen, spoke against the agenda item citing concerns with graffiti and spot zoning for the purpose of making money. Mr. Strom also presented the Commission with a letter and documentation of graffiti on the sign posting located on the applicant property.

Dudley Westerfield: a citizen, spoke against the agenda item and would like to keep the area residential

John Lanzerotta: a citizen, spoke against the agenda item citing concerns with additional traffic

Mr. Blilie mentioned that there can be no growth of the business without applying for a new permit and mentioned that no precedence is being set as each request is evaluated on its own, on a case by case basis.

COMMISSION COMMENTS: Commissioner Loper asked what the process is for issuing Conditional Use Permits and asked for staff to summarize the stipulations for approval of item 3R. Commissioner Loper also asked if it would be appropriate to place a timeframe on the permit and if the applicant wanted to change business hours, would the applicant need to re-apply.

Vice-Chair Strickman asked about Proposition 207 waiver that was signed and if the surrounding residents can sue the City if the item is approved.

Mr. Burg responded to Vice-Chair Strickman's question.

Commissioner Louis mentioned that the Commission members are Peoria residents and he looks at each case as though it would be in his neighborhood. Commissioner Louis also mentioned that staff did a great job of mitigating any issues and placing stipulations on the permit to reduce any negative impacts.

Secretary Spraker mentioned that there already is traffic due to the church in the immediate area, which is not much different than a commercial business with overflow parking on the street.

Commissioner Hutchinson asked what the process and timeline is for response to complaints.

Chair Golden asked where parking is on the property, if the classes are confined to inside the structure with no outside classes and if there will be any signage.

Mr. Blilie, Ms. Dever and Mr. Jacques responded to the Commission's questions.

COMMISSION ACTION: Commissioner Loper moved to approve agenda item CU14-0006 subject to stipulations noted in the staff report. The motion was seconded by Commissioner Louis and upon vote, carried unanimously, 7-0.

4R **PROJECT UPDATE:** Staff will discuss a City-initiated Draft **Donation Drop-Off Box Ordinance** and seek comment, input, and direction from the Commission with regards to the proposed ordinance. This is an informational item only and No Action will be taken.

Rick Williams, Planner presented the Commission with history of the donation drop off bins and reviewed the standards addressed in the draft ordinance.

COMMISSION COMMENTS: Commissioner Louis asked how the property owner and applicant would be held accountable. Commissioner Louis also asked how the bins would be identified once a permit is issued.

Secretary Spraker asked if the ordinance could include a stipulation that the property must be inspected on a regular basis and a fine could be issued if the bin is not being maintained.

Commissioner Loper would like to see included in the ordinance, a mandated inspection period by the applicant.

Commissioner Nelson asked how violations would be identified and asked if the ordinance would affect the Christmas tree drop-off areas.

Vice-Chair Strickman asked if the property owner allows the bins on-site.

Chair Golden asked how the number of bins per acre was achieved and if any of the bin owners have business licenses.

Mr. Williams and Mr. Jacques addressed the Commission's questions.

Commissioner Loper excused himself from the meeting at 8:57pm.

5R **PUBLIC HEARING:** RE: Land Use Element and Public Administration Update

GPA14-0002: A city-initiated amendment to the General Plan to update the Land Use Element and Plan Administration in an effort to maintain a document that adequately responds to changing social, economic, other demographic trends, and development pressures which impact land use, traffic patterns, socio-economic conditions, and provisions to City services among others.

Staff Report: presented by Lorie Dever, Planner

COMMISSION COMMENTS: Commissioner Nelson asked why offsite improvements was not added as a requirement.

Mr. Jacques responded to Commissioner Nelson's inquiry.

REPORT FROM STAFF:
Mr. Jacques notified the Commission that an Alternate Member has been appointed and will join the Commission at the November 13th meeting.

REPORTS FROM THE PLANNING AND ZONING COMMISSION: None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 9:21p.m.

[redacted]

Nancy Golden, Chair

11/13/14
Date

Betty Miller for Della Ernest

Submitted by Della Ernest

11/13/14
Date

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 33R

Date Prepared: November 4, 2014 **Council Meeting Date:** November 25, 2014

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P. E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Land Acquisition, Pinnacle Peak Public Safety Facility Expansion, Lake Pleasant Parkway and Pinnacle Peak Road

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Purpose:

This is a request for City Council to discuss the adoption of a Resolution authorizing the acquisition of property located on Lake Pleasant Parkway, just north of the Pinnacle Peak Public Safety Facility (PPPSF) by outright purchase or the exercise of the power of eminent domain.

Background/Summary:

The City is in need of an expansion of the existing Public Safety Facility located on Lake Pleasant Parkway just south of Pinnacle Peak Road. We have preliminary designs for expansion into the approximate 6.1 acre site. Proposed improvements to the site include a new Police Precinct building to be built in two phases. This improvement will total 30,000 square feet of new building space and the addition of both secure parking and public parking to serve the site.

The final legal description for the acquisition of the land necessary for the expansion is included in the attached resolution. The affected property owner has been notified of this Council meeting.

The property the City needs is a portion of a larger parcel containing approximately 11.7 acres. The City has had the property appraised and the estimated market value of the partial take (approximately 6.1 acres) is $1,338,000; which includes severance damage to the remaining parcel in the amount of $304,000. The City has extended an offer to the property owner based on the appraisal, plus customary closing costs, subject to formal Council approval. The offer has been accepted by the property owner and staff is working with the sellers to finalize the sale prior to a projected close of escrow on or before December 19, 2014.

Previous Actions:

- There has been no previous formal Council action on this item.

Options:

A: Approve the adoption of the Resolution authorizing the acquisition of land rights to allow for the expansion of the PPPSF site.

B: Deny adoption of the Resolution authorizing the acquisition of the land rights which will result in the expansion project being postponed.

Staff's Recommendation:

Staff recommends that the Mayor and Council adopt the attached Resolution authorizing the acquisition of the property described in the Resolution by outright purchase or the exercise of the power of eminent domain. Once the Purchase Agreement has been finalized, the City Manager is authorized to sign any documents necessary to complete the acquisition.

Fiscal Analysis:

A total of $1,403,800 is currently available in the project budget for land acquisition in the following Law Enforcement Development Fee Funds: 7930-7930-540000-CIPPS-PD00021LA ($470,299) and 7931-7931-540000-CIPPS-PD00021LA ($933,501).

Narrative:

The City will work with the property owner to finalize the acquisition or, as a last resort, request the City Attorney to file for condemnation.

Exhibit(s):

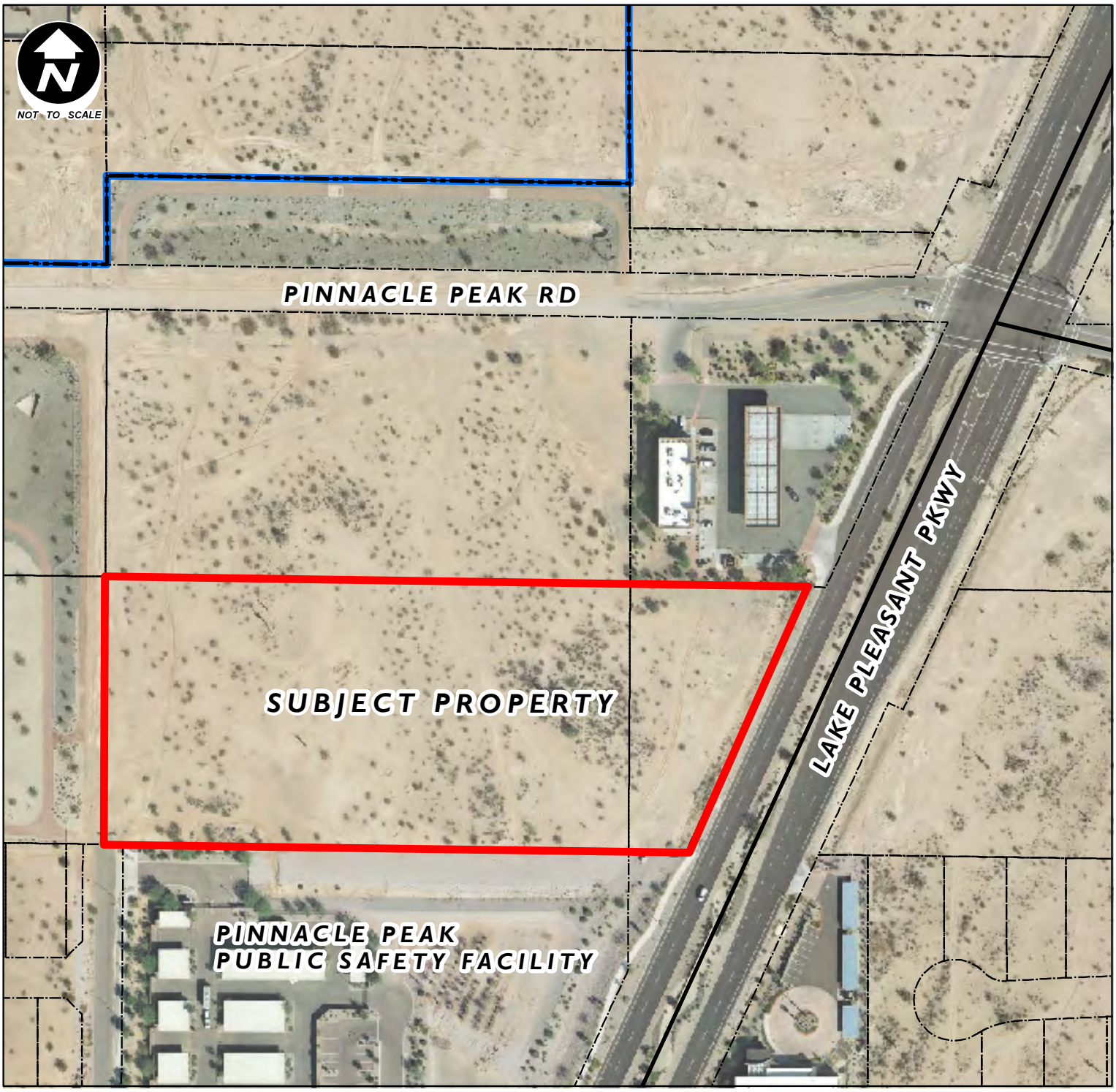
Exhibit 1: Vicinity Map
Exhibit 2: Location Map
Exhibit 3: Resolution

