



MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

**CITY COUNCIL REGULAR MEETING
NOTICE & AGENDA
Tuesday, April 05, 2011
7:00 PM
CITY COUNCIL CHAMBER**

CITY COUNCIL:

Mayor

Bob Barrett

Mesquite District

Cathy Carlat, Vice Mayor

Acacia District

Tony Rivero

Ironwood District

Dave Pearson

Palo Verde District

Ron Aames

Pine District

Carlo Leone

Willow District

Joan Evans

City Manager

Carl Swenson

CONVENE:

PLEDGE:

ROLL CALL:

**FINAL CALL TO SUBMIT SPEAKER REQUEST
FORMS:**

PRESENTATION:

1. Recognition of Planning and Community Development Director Glen Van Nimwegen
2. Recognition of Community Services Director J.P. de la Montaigne

CONSENT AGENDA

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

CONSENT – New Business:

1C Minutes

Discussion and possible action to approve the minutes of the:

March 8, 2011 Special Meeting and Study Session
March 22, 2011 Special Meeting and Study Session
March 22, 2011 Regular Meeting

2C Appointments, Boards and Commissions

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

Adopt **Res. 2011-36** reappointing Harold Gribow, as a regular member, to the Building Board of Appeals;

Adopt **RES. 2011-37** reappointing Tisha Tulle-Webber and Cody Hall, as regular members, to the Judicial Selection Advisory Board;

Adopt **RES. 2011-38** reappointing James Abraham, as a regular member, to the Library Board;

Adopt **RES. 2011-39** reappointing Steve Poe, James Cutler, Shawn Hutchinson, Leonard Spraker, and Jim Torres, as regular members, to the Municipal Development Advisory Board;

Adopt **RES. 2011-40** reappointing Alexander Obis, as a regular member, to the Public Safety Retirement System Local Board for Fire;

Adopt **RES. 2011-41** reappointing Alexander Obis, as a regular member, to the Public Safety Retirement System Local Board for Police;

Adopt **RES. 2011-42** appointing Gregory Jones, as a regular member, to the Volunteer Firefighter Pension Board; and

Adopt **RES. 2011-43** appointing Hannah Ashcroft, Lorraine Barker, Tyler Crump, Kelsey Keenan, Kody Knuth, Tayler Paradiso, and Vanessa Velasquez, as regular members, to the Youth Advisory Board.

3C Code Amendment, Chapter 14, Historic Preservation

Discussion and possible action to adopt **ORD. 2011-12**, amending Chapter 14 of the Peoria City Code (1977 Edition), amending Article 14-38 pertaining to Historic Preservation, including definitions, Historic Landmark/District designation criteria, and the Historic Landmark/District review process.

4C Abandonment of Interest, Federal Patent Easements, Sunset Ranch Subdivision

Discussion and possible action to adopt **RES. 2011-45**, declaring an emergency to abandon City interest in three existing Federal Patent Easements for Roadway and Public Utilities located east of Lake Pleasant Parkway north of Williams Road within the Sunset Ranch Subdivision.

5C Right-of-Way, Intersection Widening Project, 75th Avenue and Thunderbird Road

Discussion and possible action to adopt **RES. 2011-46**, declaring an emergency to authorize the acquisition of property on 75th Avenue and Thunderbird Road to accommodate the intersection widening improvements by donation, outright purchase, or the exercise of the power of eminent domain.

6C Intergovernmental Agreement, Peoria Unified School District, Swimming Pools

Discussion and possible action to authorize the City to enter into an Intergovernmental Agreement (IGA) with the Peoria Unified School District (PUSD) to operate and maintain the City swimming pools.

7C Contract Amendment, Bailment Agreement, West Valley Art Museum

Discussion and possible action to amend the existing Bailment Agreement with the West Valley Art Museum ("Museum") to: a) allow the Museum access to the art collection; and b) consent to organize and assemble art pieces for display in galleries and public buildings.

8C Membership Termination, Central Arizona Groundwater Replenishment District

Discussion and possible action to adopt **RES. 2011-44** terminating the City's membership in the Central Arizona Replenishment District.

9C Adoption of Notice of Intention to Possibly Adjust Rates and Establish Date of Public Hearing

Discussion and possible action to adopt a Notice of Intention to adjust the City's water and wastewater rates and establish May 17, 2011 as the date for a public hearing on the proposed adjustments.

10C Maintenance Improvement District No. 1042, Vistancia Parcel F5, Westland Road North of (N/O) Lone Mountain Road

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2011-28** of intention and ordering formation of proposed Maintenance Improvement District No. 1042, Vistancia Parcel F5, located at Westland Road N/O Lone Mountain Road; and adopt **RES. 2011-29** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

11C Maintenance Improvement District No. 1047, Vistancia Parcel F1, Westland Road and Calle Del Sol

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2011-30** of intention and ordering formation of proposed Maintenance Improvement District No. 1047, Vistancia Parcel F1, located at Westland Road and Calle Del Sol; and adopt **RES. 2011-31** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

12C Street Light Improvement District No. 1063, Vistancia Parcel F5, Calle De Baca and Westland Road

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2011-32** of intention and ordering formation of the proposed Street Light Improvement District No. 1063, Vistancia Parcel F5, located at Calle De Baca and Westland Road; and adopt **RES. 2011-33** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District and declaring an emergency.

13C Street Light Improvement District No. 1064, Vistancia Parcel F1, Calle De Baca and Westland Road

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2011-34** of intention and ordering formation of the proposed Street Light Improvement District No. 1064, Vistancia Parcel F1, located at Calle De Baca and Westland Road; and adopt **RES. 2011-35** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District and declaring an emergency.

14C Deeds and Easements, Various Locations

Discussion and possible action to adopt **RES. 2011-27** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

15C Final Plat, Trilogy at Vistancia Parcel C1, Vistancia Boulevard and Trilogy Boulevard

Discussion and possible action to approve the Final Plat of Trilogy at Vistancia Parcel C1, located at Vistancia Boulevard and Trilogy Boulevard, subject to stipulations.

REGULAR AGENDA

NEW BUSINESS

16R Right-of-Way, Arizona Public Service, State Route 74, Electric Transmission Lines

Discussion and possible action to adopt **RES. 2011-48** seeking the United States Bureau of Land Management's ("BLM") approval of the Arizona Public Service Company's right-of-way application to construct electric transmission lines on a portion of BLM land that is adjacent to State Route 74.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Your comments pertaining to City Council business are welcome. However, 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 the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Old Town Commercial Rehabilitation Program - Phase 1
 - b. Centennial Plaza Decades Walk Timeline
3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)
 - a. 35th Annual Dolly Sanchez Memorial Easter Egg Hunts

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, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.*

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
PINE CONFERENCE ROOM
March 8, 2011

A **Special Meeting and Study Session** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:01 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Aames, Joan Evans, Carlo Leone, Dave Pearson, and Tony Rivero.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Claudia Luján, City Manager's Office; Wanda Nelson, City Clerk; Brent Mattingly, Bill Mattingly, Wynette Reed, Jeff Tyne, Glen Van Nimwegen, Scott Whyte.

Audience: Approximately 25 members of the public were present.

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

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

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

CONSENT – New Business:

1C Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purposes of:

- a) Discussion with Legal Counsel for legal advice pertaining to contract negotiations with the United Phoenix Fire Fighters Association Local 493 (PFFA). (Pursuant to A.R.S. § 38-431.03(A)(5)).
- b) Discussion with Legal Counsel for legal advice pertaining to contract negotiations with the American Federation of State, County, and Municipal Employees Local 3282 (AFSCME). (Pursuant to A.R.S. § 38-431.03(A)(5)).

- c) Discussion with representatives of the Public Body regarding the purchase, sale, or lease of real property in the vicinity of 83rd Avenue and Lone Cactus Drive. (Pursuant to A.R.S. § 38-431.03(A)(7)).

ADJOURNMENT:

Being no further business to come before Council on the Consent Agenda, Mayor Barrett adjourned the Special Meeting at 5:03 p.m.

STUDY SESSION AGENDA

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

Members Present: Mayor Bob Barrett; Vice Cathy Carlat; Councilmembers Ron Aames, Joan Evans, Carlo Leone, Dave Pearson, and Tony Rivero.

Members Absent: None.

Subjects for Discussion Only:

1. Legislative Update

John Schell, Intergovernmental Affairs Director, provided an update on the activities of the legislature. A discussion ensued with Steve Kemp, City Attorney, and Ken Strobeck, Executive Director with the League of Arizona Cities and Towns, about pending legislation and its impact on local municipalities.

2. State Lands Pre-Annexation Agreement

Glen Van Nimwegen, Planning and Community Development Director, and Mr. Kemp reported that staff is working with State Lands to annex land along the 303 Corridor. Discussion ensued with a presentation regarding the benefits of entering into pre-annexation agreements and the history of state trust land.

3. Council Chamber Enhancements

Carl Swenson, City Manager, reviewed the upcoming Council Chamber enhancements. Discussion ensued with a presentation from Ed Striffler and John Imig regarding Americans with Disabilities Act access and possible technical upgrades to the Council Chamber.

4. Budget Process Overview

Jeff Tyne, Budget Director, reviewed the upcoming budget process. Discussion ensued with a presentation regarding the budget and its purpose as the primary financial planning tool for the City.

ADJOURNMENT:

Being no further business to come before Council on the Study Session, Mayor Barrett adjourned the Study Session at 8:01 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 8th day of March, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of April, 2011.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 22, 2011

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

Members Present: Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Aames, Joan Evans, Carlo Leone, Dave Pearson and Tony Rivero.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Andy Granger, John Imig, Bill Mattingly, Brent Mattingly, Roy Minter, Wynette Reed, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Claudia Luján and Rhonda Geriminsky.

Audience: Approximately 10 members of the public were present.

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

STUDY SESSION

1. Bureau of Land Management's Public Comment Process Regarding Arizona Public Service's Application to Construct Electric Transmission Lines Adjacent to State Route 74

Carl Swenson, City Manager, informed Council that all future Study Sessions will be held in the Council Chamber.

Steve Burg, Assistant City Attorney, provided an overview of the Bureau of Land Management's public comment process regarding Arizona Public Service's application to construct electric transmission lines adjacent to State Route 74.

Mr. Burg outlined the history related to determining the location of the Arizona Public Service line, as well as the new application process for the Bureau of Land Management. Mr. Burg stated the new application process will include a public comment period.

Discussion ensued regarding the public comment period, notice of intent and location of the public meetings.

2. City Manager Budget Overview and Submittal of Proposed Fiscal Year 2012 Budget

Carl Swenson, City Manager, presented the proposed Fiscal Year 2012 City of Peoria budget. Mr. Swenson outlined the following:

- General Fund Revenue History
- Principles of Sound Financial Management
- Results of adhering to the Principles of Sound Financial Management
- Budget Challenges
- Addressing a \$3.7 million shortfall
- Budget Solutions
- Authorized Full-Time Equivalent Positions
- General Fund Fiscal Year 2012-2016 Forecast
- Utility Rate Increases
- Comparison of City Utility Bills to neighboring cities

Discussion ensued regarding:

- State-Shared Revenues
- Changes in consumer patterns
- The City's Enterprise Fund
- Utility rate increases and the lack of economic growth

Jeff Tyne, Budget Director, provided an overview of:

- Operation Budget
- Reductions in size
- Revenue Composition
- Half-Cent Sales Tax Fund
- Transportation Sales Tax Fund
- Water Operating Fund
- Street Operating Fund
- Capital financing issues
- Budget Process schedule/Council Budget Work Sessions

Discussion ensued regarding:

- Vacancies within the City
- Differences between the General Fund and Franchise Revenues
- Census Growth

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

1C Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purpose of:

- a) Discussion with Legal Counsel for legal advice pertaining to contract negotiations with the United Phoenix Fire Fighters Association Local 493 (PFFA). (Pursuant to A.R.S. § 38-431.03(A)(5)).
- b) Discussion with Legal Counsel for legal advice pertaining to contract negotiations with the American Federation of State, County, and Municipal Employees Local 3282 (AFSCME). (Pursuant to A.R.S. § 38-431.03(A)(5)).

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 6:26 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 22nd day of March, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of April, 2011.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 22, 2011

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

Following a moment of silence, Representatives of the Montessori Kingdom of Learning led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Ames, Joan Evans, Carlo Leone, Dave Pearson and Tony Rivero.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Andy Granger, Bill Mattingly, Roy Minter, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Rhonda Geriminsky.

Audience: Approximately 50 members of the public were present.

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

PRESENTATION:

1. Honeywell Fiesta Bowl Aerospace Challenge Competition

Deb Jones, Coyote Hills Elementary, informed Council that Coyote Hills Elementary had two teams selected as finalists for the Honeywell Fiesta Bowl Aerospace Challenge competition. Ms. Jones outlined the mission of the competition. The first place team outlined their project.

Kari Sliva, Executive Director of the Challenger Space Center in Peoria, congratulated Coyote Hills, Deb Jones and the finalists in the Honeywell Fiesta Bowl Aerospace Challenge competition.

2. Presentation from Ivan Johnson of Cox Communications on Community Initiatives

Michael Stull, Cox Communications, provided an overview of Cox Communication's current and upcoming technological advancements and outlined their community and customer commitment and financial investments.

Discussion ensued regarding the process for rolling out the 4G service to the residents of the City of Peoria.

3. Award Presentation from Katrina Eaton of the United Blood Services to the City of Peoria

Katrina Eaton and Jeanette Nicely presented the *Hero Award of Excellence* to the City of Peoria for their participation in donating blood.

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Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda.

Councilmember Evans requested that Agenda Items 7C and 8C be removed for separate discussion.

Motion was made by Councilmember Leone, seconded by Councilmember Aames, to approve the Consent Agenda with the exception of Agenda Items 7C and 8C. Upon vote, the motion carried unanimously 7 to 0.

1C Disposition of Absence

Excused the absence of Vice Mayor Cathy Carlat from the Special Meeting held at 5:00 p.m. on March 1, 2011.

2C Minutes

Approved the minutes of:

February 1, 2011 Special Meeting
February 15, 2011 Special Meeting
February 15, 2011 Regular Meeting
March 1, 2011 Special Meeting

3C Code Amendment, Chapter 14, Hillside Development Standards, Hillside Development Overlay District

ORDINANCE NO. 2011-08

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 14-22A "HILLSIDE DEVELOPMENT OVERLAY DISTRICT"; OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 2011-08** amending Chapter 14 of the Peoria City Code (1977 Edition) amending Article 14-22A pertaining to distribution of hillside disturbance.

4C Initial Zoning, 81st Avenue and Beardsley Road

ORDINANCE NO 2011- 11

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM CITY OF GLENDALE A-1 ZONING DISTRICT TO CITY OF PEORIA AG ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation to adopt **ORD. 2011-11** to establish initial zoning on a recently annexed 16.4 acre property generally located at the southeast corner of 81st Avenue and Beardsley Road, thereby changing the zoning on the property from City of Glendale Agricultural (A-1) to City of Peoria General Agricultural (AG).

5C Grant, Library Services and Technology Act, State Library Archives and Public Records Agency, Main Library Supplies

Approved staff to apply for two Library Services and Technology Act (LSTA) grants administered by the State Library, Archives and Public Records Agency for library supplies at the Main Library.

6C Contract Amendment, Entellus, Inc., Westbrook Village Storm Drain Improvements, 87th Avenue and Beardsley Road and 87th Avenue and Lake Pleasant Parkway

Approved Contract Amendment No. 8 to Entellus, Inc. in the amount of \$3,570 to convert the as-built drawings to the City's updated format for the Westbrook Village Storm Drain Improvements Project; Basin Modifications to Lake Pleasant Basin located at 87th Avenue and Lake Pleasant Parkway and Fletcher Heights Basin located at 87th Avenue and Beardsley Road.

7C Request for Proposal, Osage West, LLC, Sports Complex Redevelopment, Peorian at the Sports Center Retail District Project

Clerk's Note: This item was heard in conjunction with Agenda Item 8C at the end of the Consent Agenda. Agenda Items 7C and 8C were presented together.

At the request of Councilmember Evans, Agenda Item 7C was pulled from the Consent for further discussion.

Scott Whyte, Economic Development Director, provided an overview of the Request for Proposal for the redevelopment of the Peorian at the Sports Center Retail District and the Exclusive Negotiating Agreement with Osage West, LLC for the redevelopment of the Peorian at the Sports Center Retail District.

Motion was made by Councilmember Aames, seconded by Councilmember Evans to authorize the City Manager to approve proposal P11-0039 for Osage West, LLC and the Sports Complex redevelopment opportunity.

Upon vote, the motion carried unanimously 7 to 0.

8C Exclusive Negotiating Agreement, Osage West, LLC Peorian at the Sports Center Retail District Project

Motion was made by Councilmember Evans, seconded by Councilmember Aames to authorize the City Manager to enter into an Exclusive Negotiating Agreement with Osage West, LLC on the Peorian at the Sports Center Retail District Project.

Upon vote, the motion carried unanimously 7 to 0.

9C Deeds and Easements, Various Locations

RESOLUTION NO. 2011-25

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

Adopted **RES. 2011-25** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

10C Multi-Modal Transportation Plan

RESOLUTION NO. 2011-26

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA APPROVING AND ADOPTING THE PEORIA MULTI-MODAL MASTER PLAN.

Adopted **RES. 2011-26** establishing the Multi-Modal Transportation Plan as the City's guiding document for future transit services within Peoria.

NEW BUSINESS

11R Public Hearing-Liquor License, Various Locations

Staff Report/Public Comment

Wanda Nelson, City Clerk, reported that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

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

- a) A New Restaurant Liquor License (Series 12) for Yu's Chinese Express, located at 13686 N. 75th Avenue, Ellen T. Yu, Applicant, LL#20001765; and

- b) A Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz, located at 8378 W. Thunderbird Road #B101-B104, John D. Bakke, Applicant, LL#20001445.

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

COUNCIL ACTION:

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames to recommend approval to the State Liquor Board for:

- a) A New Restaurant Liquor License (Series 12) for Yu's Chinese Express, located at 13686 N. 75th Avenue, Ellen T. Yu, Applicant, LL#20001765; and
- b) A Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz, located at 8378 W. Thunderbird Road #B101-B104, John D. Bakke, Applicant, LL#20001445.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Representatives from the Montessori Kingdom of Learning addressed Council and requested that the Mayor and Council support the American Cancer Society's Relay for Life of Peoria on April 30th. Supporters can donate money, purchase a luminary bag, volunteer for the event, and attend the event.

Marcia Stephens addressed Council reporting that discrimination is occurring in the City of Peoria as people with disabilities are being excluded because weekend transportation services are not being provided by the City of Peoria. Ms. Stephens offered to help the City of Peoria to ensure the City is in compliance with the Americans with Disabilities Act to provide transportation services on weekends.

Karl Stephens addressed Council and offered his services as an Americans with Disabilities Act Coordinator in order for the City of Peoria to provide accessibility to services for Americans with Disabilities, including transportation services on weekends.

Reports from the City Manager:

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following items:

1. Council Calendar

2. Reports with Presentation

None.

3. Informational

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following items:

- a. River and Trail Clean Up
- b. Peoria Pioneer Days Parade and Family Picnic
- c. City Hall Café
- d. Distinguished Budget Presentation Award
- e. Arizona Department of Revenue

Reports from City Council:

Councilmember Leone thanked Dan Nissen, Assistant City Engineer, for aiding in the sound wall at Sun Aire, which is complete. Councilmember Leone informed that construction along Olive Avenue and Peoria has been completed on the west side. Councilmember Leone encouraged residents to attend the Organic Market at Park West, as April 16th is the last day until September. Councilmember Leone reported on the various City of Peoria activities he attended and encouraged attendance at the Pioneer Days Parade on April 2nd.

Councilmember Aames reported on the various activities and events he attended and informed that Peoria's trail system is developing well. Councilmember Aames informed that Sky View Elementary is conducting a Walk to School day on March 25th.

Councilmember Rivero thanked City staff for taking the time to update him on the functions of our government. Councilmember Rivero wished Police Chief Minter good luck and expressed appreciation for his immediate responsiveness. Councilmember Rivero recognized Channel 11 for the many awards they have received and stated he is looking forward to throwing out the first pitch with Councilmember Leone at the Little League baseball game on March 26th.

Councilmember Pearson congratulated the Westbrook Village Sheriff's Posse for their community fair and expressed appreciation to the City of Peoria Police and Fire Departments for their attendance.

Councilmember Evans discussed the air show at Luke Air Force Base that she attended and reported on the various City of Peoria activities she attended. Councilmember

Evans reminded there is another week of Spring Training and encouraged residents to attend the games.

Vice Mayor Carlat informed there are two upcoming community meetings: 1) the alternate truck route meeting at Sunrise Mountain Library; and 2) the public meeting for the Arizona Public Service line siting. Vice Mayor Carlat encouraged residents to attend the meetings and informed that additional information about the meetings will be provided in her newsletter.

Reports from the Mayor:

None.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:55 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Peoria, Arizona held on the 22nd day of March, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of April, 2011.

(Seal)

Wanda Nelson, City Clerk

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 2C
Amend No. _____

Date Prepared: March 16, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan K. Thorpe, Deputy City Manager
FROM: Wanda Nelson, CMC, City Clerk
SUBJECT: Boards and Commissions Appointment

RECOMMENDATION:

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

SUMMARY:

- Adopt RES. 2011-**36** Reappointing Harold Gribow, as a regular member, to the Building Board of Appeals;
- Adopt RES. 2011-**37** Reappointing Tisha Tulle-Webber and Cody Hall, as regular members, to the Judicial Selection Advisory Board;
- Adopt RES. 2011-**38** Reappointing James Abraham, as a regular member, to the Library Board;
- Adopt RES. 2011-**39** Reappointing Steve Poe, James Cutler, Shawn Hutchinson, Leonard Spraker, and Jim Torres, as regular members, to the Municipal Development Advisory Board;
- Adopt RES. 2011-**40** Reappointing Alexander Obis, as a regular member, to the Public Safety Retirement System Local Board for Fire;
- Adopt RES. 2011-**41** Reappointing Alexander Obis, as a regular member, to the Public Safety Retirement System Local Board for Police;
- Adopt RES. 2011-**42** Appointing Gregory Jones, as a regular member, to the Volunteer Firefighter Pension Board; and
- Adopt RES. 2011-**43** Appointing Hannah Ashcroft, Lorraine Barker, Tyler Crump, Kelsey Keenan, Kody Knuth, Tayler Paradiso, and Vanessa Velasquez, as regular members, to the Youth Advisory Board.

Council Communication
Council Subcommittee on Boards & Commissions Appointments
April 5, 2011
Page 2 of 2

FISCAL NOTE: None

ATTACHMENT: Resolutions

CONTACT: Natalie Gilstrap, Executive Assistant, 623-773-7340

RESOLUTION 2011-36

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

WHEREAS, the term of appointment expires in June 2011 for Harold Gribow on the Building Board of Appeals and there will exist one vacancy; and

WHEREAS, Harold Gribow desires to be a member and reappointed to the Building Board of Appeals; and

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

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

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

Harold Gribow

June 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April, 2011.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2011-36
Page 2 of 2

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2011-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING TISHA TULLE-WEBBER AND CODY HALL TO THE JUDICIAL SELECTION ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, the terms of appointment expire in June 2011 for Tisha Tulle-Webber and Cody Hall on the Judicial Selection Advisory Board and there will exist two vacancies; and

WHEREAS, Tisha Tulle-Webber and Cody Hall desire to be members and reappointed to the Judicial Selection Advisory Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointments of Tisha Tulle-Webber and Cody Hall as regular members to the City of Peoria Judicial Selection Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Tisha Tulle-Webber and Cody Hall are reappointed as regular members to the City of Peoria Judicial Selection Advisory Board.

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

Tisha Tulle-Webber	June 2015
Cody Hall	June 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April, 2011.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2011-38

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING JAMES ABRAHAM TO THE LIBRARY BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the terms of appointment expire in June 2011 for Steve Poe and James Abraham on the Library Board and there will exist two vacancies; and

WHEREAS, James Abraham desires to be a member and reappointed to the Library Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of James Abraham as a regular member to the City of Peoria Library Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that James Abraham is reappointed as a regular member to the City of Peoria Library Board.

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

James Abraham

June 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April, 2011.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2011-38
Page 2 of 2

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2011-39

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING STEVE POE, JAMES CUTLER, SHAWN HUTCHINSON, LEONARD SPRAKER, AND JIM TORRES TO THE MUNICIPAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, the terms of appointment expired in September 2009 for Steve Poe, James Cutler, Shawn Hutchinson, Leonard Spraker and Jim Torres on the Municipal Development Authority and there exists five vacancies; and

WHEREAS, Steve Poe, James Cutler, Shawn Hutchinson, Leonard Spraker and Jim Torres desire to be members and reappointed to the Municipal Development Authority; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointments of Steve Poe, James Cutler, Shawn Hutchinson, Leonard Spraker and Jim Torres as regular members to the City of Peoria Municipal Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Steve Poe, James Cutler, Shawn Hutchinson, Leonard Spraker and Jim Torres are reappointed as regular members to the City of Peoria Municipal Development Authority.

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

Jim Torres	November 2014
Steve Poe	November 2013
James Cutler	November 2013
Shawn Hutchinson	November 2012
Leonard Spraker	November 2011

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April, 2011.

CITY OF PEORIA, an Arizona municipal
corporation

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2011-40

A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF PEORIA, MARICOPA COUNTY,
ARIZONA, REAPPOINTING ALEXANDER OBIS TO
THE PUBLIC SAFETY RETIREMENT SYSTEM BOARD
– FIRE AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term of appointment expires in June 2011 for Alexander Obis on the Public Safety Retirement System Board – Fire and there will exist one vacancy; and

WHEREAS, Alexander Obis desires to be a member and reappointed to the Public Safety Retirement System Board – Fire; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of Alexander Obis as a regular member to the City of Peoria Public Safety Retirement System Board – Fire.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Alexander Obis is reappointed as a regular member to the City of Peoria Public Safety Retirement System Board – Fire.

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

Alexander Obis

June 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April, 2011.

CITY OF PEORIA, an Arizona municipal
corporation

Bob Barrett, Mayor

RESOLUTION NO. 2011-40
Page 2 of 2

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2011-41

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING ALEXANDER OBIS TO THE PUBLIC SAFETY RETIREMENT SYSTEM BOARD – POLICE AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term of appointment expires in June 2011 for Alexander Obis on the Public Safety Retirement System Board – Police and there will exist one vacancy; and

WHEREAS, Alexander Obis desires to be a member and reappointed to the Public Safety Retirement System Board – Police; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of Alexander Obis as a regular member to the City of Peoria Public Safety Retirement System Board – Police.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Alexander Obis is reappointed as a regular member to the City of Peoria Public Safety Retirement System Board – Police.

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

Alexander Obis

June 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April, 2011.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2011-41
Page 2 of 2

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2011-42

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING GREGORY JONES TO THE VOLUNTEER FIREFIGHTER PENSION BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Anthony Tosca on the Volunteer Firefighter Pension Board resigned and there exists one vacancy with a partial term to expire June 2013; and

WHEREAS, Gregory Jones desires to be a member and appointed to the Volunteer Firefighter Pension Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Gregory Jones as a regular member to the City of Peoria Volunteer Firefighter Pension Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Gregory Jones is appointed as a regular member to the City of Peoria Volunteer Firefighter Pension Board.

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

Gregory Jones

June 2013

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April, 2011.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2011-42
Page 2 of 2

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2011-43

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING HANNAH ASHCROFT, LORRAINE BARKER, TYLER CRUMP, KELSEY KEENAN, KODY KNUTH, TAYLER PARADISO, AND VANESSA VELASQUEZ TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, Shelby Park, Anthony Silva, Tyler Arkin, Tyler Ashcroft, Hunter Finn, Katherine Brown, and Brooke Heisserman on the Youth Advisory Board will graduate from high school and there will exist seven vacancies; and

WHEREAS, Hannah Ashcroft, Lorraine Barker, Tyler Crump, Kelsey Keenan, Kody Knuth, Tayler Paradiso, and Vanessa Velasquez desire to be members and appointed to the Youth Advisory Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointments of Hannah Ashcroft, Lorraine Barker, Tyler Crump, Kelsey Keenan, Kody Knuth, Tayler Paradiso, and Vanessa Velasquez as regular members to the City of Peoria Youth Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Hannah Ashcroft, Lorraine Barker, Tyler Crump, Kelsey Keenan, Kody Knuth, Tayler Paradiso, and Vanessa Velasquez are appointed as regular members to the City of Peoria Youth Advisory Board.

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

Hannah Ashcroft	June 2012
Lorraine Barker	June 2012
Tyler Crump	June 2012
Kelsey Keenan	June 2012
Kody Knuth	June 2012
Tayler Paradiso	June 2012
Vanessa Velasquez	June 2012

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of April 2011.

CITY OF PEORIA, an Arizona municipal
corporation

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 3C
Amend No. _____

Date prepared: March 17, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

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

FROM: Glen Van Nimwegen, AICP, Planning and Community Development Director *GN*

SUBJECT: TA 10-0140, Amendments to Zoning Ordinance: Amend Article 14-38, "Historic Preservation", including updating definitions, expanding Historic Landmark/District designation criteria, and clarifying the Historic Landmark/District designation review process.

RECOMMENDATION:

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Ordinance amending Article 14-38 "Historic Preservation" of the Peoria Zoning Ordinance.

HISTORIC PRESERVATION COMMISSION (September 15, 2010)

On September 15, 2010, the Historic Preservation Commission was briefed on the proposed amendment. Commission members had several questions and comments related to the proposed amendment. Based on their concerns, the text of the proposed amendment was revised. The amendment was brought back before the commission at their January 12, 2011 meeting. The Historic Preservation Commission did not suggest any further changes to the proposed amendment in its revised form.

PLANNING & ZONING COMMISSION ACTION (March 17, 2011):

On March 17, 2011, the Planning and Zoning Commission voted unanimously in favor of recommending approval of the request to amend Article 14-38, "Historic Preservation" of the Zoning Ordinance. No one spoke in support or opposition to the request.

BACKGROUND:

The Historic Preservation section of the Zoning Ordinance was originally approved in 2002 as a part of the City's efforts to undertake a comprehensive Historic Preservation Program. The program has since expanded and changes to the Zoning Ordinance are necessary in order to maintain its accuracy, relevancy, and transparency. The proposed changes are aimed at achieving the following objectives:

- Increase the consistency of Article 14-38 with other Planning documents such as the draft Historic Preservation Master Plan Update and the Desert Lands Conservation Ordinance by updating the Definitions section of the Article.
- Enhance opportunities for the listing of archaeological resources as Local Historic Landmarks/Districts by expanding the eligible listing criteria.
- Increase the clarity and usability of Article 14-38, Historic Preservation by reorganizing existing standards within the ordinance and providing a more detailed explanation of the specific procedures involved of the Landmark designation process.

The supporting analysis and details of the proposed amendment are fully described on the attached staff report to the Planning and Zoning Commission.

ATTACHMENTS:

- March 17, 2011 Planning & Zoning Commission Staff Report
- Draft Ordinance

CONTACT: Melissa Sigmund, Planner, 623-773-7603



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 10-0140
DATE: March 17, 2011
AGENDA ITEM: 4R

Applicant: City of Peoria

Request: A. Amend Article 14-38, Historic Preservation of the Zoning Ordinance as follows:

- Update definitions
- Expand Historic Landmark/District designation criteria
- Clarify the landmark/historic district designation review and approval process

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.

Recommendation: **Approve** as requested.

BACKGROUND

1. In 2002, as a part of the City's efforts to become a Certified Local Government (CLG) and take an active role in historic preservation, the City Council adopted the Historic Preservation section of the Zoning Ordinance (Article 14-38). The City's historic preservation program has since expanded and changes to the ordinance are warranted in order to maintain its relevance.
2. On September 15, 2010, the Historic Preservation Commission was briefed on the proposed amendment. Commission members had several questions and comments related to the proposed amendment. Based on their concerns, the text of the proposed amendment was revised. A brief summary of the commission members' comments/suggestions, along with subsequent response from planning staff, is provided in the Discussion and Analysis section of this report.
3. The proposed amendment was brought back before the Historic Preservation Commission on January 12, 2011 to allow the Commission to comment on the revised amendment. Based on the revisions, the Historic Preservation Commission did not suggest any further changes to the proposed amendment.

4. The proposed amendment is intended to achieve several objectives: The objectives listed below are described in more detail in the Discussion and Analysis section of this report:
 - Increase the consistency of Article 14-38 with other Planning documents such as the draft Historic Preservation Master Plan Update and the Desert Lands Conservation Ordinance by updating the Definitions section of the Article.
 - Enhance opportunities for the listing of archaeological resources as Local Historic Landmarks/Districts by expanding the eligible listing criteria.
 - Increase the clarity and usability of Article 14-38, Historic Preservation by reorganizing existing standards within the ordinance and providing a more detailed explanation of the specific procedures involved of the Landmark designation process.

