

# City Council Meeting Notice & Agenda

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Tuesday, January 05, 2016  
City Council Chamber  
8401 West Monroe Street  
Peoria, AZ 85345

## Special Meeting

5:00 P.M. Convene

### Roll Call

### Consent Agenda

**CONSENT AGENDA:** All items listed on the Consent Agenda 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

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

Discussion and possible action to authorize the holding of an Executive Session for the purpose of discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding labor negotiations with the Peoria Police Officers Association pursuant to A.R.S. § 38-431.03.A.5.

### Adjournment

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Mayor  
Cathy Carlat

Willow  
District  
Jon Edwards,  
Vice Mayor

Acacia  
District  
Vicki Hunt

Ironwood  
District  
Bill Patena

Mesquite  
District  
Bridget Binsbacher

Palo Verde  
District  
Michael Finn

Pine  
District  
Carlo Leone

## 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

2. An Executive Session for the purpose of discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding labor negotiations with the Peoria Police Officers Association pursuant to A.R.S. § 38-431.03.A.5.

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.

## Study Session

Convene immediately following Executive Session Meeting

### Roll Call

### Study Session Agenda

#### Subject(s) for Discussion Only

3. Police Patrol Services Building at the Pinnacle Peak Public Safety Facility Campus

## Regular Meeting

7:00 P.M. Convene

### Pledge of Allegiance

### Roll Call

### Final Call To Submit Speaker Request Forms

### Consent Agenda

**CONSENT AGENDA:** All items listed on the Consent Agenda 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

4. **C - Code Amendment, Chapter 14, Massage Establishments**

Discussion and possible action to adopt **ORD. 2016-01** amending Chapter 14 of the Peoria City Code (1977 edition) by modifying Article 14-2, Definitions, and Article 14-9, Use Table and Limitations of Use, to amend the use and regulatory standards pertaining to massage establishments.

5. **C - Intergovernmental Agreement, City of Tolleson, Radio Subscriber Support Services**

Discussion and possible action to approve an Intergovernmental Agreement with the City of Tolleson to provide radio subscriber support services.

6. **C - Settlement Agreement, City of Peoria v. Joseph and Elizabeth Garnica**

Discussion and possible action to approve a settlement agreement between City of Peoria v. Joseph and Elizabeth Garnica pertaining to an eminent domain lawsuit.

7. **C - Budget Amendment, City Hall Office Construction**

Discussion and possible action to: (a) approve the use of reserves; and (b) approve a budget amendment in the amount of \$25,000 from the General Fund – Contingency account to the General Fund Non-Departmental - Building Repair and Maintenance account to provide funding to renovate existing space in the City Hall building to create a new office.

8. **C - City Council 2016 Meeting Schedule**

Discussion and possible action to adopt **RES. 2016-01** approving a City Council meeting schedule of regular meetings, special meetings, and study sessions for the 2016 calendar year.

9. **C - Public Artwork, Camino a Lago Park**

Discussion and possible action to approve the recommended artwork for Camino a Lago Park, Cecilia Lueza's "Sunset Flight" a colorful, Mosaic Sundial with Hummingbird.

10. **C - Maintenance Improvement District No. 1187, 3 Olive Park, Olive Avenue and 103rd Avenue**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2015-133** intention and ordering the formation of proposed Maintenance Improvement District No. 1187, 3 Olive Park, located at Olive Avenue and 103rd Avenue; and adopt **RES. 2015-134** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

11. **C - Maintenance Improvement District No. 1189, Blackstone at Vistancia Parcel B14, Blackstone Drive and Sunrise Point**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2015-123** intention and ordering the formation of proposed Maintenance Improvement District No. 1189, Blackstone at Vistancia Parcel B14, located at Blackstone Drive and Sunrise Point; and adopt **RES. 2015-124** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

12. **C - Maintenance Improvement District No. 1190, The Meadows - 2A, 91st Ave. and Deer Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2015-125** intention and ordering the formation of proposed Maintenance Improvement District No. 1190, The Meadows - 2A, located at 91st Avenue and Deer Valley Road; and adopt **RES. 2015-126** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

13. **C - Street Light Improvement District No. 1111, 3 Olive Park, Olive Avenue and 103rd Avenue**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2015-135** intention and ordering the formation of proposed Street Light Improvement District No. 1111, 3 Olive Park, located at Olive Avenue and 103rd Avenue; and adopt **RES. 2015-136** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

14. **C - Street Light Improvement District No. 1113, The Meadows – 2A, 91st Avenue and Deer Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2015-129** intention and ordering the formation of proposed Street Light Improvement District No. 1113, The Meadows – 2A, located at 91st Avenue and Deer Valley Road; and adopt **RES. 2015-130** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

15. **C - Release of Temporary Construction Easement, Sonoma Ridge Apartments**

Discussion and possible action for City Council to approve the release of a Temporary Construction Easement granted by Sonoma Ridge Apartments for the Beardsley Road Connector Project and authorize staff to execute the Release of Temporary Construction Easement.

16. **C - Final Plat, Trilogy West Phase 2 - Parcel C44, Upcountry Way and Vistancia Boulevard**

Discussion and possible action to approve the Final Plat of Trilogy West Phase 2 - Parcel C44, located at Upcountry Way west of Vistancia Boulevard, subject to stipulations.

## Regular Agenda

### New Business

17. **R - Election of Vice Mayor**

Discussion and possible action to establish term length, nominate, and elect a Vice Mayor.

18. **R - Election of Mayor Pro Tem**

Discussion and possible action to establish term length, nominate, and elect a Mayor Pro Tem to serve during the absence of both the Mayor and Vice Mayor.

19. **R - City of Peoria Youth "Bill of Rights"**

Discussion and possible action to adopt the City of Peoria Youth "Bill of Rights".

### **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**

20. **Council Calendar**

21. **Reports**

A. Martin Luther King Jr. Day - Unity Walk, Ceremony and Brick Dedication

### **Reports from City Council Reports from the Mayor**

### **Adjournment**

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

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

#### **Public Notice**

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

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

**CITY OF PEORIA, ARIZONA  
CITY MANAGER REPORT**

Agenda Item: 3

**Date Prepared:** December 9, 2015

**Council Meeting Date:** January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, P.E., Development and Engineering Director

**THROUGH:** Susan J. Daluddung, Deputy City Manager

**SUBJECT:** Police Patrol Services Building at the Pinnacle Peak Public Safety Facility (PPPSF) Campus

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**Purpose:**

Ed Striffler, Architectural Services Manager, will make a brief presentation to the Mayor and City Council on the progress of the design of the new Police Patrol Services Building at the Pinnacle Peak Public Safety Facility (PPPSF) Campus.

**Background/Summary:**

On August 26, 2015, the Mayor and Council approved a design build agreement to Haydon Building Corp and their design partners Corgan|MWL for design and preconstruction services for a new single story, 15,000-17,000 square foot (+-) free standing building constructed on the newly acquired six acre parcel at the PPPSF. In the months since the contract award, the project's design has progressed to nearly fifty percent complete. Staff have worked collaboratively with the design build team to masterplan the full campus build-out, receive citizen feedback through an open house, and begin the series of development approvals that will culminate in the issuance of building permits by Summer 2016.

The presentation will feature rendered images and an animated fly-thru of the proposed building design.

**Previous Actions:**

A design build agreement was awarded to Haydon Building Corp on August 26, 2015.

**Options:**

This is an information presentation only.

**Contact Name and Number:** Ed Striffler, 623-773-7721

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 4C

**Date Prepared: December 10, 2015**

**Council Meeting Date: January 5, 2016**

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**TO:** Carl Swenson, City Manager

**FROM:** Chris M. Jacques, AICP, Planning and Community Development Director

**THROUGH:** Susan J. Daluddung, AICP, Deputy City Manager

**SUBJECT:** Massage Establishments  
Zoning Ordinance Text Amendment (Case TA15-0005)

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**Purpose:**

This is a request for City Council to adopt an Ordinance amending Article 14-2 (“Definitions”) and Article 14-9 (“Non-Residential Districts”) of the Zoning Ordinance amending the use and regulatory standards pertaining to massage establishments.

*This proposed amendment has been filed by Beus Gilbert, PLLC, on behalf of Hand & Stone Massage and Facial Spa (Hand & Stone).*

**Background/Summary:**

The Zoning Ordinance was initially adopted by the City in 1977. Over the years, a number of amendments have been adopted to address new development trends, respond to legislative mandates and/or Council directives and maintain a current and relevant regulatory document. Amendments to the Zoning Ordinance are typically initiated by staff but may also be initiated by private parties.

In 2000, the City of Peoria adopted *Ordinance No. 00-28* adding definitions and development standards for a number of specified uses. More specifically, this amendment recognized that the City had experienced an increase in a number of uses including pawnshops, tattoo parlors and body piercing studios in the community. The Zoning Ordinance at that time did not include definitions or standards for many of these types of use. Moreover, underpinning the amendment was a concern that certain specified uses, in concentration, could lead to blighted conditions or negatively affect the economic health of an area.

Through that amendment, the City identified certain ‘regulated uses’ and developed definitions and standards thereto. The regulated uses included Body Piercing Studios, *Massage Establishments*, Non-Chartered Financial Institutions (e.g. check cashing), Pawnshops, Retail Liquor Stores, Plasma Centers and Tattoo Studios. These regulated uses were subject to the following standards:

- All vehicular access must be from arterial streets
- Uses require issuance of a Conditional Use Permit (CUP) within the C-2, C-4, C-5 and PI-1 commercial zoning districts. The uses would not be permitted within other zoning districts within the City.
- The use cannot be located on a lot with a property line within 1,000 feet of another regulated list in this section. For example, a massage establishment could not be located within 1,000 feet of another massage establishment or pawnshop or retail liquor store.

### *Proposed Amendment to Zoning Ordinance*

While the applicant has a particular business location that precipitated the requested amendment, changes in the perception of the massage therapy industry suggest a need to reconsider the Zoning Ordinance regulations of such uses. Arguably, in recent years, massage establishments have assumed a more clinical and professional operational appearance. They are commonly found in commercial shopping districts. Moreover, massage services are increasingly offered as an accessory service in conjunction with a spa/salon, chiropractor office or other clinical practice.

In 2005, the State of Arizona started to regulate all massage therapists through the Arizona State Board of Massage Therapy pursuant to Title 32, Chapter 42 of the Arizona Revised Statutes ('Massage Therapy). Today, each individual therapist is required to be licensed through the Arizona State Board of Massage Therapy. Therapists are also required to have 700 hours of class work, and continuing education every two years to renew their license. The State licensing and regulatory standards were not in place in 2000 when the Zoning standards were enacted for massage establishments.

The proposed amendment, as recommended by Staff and the Planning & Zoning Commission, would provide for the following modifications:

- New definition for Massage Establishment aligned with the Arizona Revised Statutes regulations on massage therapy practices and licensing; and
- Removal of massage establishments from the earlier list of regulated personal services pursuant to *Ordinance 00-28*; and
- Massage establishments would not require issuance of a Conditional Use Permit (CUP) and would be a Permitted Principal Use in all commercial zoning districts; and
- As a Permitted Principal Use, massage establishments would not be subject to the 1,000 foot separation between uses; and
- New provision would limit massage establishment hours of operation between 8:00 a.m. to 10:00 p.m.

As part of the review staff sought the assistance of the Peoria Police Department to determine if massage therapy establishments or day spas were more prone to crime than other commercial businesses. In our joint research and assessment, it was determined that massage establishments have not proven to be crime hotspots, and to date, only one criminal case has been recorded within the last five (5) years at a Peoria massage establishment or spa. Incidentally, the recorded case was *not* due to prostitution, human trafficking, or money laundering.

Hence, staff has found that massage establishments do not warrant the same level of land use scrutiny as envisioned in 2000. Moreover, staff believes the proposed amendment constitutes an improvement to the Zoning Ordinance by promoting economic development by expanding locations available to massage therapy businesses and increasing service options for customers while providing limitations to limit the potential for negative impacts upon the community.

**Previous Actions:**

- Planning & Zoning Commission Study Session (October 15, 2015)
- Planning & Zoning Commission Public Hearing (December 3, 2015)

The Planning and Zoning Commission held a Public Hearing on December 3, 2015 to consider the proposed text amendment. The Commission voted 5-0 in favor of recommending approval of the request as presented. The applicant provided a presentation in support of the request. No members of the public spoke in support of or opposition to the request.

**Options:**

- A:** Approve as recommended by Staff and the Planning & Zoning Commission; or
- B:** Approve with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand back to the Planning & Zoning Commission for further consideration.

**Staff's Recommendation:**

Staff recommends that the Mayor and City Council *concur* with the Planning and Zoning Commission's recommendation to adopt the attached Ordinance amending Article 14-2 ("Definitions") and Article 14-9 ("Non-Residential Districts") of the Zoning Ordinance (Chapter 14 of the City Code, 1977 edition).

**Fiscal Analysis:**

This request is not expected to have budgetary impacts to the City.

**Narrative:**

Should the Mayor and City Council affirmatively take action as recommended, the Ordinance would become effective within 30 days of signature.

**Exhibit(s):**

**Exhibit 1:** December 3, 2015 Planning and Zoning Commission Staff Report and Exhibits

**Exhibit 2:** Draft Ordinance amending Article 14-2 and Article 14-9 of the Zoning Ordinance  
(deletions/additions shown as ~~strike~~/double underline)

**Contact Name and Number:** Randy Proch, Planner, (623) 773-5164

# Exhibit 1



## **ZONING ORDINANCE TEXT AMENDMENT**

### **REPORT TO THE PLANNING AND ZONING COMMISSION**

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**CASE NUMBER:** TA15-0005  
**DATE:** December 3, 2015  
**AGENDA ITEM:** 7R

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**Applicant:** Beus Gilbert PLLC on behalf of Hand & Stone Massage  
**Request:** Amend Article 14-2 “Definitions” and Article 14-9 “Non-Residential Districts”, of the Zoning Ordinance pertaining to *Massage Establishments* in the following Zoning Districts, subject to special limitations:

- Office Commercial (O-1)
- Convenience Commercial (C-1)
- Planned Neighborhood Commercial District (PC-1)
- Planned Community Commercial District (PC-2)
- Intermediate Commercial (C-2)
- Central Commercial District (C-3)
- General Commercial District (C-4)
- Regional Commercial District (C-5)

**Support / Opposition:** As of the date of this printing, Staff has received one (1) phone call and one (1) letter in opposition to this request.

**Recommendation:** **Approve** as requested.

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## **BACKGROUND**

### *Massage Establishments*

1. The Zoning Ordinance was initially adopted by the City in 1977. Over the years, a number of amendments have been adopted to address new development trends, respond to legislative mandates and/or Council directives and maintain a current and relevant regulatory document. Amendments to the Zoning Ordinance are typically initiated by staff but may also be initiated by private parties.
2. In 2000, the City of Peoria adopted *Ordinance No. 00-28* (Case TA 00-04) to add definitions and development standards for a number of specified uses. The initiation of this amendment was at the request of a Councilmember. More specifically, this amendment recognized that the City had experienced an

increase in a number of uses including pawnshops, tattoo parlors and body piercing studios in the community. The Zoning Ordinance at that time did not include definitions or standards for many of these types of use. Moreover, underpinning the amendment was a concern that certain specified uses, in concentration, could lead to blighted conditions or negatively affect the health of an area.

3. Through that amendment, the City identified certain 'regulated uses' and developed definitions and standards thereto. The regulated uses included Body Piercing Studios, *Massage Establishments*, Non-Chartered Financial Institutions (e.g. check cashing), Pawnshops, Retail Liquor Stores, Plasma Centers and Tattoo Studios. These regulated uses were subject to the following standards:

- All vehicular access must be from arterial streets
- Uses require issuance of a Conditional Use Permit (CUP) within the C-2, C-4, C-5 and PI-1 commercial zoning districts. The uses would not be permitted within other zoning districts within the City.
- The use cannot be located on a lot with a property line within 1,000 feet of another regulated list in this section. For example, a massage establishment could not be located within 1,000 feet of another massage establishment or pawnshop or retail liquor store.

4. *Massage Establishments* was included in that listing of regulated uses pursuant to Ordinance No. 00-28. A corresponding definition for massage establishments was developed:

Massage Establishment means any building, room, place, or establishment, other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. A Massage Establishment shall also include any bathing establishment operated in conjunction with the business. Massage establishments, as established herein, shall not include uses including but not limited to beauty parlors, salons, spas and health and exercise facilities where massage services may be available as an accessory use to a permitted principal use. (Ord. No. 00-28).

#### *Proposed Amendment to Zoning Ordinance*

5. While the applicant has a particular business location that precipitated the requested amendment, changes in the perception of the massage therapy industry suggest a need to reconsider the Zoning Ordinance regulations of such uses. Arguably, in recent years, massage establishments have assumed a more clinical and professional operational appearance. They are commonly found in commercial shopping districts. Moreover, massage services are increasingly offered as an accessory service in conjunction with a spa/salon, chiropractor

office or other clinical practice. Today, each individual therapist is required to be licensed through the Arizona State Board of Massage Therapy. Additionally, massage therapy is subject to Title 32, Chapter 42 of the Arizona Revised Statutes ("Massage Therapy").

6. The City of Peoria received an application from Beus Gilbert on behalf of *Hand & Stone Massage* requesting to amend the Zoning Ordinance as it pertains to Massage Establishments. The applicant's initial request was to (1) amend the Ordinance to add two new sub-definitions for *Massage Establishment, Licensed, and Massage Establishment, Unlicensed*, and (2) to allow licensed Massage Establishments as a Permitted Principal Use in several non-residential zoning districts.
7. As stated above, Article 14-9, "Non-Residential Districts" of the Zoning Ordinance currently allows *Massage Establishments* as a Permitted Conditional Use in the Intermediate Commercial (C-2), General Commercial (C-4), Regional Commercial District (C-5), and Planned Light Industrial (PI-1) zoning districts, subject to limitations, including issuance of a Conditional Use Permit and 1,000 foot separation. This use is currently not a Permitted Principal Use in any zoning district.

## **DISCUSSION AND ANALYSIS**

8. In response to the requested amendment, staff reviewed the "Definitions" of Article 14-2 and the "Land Use Matrix" of Article 14-9 of the Zoning Ordinance and assessed the proposed definition and use in relation to the definition and matrix as a whole in terms of the language and possible associated impacts.
9. The proposed sub-definitions did not create an optimal solution, as each individual therapist is required to go through the Arizona State Board of Massage Therapy for licensing, and not the massage establishment business itself. This created an enforcement concern as it would be implausible to track the licensing for each employee. If a non-licensed individual was hired, it would require the business to cease operations until a Conditional Use Permit would be obtained.
10. A modified definition was concluded to be the best course of action, instead of the sub-definitions. The new staff-proposed definition was cultivated with the assistance of the City Attorney's Office. Together, it was determined that the Arizona Revised Statutes provided the best, comprehensive definition. The new definition refers to the A.R.S. which will provide consistency with any updates and also removes the need for the current extended description for accessory use scenarios. The applicant is agreeable to the simplified definition.

11. The modified definition also affected the proposed changes to the Land Use Matrix of Article 14-9. The applicant proposed to remove *Massage Establishments* from the Personal Services line item (*Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio*) and create two new line items, *Massage Establishment, Licensed*, and *Massage Establishment, Unlicensed*.
12. Staff researched existing regulatory measures for massage establishments in other communities in the Phoenix metropolitan area. As a result, it was found that a number of communities already consider massage establishments as a Permitted Use that is allowed by-right in a number of zoning districts. Other municipalities require a staff, or “administrative” level approval process for the use, whereas the City’s current requirement of a Planning and Zoning Commission-approved Conditional Use Permit was a less common requirement. *Table 1* provides a comparison of several municipalities’ regulation of the use.

**Table 1 - Regulatory Comparison**

Municipality	Zoning Districts where use may be allowed	Use Category/Approval Process
<b>Avondale</b>	C1, C2, C3	Principal Permitted Use - “by right”
<b>Buckeye</b>	NMU, CMU, RMU, DC, PO, C1, C2, C3, BP	Principal Permitted Use - “by right”
<b>Scottsdale</b>	IG, CO, C1, C2, C3, PRC, I-1, PCP, DM-2, DMU-2, DRU-2, PCC, PNC	Principal Permitted Use - “by right”
<b>Surprise</b>	MU, CC, CR, C-RS	Principal Permitted Use - “by right”
<b>Goodyear</b>	C-2	Administrative Use Permit
<b>Tempe</b>	R/O, CSS, CC, PCC-1, PCC-2, RCC, MU-1, MU-2, MU-3, MU-4, MU-Ed	Conditional Use Permit
<b>Maricopa County</b>	MU-G	Administrative Use Permit

PEORIA		
<b>Current Regulations</b>	C-2, C-4, C-5, PI-1	Conditional Use Permit
<b>Proposed Regulations</b>	O-1, C-1, C-2, C-3, C-4, C-5	Principal Permitted Use –“by right”

13. As a result of research and analysis, staff agrees with the applicant proposal to remove *Massage Establishments* from the Personal Services line item that requires a Conditional Use Permit (*Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio*), and create just one new line item for *Massage*

*Establishment*, corresponding to the staff-proposed definition. The proposed use would be a Permitted Principal Use in the Office Commercial (O-1), Convenience Commercial (C-1), Planned Neighborhood Commercial District (PC-1), Planned Community Commercial District (PC-2), Intermediate Commercial (C-2), Central Commercial District (C-3), General Commercial District (C-4), and Regional Commercial District (C-5), subject to special limitations. The result of the proposed change would be as follows:

- Removal of massage establishments from the earlier list of regulated personal services pursuant to *Ordinance 00-28*; and
  - Massage establishments would not require issuance of a Conditional Use Permit (CUP) and would be a Permitted Principal Use in all commercial zoning districts; and
  - As a Permitted Principal Use, massage establishments would not be subject to the 1,000 feet of separation.
14. Inclusion of this use in the Office Commercial (O-1), Convenience Commercial (C-1), Planned Neighborhood Commercial District (PC-1), Planned Community Commercial District (PC-2), Intermediate Commercial (C-2), Central Commercial District (C-3), General Commercial District (C-4), and Regional Commercial District (C-5) would provide the opportunity for residents to utilize massage therapy in a convenient area where they could find other day-to-day retail uses and services in close proximity. Removing the use from the Light Industrial (I-1) zoning district eliminates the need to make a separate trip into an industrial area designed for limited customer access.
  15. Staff has been working with the Peoria Police Department to determine if massage therapy establishments or day spas are more prone to crime than other commercial businesses. In our joint research and assessment, it was determined that massage establishments are not crime hotspots, and to date, only one criminal case has been recorded, which was not due to prostitution, human trafficking, or money laundering.
  16. Nonetheless, a Special Limitation has been proposed with this amendment to mitigate the potential for negative impacts on the community. The limitation is:
    - Hours of operation shall be limited from 8:00 a.m. to 10:00 p.m.