Contact Name and Number: Kris Luna, Sr Real Property Administrator, 623-773-7199

City of Peoria
ENGINEERING

Pinnacle Peak
Public Safety Facility Expansion

Vicinity Map



LEGEND

Subject Property
Approximate Acres 6.1

Parcels

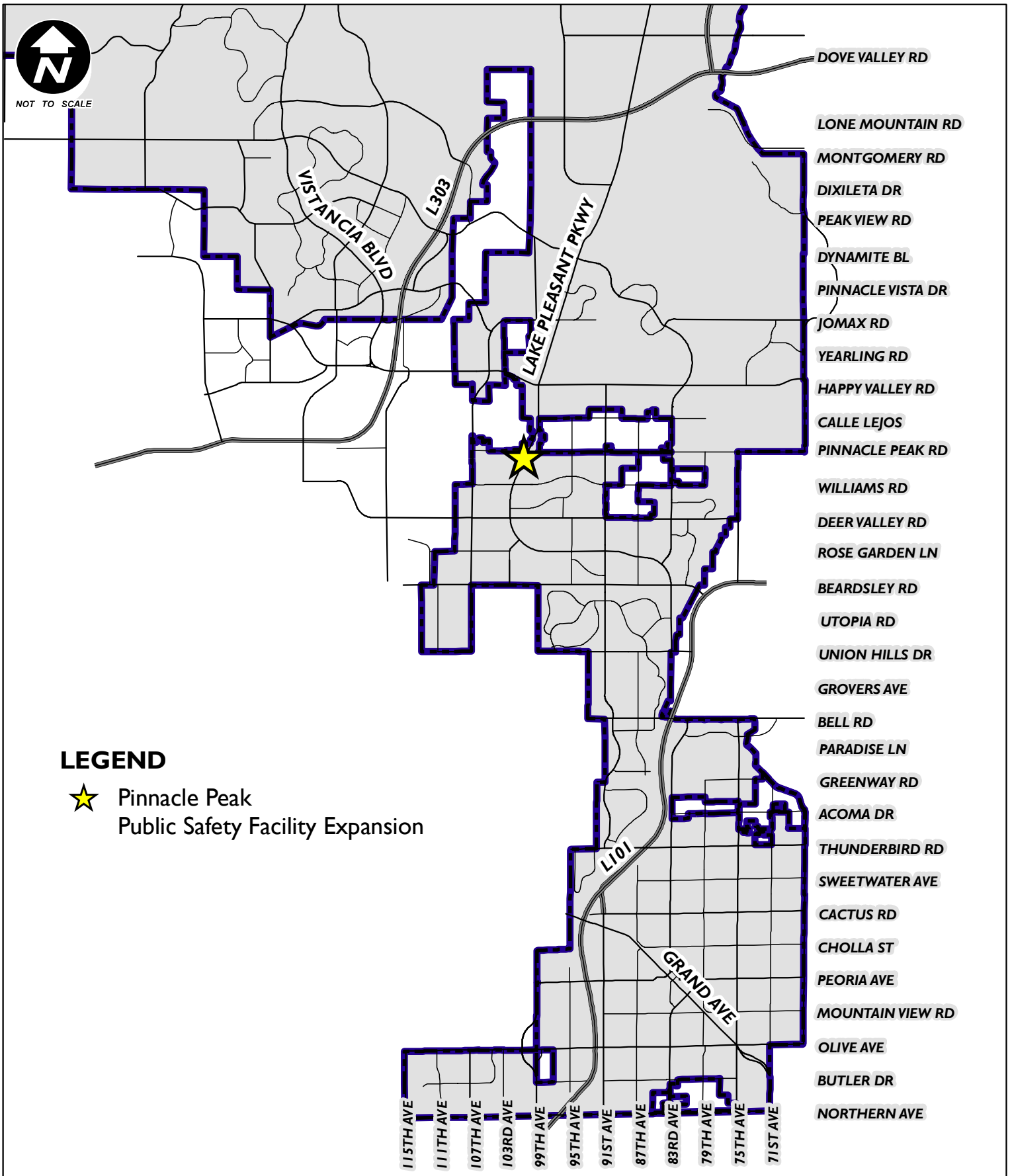
GIS
GEOGRAPHIC INFORMATION SYSTEMS
City of Peoria
Arizona

NOTE
Map based on imprecise source information, subject to change and FOR GENERAL REFERENCE ONLY.

City of Peoria
ENGINEERING

Pinnacle Peak
Public Safety Facility Expansion

Location Map



RESOLUTION NO. 2014-157

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ACQUIRE ON BEHALF OF THE CITY OF PEORIA THROUGH DONATION, OUTRIGHT PURCHASE OR UNDER THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES OF ALL INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, IN ORDER FOR THE CITY TO PROPERLY AND ADEQUATELY EXPAND THE EXISTING PEORIA PUBLIC SAFETY FACILITY AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

THEREFORE IT IS RESOLVED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. AUTHORIZATION TO ACQUIRE

That the City Attorney on behalf of the City of Peoria, Arizona is authorized and directed to acquire and/or condemn all the real property described in the attached Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Arizona Revised Statutes and to file on behalf of the City such litigation as necessary to consummate the acquisition of such property under the power of eminent domain and to do all things necessary to accomplish this purpose, including but not limited to obtaining title reports and appraisals and other expert assistance for such purposes. Assessor parcel numbers associated with the legal descriptions in the attached Exhibit “A” are as follows:

200-10-033 Total take

200-10-013E Total take

SECTION 2. EMINENT DOMAIN AUTHORITY PURSUANT TO TITLE 12 OF STATE LAW: AUTHORIZATION TO OBTAIN IMMEDIATE POSSESSION

That the City Attorney on behalf of the City of Peoria, Arizona is authorized to petition the Superior Court to enter an order that the City of Peoria be allowed immediate possession and full use of all of the real property described in Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Section 12-1116 and to immediately determine the probable damages resulting from City of Peoria being allowed to have immediate possession of the real property described in Exhibit "A" and to set the amount of a bond in a form to be approved by the Court or to deposit the equivalent amount of City funds budgeted and appropriated and to do all things necessary to accomplish this purpose.

SECTION 3. DETERMINATION OF CONFORMITY WITH GENERAL PLAN

That the Planning and Community Development Department, which is the designated “planning agency” for the City of Peoria for purposes of Arizona Revised Statutes Title 9, Chapter 4, Article 6 (“Municipal Planning”), has reviewed the acquisition of the Property for conformity with the adopted Peoria General Plan pursuant to A.R.S. § 9-461.07(C) and reported that the location, purpose, and extent of the acquisition of the Property conforms with the Peoria General Plan.