DISCUSSION AND ANALYSIS

Historic Preservation Commission Comments

Certificate of No Effect

5. There are currently four properties listed on the Peoria Register of Historic Places. These historically significant properties are regulated by the Historic Preservation section of the Zoning Ordinance, which currently requires owners of such properties to receive approval from the Historic Preservation Commission before they can make certain changes to the exterior of their properties. This approval is granted in the form of a “Certificate of Appropriateness”.
6. The version of the proposed text amendment that was presented to the Historic Preservation Commission at their September 15, 2010 meeting included a provision to create a “Certificate of No Effect”. The Certificate of No Effect process would allow a staff-level administrative review of applications for minor changes to the exterior appearance of properties on the Peoria Register of Historic Properties. Currently, all applications for changes to such properties must be approved by the Historic Preservation Commission. The intent of the change was to provide a more expedient review process for minor changes to Peoria Historic Landmark properties.
7. Commission members had the following questions/comments on the Certificate of No Effect:
 - *What criteria would be used to determine whether a project qualified for a Certificate of No Effect, or if it required Commission review?*

- *Who would make the administrative decision that the project warranted a Certificate of No Effect?*
- *Is there any check and balance in case someone disagrees with the administrative decision to grant a Certificate of No Effect?*
- *What timeframe would such projects need to be completed in? Commission member feels a time limit should be included in the ordinance.*
- *Commission member requests that the Commission be informed every time a Certificate of No Effect is issued.*

In response to the Commission's concerns, staff has modified the proposed text amendment, removing the proposed Certificate of No Effect language. Currently, three out of four of the properties on the Peoria Register of Historic Places are owned by the City of Peoria, therefore the limited instances of requests for changes to Historic Landmark properties can be managed under the current Certificate of Appropriateness process. A tailored Certificate of No Effect process may be given further consideration in the future if warranted and deemed appropriate by the Historic Preservation Commission.

Proposed Changes

Section 14-38-2 Definitions

8. Additional terms have been added to the Definition Section and others have been modified for consistency with the definitions contained in the Desert Lands Conservation Ordinance and the draft update of the Historic Preservation Master Plan.

Section 14-38-3 Designation of Landmarks or Historic Districts

9. The proposed amendment updates the Zoning Ordinance to clarify the landmark designation process and better align with the administrative processes followed for other applications (e.g. noticing, forwarding recommendation to Council, etc.)
10. This change also prepares the City to nominate archaeological resources as historic landmarks/districts. Currently, such resources may be excluded based on the eligibility criteria. The new criterion would allow a property that "has yielded, or may be likely to yield, information important in prehistory or history" to be eligible for designation as a local Historic Landmark.
11. A description of the Local Landmark designation process has been expanded to more thoroughly explain the various actions that occur during the designation process.

Section 14-38-4 Certificate of Appropriateness

12. The description of specific circumstances requiring a Certificate of Appropriateness has been consolidated to avoid repetition and increase clarity.

Administrative Procedure

Public Notice

13. 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. The notice included the text of the proposed amendment and a general description of any regulations proposed to be amended.

FINDINGS AND RECOMMENDATION

14. Based on the following findings:
- The proposed amendment constitutes an improvement to the Zoning Ordinance by increasing its accuracy, clarifying inferences, and enhancing the document's overall usability.
 - The proposed amendment increases the transparency of City regulatory processes related to historic preservation.
 - The amendment also updates the language of the Zoning Ordinance to maintain its relevancy and concurrency with other City ordinances and standards.
 - 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 to the Mayor and City Council approval of Case TA 10-0140, a request to amend the Peoria Zoning Ordinance as contained in Exhibit A.

ATTACHMENTS:

Exhibit A Proposed changes to Article 14-38
(deletions/additions shown as ~~strike~~/underline)

Prepared by: Melissa Sigmund
Planner

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EXHIBIT A

ARTICLE 14-38 HISTORIC PRESERVATION

(Ord. No. 02-59)
(Amended by Ord. No. 10-XX)

14-38-1 INTENT

10 A. The protection, enhancement and perpetuation of landmarks and historic districts are
11 necessary to promote the economic, cultural, educational, and general welfare of the
12 citizens of the City of Peoria. The identity of a people is founded in its past, and
13 inasmuch as the City of Peoria has significant historic, cultural, and architectural
14 resources which constitute its heritage, this Section is intended to:

- 15
- 16 1. protect and enhance the historic resources, landmarks, and historic districts which
17 represent distinctive elements of Peoria's historic, architectural, and cultural heritage;
 - 18 2. foster civic pride in accomplishments of the past;
 - 19 3. protect and enhance Peoria's attractiveness to visitors and the support and stimulus
20 to the economy thereby provided; and
 - 21 4. enhance and implement the General Plan for the City of Peoria.
- 22
23
24
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26

27 14-38-2 DEFINITIONS

28
29 The following definitions shall apply to the provisions of this Section.

30
31 Archaeologist - A person engaged in the study of human activity, primarily through the
32 study of its material remains, which includes structures still standing, and who meets the
33 requirements of the Secretary of the Interior's guidelines for professional archaeologists.

34
35 Archaeological Resource - Material remains of past human activity and life which are at
36 least fifty (50) years old and are of archaeological interest including, but not limited to,
37 pottery, basketry, bottles, weapon projectiles, tools, structures, pit houses, rock paintings
38 and carvings, graves, human skeletal materials, or any portion thereof.

39
40 Archaeological Site - A geographic location that contains an archaeological resource.

41
42 Certified Local Government (CLG) - A local government that has been certified or
43 approved by the State Historic Preservation Office (SHPO), and given the authority and
44 responsibility to oversee various aspects of historic preservation within the municipality.

Cultural Resources - A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

Demolition - Any act or process that partially or totally disassembles disassembles or remakes a landmark or a structure within a historic district.

Historic Landmark - See "Landmark"

Historic Preservation Zoning Overlay - Also termed "Historic Preservation Overlay Zoning," a type of zoning regulation placed on a property in addition to the underlying land use regulations. The overlay is designed to protect historic resources from harm or neglect.

Historic Property or Historic Resource - A property, building, site, structure, object, or district that is generally at least fifty (50) years old; and which has significant historic, architectural, cultural, or archaeological value as part of the heritage or history of Peoria, the State of Arizona, or the nation.

National Register of Historic Places - The National Register is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Register is managed by the National Park Service.

14-38-3 DESIGNATION OF LANDMARKS OR HISTORIC DISTRICTS

B. The Historic Preservation Commission may recommend to the City Council that a group of properties in an identifiable area be designated as an historic district if:

1. The area contains several properties that meet one or more of the criteria for designation of a landmark; and
2. by reason of possessing such qualities, the area constitutes a historic district of the City, and
3. a majority owner(s) of the properties concur with the designation.

The boundaries of each historic district shall be specified by legal description and map prepared by a land surveyor registered in the state of Arizona or the City and shall be filed in the City Clerk's Office for public inspection. Properties designated as landmarks or as a part of a historic district shall receive Historic Preservation Overlay Zoning.

C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Article 14-39, "Administrative Procedures". ~~sent by registered mail to the owner(s) of the property proposed for designation, either by the Commission or by the owner, describing the property proposed and announcing a public hearing by the Commission to consider the~~

1 designation. Where the proposed designation involves so many owners that individual
2 notice is infeasible, notice may instead be published at least once in a newspaper of
3 general circulation at least 15 days prior to the date of public hearing. Once the
4 Commission has issued notice of a proposed designation, the Building Official shall
5 issue no building permits until the Commission has made its decision.
6

7 D. The Historic Preservation Commission shall hold a public hearing prior to designation of
8 any landmark or historic district. The testimony or documentary evidence at the hearing
9 will become part of a record regarding the historic, architectural, or cultural importance of
10 the proposed landmark or historic district. The record may also contain staff reports,
11 public comments, or other evidence offered outside of the hearing. The report and
12 recommendation of the Historic Preservation Commission shall then be forwarded to the
13 Planning and Zoning Commission for review and public hearing. Any recommendation
14 of approval may be subject to such conditions as the commission deems applicable in
15 order to fully carry out the provisions and intent of this chapter.
16

17 E. After receiving the reports and recommendations of the Historic Preservation
18 Commission and the Planning and Zoning Commission, the City Council shall make a
19 final determination in the designation of any landmark or historic district. The City
20 Council may take action as follows:
21

22 1. Approve the request;

23 2. Deny the request;

24 3. Modify the recommendations of the Historic Preservation Commission and/or the
25 Planning and Zoning Commission and adopt the request as modified;

26 4. Remand the matter back to the Planning and Zoning Commission or the Historic
27 Preservation Commission for further consideration.
28

29 The Commission shall forward notices of each proposed property designated as a landmark
30 and of the boundaries of each designated historic district to the City Council for final
31 designation, and subsequently to the office of the Maricopa County Recorder for
32 recordation, as appropriate.
33
34
35
36

37
38 **14-38-4 CERTIFICATE OF APPROPRIATENESS**

39
40 A. No person shall perform any work that alters the exterior of any landmark or changes the
41 appearance of any property within an historic district, its light fixtures, signs, sidewalks,
42 fences, steps, paving or other exterior elements visible from a public street or alley
43 without first obtaining a Certificate of Appropriateness or a Finding of Hardship from the
44 Peoria Historic Preservation Commission. This includes, but is not limited to, exterior
45 alteration, restoration, reconstruction, demolition, new construction, or relocation of such
46 buildings, structures, and elements.
47

48 A. The Historic Preservation Commission shall receive application for a Certificate of
49 Appropriateness for any exterior alteration, restoration, reconstruction, demolition, new

~~construction or moving of a landmark, or property within a historic district, and for any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic landmark or historic district.~~

~~B. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley without first obtaining a Certificate of Appropriateness from the Historic Preservation Commission.~~

14-38-5 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

A. Prior to the commencement of any work requiring a Certificate of Appropriateness the property owner shall file an application for such a certificate on the official form provided by with the Planning and Community Development Department. ~~Historic Preservation Commission. The application form shall be available from the Community Development Department and contain:~~

- ~~1. Name, address and telephone number of applicant;~~
- ~~2. Name, address and telephone number of the property owner;~~
- ~~3. Location and photographs of property;~~
- ~~4. Elevation drawings of proposed changes;~~
- ~~5. Perspective drawings, including relationship to adjacent properties;~~
- ~~6. Where the proposal includes signs of lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, description of materials to be used, method of illumination and a plan showing the sign's location on the property;~~
- ~~7. Any other information which the Commission may deem necessary in order to visualize the proposed work.~~

B. No building permit shall be issued for such a proposed work until the Historic Preservation Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance or the City of Peoria.

14-38-6 HEARING OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

B. The Commission shall approve, deny, or approve the permit with modifications ~~within twenty one (21) days from receipt of the completed application.~~

- D. The Commission’s decision shall be based upon the following principles:
 - 1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
 - 2. Any alteration of existing historic landmark properties shall be compatible with ~~its~~ their historic character. Any alteration of existing properties within a historic district shall be compatible with ~~its~~ their historic character as well as with the surrounding district; and
 - 3. New construction shall be compatible with the district in which it is located.

E. In applying the principle of compatibility, the Commission shall consider the following factors:

G.C.—All decisions of the Commission shall be in writing. A copy shall be sent to the applicant within ten (10) days after the Commission’s decision by ~~registered mail. and a~~ A copy shall be made available filed with the City Clerk’s Office for public inspection at the Planning and Community Development Department. The Commission’s decision shall state findings and reasons for denying or modifying any application.

14-38-8 APPLICATION FOR FINDING OF HARDSHIP

- A. An applicant shall submit an application for Finding of Hardship within ~~thirty (30) 20~~ days after ~~receiving written notification from the Commission’s decision of the denial of to~~ deny the Certificate of Appropriateness. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.
- B. The Commission shall hold a public hearing on the hardship application in accordance with the procedures specified in Section 14-37-7 above.
- C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- D. All decisions of the Commission shall be in writing. A copy of the decision shall be sent to the applicant by ~~registered mail within ten (10) days after the Commission’s decision, and a copy shall be filed with the City Clerk’s Office for public inspection.~~ A copy shall be made available for public inspection at the Planning and Community Development Department. The Commission’s decision shall state findings and reasons for granting or denying the hardship application.

ORDINANCE NO. 2011-12

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 14-38 "HISTORIC PRESERVATION"; 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 March 17, 2011 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 February 25, 2011; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of March 17, 2011, voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition);

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 14-38 "Historic Preservation"; 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. Article 14-38, Historic Preservation 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.

Ordinance No. 2011-12
Code Amendment 14-38
April 5, 2011
Page 2 of 8

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 5th day of April, 2011.

Bob Barrett, Mayor

Date Signed

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Dates: April 8, 2011 and April 15, 2011
Effective Date:

EXHIBIT A

ARTICLE 14-38 HISTORIC PRESERVATION (Ord. No. 02-59)

14-38-1 INTENT

- A. The protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the citizens of the City of Peoria. The identity of a people is founded in its past, and inasmuch as the City of Peoria has significant historic, cultural, and architectural resources which constitute its heritage, this Section is intended to:
1. protect and enhance the historic resources, landmarks, and historic districts which represent distinctive elements of Peoria's historic, architectural, and cultural heritage;
 2. foster civic pride in accomplishments of the past;
 3. protect and enhance Peoria's attractiveness to visitors and the support and stimulus to the economy thereby provided; and
 4. enhance and implement the General Plan for the City of Peoria.

14-38-2 DEFINITIONS

The following definitions shall apply to the provisions of this Section.

Archaeologist - A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and who meets the requirements of the Secretary of the Interior's guidelines for professional archaeologists.

Archaeological Resource - Material remains of past human activity and life which are at least fifty (50) years old and are of archaeological interest including, but not limited to, pottery, basketry, bottles, weapon projectiles, tools, structures, pit houses, rock paintings and carvings, graves, human skeletal materials, or any portion thereof.

Archaeological Site - A geographic location that contains an archaeological resource.

Certified Local Government (CLG) - A local government that has been certified or approved by the State Historic Preservation Office (SHPO), and given the authority and responsibility to oversee various aspects of historic preservation within the municipality.

Cultural Resources - A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

Demolition - Any act or process that partially or totally disassembles disassembles or remakes a landmark or a structure within a historic district.

Historic Landmark - See "Landmark"

Historic Preservation Zoning Overlay - Also termed "Historic Preservation Overlay Zoning," a type of zoning regulation placed on a property in addition to the underlying land use regulations. The overlay is designed to protect historic resources from harm or neglect.

Historic Property or Historic Resource - A property, building, site, structure, object, or district that is generally at least fifty (50) years old; and which has significant historic, architectural, cultural, or archaeological value as part of the heritage or history of Peoria, the State of Arizona, or the nation.

National Register of Historic Places - The National Register is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Register is managed by the National Park Service.

14-38-3 DESIGNATION OF LANDMARKS OR HISTORIC DISTRICTS

B. The Historic Preservation Commission may recommend to the City Council that a group of properties in an identifiable area be designated as an historic district if:

1. The area contains several properties that meet one or more of the criteria for designation of a landmark; and
2. by reason of possessing such qualities, the area constitutes a historic district of the City, and
3. a majority owner(s) of the properties concur with the designation.

The boundaries of each historic district shall be specified by legal description and map prepared by a land surveyor registered in the state of Arizona or the City and shall be filed in the City Clerk's Office for public inspection. Properties designated as landmarks or as a part of a historic district shall receive Historic Preservation Overlay Zoning.

- C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Article 14-39, "Administrative Procedures" sent by registered mail to the owner(s) of the property proposed for designation, either by the Commission or by the owner, describing the property proposed and announcing a public hearing by the Commission to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least 15 days prior to the date of public hearing. Once the Commission has issued notice of a proposed designation, the Building Official shall issue no building permits until the Commission has made its decision.
- D. The Historic Preservation Commission shall hold a public hearing prior to designation of any landmark or historic district. The testimony or documentary evidence at the hearing will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing. The report and recommendation of the Historic Preservation Commission shall then be forwarded to the Planning and Zoning Commission for review and public hearing. Any recommendation of approval may be subject to such conditions as the commission deems applicable in order to fully carry out the provisions and intent of this chapter.
- E. After receiving the reports and recommendations of the Historic Preservation Commission and the Planning and Zoning Commission, the City Council shall make a final determination in the designation of any landmark or historic district. The City Council may take action as follows:
1. Approve the request;
 2. Deny the request;
 3. Modify the recommendations of the Historic Preservation Commission and/or the Planning and Zoning Commission and adopt the request as modified;
 4. Remand the matter back to the Planning and Zoning Commission or the Historic Preservation Commission for further consideration.

~~The Commission shall forward notices of each proposed property designated as a landmark and of the boundaries of each designated historic district to the City Council for final designation, and subsequently to the office of the Maricopa County Recorder for recordation, as appropriate.~~

14-38-4 CERTIFICATE OF APPROPRIATENESS

- A. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public

street or alley without first obtaining a Certificate of Appropriateness or a Finding of Hardship from the Peoria Historic Preservation Commission. This includes, but is not limited to, exterior alteration, restoration, reconstruction, demolition, new construction, or relocation of such buildings, structures, and elements.

- ~~A. The Historic Preservation Commission shall receive application for a Certificate of Appropriateness for any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark, or property within a historic district, and for any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic landmark or historic district.~~
- ~~B. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley without first obtaining a Certificate of Appropriateness from the Historic Preservation Commission.~~

14-38-5 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

- A. Prior to the commencement of any work requiring a Certificate of Appropriateness the property owner shall file an application for such a certificate on the official form provided by with the Planning and Community Development Department, Historic Preservation Commission. ~~The application form shall be available from the Community Development Department and contain:~~
- ~~1. Name, address and telephone number of applicant;~~
 - ~~2. Name, address and telephone number of the property owner;~~
 - ~~3. Location and photographs of property;~~
 - ~~4. Elevation drawings of proposed changes;~~
 - ~~5. Perspective drawings, including relationship to adjacent properties;~~
 - ~~6. Where the proposal includes signs of lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, description of materials to be used, method of illumination and a plan showing the sign's location on the property;~~
 - ~~7. Any other information which the Commission may deem necessary in order to visualize the proposed work.~~
- B. No building permit shall be issued for such a proposed work until the Historic Preservation Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness required by this act shall be in addition to and not in

lieu of any building permit that may be required by any other ordinance or the City of Peoria.

14-38-6 HEARING OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

B. The Commission shall approve, deny, or approve the permit with modifications ~~within twenty one (21) days from receipt of the completed application.~~

D. The Commission's decision shall be based upon the following principles:

1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
2. Any alteration of existing historic landmark properties shall be compatible with ~~its~~ their historic character. Any alteration of existing properties within a historic district shall be compatible with ~~its~~ their historic character as well as with the surrounding district; and
3. New construction shall be compatible with the district in which it is located.

E. In applying the principle of compatibility, the Commission shall consider the following factors:

G.C.—All decisions of the Commission shall be in writing. A copy shall be sent to the applicant within ten (10) days after the Commission's decision by ~~registered~~ mail. ~~and a~~ A copy shall be made available filed with the City Clerk's Office for public inspection at the Planning and Community Development Department. The Commission's decision shall state findings and reasons for denying or modifying any application.

14-38-8 APPLICATION FOR FINDING OF HARDSHIP

A. An applicant shall submit an application for Finding of Hardship within ~~thirty (30) 20~~ days after ~~receiving written notification from the Commission's decision of the denial of to deny the~~ Certificate of Appropriateness. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

B. The Commission shall hold a public hearing on the hardship application in accordance with the procedures specified in Section 14-37-7 above.

C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

Ordinance No. 2011-12
Code Amendment 14-38
April 5, 2011
Page 8 of 8

- D. All decisions of the Commission shall be in writing. A copy of the decision shall be sent to the applicant by ~~registered mail within ten (10) days after the Commission's decision,~~ and a copy shall be filed with the City Clerk's Office for public inspection. A copy shall be made available for public inspection at the Planning and Community Development Department. The Commission's decision shall state findings and reasons for granting or denying the hardship application.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 4C
Amend No. _____

Date Prepared: February 23, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

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

SUBJECT: Abandonment of City Interest, Federal Patent Easements located within the Sunset Ranch Subdivision

RECOMMENDATION:

Discussion and possible action to adopt a Resolution to abandon City interest in 3 existing Federal Patent Easements for Roadway and Public Utilities, as recorded in Docket 3029, Page 226; Docket 2985, Page 468 and Docket 2837, Page 361; located east of Lake Pleasant Parkway north of Williams Road within the Sunset Ranch subdivision, and authorize the City Clerk to record the Resolution with the Maricopa County Recorder's Office.

SUMMARY:

This request comes from Meritage Homes, owner of Sunset Ranch, a 35 lot subdivision located at the northeast corner of Lake Pleasant Parkway and Williams Road.

During the platting process of Sunset Ranch, rights-of-way and easements for public utilities were dedicated eliminating the need for the existing federal patent easements. Legal access to adjacent, unsubdivided parcels will not be affected by this abandonment.

FISCAL NOTE: (if applicable)

There is no fiscal impact to the City associated with this abandonment.

ATTACHMENT: (if applicable)

1. Vicinity Map
2. Resolution

CONTACT: Kris Luna, Sr Real Property Administrator, (623) 773-7199



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE



LEGEND

 **Sunset Ranch Subdivision
Patent Easement Abandonment**

115TH AVE
111TH AVE
107TH AVE
103RD AVE
99TH AVE
95TH AVE
91ST AVE
87TH AVE
83RD AVE
79TH AVE
75TH AVE
71ST AVE



VICINITY MAP

RESOLUTION NO. 2011-45

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHTS-OF-WAY DEDICATED TO THE PUBLIC BY THE UNITED STATES OF AMERICA FOR ROADWAY AND PUBLIC UTILITIES TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY PUBLIC RIGHTS-OF-WAY BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND DECLARING AN EMERGENCY.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

WHEREAS, pursuant to A.R.S. 9-500.24, the City Council of the City of Peoria is vested with the power to determine and find that certain federal patent easements dedicated by the United States of America to public use may no longer be necessary to the City; and

WHEREAS, pursuant to A.R.S. 9-500.24, the City is vested with the power to vacate such easement by transferring title to adjacent property owners and others; and

WHEREAS, the Mayor and Council find and determine that certain Patent Easements located in the City of Peoria, Maricopa County, Arizona, located east of Lake Pleasant Parkway north of Williams Road, and more specifically described on the Legal Description (Exhibit A) attached to this Resolution are no longer needed by the City for Public Access and Public Utility purposes.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That Mayor and Council find and determine that the Patent Easements dedicated by the United States of America for public access and public utilities as recorded in Docket 3029, Page 226; Docket 2985, Page 468 and Docket 2837, Page 361 and more specifically set forth on Exhibit "A" attached to this Resolution be and are hereby declared abandoned as provided by Chapter 4, Article 8, Title 9 of the Arizona Revised Statutes.

SECTION 2. That the City Engineer is directed to prepare and provide descriptions for the retention of such easements for public utilities, if any, as may be deemed appropriate across the described property.

SECTION 3. That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

WHEREAS, the immediate operation of the provisions of this Resolution are necessary for the preservation of the public peace, health and safety of the City of Peoria, an EMERGENCY is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the City of Peoria, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of City of Peoria, Arizona this 5th day of April, 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENT:

1. Exhibit A – Legal Description and Sketch



EXHIBIT A

LEGAL DESCRIPTION

Legal Description
For
Right of Way Abandonment

Parcel 1

Those portions of the North half of the Southeast quarter of the Southwest quarter of the Northeast quarter of Section 17, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

A right of way not exceeding 33 feet in width, for roadway and utilities purpose, located along the North and East boundaries and East of the Easterly right of way of Lake Pleasant Road as recorded in Docket 3029, Page 226, records of Maricopa County, Arizona.

Parcel 2

Those portions of the North half of the Southwest quarter of the Southeast quarter of the Northeast quarter of Section 17, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

A right of way not exceeding 33 feet in width, for roadway and utilities purpose, located along the West, North and East boundaries as recorded in Docket 2985, Page 468, records of Maricopa County, Arizona.

Parcel 3

Those portions of the South half of the Southeast quarter of the Southwest quarter of the Northeast quarter of Section 17, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

A right of way not exceeding 33 feet in width, for roadway and utilities purpose, located along the West, South and East boundaries and East of the Easterly right of way of Lake Pleasant Road as recorded in Docket 2837, Page 361, records of Maricopa County, Arizona.

Page 1 of 2

PATENT EASEMENT VACATION SUNSET RANCH

Title: BOOK 890 OF MAPS, PAGE 38, M.C.R.

Preparing Firm: CLOUSE ENGINEERING, INC.

Address: 1642 E ORANGEWOOD AVE. PHOENIX, AZ 85020

Phone: (602) 395-9300

Fax: (602) 395-9310

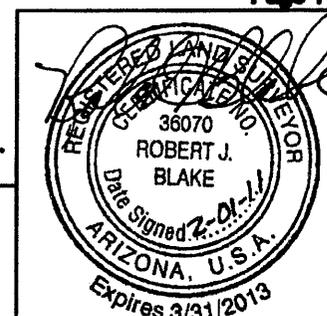
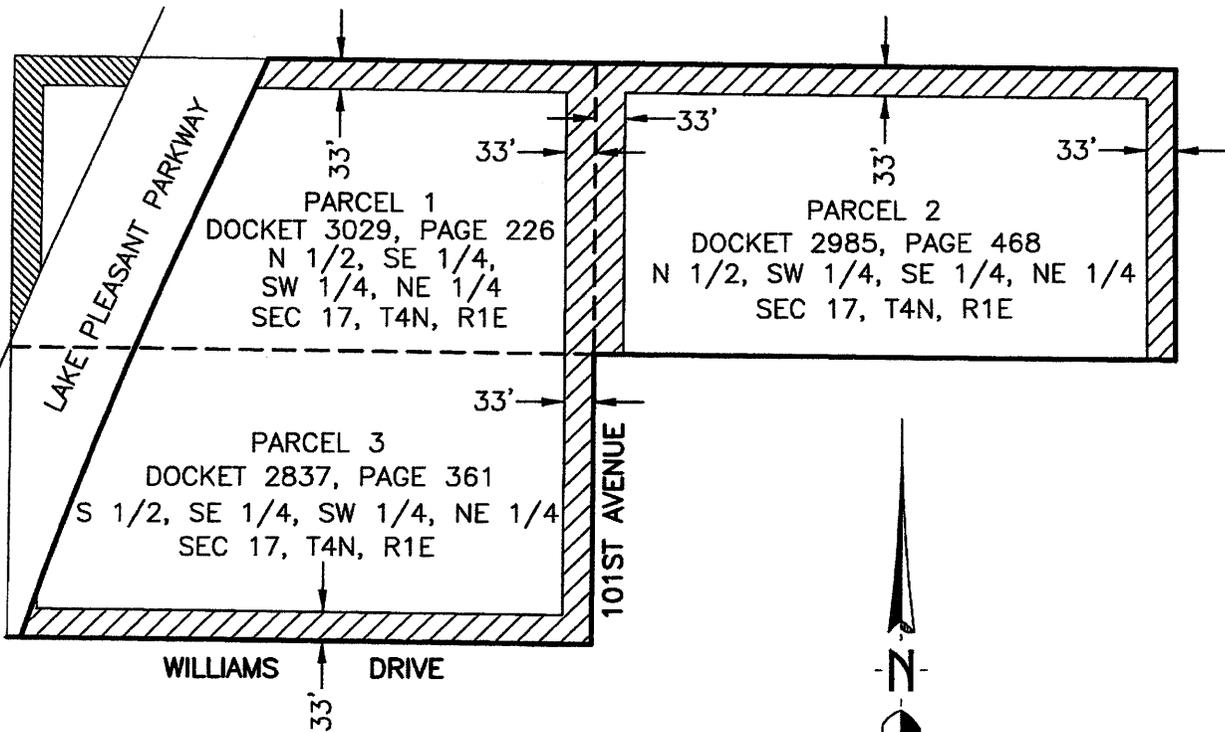




EXHIBIT A SKETCH



1"=200'
#110102
01/31/11

PATENT EASEMENT VACATION SUNSET RANCH

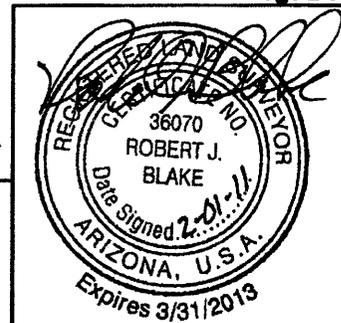
Title: BOOK 890 OF MAPS, PAGE 38, M.C.R.

Preparing Firm: CLOUSE ENGINEERING, INC.

Address: 1642 E ORANGEWOOD AVE. PHOENIX, AZ 85020

Phone: (602) 395-9300

Fax: (602) 395-9310



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 5C
Amend No. _____

Date prepared: March 1, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

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

SUBJECT: Authorization to Acquire Right-of-Way, 75th Avenue and Thunderbird Road Intersection Widening Project (EN00089)

RECOMMENDATION:

Discussion and possible action to adopt a Resolution authorizing the acquisition of property on 75th Avenue and Thunderbird Road to accommodate the intersection widening improvements by donation, outright purchase, or the exercise of the power of eminent domain.

SUMMARY:

The intersection at 75th Avenue and Thunderbird Road is the fifth busiest intersection in the City of Peoria and has one of the highest collision rates. This project has been identified as one of the city's top priorities to add through lanes, turn lanes, medians for access management and traffic signal modifications. These improvements will increase intersection capacity, safety and efficiency.

The proposed improvements at 75th Avenue and Thunderbird Road will require right-of-way and easements to be acquired from eleven parcels. Additionally several Temporary Construction Easements associated with the reconstruction of driveways will be acquired. The individual property rights required for this project are identified in the attached Resolution. The property owners of record have been notified of this agenda item being brought before the Council tonight. The City will offer the property owners the opportunity to donate the property, offer appraised value in a negotiated settlement or, as a last resort, request the City Attorney to file for condemnation.

Staff requests that the Mayor and Council adopt the attached Resolution authorizing the acquisition of the property described in the Resolution by donation, outright purchase or the exercise of the power of eminent domain.

Council Communication
75th & Thunderbird
Authorization to Acquire
April 5, 2011
Page 2

FISCAL NOTE: (if applicable)

Funding for this project is available in the FY2011 Capital Improvement Program. Payment will be from the County Transportation Tax Fund, Land Account 4550-4550-540000-CIPST-EN00089LA in the amount of \$350,000 and the Transportation Sales Tax Fund, Land Account 7010-7075-540000-CIPST-EN00089LA in the amount of \$138,500.

ATTACHMENT: (if applicable)

1. Vicinity Map
2. Resolution

CONTACT: Kris Luna, Sr Real Property Administrator, (623) 773-7199



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

LEGEND



**75th Avenue & Thunderbird Road
Land Acquisitions**



115TH AVE
111TH AVE
107TH AVE
103RD AVE
99TH AVE
95TH AVE
91ST AVE
87TH AVE
83RD AVE
79TH AVE
75TH AVE
71ST AVE



VICINITY MAP

RESOLUTION NO. 2011-46

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 75TH AVENUE AND THUNDERBIRD ROAD AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

THEREFORE IT IS RESOLVED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. AUTHORIZATION TO ACQUIRE

That the City Attorney on behalf of the City of Peoria, Arizona is authorized and directed to acquire and/or condemn all the real property described in the attached Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Arizona Revised Statutes and to file on behalf of the City such litigation as necessary to consummate the acquisition of such property under the power of eminent domain and to do all things necessary to accomplish this purpose, including but not limited to obtaining title reports and appraisals and other expert assistance for such purposes. Assessor parcel numbers associated with the legal descriptions in the attached Exhibit "A" are as follows:

200-65-001D	Partial take
200-65-001J	Partial take, Drainage and Temporary Construction Easements (TCE)
200-65-004M	Partial take and TCE
200-65-007C	Partial take and TCE
200-65-009A	Partial take and TCE
200-65-028	TCE
200-77-010R	Partial take, Drainage and Temporary Construction Easements
200-77-010S	Partial takes and TCEs
231-15-508	Partial take and TCE
231-15-516	Partial take and TCE
231-15-517	Partial take and TCEs
231-15-617	Partial take and TCEs

SECTION 2. EMINENT DOMAIN AUTHORITY PURSUANT TO TITLE 12 OF STATE LAW: AUTHORIZATION TO OBTAIN IMMEDIATE POSSESSION

That the City Attorney on behalf of the City of Peoria, Arizona is authorized to petition the Superior Court to enter an order that the City of Peoria be allowed immediate possession and full use of all of the real property described in Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Section 12-1116 and to immediately determine the probable damages resulting from City of Peoria being allowed to have immediate possession of the real property described in Exhibit "A" and to set the amount of a bond in a form to be approved by the Court or to deposit the equivalent amount of City funds budgeted and appropriated and to do all things necessary to accomplish this purpose.

SECTION 3. DETERMINATION OF CONFORMITY WITH GENERAL PLAN

That the Planning and Community Development Department, which is the designated "planning agency" for the City of Peoria for purposes of Arizona Revised Statutes Title 9, Chapter 4, Article 6 ("Municipal Planning"), has reviewed the acquisition of the Property for conformity with the adopted Peoria General Plan pursuant to A.R.S. § 9-461.07(C) and reported that the location, purpose, and extent of the acquisition of the Property conforms with the Peoria General Plan.

SECTION 4. EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an Emergency is declared to exist and this Resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is exempted from the referendum clause of the Charter.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of April, 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENTS:

Exhibit A - Legal Descriptions



EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-001D RIGHT-OF-WAY

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 12 LIES NORTH 00°22'06" EAST A DISTANCE OF 2638.01 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE WEST LINE OF SAID SECTION 12 AND THE CENTERLINE OF 75TH AVENUE, 418.79 FEET; THENCE NORTH 89°10'38" EAST, ALONG THE SOUTH LINE OF THE NORTH 240.66 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 40.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 75TH AVENUE AS DESCRIBED IN INSTRUMENT RECORDED AS MARICOPA COUNTY RECORDER'S DOCKET NUMBER 14025, PAGE 1515 AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°10'38" EAST, ALONG SAID SOUTH LINE OF THE NORTH 240.66 FEET, A DISTANCE OF 40.51 FEET; THENCE NORTH 05°49'39" EAST, 69.40 FEET; THENCE NORTH 01°47'55" WEST, 67.93 FEET; THENCE NORTH 15°41'56" WEST, 41.65 FEET; THENCE NORTH 02°30'02" WEST, 63.57 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12; THENCE SOUTH 89°10'38" WEST, ALONG SAID NORTH LINE, 29.83 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF 75TH AVENUE; THENCE SOUTH 00°22'06" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF 75TH AVENUE, 240.71 FEET TO THE POINT OF BEGINNING.