The proposed limitation keeps the hours of operation in line with the other industry-leading massage therapy companies located in Peoria and eliminates the perception that the businesses could cater to late-night illicit activities.

17. It is staff's assessment that the proposed change will provide better options for massage therapy businesses to provide services that better serve patrons and residents in Peoria, while ensuring that such uses occur in a safe, compatible, and unobtrusive manner.

## **Administrative Procedure**

### *Noticing and Neighborhood Comment*

18. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. As of the printing of this report, one phone call and one mailed letter have been received in opposition of the text amendment.
  - The phone call in opposition was concerned about a competing business being able to be located closer to her business.
  - The mailed letter in opposition was concerned about the removal of the 1,000 foot buffer from other massage establishments specifically, and the perceived unfairness for previous businesses needing to obtain a Conditional Use Permit (Exhibit B).

### *Proposition 207*

19. It has been determined that a Proposition 207 waiver is not required.

### *Planning & Zoning Commission Study Session*

20. On October 15, 2015, the Planning and Zoning Commission was introduced to the proposed text amendment through a Study Session. The Commission provided input on the proposal and requested additional information on how this use was addressed in other communities and for input from the Police Department pertaining to this use. Table 1 above provides a survey of area municipalities. Additionally, a representative from the Police Department will be available at the December 3, 2015 Public Hearing to speak on point to this use and its experience in Peoria. Again, as identified above, the Police Department has not identified or experienced a causal relationship to illicit activities from existing establishments in Peoria.

## **FINDINGS AND RECOMMENDATION**

21. Based on the following findings:

- The amendment recognizes that the perception, regulatory environment and experience of the use has changed necessitating a reconsideration and change in approach; and
- The proposed amendment promotes economic development by expanding locations available to massage therapy businesses and increasing service options for customers, while providing limitations to limit the potential for negative impacts upon the community;
- The proposed amendment provides an improvement and modernization to the Zoning Ordinance by removing unwarranted restrictions; and
- The proposed amendment is consistent with the goals, objectives and policies of the Land Use element of the General Plan which promotes compatibility between differing uses and promotes high-quality architectural and site development; and,
- Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

It is recommended that the Planning and Zoning Commission take the following action:

**Recommend approval of Case TA15-0005 to the City Council.**

## **ATTACHMENTS**

Exhibit A: Proposed changes to Article 14-2 and Article 14-9  
(deletions/additions shown as ~~strike~~/underscore)

Exhibit B: Letter in opposition dated November 6, 2015.

Prepared by: Randy Proch  
Planner

# EXHIBIT A

(Proposed Changes – Case TA 15-0005)

## ARTICLE 14-2 (“Definitions”)

### 14-2-2 DEFINITIONS

- A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word *dwelling* includes the word *residence*; the word *lot* includes the words *plot* or *parcel*.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

*Massage Establishment* means any business or establishment where the practice of massage therapy is engaged pursuant to A.R.S. § 32-4201, et seq. ~~building, room, place, or establishment, other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. A Massage Establishment shall also include any bathing establishment operated in conjunction with the business. Massage establishments, as established herein, shall not include uses including but not limited to beauty parlors, salons, spas and health and exercise facilities where massage services may be available as an accessory use to a permitted principal use. (Ord. No. 00-28) (Ord. No. 2016-X).~~

# ARTICLE 14-9 (“Non-Residential Districts”)

## 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>PERSONAL SERVICES</b>												
Massage Establishment #	<u>P</u>	-	-	-	-							
Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio #	-	-	-	-	<b>C</b>	-	<b>C</b>	<b>C</b>	-	<b>C</b>	-	-

## 14-9-5 LIMITATIONS ON USES

### K. Personal Services (Ord. No. 05-51) (Ord. No. 2016-)

1. Body Piercing Studios, ~~Massage Establishments~~, Tattoo Studios, Retail Liquor Stores, Plasma Center, Non Chartered Financial Institutions, and Pawnshops shall be subject to all of the following additional requirements: (Ord. No. 00-28)
  - a. All vehicular access shall be from arterial streets.
  - b. The uses shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, ~~Massage Establishment~~, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.

c. For purposes of calculating the locational requirements of this subsection, the distance shall include those areas of Maricopa County surrounded by the City of Peoria and some other city on three or more sides. The locational requirements shall also apply to the uses regardless of whether their distance from such other use includes area within Maricopa County or some other incorporated city and regardless of whether the other use is located in Maricopa County of some other incorporated city.

2. Pet Grooming Shop (Ord. No. 05-51)

a. The building or suite containing the pet grooming shop shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

3. Massage Establishment (Ord. No. 2016-)

a. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.

DATE November 6, 2015

CONTACT Donald [REDACTED]

[REDACTED]

TO Stacey Bridge-Denzak Planner

Subject Hand and Stone Spa

In a recent issue of a local Peoria paper I read that on November 19<sup>th</sup> Their will be a meeting of the planning and zoning board. On the agenda For this meeting is allowing a zoning change to benefit a business named Hand and Stone. As I understand they wish to have the rules changed so That they may locate within the 1000 foot zone that applies to all other Businesses that do massage. First I want to state my objection to this Change . All other similar businesses had to follow these zoning regulations And to grant an exception for this one business would be unfair to all those Who had to follow the regulations. I am unable to attend this zoning Meeting so I hope this letter can represent my objections

Thank You

Donald [REDACTED]

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-2 "DEFINITIONS" AND ARTICLE 14-9 "NON-RESIDENTIAL DISTRICTS", OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on December 3, 2015 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on November 13, 2015; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of December 3, 2015 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that an amendment be made to the Peoria City Code (1977 edition) and Chapter 14 of the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Article 14-2 "Definitions" and Article 14-9 "Non-Residential Districts" of Chapter 14 of the Peoria City Code (1977 edition):

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

SECTION 1. of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Maricopa County, Arizona this 5<sup>th</sup> day of January, 2016.

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

Published in: Peoria Times  
Publication Date: January 15, 2015  
Effective Date:

# EXHIBIT A

(Proposed Changes – Case TA 15-0005)

## **ARTICLE 14-2 (“Definitions”)**

### **14-2-2 DEFINITIONS**

- A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word *dwelling* includes the word residence; the word *lot* includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

*Massage Establishment* means any business or establishment where the practice of massage therapy is engaged pursuant to A.R.S. § 32-4201, et seq. ~~building, room, place, or establishment, other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. A Massage Establishment shall also include any bathing establishment operated in conjunction with the business. Massage establishments, as established herein, shall not include uses including but not limited to beauty parlors, salons, spas and health and exercise facilities where massage services may be available as an accessory use to a permitted principal use.~~ (Ord. No. 00-28) (Ord. No. 2016-XX).

## ARTICLE 14-9 (“Non-Residential Districts”)

### 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>PERSONAL SERVICES</b>												
Massage Establishment #	P	P	P	P	P	P	P	P	-	-	-	-
Plasma Center, <del>Massage Establishment,</del> Tattoo & Body Piercing Studio #	-	-	-	-	C	-	C	C	-	C	-	-

### 14-9-5 LIMITATIONS ON USES

K. Personal Services (Ord. No. 05-51) (Ord. No. 2016-)

1. Body Piercing Studios, ~~Massage Establishments,~~ Tattoo Studios, Retail Liquor Stores, Plasma Center, Non Chartered Financial Institutions, and Pawnshops shall be subject to all of the following additional requirements: (Ord. No. 00-28)
  - a. All vehicular access shall be from arterial streets.
  - b. The uses shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, ~~Massage Establishment,~~ Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.
  - c. For purposes of calculating the locational requirements of this subsection, the distance shall include those areas of Maricopa County surrounded by the City of Peoria and some other city on three or more sides. The locational requirements

shall also apply to the uses regardless of whether their distance from such other use includes area within Maricopa County or some other incorporated city and regardless of whether the other use is located in Maricopa County of some other incorporated city.

2. Pet Grooming Shop (Ord. No. 05-51)

- a. The building or suite containing the pet grooming shop shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

3. Massage Establishment (Ord. No. 2016-XX)

- a. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 5C

**Date Prepared: December 17, 2015**

**Council Meeting Date: January 5, 2016**

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**TO:** Carl Swenson, City Manager

**FROM:** John Imig, IT Director/Chief Technology Officer

**THROUGH:** Julie Ayers, Deputy City Manager

**SUBJECT:** Intergovernmental Agreement with the City of Tolleson to Provide Radio Subscriber Support Services

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**Purpose:**

This is a request for City Council to authorize the City Manager to execute an Intergovernmental Agreement (IGA) between the City of Peoria and the City of Tolleson for Peoria to provide radio subscriber support services. This would allow Tolleson to receive limited radio maintenance services and allow Peoria to bill for services provided.

**Background/Summary:**

The Cities of Peoria and Tolleson are both members of the Regional Wireless Cooperative Radio System (RWC). Members of the RWC are each responsible for the programming, updates and maintenance required on their radio subscriber equipment (i.e. mobile, portable and base-station (console) radios). Peoria has the equipment and staff expertise required to provide limited subscriber maintenance services such as programming, encryption key loading and template development. Tolleson does not currently have staffing, equipment and training to perform these services in house.

As a key member of the RWC and in its role as a regional partner, Peoria has provided operational radio services support to the Cities of Surprise, El Mirage and Buckeye, after Council approved similar IGAs in 2010 and 2014 with those communities. This IGA establishes formal processes, costs and invoicing methods to provide charged services on an hourly basis.

**Previous Actions:**

In November, 2010, Council approved similar IGAs with the Cities of Surprise and El Mirage. Subsequently, Council approved a similar IGA with the City of Buckeye in July, 2014.

**Options:** *(include as many as reasonable)*

**A:** The Council could approve entering into this IGA.

**B:** The Council could decline to approve this IGA.

**Staff's Recommendation:**

Staff recommends that the Council authorizes the City Manager to enter into this IGA with the City of Tolleson.

**Fiscal Analysis:**

Any costs associated with providing radio services to the City of Tolleson will be recuperated through billing on an hourly basis. Some revenue may be generated from this IGA, but IT is unable to make any projections as to how much because services will be rendered as necessary and requested by the City of Tolleson.

**Exhibit(s):**

**Exhibit 1:** Intergovernmental Agreement for Radio Subscriber Services

**Contact Name and Number:** John Imig, Information Technology Director, 623-773-7253

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE CITY OF TOLLESON  
AND  
THE CITY OF PEORIA  
FOR  
RADIO SUBSCRIBER SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is entered into as of December 8, 2015 (the “Effective Date”) between the City of Tolleson, an Arizona municipal corporation (“Tolleson”) and the City of Peoria, an Arizona municipal corporation (“Peoria”).

RECITALS

A. Tolleson desires to have Peoria provide radio subscriber support services to the Tolleson Police Department.

B. Peoria has the necessary equipment and expertise to provide radio subscriber services to Tolleson.

C. Tolleson and Peoria each have funding available in their budgets to provide for the costs associated with this Agreement.

D. Tolleson and Peoria are authorized to enter into this Agreement pursuant to Ariz. Rev. Stat. § 11-952.

E. The Parties desire to enter into this Agreement to establish the rights and responsibilities with respect to Peoria providing Tolleson with radio subscriber services as set forth in Section 2 below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration; the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Term. This Agreement shall remain in full force and effect from December 8, 2015 until June 30, 2016 (the “Initial Term”), unless terminated as otherwise provided pursuant to the terms and conditions of this Agreement. After the expiration of the Initial Term, this Agreement may be renewed for up to four successive one-year terms (each, a “Renewal Term”) if (i) Tolleson deems the Agreement to be in the best interests of Tolleson, subject to availability and appropriation of funds for renewal in each subsequent year, (ii) at least 30 days prior to the end of the then-current term of the Agreement, Tolleson requests, in writing, to extend the Agreement for an additional one-year term and (iii) Peoria approves the additional one-year term in writing (including any cost adjustments approved as part of this Agreement), as

evidenced by the signature thereon of the City Manager, which approval may be withheld for any reason. Tolleson's failure to seek a renewal of this Agreement shall cause the Agreement to terminate at the end of the then-current term of this Agreement; provided, however, that Tolleson may, at its discretion and with the agreement of Peoria, elect to waive this requirement and renew this Agreement. The Initial Term and any Renewal Term(s) are collectively referred to herein as the "Term." Upon renewal, the terms and conditions of this Agreement shall remain in full force and effect.

2. Services. Peoria shall provide Tolleson with routine services on subscriber equipment, including programming, troubleshooting, maintenance and repair on an as needed basis, Monday through Thursday between the hours of 7:00 a.m. and 6:00 p.m. (the "Routine Services"). In addition to the Routine Services, Peoria may be available to provide critical services outside of normal business hours on a per-case basis.

3. Compensation. Tolleson shall pay Peoria for the Services as follows:

3.1 \$75.00 per hour (one-hour minimum required).

3.2 After the first hour, rates for the Services will be calculated in quarter-hour increments (at \$18.75 per every 15 minutes).

3.3 For on-site service, there will be an additional trip charge of \$75.00, plus mileage at the current federal mileage reimbursement rate.

3.4 For the Initial Term and for each subsequent Renewal Term, if any, Tolleson shall pay Peoria an annual aggregate amount not to exceed \$10,000 for the Services at the unit rates as set for in this Section 3. The maximum aggregate amount for this Agreement shall not exceed \$50,000.

4. Payments. Tolleson shall pay Peoria on a quarterly (three month) basis, based upon work performed to date and upon submission and approval of invoices.

5. Capital and Operating Expenditures Nothing in this Agreement shall be construed as committing Tolleson to incur capital expenditures for equipment, facilities, or otherwise, or to incur expenses not expressly set forth in this Agreement.

6. Oversight; Acceptance. All Services shall be subject to oversight and acceptance by Tolleson at reasonable times during Peoria's performance.

7. Materials. Tolleson has no obligation to provide tools, equipment or materials to Peoria for the performance of the Services. Each Party shall be solely responsible for the costs of repair of damage to equipment, materials or tools caused by such Party.

8. Performance Warranty. Peoria warrants that the Services rendered will conform to the requirements of this Agreement and to the highest professional standards in the field.

9. Liability and Indemnification. Each Party agrees that it will be responsible for any

liability or loss that may be incurred as a result of any claim, demand, cost or judgment made against that Party to the extent arising from any negligent, reckless or intentional act or omission by any of that Party's employees, agents or servants in connection with work or services performed pursuant to this Agreement. To the extent permitted by law, each Party shall indemnify, defend and hold harmless the other Party and each council member, officer, employee or agent thereof (the Party being indemnified and any such person referred to herein as an "Indemnified Party") for from and against any and losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are cause by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions in connection with the work or services of the other Party, its officers, employees, agents, or any tier of subcontractor in the performance of this Agreement. The amount and type of insurance coverage secured by the indemnifying Party will in no way be construed as limiting the scope of the indemnity in this Section.

10. Insurance. The Parties agree to secure and maintain insurance coverage for any and all risk that may arise out of the terms, obligations, operations and actions as set forth in this Agreement, including but not limited to public entity insurance. The acquisition of insurance or the maintenance and operation of a self-insurance program may fulfill the insurance requirement.

11. Termination; Cancellation.

11.1 For Convenience. This Agreement may be terminated by either Party with or without cause upon 60 days' written notice to the other Party.

11.2 Conflict of Interest. This Agreement may be canceled by either Party for conflict of interest pursuant to ARIZ. REV. STAT. § 38-511.

11.3 Agreement Subject to Appropriation. Each Party is obligated only to pay its obligations set forth in this Agreement as may lawfully be made from funds appropriated and budgeted for that purpose during the Party's then current fiscal year. Each Party's obligations under this Agreement are current expenses subject to the "budget law" and the unfettered legislative decision of the Party concerning budgeted purposes and appropriation of funds. Should a Party elect not to appropriate and budget funds to pay its obligations under this Agreement, this Agreement shall be deemed terminated at the end of the then current fiscal year term for which such funds were appropriated and budgeted for such purpose and the Party shall be relieved of any subsequent obligation under this Agreement. The Parties agree that each Party has no obligation or duty of good faith to budget or appropriate the payment of a Party's obligations set forth in this Agreement in any fiscal year other than the fiscal year in which this Agreement is executed and delivered. Each Party shall be the sole judge and authority in determining the availability of funds for its obligation under this Agreement. The obligation to make any payment pursuant to this Agreement is not a general obligation or indebtedness of the Parties. Each Party hereby waives any and all rights to bring any action against the other Party from or relating in any way to such Party's termination of this Agreement pursuant to this subsection 11.3.

12. Miscellaneous.

12.1 Independent Contractor. Peoria acknowledges and agrees that the Services provided under this Agreement are being provided as an independent contractor, not as an employee or agent of Tolleson, except as provided in Section 12.13 below. Peoria, its employees and subcontractors are not entitled to workers' compensation benefits from Tolleson. Tolleson does not have the authority to supervise or control the actual work of Peoria, its employees or subcontractors. Peoria, and not Tolleson, shall determine the time of its performance of the services provided under this Agreement so long as Peoria meets the requirements set forth herein. The Parties do not intend to nor will they combine business operations under this Agreement. Peoria is advised that taxes or Social Security payments will not be withheld from any Tolleson payment issued hereunder and Peoria agrees to be fully and solely responsible for the payment of such taxes and any other taxes applicable to this Agreement.

12.2 Applicable Law; Venue. This Agreement shall be governed by the laws of the State of Arizona and suit pertaining to this Agreement may be brought only in courts in Maricopa County, Arizona.

12.3 Laws and Regulations. Both Parties shall keep fully informed and shall at all times during the performance of its duties under this Agreement ensure that it and any person for whom the Parties are responsible for abides by, and remains in compliance with, all rules, regulations, ordinances, statutes or laws affecting the Services, including, but not limited to, the following: (A) existing and future local and county ordinances and regulations, (B) existing and future state and federal laws and (C) existing and future Occupational Safety and Health Administration standards.

12.4 Amendments. This Agreement may be modified only by a written amendment approved by the Parties' respective City Councils and signed by persons duly authorized to enter into contracts on behalf of Tolleson and Peoria. Any attempt at oral modification of this Agreement shall be void and of no effect.

12.5 Provisions Required by Law. Each and every provision of law and any clause required by law to be in this Agreement will be read and enforced as though it were included herein and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either Party, this Agreement will promptly be physically amended to make such insertion or correction.

12.6 Entire Agreement; Interpretation; Parol Evidence. This Agreement represents the entire agreement of the Parties with respect to its subject matter, and all previous agreements, whether oral or written, entered into prior to this Agreement are hereby revoked and superseded by this Agreement. No representations, warranties, inducements or oral agreements have been made by any of the Parties except as expressly set forth herein, or in any other contemporaneous written agreement executed for the purposes of carrying out the provisions of this Agreement. This Agreement shall be construed and interpreted according to its plain meaning, and no presumption shall be deemed to apply in favor of, or against the Party drafting the Agreement. The Parties acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in the drafting of, review of, and entry into this Agreement.



If to Peoria:

City of Peoria  
8401 West Monroe Street  
Peoria, Arizona 85345  
Attn: Carl Swenson, City Manager

or at such other address, and to the attention of such other person or officer, as any Party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (A) when delivered to the Party, (B) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (B) the following business day after being given to a recognized overnight delivery service, with the Party giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a Party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a Party shall mean and refer to the date on which the Party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

12.12 Severability. The provisions of this Agreement are severable to the extent that any provision or application held to be invalid or unenforceable by a court of competent jurisdiction shall not affect any other provision or application of the Agreement which may remain in effect without the invalid provision or application.

12.13 Worker's Compensation. An employee of either Party shall be deemed to be an "employee" of both public agencies while performing pursuant to this Agreement solely for purposes of ARIZ. REV. STAT. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any workers' compensation benefits, which may accrue. Each Party shall post a notice pursuant to the provisions of ARIZ. REV. STAT. § 23-1022 in substantially the following form:

"All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of worker's compensation."

12.14 Counterparts. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed original hereof.

12.15 Captions. Captions and section headings used herein are for convenience only and are not a part of this Agreement and shall not be deemed to limit or alter any provisions hereof and shall not be deemed relevant to construing this Agreement.

12.16 Disposition of Property Upon Termination. The Parties do not anticipate having to dispose of any property upon partial or complete termination of this Agreement. However, to the extent that such disposition is necessary, property shall be returned to its original owner.

13. E-verify, Records and Audits. To the extent applicable under ARIZ. REV. STAT. § 41-4401, each Party and their respective subcontractors warrant compliance with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under ARIZ. REV. STAT. § 23-214(A). Each Party has the right to inspect the papers of the other Party or its subcontractors participating in this Agreement to ensure compliance with this paragraph. A Party's or its subcontractor's breach of the above-mentioned warranty shall be deemed a material breach of this Agreement and may result in the termination of this Agreement by a non-breaching Party under the terms of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

**“Tolleson”**

CITY OF TOLLESON, an Arizona  
municipal corporation

\_\_\_\_\_  
Reyes Medrano, Jr., City Manager

ATTEST:

\_\_\_\_\_  
Crystal Zamora, City Clerk

**“Peoria”**

CITY OF PEORIA, an Arizona  
municipal corporation

\_\_\_\_\_  
Carl Swenson, City Manager

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

In accordance with the requirements of ARIZ. REV. STAT. § 11-952(D), the undersigned City Attorneys acknowledge that (i) they have reviewed the above agreement on behalf of their respective clients and (ii) as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

\_\_\_\_\_  
Scott W. Ruby, City Attorney

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 6C

Date Prepared: December 22, 2015

Council Meeting Date: January 5, 2016

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**TO:** Honorable Mayor and Council

**FROM:** Stephen M. Kemp, City Attorney

**THROUGH:** Melinda A. Bird, Assistant City Attorney

**SUBJECT:** *Peoria v. Joseph and Elizabeth Garnica (eminent domain lawsuit)*

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**Purpose:**

This is a request for City Council to approve the Settlement (“Settlement”) in the Maricopa County Superior Court case identified as *City of Peoria v. Joseph and Elizabeth Garnica*, Case No. CV2014-012533. This action will resolve this eminent domain case for the acquisition of certain real property required for the 87<sup>th</sup> Avenue and Peoria Avenue intersection improvement project (the “Project”).