SECTION 4. EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an Emergency is declared to exist and this Resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is exempted from the referendum clause of the Charter.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 25th day of November, 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

ATTACHMENTS:

Exhibit A - Legal Descriptions

EXHIBIT “A”

Parcel 1 – Assessor Parcel Number 200-10-013E

That part of the South half of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 17, Township 4 North Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying West of the West right of way line of that certain roadway deeded to Maricopa County, by Deed recorded in Docket 9969, page 663, records of Maricopa County, Arizona;

EXCEPT that part thereof described as follows:

That portion of the parcel described in Document No. 1985-0578174, records of Maricopa County, located in Section 17, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being 20 feet wide and lying Northwesterly to the 55 foot right-of-way line, per Docket 9969, Page 663, records of Maricopa County and Southeasterly to the following described right-of-way line:

LINE DESCRIPTION:

COMMENCING at a rebar marking the center of Section 17, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, from which a stone, as per G.L.O. notes, marking the North quarter corner of Said Section 17, bears North 00 degrees 33 minutes 00 seconds East, a distance of 2645.16 feet;

THENCE South 89 degrees 23 minutes 38 seconds East, a distance of 590.47 feet to a non-tangent curve on the existing right-of-way centerline of Lake Pleasant Road, as shown on the Record of Survey, for the City of Peoria, “LAKE PLEASANT PARKWAY”, recorded in Book 662 of Maps, Page 37, records of Maricopa County, together with the Certificate of Correction recorded in Document No. 2004-0306665;

THENCE Northeasterly, 517.22 feet along said non-tangent curve, concave Southeasterly and having a radius of 4583.66 feet and a central angle of 06 degrees 27 minutes 55 seconds, whose radius bears South 71 degrees 41 minutes 56 seconds East;

THENCE North 24 degrees 45 minutes 59 seconds East, a distance of 194.31 feet along said right-of-way centerline to the North line of the final plat of IRONWOOD-PHASE 1A, recorded Book 483 of Maps, Page 20, records of Maricopa County;

THENCE North 89 degrees 20 minutes 19 seconds West, a distance of 82.16 feet along said North line to a line parallel with and 75.00 feet measured perpendicular, Westerly from the said existing right-of-way centerline of Lake Pleasant Road and the POINT OF BEGINNING;

THENCE North 24 degrees 45 minutes 59 seconds East, a distance of 2166.55 feet along said parallel line to the North line of Section 17 and the POINT OF TERMINATION, from which a stone marking the North quarter corner of Section 17, bears North 89 degrees 06 minutes 45 seconds West, a distance of 1661.84 feet;

EXCEPT all oil, gas and other minerals as reserved in Patent from United States of America.

Parcel No. 2 – Assessor Parcel Number 200-10-033

The South half of the Northeast quarter of the Northwest quarter of the Northeast quarter of Section 17, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT all oil, gas and other mineral deposits as reserved in Patent recorded in Docket 3212, Page 244, records of Maricopa County, Arizona.

Agenda Item: 34R

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: November 3, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, CFO
Steve Kemp, City Attorney

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Amended Council Policy on Subcommittees re: Peoria Procurement Process

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Purpose:

For Council to consider adoption of an amended Council Policy 1-10 (CP 1-10) "Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees".

Background/Summary:

After review and discussion, the Council directed staff to bring an amended Council Policy 1-10 (CP 1-10) "Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees" to the Council for consideration of adoption. The main changes to the current Council Policy include:

1) Expanding the definition of a "policy matter" to include procurement activities.
2) Providing two mechanisms for Council review of certain procurement solicitations, either through a City Council meeting "consent" agenda item or through a Council subcommittee.
3) Providing for Council or staff to identify significant solicitations in excess of $50,000 for review through this amended process.
4) For the Council Subcommittee process to include discussion prior to issuance of the solicitation as well as discussion after a firm has been selected for award of a contract related to the solicitation.
5) Recognition that, due to time constraints, solicitations discussed by a Council Subcommittee do not need to be taken to a full Council Study Session.

Previous Actions:

Pursuant to a request by a Councilmember, the Council Subcommittee on General Government met to understand the procurement process policy as explained in Chapters 2-301 to 2-327 of the City Code, as it relates to contracts awarded for services. At the Subcommittee meeting the

Finance & Budget Department presented an overview of the City's current procurement practices and procedures. Following the presentation and discussion, the Council Subcommittee voted to forward this topic to the Council at a Study Session. The Council Subcommittee did not make any specific recommendations regarding the City's procurement process.

On August 27, 2014 the topic of the city's procurement process was presented to the entire City Council. At the conclusion of the Study Session, Council directed staff to bring back any language revisions needed to the current Council policy on subcommittees or to the City Procurement Code, should the Council be interested in following the City of Phoenix's procurement process that incorporates the use of Council subcommittees.

On October 28, 2014 a second Council Study Session was held on this topic. Council directed staff to bring back a finalized Council Policy on Subcommittees to incorporate changes to the City's procurement process. That amended Council Policy is attached for Council review, discussion, and consideration of adoption.

Options:

A: Adopt amended Council Policy 1-10 (CP 1-10).
B: Do not adopt amended Council Policy 1-10 (CP 1-10).

Staff's Recommendation:

Staff recommends that the City Council consider the possible adoption of the amended Council Policy 1-10.

Fiscal Analysis:

There are no direct fiscal impacts of this item.

Exhibit: Amended "redlined" version of Council Policy 1-10 (CP 1-10) "Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees"

Contact Names and Numbers: Brent Mattingly, CFO, 623-773-7134
Steve Kemp, City Attorney, 623-773-7331

CITY COUNCIL POLICY	**CP 1-10** Category: General
	Department: City Manager's Office
TITLE: Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees	Approved: ~~March 6, 2012~~

A. Purpose

Pursuant to City Charter and City Code, this document institutes policy to establish, modify and terminate Council standing policy subcommittees, ad hoc committees and regional committees and describe their powers, duties, and responsibilities. This policy is being implemented for a trial period of one year. The Council shall review this policy within one year of adoption.

B. General Provisions

1. The Mayor shall file with the City Clerk a list of all subcommittees and ad hoc committees, together with the members, chairperson, and charge of each subcommittee and ad hoc committee. Any changes in subcommittee or ad hoc committee information shall also be filed with the City Clerk.

2. CP 1-6 *Public Body Meeting Procedures* shall govern all standing sub-committee and ad hoc committee meetings.

3. Pursuant to City Code 2-63 City Manager-City Council relations, a standing policy subcommittee, ad hoc committee and its individual members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry. Neither a subcommittee or ad hoc committee nor any member thereof shall give orders or instructions to any subordinates of the City Manager.

   a. Standing Policy Subcommittees

      The purpose of standing policy subcommittees is to address policy issues as defined in Section E. of this Council Policy. Subcommittees are intended to be a public forum for council members "to make inquiries, analyze information, and provide recommendations" - <u>not</u> for departmental oversight. The purpose is not to address administrative matters, procedures or practices or to give direction to city staff regarding either policy or administrative matters.

1) The Mayor with the consent of the Council shall establish various Council standing subcommittees to include but not limited to those in Section D of this document.

2) The Mayor with the consent of the Council shall appoint three Council Members to each Council standing policy subcommittee for a one-year term. The Mayor shall make a good faith effort to equalize membership on subcommittees among the six Council Members. The Mayor with the consent of the Council may remove a subcommittee member.

3) Subcommittees are subject to Open Meeting Laws, rules of procedure and other laws and regulations deemed applicable by the City Attorney.

4) The Mayor may be a non-voting ex-officio member of all sub-committees, if he/she chooses.

5) Approximately one month prior to the first regular Council meeting of the calendar year, the Mayor shall inquire of subcommittee members any requests for subcommittee appointments. The Mayor will make a good faith effort to accommodate those requests. Initial appointments and/or changes shall be reviewed by the Council for possible consent at the first regular Council meeting of the calendar year.

6) One month prior to the first regular Council meeting each year, the Mayor may reassign subcommittee memberships, based on councilmember interests. Changes shall be reviewed by the Council for possible consent at the first regular Council meeting of the calendar year.

7) Members of each subcommittee shall select a chairperson at the first subcommittee meeting of the calendar year. The chairperson shall determine the agenda for the subcommittee consistent with the subcommittee's charge. A specific date and time each month will be set for each subcommittee. However, meetings will be held only as needed based on agenda items.

8) The City Manager shall assign appropriate staff and resources to support subcommittee meetings.

9) The City Manager shall create an administrative procedure to ensure the proper and efficient functioning of the subcommittee process. The

procedure shall be followed by all Council members and staff to ensure appropriate roles and responsibilities and relationships are adhered to by all parties.

10) The Mayor and individual Council Members may request ~~an item~~ a Policy matter as defined in Paragraph E., be placed on a subcommittee agenda for the purpose of collecting information, providing analysis, and making recommendations to the City Council or the City Manager.

11) The City Manager or the Council acting as a body may refer ~~matters~~ a Policy matter as defined in Paragraph E., to a subcommittee(s) for the purpose of collecting information, providing analysis, and making recommendations to the City Council.

12) Referrals and individual requests for discussion items to a subcommittee(s) must be in a format established by the City Manager. This format ensures that all Council members understand how to get an item on a subcommittee agenda.

13) The City Manager shall make the final decision about which subcommittee an item is assigned to, based on subject matter, in a timely manner, without undue delay.

14) The chairperson of a subcommittee shall place an item requested by the Mayor or individual Council Members for discussion on the subcommittee agenda in a timely manner without undue delay.