(CONTAINING 9,691 SQUARE FEET, 0.22 ACRE, MORE OR LESS)



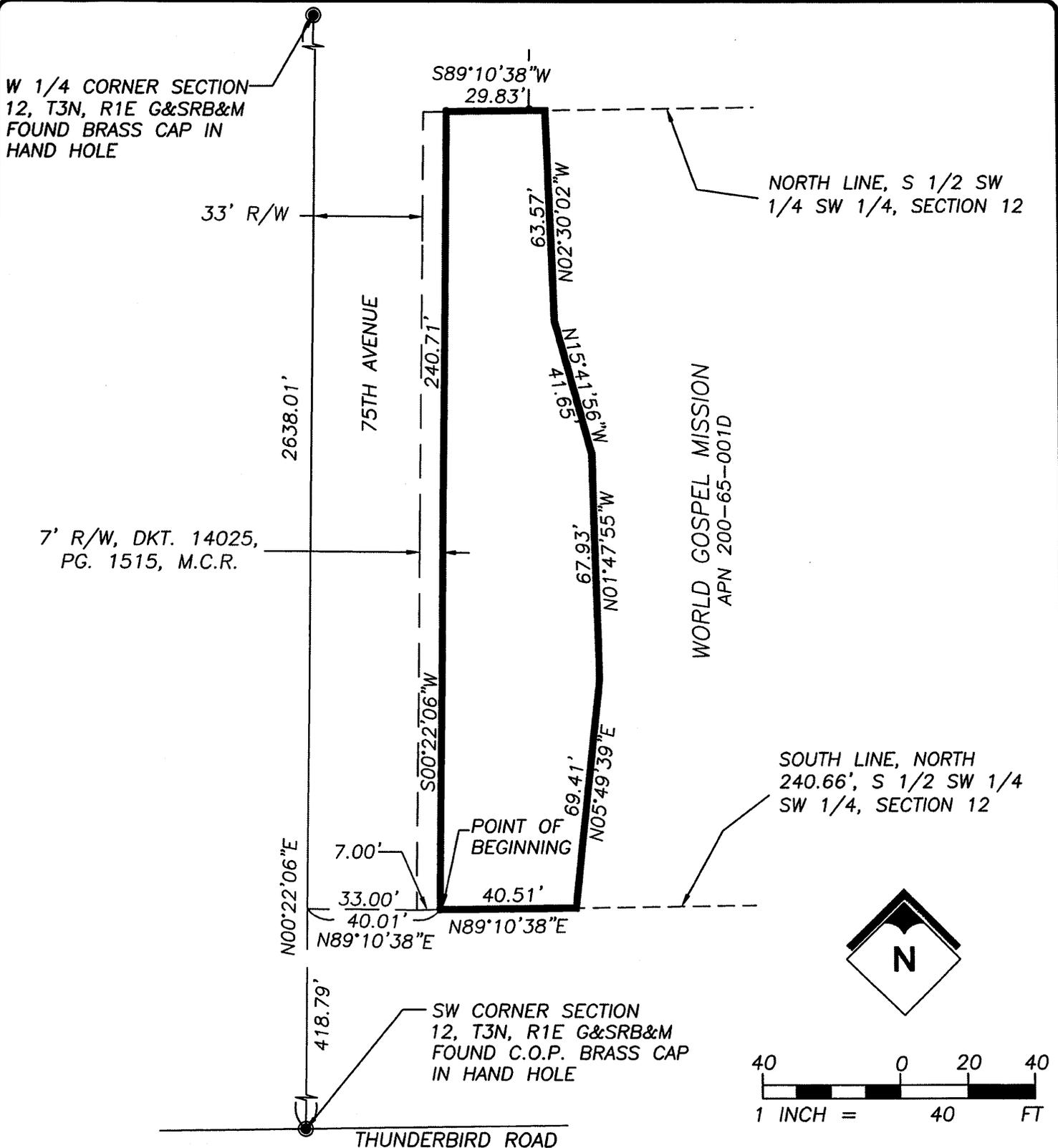


EXHIBIT A
A PORTION OF
APN 200-65-001D
NEW RIGHT OF WAY
SECTION 12, T3N, R1E



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC, 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-001J RIGHT-OF-WAY

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 12 LIES NORTH 00°22'06" EAST A DISTANCE OF 2638.01 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE WEST LINE OF SAID SECTION 12 AND THE CENTERLINE OF 75TH AVENUE, 85.41 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 89°37'54" EAST, 65.00 FEET TO AN ANGLE POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 75TH AVENUE AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°22'06" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 334.73 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 240.66 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH 89°10'38" EAST ALONG SAID SOUTH LINE, 15.50 FEET; THENCE SOUTH 00°22'06" WEST, PARALLEL WITH AND 80.50 FEET EAST OF SAID WEST LINE OF SECTION 12, A DISTANCE OF 330.26 FEET; THENCE SOUTH 45°15'08" EAST, 13.20 FEET; THENCE NORTH 89°07'39" EAST, 12.84 FEET; THENCE SOUTH 81°58'17" EAST, 64.15 FEET; THENCE NORTH 89°05'29" EAST, 154.69 FEET TO A POINT ON THE EAST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19970481572; THENCE SOUTH 00°22'06" WEST, ALONG SAID EAST LINE, 4.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE SOUTH 89°07'39" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 237.07 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; THENCE NORTH 45°15'11" WEST, ALONG SAID RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD AND SAID RIGHT-OF-WAY LINE OF 75TH AVENUE, 26.56 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 6,871 SQUARE FEET, 0.16 ACRE, MORE OR LESS)



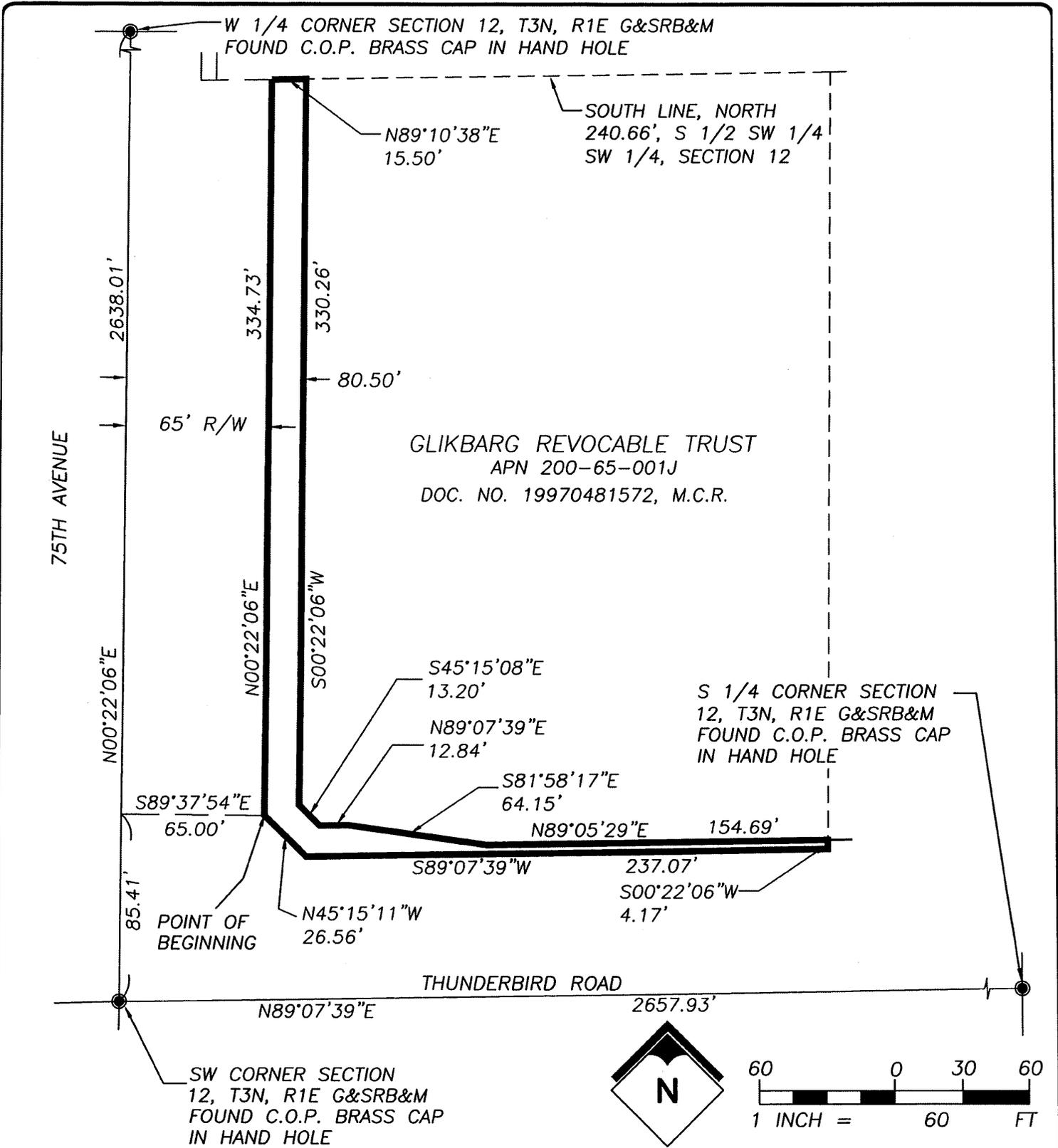


EXHIBIT A
A PORTION OF
APN 200-65-001J
NEW RIGHT OF WAY
SECTION 12, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC. 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-001J DRAINAGE EASEMENT

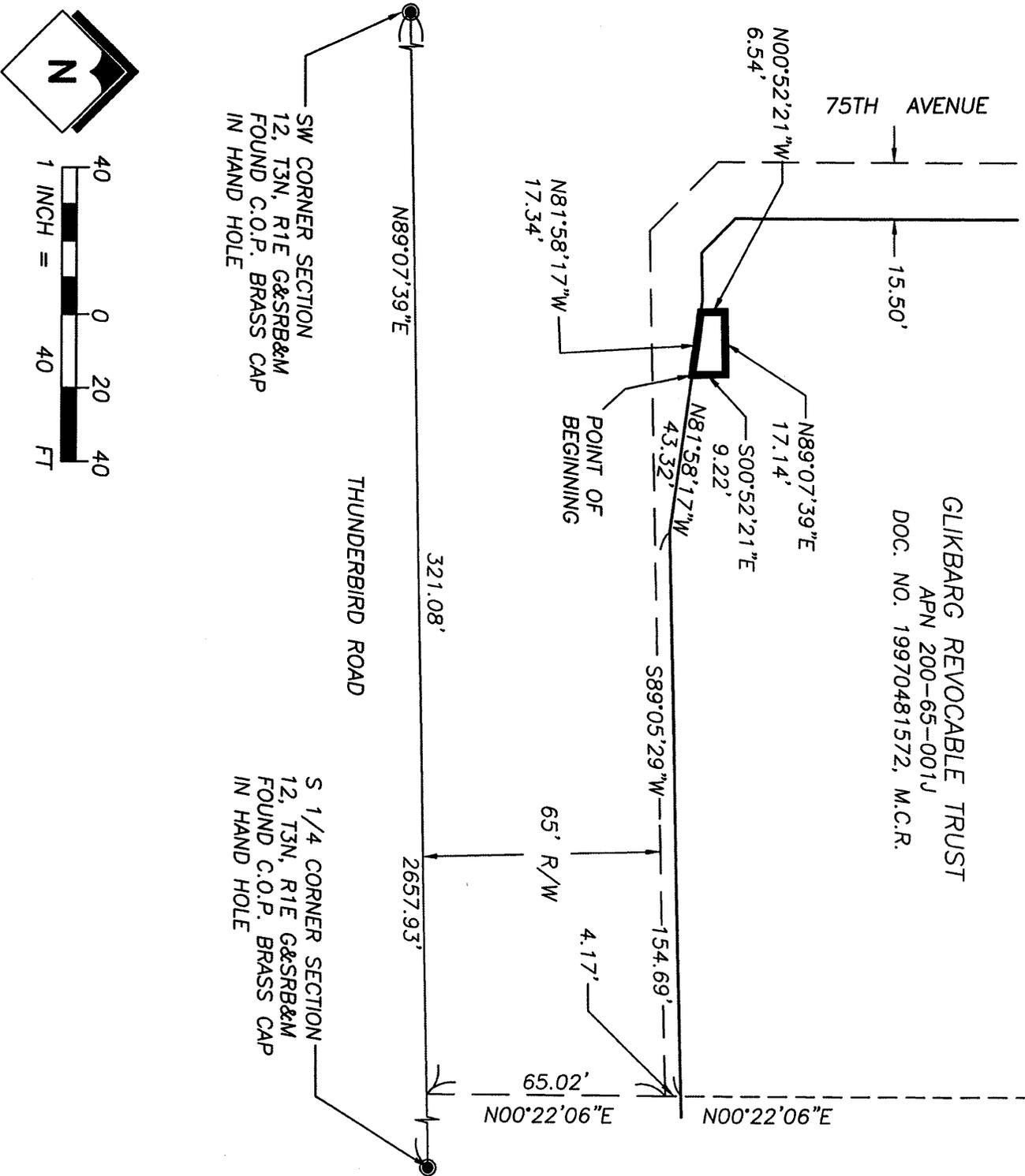
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 321.08 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19970481572, A DISTANCE OF 65.02 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD; THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID EAST LINE, 4.17 FEET; THENCE SOUTH 89°05'29" WEST 154.69 FEET; THENCE NORTH 81°58'17" WEST, 43.32 FEET TO THE POINT OF BEGINNING;

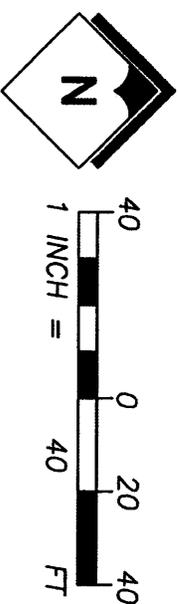
THENCE CONTINUING NORTH 81°58'17" WEST, 17.34 FEET; THENCE NORTH 00°52'21" WEST, 6.54 FEET; THENCE NORTH 89°07'39" EAST, 17.14 FEET; THENCE SOUTH 00°52'21" EAST, 9.22 FEET TO THE POINT OF BEGINNING.

(CONTAINING 135 SQUARE FEET, 0.003 ACRE, MORE OR LESS)





GLIKBARG REVOCABLE TRUST
 APN 200-65-001J
 DOC. NO. 19970481572, M.C.R.



SW CORNER SECTION
 12, T3N, R1E G&SRB&M
 FOUND C.O.P. BRASS CAP
 IN HAND HOLE

S 1/4 CORNER SECTION
 12, T3N, R1E G&SRB&M
 FOUND C.O.P. BRASS CAP
 IN HAND HOLE

<p>EXHIBIT A A PORTION OF NUMBER 200-65-001J DRAINAGE EASEMENT SECTION 12, T3N, R1E</p>		
PROJECT No. 2010004	DRAWN BY DMH	DATE DEC. 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-001J TEMPORARY CONSTRUCTION EASEMENTS

THOSE PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

TCE "A"

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 321.08 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19970481572, A DISTANCE OF 65.02 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD; THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID EAST LINE, 4.17 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89°05'29" WEST, 47.97 FEET; THENCE NORTH 00°54'31" WEST, 21.86 FEET; THENCE NORTH 89°07'39" EAST, 48.46 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°22'06" WEST ALONG SAID EAST LINE 21.83 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 1,053 SQUARE FEET, 0.02 ACRE, MORE OR LESS)

TCE "B"

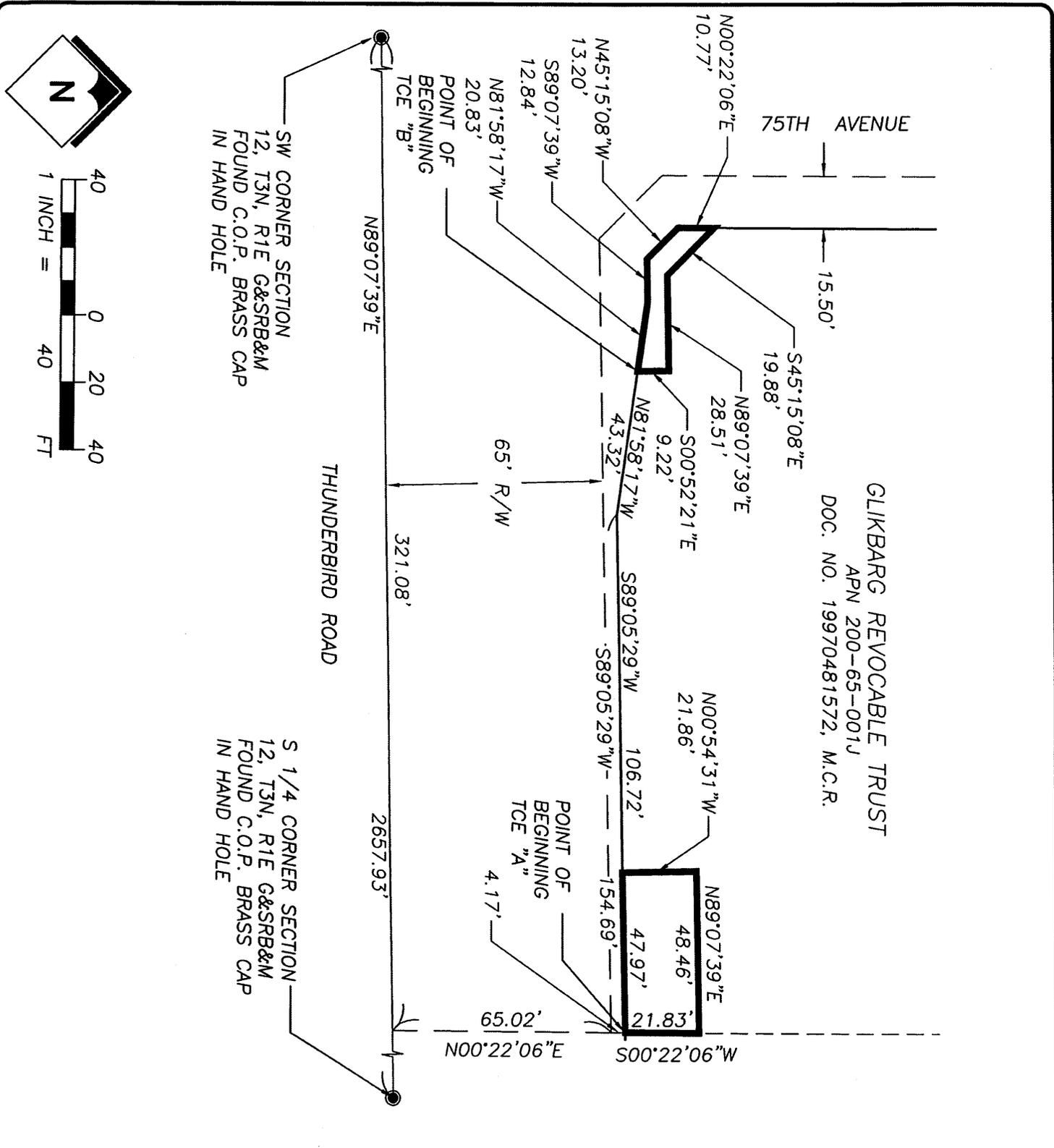
COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 321.08 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19970481572, A DISTANCE OF 65.02 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD; THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID EAST LINE, 4.17 FEET; THENCE SOUTH 89°05'29" WEST 154.69 FEET; THENCE NORTH 81°58'17" WEST, 43.32 FEET TO THE **POINT OF BEGINNING**;



THENCE CONTINUING NORTH 81°58'17" WEST, 20.83 FEET; THENCE SOUTH 89°07'39" WEST, 12.84 FEET; THENCE NORTH 45°15'08" WEST, 13.20 FEET; THENCE NORTH 00°22'06" EAST, PARALLEL WITH AND 15.50 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF 75TH AVENUE, 10.77 FEET; THENCE SOUTH 45°15'08" EAST, 19.88 FEET; THENCE NORTH 89°07'39" EAST, 28.51 FEET; THENCE SOUTH 00°52'21" EAST 9.22 FEET TO THE POINT OF BEGINNING.

(CONTAINING 346 SQUARE FEET, 0.01 ACRE, MORE OR LESS)





GLIKBARG REVOCABLE TRUST
 APN 200-65-001J
 DOC. NO. 19970481572, M.C.R.

EXHIBITA
A PORTION OF
NUMBER 200-65-001J
TEMPORARY CONSTRUCTION EASEMENT
SECTION 12, T3N, R1E



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC. 2010
PAGE No. 3 OF 3	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-001J TEMPORARY CONSTRUCTION EASEMENT

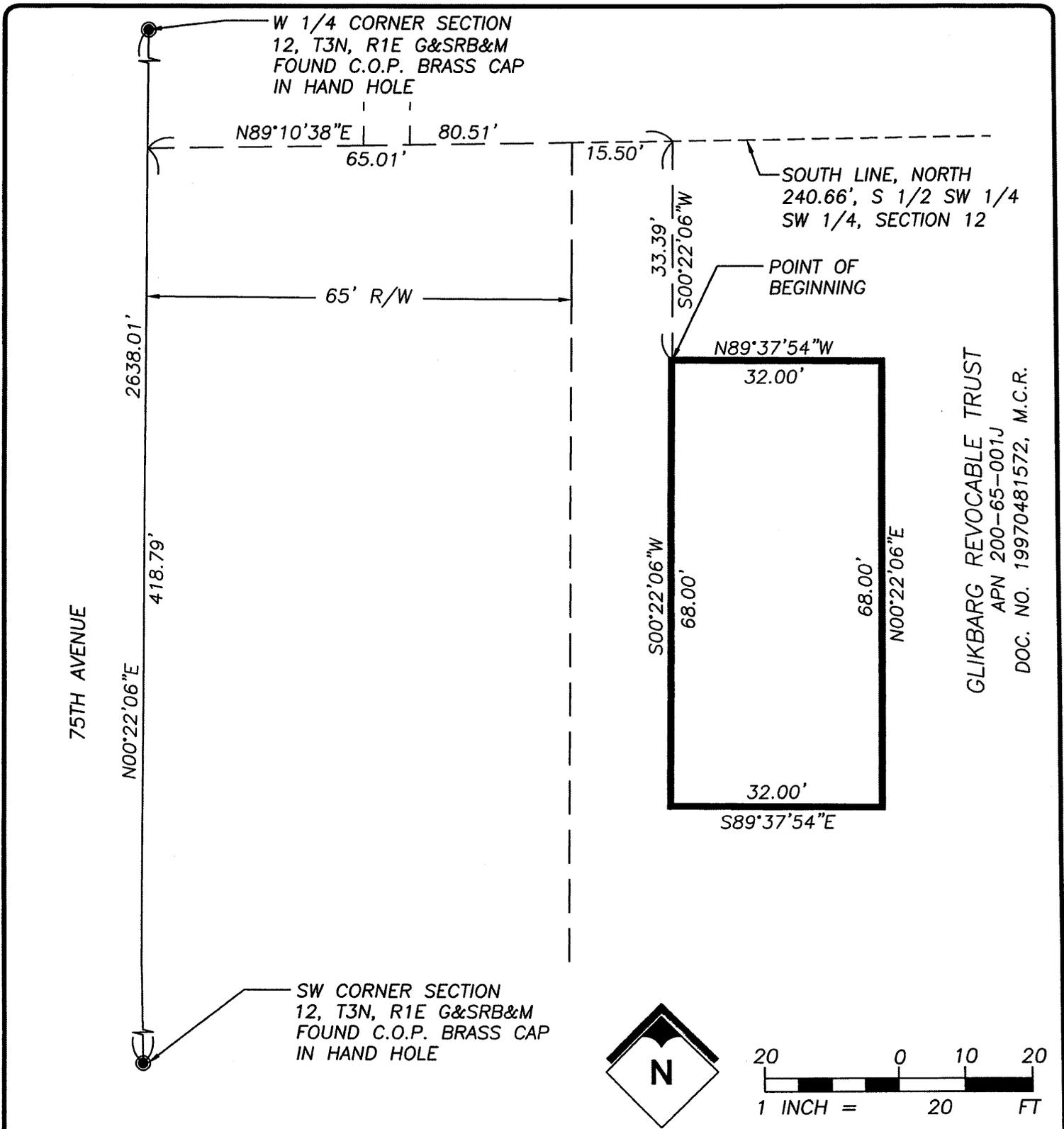
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 12 LIES NORTH 00°22'06" EAST A DISTANCE OF 2638.01 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE WEST LINE OF SAID SECTION 12 AND THE CENTERLINE OF 75TH AVENUE, 418.79 FEET; THENCE NORTH 89°10'38" EAST, ALONG THE SOUTH LINE OF THE NORTH 240.66 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 80.51 FEET; THENCE SOUTH 00°22'06" WEST, PARALLEL WITH AND 80.50 FEET EAST OF SAID WEST LINE OF SECTION 12, A DISTANCE OF 33.39 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°22'06" WEST, PARALLEL WITH AND 80.50 FEET EAST OF SAID WEST LINE OF SECTION 12, A DISTANCE OF 68.00 FEET; THENCE SOUTH 89°37'54" EAST, 32.00 FEET; THENCE NORTH 00°22'06" EAST, 68.00 FEET; THENCE NORTH 89°37'54" WEST, 32.00 FEET TO THE POINT OF BEGINNING.

(CONTAINING 2,176 SQUARE FEET, 0.05 ACRE, MORE OR LESS)





GLIKBARG REVOCABLE TRUST
 APN 200-65-001J
 DOC. NO. 19970481572, M.C.R.

EXHIBIT A
A PORTION OF
APN 200-65-001J
TEMPORARY CONSTRUCTION EASEMENT
SECTION 12, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE NOV, 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-004M RIGHT OF WAY

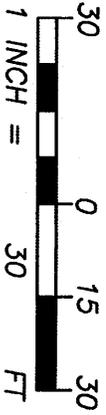
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 321.08 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20040239140, A DISTANCE OF 65.02 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID WEST LINE, 4.17 FEET; THENCE NORTH 89°05'29" EAST, 29.35 FEET; THENCE SOUTH 87°02'30" EAST, 62.71 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE SOUTH 89°07'39" WEST ALONG SAID RIGHT OF WAY 92.01 FEET TO THE POINT OF BEGINNING.

(CONTAINING 254 SQUARE FEET, 0.006 ACRE, MORE OR LESS)





SW CORNER SECTION
12, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

S 1/4 CORNER SECTION
12, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

THUNDERBIRD ROAD



AAA ARIZONA, INC.
APN 200-65-004M
DOC. NO. 20040239140 M.C.R.

EXHIBIT A
A PORTION OF
APN 200-65-004M
NEW RIGHT OF WAY
SECTION 12, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-004M TEMPORARY CONSTRUCTION EASEMENT

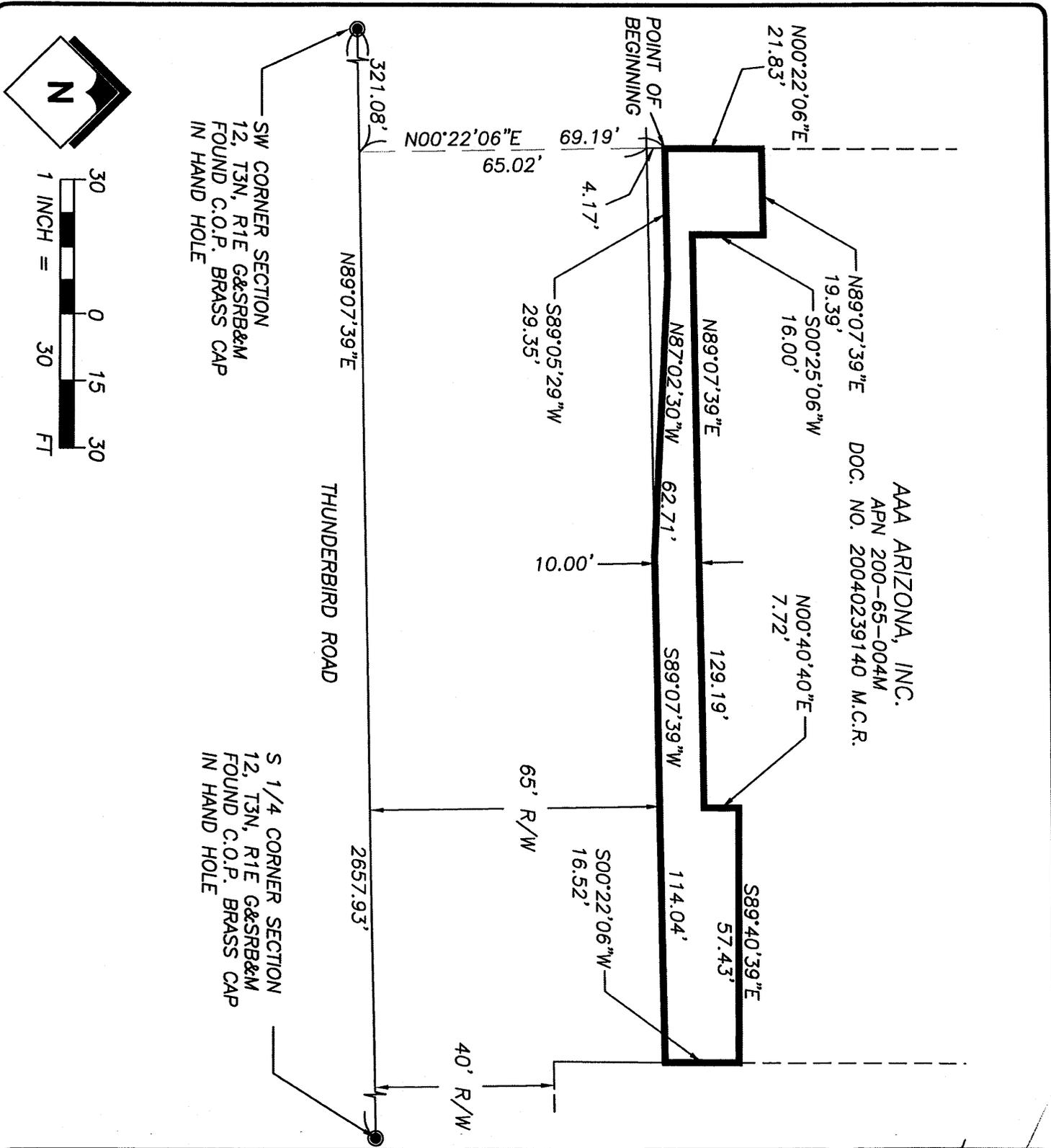
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 321.08 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20040239140, A DISTANCE OF 65.02 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD; THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID WEST LINE, 4.17 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID WEST LINE, 21.83 FEET; THENCE NORTH 89°07'39" EAST, 19.39 FEET; THENCE SOUTH 00°25'06" WEST, 16.00 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 10.00 FEET NORTH OF SAID NORTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, 129.19 FEET; THENCE NORTH 00°40'40" EAST, 7.72 FEET; THENCE SOUTH 89°40'39" EAST, 57.43 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL DESCRIBED IN MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20040239140; THENCE SOUTH 00°22'06" WEST, ALONG SAID EAST LINE 16.52 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE SOUTH 89°07'39" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 114.04 FEET; THENCE NORTH 87°02'30" WEST, 62.71 FEET; THENCE SOUTH 89°05'29" WEST 29.35 FEET TO THE POINT OF BEGINNING.

(CONTAINING 2,526 SQUARE FEET, 0.06 ACRE, MORE OR LESS)





AAA ARIZONA, INC.
 APN 200-65-004M
 DOC. NO. 20040239140 M.C.R.