**Background/Summary:**

By Resolution No. 2014-75, the City Council approved the acquisition by eminent domain of certain real property required for the 87<sup>th</sup> Avenue and Peoria Avenue intersection improvement project (the “Project”). On October 8, 2014, the City filed an eminent domain action against Joseph and Elizabeth Garnica (the “Property Owners”) in order to acquire the Property needed for the Project.

Under eminent domain laws, the City is required to pay just compensation to the owner of the Property based on its highest and best use. On December 14, 2015, the parties attended a court ordered settlement conference. At the settlement conference the parties agreed to settle the case. Under the settlement, the City will pay the Property Owners \$60,500, in total just compensation for fee interest in the Property. Pursuant to the Order of Immediate Possession, the City previously deposited \$40,500 (the amount of the City’s appraisal) with the Court, and the Property Owners withdrew \$40,425.21 of that amount on July 10, 2015. If the settlement is approved, the remaining \$20,074.79 will be paid by the City to the Property Owners.

It is my recommendation that the Mayor and Council approve the proposed Settlement in this matter.

**Previous Actions:**

By Resolution No. 2014-75, the City Council approved the acquisition by eminent domain of certain real property required for the 87<sup>th</sup> Avenue and Peoria Avenue intersection improvement project (the “Project”).

**Options:**

**A:** Approval of the Settlement will resolve this case and any outstanding dispute and the City will acquire the Property for the Project.

**B:** Disapprove the Settlement and the City’s eminent domain action will continue in litigation.

**Staff’s Recommendation:**

Approve the Settlement.

**Fiscal Analysis:**

Funding for the acquisition is available in the 87<sup>th</sup> Avenue and Peoria Avenue Intersection Alignment Project and will be drawn from the Transportation Sales Tax Fund, Account 7010-7075-540000-CIPST-PW00109LA.

**Narrative:**

The Settlement is the result of extensive successful settlement negotiations that limits the exposure of the City to possible additional just compensation, accruing interest, and continued costly litigation.

**Exhibit(s):**

**Exhibit 1:** Resolution

**Exhibit 2:** Settlement Agreement

**Contact Name and Number:** Stephen M. Kemp, City Attorney (623) 773-7331

# EXHIBIT 1

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20140344852 05/28/2014 02:03  
ELECTRONIC RECORDING

0528143-7-1-1--  
Yorkm

RESOLUTION NO. 2014-75

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 IMPROVE AND DEVELOP THE INTERSECTION OF 87<sup>TH</sup> AVENUE AND PEORIA AVENUE 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:

20140344852

Resolution No. 2014-75  
May 20, 2014  
Page 2

142-40-002 Total take

142-40-005C 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.

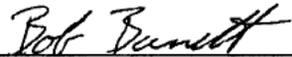
20140344852

Resolution No. 2014-75  
May 20, 2014  
Page 3

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 20<sup>th</sup> day of May, 2014.

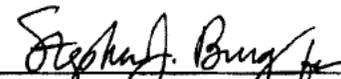
  
\_\_\_\_\_  
Bob Barrett, Mayor

ATTEST:

  
for Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen M. Kemp, City Attorney

ATTACHMENTS:

Exhibit A - Legal Descriptions

20140344852



## EXHIBIT A LEGAL DESCRIPTION

The west 50.00 feet of Lot 45 of the Plat of Altaloma, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 5 of Maps, Page 19, containing 3,300 square feet.

APN 142-40-002

Page 1 of 1

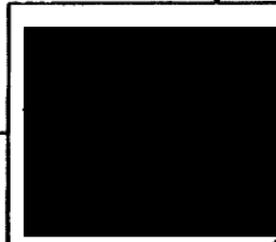
**Title:** Peoria Avenue and 87th Avenue

**Preparing Firm:** TRACE Consulting, LLC

**Address:** 4646 N. 12th Street, Suite 202, Phoenix, AZ 85014

**Phone:** (602) 680-8264

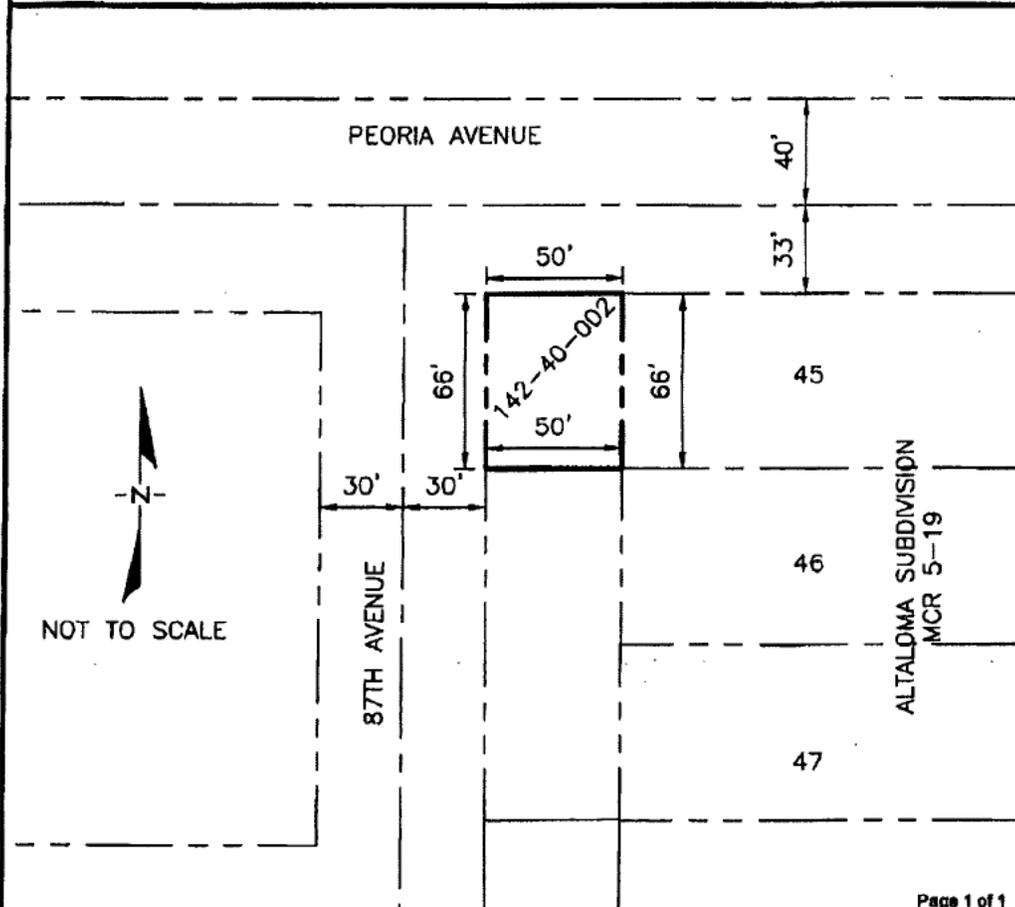
**Fax:**



20140344852



# EXHIBIT A SKETCH



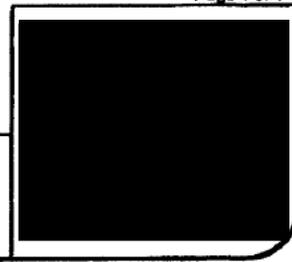
Page 1 of 1

**Title:** Peoria Avenue and 87th Avenue

**Preparing Firm:** TRACE Consulting, LLC

**Address:** 4645 N. 12th Street, Suite 202, Phoenix, AZ 85014

**Phone:** (602) 880-8284      **Fax:**



20140344852



# EXHIBIT A

## SKETCH

The West 50.00 feet of Lot 46 and the West 50.00 feet of Lot 47 of the Plat of Atlatoma, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 5 of Maps, Page 19, containing 6,600 square feet.

APN 142-40-005C

Page 1 of 1

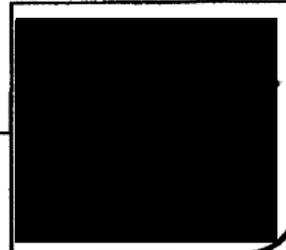
**Title: Peoria Avenue and 87th Avenue**

**Preparing Firm: TRACE Consulting, LLC**

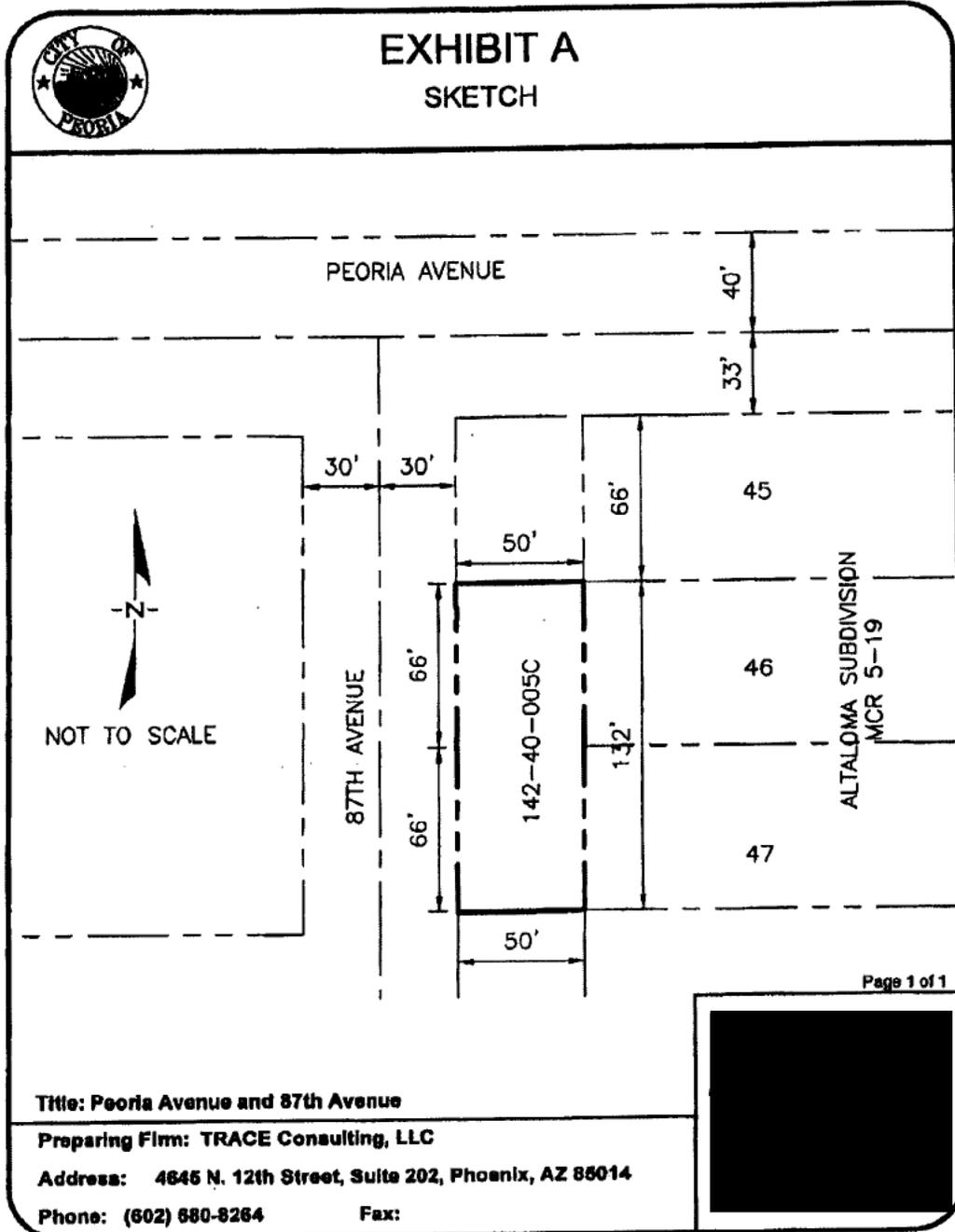
**Address: 4645 N. 12th Street, Suite 202, Phoenix, AZ 85014**

**Phone: (602) 680-8264**

**Fax:**



20140344852



# EXHIBIT 2

JUDICIAL BRANCH OF ARIZONA  
IN MARICOPA COUNTY  
ALTERNATIVE DISPUTE RESOLUTION

City of Peoria, Arizona  
PLAINTIFF

Case Number: CV 2014-012533

Agreement Between the Parties  
Pursuant to A.R.Civ.P. Rule 80 (D)

VS

Joseph + Elizabeth Garnica  
DEFENDANT et al

FULL SETTLEMENT  
 PARTIAL SETTLEMENT

This is the time set for the Settlement Conference held Dec 14, 2015  
before Judge Pro Tempore Gregory P. Gillis.

The assigned Judge on this case is Honorable James Blomo

Attending this conference are:

Plaintiff  Plaintiff's Counsel  Defendant  Defendant's Counsel  Interpreter  
 Other \_\_\_\_\_

The parties in this matter have completed the settlement conference and have reached the following agreement and shall be considered a binding agreement pursuant to Rule 80(d) of the Arizona Rules of Civil Procedure:

1. City to pay Mr + Mrs Garnica a total of Sixty Thousand and <sup>Five Hundred</sup>/<sub>100</sub> Dollars (\$60,500.00) for fee interest in the "Subject Property."
2. The above amount includes the money already withdrawn by the Garnicas in this lawsuit
3. The above amount includes any interest due.
4. The parties will bear their own costs and attorneys' fees.
5. The Agreement is <sup>conditional and</sup> subject to approval by the City of Peoria City Council.
6. The parties agree to resolve the lawsuit

Via a Stipulated Judgment and  
Final Order of Condemnation.

**PLAINTIFF(S):**

Melinda Bird  
Plaintiff Print Name  
Asst. City Attorney - Peoria

[Handwritten Signature]  
Plaintiff's Signature

\_\_\_\_\_  
Plaintiff Print Name

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Plaintiff's Signature

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Plaintiff Print Name

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Plaintiff's Signature

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Plaintiff Print Name

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Plaintiff's Signature

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Counsel for Plaintiff Print Name

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Counsel for Plaintiff's Signature

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Counsel for Plaintiff Print Name

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Counsel for Plaintiff's Signature

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Counsel for Plaintiff Print Name

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Counsel for Plaintiff's Signature

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Counsel for Plaintiff Print Name

\_\_\_\_\_  
Counsel for Plaintiff's Signature

**DEFENDANT(S):**

Joseph Garnica  
Defendant Print Name

[Redacted Signature]  
Defendant's Signature

Doug Zimmerman  
Defendant Print Name  
counsel

[Redacted Signature]  
Defendant's Signature

\_\_\_\_\_  
Defendant Print Name

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Defendant's Signature

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Defendant      Print Name

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Defendant's Signature

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Counsel for Defendant    Print Name

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Counsel for Defendant's Signature

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Counsel for Defendant's Signature

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Counsel for Defendant    Print Name

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Counsel for Defendant's Signature

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 7C

**Date Prepared:** December 14, 2015

**Council Meeting Date:** January 5, 2016

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**TO:** Carl Swenson, City Manager  
**FROM:** William Mattingly, Public Works-Utilities Director  
**THROUGH:** Jeff Tyne, Deputy City Manager  
**SUBJECT:** Budget Amendment, City Hall Office Construction

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**Purpose:**

Discussion and possible action to approve the use of reserves and a budget amendment from the General Fund – Contingency account in the amount of \$25,000 to provide funding to renovate existing space in the City Hall building to create a new office.

**Background/Summary:**

On December 01, 2015 the City Council approved a new Senior Policy Advisor position. Current space in the City Hall building will be renovated to create office space to accommodate the new position. Existing, un-used space will be adapted for use as an office. This will include the construction of walls, re-configuration of ventilation and lighting fixtures and furnishing the space with a desk and cabinets. Staff has determined that funding in an amount not-to-exceed \$25,000 will be required for the work. This need was not anticipated in the FY 2016 Budget and available funding does not exist in the in the current authorized budget.

**Previous Actions:**

There was no previous action pertaining to this project.

**Options:**

- A:** Council could act to approve the use of reserves and a budget amendment from the General Fund – Contingency account in the amount of \$25,000 to provide funding to construct an office in City Hall.
- B:** Council could decline to approve the use of reserves and a budget amendment from the General Fund – Contingency account in the amount of \$25,000 to provide funding to construct an office in City Hall.

**Staff's Recommendation:**

Staff recommends that Council approve a budget amendment in the amount of \$25,000 from the General Fund – Contingency account to the General Fund Non-Departmental – Building Repair and Maintenance account to construct an office in City Hall.

**Fiscal Analysis:**

Contingency funding is available to support this proposed budget amendment in the amount of \$25,000 from the General Fund – Contingency account (1000-0300-570000) to the General Fund Non-Departmental – Building Repair and Maintenance account (1000-0300-524002) to construct an office in City Hall.

**Narrative:**

Based upon approval of this budget amendment the construction of the office is anticipated to be completed during the first quarter of 2016.

**Contact Name and Number:**

William Mattingly, Public Works – Utilities Director, 623-773-5151.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 8C

**Date Prepared:** December 9, 2015

**Council Meeting Date:** January 5, 2016

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**TO:** Carl Swenson, City Manager  
**FROM:** Rhonda Geriminsky, City Clerk  
**THROUGH:** Susan Daluddung, Deputy City Manager  
**SUBJECT:** Adoption of 2016 Calendar for City Council Meeting Dates

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**Purpose:**

This is a request for City Council to discuss and take action to adopt a Resolution approving a City Council meeting schedule of regular meetings, special meetings, and study sessions for the 2016 calendar year.

**Background/Summary:**

Pursuant to Article II, Section 14A of the Peoria City Charter, and Section 2-16 of the Peoria City Code, the City Council is required to annually adopt a resolution setting forth a proposed City Council meeting schedule, including dates and times of study session meetings. City Council may modify the schedule as necessary and appropriate.

The attached resolution identifies the proposed 2016 City Council meeting schedule.

**Previous Actions:**

This is an annual action taken by City Council pursuant to City Charter and City Code.

**Options:**

- A:** Adopt the 2016 City Council meeting calendar as presented.
- B:** Adopt the 2016 City Council meeting calendar with modifications.

**Staff's Recommendation:**

Staff recommends that City Council adopt Resolution 2016-01 setting the 2016 City Council meeting schedule for regular and study session meetings.

**Fiscal Analysis:**

There is no fiscal impact related to the adoption of the proposed 2016 City Council meeting schedule.

**Narrative:**

After adoption of Resolution 2016-01, staff will post all appropriate Annual Meeting Notices as required under A.R.S. §38-431.

**Exhibit(s):** Resolution 2016-01

**Contact Name and Number:** Rhonda Geriminsky, 623-773-7340

## RESOLUTION 2016-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ADOPTING THE PROPOSED CITY COUNCIL MEETING SCHEDULE FOR THE CALENDAR YEAR 2016 AS ESTABLISHED AND REQUIRED BY ARTICLE II, SECTION 14 OF THE CHARTER OF THE CITY OF PEORIA, ARIZONA AND BY SECTION 2-16 OF THE PEORIA CITY CODE.

WHEREAS, Article II, Section 14 of the Charter of the City of Peoria, Arizona reads as follows:

Sec. 14. Meetings of council, boards, commissions and committees.

A. The council shall meet regularly at such times and at such places as may be prescribed by ordinance, but not less frequently than once each month. At the first meeting of the Council each year, the Council by Resolution shall adopt a proposed schedule of meetings for the year. The Resolution shall be posted in the same places as public notices of the City. The Council may modify the Resolution as it deems necessary and appropriate. Notices and agendas of such meetings, including a short summary of items on the agenda, shall be posted pursuant to statute in such public places as the council may set by ordinance, and the places of such posting shall be kept on file with the city clerk.

WHEREAS, Section 2-16 of the Peoria City Code reads as follows:

Sec. 2-16. City Council; meeting schedule.

(a) The Council shall hold regular meetings not less than once each month. At the first meeting of the Council in each calendar year, the Council shall adopt by resolution a schedule of the regular meetings for the year. Following adoption of the Resolution containing a schedule of regular meetings, the Resolution shall be posted in the same public locations as Council agendas. The regular meeting shall be held at 7:00 p.m. Regular meetings of the Council shall be held at the Municipal Complex or in such other locations as Council may determine.

(b) The Council shall, by resolution, establish a date and time for study sessions to be held on such items as deemed appropriate and in conformance with the Arizona Open Meetings Act, A.R.S. §38-431, et.seq.

Resolution No. 2016-01  
 January 5, 2016

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of the City of Peoria, Arizona:

1. That the following proposed schedule of City Council Meetings, for the calendar year 2016 is hereby adopted.

1/5/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
1/19/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
2/2/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
2/16/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
3/1/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
3/15/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
4/5/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
4/19/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
5/3/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
5/17/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
6/7/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
6/21/15	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
7/5/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
8/16/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
9/6/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
9/20/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
10/4/2016	No Study Session 7:00 pm Consent & Regular Agendas
10/18/2016	No Study Session 7:00 pm Consent & Regular Agendas
11/8/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
11/22/2016	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas
12/6/15	5:00 pm Special Meeting & Study Session 7:00 pm Consent & Regular Agendas

Resolution No. 2016-01  
January 5, 2016

2. That the Mayor and/or the Council in the matter provided by the Peoria City Charter may schedule such additional meetings as may be deemed necessary and appropriate.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5<sup>th</sup> day of January, 2016.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 9C

**Date Prepared: December 15, 2015**

**Council Meeting Date: January 5, 2016**

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**TO:** Carl Swenson, City Manager  
**FROM:** John R. Sefton Jr., Community Services Director  
**THROUGH:** Susan Daluddung, Deputy City Manager  
**SUBJECT:** Public Art for Camino a Lago Park

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**Purpose:**

To review four public art submittals from various artists for Camino a Lago, present the Arts Commission's recommendations, and award a contract to the chosen artist in the amount of \$70,000.