15) Subcommittees shall conduct public meetings on all matters referred to them in a timely manner without undue delay. Subcommittee agendas shall conform to Council rules. Citizen participation is encouraged.

16) When an item is referred to the Council as a whole from a subcommittee, it shall be referred in one of two ways: (1) with a unanimous recommendation or, (2) lacking a unanimous recommendation, it shall be referred without a recommendation. There may be a separate staff recommendation on subcommittee items forwarded to City Council. No subcommittee can “kill” an item.

17) All items referred from a subcommittee shall be reviewed by the Council sitting as a committee of the whole in study session in a timely manner without undue delay, with the exception of Procurement matters, which at the discretion of the Mayor and/or City Manager may be placed on a City Council consent agenda for discussion and possible action.. However, if an item is considered routine, of a time-sensitive or emergency nature, it may go directly to the Council for formal action.

18) The Council sitting as a committee of the whole in study session shall discuss the item referred from a subcommittee and determine that (1) the item should go to the full Council for formal action at a regular meeting, (2) further discussion is needed at a future Study Session, (3) further study is needed at the subcommittee level or at the staff level, or (4) no further discussion or action is needed.

19) Subcommittee meetings shall not be televised. No subcommittee shall be authorized to hold executive session except for the subcommittee charged with Council ethics investigations and only for that purpose.

~~19)~~20) The staff shall periodically report back to the Subcommittee hearing a procurement item the results of the procurement as an informational report.

~~20)~~21) The attached flow charts are intended to illustrate how items are processed.

b. Ad Hoc Committees
The purpose of ad hoc committees is to study, review, and make recommendations to the City Council regarding specific issues designated by the Mayor and Council.

1. The Mayor with the consent of the Council may establish, modify, and terminate ad hoc committees of the Council and charge them with their powers, duties, and responsibilities.

2. The Mayor with the consent of Council shall appoint and remove the members and chairperson for each ad hoc committee.

3. Membership of an ad hoc committee may include citizens and up to three Council Members.

4. Ad hoc committees shall be established only for a limited, clearly defined, time and at the end of the designated time shall automatically be abolished unless the time is extended by the Mayor with the consent of the Council.

c. Regional Committees
Pursuant to Article 2 Section 7 of the City Charter, the Mayor is the sole representative of the city on regional committees. The Mayor may appoint one or more Council Members to represent the Mayor on a regional committee either temporarily or for an extended time. Examples of regional committees include the Maricopa Association of Governments, Regional Public Transportation Authority and Westmarc.

C. Intent of this Policy

1. It is the intent of this document to modify and affirm the standing policy subcommittee, ad hoc committee and regional committee process, pursuant to City Charter and City Code.

2. It is the intent of this document to allow Mayor and Council Members through the subcommittee process to make inquiries, analyze information, and provide recommendations to the City Council. This process is intended to engage Council members and the public more thoroughly in city-related policy discussions in an informal public setting, encouraging greater citizen and Council input on policy creation at inception.

3. The option of rotating standing policy subcommittee membership on an annual basis is intended to provide Council members with broad knowledge of the city in order to enhance Council policymaking.

4. It is the intent of this document that discussion of issues with potential city policy implications be discussed at the subcommittee level. All issues will be referred with or without a recommendation to the Council as a whole in a study session, with the exception of Procurement matters which shall be addressed in accordance with this policy.

5. It is the intent of this document that the City Manager and Mayor, in the course of their duties, shall refer items they believe may impact city policy or require study, analysis or recommendation to a standing policy subcommittee(s).

6. It is NOT the intent of this document that the City Manager and Mayor refer items to a subcommittee(s) that they deem routine in nature or that do not impact city policy.

7. (a) It is the intent of this document to acknowledge that from time to time issues which impact city policy may be of an emergency or time sensitive nature which require immediate Council review and will bypass the subcommittee procedure at the recommendation of the City Manager and Mayor. These occurrences, however, will be the exception and not the rule.

   ~~7.~~ (b) In the case of procurement matters, an individual council member or the Mayor may request the City Manager to bypass the subcommittee process and place a procurement matter on the City Council consent agenda in accordance with council agenda policies.

D. Subcommittee Titles and Descriptions

The list below is illustrative of the types of policy issues each subcommittee will discuss. The full Council will determine the specific charge of each subcommittee, and shall confirm or amend that charge on an annual basis.

Relating to Public Policy concerning:

Appointments to Boards and Commission, Ethics, Charter Officers, Council Policies, City Charter

2. **Community Culture and Public Safety**
   Relating to Public Policy concerning:
   Arts, Libraries, Education, Cultural Events & Promotions, Parks, Recreation and Veteran's Affairs, Police & Fire Services, Code Enforcement, Homeland Security, Terrorism, and Emergency Preparedness

3. **Sustainable Development and Public Services**
   Relating to Public Policy concerning:
   Not-for-Profit & Housing, Environment, Building Safety, Neighborhoods, Revitalization, Historic Preservation, Planning, Zoning, Economic Development and Business Retention, Transportation, Streets, Public Works, Utilities, Technology, Traffic and NTMP Program

4. **General Government**
   Relating to Public Policy concerning:
   Budget, Finance, Taxes, Any and All Rates, Any and All Fees, Intergov, Elections, General Government Activities, any topic not included in other Subcommittees

E. Definitions

1. **Policy:** Public policies are the particular goals and directions of a local government. Common examples include community growth, land use development, strategic planning, and capital improvement and financing. City Council policy decisions focus on the purpose, services, and programs necessary to achieve the council's goals and objectives. Policy provides a high-level overall plan to achieve adopted goals and objectives. A policy will often contain the 'what' and 'why'. Procurements referred to a subcommittee by the staff are deemed to be policy item. Procurements referred to a subcommittee by a council member having a value in excess of Fifty Thousand ($50,000.00) Dollars are deemed to be a policy item.

   Administrative decisions provide for the effective, efficient and equitable implementation of the policies approved by Council. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials. Administrative tasks include establishing practices and procedures to implement adopted policy as well as the oversight of daily operations. Implementation will often contain the 'what', 'how', 'where', and 'when'.

2. **Consent:** Majority vote of the Peoria City Council in a regular or special meeting.

3. **Regular Meetings:** Regular Meetings are held for the purpose of discussion or action of the Council on various issues deemed necessary to further the business of the City. Regular Meetings may include Consent Agenda items.

4. **Study Sessions:** Study Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the City Council. No formal action of the City Council may be taken at such meetings, other than general consensus or conveying direction to staff for further action.

ATTACHMENTS:

1. Council Subcommittee Flow Chart for Staff Submitted Items
2. Council Subcommittee Flow Chart for Council Submitted Items
3. Council Subcommittee Flow Chart for Boards and Commissions

APPROVED:

/S/
Bob Barrett, Mayor

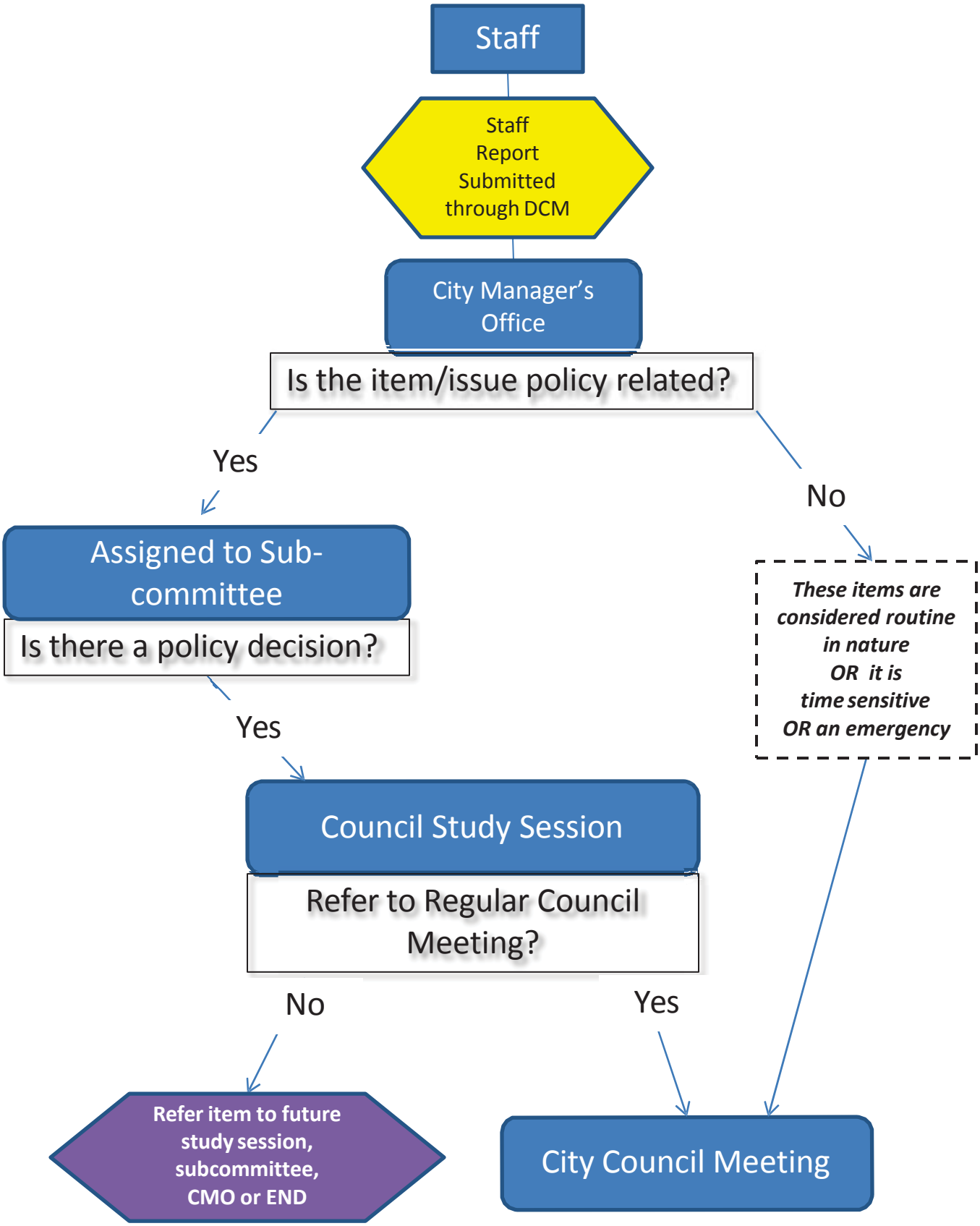
APPROVED AS TO FORM:

/S/
Stephen M. Kemp, City Attorney

Adopted: 9/20/11, CC #18R
Amended: 03/06/12, CC #11R

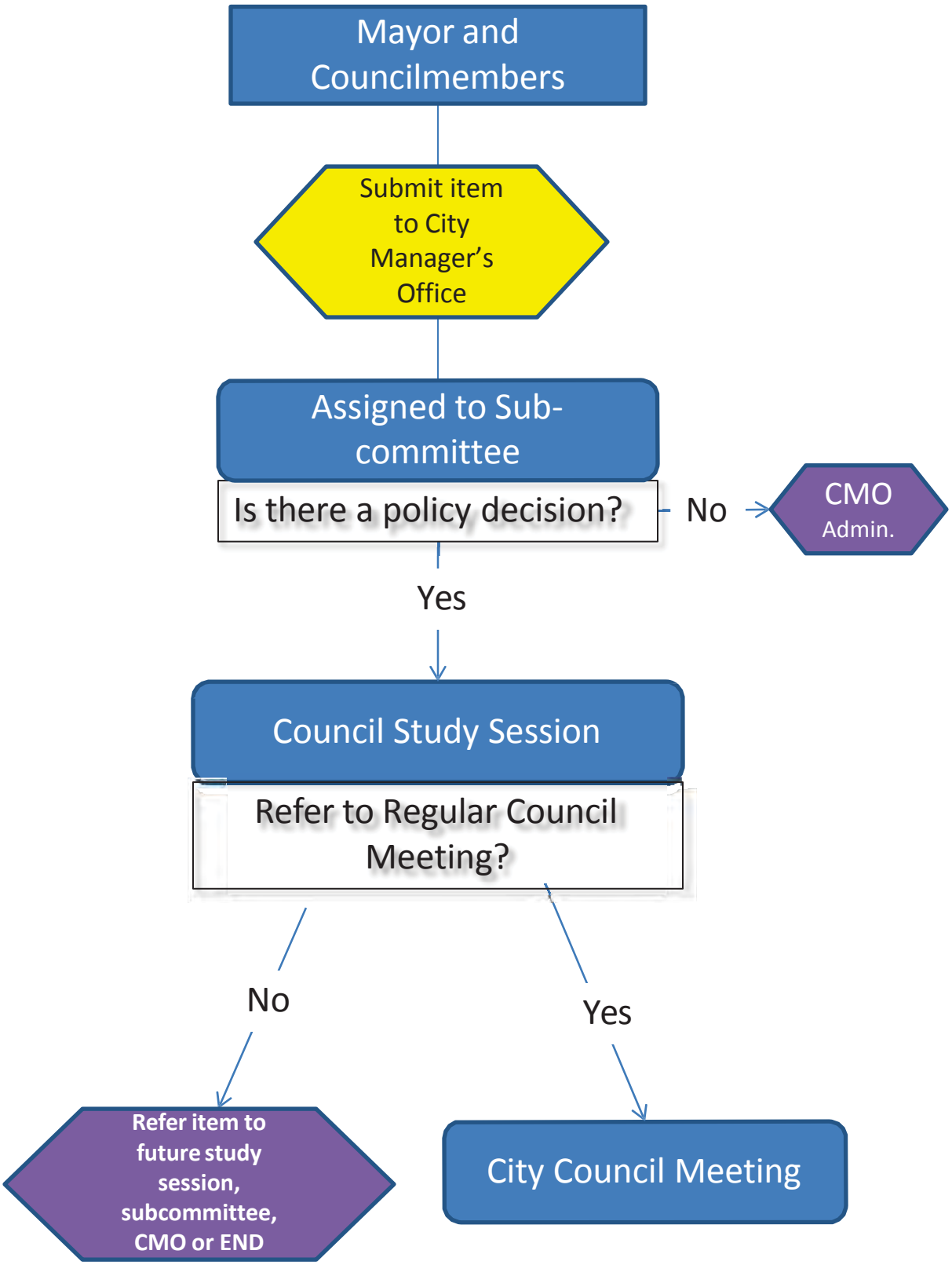
Council Subcommittee Flow Chart

For Staff Submitted items



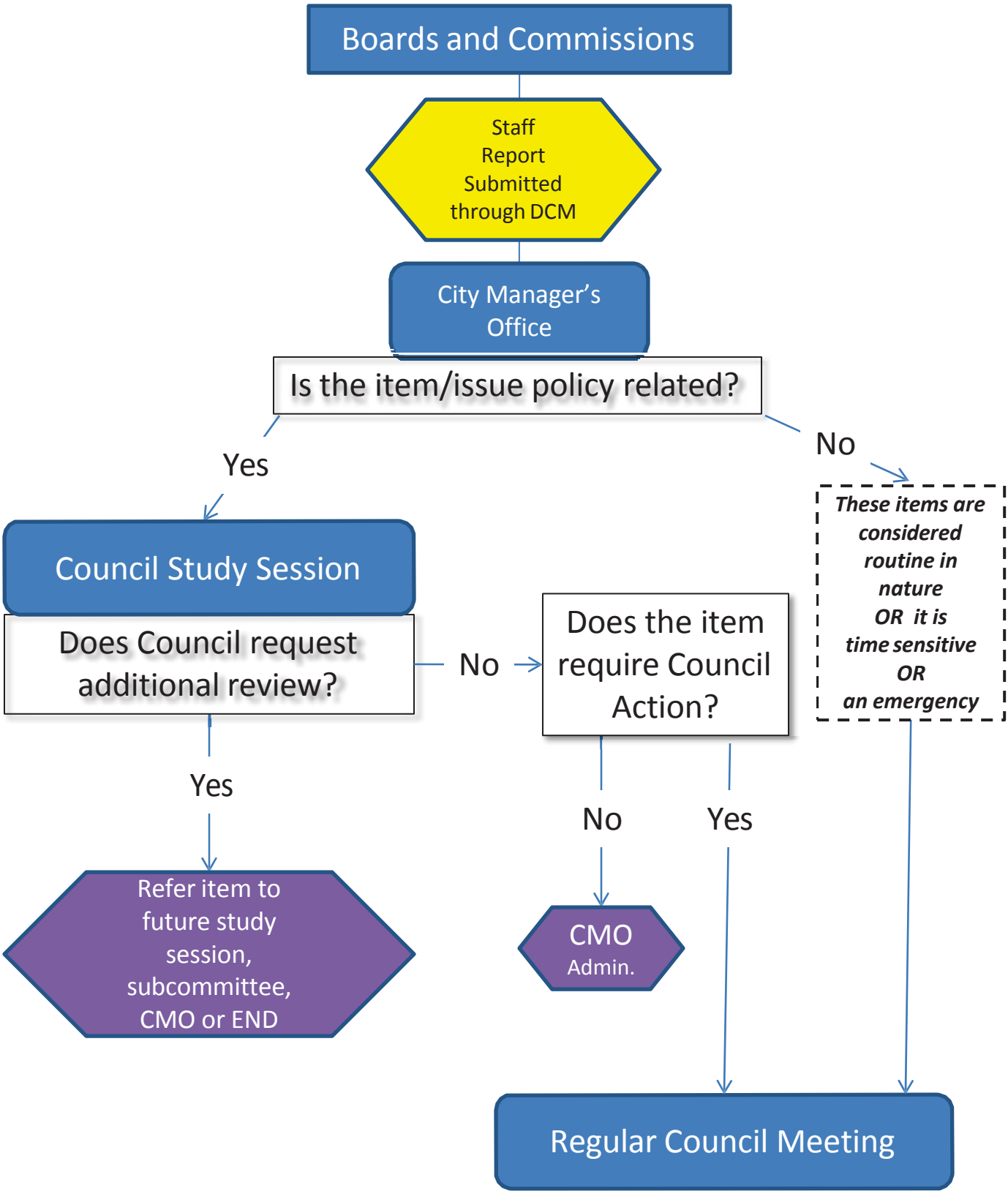
Council Subcommittee Flow Chart

For Council Submitted items



Council Subcommittee Flow Chart

For Boards and Commissions



Agenda Item: 35R

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: November 3, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P. E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Funding Authority, Sports Complex Stadium Amenities