SW CORNER SECTION
 12, T3N, R1E G&SRB&M
 FOUND C.O.P. BRASS CAP
 IN HAND HOLE

S 1/4 CORNER SECTION
 12, T3N, R1E G&SRB&M
 FOUND C.O.P. BRASS CAP
 IN HAND HOLE

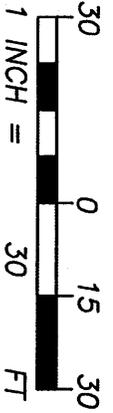
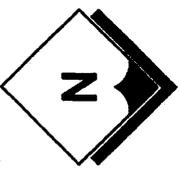


EXHIBIT A		
A PORTION OF		
APN 200-65-004M		
TEMPORARY CONSTRUCTION EASEMENT		
SECTION 12, T3N, R1E		
PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85228





EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-007C RIGHT-OF-WAY

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

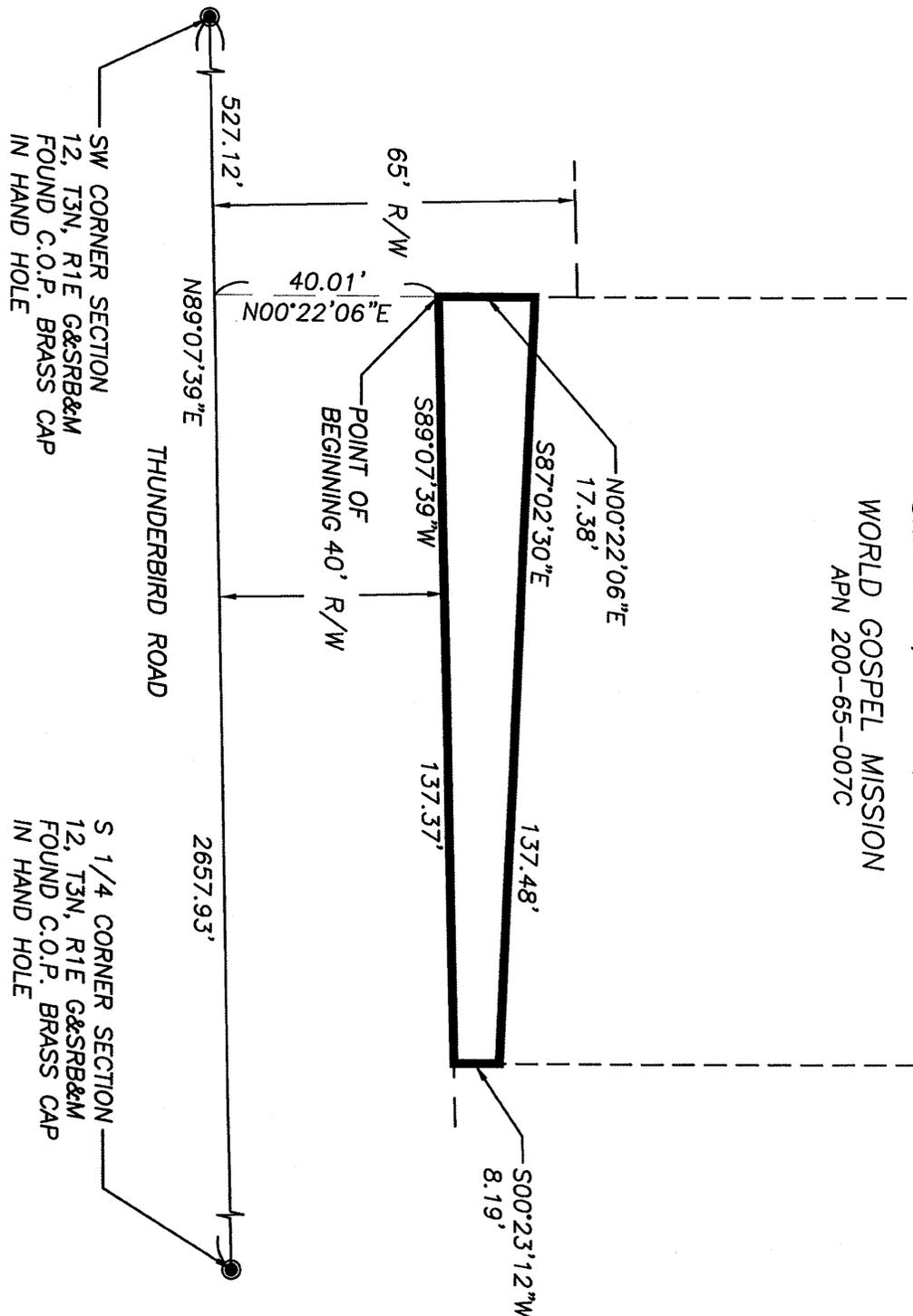
COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 527.12 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT CERTAIN PARCEL 5 AS DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCKET NUMBER 16443, PAGE 346, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID WEST LINE OF PARCEL 5, A DISTANCE OF 17.38 FEET; THENCE SOUTH 87°02'30" EAST, 137.48 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 5; THENCE SOUTH 00°23'12" WEST, ALONG SAID EAST LINE, 8.19 FEET, TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE SOUTH 89°07'39" WEST, ALONG SAID RIGHT OF WAY LINE, 137.37 FEET TO THE POINT OF BEGINNING.

(CONTAINING 1,756 SQUARE FEET, 0.04 ACRE, MORE OR LESS)



PARCEL 5
 DKT. 16443, PG. 346, M.C.R.
 WORLD GOSPEL MISSION
 APN 200-65-007C



SW CORNER SECTION
 12, T3N, R1E G&SRB&M
 FOUND C.O.P. BRASS CAP
 IN HAND HOLE

S 1/4 CORNER SECTION
 12, T3N, R1E G&SRB&M
 FOUND C.O.P. BRASS CAP
 IN HAND HOLE

EXHIBIT A
A PORTION OF
APN 200-65-007C
NEW RIGHT OF WAY
SECTION 12, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-007C TEMPORARY CONSTRUCTION EASEMENT

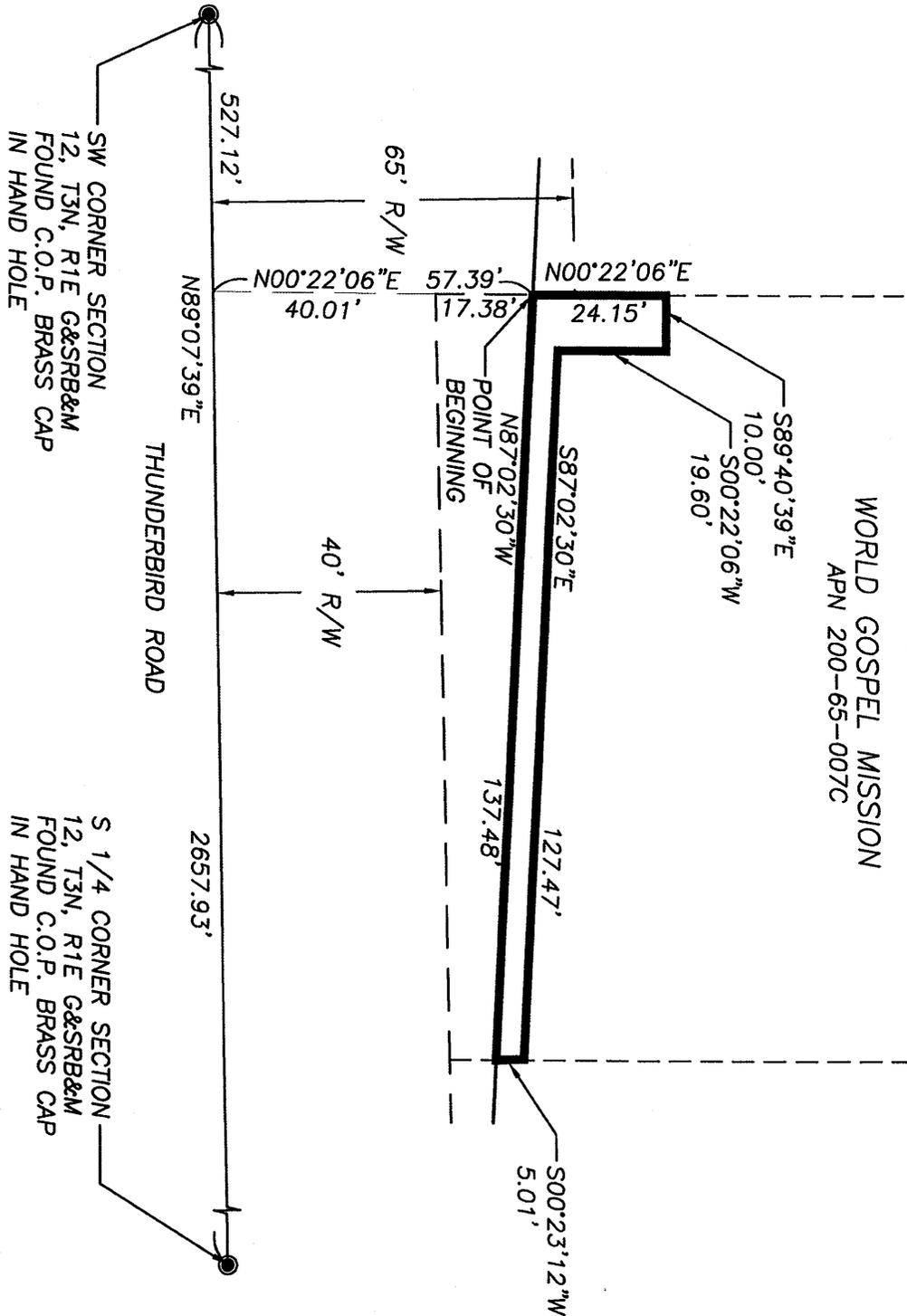
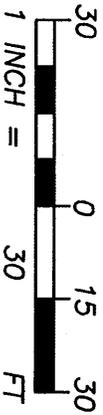
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 527.12 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT CERTAIN PARCEL 5 AS DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCKET NUMBER 16443, PAGE 346, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD; THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID WEST LINE OF PARCEL 5, A DISTANCE OF 17.38 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00°22'06" EAST, ALONG SAID WEST LINE OF PARCEL 5, A DISTANCE OF 24.15 FEET; THENCE SOUTH 89°40'39" EAST, 10.00 FEET; THENCE SOUTH 00°22'06" WEST, 19.60 FEET; THENCE SOUTH 87°02'30" EAST, 127.47 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 5; THENCE SOUTH 00°23'12" WEST, ALONG SAID EAST LINE, 5.01 FEET; THENCE NORTH 87°02'30" WEST, 137.48 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 881 SQUARE FEET, 0.02 ACRE, MORE OR LESS)





PARCEL 5
DKT. 16443, PG. 346, M.C.R.
WORLD GOSPEL MISSION
APN 200-65-007C

EXHIBIT A
A PORTION OF
APN 200-65-007C
TEMPORARY CONSTRUCTION EASEMENT
SECTION 12, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-009A RIGHT-OF-WAY

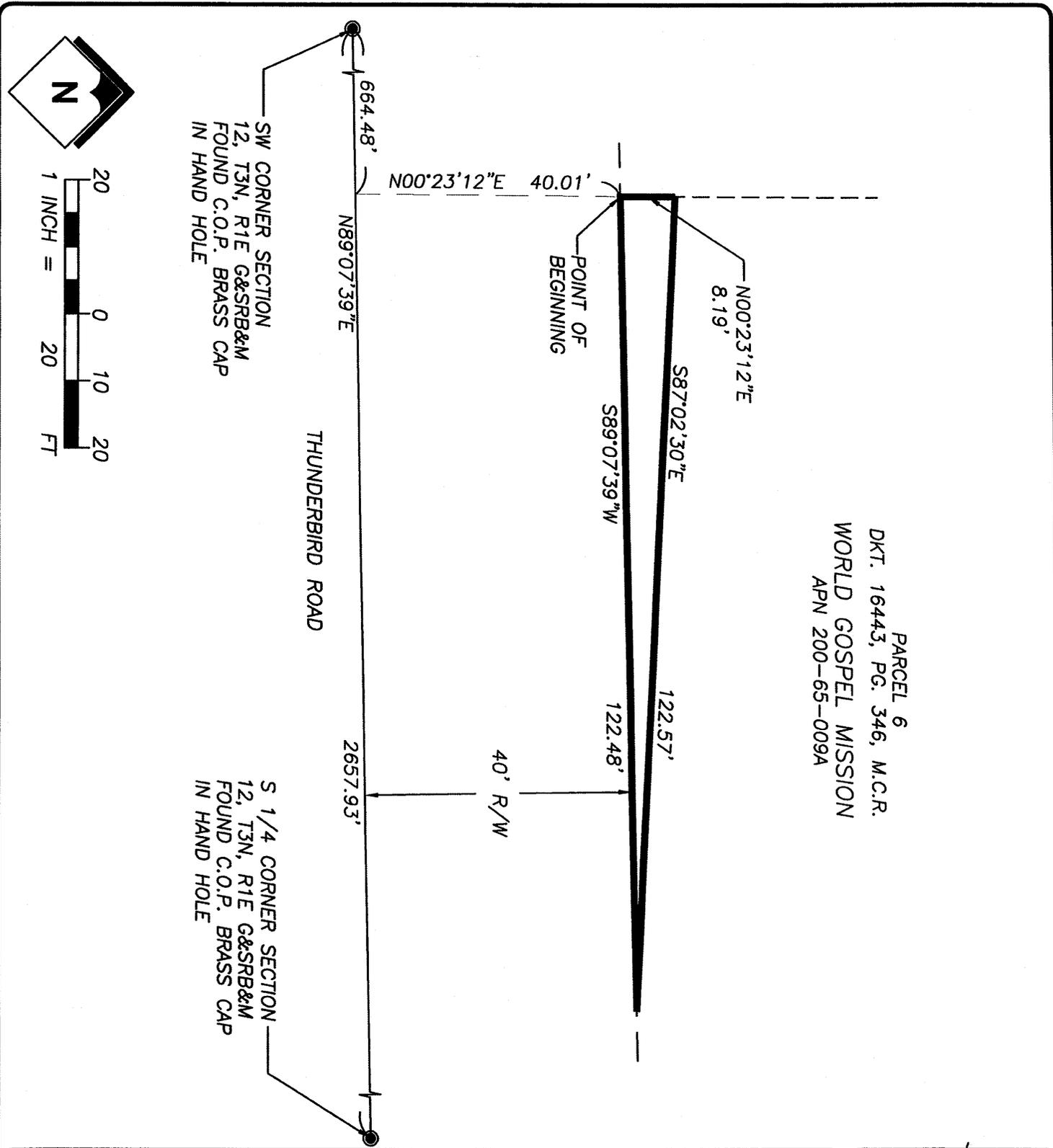
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 664.48 FEET; THENCE NORTH 00°23'12" EAST, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT CERTAIN PARCEL 6 AS DESCRIBED IN MARICOPA COUNTY RECORDER'S DOCKET NUMBER 16443, PAGE 346, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°23'12" EAST, ALONG SAID WEST LINE OF PARCEL 6, A DISTANCE OF 8.19 FEET; THENCE SOUTH 87°02'30" EAST, 122.57 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE SOUTH 89°07'39" WEST ALONG SAID RIGHT-OF-WAY LINE, 122.48 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 502 SQUARE FEET, 0.01 ACRE, MORE OR LESS)





PARCEL 6
DKT. 16443, PG. 346, M.C.R.
WORLD GOSPEL MISSION
APN 200-65-009A

EXHIBIT A
A PORTION OF
APN 200-65-009A
NEW RIGHT OF WAY
SECTION 12, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-009A TEMPORARY CONSTRUCTION EASEMENT

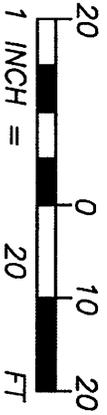
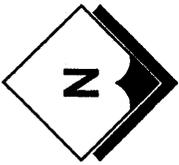
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 12 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE SOUTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF THUNDERBIRD ROAD, 664.48 FEET; THENCE NORTH 00°23'12" EAST, ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT CERTAIN PARCEL 6 AS DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCKET NUMBER 16443, PAGE 346, A DISTANCE OF 40.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD; THENCE CONTINUING NORTH 00°23'12" EAST ALONG SAID WEST LINE OF PARCEL 6, A DISTANCE OF 8.19 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00°23'12" EAST, ALONG SAID WEST LINE, 5.01 FEET; THENCE SOUTH 87°02'30" EAST, 87.54 FEET; THENCE SOUTH 00°52'21" EAST, 5.01 FEET; THENCE NORTH 87°03'30" WEST, 87.65 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 438 SQUARE FEET, 0.01 ACRE, MORE OR LESS)





SW CORNER SECTION
12, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

S 1/4 CORNER SECTION
12, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

THUNDERBIRD ROAD



N00°23'12"E 48.20'
40.01'

POINT OF BEGINNING

8.19'

40' R/W

87.65'

5.01'

N87°03'30"W

S87°02'30"E

87.54'

5.01'

N00°23'12"E

PARCEL 6
DKT. 16443, PG. 346, M.C.R.
WORLD GOSPEL MISSION
APN 200-65-009A

EXHIBIT A
A PORTION OF
APN 200-65-009A
TEMPORARY CONSTRUCTION EASEMENT
SECTION 12, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-65-028 TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF TRACT "A" (CALAVAR ROAD) OF THE FINAL PLAT FOR "TRAMONTO BELLO" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 1024, PAGE 50, IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 12, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 12 LIES NORTH 00°22'06" EAST A DISTANCE OF 2638.01 FEET; THENCE NORTH 00°22'06" EAST, ALONG THE WEST LINE OF SAID SECTION 12 AND THE CENTERLINE OF 75TH AVENUE, 781.32 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 89°37'54" EAST, 65.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 75TH AVENUE AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°22'06" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 81.10 FEET; THENCE SOUTH 89°37'54" EAST, 11.00 FEET; THENCE SOUTH 00°22'06" WEST, PARALLEL WITH AND 11.00 FEET EAST OF SAID EAST RIGHT-OF-WAY LINE OF 75TH AVENUE, 81.10 FEET; THENCE NORTH 89°37'54" WEST, 11.00 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 892 SQUARE FEET, 0.02 ACRE, MORE OR LESS)



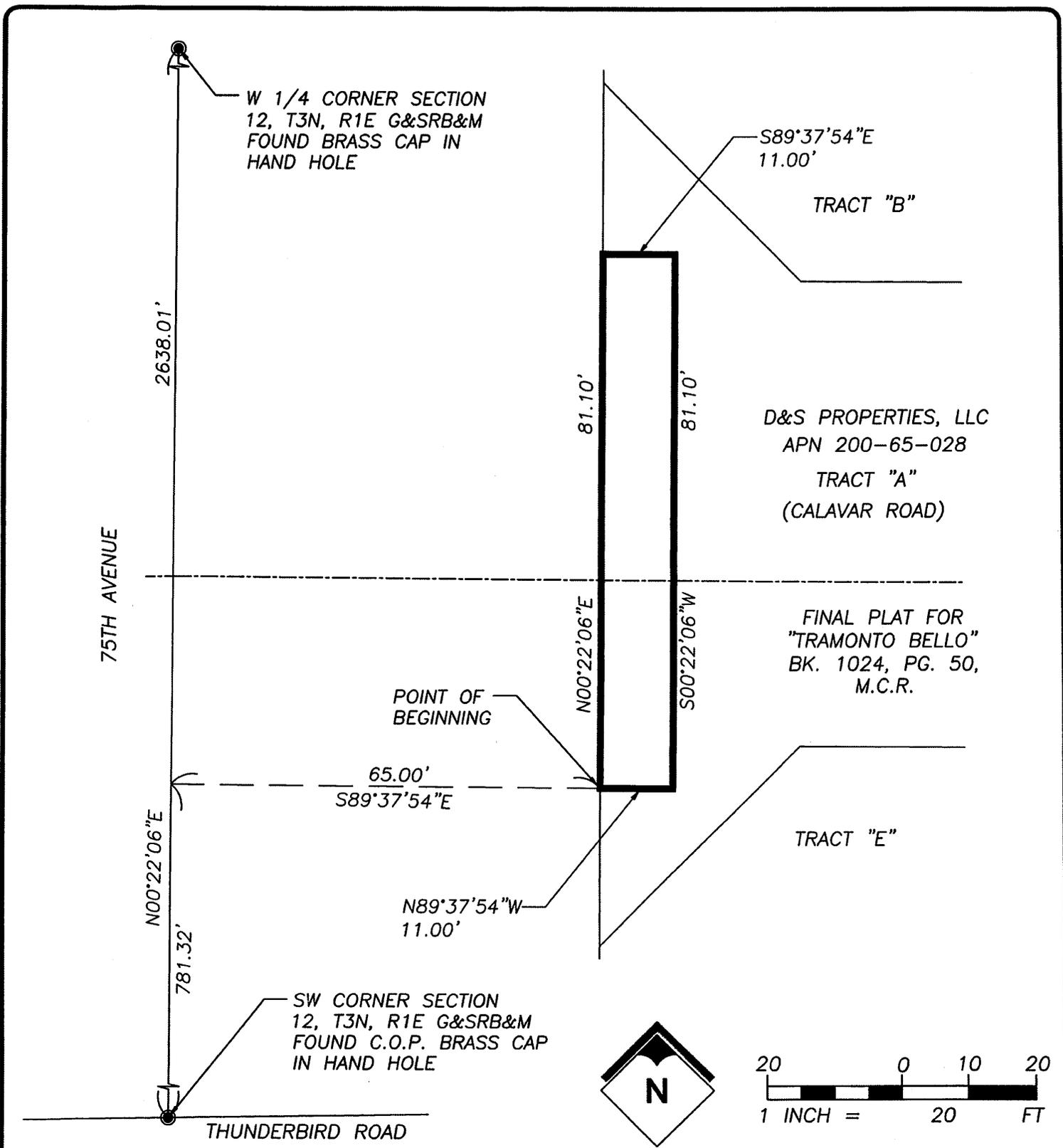


EXHIBIT A
A PORTION OF
APN 200-65-028
TEPORARY CONSTRUCTION EASEMENT
SECTION 12, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC, 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-77-010R RIGHT-OF-WAY

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 13, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 13 LIES SOUTH 00°48'51" WEST A DISTANCE OF 2633.82 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 88.11 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 89°11'09" EAST, 65.00 FEET TO AN ANGLE POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 75TH AVENUE AND THE POINT OF BEGINNING;

THENCE NORTH 44°59'19" EAST, ALONG SAID RIGHT-OF-WAY LINE, 35.88 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE NORTH 89°07'39" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 175.00 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE EAST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19960008669, A DISTANCE OF 10.27 FEET. THENCE SOUTH 88°52'49" WEST, 155.45 FEET; THENCE SOUTH 65°12'18" WEST, 36.11 FEET; THENCE SOUTH 00°48'51" WEST, PARRALEL WITH AND 12.00 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF 75TH AVENUE 174.41 FEET, TO THE SOUTH LINE OF SAID PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDERS DOCUMENT NUMBER 19960008669, THENCE SOUTH 89°07'39" WEST, ALONG SAID SOUTH LINE, 12.01 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF 75TH AVENUE; THENCE NORTH 00°48'51" EAST, ALONG SAID RIGHT-OF-WAY LINE, 175.00 FEET TO THE POINT OF BEGINNING.

(CONTAINING 4,330 SQUARE FEET, 0.10 ACRES, MORE OR LESS)



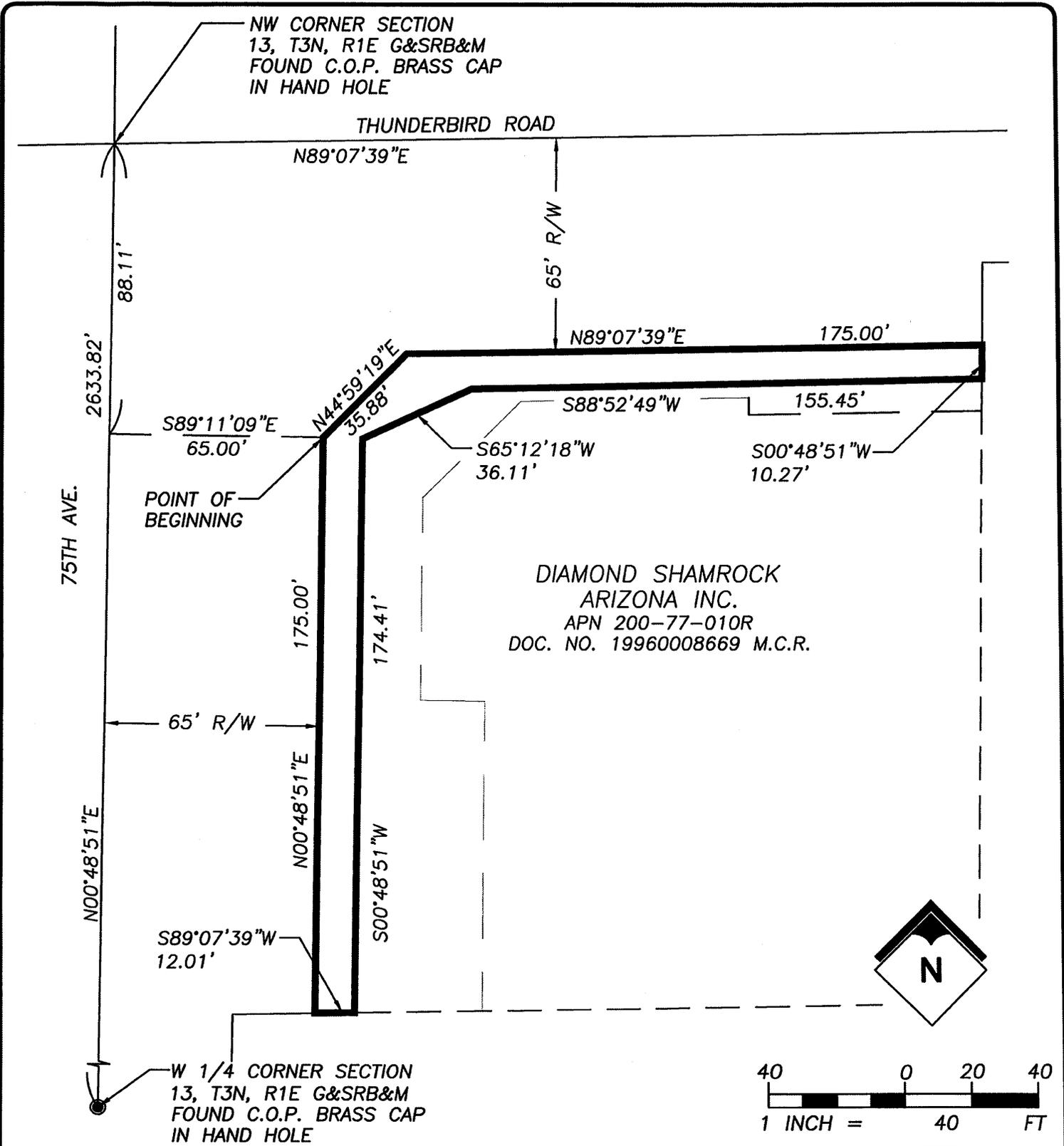


EXHIBIT A
A PORTION OF
APN 200-77-010R
NEW RIGHT OF WAY
SECTION 13, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAI	



PREMIER
ENGINEERING CORPORATION
8437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-77-010R DRAINAGE EASEMENT

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 13, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 13 LIES SOUTH 00°48'51" WEST A DISTANCE OF 2633.82 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 88.11 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 89°11'09" EAST, 65.00 FEET TO AN ANGLE POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 75TH AVENUE; THENCE SOUTH 88°03'34" EAST, 12.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 65°12'18" EAST, 3.33 FEET; THENCE SOUTH 00°48'51" WEST, PARALLEL WITH AND 15.00 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF 75TH AVENUE, 91.26 FEET; THENCE NORTH 89°11'09" WEST, 3.00 FEET; THENCE NORTH 00°48'51" EAST, PARALLEL WITH AND 12.00 FEET EAST OF SAID EAST RIGHT-OF-WAY LINE OF 75TH AVENUE, 89.82 FEET TO THE POINT OF BEGINNING.

(CONTAINING 272 SQUARE FEET, 0.01 ACRE, MORE OR LESS)



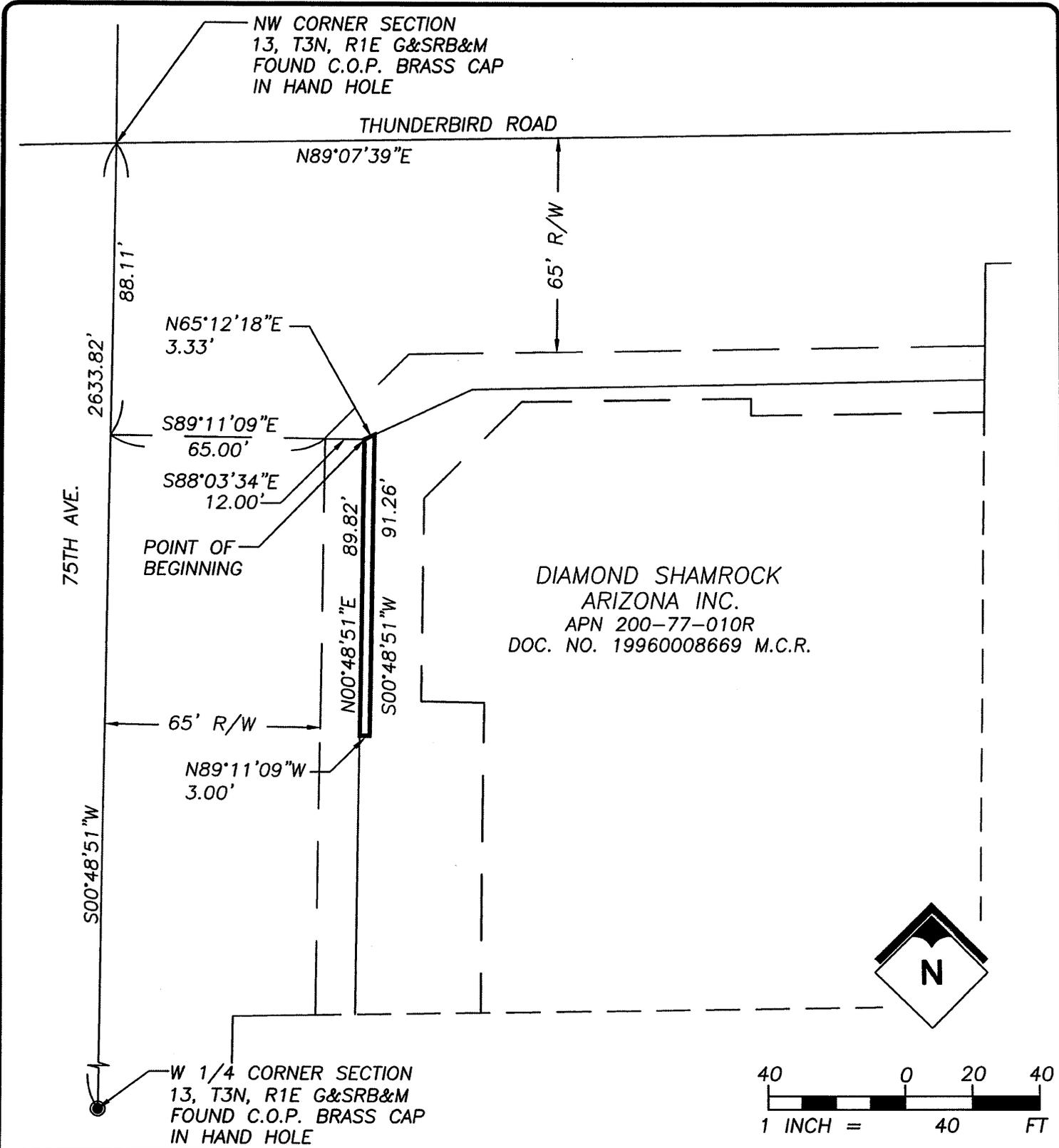


EXHIBIT A
A PORTION OF
APN 200-77-010R
DRAINAGE EASEMENT
SECTION 13, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No.	CHECKED BY	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-77-010R TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 13, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 13 LIES SOUTH 00°48'51" WEST A DISTANCE OF 2633.82 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 65.03 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, 90.01 FEET TO AN ANGLE POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, THENCE CONTINUING NORTH 89°07'39" EAST ALONG SAID RIGHT-OF-WAY LINE, 175.00 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE EAST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19960008669, A DISTANCE OF 10.27 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°52'48" WEST, 155.45 FEET; THENCE SOUTH 65°12'18" WEST, 36.11 FEET; THENCE SOUTH 00°48'51" WEST, PARALLEL WITH AND 12.00 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF 75TH AVENUE, 174.41 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19960008669; THENCE NORTH 89°07'39" EAST, ALONG SAID SOUTH LINE, 37.98 FEET; THENCE NORTH 00°36'45" EAST, 94.06 FEET; THENCE NORTH 89°00'25" WEST, 19.13 FEET; THENCE NORTH 00°48'51" EAST, 61.63 FEET; THENCE NORTH 45°14'12" EAST, 41.55 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 14.85 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, 69.61 FEET; THENCE SOUTH 00°00'00" WEST, 5.15 FEET; THE NORTH 89°07'39" EAST, PARALLEL WITH AND 20.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, 70.72 FEET TO A POINT ON SAID EAST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19960008669, THENCE NORTH 00°48'51" EAST, ALONG SAID EAST LINE, 9.74 FEET TO THE POINT OF BEGINNING.