**Background/Summary:**

Since the last Public Art Project, city staff has implemented a process designed to increase the public's input into the development of our city's art portfolio.

The input process for Camino a Lago public art included the following actions:

- A Public Art Panel consisting of Arts Commissioners, staff, and residents reviewed the artists proposals in a live presentation at a public meeting.
- A web page publicized three finalist artist's work for the project including a recording of the live presentation of their concepts and opportunity for direct feedback.
- The community was engaged in a unique and interactive Art project led by artist, Kristine Kollasch. Students from Sunset Heights Elementary and 300+ residents fabricated tiles for the project that were installed in the park by the artist.
- An eNewsletter was sent out to all arts project participants, Council newsletter subscribers, and media contacts.
- The Arts Commission reviewed and unanimously ranked the artists' proposals.

In all, 28 responses to the on-line questionnaire were submitted, 22 citizens attended public meetings, and over 300 participated in the related arts interactive project.

On October 13, 2015, the Peoria Arts Commission voted unanimously to forward artist Cecilia Lueza's "Sunset Flight" as the recommended Public Art piece for Camino a Lago Park.

**Options for the Public Art Piece at Pioneer Community Park:**

- A. The Council can accept the recommendation from the Peoria Arts Commission and award a contract in the amount of \$70,000 for the “Sunset Flight” installation.
- B. The Council can reject the Peoria Arts Commission recommendation.
- C. The Council can request staff to conduct another call to artists and seek other ideas for Camino a Lago Park.

**Staff’s Recommendation:**

Staff recommends the City Council to approve the recommended artwork for Camino a Lago Park - Cecilia Lueza’s “Sunset Flight” a colorful, Mosaic Sundial with Hummingbird.

**Fiscal Analysis:**

The funds are available in the Percent for the Arts Improvements Other Than Land/Buildings Account (Account 1111-0120-541003) for this expense.

- Exhibit(s):**
- (1) Citizen responses to the on-line questionnaire
  - (2) Photos of Community Art Project

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

### Camino a Lago Park Public Art Input

ID	Date Submitted	Address	Email	Business Phone	Home Phone	Water Works	Sunset	Eclipse
1979163	12/11/2015 22:32	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	2	1	3
1979151	12/10/2015 9:13					2	1	3
1979141	12/9/2015 10:23					3	1	2
1979139	12/9/2015 8:52					3	1	2
1979127	12/8/2015 12:12					2	1	3
1979121	12/8/2015 6:24					3	1	2
1979113	12/6/2015 19:26					1	2	3
1979111	12/6/2015 14:15					3	1	2
1979110	12/6/2015 8:12					3	1	2
1979090	12/4/2015 5:53					1	2	3
1979085	12/3/2015 11:20					2	1	3
1979076	12/3/2015 5:59					1	2	3
1979069	12/2/2015 17:31					2	1	3
1979065	12/2/2015 15:36					2	1	3

1979064	12/2/2015 13:56			<b>2</b>	<b>3</b>	<b>1</b>
1979045	12/1/2015 15:21			<b>2</b>	<b>3</b>	<b>1</b>
1979044	12/1/2015 15:21			<b>3</b>	<b>1</b>	<b>2</b>
1979031	12/1/2015 6:24			<b>3</b>	<b>1</b>	<b>2</b>
1979030	12/1/2015 6:24			<b>3</b>	<b>1</b>	<b>2</b>
1979023	11/30/2015 14:31			<b>2</b>	<b>1</b>	<b>3</b>
1979011	11/30/2015 8:05			<b>2</b>	<b>1</b>	<b>3</b>
1979009	11/30/2015 6:20			<b>2</b>	<b>1</b>	<b>3</b>
1978993	11/25/2015 13:17			<b>1</b>	<b>2</b>	<b>3</b>
1978990	11/25/2015 7:39			<b>2</b>	<b>1</b>	<b>3</b>
1978988	11/24/2015 21:30			<b>2</b>	<b>1</b>	<b>3</b>
1978986	11/24/2015 17:07			<b>1</b>	<b>2</b>	<b>3</b>
1978984	11/24/2015 15:20			<b>3</b>	<b>1</b>	<b>2</b>
1978976	11/24/2015 14:08			<b>1</b>	<b>2</b>	<b>3</b>
1978974	11/24/2015 13:14			<b>1</b>	<b>3</b>	<b>2</b>

1978972	11/24/2015 11:48			X	X	X
1978971	11/24/2015 11:31			X	X	X
1978965	11/23/2015 17:09			X	X	X
1978863	11/12/2015 16:14			X	X	X
1978822	11/9/2015 15:08			X	X	X
				X	X	X

# Camino a Lago Park Public Art



**Recommended**

**“Sunset Flight”**

Artist: Cecilia Lueza, Miami, Florida



**“Water Works”**

Artist: Eileen Gay, Sparks, Nevada



**Eclipse**

Artist: Gary Slater, Tempe, Arizona

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 10C

Date Prepared: December 15, 2015

Council Meeting Date: January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, P.E., Development and Engineering Director

**THROUGH:** Susan J. Daluddung, Deputy City Manager

**SUBJECT:** Maintenance Improvement District No. 1187, 3 Olive Park, Olive Avenue and 103<sup>rd</sup> Avenue

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**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. 1187, 3 Olive Park, Olive Avenue and 103<sup>rd</sup> Avenue, 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, a line item of \$0.00 will display on the homeowners' 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. 1187, 3 Olive Park, Olive Avenue and 103<sup>rd</sup> Avenue. In the case in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law; 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 2017, the residents will have a line item of \$0.00 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 until such time the Homeowner's Association fails. 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 3 Olive Park was approved by the City on December 15, 2015 and recorded with the County.

**Options:**

A: The Maintenance Improvement District has been approved through the Development and Engineering Department. An option would be to not accept the proposed Maintenance Improvement District. It should be noted that not approving the Maintenance Improvement District will prevent any 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 fails.

**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 Technician II, x7573

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

[ 1187 ]  
MID#

[ 3 Olive Park ]  
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 39.96 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  
\_\_\_\_\_ day of June \_\_\_\_\_ 2015.

<p>_____ Empire Residential Communities Fund II, LLC Print Property Owner Name Rich Zacher Print Name 6617 N Scottsdale Road, Scottsdale, AZ 85250 Address _____ Signature _____</p>	<p>Date: <u>6/26/15</u></p>	<p>Property (Tax Parcel Numbers) <u>142-61-014D, 014F, 014G</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

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. 2015-133

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. 133, 3 OLIVE PARK, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

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

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

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

**Section 1. Definitions.**

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1187 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. 1187

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. 1187.

**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 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

---

Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

Resolution No. 2015-133  
MID 1187, 3 Olive Park  
January 5, 2016  
Page 6 of 10 Pages

### CERTIFICATION OF CITY ENGINEER

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

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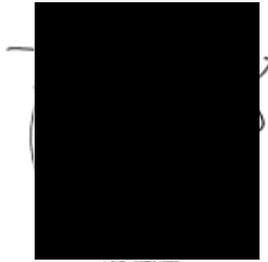
Andrew Granger, Development and  
Engineering Services Director

### CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2015-133 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on January 5, 2016 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



September 17, 2015  
PROJECT # 050064-01-001

**LEGAL DESCRIPTION  
3 OLIVE PARK  
MAINTENANCE IMPROVEMENT DISTRICT NO. 1187**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, BEARS NORTH 89°39'29" EAST, A DISTANCE OF 2643.22 FEET;

**THENCE** NORTH 89°39'29" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1321.61 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32;

**THENCE** SOUTH 00°05'02" WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1316.08 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, BEING MARKED BY A CHISELED "+" IN CONCRETE;

**THENCE** SOUTH 89°27'41" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1319.39 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, BEING MARKED BY A COTTON PICKER SPINDLE WITH NO IDENTIFICATION;

**THENCE** NORTH 00°00'52" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1320.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,740,794 SQUARE FEET OR 39.9631 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK'S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
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. 1187, 3 OLIVE PARK.

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 5<sup>th</sup> day of January, 2016 the Mayor and Council of the City of Peoria adopted Resolution No. 2015-134; 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. 1187, 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. 1187 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7215.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

RESOLUTION NO. 2015-134

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. 1187, 3 OLIVE PARK; 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. 1187.

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. 1187 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. 1187 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. 1187 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. 1187.

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. 1187 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

Resolution No. 2015-134  
MID 1187, 3 Olive Park  
January 5, 2016  
Page 3 of 6 Pages

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 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

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Cathy Carlat, Mayor

ATTEST:

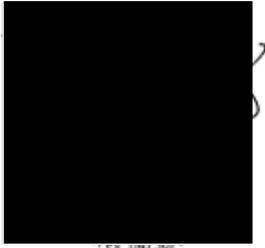
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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney



September 17, 2015  
PROJECT # 050064-01-001

**LEGAL DESCRIPTION**  
**3 OLIVE PARK**  
**MAINTENANCE IMPROVEMENT DISTRICT NO. 1187**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, BEARS NORTH 89°39'29" EAST, A DISTANCE OF 2643.22 FEET;

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CONTAINING 1,740,794 SQUARE FEET OR 39.9631 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA  
CITY CLERK'S OFFICE  
8401 W. MONROE STREET  
PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
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 FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1187 3 OLIVE PARK.

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 5<sup>th</sup> day of January, 2016, the Mayor and Council of the City of Peoria adopted Resolution No. 2015-134; ordering 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. 1187, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintenance of landscaping within the district and including a charge for the work necessary to maintain the 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. 1187 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Director, City of Peoria, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7215.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

---

Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

Published in the Peoria Times  
Publication Dates: January 15 and January 22, 2016

**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 FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1187, 3 OLIVE PARK.

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 5<sup>th</sup> day of January, 2016, the Mayor and Council of the City of Peoria adopted Resolution No. 2015-134; ordering 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. 1187, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintenance of landscaping within the district and including a charge for the work necessary to maintain the 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. 1187 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Director, City of Peoria, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7215.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

---

Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

Posted at City Council Chambers Entrance  
Dates: January 6 – 12, 2016

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: November 30, 2015

Council Meeting Date: January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, P.E., Development and Engineering Director

**THROUGH:** Susan J. Daluddung, Deputy City Manager

**SUBJECT:** Maintenance Improvement District No. 1189, Blackstone at Vistancia Parcel B14, Blackstone Drive and Sunrise Point

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**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. 1189, Blackstone at Vistancia Parcel B14, Blackstone Drive and Sunrise Point, 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, a line item of \$0.00 will display on the homeowners' 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. 1189, Blackstone at Vistancia Parcel B14, Blackstone Drive and Sunrise Point. In the case in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law; 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 2017, the residents will have a line item of \$0.00 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 until such time the Homeowner's Association fails. 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 Blackstone at Vistancia Parcel B14 was approved by the City on December 1, 2015 and recorded with the County.

**Options:**

A: The Maintenance Improvement District has been approved through the Development and Engineering Department. An option would be to not accept the proposed Maintenance Improvement District. It should be noted that not approving the Maintenance Improvement District will prevent any 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 fails.

**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 Technician II, x7573

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

[ 1189 ]

**MID#**

BLACKSTONE AT VISTANCIA, PARCEL B14

[  
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 51.591 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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

<p>Vistancia South, LLC, a Delaware limited liability company</p> <p>Print Property Owner Name <i>See Signature Addendum attached</i></p> <p>Print Name <i>28620 N El Mirage Rd #102 Peoria, AZ 85383</i></p> <p>Address</p> <p>Signature</p>	<p>Date: <u>9/22/2015</u></p>	<p>Property (Tax Parcel Numbers)  See Exhibit A _____</p>
<p>_____ Print Property Owner Name</p> <p>_____ Print Name</p> <p>_____ Address</p> <p>_____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers)  _____</p>

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

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

**VISTANCIA SOUTH, LLC,**  
a Delaware limited liability company

By: SLF III – VPMM, LLC,  
a Texas limited liability company,  
its Managing Member

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:   
Name: MARK WESTERBULL  
Title: VP

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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature	Date: _____	Property (Tax Parcel Numbers) _____
Blackstone Country Club, an Arizona non-profit corporation Print Property Owner Name <u>MARK HARRIS</u> Print Name <u>12101 W. Blackstone Dr, Peoria, AZ 85383</u>  Signature	Date: <u>9/17/15</u>	Property (Tax Parcel Numbers) <u>See Exhibit A</u>

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

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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

<p>Blackstone at Vistancia Community Association, an Arizona non-profit corporation</p> <p>Print Property Owner Name <u>Kimberley Clifford</u></p> <p>Print Name <u>29701 N Sunrise Point, Peoria, AZ 85383</u></p> <p>Signature </p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers)  See Exhibit A _____</p>
<p>_____ Print Property Owner Name</p> <p>_____ Print Name</p> <p>_____ Address</p> <p>_____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers)  _____</p>

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

## Exhibit A

Owner - Vistancia South, LLC

APN No.  
510-09-354  
510-09-355  
510-09-423

Owner - Blackstone Country Club

APN No.  
510-09-421  
503-52-483U

Owner - Blackstone at Vistancia Community Association

APN No.  
510-09-297  
510-09-298  
510-09-312  
510-09-315  
510-09-342

RESOLUTION NO. 2015-123

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. 1189, BLACKSTONE AT VISTANCIA, PARCEL B14, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

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

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

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

**Section 1. Definitions.**

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1189 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. 1189

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. 1189.

**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 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

---

Cathy Carlat, Mayor

ATTEST:

---

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

Resolution No. 2015-123  
MID 1189 – Blackstone at Vistancia, Parcel B14  
January 5, 2016  
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### CERTIFICATION OF CITY ENGINEER

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

---

Andrew Granger, Development and  
Engineering Services Director

### CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2015-123 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on January 5, 2016 and that a quorum was present there and that the vote thereon was \_\_\_\_\_ ayes and \_\_\_\_\_ nays. \_\_\_\_\_ were no vote or absent.

---

City Clerk, City of Peoria

EXHIBIT  
LEGAL DESCRIPTION FOR  
**BLACKSTONE AT VISTANCIA, PARCEL B14**  
**MAINTENANCE IMPROVEMENT DISTRICT NO. 1189**

All that certain lot, tract, or parcel of land, situated in a portion of the Northeast Quarter of Section 23 and the Northwest Quarter of Section 24, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found GLO monument on 3/4" pipe stamped "14, 23, 1/4, dated 1922" for the North Quarter corner of said Section 23, from which a found GLO monument on 2" pipe stamped "T5N, R1W, 13, 14, 23, 24, dated 1922" for the Northeast corner of said of said Section 23 bears South 89 deg. 42 min. 40 sec. East (Basis of Bearings) - 2641.20 feet;

THENCE South 89 deg. 42 min. 40 sec. East along the North line of the Northeast Quarter of said Section 23, a distance of 2475.85 feet;

THENCE South 03 deg. 12 min. 32 sec. West departing said North line, a distance of 68.49 feet;

THENCE South 02 deg. 15 min. 15 sec. West, a distance of 72.97 feet;

THENCE South 15 deg. 46 min. 24 sec. East, a distance of 133.48 feet;

THENCE South 05 deg. 07 min. 39 sec. East, a distance of 769.64 feet;

THENCE South 22 deg. 38 min. 56 sec. East, a distance of 598.43 feet;

THENCE South 00 deg. 00 min. 00 sec. West, a distance of 258.99 feet;

THENCE South 26 deg. 27 min. 42 sec. East, a distance of 380.02 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 100.00 feet, a central angle of 201 deg. 19 min. 15 sec., and being subtended by a chord which bears South 59 deg. 07 min. 40 sec. West - 196.55 feet;

THENCE in a southwesterly direction along said curve to the right, a distance of 351.37 feet;

THENCE North 35 deg. 16 min. 59 sec. West non-tangent to said curve, a distance of 573.26 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 185.00 feet, a central angle of 51 deg. 57 min. 17 sec., and being subtended by a chord which bears North 10 deg. 10 min. 26 sec. West - 162.07 feet;

THENCE in a northwesterly direction along said curve to the right, a distance of 167.75 feet;

THENCE North 80 deg. 23 min. 31 sec. West non-tangent to said curve, a distance of 430.55 feet;

THENCE North 46 deg. 54 min. 05 sec. West, a distance of 538.03 feet;

THENCE North 11 deg. 22 min. 30 sec. West, a distance of 398.33 feet;  
THENCE North 45 deg. 49 min. 37 sec. West, a distance of 193.61 feet;

THENCE North 55 deg. 10 min. 15 sec. West, a distance of 932.06 feet to a Point of Curvature of a non-tangent circular curve to the left, having a radius of 100.43 feet, a central angle of 59 deg. 57 min. 58 sec., and being subtended by a chord which bears South 01 deg. 12 min. 53 sec. West - 100.38 feet;

THENCE in a southerly direction along said curve to the left, a distance of 105.11 feet to a point of cusp on a circular curve to the left, having a radius of 185.00 feet, a central angle of 31 deg. 20 min. 23 sec., and being subtended by a chord which bears South 54 deg. 34 min. 00 sec. West - 99.94 feet;

THENCE in a southwesterly direction along said curve to the left, a distance of 101.19 feet;

THENCE North 72 deg. 12 min. 01 sec. West non-tangent to said curve, a distance of 45.32 feet to a Point of Curvature radial to said line and being a circular curve to the left, having a radius of 415.00 feet, a central angle of 17 deg. 01 min. 47 sec., and being subtended by a chord which bears North 09 deg. 17 min. 05 sec. East - 122.89 feet;

THENCE in a northerly direction along said curve to the left, a distance of 123.35 feet;

THENCE North 00 deg. 46 min. 12 sec. East tangent to said curve, a distance of 92.82 feet;

THENCE North 89 deg. 13 min. 48 sec. West, a distance of 70.41 feet;

THENCE North 00 deg. 35 min. 42 sec. West, a distance of 100.00 feet to a Point of Curvature radial to said line and being a circular curve to the left, having a radius of 2300.00 feet, a central angle of 3 deg. 44 min. 50 sec., and being subtended by a chord which bears South 87 deg. 31 min. 53 sec. West - 150.40 feet;

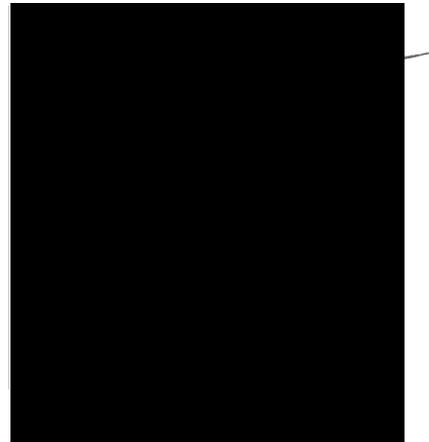
THENCE in a westerly direction along said curve to the left, a distance of 150.42 feet;

THENCE South 85 deg. 39 min. 28 sec. West tangent to said curve, a distance of 261.99 feet to a Point of Curvature of a circular curve to the right, having a radius of 393.00 feet, a central angle of 8 deg. 20 min. 52 sec., and being subtended by a chord which bears South 89 deg. 49 min. 54 sec. West - 57.21 feet;

THENCE in a westerly direction along said curve to the right, a distance of 57.26 feet to the North - South mid-section line of said Section 23;

Resolution No. 2015-123  
MID 1189 – Blackstone at Vistancia, Parcel B14  
January 5, 2016  
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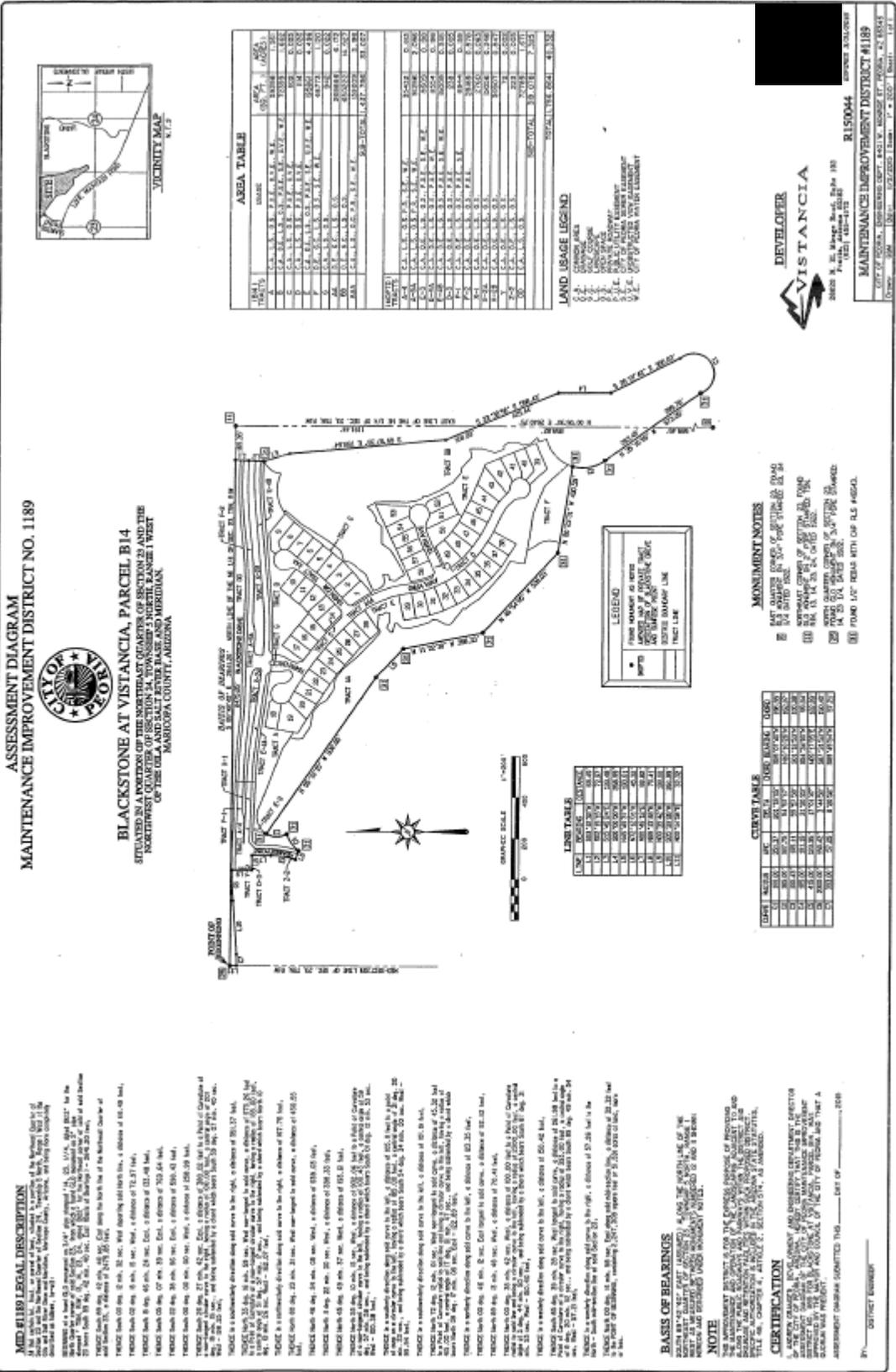
THENCE North 00 deg. 14 min. 58 sec. East along said mid-section line, a distance of 32.32 feet to the POINT OF BEGINNING, containing 2,247,309 square feet or 51.591 acres of land, more or less.