Purpose:

This is a request for Council to 1) authorize $3.6 million for the purpose of constructing a new Interactive Kids' Zone and replace the existing 3rd Base bleachers with a new 3rd Base seating area and 200-person exclusive event space underneath using savings from other projects within the Capital Improvement Program, 2) approve a budget adjustment for $3.6 million from the General Fund contingency to the Proposed General Obligation Bonds Sports Complex Improvements Building Improvements account and 3) authorize the expenditure of funds utilizing existing agreements and/or small-dollar procurements.

Background/Summary:

In 2012, the City Council approved a multi-phased capital improvement project in conjunction with the Seattle Mariners and San Diego Padres that would update both teams' clubhouses and improve the fans' event experience by updating the Sports Complex Stadium. Phasing for this project is largely centered on the Spring Training schedule. For example, construction on the clubhouses began in April 2013 and was completed in time for the teams to move in by the end of February 2014. Similarly, construction on the stadium began this summer and will be ready for Spring Training in March 2015. If approved, the additional improvements discussed herein will begin April 2015 and will be completed for the 2016 Spring Training season.

Because the Interactive Kids' Zone, 3rd Base seating, and event space were not included as part of the original project request, they are not included in the current project budget. For these improvements to occur, additional funding in the amount of $3.6 million is required. In an effort to mitigate these costs without requesting new funding, staff has reviewed other CIP projects for savings and has been able to identify the full amount as outlined below:

EN00241	Lake Pleasant Parkway Improvements	$1,700,000
EN00271	Agua Fria Truck Road Reliever	$1,500,000
EN00177	91st Ave Street & Drainage Improvements	$400,000

The project will also include the following City-paid project expenses, which have been included in the $3.6 million project estimate:

$ 250,000	Pre-construction and professional services for the Interactive Kids' Zone and 3rd Base exclusive event space utilizing existing City of Peoria job order contracts
$ 50,000	Plan review, permit, and development impact fees payable to the City of Peoria *(estimated).*
_____	
$ 300,000	Total City paid project expenses

In Spring 2015, staff will return to City Council with a guaranteed maximum price contract for construction of the 3rd Base exclusive event area.

Previous Actions:

Below is a summary of the activities before City Council involving these additional improvements:

June 17, 2014	Introduced this concept as part of annual CIP Update to City Council
October 28, 2014	Presented current proposal and funding to City Council Study Session

Options:

A: Approve the requested funding authority to construct an Interactive Kids' Zone and the proposed 3rd Base improvements and approve a budget adjustment to support these expenditures.

B: Deny staff's request for funding authority and exclude these amenities from the Sports Complex Stadium improvements.

Staff's Recommendation:

Staff recommends approval of the requested funding authority to use $3.6 million in savings from other capital improvement projects for the purpose of further enhancing the fan experience by including the proposed Interactive Kids' Zone and 3rd Base seating improvements. Staff also recommends approval request to use existing agreements and/or small-dollar procurements related to the Sports Complex Improvement project. Additionally, staff recommends approval of a budget adjustment for $3.6 million from the General Fund

contingency (1000-0300-570000) to the Proposed General Obligation Bonds Sports Complex Improvements Building Improvements account (4251-4251-540500-CIPPK-CS00022).

Fiscal Analysis:

It is anticipated that with the savings from the Lake Pleasant Parkway, Agua Fria Truck Route Reliever, and 91st Avenue Street & Drainage improvement projects, adequate funding has been identified for this proposal. Funding for the proposal is available in General Obligation Bond savings in various projects

- Lake Pleasant Parkway, $1.7 million
- Agua Fria Truck Route Reliever, $1.5 million
- 91st Avenue Street & Drainage, up to $400,000

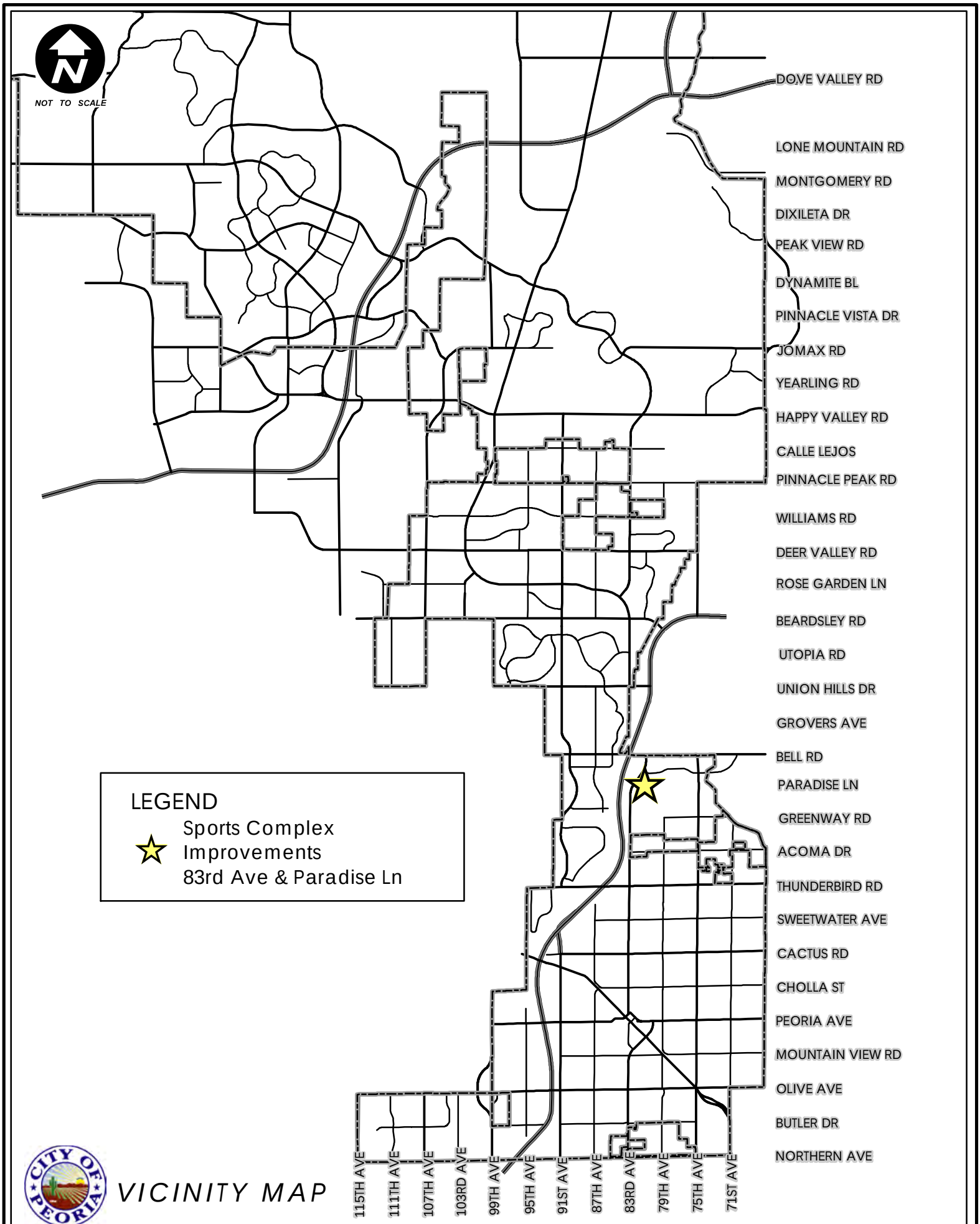
Narrative:

This request has been reviewed by the Engineering Department, Finance Department, Materials Management Division, and the City Attorney's office.