(CONTAINING 6,580 SQUARE FEET, 0.15 ACRE, MORE OR LESS)



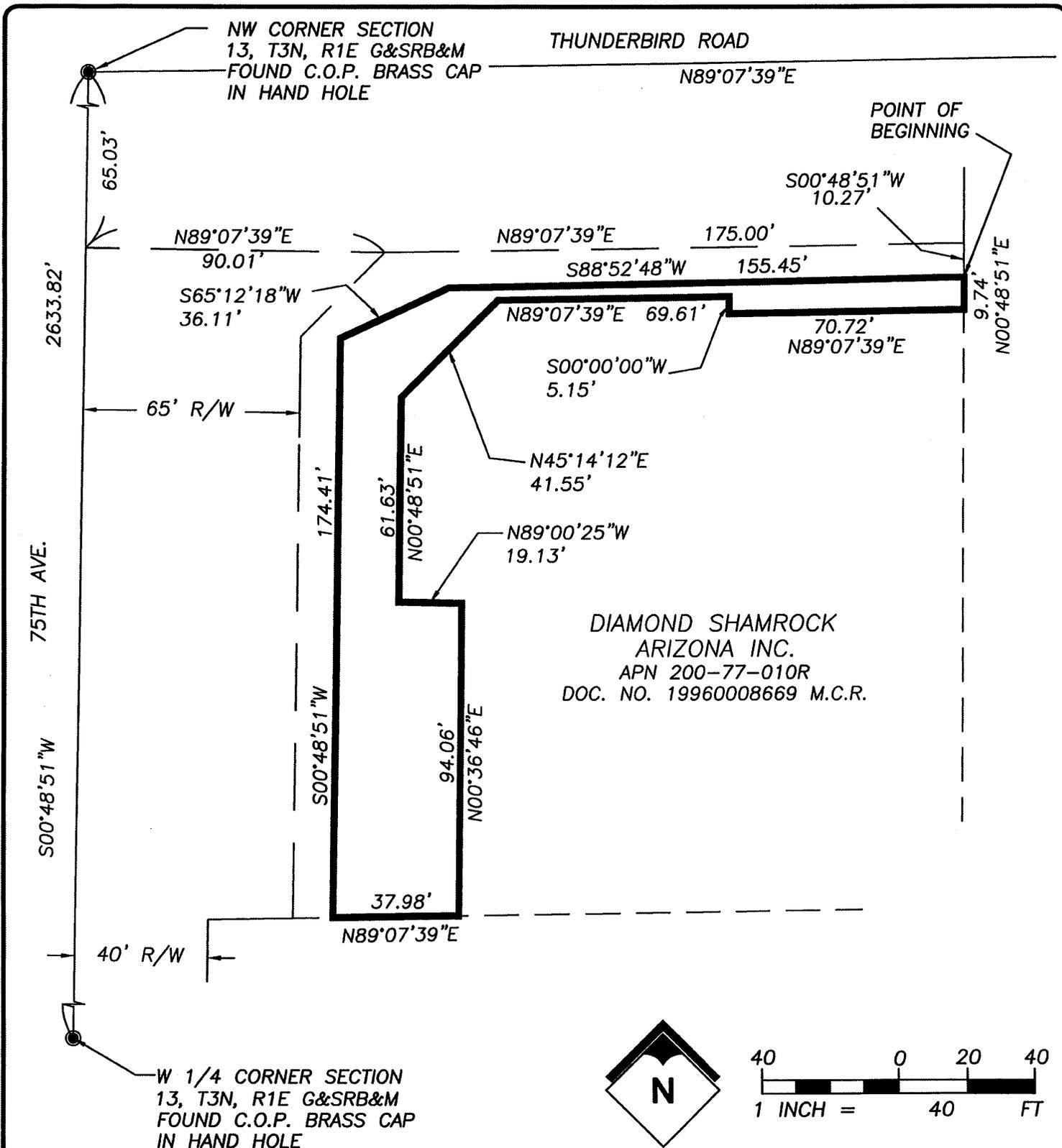


EXHIBIT A
A PORTION OF
APN 200-77-010R
TEMPORARY CONSTRUCTION EASEMENT
SECTION 13, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226





EXHIBIT A

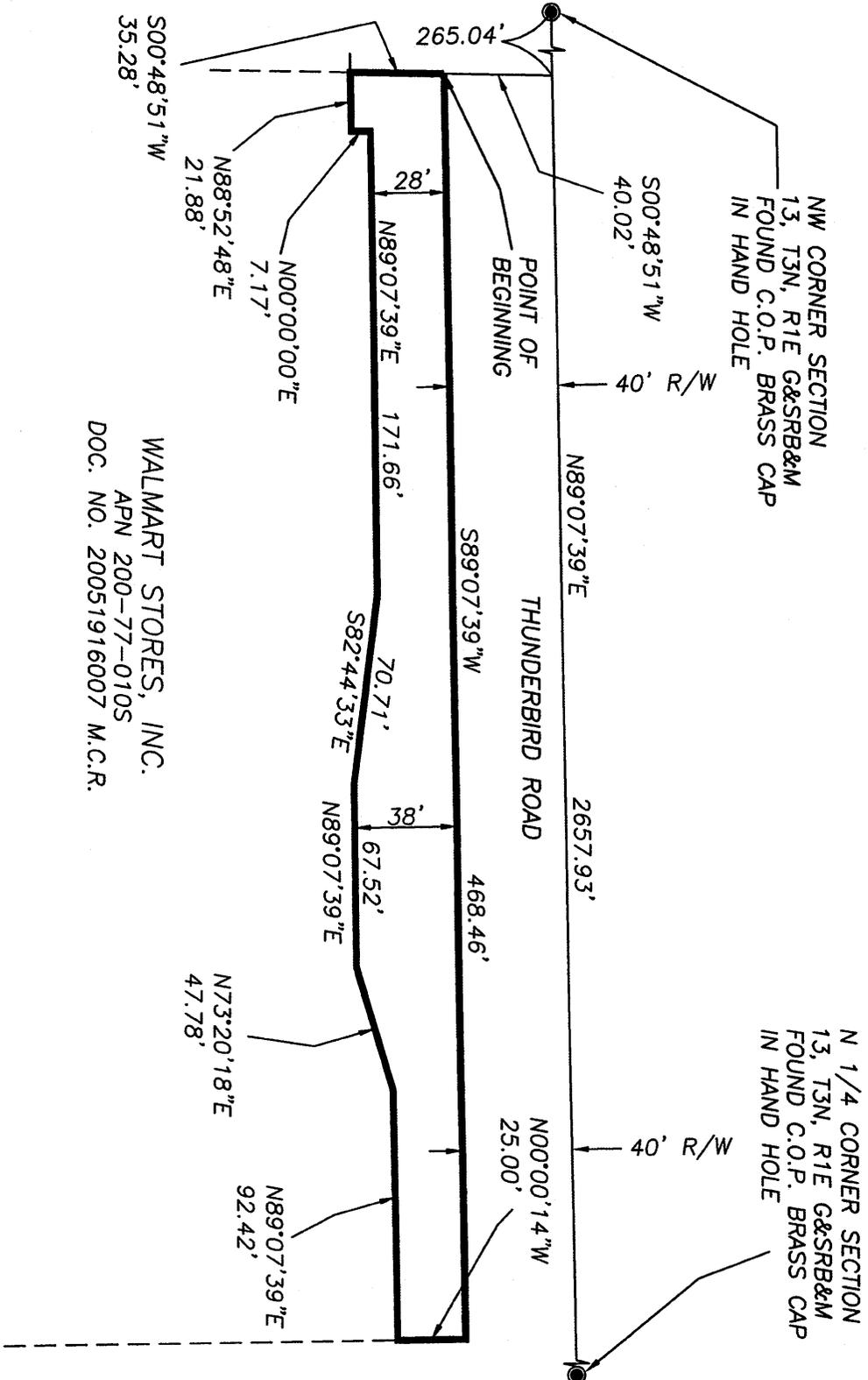
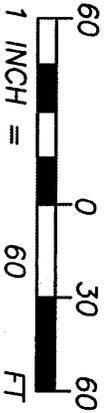
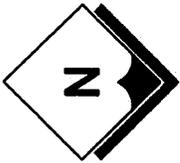
LEGAL DESCRIPTION: APN 200-77-010S RIGHT-OF-WAY

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 13, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 13 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 265.04 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE NORTHERLY PROJECTION OF THE WEST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20051916007, A DISTANCE OF 40.02 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD AND THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 00°48'51" WEST, ALONG SAID WEST LINE, 35.28 FEET; THENCE NORTH 88°52'48" EAST, 21.88 FEET; THENCE NORTH 00°00'00" EAST, 7.17 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 28.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, 171.66 FEET; THENCE SOUTH 82°44'33" EAST, 70.71 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 38.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE, 67.52 FEET; THENCE NORTH 73°20'18" EAST, 47.78 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 25.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE, 92.42 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL DESCRIBED IN MARICOPA COUNTY DOCUMENT NUMBER 20051916007; THENCE NORTH 00°00'14" WEST, ALONG SAID EAST LINE, 25.00 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE SOUTH 89°07'39" WEST, ALONG SAID RIGHT-OF-WAY LINE, 468.46 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 14,195 SQUARE FEET, 0.33 ACRE, MORE OR LESS)

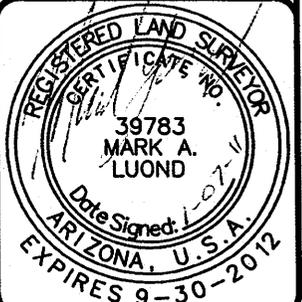


WALMART STORES, INC.
 APN 200-77-010S
 DOC. NO. 20051916007 M.C.R.

EXHIBIT A
A PORTION OF
APN 200-77-010S
NEW RIGHT OF WAY
SECTION 13, T3N, R1E



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 200-77-010S RIGHT-OF-WAY

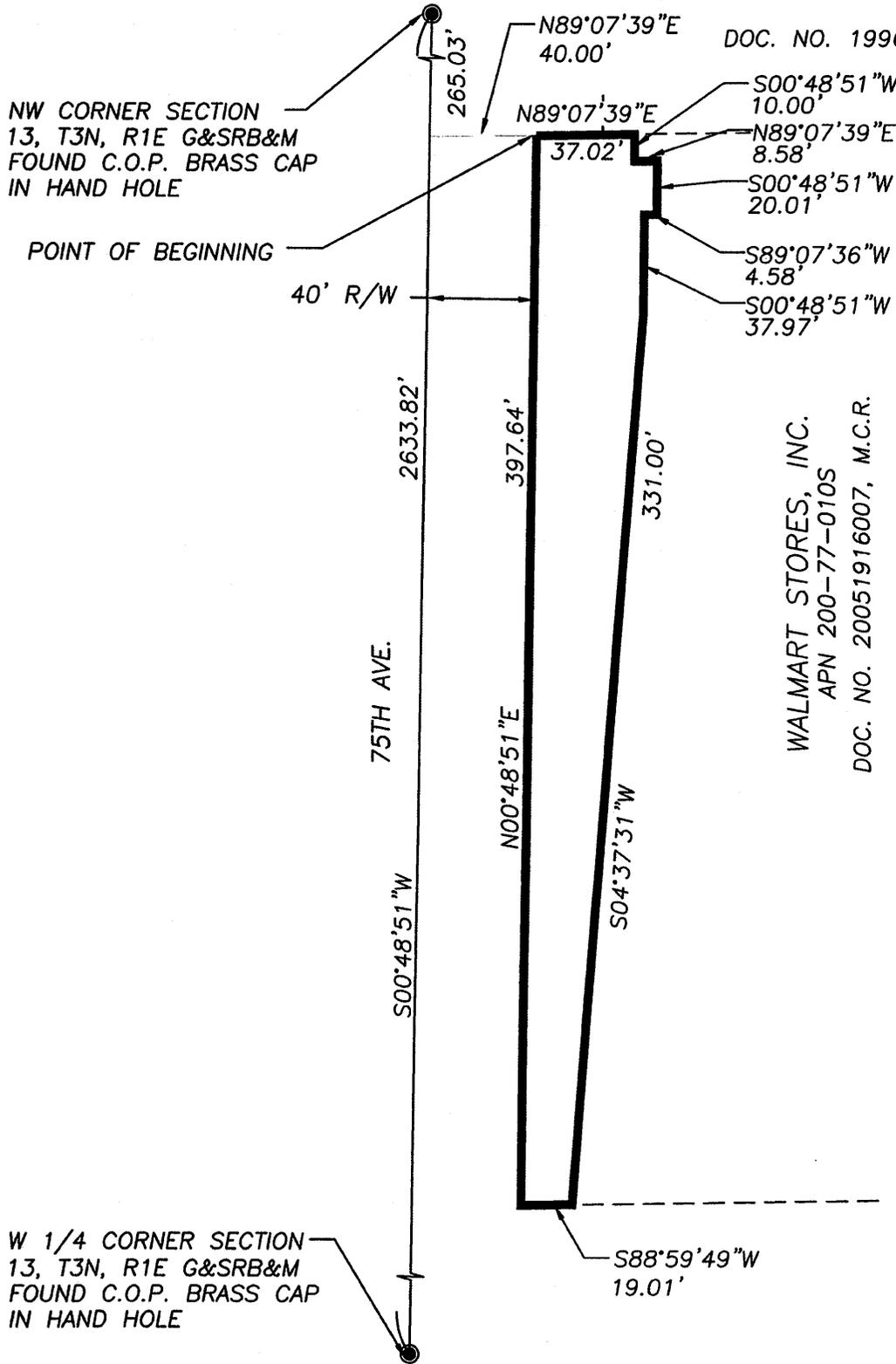
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 13, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 13 LIES SOUTH 00°48'51" WEST A DISTANCE OF 2633.82 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 265.03 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE WESTERLY PROJECTION OF THE SOUTH LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19960008669 AND THE NORTH LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20051916007, A DISTANCE OF 40.00 FEET TO AN ANGLE POINT IN THE EAST RIGHT-OF-WAY LINE OF 75TH AVENUE AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°07'39" EAST, ALONG SAID SOUTH LINE AND SAID NORTH LINE, 37.02 FEET; THENCE SOUTH 00°48'51" WEST, PARALLEL WITH AND 77.00 FEET EAST OF SAID WEST LINE OF SECTION 13, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°07'39" EAST, 8.58 FEET; THENCE SOUTH 00°48'51" WEST, 20.01 FEET; THENCE SOUTH 89°07'36" WEST, 4.58 FEET; THENCE SOUTH 00°48'51" WEST, 37.97 FEET; THENCE SOUTH 04°37'31" WEST, 331.00 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL DESCRIBED IN MARICOPA COUNTY DOCUMENT NUMBER 20051916007; THENCE SOUTH 88°59'49" WEST, ALONG SAID SOUTH LINE, 19.01 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF 75TH AVENUE; THENCE NORTH 00°48'51" EAST, ALONG SAID RIGHT-OF-WAY LINE, 397.64 FEET TO THE POINT OF BEGINNING.

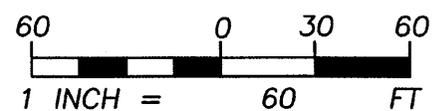
(CONTAINING 12,728 SQUARE FEET, 0.29 ACRE, MORE OR LESS)





DOC. NO. 19960008669, M.C.R.

WALMART STORES, INC.
 APN 200-77-010S
 DOC. NO. 20051916007, M.C.R.



W 1/4 CORNER SECTION
 13, T3N, R1E G&SRB&M
 FOUND C.O.P. BRASS CAP
 IN HAND HOLE

EXHIBIT A
A PORTION OF
APN 200-77-010S
RIGHT OF WAY
SECTION 13, T3N, R1E

PROJECT No. **2010004** DRAWN BY **DMH** DATE **DEC., 2010**

PAGE No. **2 OF 2** CHECKED BY **MAL**



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-77-010S TEMPORARY CONSTRUCTION EASEMENT

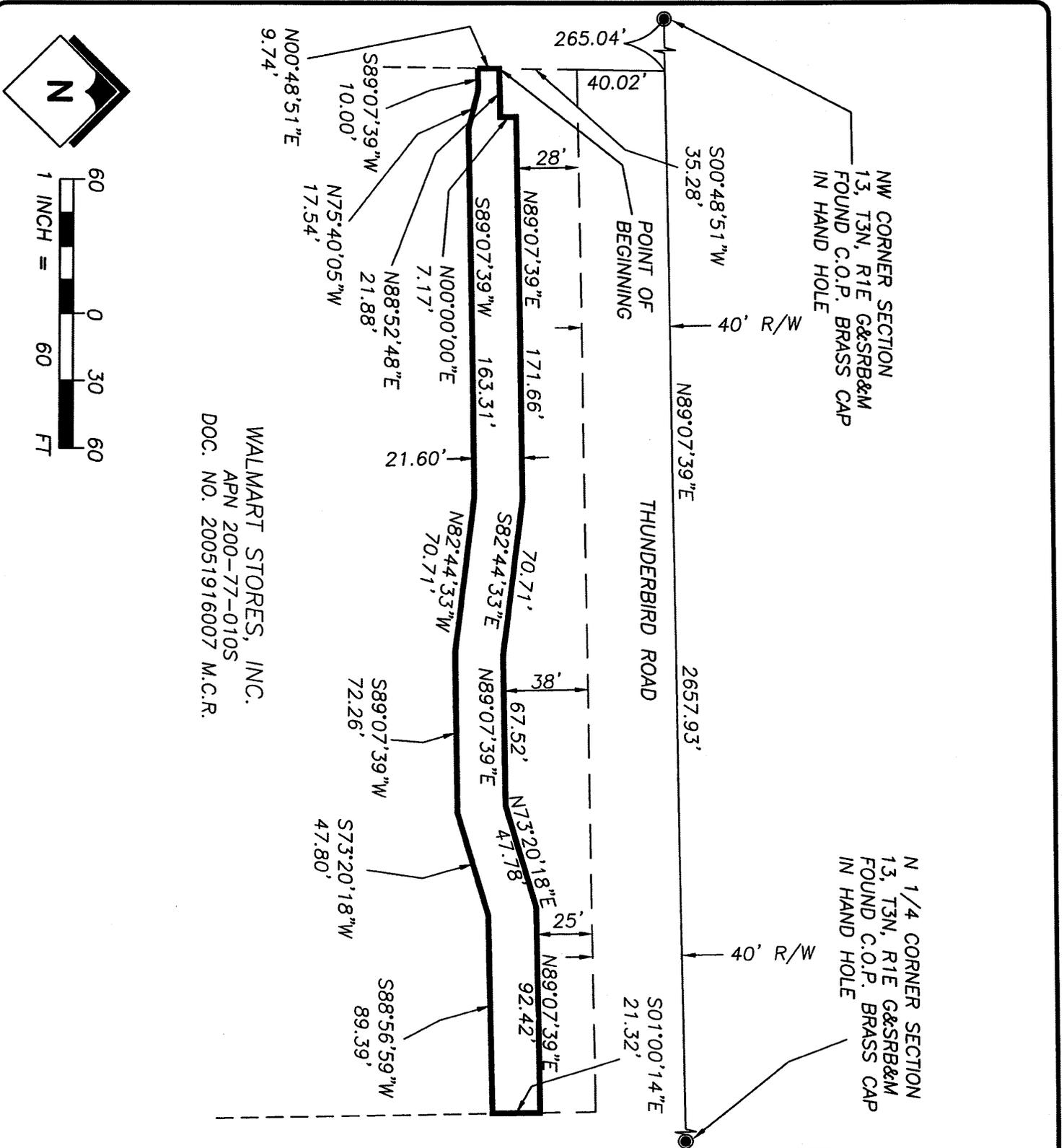
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 13, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 13 LIES NORTH 89°07'39" EAST A DISTANCE OF 2657.93 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 265.04 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE NORTHERLY PROJECTION OF THE WEST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20051916007, A DISTANCE OF 40.02 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD THENCE CONTINUING SOUTH 00°48'51" WEST, ALONG SAID WEST LINE, 35.28 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 88°52'48" EAST, 21.88 FEET; THENCE NORTH 00°00'00" EAST, 7.17 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 28.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, 171.66 FEET; THENCE SOUTH 82°44'33" EAST, 70.71 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 38.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE, 67.52 FEET; THENCE NORTH 73°20'18" EAST, 47.78 FEET; THENCE NORTH 89°07'39" EAST, PARALLEL WITH AND 25.00 FEET SOUTH OF SAID SOUTH RIGHT-OF-WAY LINE, 92.42 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL DESCRIBED IN MARICOPA COUNTY DOCUMENT NUMBER 20051916007; THENCE SOUTH 01°00'14" EAST, ALONG SAID EAST LINE, 21.32 FEET; THENCE SOUTH 88°56'59" WEST, 89.39 FEET; THENCE SOUTH 73°20'18" WEST, 47.80 FEET; THENCE SOUTH 89°07'39" WEST, 72.26 FEET; THENCE NORTH 82°44'33" WEST, 70.71 FEET; THENCE SOUTH 89°07'39" WEST, 163.31 FEET; THENCE NORTH 75°40'05" WEST, 17.54 FEET; THENCE SOUTH 89°07'39" WEST, 10.00 FEET TO A POINT ON SAID WEST LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20051916077; THENCE NORTH 00°48'51" EAST, ALONG SAID WEST LINE, 9.74 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 9,946 SQUARE FEET, 0.23 ACRE, MORE OR LESS)





WALMART STORES, INC.
 APN 200-77-010S
 DOC. NO. 20051916007 M.C.R.

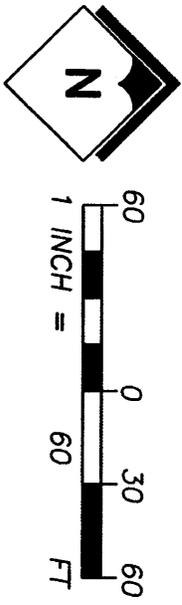
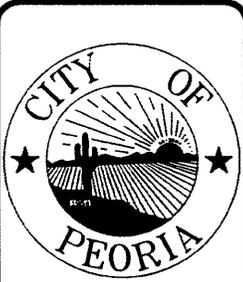


EXHIBIT A
A PORTION OF
APN 200-77-010S
TEMPORARY CONSTRUCTION EASEMENT
SECTION 13, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 200-77-010S TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 13, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 13 LIES SOUTH 00°48'51" WEST A DISTANCE OF 2633.82 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 265.03 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE WESTERLY PROJECTION OF THE SOUTH LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 19960008669 AND THE NORTH LINE OF THAT PARCEL DESCRIBED IN DEED RECORDED AS MARICOPA COUNTY RECORDER'S DOCUMENT NUMBER 20051916007, A DISTANCE OF 77.02 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°07'39" EAST, ALONG SAID SOUTH LINE AND SAID NORTH LINE, 37.98 FEET; THENCE SOUTH 00°36'46" WEST, 10.00 FEET; THENCE SOUTH 89°07'39" WEST, 38.02 FEET; THENCE NORTH 00°48'51" EAST, PARALLEL WITH AND 77.00 FEET EAST OF SAID WEST LINE OF SECTION 13, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

(CONTAINING 380 SQUARE FEET, 0.009 ACRE, MORE OR LESS)





EXHIBIT A

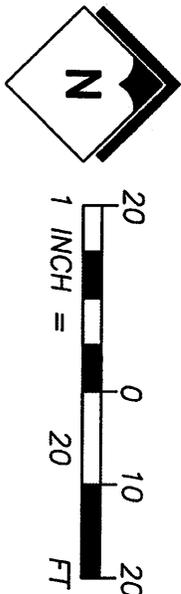
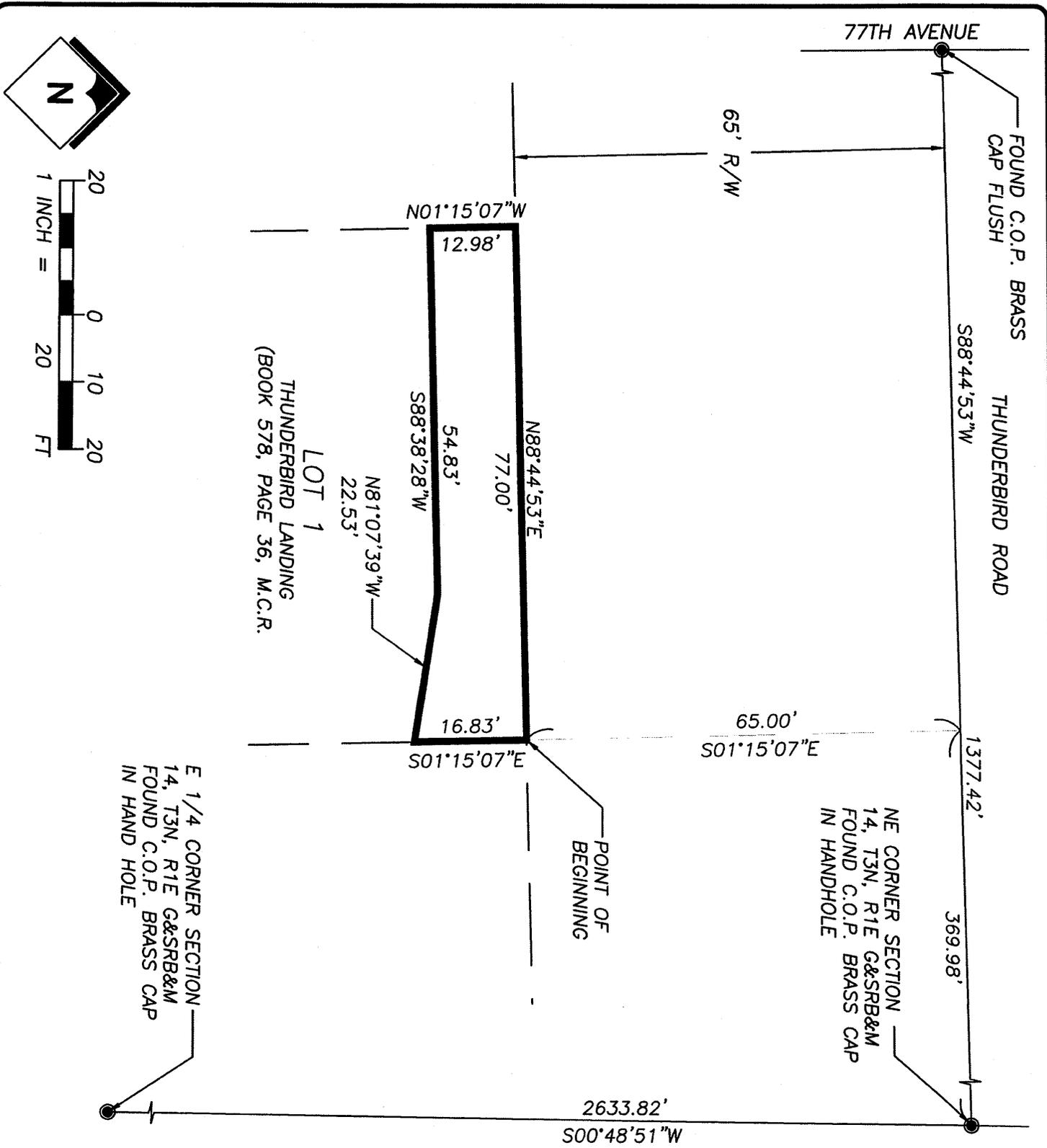
LEGAL DESCRIPTION: APN 231-15-508 RIGHT OF WAY

THAT PORTION OF LOT 1 OF "FINAL PLAT OF THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 578, PAGE 36, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD, AS SHOWN ON "FINAL PLAT OF "75TH & THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34, LIES SOUTH 88°44'53" WEST A DISTANCE OF 1377.42 FEET; THENCE SOUTH 88°44'53" WEST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 369.98 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 01°15'07" EAST, 65.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 16.83 FEET; THENCE NORTH 81°07'39" WEST, 22.53 FEET; THENCE SOUTH 88°38'28" WEST, 54.83 FEET TO A POINT ON THE WEST LINE OF LOT 1; THENCE NORTH 01°15'07" WEST ALONG SAID WEST LINE, 12.98 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 88°44'53" EAST, ALONG THE NORTH LINE OF SAID LOT 1 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD, 77.00 FEET TO THE POINT OF BEGINNING.

(CONTAINING 1,038 SQUARE FEET, 0.02 ACRE, MORE OR LESS)

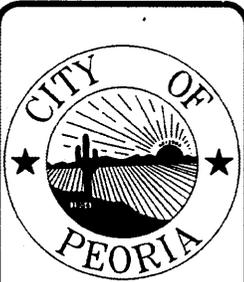


E 1/4 CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

NE CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HANDHOLE

2633.82'
S00°48'51\"W

EXHIBIT A
A PORTION OF
APN 231-15-508
NEW RIGHT OF WAY
SECTION 14, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE NOV., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 231-15-508 TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF LOT 1 OF "FINAL PLAT OF THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 578, PAGE 36, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD, AS SHOWN ON "FINAL PLAT OF "75TH & THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34, LIES SOUTH 88°44'53" WEST A DISTANCE OF 1377.42 FEET; THENCE SOUTH 88°44'53" WEST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 369.98 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 01°15'07" EAST, 65.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 16.83 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG SAID EAST LINE OF LOT 1, A DISTANCE OF 14.17 FEET; THENCE SOUTH 88°44'53" WEST, 15.00 FEET; THENCE NORTH 01°15'07" WEST, 16.85 FEET; THENCE SOUTH 81°07'39" EAST, 15.24 FEET TO THE POINT OF BEGINNING.

(CONTAINING 233 SQUARE FEET, 0.005 ACRE, MORE OR LESS)



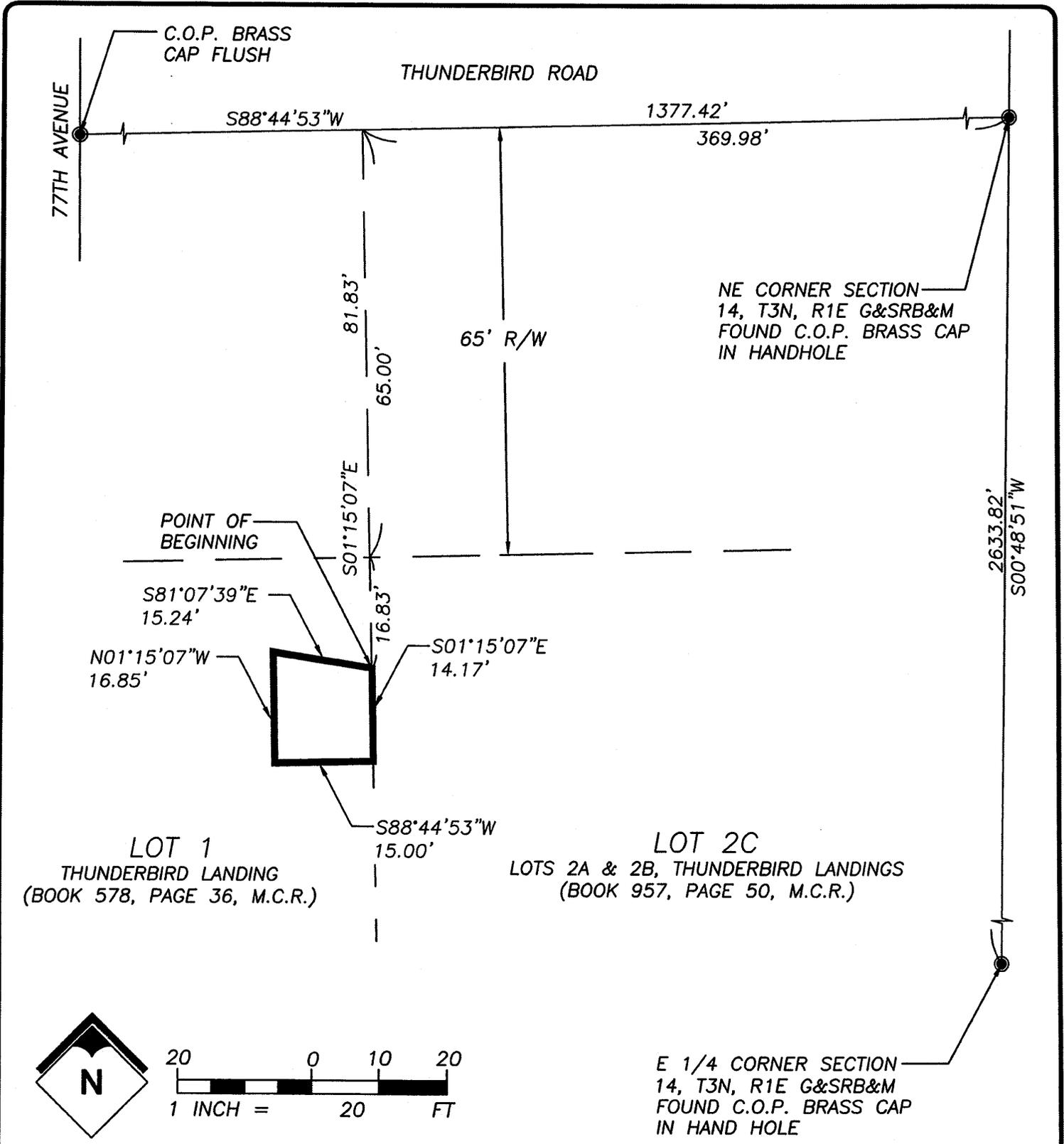


EXHIBIT A
A PORTION OF
APN 231-15-508
TEMPORARY CONSTRUCTION EASEMENT
SECTION 14, T3N, R1E



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No.	CHECKED BY	

EXHIBIT A

LEGAL DESCRIPTION: APN 231-15-516 RIGHT-OF-WAY

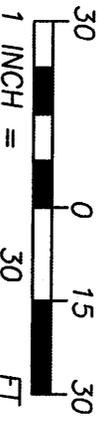
THAT PORTION OF LOT 9 OF "FINAL PLAT OF THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 578, PAGE 36, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD, AS SHOWN ON "FINAL PLAT OF "75TH & THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34, LIES SOUTH 88°44'53" WEST A DISTANCE OF 1377.42 FEET; THENCE SOUTH 88°44'53" WEST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 446.98 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 01°15'07" EAST, 65.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 9 AND THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 12.98 FEET; THENCE SOUTH 88°38'28" WEST, 40.97 FEET; THENCE NORTH 88°06'14" WEST, 129.22 FEET TO A POINT ON THE WEST LINE OF SAID LOT 9; THENCE NORTH 01°15'07" WEST, ALONG SAID WEST LINE, 5.95 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 88°44'53" EAST, ALONG THE NORTH LINE OF SAID LOT 9 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID THUNDERBIRD ROAD, 170.00 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 1,759 SQUARE FEET, 0.04 ACRE, MORE OR LESS)





LOT 8
THUNDERBIRD LANDING
(BOOK 578, PAGE 36,
M.C.R.)