**EXHIBIT “B”**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK’S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
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. 1189, BLACKSTONE AT VISTANCIA, PARCEL B14.

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 5<sup>th</sup> day of January, 2016 the Mayor and Council of the City of Peoria adopted Resolution No. 2015-124; 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. 123, 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. 1189 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Services Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7215.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

RESOLUTION NO. 2015-124

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. 1189, BLACKSTONE AT VISTANCIA, PARCEL B14; 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. 1189.

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. 1189 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. 1189 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. 1189 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. 1189.

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. 1189 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

Resolution No. 2015-124  
MID 1189 – Blackstone at Vistancia, Parcel B14  
January 5, 2016  
Page 3 of 6 Pages

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 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

---

Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Stephen M. Kemp, City Attorney

EXHIBIT  
LEGAL DESCRIPTION FOR  
BLACKSTONE AT VISTANCIA, PARCEL B14  
MAINTENANCE IMPROVEMENT DISTRICT NO. 1189

All that certain lot, tract, or parcel of land, situated in a portion of the Northeast Quarter of Section 23 and the Northwest Quarter of Section 24, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found GLO monument on 3/4" pipe stamped "14, 23, 1/4, dated 1922" for the North Quarter corner of said Section 23, from which a found GLO monument on 2" pipe stamped " T5N, R1W, 13, 14, 23, 24, dated 1922" for the Northeast corner of said of said Section 23 bears South 89 deg. 42 min. 40 sec. East (Basis of Bearings) - 2641.20 feet;

THENCE South 89 deg. 42 min. 40 sec. East along the North line of the Northeast Quarter of said Section 23, a distance of 2475.85 feet;

THENCE South 03 deg. 12 min. 32 sec. West departing said North line, a distance of 68.49 feet;

THENCE South 02 deg. 15 min. 15 sec. West, a distance of 72.97 feet;

THENCE South 15 deg. 46 min. 24 sec. East, a distance of 133.48 feet;

THENCE South 05 deg. 07 min. 39 sec. East, a distance of 769.64 feet;

THENCE South 22 deg. 38 min. 56 sec. East, a distance of 598.43 feet;

THENCE South 00 deg. 00 min. 00 sec. West, a distance of 258.99 feet;

THENCE South 26 deg. 27 min. 42 sec. East, a distance of 380.02 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 100.00 feet, a central angle of 201 deg. 19 min. 15 sec., and being subtended by a chord which bears South 59 deg. 07 min. 40 sec. West - 196.55 feet;

THENCE in a southwesterly direction along said curve to the right, a distance of 351.37 feet;

THENCE North 35 deg. 16 min. 59 sec. West non-tangent to said curve, a distance of 573.26 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 185.00 feet, a central angle of 51 deg. 57 min. 17 sec., and being subtended by a chord which bears North 10 deg. 10 min. 26 sec. West - 162.07 feet;

THENCE in a northwesterly direction along said curve to the right, a distance of 167.75 feet;

THENCE North 80 deg. 23 min. 31 sec. West non-tangent to said curve, a distance of 430.55 feet;

THENCE North 46 deg. 54 min. 05 sec. West, a distance of 538.03 feet;

THENCE North 11 deg. 22 min. 30 sec. West, a distance of 398.33 feet;  
THENCE North 45 deg. 49 min. 37 sec. West, a distance of 193.61 feet;

THENCE North 55 deg. 10 min. 15 sec. West, a distance of 932.06 feet to a Point of Curvature of a non-tangent circular curve to the left, having a radius of 100.43 feet, a central angle of 59 deg. 57 min. 58 sec., and being subtended by a chord which bears South 01 deg. 12 min. 53 sec. West - 100.38 feet;

THENCE in a southerly direction along said curve to the left, a distance of 105.11 feet to a point of cusp on a circular curve to the left, having a radius of 185.00 feet, a central angle of 31 deg. 20 min. 23 sec., and being subtended by a chord which bears South 54 deg. 34 min. 00 sec. West - 99.94 feet;

THENCE in a southwesterly direction along said curve to the left, a distance of 101.19 feet;

THENCE North 72 deg. 12 min. 01 sec. West non-tangent to said curve, a distance of 45.32 feet to a Point of Curvature radial to said line and being a circular curve to the left, having a radius of 415.00 feet, a central angle of 17 deg. 01 min. 47 sec., and being subtended by a chord which bears North 09 deg. 17 min. 05 sec. East - 122.89 feet;

THENCE in a northerly direction along said curve to the left, a distance of 123.35 feet;

THENCE North 00 deg. 46 min. 12 sec. East tangent to said curve, a distance of 92.82 feet;

THENCE North 89 deg. 13 min. 48 sec. West, a distance of 70.41 feet;

THENCE North 00 deg. 35 min. 42 sec. West, a distance of 100.00 feet to a Point of Curvature radial to said line and being a circular curve to the left, having a radius of 2300.00 feet, a central angle of 3 deg. 44 min. 50 sec., and being subtended by a chord which bears South 87 deg. 31 min. 53 sec. West - 150.40 feet;

THENCE in a westerly direction along said curve to the left, a distance of 150.42 feet;

THENCE South 85 deg. 39 min. 28 sec. West tangent to said curve, a distance of 261.99 feet to a Point of Curvature of a circular curve to the right, having a radius of 393.00 feet, a central angle of 8 deg. 20 min. 52 sec., and being subtended by a chord which bears South 89 deg. 49 min. 54 sec. West - 57.21 feet;

THENCE in a westerly direction along said curve to the right, a distance of 57.26 feet to the North - South mid-section line of said Section 23;

Resolution No. 2015-124  
MID 1189 – Blackstone at Vistancia, Parcel B14  
January 5, 2016  
Page 6 of 6 Pages

THENCE North 00 deg. 14 min. 58 sec. East along said mid-section line, a distance of 32.32 feet to the POINT OF BEGINNING, containing 2,247,309 square feet or 51.591 acres of land, more or less.



**Resolution No. 2015 - 124**

**EXHIBIT “B”**

**IS ON FILE IN THE**

**CITY OF PEORIA  
CITY CLERK’S OFFICE  
8401 W. MONROE STREET  
PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
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 FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1189 BLACKSTONE AT VISTANCIA, PARCEL B14.

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 5<sup>th</sup> day of January, 2016, the Mayor and Council of the City of Peoria adopted Resolution No. 2015-124; ordering 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. 1189, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintenance of landscaping within the district and including a charge for the work necessary to maintain the 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. 1189 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Director, City of Peoria, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7215.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

**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 FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1189, BLACKSTONE AT VISTANCIA, PARCEL B14.

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DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 12C

Date Prepared: December 7, 2015

Council Meeting Date: January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, P.E., Development and Engineering Director

**THROUGH:** Susan J. Daluddung, Deputy City Manager

**SUBJECT:** Maintenance Improvement District No. 1190, The Meadows – 2A, 91<sup>st</sup> Avenue and Deer Valley Road

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**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. 1190, The Meadows – 2A, 91<sup>st</sup> Avenue and Deer Valley Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

**Background/Summary:**

The purpose of the Maintenance Improvement District is for the operations, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, a line item of \$0.00 will display on the homeowners' 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. 1190, The Meadows – 2A, 91<sup>st</sup> Avenue and Deer Valley Road. In the case in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law; 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 2017, the residents will have a line item of \$0.00 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 until such time the Homeowner’s Association fails. 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 The Meadows – 2A was approved by the City on December 1, 2015 and recorded with the County.

**Options:**

A: The Maintenance Improvement District has been approved through the Development and Engineering Department. An option would be to not accept the proposed Maintenance Improvement District. It should be noted that not approving the Maintenance Improvement District will prevent any 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 fails.

**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 Technician II, x7573

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

11907  
MID#

The meadows-2A  
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 47.688 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

\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

<p><i>maracay 9/1 LLC</i> maracay Homes Print Property Owner Name Thomas Lemon Print Name 15279 N. Scottsdale Rd Address [REDACTED], AZ 85254 Signature <i>V.P. Lundberg &amp; Dev T.</i></p>	<p>Date: <u>8.27.15</u></p>	<p>Property (Tax Parcel Numbers) <u>200-09-002E</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

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. 2015-125

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. 1190, THE MEADOWS – 2A, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

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

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

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

**Section 1. Definitions.**

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1190 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. 1190

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. 1190.

**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 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

---

Cathy Carlat, 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, Development and  
Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2015-125 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on January 5, 2016 and that a quorum was present there and that the vote thereon was \_\_\_\_\_ ayes and \_\_\_\_\_ nays. \_\_\_\_\_ were no vote or absent.

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City Clerk, City of Peoria

LEGAL DESCRIPTION  
THE MEADOWS PARCEL 2, PHASE 1 MID

THAT PORTION OF PARCEL '2', OF THE TAKEDOWN MAP OF DEVELOPMENT MASTER PLAN FOR "THE MEADOWS" RECORDED UNDER BOOK 1053, PAGE 38, MARICOPA COUNTY RECORDS (MCR), AND A PORTION OF EAST HALF OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A CITY OF PEORIA BRASS CAP IN HAND-HOLE, FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 16, FROM WHENCE THE EAST QUARTER CORNER BEARS NORTH 00°06'03" WEST, 2636.45 FEET;

THENCE DEPARTING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER AND THE CENTERLINE OF DEER VALLEY ROAD, AS SHOWN ON MAP OF DEDICATION, THE MEADOWS - DEER VALLEY ROAD, RECORDED UNDER BOOK 1119, PAGE 9, MCR, SOUTH 89°59'02" WEST, 1231.48 FEET;

THENCE DEPARTING SAID SOUTH LINE AND SAID CENTERLINE, NORTH 00°00'58" WEST, 55.00 FEET, TO THE SOUTHEAST CORNER OF THE FINAL PLAT OF THE MEADOWS-PARCEL 4A, RECORDED UNDER BOOK 1136, PAGE 11 (MCR);

THENCE ALONG THE EASTERLY LINE OF SAID FINAL PLAT THE FOLLOWING 12 COURSES:

THENCE NORTH 45°00'58" WEST, 42.43 FEET;

THENCE NORTH 00°00'58" WEST, 140.68 FEET, TO A POINT OF CURVATURE, HAVING A RADIUS OF 635.00 FEET;

THENCE NORTHERLY, 65.38 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 05°53'57", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 200.00 FEET;

THENCE NORTHERLY, 39.18 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 11°13'30";

THENCE NORTH 17°08'25" WEST, 101.19 FEET;

THENCE NORTH 14°11'33" WEST, 474.81 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 1975.00;

THENCE SOUTHERLY, 111.83 FEET, ALONG SAID CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 03°14'40";

THENCE NORTH 10°56'53" WEST, 232.14 FEET;

THENCE NORTH 34°03'07" EAST, 28.28 FEET;

THENCE NORTH 10°56'53" WEST, 50.00 FEET;

THENCE NORTH 79°03'07" EAST, 46.69 FEET;

THENCE NORTH 06°27'18" WEST, 23.93 FEET;

THENCE DEPARTING THE EASTERLY LINE OF SAID FINAL PLAT, NORTH 83°32'42" EAST, 50.00 FEET;

THENCE SOUTH 53°42'05" EAST, 16.26 FEET;

THENCE NORTH 79°03'07" EAST, 118.43 FEET;

THENCE NORTH 36°17'55" EAST, 7.37 FEET;

THENCE NORTH 06°27'18" WEST, 149.79 FEET;

THENCE SOUTH 88°02'38" EAST, 297.49 FEET;

THENCE NORTH 86°27'40" EAST, 255.13 FEET;

THENCE SOUTH 09°48'50" EAST, 86.66 FEET;

THENCE SOUTH 08°15'52" WEST, 94.83 FEET;

THENCE SOUTH 36°55'15" EAST, 7.05 FEET;

THENCE SOUTH 82°06'22" EAST, 122.82 FEET;

THENCE NORTH 50°18'22" EAST, 16.78 FEET;

THENCE SOUTH 85°28'49" EAST, 50.00 FEET;

THENCE NORTH 04°31'11" EAST, 52.40 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 525.00;

THENCE NORTHERLY, 187.58 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 20°28'19";

THENCE NORTH 15°57'08" WEST, 18.36 FEET;

THENCE NORTH 74°02'52" EAST, 98.00 FEET;

THENCE NORTH 77°04'07" EAST, 135.32 FEET;

THENCE NORTH 12°55'53" WEST, 131.58 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS POINT THAT BEARS SOUTH 03°45'01" EAST, 475.00 FEET;

THENCE EASTERLY, 9.59 FEET, ALONG SAID CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 01°09'26", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 25.00;

THENCE EASTERLY, 9.58 FEET, ALONG SAID CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 21°57'41", TO THE BEGINNING OF A REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 55.00 FEET;

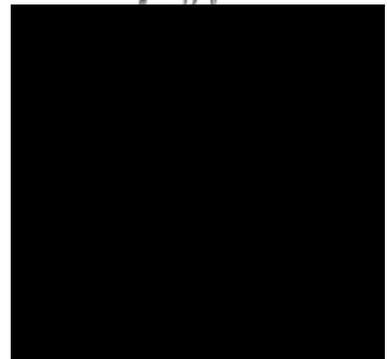
THENCE EASTERLY, 46.37 FEET, ALONG SAID CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 48°18'24";

THENCE SOUTH 28°56'18" EAST, 71.19 FEET;

THENCE NORTH 89°53'57" EAST, 251.14 FEET, TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16;

THENCE ALONG EAST LINE, SOUTH 00°06'03" EAST, 1694.11 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 2,077,271 SQUARE FEET, OR 47.688 ACRES MORE OR LESS



**EXHIBIT “B”**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK’S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
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. 1190, THE MEADOWS – 2A.

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 5<sup>th</sup> day of January, 2016 the Mayor and Council of the City of Peoria adopted Resolution No. 2015-126; 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. 1190, 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. 1190 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7215.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

RESOLUTION NO. 2015-126

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. 1190, THE MEADOWS – 2A; 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. 1190.

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. 1190 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. 1190 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. 1190 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. 1190.

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. 1190 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

Resolution No. 2015-126  
MID 1190 – The Meadows – 2A  
January 5, 2016  
Page 3 of 8 Pages

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 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

---

Cathy Carlat, Mayor

ATTEST:

---

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

LEGAL DESCRIPTION  
THE MEADOWS PARCEL 2, PHASE 1 MID

THAT PORTION OF PARCEL '2', OF THE TAKEDOWN MAP OF DEVELOPMENT MASTER PLAN FOR "THE MEADOWS" RECORDED UNDER BOOK 1053, PAGE 38, MARICOPA COUNTY RECORDS (MCR), AND A PORTION OF EAST HALF OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A CITY OF PEORIA BRASS CAP IN HAND-HOLE, FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 16, FROM WHENCE THE EAST QUARTER CORNER BEARS NORTH 00°06'03" WEST, 2636.45 FEET;

THENCE DEPARTING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER AND THE CENTERLINE OF DEER VALLEY ROAD, AS SHOWN ON MAP OF DEDICATION, THE MEADOWS - DEER VALLEY ROAD, RECORDED UNDER BOOK 1119, PAGE 9, MCR, SOUTH 89°59'02" WEST, 1231.48 FEET;

THENCE DEPARTING SAID SOUTH LINE AND SAID CENTERLINE, NORTH 00°00'58" WEST, 55.00 FEET, TO THE SOUTHEAST CORNER OF THE FINAL PLAT OF THE MEADOWS-PARCEL 4A, RECORDED UNDER BOOK 1136, PAGE 11 (MCR);

THENCE ALONG THE EASTERLY LINE OF SAID FINAL PLAT THE FOLLOWING 12 COURSES:

THENCE NORTH 45°00'58" WEST, 42.43 FEET;

THENCE NORTH 00°00'58" WEST, 140.68 FEET, TO A POINT OF CURVATURE, HAVING A RADIUS OF 635.00 FEET;

THENCE NORTHERLY, 65.38 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 05°53'57", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 200.00 FEET;

THENCE NORTHERLY, 39.18 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 11°13'30";

THENCE NORTH 17°08'25" WEST, 101.19 FEET;

THENCE NORTH 14°11'33" WEST, 474.81 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 1975.00;

THENCE SOUTHERLY, 111.83 FEET, ALONG SAID CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 03°14'40";

THENCE NORTH 10°56'53" WEST, 232.14 FEET;

THENCE NORTH 34°03'07" EAST, 28.28 FEET;

THENCE NORTH 10°56'53" WEST, 50.00 FEET;

THENCE NORTH 79°03'07" EAST, 46.69 FEET;

THENCE NORTH 06°27'18" WEST, 23.93 FEET;

THENCE DEPARTING THE EASTERLY LINE OF SAID FINAL PLAT, NORTH 83°32'42" EAST, 50.00 FEET;

THENCE SOUTH 53°42'05" EAST, 16.26 FEET;

THENCE NORTH 79°03'07" EAST, 118.43 FEET;

THENCE NORTH 36°17'55" EAST, 7.37 FEET;

THENCE NORTH 06°27'18" WEST, 149.79 FEET;

THENCE SOUTH 88°02'38" EAST, 297.49 FEET;

THENCE NORTH 86°27'40" EAST, 255.13 FEET;

THENCE SOUTH 09°48'50" EAST, 86.66 FEET;

THENCE SOUTH 08°15'52" WEST, 94.83 FEET;

THENCE SOUTH 36°55'15" EAST, 7.05 FEET;

THENCE SOUTH 82°06'22" EAST, 122.82 FEET;

THENCE NORTH 50°18'22" EAST, 16.78 FEET;

Resolution No. 2015-126  
MID 1190 – The Meadows – 2A  
January 5, 2016  
Page 6 of 8 Pages

THENCE SOUTH 85°28'49" EAST, 50.00 FEET;

THENCE NORTH 04°31'11" EAST, 52.40 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 525.00;

THENCE NORTHERLY, 187.58 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 20°28'19";

THENCE NORTH 15°57'08" WEST, 18.36 FEET;

THENCE NORTH 74°02'52" EAST, 98.00 FEET;

THENCE NORTH 77°04'07" EAST, 135.32 FEET;

THENCE NORTH 12°55'53" WEST, 131.58 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS POINT THAT BEARS SOUTH 03°45'01" EAST, 475.00 FEET;

THENCE EASTERLY, 9.59 FEET, ALONG SAID CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 01°09'26", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 25.00;

THENCE EASTERLY, 9.58 FEET, ALONG SAID CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 21°57'41", TO THE BEGINNING OF A REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 55.00 FEET;

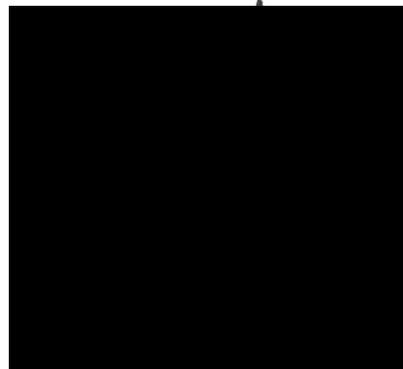
THENCE EASTERLY, 46.37 FEET, ALONG SAID CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 48°18'24";

THENCE SOUTH 28°56'18" EAST, 71.19 FEET;

THENCE NORTH 89°53'57" EAST, 251.14 FEET, TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16;

THENCE ALONG EAST LINE, SOUTH 00°06'03" EAST, 1694.11 FEET, TO THE **POINT OF BEGINNING.**

CONTAINING 2,077,271 SQUARE FEET, OR 47.688 ACRES MORE OR LESS



**EXHIBIT “B”**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK’S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 13C

Date Prepared: December 15, 2015

Council Meeting Date: January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, P.E., Development & Engineering Director

**THROUGH:** Susan J. Daluddung, Deputy City Manager

**SUBJECT:** Street Light Improvement District No. 1111, 3 Olive Park, Olive Avenue and 103<sup>rd</sup> Avenue

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**Purpose:**

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1111, 3 Olive Park, Olive Avenue and 103<sup>rd</sup> Avenue, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

**Background/Summary:**

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

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1111, 3 Olive Park, located at Olive Avenue and 103<sup>rd</sup> Avenue. In the case in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law; the Council may then immediately adopt a Resolution Ordering the improvements once the

Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2017, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

**Previous Actions:**

The final plat for 3 Olive Park was approved by the Council on December 15, 2015.

**Options:**

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

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

**Staff's Recommendation:**

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

**Fiscal Analysis:**

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

**Narrative:**

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

**Exhibit(s):**

**Exhibit 1:** Petition for Formation

**Exhibit 2:** Proposed Resolution of Intention

**Exhibit 3:** Proposed Resolution Ordering the Improvements

**Contact Name and Number:** William Beloit, Engineering Technician II x7573

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

[ 1111 ]  
**SLID#**  
[ 3 Olive Park ]  
**Subdivision Name**

To: Honorable Mayor and Council  
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 39.96 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
  - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
  - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
  - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
  - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the \_\_\_\_\_  
day of June \_\_\_\_\_ 20 15 .