Exhibits:

Exhibit 1: Vicinity Map
Exhibit 2: Conceptual Plan – Interactive Kids' Zone
Exhibit 3: Conceptual Plan – 3rd Base Seating Improvements

Contact Name and Number: Andrew Granger, P.E., Engineering Director, x7215



VICINITY MAP

Interactive Kids' Zone

Exhibit 2

3rd Base Seating Improvements

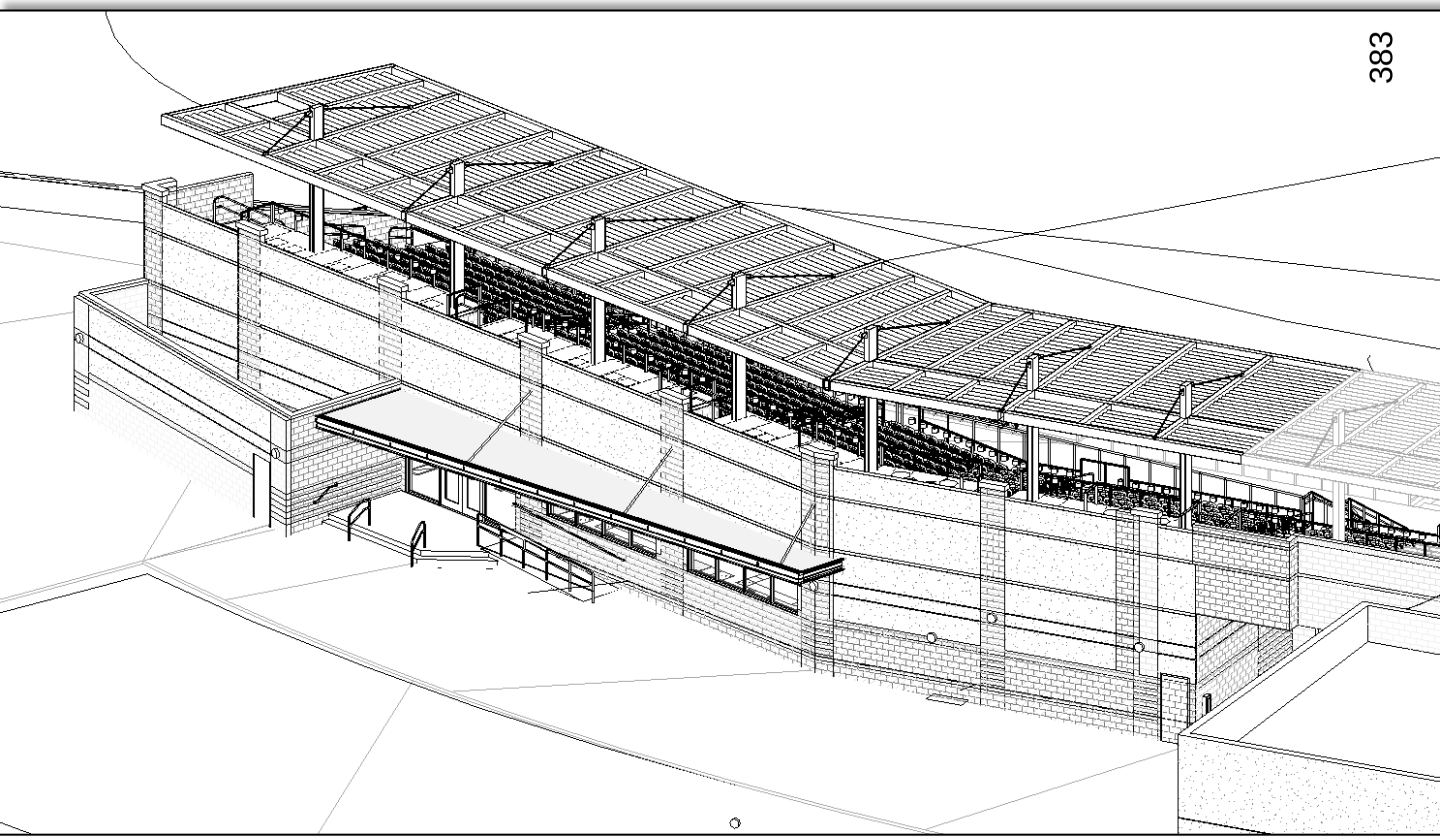


Exhibit 3

City Council Calendar

Color Key:
City Council
No Category

< October	November 2014					December >
Sunday	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**	**Saturday**
						1
2	3	4	5	6	7	8
9	10	**11** Veterans Day Holiday - City Hall Closed **Veterans Day Holiday - City Hall Closed**	**12** Council Subcommittee on Policy and Appointments Meeting	13	14	15
16	17	18	19	**20** Special City Council Meeting	21	22
23	24	**25** ** Cancelled** City Council Subcommittee on Communtiy Culture & Public Safety Regular City Council Meeting Special Meeting & Study Session	26	**27** Thanksgiving Day Holiday - City Hall Closed **Thanksgiving Day Holiday - City Hall Closed**	**28** Thanksgiving Day Holiday - City Hall Closed **Thanksgiving Day Holiday - City Hall Closed**	29
30						

City Council Calendar

Color Key:
City Council
No Category

< November	December 2014					January >
Sunday	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**	**Saturday**
	1	2	3	4	5	6
7	8	9 Regular City Council Meeting Special Meeting & Study Session	10	11	12	13
14	15	16	17	18	19	20
21	22	23 ** Cancelled ** City Council Subcommittee on Community Culture & Public Safety	24	25 Christmas Day Holiday Celebrated - City Hall Closed Christmas Day Holiday Celebrated - City Hall Closed	26	27
28	29	30	31			

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: RCM 37A

Date Prepared: 5 November 2014 **Council Meeting Date: 25 November 2014**

TO: **Carl Swenson, City Manager**

FROM: **Tamara Shreeve, Council Office and Grant Program Manager**

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

Peoria Council Subcommittees
Updated 5 November 2014

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

Peoria Council Subcommittees
Updated 5 November 2014

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.	4/1/2014
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 draft ordinance to present at a Council Study Session. (9/10/12)	
Ron Aames	Permissible Number of Animals per Residence	9/10/2012	Discussion only. Completed	NA
Carlo Leone	Policy of Swine in Peoria	1/28/2014	Item was discussed. Forward item to Council Study Session. Completed.	
Mayor Barrett	Mobile Vendor Policy	10/28/2014	Item was discussed. Forward item to Council Study Session.	

Peoria Council Subcommittees
Updated 5 November 2014

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	12/6/2013
Ron Aames	City Financing Program	9/18/2013	Item was discussed. Forward to Council Study Session. Completed	12/6/2013

Peoria Council Subcommittees
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Tony Rivero	Procurement Process	5/21/2014	Item was discussed. Forward to Council Study Session. Completed	8/27/2014

Peoria Council Subcommittees
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Policy and Appointments Subcommittee

Submitter	Subject	Sub-committee agenda date	Action	Study Session
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

Peoria Council Subcommittees
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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

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	2/25/2014
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

Peoria Council Subcommittees
Updated 5 November 2014

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)	NA
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.	10/1/2013
Steve Kemp	Proposed Charter Amendment to allow council members to place agenda items on regular city council meetings and special meetings	2/11/2014	Item was discussed. Forward to Council Study Session. Completed	3/25/2014
Steve Kemp	Proposed Charter Amendment as to Council Assistants	2/11/2014	Item was discussed. Forward to Council Study Session. Completed	3/25/2014
Steve Kemp	Proposed City Charter Amendment as to a City Treasurer Position	2/11/2014	Item was discussed. Forward to Council Study Session. Completed	3/25/2014
Rhonda Geriminsky	2015 Board and Commission Recognition Event	8/18/2014	subcommittee for further discussion. (8/18/2014) Item was discussed. Completed. 9/9/2014	NA
John Sefton	Youth Advisory Board Council Liaison Interviews	7/24/2014	Interviews were conducted. Recommendations will be forwarded to the Council appointment and possible change to the policy.	Regular Council 9/2/2014 and 9/16/2014

Peoria Council Subcommittees
Updated 5 November 2014

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	
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

Peoria Council Subcommittees
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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. Completed	NA
Ron Aames	Maintaining Traffic During Construction of Street Projects	5/8/2013	Item was discussed. No further action needed. Completed	NA
Carlo Leone	Code Amendment - Placement of Trash Receptacles	11/6/2013	Item was discussed. Forward item to Study Session. Completed	4/1/2014

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: RCM 37B

Date Prepared: October 9, 2014 **Council Meeting Date: November 25, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: 28th Annual Peoria's Oldtown Holiday Festival

Summary:

The City of Peoria invites the community out to enjoy the 28th Annual Oldtown Holiday Festival on Friday, December 5, 2014 from 5:00-9:00p.m. Come take a stroll through Oldtown Peoria and enjoy all the holiday activities. The event will feature live entertainment, a visit from Santa, snow play area, inflatables, hay rides, a kid's zone with cookie decorating and other kids' activities.