LOT 9
THUNDERBIRD LANDING
(BOOK 578, PAGE 36, M.C.R.)

LOT 1
THUNDERBIRD LANDING
(BOOK 578, PAGE 36,
M.C.R.)

77TH AVENUE

75TH AVENUE

C.O.P. BRASS
CAP FLUSH

NE CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

E 1/4 CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

2633.82'
S00°48'51"W

588.44'53"W

THUNDERBIRD ROAD

1377.42'

446.98'

N01°15'07"W
5.95'
N88°44'53"E
129.22'
N88°06'14"W

65' R/W

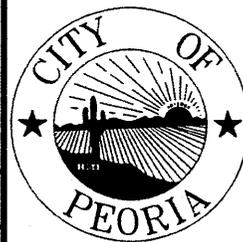
S01°15'07"E
12.98'
170.00'

40.97'
S88°38'28"W

65.00'
S01°15'07"E

POINT OF
BEGINNING

EXHIBIT A
A PORTION OF
APN 231-15-516
NEW RIGHT OF WAY
SECTION 14, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

**LEGAL DESCRIPTION: APN 231-15-516 TEMPORARY CONSTRUCTION
EASEMENT**

THAT PORTION OF LOT 9 OF "FINAL PLAT OF THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 578, PAGE 36, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD, AS SHOWN ON "FINAL PLAT OF "75TH & THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34, LIES SOUTH 88°44'53" WEST A DISTANCE OF 1377.42 FEET; THENCE SOUTH 88°44'53" WEST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 616.98 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 01°15'07" EAST, 65.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 5.95 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG SAID WEST LINE OF LOT 9, A DISTANCE OF 18.03 FEET; THENCE NORTH 88°44'53" EAST, 20.83 FEET; THENCE NORTH 01°15'07" WEST, 16.88 FEET; THENCE NORTH 88°06'14" WEST, 20.86 FEET TO THE POINT OF BEGINNING.

(CONTAINING 363 SQUARE FEET, 0.008 ACRE, MORE OR LESS)

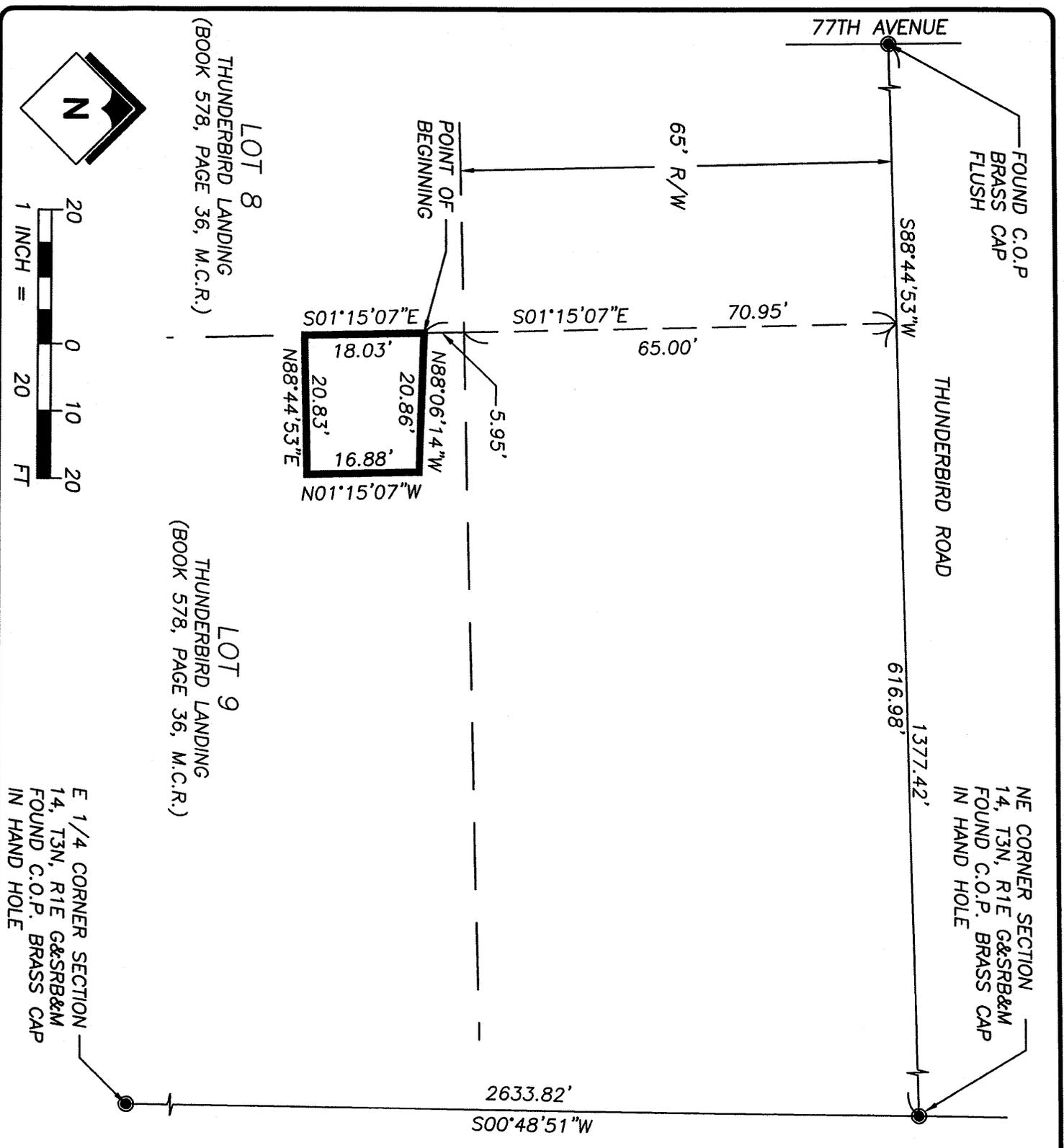


EXHIBIT A
A PORTION OF
APN 231-15-516
TEMPORARY CONSTRUCTION EASEMENT
SECTION 14, T3N, R1E



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE NOV., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

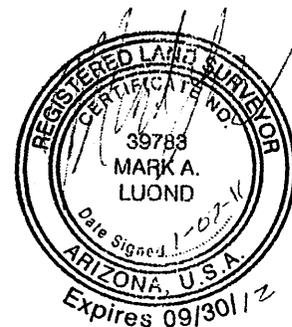
LEGAL DESCRIPTION: APN 231-15-517 RIGHT-OF-WAY

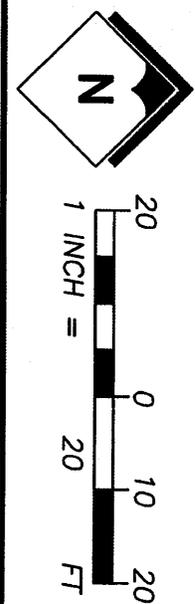
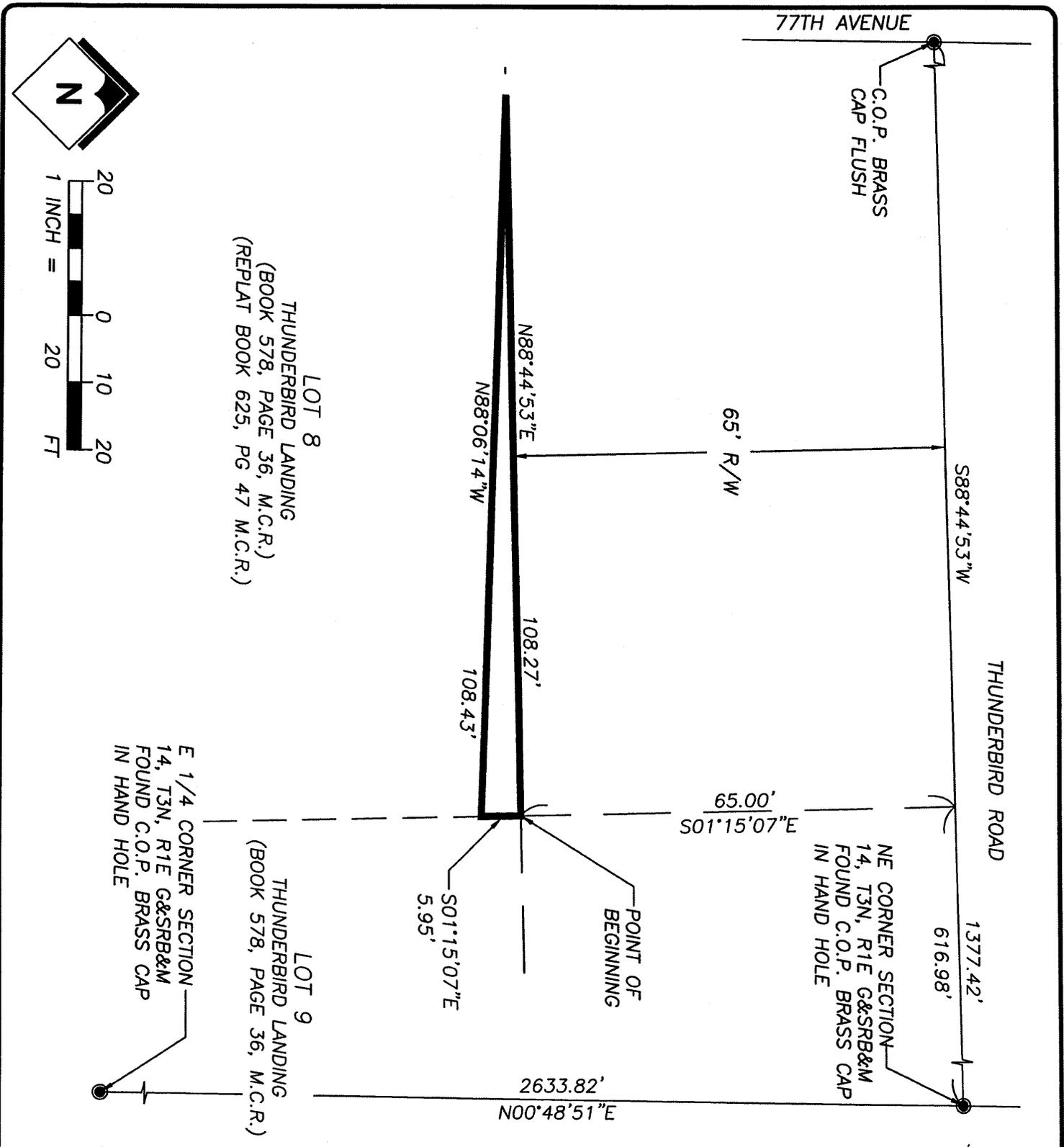
THAT PORTION OF LOT 8 OF "FINAL PLAT OF THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 578, PAGE 36 AND "REPLAT OF LOT 8 THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 625, PAGE 47, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD, AS SHOWN ON "FINAL PLAT OF "75TH & THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34, LIES SOUTH 88°44'53" WEST A DISTANCE OF 1377.42 FEET; THENCE SOUTH 88°44'53" WEST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 616.98 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 01°15'07" EAST, 65.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8, AND THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG THE EAST LINE OF SAID LOT 8, A DISTANCE OF 5.95 FEET; THENCE NORTH 88°06'14" WEST, 108.43 FEET TO THE NORTH LINE OF SAID LOT 8; THENCE NORTH 88°44'53" EAST, ALONG SAID NORTH LINE, 108.27 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 322 SQUARE FEET, 0.007 ACRE, MORE OR LESS)





LOT 8
THUNDERBIRD LANDING
(BOOK 578, PAGE 36, M.C.R.)
(REPLAT BOOK 625, PG 47 M.C.R.)

LOT 9
THUNDERBIRD LANDING
(BOOK 578, PAGE 36, M.C.R.)

E 1/4 CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

NE CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

EXHIBIT A
A PORTION OF
APN 231-15-517
NEW RIGHT OF WAY
SECTION 14, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



EXHIBIT A

**LEGAL DESCRIPTION: APN 231-15-517 TEMPORARY CONSTRUCTION
EASEMENT 2**

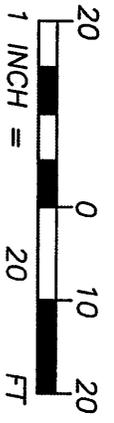
THAT PORTION OF LOT 8 OF "FINAL PLAT OF THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 578, PAGE 36 AND "REPLAT OF LOT 8 THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 625, PAGE 47, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

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THENCE CONTINUING SOUTH 01°15'07" EAST, 9.98 FEET; THENCE SOUTH 88°44'53" WEST, PARALLEL WITH AND 9.98 FEET SOUTH OF THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 56.16 FEET; THENCE NORTH 01°15'07" WEST, 9.98 FEET TO A POINT ON SAID NORTH LINE OF LOT 8; THENCE NORTH 88°44'53" EAST, ALONG SAID NORTH LINE, 56.16 FEET TO THE **POINT OF BEGINNING**.

(CONTAINING 561 SQUARE FEET, 0.01 ACRE, MORE OR LESS)





LOT 8
THUNDERBIRD LANDING
(BOOK 578, PAGE 36, M.C.R.)
(REPLAT BOOK 625, PG 47 M.C.R.)

E 1/4 CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

NE CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

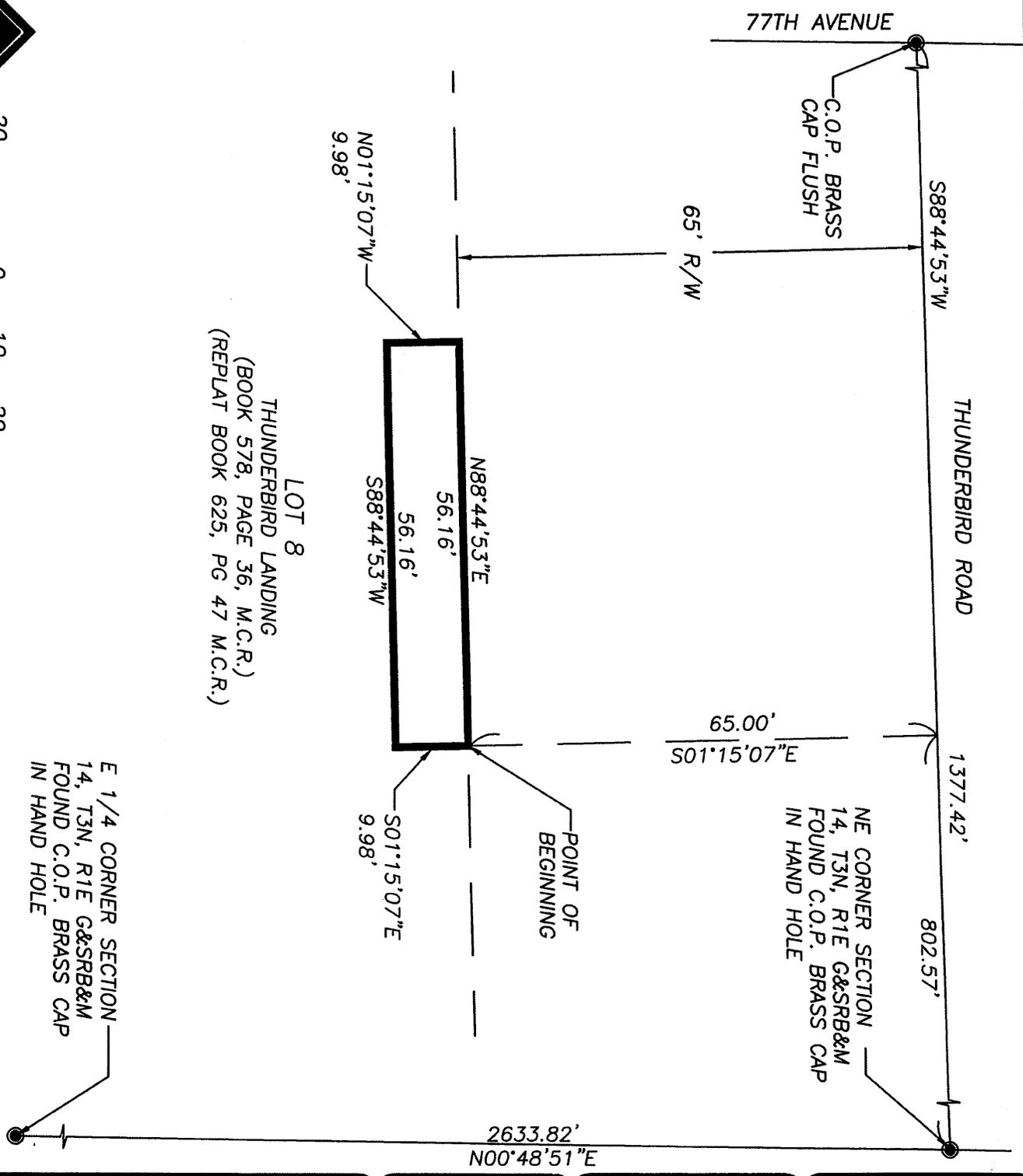
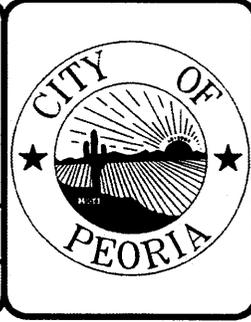


EXHIBIT A		
A PORTION OF		
APN 231-15-517		
TEMPORARY CONSTRUCTION EASEMENT		
SECTION 14, T3N, R1E		
PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 231-15-517 TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF LOT 8 OF "FINAL PLAT OF THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 578, PAGE 36 AND "REPLAT OF LOT 8 THUNDERBIRD LANDING" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 625, PAGE 47, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD, AS SHOWN ON "FINAL PLAT OF "75TH & THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34, LIES SOUTH 88°44'53" WEST A DISTANCE OF 1377.42 FEET; THENCE SOUTH 88°44'53" WEST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 616.98 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 01°15'07" EAST, 70.95 FEET TO A POINT 5.95 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 8 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°15'07" EAST, ALONG THE EAST LINE OF SAID LOT 8, A DISTANCE OF 18.03 FEET; THENCE SOUTH 88°44'53" WEST, 46.86 FEET; THENCE NORTH 01°15'07" WEST, 20.60 FEET TO A POINT 3.38 FEET SOUTH OF THE NORTH LINE OF SAID LOT 8; THENCE SOUTH 88°06'14" EAST, 46.93 FEET TO THE POINT OF BEGINNING.

(CONTAINING 905 SQUARE FEET, 0.02 ACRE, MORE OR LESS)



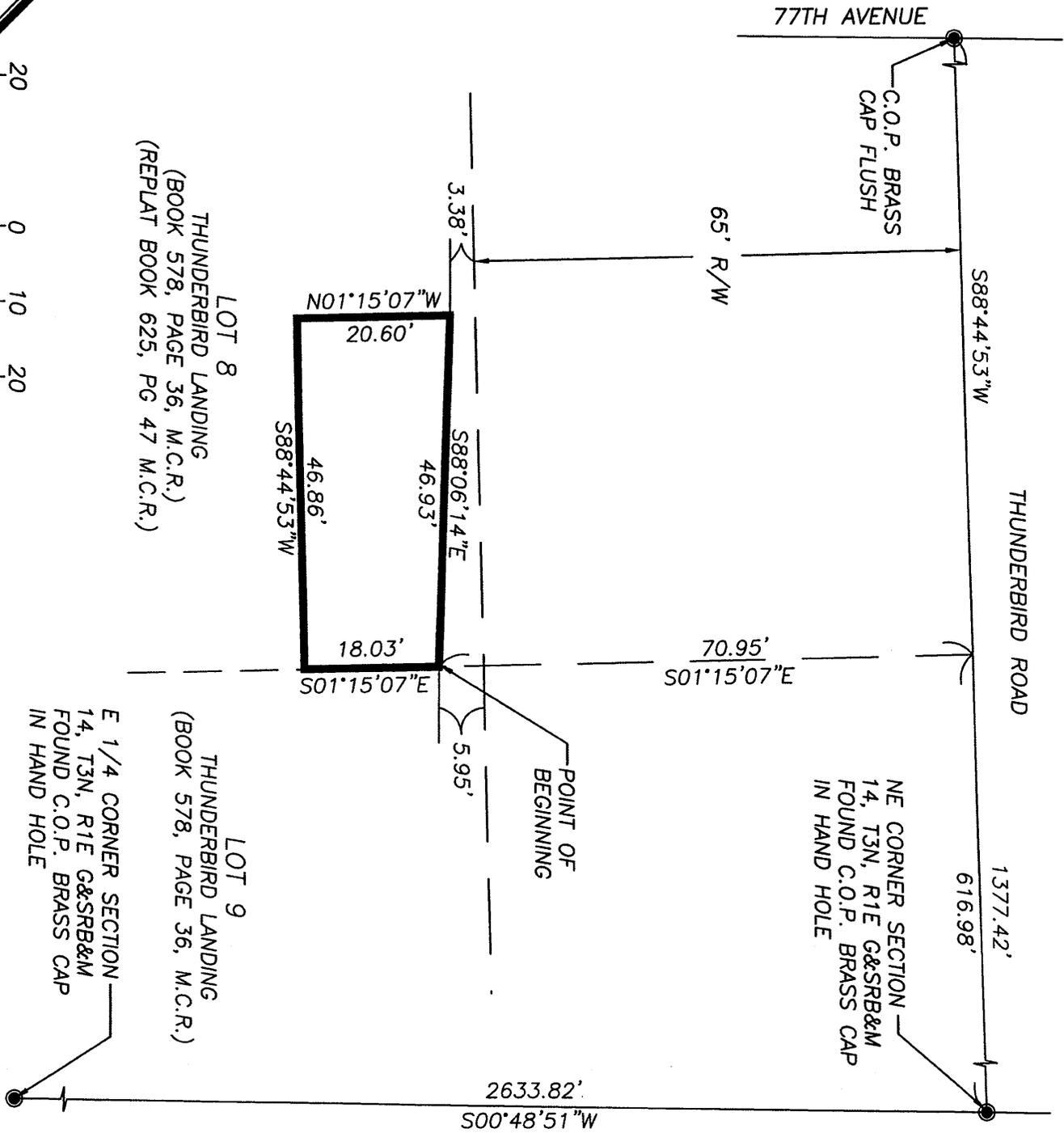
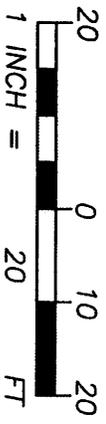


EXHIBIT A
A PORTION OF
APN 231-15-517
TEMPORARY CONSTRUCTION EASEMENT
SECTION 14, T3N, R1E



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE NOV., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

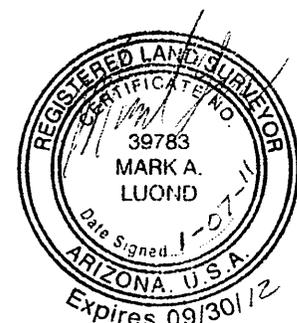
LEGAL DESCRIPTION: APN 231-15-617 RIGHT-OF-WAY

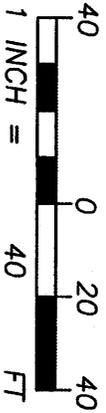
THAT PORTION OF LOT 2C OF "REPLAT OF LOTS 2A & 2B, THUNDERBIRD LANDINGS" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 957, PAGE 50, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 65.04 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 2C AND THE SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD; THENCE SOUTH 88°44'53" WEST, ALONG SAID EXTENSION, 98.06 FEET TO THE NORTHERLY-MOST NORTHEAST CORNER OF SAID LOT 2C, AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88°44'53" WEST, ALONG SAID NORTH LINE OF LOT 2C AND SAID SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD, 269.58 FEET TO THE NORTHWEST CORNER OF SAID LOT 2C; THENCE SOUTH 01°15'07" EAST, ALONG THE WEST LINE OF SAID LOT 2C, 16.83 FEET; THENCE SOUTH 81°07'39" EAST, 55.10 FEET; THENCE NORTH 88°44'53" EAST, PARALLEL WITH AND 26.52 FEET SOUTH OF SAID NORTH LINE OF LOT 2C, 209.59 FEET; THENCE SOUTH 45°00'00" EAST, 42.67 FEET; THENCE SOUTH 00°00'00" WEST, 12.41 FEET; THENCE NORTH 90°00'00" EAST, 7.02 FEET TO THE EASTERLY LINE OF SAID LOT 2C AND THE WEST RIGHT-OF-WAY LINE OF 75TH AVENUE; THENCE NORTH 00°48'51" EAST ALONG SAID EASTERLY LINE, 36.97 FEET TO AN ANGLE POINT AND THE SOUTHERLY-MOST NORTHEAST CORNER OF SAID LOT 2C; THENCE NORTH 45°14'46" WEST, ALONG SAID LINE, 45.82 FEET TO THE POINT OF BEGINNING.

(CONTAINING 7,987 SQUARE FEET, 0.18 ACRE, MORE OR LESS)





E 1/4 CORNER SECTION
14, T3N, R1E G&SRB&M
FOUND C.O.P. BRASS CAP
IN HAND HOLE

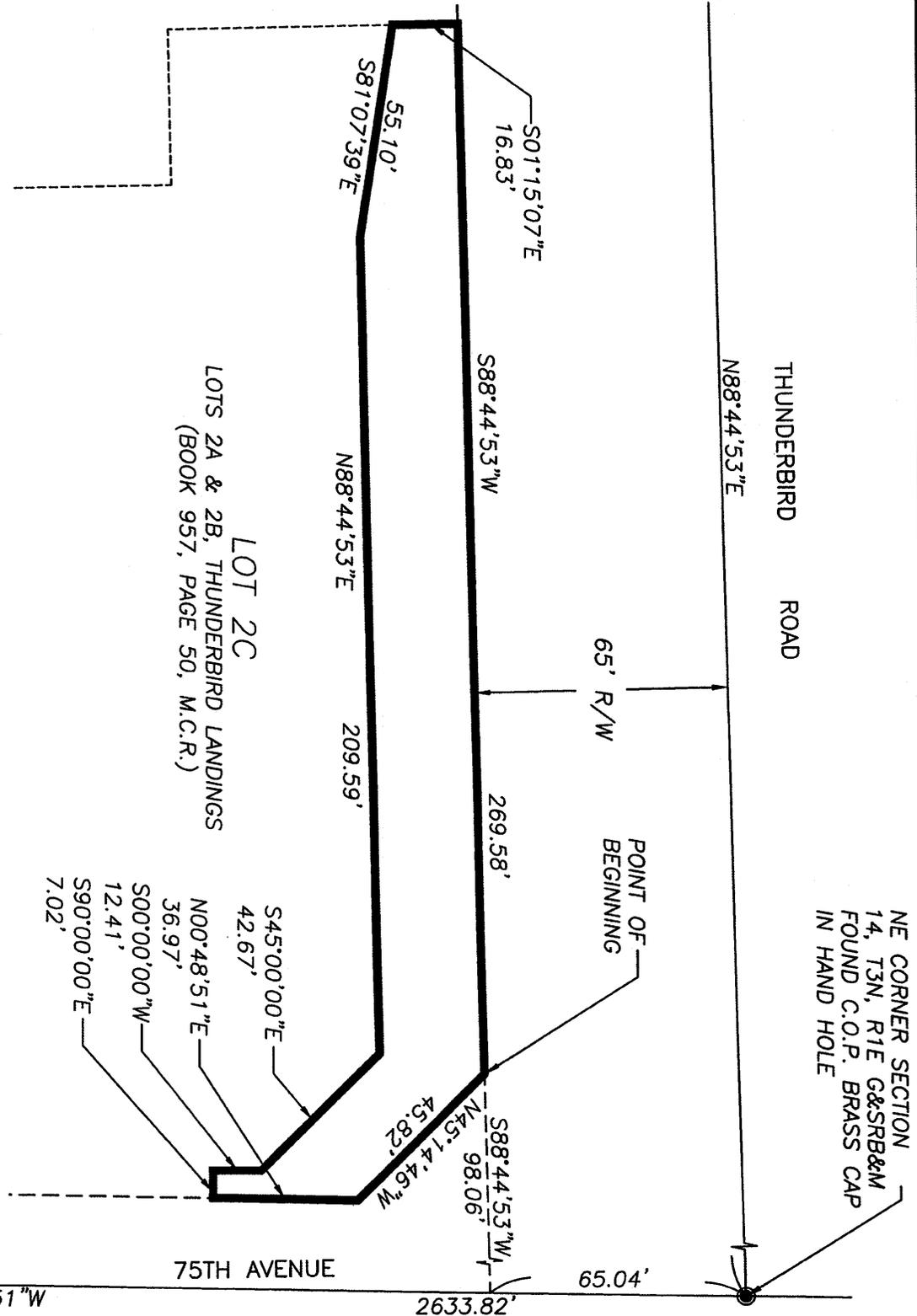


EXHIBIT A
A PORTION OF
APN 231-15-617
NEW RIGHT OF WAY
SECTION 14, T3N, R1E



PREMIER
ENGINEERING CORPORATION
6437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC., 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



EXHIBIT A

LEGAL DESCRIPTION: APN 231-15-617 TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION LOT 2C OF "REPLAT OF LOTS 2A & 2B, THUNDERBIRD LANDINGS" AS RECORDED IN MARICOPA RECORDER'S BOOK 957, PAGE 50, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST, 2633.82 FEET AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH, AS SHOWN ON "FINAL PLAT OF "75TH & THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34, MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD, LIES SOUTH 88°44'53" WEST A DISTANCE OF 1377.42 FEET; THENCE SOUTH 88°44'53" WEST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 314.98 FEET; THENCE, AT A RIGHT ANGLE, SOUTH 01°15'07" EAST, 91.52 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°15'07" EAST, 4.48 FEET; THENCE SOUTH 88°44'53" WEST, 55.00 FEET TO THE WEST LINE OF SAID LOT 2C; THENCE NORTH 01°15'07" WEST, ALONG SAID WEST LINE, 14.17 FEET; THENCE SOUTH 81°07'39" EAST, 55.10 FEET; THENCE SOUTH 88°44'53" EAST 0.76 FEET TO THE POINT OF BEGINNING.

(CONTAINING 509 SQUARE FEET, 0.01 ACRE, MORE OR LESS)



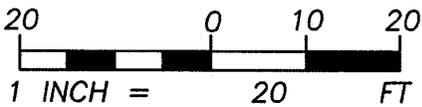
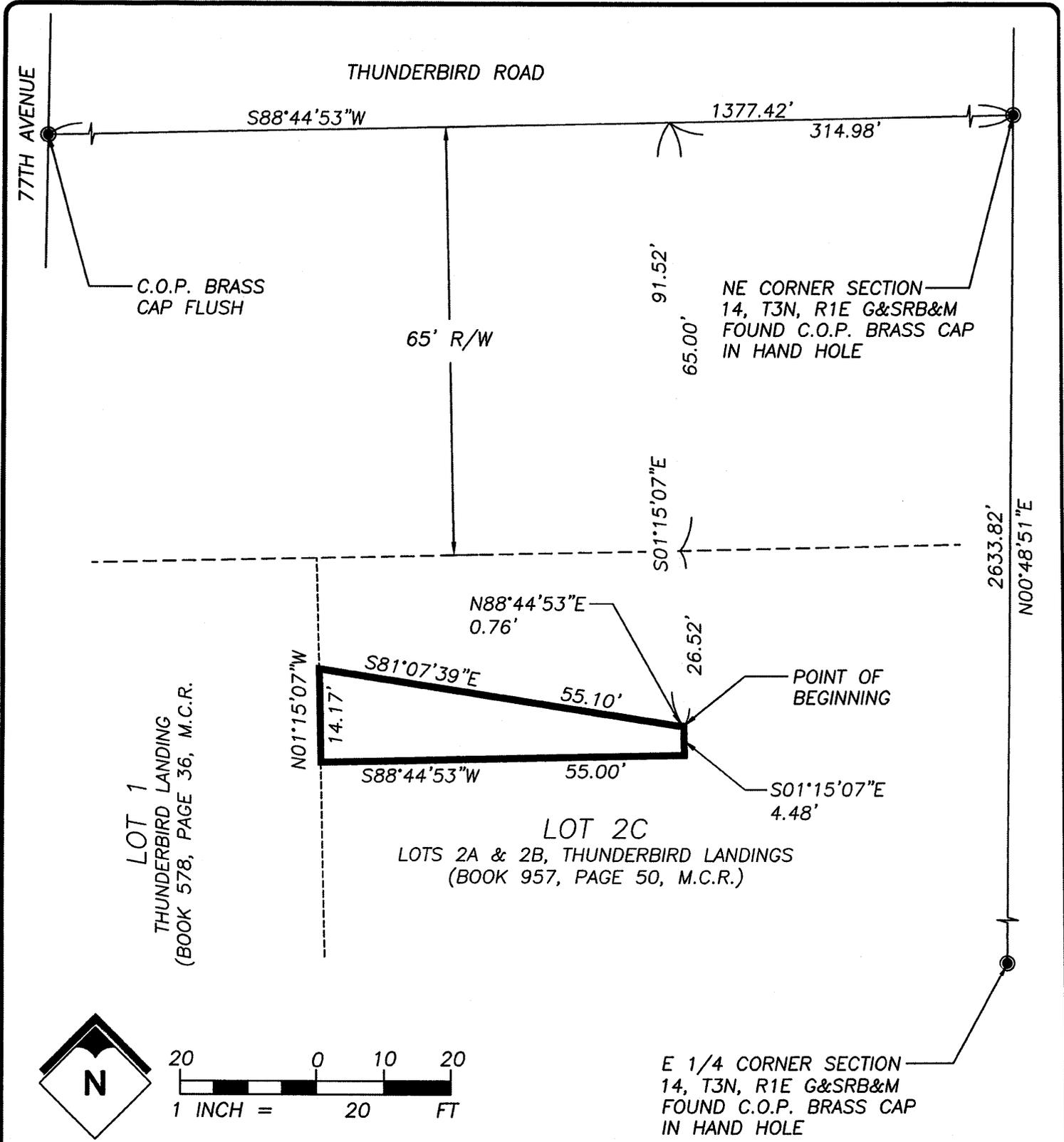


EXHIBIT A
A PORTION OF
APN 231-15-617
TEMPORARY CONSTRUCTION EASEMENT
SECTION 14, T3N, R1E

PROJECT No. 2010004	DRAWN BY DMH	DATE DEC, 2010
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
ENGINEERING CORPORATION
8437 W CHANDLER BLVD, STE 1
CHANDLER, AZ 85226





EXHIBIT A

LEGAL DESCRIPTION: APN 231-15-617 SRP TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION LOT 2C OF "REPLAT OF LOTS 2A & 2B, THUNDERBIRD LANDINGS" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 957, PAGE 50, BEING IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 LIES SOUTH 00°48'51" WEST A DISTANCE OF 2633.82 FEET; THENCE SOUTH 00°48'51" WEST, ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 100.37 FEET; THENCE, AT A RIGHT ANGLE, NORTH 89°11'09" WEST, 65.00 FEET TO AN ANGLE POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF 75TH AVENUE AND THE SOUTHERLY-MOST NORTHEAST CORNER OF SAID LOT 2C; THENCE SOUTH 00°48'51" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 75TH AVENUE AND THE EASTERLY LINE OF SAID LOT 2C, A DISTANCE OF 36.97 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°48'51" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 75TH AVENUE AND SAID EASTERLY LINE OF LOT 2C, A DISTANCE OF 106.86 FEET; THENCE LEAVING SAID LINE, NORTH 89°11'09" WEST, 17.87 FEET; THENCE NORTH 01°08'03" WEST, 87.58 FEET; THENCE NORTH 53°58'11" WEST, 35.70 FEET; THENCE NORTH 00°48'51" EAST, 40.36 FEET; THENCE NORTH 88°44'53" EAST, PARALLEL WITH AND 26.52' FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THUNDERBIRD ROAD AND THE NORTH LINE OF SAID LOT 2C, A DISTANCE OF 12.23 FEET; THENCE SOUTH 45°00'00" EAST, 42.67 FEET; THENCE SOUTH 00°00'00" WEST, 12.41 FEET; THENCE SOUTH 90°00'00" EAST, 7.02 FEET TO THE POINT OF BEGINNING.