<u>Empire Residential Communities Fund II, LLC</u> Print Property Owner Name <u>Rich Zacher</u> Print Name <u>6617 N Scottsdale Road, Scottsdale, AZ 85250</u> Address  Signature _____	Date: <u>6/24/15</u>	Property (Tax Parcel Numbers) <u>142-61-014D, 014F, 014G</u>
_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature	Date: _____	Property (Tax Parcel Numbers) _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an  
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

RESOLUTION NO. 2015-135

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1111, 3 OLIVE PARK; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

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

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

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

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria

Streetlight Improvement District No. 1111 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1111 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1111 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1111.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1111 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

Resolution No. 2015-135  
SLID 1111, 3 Olive Park  
January 5, 2016  
Page 3 of 6 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

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Cathy Carlat, Mayor

ATTEST:

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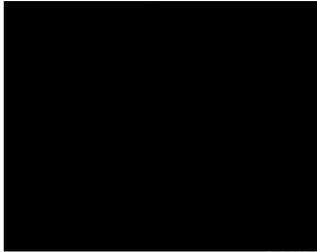
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Stephen M. Kemp, City Attorney

September 17, 2015  
PROJECT # 050064-01-001



**LEGAL DESCRIPTION  
3 OLIVE PARK  
STREET LIGHT IMPROVEMENT DISTRICT NO. 1111**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, BEARS NORTH 89°39'29" EAST, A DISTANCE OF 2643.22 FEET;

**THENCE** NORTH 89°39'29" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1321.61 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32;

**THENCE** SOUTH 00°05'02" WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1316.08 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, BEING MARKED BY A CHISELED "+" IN CONCRETE;

**THENCE** SOUTH 89°27'41" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1319.39 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, BEING MARKED BY A COTTON PICKER SPINDLE WITH NO IDENTIFICATION;

**THENCE** NORTH 00°00'52" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1320.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,740,794 SQUARE FEET OR 39.9631 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK'S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



RESOLUTION NO. 2015-136

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1111, 3 OLIVE PARK PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 5<sup>th</sup> day of January, 2016, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2015-135, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1111; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2015-135 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2015-135, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of

Intention No. 2015-135 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2015-135 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2015-135; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2015-135 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 5<sup>th</sup> day of January, 2016, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2015-136  
SLID 1111, 3 Olive Park  
January 5, 2016  
Page 3 of 7 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

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Cathy Carlat, Mayor

ATTEST:

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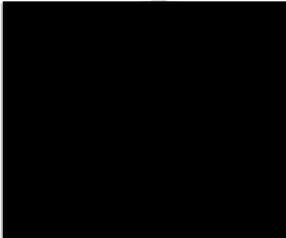
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

September 17, 2015  
PROJECT # 050064-01-001



**LEGAL DESCRIPTION  
3 OLIVE PARK  
STREET LIGHT IMPROVEMENT DISTRICT NO. 1111**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTH QUARTER CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 32, BEING MARKED BY A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, BEARS NORTH 89°39'29" EAST, A DISTANCE OF 2643.22 FEET;

**THENCE** NORTH 89°39'29" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1321.61 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32;

**THENCE** SOUTH 00°05'02" WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1316.08 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, BEING MARKED BY A CHISELED "+" IN CONCRETE;

**THENCE** SOUTH 89°27'41" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1319.39 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, BEING MARKED BY A COTTON PICKER SPINDLE WITH NO IDENTIFICATION;

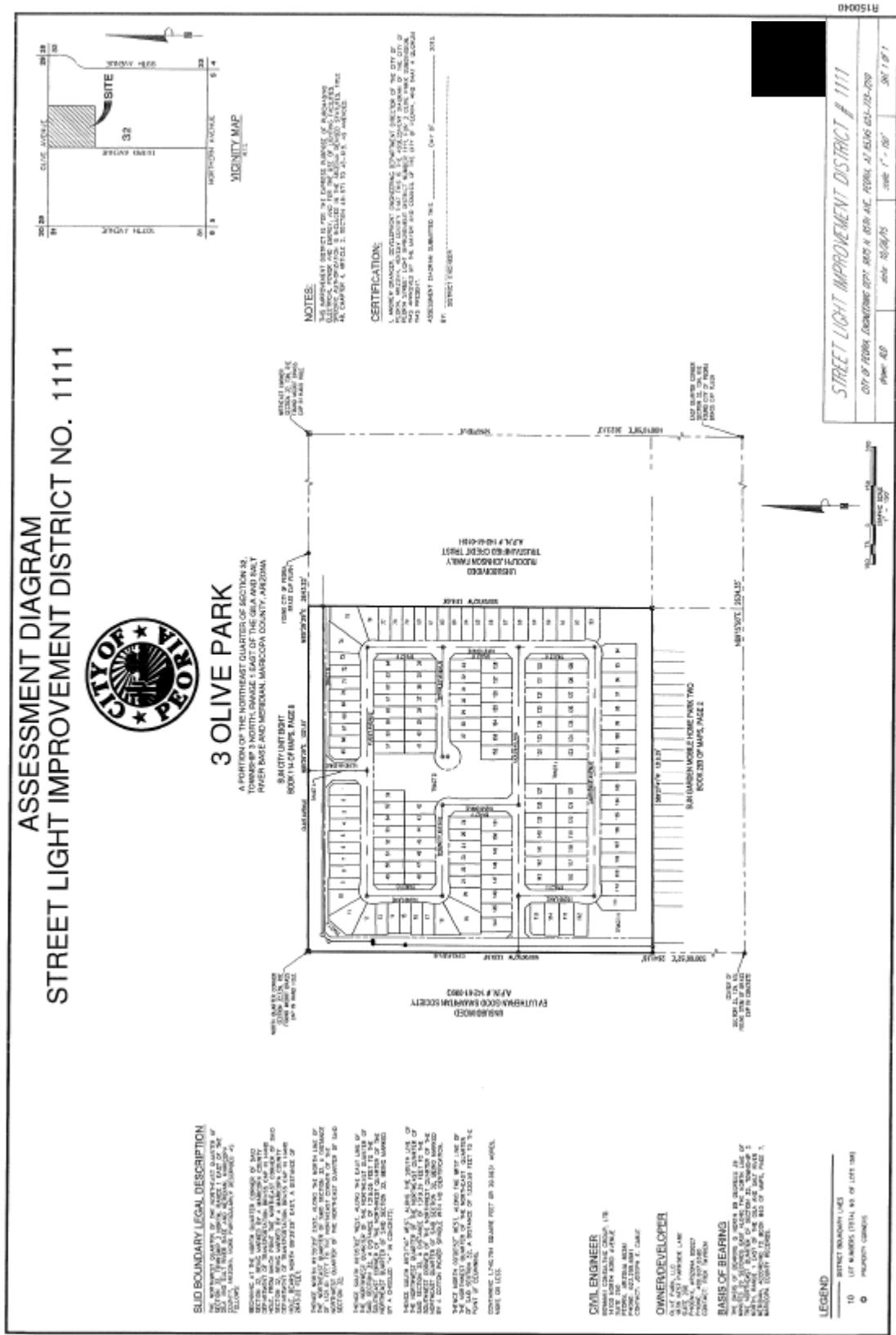
**THENCE** NORTH 00°00'52" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1320.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,740,794 SQUARE FEET OR 39.9631 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK'S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



010500011

**STREET LIGHT IMPROVEMENT DISTRICT # 1111**

CITY OF FORT WORTH, TEXAS - DISTRICT NO. 1111 - FORM # 1111-01-01-01-01

Sheet 6/7     Date: 01/05/2016     Scale: 1" = 200'

**CITY OF PEORIA, ARIZONA  
NOTICE**

**OF THE PASSAGE OF A RESOLUTION ORDERING  
THE IMPROVEMENT CONSISTING OF  
AUTHORIZING THE PURCHASE OF ELECTRICITY  
FOR LIGHTING THE STREETS AND PUBLIC PARKS  
FOR THE IMPROVEMENT DISTRICT KNOWN AS  
CITY OF PEORIA STREETLIGHT IMPROVEMENT  
DISTRICT NO. 1111, 3 OLIVE PARK**

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 5<sup>th</sup> day of January, 2016, the Mayor and Council of the City of Peoria adopted Resolution No. 2015-136; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1111, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

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

Further information concerning City of Peoria Streetlight Improvement District No. 1111 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA  
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING  
THE IMPROVEMENT CONSISTING OF  
AUTHORIZING THE PURCHASE OF ELECTRICITY  
FOR LIGHTING THE STREETS AND PUBLIC PARKS  
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Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA  
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING  
THE IMPROVEMENT CONSISTING OF  
AUTHORIZING THE PURCHASE OF ELECTRICITY  
FOR LIGHTING THE STREETS AND PUBLIC PARKS  
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CITY OF PEORIA STREETLIGHT IMPROVEMENT  
DISTRICT NO. 1111, 3 OLIVE PARK

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DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

Posted at City Council Chambers Entrance  
Dates: January 6 – 12, 2016

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 14C

Date Prepared: December 10, 2015

Council Meeting Date: January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, P.E., Development & Engineering Director

**THROUGH:** Susan J. Daluddung, Deputy City Manager

**SUBJECT:** Street Light Improvement District No. 1113, The Meadows – 2A, 91<sup>st</sup> Avenue and Deer Valley Road

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**Purpose:**

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1113, The Meadows – 2A, 91<sup>st</sup> Avenue and Deer Valley Road, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

**Background/Summary:**

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

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1113, The Meadows – 2A, located at 91<sup>st</sup> Avenue and Deer Valley Road. In the case in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law; the Council may then immediately adopt a Resolution Ordering the improvements once the

Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2017, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

**Previous Actions:**

The final plat for The Meadows – 2A was approved by the Council on December 1, 2015.

**Options:**

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

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

**Staff's Recommendation:**

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

**Fiscal Analysis:**

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

**Narrative:**

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

**Exhibit(s):**

**Exhibit 1:** Petition for Formation

**Exhibit 2:** Proposed Resolution of Intention

**Exhibit 3:** Proposed Resolution Ordering the Improvements

**Contact Name and Number:** William Beloit, Engineering Technician II x7573

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

1113  
SLID#  
The Meadows - 2A  
Subdivision Name

To: Honorable Mayor and Council  
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 47.688 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
  - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
  - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
  - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
  - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the \_\_\_\_\_  
day of \_\_\_\_\_ 20 \_\_\_\_.

<p style="text-align: right;"><i>maracay 71, uc</i></p> <p><u>Maracay Homes</u> Print Property Owner Name</p> <p><u>Thomes Lemon</u> Print Name</p> <p><u>15279 N. Scottsdale Rd.</u> Address</p> <p><u>[REDACTED] AZ 85254</u> City/State/Zip</p> <p><u>[REDACTED]</u> Signature</p>	<p>Date:</p> <p><u>8.27.15</u></p>	<p>Property (Tax Parcel Numbers)</p> <p><u>200-09-002 E</u></p>
<p>Print Property Owner Name _____</p> <p>Print Name _____</p> <p>Address _____</p> <p>Signature _____</p>	<p>Date:</p> <p>_____</p>	<p>Property (Tax Parcel Numbers)</p> <p>_____</p>

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. 2015-129

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1113, THE MEADOWS – 2A; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

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

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

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

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be

chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1113 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1113 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1113 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1113.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1113 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

Resolution No. 2015-129  
SLID 1113, The Meadows – 2A  
January 5, 2016  
Page 3 of 8 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

LEGAL DESCRIPTION  
THE MEADOWS PARCEL 2, PHASE 1 SLID

THAT PORTION OF PARCEL '2', OF THE TAKEDOWN MAP OF DEVELOPMENT MASTER PLAN FOR "THE MEADOWS" RECORDED UNDER BOOK 1053, PAGE 38, MARICOPA COUNTY RECORDS (MCR), AND A PORTION OF EAST HALF OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A CITY OF PEORIA BRASS CAP IN HAND-HOLE, FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 16, FROM WHENCE THE EAST QUARTER CORNER BEARS NORTH 00°06'03" WEST, 2636.45 FEET;

THENCE DEPARTING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER AND THE CENTERLINE OF DEER VALLEY ROAD, AS SHOWN ON MAP OF DEDICATION, THE MEADOWS - DEER VALLEY ROAD, RECORDED UNDER BOOK 1119, PAGE 9, MCR, SOUTH 89°59'02" WEST, 1231.48 FEET;

THENCE DEPARTING SAID SOUTH LINE AND SAID CENTERLINE, NORTH 00°00'58" WEST, 55.00 FEET, TO THE SOUTHEAST CORNER OF THE FINAL PLAT OF THE MEADOWS-PARCEL 4A, RECORDED UNDER BOOK 1136, PAGE 11 (MCR);

THENCE ALONG THE EASTERLY LINE OF SAID FINAL PLAT THE FOLLOWING 12 COURSES:

THENCE NORTH 45°00'58" WEST, 42.43 FEET;

THENCE NORTH 00°00'58" WEST, 140.68 FEET, TO A POINT OF CURVATURE, HAVING A RADIUS OF 635.00 FEET;

THENCE NORTHERLY, 65.38 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 05°53'57", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 200.00 FEET;

THENCE NORTHERLY, 39.18 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 11°13'30";

THENCE NORTH 17°08'25" WEST, 101.19 FEET;

THENCE NORTH 14°11'33" WEST, 474.81 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 1975.00;

THENCE SOUTHERLY, 111.83 FEET, ALONG SAID CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 03°14'40";

THENCE NORTH 10°56'53" WEST, 232.14 FEET;

THENCE NORTH 34°03'07" EAST, 28.28 FEET;

THENCE NORTH 10°56'53" WEST, 50.00 FEET;

THENCE NORTH 79°03'07" EAST, 46.69 FEET;

THENCE NORTH 06°27'18" WEST, 23.93 FEET;

THENCE DEPARTING THE EASTERLY LINE OF SAID FINAL PLAT, NORTH 83°32'42" EAST, 50.00 FEET;

THENCE SOUTH 53°42'05" EAST, 16.26 FEET;

THENCE NORTH 79°03'07" EAST, 118.43 FEET;

THENCE NORTH 36°17'55" EAST, 7.37 FEET;

THENCE NORTH 06°27'18" WEST, 149.79 FEET;

THENCE SOUTH 88°02'38" EAST, 297.49 FEET;

THENCE NORTH 86°27'40" EAST, 255.13 FEET;

THENCE SOUTH 09°48'50" EAST, 86.66 FEET;

THENCE SOUTH 08°15'52" WEST, 94.83 FEET;

THENCE SOUTH 36°55'15" EAST, 7.05 FEET;

THENCE SOUTH 82°06'22" EAST, 122.82 FEET;

THENCE NORTH 50°18'22" EAST, 16.78 FEET;

Resolution No. 2015-129  
SLID 1113, The Meadows – 2A  
January 5, 2016  
Page 6 of 8 Pages

THENCE SOUTH 85°28'49" EAST, 50.00 FEET;

THENCE NORTH 04°31'11" EAST, 52.40 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 525.00;

THENCE NORTHERLY, 187.58 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 20°28'19";

THENCE NORTH 15°57'08" WEST, 18.36 FEET;

THENCE NORTH 74°02'52" EAST, 98.00 FEET;

THENCE NORTH 77°04'07" EAST, 135.32 FEET;

THENCE NORTH 12°55'53" WEST, 131.58 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS POINT THAT BEARS SOUTH 03°45'01" EAST, 475.00 FEET;

THENCE EASTERLY, 9.59 FEET, ALONG SAID CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 01°09'26", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 25.00;

THENCE EASTERLY, 9.58 FEET, ALONG SAID CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 21°57'41", TO THE BEGINNING OF A REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 55.00 FEET;

THENCE EASTERLY, 46.37 FEET, ALONG SAID CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 48°18'24";

THENCE SOUTH 28°56'18" EAST, 71.19 FEET;

THENCE NORTH 89°53'57" EAST, 251.14 FEET, TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16;

THENCE ALONG EAST LINE, SOUTH 00°06'03" EAST, 1694.11 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 2,077,271 SQUARE FEET, OR 47.688 ACRES MORE OR LESS



**EXHIBIT “B”**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK’S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



RESOLUTION NO. 2015-130

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1113, THE MEADOWS – 2A, PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 5<sup>th</sup> day of January, 2016, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2015-129, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1113; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2015-129 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2015-129, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of

Intention No. 2015-129 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2015-129 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2015-129; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2015-129 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 5<sup>th</sup> day of January, 2016, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2015-130  
SLID 1113, The Meadows - 2A  
January 5, 2016  
Page 3 of 9 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5<sup>th</sup> day of January, 2016.

**CITY OF PEORIA**, an Arizona  
municipal corporation

---

Cathy Carlat, Mayor

ATTEST:

---

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Stephen M. Kemp, City Attorney

LEGAL DESCRIPTION  
THE MEADOWS PARCEL 2, PHASE 1 SLID

THAT PORTION OF PARCEL '2', OF THE TAKEDOWN MAP OF DEVELOPMENT MASTER PLAN FOR "THE MEADOWS" RECORDED UNDER BOOK 1053, PAGE 38, MARICOPA COUNTY RECORDS (MCR), AND A PORTION OF EAST HALF OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A CITY OF PEORIA BRASS CAP IN HAND-HOLE, FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 16, FROM WHENCE THE EAST QUARTER CORNER BEARS NORTH 00°06'03" WEST, 2636.45 FEET;

THENCE DEPARTING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER AND THE CENTERLINE OF DEER VALLEY ROAD, AS SHOWN ON MAP OF DEDICATION, THE MEADOWS - DEER VALLEY ROAD, RECORDED UNDER BOOK 1119, PAGE 9, MCR, SOUTH 89°59'02" WEST, 1231.48 FEET;

THENCE DEPARTING SAID SOUTH LINE AND SAID CENTERLINE, NORTH 00°00'58" WEST, 55.00 FEET, TO THE SOUTHEAST CORNER OF THE FINAL PLAT OF THE MEADOWS-PARCEL 4A, RECORDED UNDER BOOK 1136, PAGE 11 (MCR);

THENCE ALONG THE EASTERLY LINE OF SAID FINAL PLAT THE FOLLOWING 12 COURSES:

THENCE NORTH 45°00'58" WEST, 42.43 FEET;

THENCE NORTH 00°00'58" WEST, 140.68 FEET, TO A POINT OF CURVATURE, HAVING A RADIUS OF 635.00 FEET;

THENCE NORTHERLY, 65.38 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 05°53'57", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 200.00 FEET;

THENCE NORTHERLY, 39.18 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 11°13'30";

THENCE NORTH 17°08'25" WEST, 101.19 FEET;

THENCE NORTH 14°11'33" WEST, 474.81 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 1975.00;

THENCE SOUTHERLY, 111.83 FEET, ALONG SAID CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 03°14'40";

THENCE NORTH 10°56'53" WEST, 232.14 FEET;

THENCE NORTH 34°03'07" EAST, 28.28 FEET;

THENCE NORTH 10°56'53" WEST, 50.00 FEET;

THENCE NORTH 79°03'07" EAST, 46.69 FEET;

THENCE NORTH 06°27'18" WEST, 23.93 FEET;

THENCE DEPARTING THE EASTERLY LINE OF SAID FINAL PLAT, NORTH 83°32'42" EAST, 50.00 FEET;

THENCE SOUTH 53°42'05" EAST, 16.26 FEET;

THENCE NORTH 79°03'07" EAST, 118.43 FEET;

THENCE NORTH 36°17'55" EAST, 7.37 FEET;

THENCE NORTH 06°27'18" WEST, 149.79 FEET;

THENCE SOUTH 88°02'38" EAST, 297.49 FEET;

THENCE NORTH 86°27'40" EAST, 255.13 FEET;

THENCE SOUTH 09°48'50" EAST, 86.66 FEET;

THENCE SOUTH 08°15'52" WEST, 94.83 FEET;

THENCE SOUTH 36°55'15" EAST, 7.05 FEET;

THENCE SOUTH 82°06'22" EAST, 122.82 FEET;

THENCE NORTH 50°18'22" EAST, 16.78 FEET;

THENCE SOUTH 85°28'49" EAST, 50.00 FEET;

THENCE NORTH 04°31'11" EAST, 52.40 FEET, TO A POINT OF CURVATURE, SAID CURVE HAVING A RADIUS OF 525.00;

THENCE NORTHERLY, 187.58 FEET, ALONG SAID CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 20°28'19";

THENCE NORTH 15°57'08" WEST, 18.36 FEET;

THENCE NORTH 74°02'52" EAST, 98.00 FEET;

THENCE NORTH 77°04'07" EAST, 135.32 FEET;

THENCE NORTH 12°55'53" WEST, 131.58 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS POINT THAT BEARS SOUTH 03°45'01" EAST, 475.00 FEET;

THENCE EASTERLY, 9.59 FEET, ALONG SAID CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 01°09'26", TO THE BEGINNING OF A COMPOUND CURVE, SAID CURVE HAVING A RADIUS OF 25.00;

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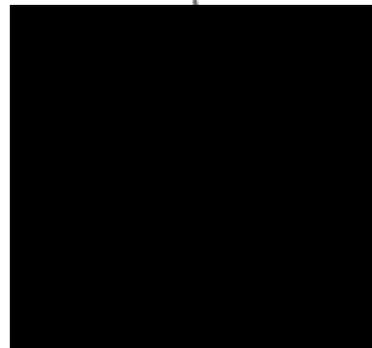
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THENCE ALONG EAST LINE, SOUTH 00°06'03" EAST, 1694.11 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 2,077,271 SQUARE FEET, OR 47.688 ACRES MORE OR LESS



**Resolution No. 2015 - 130**

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK'S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
NOTICE**

**OF THE PASSAGE OF A RESOLUTION ORDERING  
THE IMPROVEMENT CONSISTING OF  
AUTHORIZING THE PURCHASE OF ELECTRICITY  
FOR LIGHTING THE STREETS AND PUBLIC PARKS  
FOR THE IMPROVEMENT DISTRICT KNOWN AS  
CITY OF PEORIA STREETLIGHT IMPROVEMENT  
DISTRICT NO. 1113, THE MEADOWS - 2A**

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 5<sup>th</sup> day of January, 2016, the Mayor and Council of the City of Peoria adopted Resolution No. 2015-130; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1113, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

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

Further information concerning City of Peoria Streetlight Improvement District No. 1113 may be obtained by contacting Mr. Andrew Granger, Development and Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA  
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING  
THE IMPROVEMENT CONSISTING OF  
AUTHORIZING THE PURCHASE OF ELECTRICITY  
FOR LIGHTING THE STREETS AND PUBLIC PARKS  
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DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA  
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING  
THE IMPROVEMENT CONSISTING OF  
AUTHORIZING THE PURCHASE OF ELECTRICITY  
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DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Andrew Granger, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

Posted at City Council Chambers Entrance  
Dates: January 6 – 12, 2016.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 15C

**Date Prepared:** December 21, 2015    **Council Meeting Date:** January 5, 2016

---

**TO:** Carl Swenson, City Manager  
**FROM:** Andrew Granger, P. E., Engineering Director  
**THROUGH:** Susan J. Daluddung, Deputy City Manager  
**SUBJECT:** Release of Temporary Construction Easement, Sonoma Ridge Apartments

---

**Purpose:**

This is a request for City Council to authorize the release of a Temporary Construction Easement granted by Sonoma Ridge Apartments for the Beardsley Road Connector Project.