Make sure to stop by the Crafter's Market area where you can do some last minute holiday shopping and visit the historical museums and jail. The Choral Contest will start at 5:30p.m. inside the Peoria Center for Performing Arts. Following this, Theater Works will be hosting a performance of *The Quiltmakers Gift*. Tickets will be given to various organizations around Peoria to be guests at this special preview.

The festival will take place south of Peoria and Grand Avenues, in and around Osuna Park and as far south as the Peoria Community Center. Parking and admission are free; some activities have a nominal cost. Food and beverage concessions will be available for purchase.

Exhibit(s): Flyer

Contact Name and Number: Matt Kalcevich, (623)773-7133

PRESENTED BY sears VACATIONS

Peoria's Old Town Holiday Festival

Friday, December 5th
5-9 pm in Old Town Peoria
(Peoria and Grand avenues)

Kids Zone • Arts & Crafts
High School Choral Contest
Snow Village • Santa & More!

FREE Admission and Parking

Sponsored by

meineke Drive a little smarter
aps
NATIONWIDE VISION
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For more information, call 623-773-7137 or visit

CITY OF

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: RCM 37C

Date Prepared: 11/6/2014 **Council Meeting Date: 11/25/2014**

TO: Carl Swenson, City Manager

FROM: William Mattingly, Public Works – Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Recycling Excellence of the Year Award

Summary:

On October 22, 2014, the city of Peoria was recognized by the Arizona Recycling Coalition (AzRC) in the Municipal category with the "Recycling Excellence of the Year" Award. The president of the AzRC presented the award to Robin Bain, Environmental Resources Manager, at the organization's annual conference.

The award nomination called for demonstration of significant or unique waste reduction efforts. Peoria's nomination showcased its diverse programmatic approach to waste reduction, including the following:

- Curbside comingled collection that, since inception in 2007, has diverted over 100,000 tons to a Materials Recovery Facility;
- Recycling and Bag Central Station containers and educational material located throughout the city's municipal buildings and parks;
- Hazardous & Household Waste collection events held three times per year
- Creation of an innovative "Sustainable U" which offers free classes to residents that wish to learn more about becoming environmental stewards, with classes such as Backyard Composting, Recycle? Upcycle!, Going Solar, and various water conservation topics; and
- City Council-adopted Sustainability Action Plan, implemented by a cross-departmental "Green Team", which drives waste reduction as a major component to a more sustainable Peoria.

Exhibit 1: Award Photo

Contact Name and Number: Robin Bain, Environmental Resources Manager, 623-773-7213

AZRC
ARIZONA RECYCLING COALITION
Recycling Excellence of the Year
Municipality
City of Peoria, AZ
2014

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: RCM 37D

Date Prepared: October 29, 2014 **Council Meeting Date:** November 25, 2014

TO: Carl Swenson, City Manager

FROM: William Mattingly, Public Works – Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Same Day Service for Refuse and Recycling Containers

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Summary:

On February 2, 2015 Peoria will implement three changes to the City's Residential Solid Waste collection practices. The first change is same day collection of residential trash and recycling containers. This practice simplifies the collection process for residents and reduces the number of days garbage trucks are driving through neighborhoods. This practice is currently in place in Phoenix, Glendale and Surprise.

The second change involves the placement of containers. Residents will be encouraged to place containers in the street close to the curb instead of placing containers on the sidewalk. Containers placed on the sidewalk can restrict access to the sidewalk, particularly for the disabled community. This action is being implemented at the City Council's request after receiving community input regarding concerns about access to the sidewalk.

The third change involves some modifications to the existing service days. Continued growth of residential development in the northern portion of the city necessitates balancing the collection routes. As residents will be moving to single day collection, adjusting the service days at this time will ensure the smoothest service transition.

In order to facilitate this change, the City will embark on a public information campaign to ensure residents are notified of the various changes in service. This campaign was coordinated with the Office of Communications. Exhibit 1 depicts a door hanger with information and a collection map that will go out to all homes. Residents will also receive this same information in the *Peoria Now* water bill insert, through promotional announcements on Channel 11, in the *Sustain and Gain* newsletter, newspaper advertisements, and via a separate mailing to all residential customers. In addition, the Solid Waste Division has developed signs that will be placed on all Residential Solid Waste trucks announcing the change.

Exhibit 1: Same Day Service Promotional Advertisement

Contact Name and Number: William Mattingly, Public Works – Utilities Director, 623-773-5151

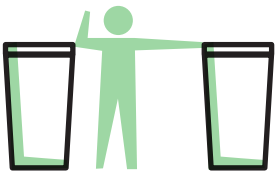
it's a Special Deal
Exclusively
for Peoria Residents

2-CAN special!

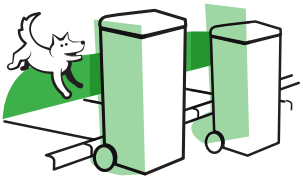
SAME DAY service for BOTH recycling & trash!

One trip to the curb

Place your containers by 6 am



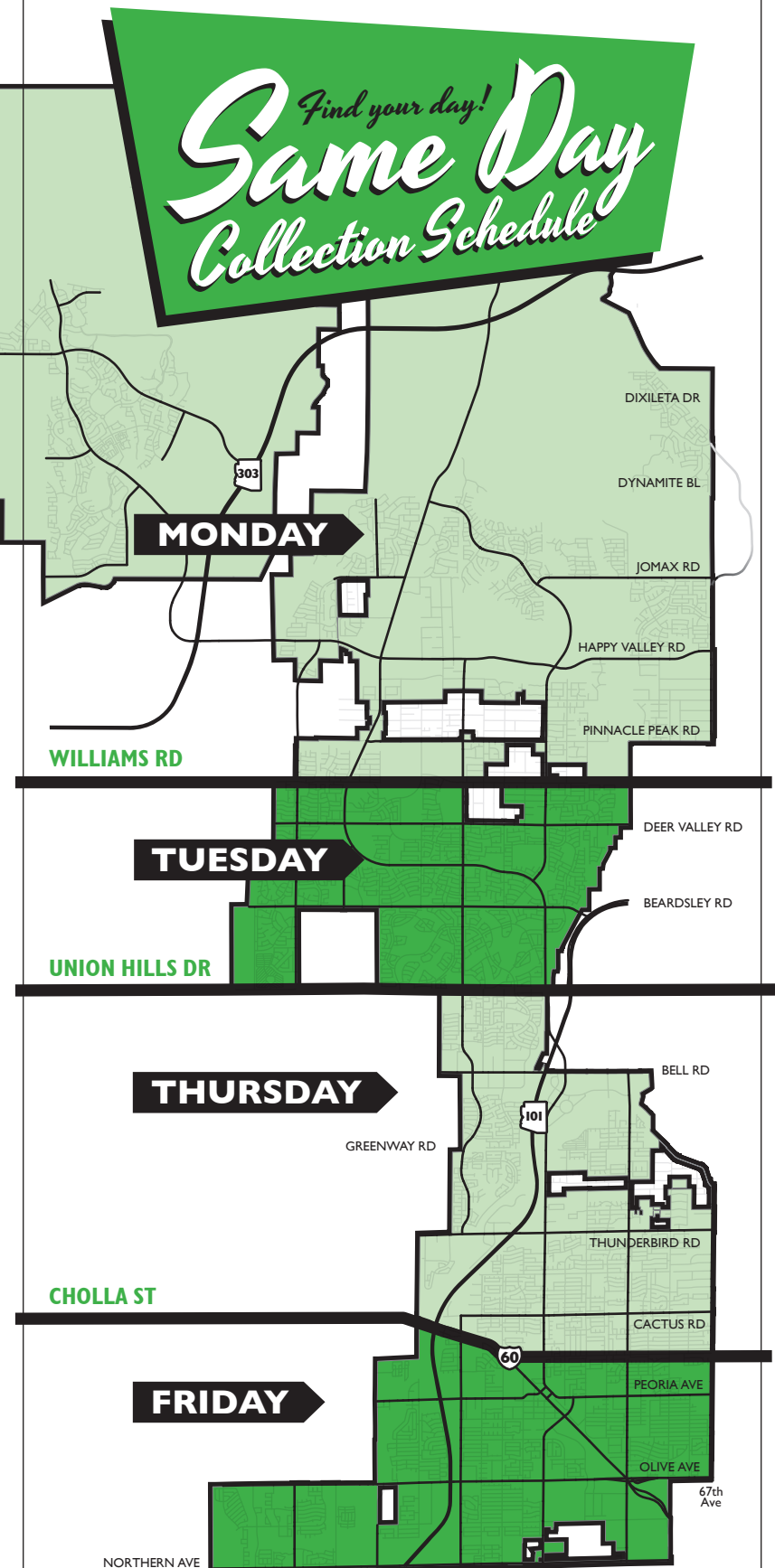
Place cans four feet apart (an arm & an elbow!)



Curbside placement

Starting February 2, 2015

For more information, visit peoriaaz.gov/solidwaste

Find your day!

Same Day Collection Schedule