(CONTAINING 3,705 SQUARE FEET, 0.09 ACRE, MORE OR LESS)



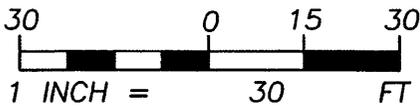
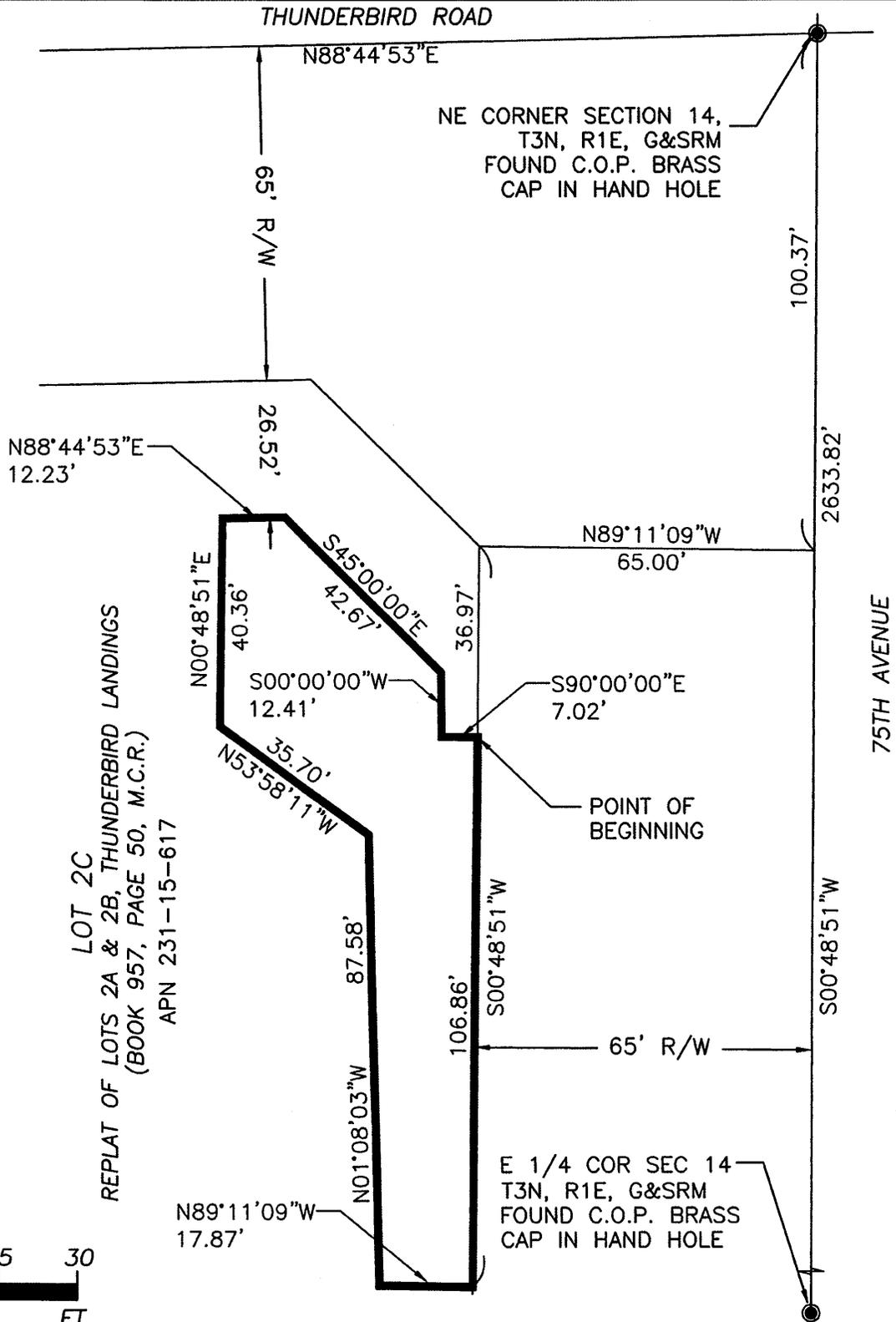


EXHIBIT A
A PORTION OF
APN 231-15-617
SRP TEMPORARY CONSTRUCTION EASEMENT
SECTION 14, T3N, R1E



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226



PROJECT No. 2010004	DRAWN BY DMH	DATE DEC. 2010
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PAGE No. 2 OF 2	CHECKED BY MAI
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**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 6C
Amend No. _____

Date prepared: March 21, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: J.P. de la Montaigne, Community Services Director

SUBJECT: Intergovernmental Agreement with Peoria Unified School District for the Swimming Pools

RECOMMENDATION: Discussion and possible action to authorize the City to enter into an Intergovernmental Agreement (IGA) with the Peoria Unified School District (PUSD) to operate and maintain the City swimming pools.

SUMMARY:

The City has had an Intergovernmental Agreement (IGA) with the Peoria Unified School District (PUSD) since the Peoria Pool was built in 1973. The IGA was updated in the year 2000 when Centennial Pool was built and then again in 2004 when Sunrise Pool opened. The IGA was renewed in 2009.

The City of Peoria Attorney is recommending updating the IGA with a new indemnification clause. PUSD must also abide by all Maricopa County rules and regulations including the approved operations plan. There are no other substantial changes to this agreement. PUSD staff is in agreement with the change. This new agreement is proposed to extend for an additional five years.

The City offers a wide selection of Red Cross certified swim lessons, swim teams and open swim. In the 2010 season, we had 7,046 participants in swim lessons, 652 swimmers on swim team which serves an average of 205 people daily during open swim. When there is available time, the pools are rented out for private parties. City programs operate from mid-March to Labor Day.

PUSD offers Physical Education classes in the pools in the fall and spring. High school swim and dive teams operate from August to November.

The City of Peoria is responsible for scheduling, operating and maintaining the pools year-round for the public and for PUSD. PUSD is billed bi-annually for the operation and maintenance costs of the pools. Direct costs such as staffing and supplies are fully paid by each of the respective parties.

The City Attorney has reviewed the IGA and found it acceptable as written.

ATTACHMENT: Intergovernmental Agreement

CONTACT: Brenda Rehnke, Recreation Manager 623-773-7131

**INTERGOVERNMENTAL AGREEMENT
FOR
SHARED JOINT USE FACILITIES (SWIMMING POOLS)**

I. PARTIES

This Agreement is entered into this ____ day of _____ 2011, pursuant to A.R.S. § 11-951, *et seq.* between the following entities for the joint exercise of powers common to the parties:

CITY OF PEORIA
An Arizona municipal corporation
organized under the constitution and statutes of the State of Arizona
(hereinafter, "CITY"),

And

PEORIA UNIFIED SCHOOL DISTRICT NO. 11
A political subdivision of the State of Arizona
(hereinafter, "School District")

II. STATUTORY AUTHORITY

The Parties to this Agreement are empowered to carry on activities included in this Agreement pursuant to:

A.R.S. § 11-951, *et seq.*;
A.R.S. § 15-342(13);
A.R.S. § 15-364;
and

PEORIA CITY CHARTER, ARTICLE 1, Sec. 3.

III. RECITALS

A. **WHEREAS**, cities and school districts may enter into agreements for the construction, development, cooperative maintenance, operation and use of recreation facilities, parks, swimming pools (hereinafter "Pools"), and other pool related facilities (collectively referred to herein as the "Facilities") on property used for school purposes and under the control of such school districts; and

- B. **WHEREAS**, the primary purpose of the Facilities shall be to equally serve the educational and recreational needs of the students, faculty and general public using the Facilities and to provide for related secondary activities and Facilities by agreement of the CITY and the School District which would allow for more efficient and effective use of public resources while improving the quality of services offered; and
- C. **WHEREAS**, the CITY and the School District have previously entered into agreements to construct and operate Pools and Facilities on school property for both CITY and School District use and wish to continue this arrangement for the convenience of the CITY and the School District; and
- D. **WHEREAS**, the CITY and the School District intend for this Agreement to cover the existing Pools and Facilities located at Peoria High School, Centennial High School, Sunrise Mountain High School and all future Pools and Facilities as agreed upon by the CITY and the School District.

NOW THEREFORE, the Parties to this Agreement, in consideration of the mutual covenants and stipulations set forth herein, agree between the respective governmental entities, as follows:

IV. COVENANTS

A. Joint Covenants

- 1. Nothing contained herein shall be construed as to alter the nature or extent of the easement granted to the CITY by the School District in the original agreement referred to in Section III (C) above. Said easement shall continue in full force and effect according to the terms and conditions set forth in the original agreement, with both the School District and the CITY having the right to use the swimming pool and the City having the right of owner and operator of such pools.
- 2. The CITY and the School District shall establish a management group to facilitate use, scheduling and billing for the Pools and Facilities. The management group shall meet at least once annually to jointly establish the use schedule of the Pools and Facilities and for any other matters arising out of the CITY's or School District's use of the Pools and Facilities. The management group shall consist of two (2) representatives from the CITY designated by the City Manager or his designee, and two (2) representatives from the School District designated by the Superintendent of the School District or his designee.
- 3. Both the CITY and the School District shall have the right to plan, promote, and hold aquatic events, charge admission fees for programs and events scheduled by that respective Party, and sell concessions and programs. All School District aquatic events for high school students must be approved by the School's athletic

director or designee prior to occurring. All funds acquired from any such events shall be the property of the Party holding the event.

4. Both the CITY and School District shall agree, in a writing signed by both Parties, on the financing, design, and construction of any additional joint use Pool and Facilities.
5. This Agreement may be modified in writing at any time by mutual agreement of the Parties hereto. No modification of this Agreement shall be effective until signed by both Parties. The CITY and School District may execute an attachment signed by both Parties pertaining to a particular Pool and Facilities to address unique items.
6. The CITY's Community Services Department and the School District's Administration for Support Services will administer the IGA. Any unresolved issues will be given to the City Manager and School District Superintendent.
7. Both the City and School District will work together to research and implement "green" energy alternatives such as solar energy, LED lights, etc. Upon agreement, the cost and savings will be shared equally between both Parties.

B. CITY Covenants

1. The CITY shall control the Pools and Facilities subject only to those rights and privileges reserved by the School District set forth in this Agreement. The powers of the CITY, with respect to Pool and Facilities operations shall include, but are not limited to: coordinating schedules for Pool usage; hiring and firing employees needed to operate or maintain the Pools and Facilities; and setting salaries of said employees and payment of those salaries.
2. The CITY shall have the right to install and use amplification equipment in connection with its operation of the Pools and Facilities. The High School Principal or designee can request from the CITY representative to use the Pool's amplification equipment.
3. The CITY shall be responsible for all necessary maintenance of the Pools and Facilities, including maintenance and replacement of equipment. The CITY shall be responsible for all operational costs of the Pools and Facilities including chemicals, water, electricity, and any labor costs associated with such duties. The CITY shall maintain the Pools and Facilities in good condition at all times.
4. The CITY shall furnish the School District with documentary proof of any expenditure upon written request by the School District.
5. The CITY will make the men's and women's changing rooms and shower Facilities at the Pools available to the School District during such times as the

School District is in operation of the Centennial and Sunrise Pools and any additional Pools and Facilities built pursuant joint agreements of the Parties.

6. The CITY shall permit the School District to make use of the Pools and Facilities according to the following schedule:
 - a. During the regular school year, the Pools and Facilities shall be available for the School District. The schedule of the Pools' use for the School District's high school students shall be filed by the High School Principal or designee with the CITY Aquatics Supervisor prior to such use in order to coordinate a master schedule of operation and maintenance and to meet the required codes set forth by the Maricopa County Environmental Services Department. The CITY may make any reasonable restriction (e.g., chemical or mechanical problems, health related issues that are governed by Maricopa County, etc.) as to time and duration of use for school activities and may require reasonable notice of any proposed special use by the School District.
 - b. The CITY shall make the Pools and Facilities available for special School District use during the summer when programs sponsored by the CITY are not in progress.
 - c. The CITY shall have use of the Pools and associated locker room Facilities when there exists no conflict with the schools scheduling of the Pools and Facilities.

7. The CITY shall be responsible for handling all reservations and use of the Pools and Facilities with anyone other than the School District. The CITY shall ensure that the appropriate required certified staff is used and proof of insurance is obtained.

C. School District Covenants

1. The School District shall bear the repair costs for any damage caused to the facilities during the time the Pool and Facilities are in use by the School District, with normal wear and tear excepted.
2. The School District shall pay to the CITY one-half of the cost of operation, capital improvements, and maintenance of the Pools and associated locker room Facilities. The School District will pay for one half (1/2) of the cost of the operation and maintenance of the restroom located on the south side of the Sunrise Family Center. The Family Center will be the CITY's sole responsibility. The School District shall fully pay for heaters and their installation where heaters did not previously exist prior to the signing of this Agreement. Both Parties must agree in writing upon capital improvements and capital costs, before any

expenditures are approved or incurred. The CITY shall not bill the School District for any costs incurred by the CITY for seasonal staff to operate the Pools and Facilities for the public. Costs to the School District under this Agreement will be billed on a biannual basis beginning on July 1. The billing periods will be from July – December and January – June. The CITY will bill the School District within thirty (30) days after the period ends. The School District shall pay the CITY within thirty (30) days of receiving the bill.

3. The School District will make the men’s and women’s locker rooms and shower Facilities available at the Peoria High School Pool at no cost to the CITY during such times as the CITY is in operation of the Pool and Facilities. Cost of operation and maintenance of lockers and showers shall be borne entirely by the School District except that the CITY shall pay all costs for staff to operate and maintain said locker rooms during the period the CITY is using the Pool and Facilities. The CITY shall bear the repair costs for any damage caused to the Pool, locker room, or shower facilities during the time they are in use by the CITY, with normal wear and tear excepted.
4. The School District shall permit the CITY and its patrons to use existing parking lots at the Pools and Facilities and shall grant free ingress and egress to the parking lots and to the Pools and Facilities at all times the Pools and Facilities are scheduled for use by the CITY. The School District shall be fully responsible for maintenance and control of the parking lots.
5. The School District shall fully comply with any usage operations plan and permit for a specific pool facility at all times while the Pool Facility is being used by the School Districts high school students. The coaches and teachers are responsible for maintaining a clean and safe environment while they are using the Pools and Facilities.
6. All School District aquatic events for high school students not previously scheduled pursuant to IV. B. 6. a. must be approved by the School’s athletic director or designee prior to use and the use will be coordinated with and conveyed to the CITY Aquatic Supervisor. School District groups, which include participants outside the high school or elementary school age range requesting to use the Pools and Facilities must be reserved with the CITY one (1) month prior to the use or as soon as practicable. The CITY will provide the appropriate number of Maricopa County Environmental Services required American Red Cross certified Lifeguards for the activity. The School District will be responsible for the cost of the certified Lifeguards.
7. Use of the slides or other special play features at the Pools is prohibited by Maricopa County Environmental Services Department regulations unless American Red Cross certified Lifeguards are on duty that have been trained by the CITY on the pool facility functions. The School District will be responsible

for the cost of the American Red Cross certified Lifeguards when being used by the School District.

8. The School District shall report accidents of a significant nature, incidents, vandalism and broken or non-functioning equipment to the CITY Aquatics Supervisor immediately.
9. The School District must keep all equipment and furniture in place at the Pools and Facilities as designated by the CITY unless approval is given by the CITY Aquatics Supervisor.
10. The Party who is using heaters at any of the Pools shall pay for the gas and costs to operate them. If both Parties are using the heaters, then the cost shall be split equally between the Parties. The School District's Athletic Director shall notify the CITY Aquatic's Supervisor at least one (1) week in advance, to when any pool heater needs to be turned on at a Pool for the School District's use.

V. NOTICES

Notices required or permitted hereunder shall be given in writing ad personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, or by a nationally recognized overnight courier service (e.g., Federal Express, DHL) or by mutually acknowledged facsimile transmission addressed as follows:

To District: Dr. Denton Santarelli, Superintendent
Superintendent
PEORIA UNIFIED SCHOOL DISTRICT NO. 11
6330 West Thunderbird Road
Glendale, Arizona 85306

With a Copy To: Shelley D. Cutts, Esq.
CALDERÓN LAW OFFICES, P.L.C.
2020 North Central Avenue, Suite 1110
Phoenix, Arizona 85004

To CITY: Carl Swenson, City Manager
CITY OF PEORIA
8401 West Monroe
Peoria, Arizona 85345

With a Copy To: Stephen M. Kemp, City Attorney
8401 West Monroe
Peoria, Arizona 85345

Or at any other address designated by School District or CITY in writing.

VI. TERM

This Agreement shall become effective on the date it is signed by both Parties and filed with the Maricopa County Recorder as required under A.R.S. 11-952(G), and shall continue for a term of five (5) years thereafter, unless earlier terminated as provided herein.

VII. NONDISCRIMINATION

During the performance of this Agreement, the Parties agree to comply with all applicable state and federal laws, rules, regulations and executive orders governing equal employment opportunity, nondiscrimination and affirmative action.

VIII. PURCHASING; ACQUISITION

The Parties shall comply with all applicable laws in purchasing property required to be provided by the parties to this Agreement.

IX. NON-APPROPRIATIONS

The Parties recognize that performance by either Party hereunder may be dependent upon the appropriation of funds to or by that Party. Should either Party fail to be appropriated or to appropriate the necessary funds, that Party may, by thirty days' prior written notice to the other Party, cancel this Agreement without further duty or obligation. Each Party agrees to notify the other within fifteen days after the unavailability of such funds comes to the Party's attention.

X. CONFLICTS OF INTEREST

This Agreement is cancelable pursuant to the provisions of A.R.S. § 38-511, the provisions of which are incorporated herein. In the event this Agreement is terminated in whole or in part because it is in violation of A.R.S. § 38-511, the party causing the Agreement to be canceled shall reimburse the other party for its costs and expenses incurred to date. Both parties will furnish all necessary reports of activities completed or in progress through the date of termination.

XI. INSURANCE

A. Each Party shall secure and maintain during the life of this contract statutory worker's compensation and employer's liability insurance, commercial general liability and automobile liability insurance, including contractual liability, with limits of at least \$1,000,000. Each Party shall retain the option of discharging this obligation by means of funded self-insurance. Should coverage be provided on a claims-made basis, the reporting period for claims shall be written so that it can be extended for two years. Contractors retained to provide work or service

required by the Agreement will maintain Professional Liability Insurance covering acts, errors, mistakes, and omissions arising out of the work or service performed by the Contractor or any person employed by the Contractor, with limits of no less than \$1,000,000 per claim.

- B. The School District shall maintain self insurance coverage through Valley Schools Insurance Trust or shall secure and maintain insurance coverage protecting its personal property against all risk of physical damage loss for their full replacement cost. The CITY shall obtain similar coverage for the personal Property it maintains in School District's Facilities. The School District and the CITY hereby mutually waive their respective rights of recovery against each other for any loss insured by property insurance coverage existing for the benefit of the respective parties up to the amount of loss paid for by insurance.
- C. All carriers or carriers contracted by the Valley Schools Insurance Trust shall be approved and shall be in good standing with the Arizona Department of Insurance and possess an A- or better A.M. best rating. Prior to the commencement of this Agreement, the CITY and the School District shall provide certificates of insurance evidencing coverage provisions. Each Party's coverage shall be endorsed to provide at least thirty (30) days of notification of cancellation or material change in coverage.
- D. In the event of any third party claim or legal action against both School District and CITY, the Parties agree to discuss and analyze the benefits of a common but mutual defense against such claim or legal action.
- E. The amount and type of insurance coverage set forth herein will in no way be construed as limiting the scope of the indemnity in Section XII of this Agreement.

XII. INDEMNIFICATION

To the extent permissible under Arizona law, the parties shall indemnify and hold harmless the other party, its directors, officers, governing board members, employees, and agents, for, from and against all claims, demands, suits and costs including, but not limited to, costs of defense, reasonable attorneys' fees, witness fees of any type, losses, damages, expenses and liabilities, whether direct or indirect, and whether to any person including, but not limited to, employees of the parties, or to property, to which the City or the School District, its directors, officers, governing board members, employees, or agents may be put or subject to by reason of (i) any act or omission by the other party, or any of its directors, officers, governing board members, employees, agents, or invitees; (ii) use of the Pool and Facilities or construction, maintenance, repair of the Pool and Facilities by any person or entity, including but not limited to the other party, their employees, agents, contractors, invitees, or customers; (iii) the use of the Pool and Facilities by any person; or (iv) any failure on the part of a party, or any of its directors, officers, governing board members, employees, or agents to fulfill its obligations hereunder except to the extent that any loss, damage, expense, or liability is attributable

to the negligence, responsibility or misconduct of the party, its directors, officers, employees and agents. The provisions of this Section shall survive revocation and/or termination of this IGA.

In addition to the general duty of indemnification imposed by this Section, the School District agrees that it shall be solely and fully responsible for any and all claims of any nature filed or made by any person not a party to this Agreement, including, but not limited to those for death or bodily injury, that may arise from activities or events that occur during those times that the School District conducts activities or events at the Pools and Facilities as permitted under this Agreement. Such activities and events include, but are not limited to, high school physical education classes, high school team practices, and high school team swim meets. The School District further agrees that its duty in this regard shall be absolute and not qualified in any way and that it will assume defense at its sole cost and expense upon tender by the CITY of any such claim. In addition, the School District shall promptly reimburse the CITY for any documented out-of-pocket expenses incurred as a result of processing or defending the claim prior to the School District's acceptance of the tender of defense.

In addition, to the general duty of indemnification imposed by this Section, the CITY agrees that it shall be solely and fully responsible for any and all claims of any nature filed or made by any person not a party to this Agreement, including, but not limited to those for death or bodily injury, that may arise from activities or events that occur during those times that the CITY conducts activities or events at the Pools and Facilities as permitted under this Agreement. Such activities and events include, but are not limited to, City programs conducted during the summer months when school is not in session. The CITY further agrees that its duty in this regard shall be absolute and not qualified in any way and that it will assume defense at its sole cost and expense upon tender by the School District of any such claim. In addition, the CITY shall promptly reimburse the School District for any documented out-of-pocket expenses incurred as a result of processing or defending the claim prior to the CITY's acceptance of the tender of defense.

Nothing in this Section shall affect the City's right to seek payment, contribution or indemnification from the School District under the IGA should the School District fail to notify and/or inform the City of any broken or non-functioning equipment, Pool or Facilities when the School District has prior knowledge of such broken or non-functioning equipment, Pool and Facilities.

The amounts of insurance coverage requirements set forth above will in no way be construed as limiting the scope of the indemnity to the extent permissible under Arizona law, in these paragraphs.

XIII. MISCELLANEOUS PROVISIONS

- A. **Assignability.** This Agreement is nonassignable in whole or in part by either party hereto without the written consent of all the Parties.
- B. **Authority of Signatory.** Each individual executing this Agreement warrants that they are duly authorized to execute and deliver this Agreement.
- C. **Choice of Forum.** Any suit or action arising under this Agreement shall be commenced in the Superior Court of the State of Arizona in and for the County of Maricopa, Arizona.
- D. **Entire Agreement.** This written Agreement and attachments hereto constitute the entire Agreement between the Parties with respect to the subject matter hereto. It may not be released, discharged, changed or modified, except by an instrument in writing, signed by a duly authorized representative of each of the Parties, except as expressly provided otherwise in this Agreement.
- E. **Execution in Counterparts.** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- F. **General Compliance with Laws.** All Parties are required to comply with all applicable federal and state laws and local ordinances and regulations.
- G. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Arizona.
- H. **Headings.** The headings for each paragraph of this Agreement are for convenience and reference purposes only and in no way define, limit or describe the scope or intent of said paragraph or of this Agreement nor in any way affect this Agreement.
- I. **Incorporation of Documents.** All documents referred to in this Agreement are hereby incorporated by reference into the Agreement.
- J. **Preparation of Agreement.** This Agreement has been prepared by the combined efforts of the Parties and is not to be construed against any Party.
- K. **Retention of Records.** Pursuant to law, the Parties shall keep and maintain accurate books of records and account in accordance with generally accepted accounting principles of liabilities and obligations incurred under this Agreement and all paper, files, accounts, reports and all other material relating to work under this Agreement and shall make all such materials available at any reasonable time during the term of this Agreement and for five (5) years from the date of termination for audit, inspection and copying upon any Party's request.

- L. **Severability.** The provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any provision shall not affect the validity or enforceability of the other provisions hereof.

- M. **Waiver.** Waiver, or the failure of any Party at any time to require performance by the other of any provision herein, shall in no way affect the Party's subsequent rights and obligations under that provision. Waiver by either Party of a breach of any provision herein shall not be taken or held to be a waiver of any succeeding breach of such provision or waiver of such provision itself.

[Signatures Appear on the Following Page]

IN WITNESS WHEREOF, the Parties enter into this Agreement on the date and year first specified above.

CITY OF PEORIA, an Arizona municipal corporation

PEORIA UNIFIED SCHOOL DISTRICT,
a political subdivision of the State of Arizona

Bob Barrett, Mayor

Dr. Denton Santarelli, Superintendent

ATTEST:

Wanda Nelson, City Clerk

INTERGOVERNMENTAL AGREEMENT DETERMINATION

This Agreement has been reviewed by the Office of the City Attorney as legal counsel for the City of Peoria, who has determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the State of Arizona to the City of Peoria.

DATED this ____ day of _____, 2011

OFFICE OF THE CITY ATTORNEY

Stephen M. Kemp, City Attorney
8401 West Monroe Street
Peoria, Arizona 85345

INTERGOVERNMENTAL AGREEMENT DETERMINATION

This Agreement has been reviewed by the attorney for the Peoria Unified School District No. 11 and it is determined that the Agreement is in the proper form and within the powers and authority granted under the laws of the State of Arizona to the Peoria Unified School District No.11.

DATED this ____ day of _____, 2011

Shelley D. Cutts, Esq.
CALDERÓN LAW OFFICES, P.L.C.
2020 North Central Avenue, Suite 1110
Phoenix, Arizona 85004

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 7C
Amend No. _____

Date prepared: March 7, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: J.P. de la Montaigne, Community Services Director

SUBJECT: First Amendment to Bailment Agreement between the City of Peoria and the West Valley Art Museum

RECOMMENDATION:

Discussion and possible action to approve amending the existing Bailment Agreement with the West Valley Art Museum ("Museum"). This first amendment would allow the Museum access to their art collection, and consent to organize and assemble art pieces for display in galleries and public buildings.

SUMMARY:

In the spring of 2010, City Council approved the initial bailment agreement where storage space in DCSB was approved for the Museum's approximately 1,651 object art collection. The agreement was for a period of two years. Since that time, the Museum has began to establish a relationship with the City and the community, gotten their debt under control and created a strategic plan to lead them into a future in Peoria.

The First Amendment to the Bailment Agreement primarily voids any provisions from the original document which prevent the Museum access to their collection with intent to organize and display. The amendment allows for limited access to the storage location and the Museum's collection organization. Further the amendment requires additional insurance to be acquired by the Museum to cover damages to the collection while being prepared for display and while it is on public display at City facilities. Insurance should cover tearing, ripping, breakage and other causality that may occur accidentally while the pieces of fine arts are being handled or displayed.

The Museum incorporated in 1980 as a non-profit organization and has since focused their efforts on an impressive collection of ethnic dress, fine prints and Arizona artists. The collection is insured for \$1,500,000. The opportunity to build a partnership with the Museum assists the City in meeting the recommendations set forth in the Cultural Arts Master Plan approved by City Council in 2009. Having the Museum in Peoria greatly enhances upcoming Centennial activities due to their reputation and their renowned Arizona artist collection.

ATTACHMENT: First Amendment to Bailment Agreement

CONTACT: David Hunenberg, Library Manager 623-773-7557

**FIRST AMENDMENT TO BAILMENT AGREEMENT
BETWEEN THE CITY OF PEORIA AND
THE WEST VALLEY ART MUSEUM**

This First Amendment to Bailment Agreement (LCON03810) ("Amendment") is entered into as of February 22nd, 2011, by and between the CITY OF PEORIA, ARIZONA, an Arizona charter municipal corporation ("Bailee"), and the WEST VALLEY ART MUSEUM, an Arizona non-profit corporation ("Bailor"). Bailee and Bailor are also referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. Bailee and Bailor entered into the Bailment Agreement for the purpose of having Bailee provide storage for Bailor's one thousand six hundred fifty-one (1651) piece art collection ("Bailed Property"), as more particularly described on Exhibit "A" attached to the Bailment Agreement.

B. Pursuant to the Bailment Agreement, Bailee accepted delivery of the Bailed Property, which is stored in a number of sealed boxes in a room on the second floor of Bailee's Development & Community Services Building located at 9875 N. 85th Avenue, Peoria, Arizona ("Delivery Point").

C. Bailee opened a public art gallery in Bailee's City Hall Building located at 8401 W. Monroe Street, Peoria, Arizona ("Art Gallery") in January 2011 for the purpose of displaying works of art and other items for public viewing.

D. Bailee and Bailor desire to facilitate display of pieces of the Bailed Property in the Art Gallery and other public properties owned by Bailee and other locations for public viewing upon mutual written agreement.

E. Bailor desires to access the Bailed Property at the Delivery Point to open and remove pieces of the Bailed Property from the boxes to prepare them for display at Bailee's Art Gallery and other public properties owned by Bailee and possibly other venues in Peoria and other communities in the West Valley.

F. The Parties desire to adopt this Amendment which would amend the Bailment Agreement so as to allow Bailor to access and handle the Bailed Property so that it can be put on display in Bailee's Art Gallery and other mutually agreed upon venues.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties hereto, the Parties agree to amend the Bailment Agreement as follows:

AGREEMENT

1. **Effective Date and Term of the Agreement.** Section 2 is hereby amended to add a new subsection 2.3 as follows:

2.3 This Agreement may be extended upon mutual agreement of the Parties for successive two-year terms. Any such extension shall be agreed upon in writing executed by the Parties at least one hundred twenty (120) days prior to expiration of the original and then each subsequent two-year term. For each successive two-year extension, the terms and conditions of this Agreement shall control and apply, unless expressly amended by the Parties in writing in conjunction with exercising an extension.

2. **Bailor's Obligation.** Subsections 7.2 and 7.3 are hereby deleted in their entirety and replaced as follows:

7.2 Bailor agrees and acknowledges that Bailee will retain the Bailed Property for the Purpose and under the conditions specified herein until the date of termination, including any duly executed two-year extensions of this Agreement, or unless terminated sooner.

7.3 Bailor acknowledges that Bailee will not open the securely sealed Bailed Property boxes while being stored during the term of this Agreement, unless requested to do so while assisting Bailor in removing art works from the boxes for public display as provided herein. Any boxes that are not opened by Bailor or by Bailee at Bailor's request during the term of this Agreement will essentially be the condition that those items of the Bailed Property will be returned to Bailor upon termination of this Agreement (with the exception of loss of or damage occasioned by gradual deterioration or inherent defect). Any art works removed from the boxes by Bailor or Bailee during the term of and as permitted by this Agreement will be returned to Bailor at the termination of this Agreement in sealed boxes or other appropriate containers as directed by Bailor and agreed by Bailee at Bailor's expense.