**Background/Summary:**

On September 15, 2009, the Sonoma Ridge Apartments located at the southeast corner of 83<sup>rd</sup> Avenue and Beardsley Road, granted a Temporary Construction Easement (TCE) to the City of Peoria to allow roadway construction activities associated with the Beardsley Road Connector Project. Per the recorded TCE the term of the easement was through completion of the project and upon the request of the Grantor the City would release our interest to the temporary land right. The project has been complete for several years and the Grantor has requested the release of the easement.

**Previous Actions:**

January 15, 2008 – Council approved Resolution 08-04 authorizing the acquisition of land rights necessary for the Beardsley Road and Loop 101 Connector project.

**Options:**

- A:** City Council approves the release of the TCE and authorizes the staff to execute the Release of Temporary Construction Easement.
- B:** City Council denies the release maintaining the current title issues on the property which may hinder future development of the parcel.

**Staff's Recommendation:**

Staff recommends the release of the temporary land right and designates the staff to execute the Release of Temporary Construction Easement.

**Fiscal Analysis:**

There is no fiscal impact to the City associated with releasing the easement.

**Narrative:**

By releasing the temporary land right this will remove the title issue from the property and allow more flexibility for future development.

**Exhibit(s):**

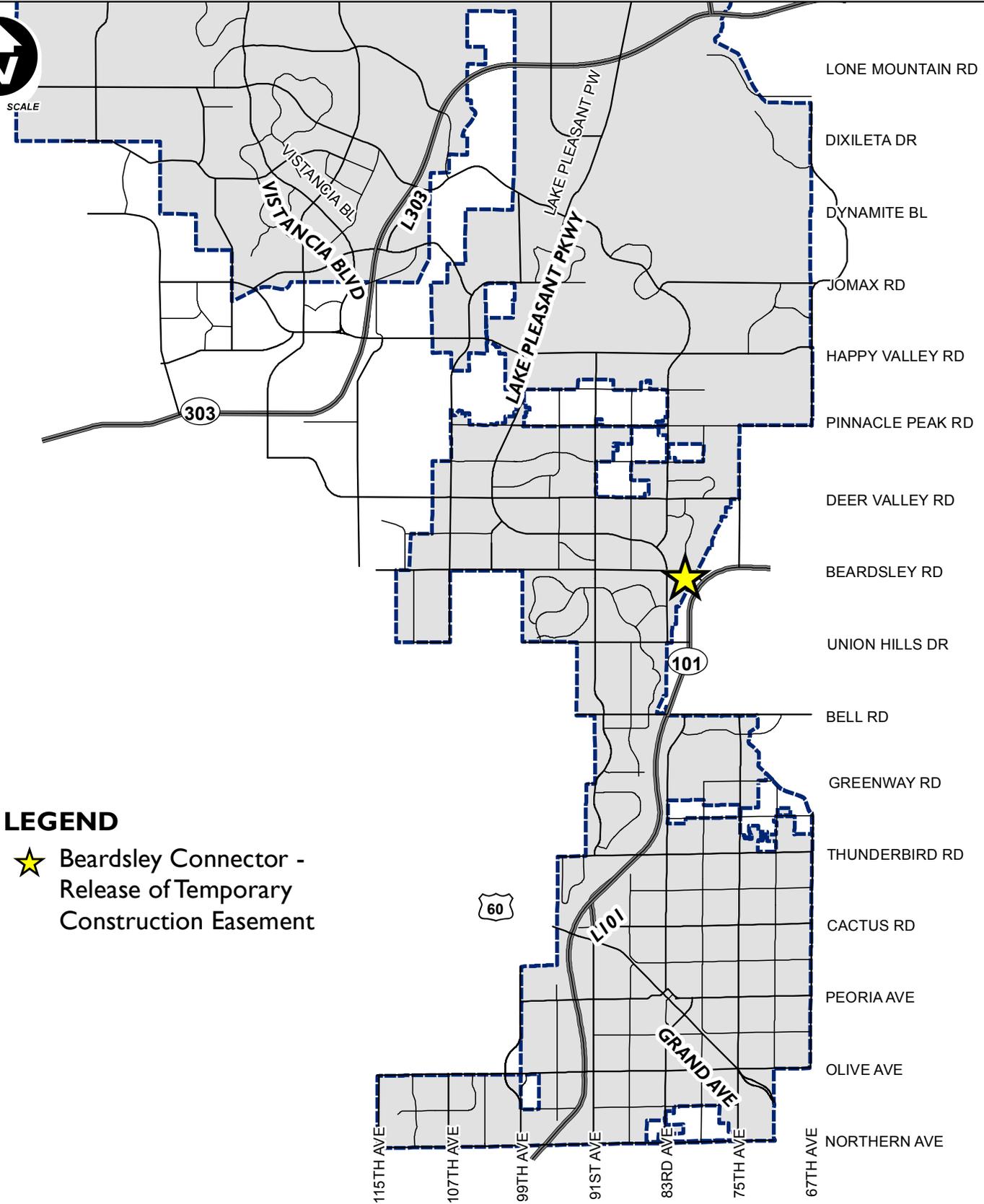
**Exhibit 1:** Vicinity Map

**Exhibit 2:** Release of Temporary Construction Easement

**Contact:** Angela Manuel, Real Estate Coordinator, (623) 773-7728



NOT TO SCALE



**LEGEND**

- ★ Beardsley Connector -  
Release of Temporary  
Construction Easement

When recorded, return to:

City Clerk  
City of Peoria  
8401 W. Monroe Street  
Peoria, AZ 85345

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## RELEASE OF TEMPORARY CONSTRUCTION EASEMENT

THIS RELEASE OF TEMPORARY CONSTRUCTION EASEMENT (the "Release") is given this \_\_\_\_ day of \_\_\_\_\_, 2016, by the City of Peoria, Arizona, an Arizona municipal corporation (hereinafter the "City"), to Sonoma Ridge Apartments, Inc., a Maryland corporation (hereinafter "Sonoma").

WHEREAS, on September 15, 2009, Sonoma granted the City a Temporary Construction Easement ("Easement") in connection with the roadway construction activities associated with the Beardsley Road Connector Project ("Project") and said Easement was recorded on September 17, 2009 as Document No. 20090867552, of the Official Records of Maricopa County, Arizona. A copy of the Easement is attached hereto as Exhibit "A";

WHEREAS, the term of the Easement commenced on the award of the Project and continued until the completion of construction of the Project. Upon completion of construction of the Project and the request from Sonoma, the City will issue a release of the Easement. The Project having been completed and Sonoma having requested release of the Easement.

NOW, THEREFORE, the City does, by this instrument, release the Easement granted from Sonoma Ridge Apartments, Inc. as described above, and it being the intention of the parties to terminate such Easement.

[Signatures Appear on the Following Page]



WHEN RECORDED MAIL TO:  
City of Peoria  
City Clerk's Office  
8401 W. Monroe  
Peoria, AZ 85345

ELECTRONIC RECORDING

### TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the sum of TEN DOLLARS (10.00) DOLLARS, or other valuable consideration, Sonoma Ridge Apartments, Inc., a Maryland Corporation (Grantor) hereby grants to the City of Peoria, an Arizona municipal corporation a Temporary Construction Easement (TCE) in connection with the roadway construction activities associated with the Beardsley Road Connector Project. Specific Improvements within the parcel described include installing a public sidewalk and reconstructing a site wall adjacent to the sidewalk. The purpose of the Temporary Construction Easement is to allow the Grantee, its agents, contractors and assigns, to use the property, as described herein, for construction of improvements for the Project. This Temporary Construction Easement shall be on, over and across real property situation in Maricopa County, Arizona and more particularly described in Exhibit "A" (Legal Description) attached hereto and incorporated herein by this reference (the premises).

The term of this easement shall commence on the award of the project and continue until the construction is complete. Upon completion of the project, at the request of the Grantor, the City of Peoria will issue a release of this Temporary Construction Easement and record the release at the Maricopa County Recorder's Office, Maricopa County, Arizona.

Grantor covenants to and with the Grantee and its assigns that it is lawfully seized and possessed of the Premises, and that it has good and lawful right to grant said easement interest.

Grantee shall repair and restore the Premises to as close to like and equivalent condition as possible and shall be responsible for any damages, claims or loss occurring on the property during the term of this easement caused by Grantee's negligent use of the property or by the negligent acts of its employees, agents, contractors or assigns.

Dated this 15 day of Sept, 2009.

Grantor: Sonoma Ridge Apartments, Inc., a Maryland Corporation

By: [Redacted Signature]

Its: Vue/President



**LEGAL DESCRIPTION  
BEARDSLEY CONNECTOR  
TEMPORARY CONSTRUCTION EASEMENT  
A.P.N. 200-30-975  
(REVISED)**

A PORTION OF PARCEL 20, FINAL PLAT FOR FLETCHER HEIGHTS, PHASE 4 AMENDED, AS SHOWN IN BOOK 583, PAGE 20, MARICOPA COUNTY RECORDS, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 1 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION BEARS SOUTH 00°03'12" EAST, A DISTANCE OF 2623.61 FEET;

THENCE SOUTH 89°52'21" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 26, A DISTANCE OF 1080.00 FEET, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION BEARS SOUTH 89°52'21" EAST, A DISTANCE OF 1563.54 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00°07'39" WEST, A DISTANCE OF 45.00 FEET TO THE NORTHERLY LINE OF PARCEL 20 AS SHOWN ON SAID FINAL PLAT, AND THE POINT OF BEGINNING;

THENCE SOUTH 89°52'21" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 26.50 FEET;

THENCE SOUTH 44°52'21" EAST, ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 20, A DISTANCE OF 35.36 FEET;

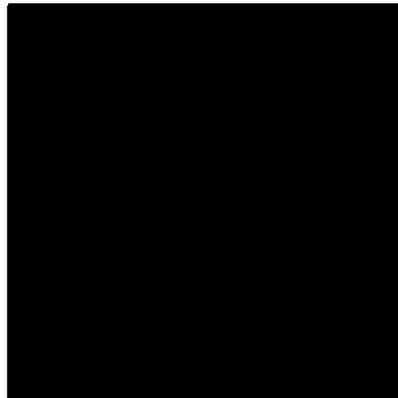
THENCE SOUTH 00°07'39" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL 20, A DISTANCE OF 40.70 FEET;

THENCE DEPARTING SAID EASTERLY LINE, NORTH 89°52'21" WEST, A DISTANCE OF 19.50 FEET;

THENCE NORTH 32°16'08" WEST, A DISTANCE OF 59.75 FEET;

THENCE NORTH 00°07'39" EAST, A DISTANCE OF 15.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,264 SQUARE FEET OR 0.05 ACRE, MORE OR LESS.



**Map of Parcel 200-30-975  
Temporary Construction Easement**

**IS ON FILE IN THE**

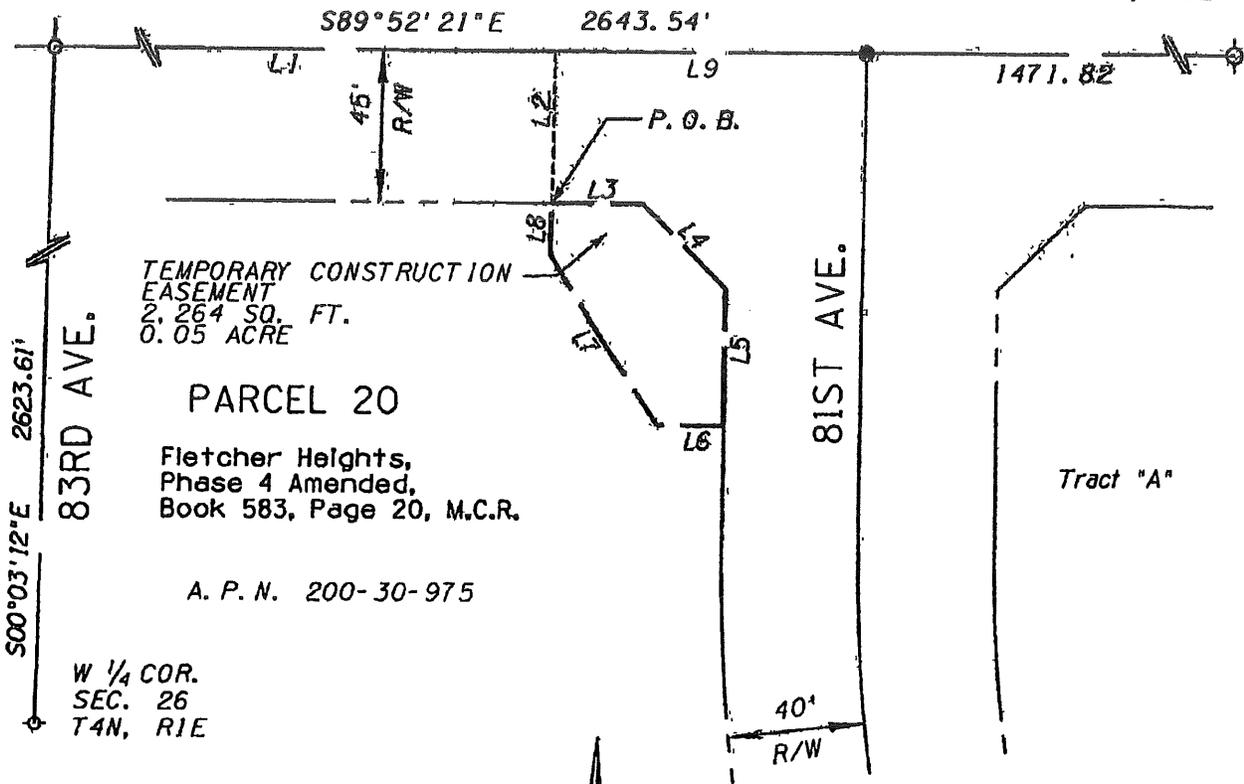
**CITY OF PEORIA**

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

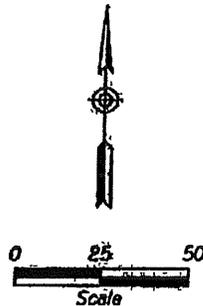
P. O. C.  
NW COR.  
SEC. 26  
T4N, R1E

BEARDSLEY RD.

N 1/4 COR.  
SEC. 26  
T4N, R1E



Line	Bearing	Distance
L1	S 89°52'21" E	1080.00'
L2	S 00°07'39" W	45.00'
L3	S 89°52'21" E	26.50'
L4	S 44°52'21" E	35.36'
L5	S 00°07'39" W	40.70'
L6	N 89°52'21" W	19.50'
L7	N 32°16'08" W	59.75'
L8	N 00°07'39" E	15.26'
L9	S 89°52'21" E	91.72'



P.O.C. Point of Commencement  
P.O.B. Point of Beginning  
A.P.N. Assessor's Parcel Number  
M.C.R. Maricopa County Records  
R/W Right-of-Way

TEMPORARY CONSTRUCTION EASEMENT  
BEARDSLEY CONNECTOR

CITY OF PEORIA

PROJECT: TS-0101A

PARCEL: 200-30-975 (REVISED)

DRAWN BY: BDB  
CHECKED BY: TBP

DATE:  
8/11/2009

Sheet 1 of 1

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 16C

Date Prepared: December 22, 2015

Council Meeting Date: January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Andrew Granger, PE, Development and Engineering Department Director

**THROUGH:** Susan J. Daluddung, Deputy City Manager

**SUBJECT:** Final Plat, Trilogy West Phase 2 – Parcel C44, Upcountry Way west of Vistancia Boulevard (Project No. R150018)

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**Purpose:**

This is a request for City Council to approve a Final Plat of Trilogy West Phase 1 - Parcel C44, located on Upcountry Way west of Vistancia Blvd., 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 55 new lots within the Trilogy West development. All internal roadways are private and will be maintained by the HOA.

In July 2015, the City Council approved the Master Final Plat for Trilogy West Phase 2, creating all of the individual parcels and the roadways for the master subdivision. The individual parcel Final Plats 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 October 2014 and then amended in November 2015.

The Master Final Plat for Trilogy west Phase 2 was recorded in July 2015.

**Options:**

A: The Final Plat has been approved through the Development and Engineering 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

**DEDICATION**

STATE OF ARIZONA )  
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 "TRILGY WEST PHASE 2 - PARCEL C44," BEING A REPLAT OF TRACT "B" OF A MASTER FINAL PLAT FOR TRILGY WEST PHASE 2 RECORDED AS BOOK 1236 OF MAPS, PAGE 36, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE NORTHEAST QUARTER OF SECTION 27 TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "TRILGY WEST PHASE 2 - PARCEL C44" DESCRIBED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME AND THAT EACH LOT, TRACT 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 (1) TO THE CITY OF PEORIA, FOR USE AS SUCH, THE PUBLIC UTILITY EASEMENTS SHOWN HEREON (PUE), AND (2) TO THE TRILGY ASSOCIATION AND ITS MEMBERS, FOR USE AS SUCH, THE SIDEWALK EASEMENTS (SE), AS SHOWN HEREON. ANY SIDEWALKS LOCATED WITHIN THE PRIVATE STREETS AND WITHIN THE SIDEWALK EASEMENTS SHALL BE MAINTAINED BY THE TRILGY ASSOCIATION. THE LANDSCAPING WITHIN THE PRIVATE STREETS SHALL BE MAINTAINED BY THE TRILGY ASSOCIATION.

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. 2003-086772, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AS FROM TIME TO TIME HEREAFTER 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 "TRILGY DECLARATION" SHALL MEAN AND REFER TO THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TRILGY AT VISTANCIA DATED JANUARY 28, 2004 AND RECORDED JANUARY 28, 2004 IN INSTRUMENT NO. 2004-008277, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AS FROM TIME TO TIME HEREAFTER SUPPLEMENTED AND/OR AMENDED, AND THE TERM "TRILGY ASSOCIATION" SHALL MEAN AND REFER TO TRILGY AT VISTANCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION.

SUBJECT TO THE TERMS OF THE TRILGY DECLARATION, TRACT "D" IS HEREBY DECLARED AS A PRIVATE STREET 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 TRILGY 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 TRACT "D" BY THE OWNER THEREOF. SUBJECT TO THE TERMS OF THE TRILGY DECLARATION, MAINTENANCE OF SAID TRACT "D" AND THE IMPROVEMENTS THEREON SHALL BE THE RESPONSIBILITY OF THE TRILGY ASSOCIATION PURSUANT TO THE TERMS OF THE TRILGY DECLARATION. THE OWNER HEREBY DECLARES THAT THE TRACTS RECORDED PURSUANT TO THE TRILGY DECLARATION WITH RESPECT TO SAID TRACT "D" MAY SET FORTH ADDITIONAL COVENANTS, CONDITIONS AND RESTRICTIONS WITHIN RESPECT TO SAID TRACT "D" AND/OR TRACT "E".

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, HEREDITARY AND NON-EXCLUSIVE EASEMENT OVER TRACT "D" FOR THE FOLLOWING PURPOSES, NAMELY: (A) PUBLIC WATER EASEMENT, (B) PUBLIC WATER EASEMENT, (C) PUBLIC SEWER EASEMENT, AND (D) INGRESS AND EGRESS EASEMENT FOR REFUSE COLLECTION, EMERGENCY AND SERVICE TRUCK 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 HAS GOVERNMENTAL AND POSSESSED OF TRACT "D." THAT VISTANCIA WEST CONSTRUCTION LP HAS GOVERNMENTAL RIGHT TO GRANT THE TRACT "D" EASEMENT, AND THAT VISTANCIA WEST CONSTRUCTION LP WILL WARRANT TO THE CITY AND ITS SUCCESSORS AND ASSIGNS THE TITLE AND QUIET POSSESSION OF THE TRACT "D" 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 "TRILGY WEST PHASE 2 - PARCEL C44" SHALL BE HELD, SOLD, CONVEYED, ENCUMBERED, HYPOTHECATED, LEASED, USED, OCCURRED 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 THE TRILGY ASSOCIATION "TRILGY WEST PHASE 2 - PARCEL C44" 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 ACCEPTANCE OF SUCH DEDICATION, 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 HEREDITARY 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 FINAL PLAT. 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 AND FROM THE SAID EASEMENT, 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 IN POSSESSION OF THE SAID 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 THEREIN 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 OR LANDSCAPING OR ANY IMPROVEMENT PLACED WITHIN THE EASEMENT BY 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 OPTION, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY ASPHALT, LANDSCAPING OR ANY IMPROVEMENT PLACED WITHIN THE EASEMENT BY OWNER OR ITS SUCCESSORS OR ASSIGNS.

**DEDICATION**

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 HEREBY GRANTED SHALL CEASE AND REVERT TO THE OWNER, ITS HEIRS OR ASSIGNS.

SUBJECT TO THE TERMS OF THE TRILGY DECLARATION, TRACTS "A" - "C" ARE DECLARED TO BE COMMON AREA (AS DEFINED IN THE TRILGY DECLARATION), WHICH (1) ARE HEREBY EXCLUSIVELY FOR THE USE OF OWNERS, RESIDENTS AND LESSEES OF THE "PROJECT" (AS DEFINED IN THE TRILGY DECLARATION) AND THEIR RESPECTIVE GUESTS AND INVITEES, AS SET FORTH IN THE MAINTENANCE CORPORATION DECLARATION AND THE TRILGY DECLARATION, AND (2) SHALL BE CONVEYED TO AND MAINTAINED BY THE TRILGY ASSOCIATION, PURSUANT TO THE TERMS OF THE TRILGY DECLARATION AND THE MAINTENANCE CORPORATION DECLARATION.

TRACT "D" SHALL BE USED FOR THE PURPOSE OF PRIVATE STREETS/ACCESS AND THE OTHER USES AS SET FORTH HEREIN. THE FOREGOING TRACT "D" 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 DRAINAGE FACILITIES AND PIPE STORAGE SYSTEMS, ON TRACTS "A" - "C," AS APPLICABLE IN THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY AT SUCH TIME AS THE TRILGY ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES IN SUCH TRACTS. AS LONG AS THE TRILGY ASSOCIATION EXISTS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES IN TRACTS "A" - "C," REGARDLESS OF THE DEDICATION OF THIS EASEMENT.

VISTANCIA WEST CONSTRUCTION LP, AS OWNER, HEREBY GRANTS TO THE TRILGY ASSOCIATION A REAR YARD TRAIL EASEMENT OVER, UNDER AND ACROSS PORTIONS OF CERTAIN LOTS AS SHOWN HEREON. SUBJECT TO THE TERMS OF THE TRILGY DECLARATION, MAINTENANCE OF SAID TRAIL EASEMENT AND THE IMPROVEMENTS THEREON SHALL BE THE RESPONSIBILITY OF THE TRILGY ASSOCIATION PURSUANT TO THE TERMS OF THE TRILGY DECLARATION. ANY SUPPLEMENTAL DECLARATION HEREAFTER RECORDED PURSUANT TO THE TRILGY DECLARATION WITH RESPECT TO SAID TRAIL EASEMENT MAY SET FORTH ADDITIONAL COVENANTS, CONDITIONS AND/OR RESTRICTIONS WITH RESPECT TO SAID DRAINAGE AND TRAIL EASEMENTS AND/OR THE USES THEREOF.

LANDSCAPING AND OTHER IMPROVEMENTS (OTHER THAN UTILITY IMPROVEMENTS, MAINTENANCE OF WHICH SHALL BE THE RESPONSIBILITY OF THE UTILITY PROVIDER) WITHIN EACH PUE SHALL BE MAINTAINED BY THE OWNER OF THE TRACT ON WHICH SUCH PUE IS LOCATED.

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 \_\_\_\_\_, 201\_\_.

VISTANCIA WEST CONSTRUCTION LP, A DELAWARE LIMITED PARTNERSHIP  
BY: VISTANCIA WEST CONSTRUCTION HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

ITS: \_\_\_\_\_

**DEDICATION ACKNOWLEDGEMENT**

STATE OF ARIZONA )  
COUNTY OF MARICOPA )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, 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

**TRILGY ASSOCIATION RATIFICATION AND CONSENT**

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

TRILGY AT VISTANCIA COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

**FINAL PLAT FOR "TRILGY WEST PHASE 2 - PARCEL C44"**

BEING A REPLAT OF TRACT "B" OF A MASTER FINAL PLAT FOR "TRILGY WEST PHASE 2" RECORDED AS BOOK 1236 OF MAPS, PAGE 36, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE NORTHEAST QUARTER OF SECTION 27 TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

**TRILGY ASSOCIATION RATIFICATION AND CONSENT ACKNOWLEDGEMENT**

STATE OF ARIZONA )  
COUNTY OF MARICOPA )  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, 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 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: SUE H. 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, L.P., A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

ITS: \_\_\_\_\_

**VISTANCIA DECLARANT ACKNOWLEDGEMENT**

STATE OF TEXAS )  
COUNTY OF DALLAS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, 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

**BENCHMARK**

USGLO BRASS CAP AT THE EAST QUARTER CORNER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST.  
ELEVATION = 1500.80 (CITY OF PEORIA / NAVD 88)

**FLOOD ZONE INFORMATION**

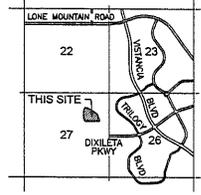
SHADED ZONE "X": AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

ZONE "A": THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO THE FLOODING BY THE 1% ANNUAL CHANCE FLOOD.

NO BASE FLOOD ELEVATIONS DETERMINED.

PER FLOOD INSURANCE RATE MAP NUMBER 44013C-0615 L AND 04013C-1233 L, MARICOPA COUNTY, DATED OCTOBER 18, 2013.  
FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

**COUNTY RECORDER**



**VICINITY MAP**  
(NOT-TO-SCALE)

**SITE AREA**

601,116 SQUARE FEET OR 13.800 ACRES

**ZONING**

ZONING CASE 213-0007

**PRELIMINARY PLAT**

PRELIMINARY PLAT CASE P15-0007

**SUBDIVIDER'S CERTIFICATION**

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

ITS: \_\_\_\_\_

**APPROVAL**

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

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 THREE (3) 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: \_\_\_\_\_  
LARRY E. SULLIVAN  
REGISTRATION NUMBER 22782  
4550 N. 12TH STREET  
PHOENIX, ARIZONA 85014  
(602) 264-6831  
CVLSURVEY@CVLCCI.COM

PROJECT NO. R150018

GROSS AREA = 13.800 ACRES

SEE SHEET 2 FOR LOT AREA TABLE AND SEE SHEET 3 FOR CURVE TABLE



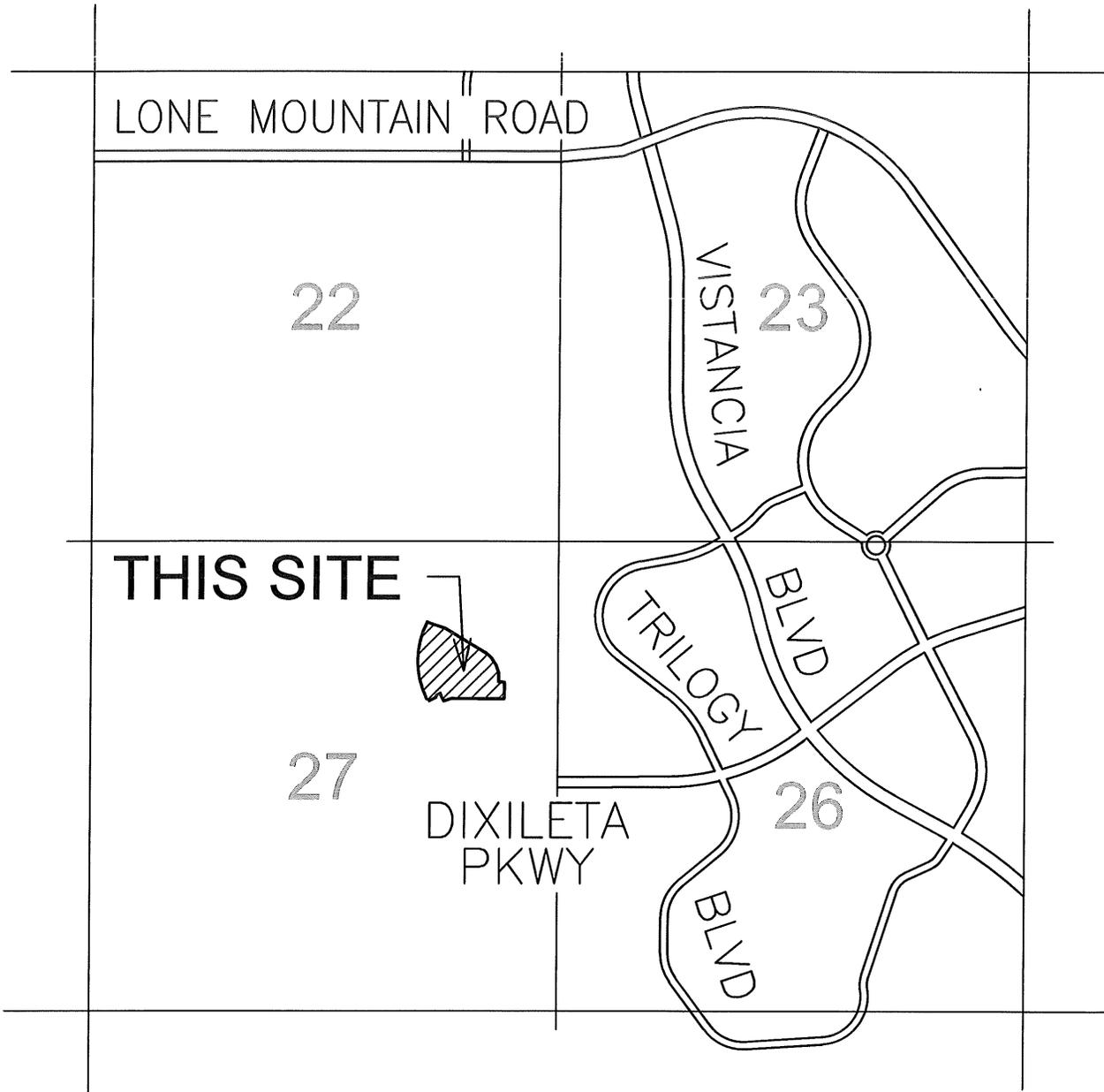
Table with columns: DATE, REVISION, NO. (empty rows)

FINAL PLAT

TRILGY WEST PHASE 2 - PARCEL C44  
PEORIA, ARIZONA







# **VICINITY MAP**

(NOT-TO-SCALE)

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 17R

**Date Prepared:** December 9, 2015

**Council Meeting Date:** January 5, 2016

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**TO:** Carl Swenson, City Manager

**FROM:** Rhonda Geriminsky, City Clerk

**THROUGH:** Susan Daluddung, Deputy City Manager

**SUBJECT:** Establishment of Term Length, Nominations, and Election of Vice Mayor

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**Purpose:**

This is a request for City Council to discuss and take action to establish term length, nominate, and elect a Vice Mayor.

**Background/Summary:**

Pursuant to Article II, Section 8 of the Peoria City Charter, the City Council shall designate one of its members as Vice Mayor, who shall serve in such capacity at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability.

Vice Mayors have previously been elected to serve either one or two-year terms. At the January 6, 2015 City Council meeting, Councilmember Jon Edwards was elected Vice Mayor to a one-year term. An election for a new Vice Mayor and the establishment of term length is necessary.

The procedure for nomination and election for Vice Mayor is:

1. City Council will first establish the term length by a motion and vote.
2. Subsequently, the Mayor will open the floor for nominations. The Mayor will then state which Councilmembers have been nominated and the Council will vote by ballot which will be verbally recorded by the City Clerk.

**Previous Actions:**

This is an annual or biannual action taken by City Council pursuant to City Charter.

**Options:**

- A:** Establish the length of term for Vice Mayor as one year.
- B:** Establish the length of term for Vice Mayor as two years.

**Staff's Recommendation:**

Staff recommends that the City Council establish term length, nominate, and elect a Vice Mayor.

**Fiscal Analysis:**

There is no fiscal impact related to the election of the Vice Mayor.

**Narrative:**

The elected Vice Mayor will serve in the manner prescribed in Article II, Section 8 of the Peoria City Charter.

**Exhibit(s):** Procedures for the Establishment of Nominations and Elections for Vice Mayor and Mayor Pro Tem

**Contact Name and Number:** Rhonda Geriminsky, 623-773-7340

## PROCEDURES FOR THE ESTABLISHMENT OF TERM, NOMINATIONS AND ELECTION FOR VICE MAYOR AND MAYOR PRO TEM

1. Mayor announces the Agenda Item.
2. **Establishment of Term:** The Mayor then announces that the first item to be addressed under this Motion is to set the term for the position of Vice Mayor.

The Mayor calls for a motion to establish the term of office for Vice Mayor. The Motion must be seconded. After discussion, the Council votes on the proposed motion.

3. **Nominations:** After the term of office has been established, the Mayor calls for nominations for the position of Vice Mayor by announcing: "Nominations are now in order for the position of Vice Mayor."

### **To Make a Nomination:**

1. A member shall be recognized by the Chair.
2. No second is required.

After nominations have been made, the Mayor says:

"The following Councilmembers have been nominated for Vice Mayor: (names of those nominated). Are there any further nominations for Vice Mayor?"

If there are no further nominations, the Mayor states:

"Nominations for the position of Vice Mayor are now closed."

### **To Vote:**

If only one Councilmember is nominated, the Council may vote by acclamation to accept the nomination of the single candidate.

The following instructions detail the voting process if more than one Councilmember is nominated:

1. Ballots will be distributed to Council.
  2. Council will write in the name of the candidate.
  3. Ballots will be placed in an envelope and collected by the Clerk.
  4. The Clerk will read aloud the votes and the Councilmembers associated with each vote.
  5. The Mayor will announce the candidate receiving the most votes.
  6. If no candidate receives a majority, a second vote via ballot will be held between the top two candidates.
4. **Mayor Pro Tem.** The same process will be used for the Election of Mayor Pro Tem.

#### SAMPLE BALLOT

<p><u>Councilmember</u></p> <p>Ballot for Appointment to Vice Mayor</p> <p>Write the name of one (1) candidate on the line below to vote the ballot.</p> <p>_____</p>
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**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 18R

**Date Prepared:** December 9, 2015

**Council Meeting Date:** January 5, 2016

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**TO:** Carl Swenson, City Manager  
**FROM:** Rhonda Geriminsky, City Clerk  
**THROUGH:** Susan Daluddung, Deputy City Manager  
**SUBJECT:** Establishment of Term, Nomination and Election of Mayor Pro Tem

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**Purpose:**

This is a request for City Council to discuss and take action to establish term length, nominate, and elect a Mayor Pro Tem.

**Background/Summary:**

The Mayor Pro Tem shall perform the duties of the Mayor in the absence or disability of both the Mayor and Vice Mayor.

At the January 6, 2015 City Council meeting, Councilmember Bill Patena was elected Mayor Pro Tem to a one-year term. An election for a new Mayor Pro Tem and the establishment of term length is necessary.

The procedure for nomination and election of Mayor Pro Tem is as follows:

1. City Council will first establish the term length by a motion and vote.
2. Subsequently, the Mayor will open the floor for nominations. The Mayor will then state which Councilmembers have been nominated and the Council will vote by ballot which will be verbally recorded by the City Clerk.

**Previous Actions:**

Since 2008, Mayors Pro Tem have been elected in the same manner as the Vice Mayor. This is an annual or biannual action taken by the City Council.

**Options:**

- A:** Establish the length of term for Mayor Pro Tem as one year.  
**B:** Establish the length of term for Mayor Pro Tem as two years.

**Staff's Recommendation:**

Staff recommends that City Council establish term length, nominate, and elect a Mayor Pro Tem.

**Fiscal Analysis:**

There is no fiscal impact related to the election of the Mayor Pro Tem.

**Narrative:**

The elected Mayor Pro Tem will serve in the manner prescribed in Chapter 2, Section 2-17 of the Peoria City Code.

**Exhibit(s):** Procedures for the Establishment of Nominations and Elections for Vice Mayor and Mayor Pro Tem

**Contact Name and Number:** Rhonda Geriminsky, 623-773-7340

## PROCEDURES FOR THE ESTABLISHMENT OF TERM, NOMINATIONS AND ELECTION FOR VICE MAYOR AND MAYOR PRO TEM

1. Mayor announces the Agenda Item.
2. **Establishment of Term:** The Mayor then announces that the first item to be addressed under this Motion is to set the term for the position of Vice Mayor.

The Mayor calls for a motion to establish the term of office for Vice Mayor. The Motion must be seconded. After discussion, the Council votes on the proposed motion.

3. **Nominations:** After the term of office has been established, the Mayor calls for nominations for the position of Vice Mayor by announcing: "Nominations are now in order for the position of Vice Mayor."

### **To Make a Nomination:**

1. A member shall be recognized by the Chair.
2. No second is required.

After nominations have been made, the Mayor says:

"The following Councilmembers have been nominated for Vice Mayor: (names of those nominated). Are there any further nominations for Vice Mayor?"

If there are no further nominations, the Mayor states:

"Nominations for the position of Vice Mayor are now closed."

### **To Vote:**

If only one Councilmember is nominated, the Council may vote by acclamation to accept the nomination of the single candidate.

The following instructions detail the voting process if more than one Councilmember is nominated:

1. Ballots will be distributed to Council.
  2. Council will write in the name of the candidate.
  3. Ballots will be placed in an envelope and collected by the Clerk.
  4. The Clerk will read aloud the votes and the Councilmembers associated with each vote.
  5. The Mayor will announce the candidate receiving the most votes.
  6. If no candidate receives a majority, a second vote via ballot will be held between the top two candidates.
4. **Mayor Pro Tem.** The same process will be used for the Election of Mayor Pro Tem.

#### SAMPLE BALLOT

<p><u>Councilmember</u></p> <p>Ballot for Appointment to Vice Mayor</p> <p>Write the name of one (1) candidate on the line below to vote the ballot.</p> <p>_____</p>
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**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 19R

**Date Prepared: November 30, 2015**

**Council Meeting Date: January 5, 2016**

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**TO:** Carl Swenson, City Manager  
**FROM:** John R. Sefton, Jr., Community Services Director  
**THROUGH:** Susan Daluddung, Deputy City Manager  
**SUBJECT:** City of Peoria "Youth Bill of Rights"

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**Purpose:**

This is a request for City Council to adopt the City of Peoria Youth Bill of Rights as drafted by the Peoria Youth Advisory Board.

**Background/Summary:**

In November of 2012, the Peoria City Council adopted the City of Peoria Youth Master Plan. The Youth Master Plan consists of 6 strategic goals related to youth in Peoria. In addition, each goal has a number of recommendations to improve life for youth in Peoria.

Peoria Youth Master Plan Goal 5: Civic Engagement

Participation is the bedrock of public process. Civic engagement refers to opportunities for youth to learn about and participate in policy making and community building. As civic engagement is both a right and a responsibility, the community should explore ways to increase opportunities for youth to be involved citizens. Involvement can take many forms, but for our purposes it means active participation in both policy making and volunteer activities. As they become involved in local issues and participate in service projects, youth need to be made to feel like they are valued members of the community. Youth who are thus engaged are less likely to engage in risky behaviors and more likely to become involved adults who feel a strong connection to their community.

Recommendation 3: Create a Bill of Rights for children and youth

The Peoria Youth Advisory board drafted the Youth Bill of Rights and approved the final draft at the November 10<sup>th</sup> meeting. The documents contain 7 rights that they believe are essential to all Peoria youth.

**Previous Actions:**

No previous actions taken.

**Options:**

The following options are possible for the City Council:

- A. Adopt the Youth Bill of Rights as drafted by the Peoria Youth Advisory Board.
- B. Revise the Youth Bill of Rights as drafted by the Peoria Youth Advisory Board.
- C. Deny the Youth Bill of Rights as drafted by the Peoria Youth Advisory Board.

**Staff's Recommendation:**

Staff recommends that City Council adopt the Youth Bill of Rights as drafted by the Peoria Youth Advisory Board.

**Fiscal Analysis:** None

**Exhibit(s):** Youth Bill of Rights

**Contact Name and Number:** Kevin Naughton, 623-773-8627

## CITY OF PEORIA – YOUTH BILL OF RIGHTS

The City of Peoria Youth Advisory Board desires that every child and youth of Peoria should have the opportunities set forth in the Youth Bill of Rights.

- I. **Have a Voice.** The youth of Peoria shall have the right to speak up and be heard when matters affect them.
- II. **Equal Access.** The youth of Peoria shall have access to nutritious food, shelter, clothing, health care, transportation, and a healthy attachment to a caring and positive adult role model.
- III. **Equal Opportunities.** The youth of Peoria have the right to equal employment and recreational opportunities.
- IV. **Education.** The youth of Peoria have the right to a 21<sup>st</sup> century education wherein they are trained with life skills to maximize their potential and become free thinking individuals.
- V. **Community.** The youth of Peoria have the right to be involved in the community and explore interests.
- VI. **Safety.** The youth of Peoria have the right to feel safe in school, at home, and in the community. They shall be free from emotional abuse, sexual abuse, physical abuse, and bullying.
- VII. **Hope.** The youth of Peoria shall have a sense of optimistic hope for the future.



# City Council Calendar

Color Key:  
City Council

< December	January 2016					February >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	<b>5</b> <a href="#">Regular City Council Meeting</a>	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**CITY OF PEORIA, ARIZONA  
CITY MANAGER REPORT**

Agenda Item: RCM 21A

**Date Prepared: December 14, 2015**

**Council Meeting Date: January 5, 2016**

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**TO:** Carl Swenson, City Manager

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

**THROUGH:** Susan Daluddung, Deputy City Manager

**SUBJECT:** Martin Luther King, Jr. Day – Unity Walk, Ceremony & Brick Dedication

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**Summary:**

Join the City of Peoria to honor King’s vision of all people coming together equally. On Thursday, January 14 at 10:00 a.m., the Unity Walk begins at 87<sup>th</sup> Avenue and Mountain View Road and ends at Centennial Plaza (just short of a half mile in distance). The ceremony includes special guest speaker Lynda Blackmon Lowery, the youngest person to take part in the Selma Voting Rights March of 1965, and a special brick dedication. The brick is a new addition to the Centennial Plaza “Decades Walk” to commemorate the significance of the Voting Rights Act of 1965.

**Exhibit(s):** 2016 Flyer

**Contact Name and Number:** Kelli Kincaid, 623-773-7178

# Martin Luther King Jr. Day

## UNITY WALK AND CELEBRATION

January 14, 2016 • 10 a.m.

*Join the City of Peoria to honor King's vision of all people coming together equally.*

**Special guest speaker  
Lynda Blackmon Lowery**

*The youngest person to take part in the  
Selma Voting Rights March of 1965.*



*The unity walk begins at 87th Avenue and Mountain View Road and ends at Centennial Plaza, south of the City Hall Building. Following Blackmon Lowery's speech, a brick dedication will be held. The brick is a new addition to the Centennial Plaza "Decades Walk" which signifies and commemorates the Voting Rights Act of 1965.*



presented by  
the City of Peoria  
Diversity Committee



**For more information,  
call 623.773.7137 or visit  
[peoriaaz.gov/specialevents](http://peoriaaz.gov/specialevents)**



# Martin Luther King, Jr.

A Visionary. A Leader. A Legend.

*“An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity”*

*“The time is always right to do the right thing.”*

*“A genuine leader is not a searcher for consensus but a molder of consensus”*

*“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.”*

*“Life’s most persistent and urgent question is, ‘What are you doing for others?’”*