3. **Bailee's Obligation.** Subsections 8.2, 8.4, and 8.6 are hereby deleted in their entirety and replaced as follows:

8.2 Bailee will retain the Bailed Property for the Purpose and under the conditions specified herein until the date of termination of this Agreement or unless terminated sooner. The only exceptions would be those pieces of art included in the Bailed Property that are removed from the sealed boxes by Bailor or Bailee at the request of Bailor to be prepared for and/or placed on public display at mutually agreed upon venues. Any pieces of the Bailed Property not located at the Delivery Point on the date of termination of this Agreement will be returned to Bailor by Bailee or retrieved by Bailor at Bailor's expense, which expense shall include packing or other storage of the Bailed Property deemed necessary by Bailor. Bailee shall bear none of the costs associated with returning the Bailed Property to Bailor.

8.4 Bailee will not open the securely sealed Bailed Property boxes while being stored during the term of this Agreement, unless requested by Bailor to assist Bailor in doing so as

permitted herein. Nothing in this subsection absolutely obligates Bailee to honor any request by Bailor to assist in opening the sealed boxes, preparing pieces of the Bailed Property for public display, or physically placing pieces of art on public display. Any such assistance shall be by mutual agreement.

8.6 Bailee agrees to return the Bailed Property to Bailor in the secured sealed boxes at the end of the term of this Agreement or sooner as provided for herein, except for those pieces of the Bailed Property removed from the boxes by Bailor or Bailee at Bailor's request for the purpose of placing them on public display as provided herein. Bailee is not liable to Bailor, Bailor's heirs, administrators, or assigns for any loss or damage resulting to the Bailed Property from fire, theft, or any cause whatsoever.

4. Inspection of Bailed Property. Section 9 is hereby amended to delete the first sentence to read as follows:

Bailor acknowledges that Bailee is not responsible to perform an inspection or under any obligation to inspect the Bailed Property.

5. Extent of Bailee's Liability. Subsection 10.2 is hereby amended to read as follows:

10.2 Bailee shall not be liable or responsible to Bailor for any of the acts or omissions of Bailor, its agents, servants, employees, or licensees, whether for the safekeeping of the Bailed Property or the condition of the Delivery Point building premises or any another premises owned by Bailee where the Bailed Property may be stored or where pieces may be placed on public display. Bailee shall also not be liable for loss or damage to the Bailed Property occasioned by gradual deterioration or inherent defect in such Bailed Property.

6. Return on Demand or at the Expiration of this Agreement. Subsection 11.2 is hereby amended to read as follows:

11.2 If Bailor fails to withdraw the Bailed Property at the termination of this Agreement, Bailee shall have the absolute right to continue storing the Bailed Property and initiate storage fees of one hundred dollars (\$100.00) per day and have and enforce a lien for such fees in consideration for its continued storage and safeguarding during this period. Should Bailor fail to satisfy the storage fees and lien after ninety (90) days, the Bailed Property will be deemed an unrestricted gift to Bailee.

7. The Bailment Agreement is hereby amended to add a new Section 17 entitled "Public Display of Bailed Property," as follows:

17. Public Display of Bailed Property.

17.1 Notwithstanding any other provisions of this Agreement to the contrary, Bailor and Bailee agree that during the term of this Agreement and any extensions thereof the pieces of fine art included in the Bailed Property may be removed by Bailor and by Bailee, upon

mutual agreement, from the sealed boxes for the purpose of preparing and placing them for public display in Bailee's Art Gallery located in City Hall, as well as at other locations and buildings owned by Bailee. Bailor and Bailee will work cooperatively and in good faith to prepare for and set up each public display of the Bailed Property. However, Bailee shall have exclusive authority to determine when, where, and for how long any piece of fine art included in the Bailed Property is displayed at a location owned by Bailee.

17.2 To prepare the Bailed Property for public display, Bailee shall provide Bailor limited access to the Bailed Property at the Delivery Point to permit set up and organization of the fine art pieces. Such access shall be permitted upon the terms set forth in the December 20, 2010 letter attached to this Amendment as Exhibit "A."

17.3 Bailee and Bailor agree that Bailee's Art Gallery located in City Hall is a suitable location for public display of the fine art pieces included in the Bailed Property. Bailee expressly agrees that the Art Gallery has environmental controls, which range between sixty-five degrees (65°) to eighty-five degrees (85°) in temperature and range from ten percent (10%) to fifty percent (50%) humidity the majority of the time, which are permissible fluctuations within the required parameters as needed to maintain the optimum physical condition of the Bailed Property.

17.4 Bailee and Bailor agree that public display of the Bailed Property at locations and within facilities owned by Bailee other than the Art Gallery shall only be undertaken after the Parties reach agreement regarding the environmental suitability of a proposed location for a display and other logistics attendant to effecting the display, including the cost of setting up, securing, and maintaining the display. All such agreements shall be by letter agreement signed by authorized representatives of Bailee and Bailor.

17.5 Bailee and Bailor also agree that Bailor may, at its sole cost and expense, undertake to display pieces of the Bailed Property at other locations not owned by Bailee. However, no such display shall include any pieces of fine art included in the Bailed Property that are currently on display at a facility or location owned by Bailee, unless Bailee agrees in writing to release a particular piece(s) for the new display. In such event, Bailor shall provide Bailee advanced written notice of a proposed display at least ten (10) business days before Bailor commences preparing for the display so as to allow Bailee to permit Bailor access to the Bailed Property for this purpose. Such notice shall include a listing of the pieces of fine art from the Bailed Property proposed to be included in the exhibit. Upon the conclusion of the exhibit, all pieces of fine art on the list shall be returned to the Delivery Point or such other location as agreed upon by the Parties.

17.6 In addition to the insurance coverage required by Section 12 of this Agreement, Bailor shall obtain and have in full force and effect prior to undertaking any preparation of the Bailed Property for public display as provided herein insurance for the duration of this Agreement that will provide coverage for any damage that may occur to the Bailed Property while it is being prepared for public display and while it is on public display at facilities or locations, including the City Hall Art Gallery, owned by Bailee. Such insurance shall cover tearing, ripping, breakage, and other casualty that may occur accidentally while the

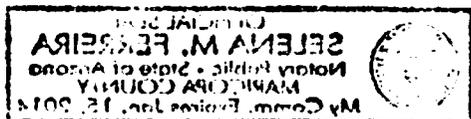
pieces of fine art are being handled and displayed. Bailor shall name Bailee as an additional insured on this policy. A copy of this additional insurance policy shall be provided by Bailor to Bailee prior to Bailee permitting Bailor to access the Bailed Property at the Delivery Point.

8. Full Force and Effect. As modified and amended hereby, Bailor and Bailee each ratifies and affirms the terms of the Bailment Agreement. Except as expressly modified herein, the Bailment Agreement remains in full force and effect.

9. Binding. This Amendment shall be binding upon and inure to the benefit of the Parties hereto, their respective successors in interest and assigns both as respects benefits and burdens created herein.

10. Counterparts. This Amendment may be executed in separate counterparts, with signature to one being deemed signature to each such counterpart, each of which shall be deemed to be an original and all of which together shall constitute a single instrument.

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EXHIBIT A

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City of Peoria

*Deputy City Manager's Office
for Community & Development Services*

8401 West Monroe Street, Peoria, Arizona 85345
Phone: 623-773-7324 Fax: 623-773-7292

December 20, 2010

William Benz, President
West Valley Art Museum
P.O. Box 6377
Peoria, AZ 85345

Dear Bill,

Thank you for your letter requesting access of the West Valley Art Museum collection. We agree that taking our partnership to the next level would be beneficial to both parties and the community. After discussion with key staff, we are willing to offer you the following options:

- Limited access to set up and organize the collection for a period of up to two months. This would give you site access Monday through Thursday 8-12pm. We will allow four people to work on the project, led by Constance McMillin. City art staff (David Hunenberg & Andre Licardi) will meet you at DCSB and open up the area. At noon, they will return and close the site.
- To ensure that the Museum's shelving is properly re-assembled and meets the City's safety standards, Facilities staff will monitor the progress and they must sign off on the completed project before the shelving is put to use.
- Once the collection is set up, Museum personnel may access the area two mornings a week for maintenance, care and putting together exhibitions. These days will be arranged in advance.
- Museum personnel will collaborate with art staff for putting together gallery exhibitions and in determining the placement of additional art in public City Buildings. City staff will have the final say in where pieces are displayed.

West Valley Art Museum
Page 2

**If this meets your approval, our legal staff will complete an agreement to include these terms.
We look forward to your response.**

Sincerely,

A handwritten signature in black ink, appearing to read "Susan J. Daluddung". The signature is written in a cursive, flowing style with a large, prominent loop at the end of the last name.

Susan J. Daluddung
Deputy City Manager

c: Connie McMillin, WVAM
David Hunenberg, Community Services
City Attorney's Office
Walt Begley, Public Works

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: **8C**
Amend No. _____

Date prepared: March 8, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan K. Thorpe, Deputy City Manager *SKT*
FROM: William Mattingly, Public Works-Utilities Director *WJM*
SUBJECT: City of Peoria Termination of Membership in the Central Arizona Groundwater Replenishment District

RECOMMENDATION:

Discussion and possible action to authorize Resolution No. 11-~~44~~ for Termination of the City's Membership in the Central Arizona Groundwater Replenishment District.

SUMMARY:

In 1997 the Arizona Department of Water Resources (ADWR) issued a "Designation of Assured Water Supply" to the City of Peoria. As a condition of that designation, the City was required to become a member of the Central Arizona Groundwater Replenishment District (CAGRD). The CAGRD has responsibility to provide groundwater recharge to replace groundwater pumping on behalf of its members. At that time the City was entirely dependant on groundwater as a water supply. Since 1997 the City of Peoria has developed a diverse water resource portfolio and has invested in a number of facilities to treat, deliver potable water and reclaim, recharge and/ or reuse wastewater. Those facilities include the Greenway Water Treatment Plant, the Pyramid Peak Water Treatment Plant, Beardsley Water Reclamation Facility the Jomax Water Reclamation Facility, the Butler Water Reclamation Facility, Hieroglyphic Water Recharge Facility, the Agua Fria Recharge Facility, and the New River Agua Fria Underground Storage Facility. Through these various facilities the City of Peoria has accrued long term water storage credits and is no longer dependant on the CAGRD.

The City's most recent "Designation of Assured Water Supply" issued by the Arizona Department of Water Resources in September 2010 recognizes the diversity of Peoria's water supply and no longer requires the City to maintain its membership in the CAGRD. Termination of the CAGRD agreement is important to minimize ongoing costs and avoid

Council Communication Page 2 of 3

Resolution of the City of Peoria terminating its Member Service Area status in the Central Arizona Groundwater Replenishment District.

April 5, 2011

future CAGRDR cost increases as water sources become more scarce and more expensive over time. The cost of CAGRDR replenishment in 2012, based on a 500 acre-ft minimum, would be \$201,500 and is expected to increase significantly in subsequent years.

The City initiated the de-enrollment process with the Central Arizona Groundwater Replenishment District in November 2010. As part of the process, ADWR issued a letter on February 9, 2011 consenting to the City's termination of its Member Service Area status.

The attached Resolution authorizes staff to execute the Revocation of Member Service Area Agreement between Central Arizona Water Conservation District and the City of Peoria. Upon approval by the Central Arizona Water Conservation District Board of Directors, the termination will be complete.

Staff recommends approval of the Resolution.

ATTACHMENT:

Resolution No. 11-44 Termination of the City's Member Service Area Status in the Central Arizona Groundwater Replenishment District

CONTACT: Alan R. Dulaney, Water Resources Supervisor, 623-773-7357

RESOLUTION 2011-44

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY ARIZONA, TERMINATING ITS MEMBER SERVICE AREA STATUS IN THE CENTRAL ARIZONA GROUNDWATER REPLENISHMENT DISTRICT

WHEREAS, the City of Peoria, a municipal corporation, is engaged in the business of providing water utility service within its Service Area depicted on the map attached as Exhibit A.

WHEREAS, in early 1997, the Municipal Provider applied to the Arizona Department of Water Resources for a designation of assured water supply for the Service Area pursuant to Arizona Revised Statutes Title 45, Chapter 2, Article 9.

WHEREAS, in 1997, the Municipal Provider published a "Resolution of the City of Peoria Regarding Membership in the Central Arizona Groundwater Replenishment District" to qualify the Service Area as a Member Service Area pursuant to the Groundwater Replenishment Statute for the purpose of satisfying one requirement for obtaining a designation of assured water supply.

WHEREAS, on or about September 16, 1997, the Municipal Provider and CAWCD executed the Member Service Area Agreement and the Service Area qualified as a Member Service Area.

WHEREAS, on December 31, 1997, the Municipal Provider received a designation of assured water supply for the Service Area from ADWR.

WHEREAS, the Municipal Provider submitted an application to ADWR to modify its designation of assured water supply and provided evidence satisfactory to ADWR that the Municipal Provider had obtained a substitute supply of water, other than groundwater, that was determined by ADWR to be consistent with assured water supply requirements pursuant to Arizona Revised Statutes §45-576 and that was sufficient to eliminate the Municipal Provider's reliance on Member Service Area status.

WHEREAS, on or about September 29, 2010, ADWR approved the Municipal Provider's application to modify its assured water supply designation for its Service Area under Arizona Revised Statutes §45-576 based on the addition of a substitute water supply, thereby eliminating the Municipal Provider's reliance on Member Service Area status.

WHEREAS, the Municipal Provider desires to terminate the Service Area's Member Service Area status and has submitted such a request to CAWCD.

WHEREAS, the Arizona Department of Water Resources has consented to the termination of the Service Area's Member Service Area status.

WHEREAS, CAWCD and the Municipal Provider have agreed to revoke the Member Service Area Agreement.

WHEREAS, the following words, when used in this Termination Resolution shall have the meanings indicated below:

1. "ADWR" means the Arizona Department of Water Resources.
2. "CAWCD" means the Central Arizona Water Conservation District, a political subdivision of the State of Arizona, and any successor political subdivision.
3. "Excess Groundwater" means the amount of Groundwater equal to the amount of Groundwater delivered by the Municipal Provider within the Service Area in a calendar year in excess of the amount of Groundwater that may be delivered by the Municipal Provider for use within the Service Area in that calendar year consistent with the applicable Assured and Adequate Water Supply Rules adopted by the Arizona Department of Water Resources for the Phoenix Active Management Area, and consistent with the terms of the Member Service Area Agreement.
4. "Groundwater" is as defined in Arizona Revised Statutes §45-101(5).
5. "Groundwater Replenishment Statute" means Arizona Revised Statutes, Title 48, Chapter 22.
6. "Member Service Area" is as defined in Arizona Revised Statutes §48-3701(11).
7. "Member Service Area Agreement" means the Member Service Area Agreement Between Central Arizona Water Conservation District and the City of Peoria dated September 16, 1997.
8. "Membership Resolution" means the Resolution of the Mayor and Council of the City of Peoria, Arizona, regarding membership in the

Central Arizona Groundwater Replenishment District dated July 7, 1997.

9. "Municipal Provider" means the City of Peoria, a municipal corporation, and its successors and assigns.
10. "Service Area" means the service area depicted in Exhibit A, attached and incorporated into this Termination Resolution.
11. "Service Area Replenishment Obligation" means, with respect to the Service Area, the Excess Groundwater of the Service Area in a particular calendar year reduced by the replenishment credits, if any, applied by the Municipal Provider with respect to the Service Area under Arizona Revised Statutes §48-3772(H).
12. "Termination Resolution" means the Resolution of the City of Peoria Terminating its Member Service Area Status in the Central Arizona Groundwater Replenishment District.

RESOLVED, That the Mayor and Council of the City of Peoria, Arizona, intends to terminate the Service Area's Member Service Area status.

FURTHER RESOLVED, That CAWCD is no longer obligated to perform the Service Area Replenishment obligation on behalf of the Service Area.

FURTHER RESOLVED, That the City of Peoria, Arizona, hereby revokes the Membership Resolution.

FURTHER RESOLVED, That the attached form of revocation titled Revocation of Member Service Area Agreement Between Central Arizona Water Conservation District and the City of Peoria, which is attached as Exhibit B and incorporated into this Termination Resolution, is hereby accepted and approved, and that Bob Barrett, Mayor, is hereby authorized to execute, in the name and on behalf of the Municipal Provider, a revocation substantially in the form of Exhibit B.

Resolution No. 2011-44
Public Utility Easement
April 5, 2011
Page 4 of 8

I, the undersigned, as City Clerk of the City of Peoria, hereby certify that the foregoing is a true and correct copy of the resolutions duly adopted by the Mayor and City Council of the City of Peoria, at a meeting thereof, duly called, at which a quorum was present and acting throughout. I further certify that said resolutions have not been modified or revoked since their adoption and are still in full force and effect.

MUNICIPAL
PROVIDER:

CITY OF PEORIA, An Arizona Municipal corporation

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

SIGNED THIS _____ day of _____, 2011.

By: _____
Wanda Nelson, City Clerk

Exhibit A

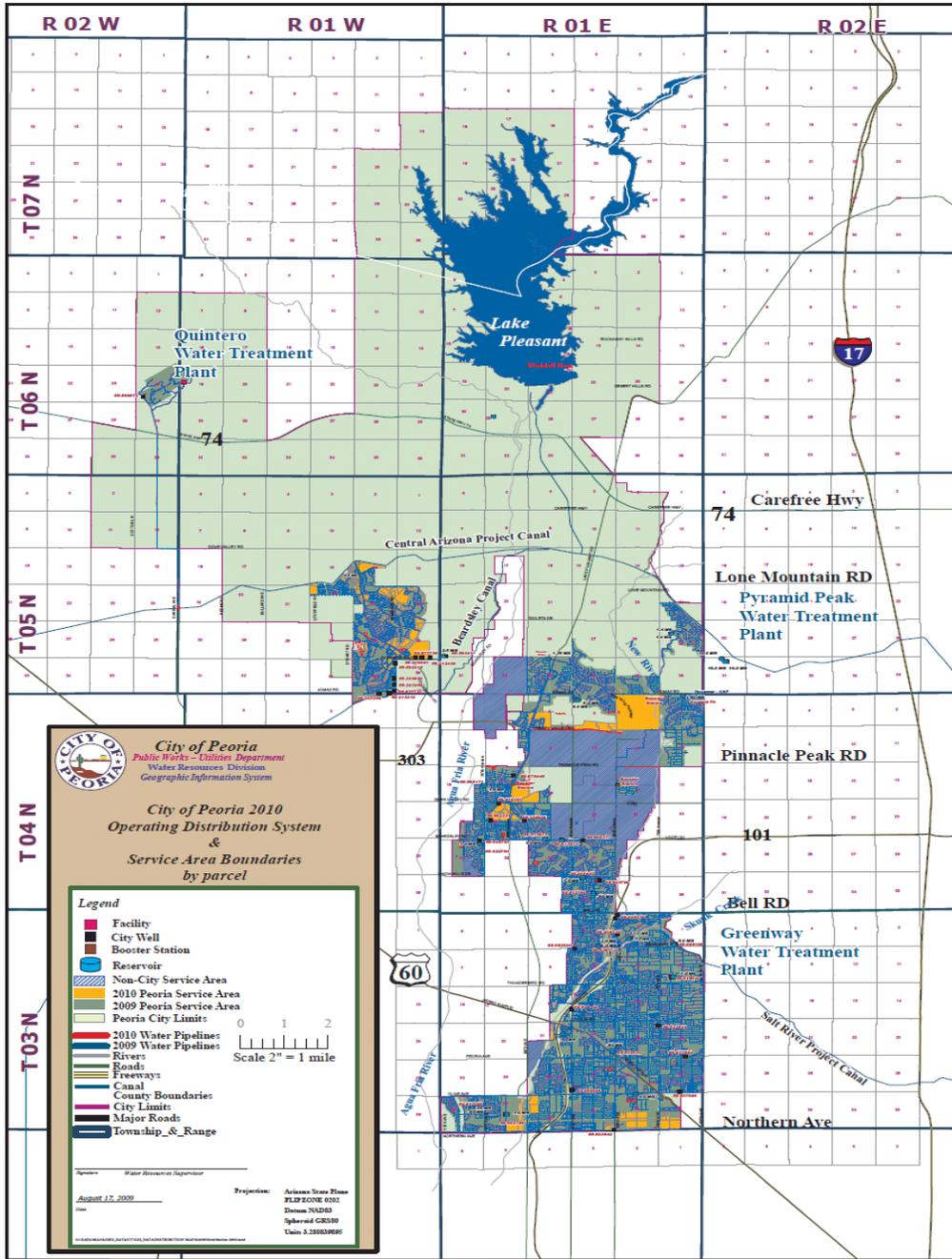


Exhibit B

**REVOCATION OF MEMBER SERVICE AREA
AGREEMENT BETWEEN CENTRAL ARIZONA
WATER CONSERVATION DISTRICT AND THE
CITY OF PEORIA**

This Revocation of Member Service Area Agreement is executed this _____ day of _____, 2011, by the Central Arizona Water Conservation District (“CAWCD”), a political subdivision of the State of Arizona, and the City of Peoria, (“Municipal Provider”) a municipal corporation.

RECITALS

A. On September 16, 1997, CAWCD and the Municipal Provider executed the Member Service Area Agreement, qualifying the Service Area as a Member Service Area.

B. On December 31, 1997, the Municipal Provider received a designation of an assured water supply from ADWR for its Service Area pursuant to Arizona Revised Statutes Title 45, Chapter 2, Article 9.

C. The Municipal Provider submitted an application to ADWR to modify its designation of assured water supply. The Municipal Provider provided evidence to ADWR that the Municipal Provider had obtained a substitute supply of water, other than groundwater, that is eligible and sufficient to eliminate the Municipal Provider's reliance on its Member Service Area status.

D. On September 29, 2010, ADWR approved the Municipal Provider's application to modify its assured water supply designation for its Service Area under Arizona Revised Statutes §45-576 based on the addition of a substitute water supply, thereby eliminating the Municipal Provider's reliance on Member Service Area status.

E. As permitted by Arizona Revised Statutes § 48-3780(B), the Municipal Provider desires to terminate the Service Area's Member Service Area

status. The Municipal Provider has published a Resolution in the form and manner required by Arizona Revised Statutes § 48-3780(B)(5).

F. ADWR has consented to the termination of the Service Area's Member Service Area status.

G. As part of the process of terminating the Service Area's Member Service Area status, CAWCD and the Municipal Provider desire to revoke the Member Service Area Agreement. Article 6.3 of the Member Service Area Agreement states that the agreement may be revoked by the express written agreement of the CAWCD and the Municipal Provider.

NOW THEREFORE, the parties hereby agree as follows:

**ARTICLE 1
DEFINITIONS**

1.1 "ADWR" means the Arizona Department of Water Resources.

1.2 "Member Service Area" is as defined in Arizona Revised Statutes §48-3701(11).

1.3 "Member Service Area Agreement" means the Member Service Area Agreement Between Central Arizona Water Conservation District and the City of Peoria, dated September 16, 1997.

1.4 "Revocation" means this Revocation of Member Service Area Agreement Between Central Arizona Water Conservation District and The City of Peoria.

1.5 "Service Area" means the service area depicted in Exhibit A, attached and incorporated herein.

**ARTICLE 2
REVOCATION OF
MEMBER SERVICE AREA AGREEMENT**

CAWCD and the Municipal Provider hereby revoke the Member Service Area Agreement. This Revocation shall be effective on the date first set forth above.

**ARTICLE 3
TERMINATION OF
MEMBER SERVICE AREA STATUS**

The Service Area's Member Service Area status is terminated on the date first set forth above.

IN WITNESS WHEREOF, the Parties to this Revocation have executed this Revocation as of the date first set forth above.

CAWCD: CENTRAL ARIZONA WATER CONSERVATION DISTRICT

By: _____

Its: President _____

ATTEST:

Secretary

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 9C
Amend No. _____

Date Prepared: March 28, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, Management and Budget Director
PREPARED BY: Howell Lindsay, Rate Analyst
SUBJECT: **Adoption of Notice of Intention to Possibly Adjust Rates and Establish Date of Public Hearing**

RECOMMENDATION:

Discussion and possible action to adopt a Notice of Intention to adjust the City's water and wastewater rates and establish May 17, 2011 as the date for a public hearing on the proposed adjustments.

BACKGROUND:

In April 2011, the City Council will review the FY2012 Budget and the 10 year Capital Improvement Plan. The proposed budget includes capital projects and operational costs that will require funding from the operating revenues of the Water and Wastewater Funds. In order to sufficiently fund the budget, satisfy the City's bond covenants, and meet the guidelines established in the City's Principles of Sound Financial Management policy, changes in the City's water and wastewater rates will be required.

There are several steps a municipality must complete as required by state law to consider and adopt changes to its utility rates. The following table provides a brief outline of the required steps and the dates proposed by staff for the City to fully comply with Arizona Revised Statutes (ARS9-511.01):

Utility Rate Adjustment Calendar

April 5, 2011	Council adopts "Notice of Intention" – notice to the public that the City is considering changes in rates.
April 7, 2011	Council receives information on recommended utility rate adjustments at a public Budget Review Study Session.
April 14, 2011	Written rate report is placed on file with the City Clerk's office.

April 5, 2011 Council Meeting
Council Communication – Utilities Notice of Intent

April 22, 2011 & April 29, 2011	Publication in the newspaper of record in the area of the municipality specifying the public hearing date, time and location.
May 17, 2011	Public Hearing – Council holds public hearing and considers adoption of recommended utility rate changes.
May 17, 2011	Council adoption of the new rates.
July 1, 2011	New rates become effective.

SUMMARY:

In summary, staff is requesting that the Mayor and Council approve the Notice of Intention and establish May 17, 2011, as the date for a public hearing to receive comments on the proposed rate changes and to allow Council to consider adjusting rates.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 10C
Amend No. _____

Date Prepared: March 1, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Maintenance Improvement District No. 1042, Vistancia Parcel F5, Westland Road North of (N/O) Lone Mountain Road.

RECOMMENDATION:

Discussion and possible action to re-approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Maintenance Improvement District No. 1042, Vistancia Parcel F5, located on Westland Road N/O Lone Mountain Road previously approved on October 3, 2006 (RES. 06-142 and 06-143).

Staff is recommending re-approval of the Assessment Diagram Boundary Map (Exhibit B), due to a re-plat of the parcel.

SUMMARY:

Pursuant to the provision of A.R.S. 48-574, et. seq., 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. 1042, Vistancia Parcel F5 subdivision, located on Westland Road N/O Lone Mountain Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Council Communication
MID 1042 – Vistancia Parcel F5
April 5, 2011
Page: 2

Under Arizona State law, commencing in October 2012, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, the City Engineer has prepared an assessment diagram and map, listing each parcel of property within the district.

ATTACHMENT(s):

1. Petition for Formation
2. Proposed Resolution of Intention to Create
3. Proposed Resolution Declaring Intention to Order

CONTACT:

Traci Varland, Engineering Technician II, X7612

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

[1042]
MID#

[VISTANCIA BECEL F5]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

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

1. **Area of District.** The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 34.569 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
10th day of DECEMBER 2010.

<u>VISTANCIA SOUTH, LLL</u> Print Property Owner Name <u>MARK HAMMONS</u> Print Name <u>6720 N. SCOTTSDALE RD, SUITE 1100,</u> <u>SCOTTSDALE, AZ 85213</u> Signature	Date: <u>12/10/10</u>	Property (Tax Parcel Numbers) <u>503-52-594 TRM4</u> <u>503-52-634</u> <u>503-52-651</u> <u>503-52-030 TRM4</u> <u>503-52-645</u> <u>503-52-647 TRM4</u> <u>503-52-650</u> <u>503-52-841</u> <u>503-52-842</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 _____
Bob Barrett, Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M Kemp, City Attorney

RESOLUTION NO. 2011- 28

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.1042, VISTANCIA PARCEL F5, 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. 1042 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. 1042.

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. 1042.

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 10. Delegation of Authority.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of April, 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in the Peoria Times
Publication Dates: April 8, 2011 and April 15, 2011
Effective Date: _____

Resolution No. 2011-**28**
MID 1042 – Vistancia Parcel F5
April 5, 2011
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.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2011-**28** duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on **April 5**, 2011 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

EXHIBIT A



DECEMBER 9, 2010
JOB # 10002
PAGE 1 OF 3

VISTANCIA PARCEL F5-MID
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 15, SOUTHWEST QUARTER OF SECTION 14, NORTHWEST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 14 (GLO BRASS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRASS CAP) BEARS S 89°42'04" E A DISTANCE OF 2643.63 FEET;

THENCE N 41°13'10" W, A DISTANCE OF 239.86 FEET;

THENCE N 13°34'26" W, A DISTANCE OF 156.25 FEET;

THENCE N 41°59'06" W, A DISTANCE OF 667.05 FEET TO A POINT ON THE SOUTH LINE OF TRACT "L" AS SHOWN ON THE RE-PLAT MAP OF DEDICATION FOR VISTANCIA BOULEVARD, LONE MOUNTAIN ROAD, CREOSOTE DRIVE AND WESTLAND ROAD RECORDED IN BOOK 850, PAGE 23, MARICOPA COUNTY RECORDS;

THENCE N 49°26'16" W, ACROSS SAID TRACT "L" AND WESTLAND ROAD, A DISTANCE OF 56.00 FEET TO A POINT ON THE CENTERLINE THEREOF;

THENCE ALONG SAID CENTERLINE OF WESTLAND ROAD THE FOLLOWING (3) THREE COURSES AND DISTANCES:

THENCE N 40°33'44" E, A DISTANCE OF 558.84 FEET;

THENCE 613.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1050.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING N 57°18'38" E;

DECEMBER 9, 2010

JOB # 10002

PAGE 2 OF 3

THENCE N 74°03'31" E A DISTANCE OF 70.70 FEET;

THENCE S 15°56'29" E, LEAVING SAID CENTERLINE AND ACROSS SAID WESTLAND ROAD AND TRACT "R" AS SHOWN ON SAID RE-PLAT MAP OF DEDICATION, A DISTANCE OF 56.00 FEET TO A POINT THE SOUTH LINE OF SAID TRACT "R";

THENCE S 34°30'55" W, LEAVING SAID SOUTH LINE OF TRACT "R", A DISTANCE OF 20.33 FEET;

THENCE S 07°56'44" E, A DISTANCE OF 109.35 FEET;

THENCE S 32°53'50" E, A DISTANCE OF 785.18 FEET;

THENCE S 17°17'08" W, A DISTANCE OF 118.70 FEET;

THENCE S 49°38'34" W, A DISTANCE OF 132.24 FEET;

THENCE S 16°45'35" W, A DISTANCE OF 244.62 FEET;

THENCE S 11°20'35" W, A DISTANCE OF 435.48 FEET;

THENCE S 02°29'25" W, A DISTANCE OF 115.97 FEET;

THENCE S 07°16'37" E, A DISTANCE OF 119.34 FEET;

THENCE S 15°10'05" E, A DISTANCE OF 279.22 FEET;

THENCE S 58°28'29" W, A DISTANCE OF 59.78 FEET;

THENCE S 83°33'01" W, A DISTANCE OF 87.78 FEET;

THENCE N 40°06'29" W, A DISTANCE OF 260.22 FEET;

THENCE N 50°53'11" W, A DISTANCE OF 198.09 FEET;

THENCE N 10°18'27" W, A DISTANCE OF 48.66 FEET;

THENCE N 40°28'10" W, A DISTANCE OF 117.04 FEET;

DECEMBER 9, 2010

JOB # 10002

PAGE 3 OF 3

THENCE N 23°38'05" E, A DISTANCE OF 45.74 FEET;

THENCE S 67°17'27" E, A DISTANCE OF 122.10 FEET;

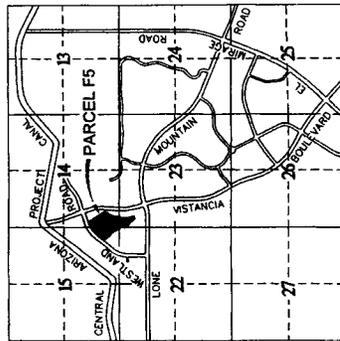
THENCE N 27°49'32" W, A DISTANCE OF 172.06 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 34.5687 ACRES OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.



EXHIBIT B

**ASSESSMENT DIAGRAM
MAINTENANCE IMPROVEMENT DISTRICT III
VISTANCIA NORTH PHASE II
PARCEL F-5
CITY OF PEORIA, ARIZONA**



KEY MAP
N15

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14 AND THE SOUTHEAST QUARTER OF SECTION 15 AND THE NORTHEAST QUARTER OF SECTION 22 AND THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

1/4 CORNER COMMON IS
1/4 S14 S14
1/4 S14 S14
ON 1" IRON PIPE

1/4 CORNER COMMON IS
1/4 S14 S14
1/4 S14 S14
ON 1" IRON PIPE

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TRACT	SQ. FT.	ACRES	USE	OPEN SPACE	TRAIL	SEWER EASEMENT
A	4200.00	0.096	LANDSCAPE			
B	4200.00	0.096	LANDSCAPE			
C	2204.7	0.050	LANDSCAPE			
D	4248	0.095	LANDSCAPE			
E	4248	0.095	LANDSCAPE			
F	4248	0.095	LANDSCAPE			
G	4248	0.095	LANDSCAPE			
H	4248	0.095	LANDSCAPE			
I	4248	0.095	LANDSCAPE			
J	4248	0.095	LANDSCAPE			
K	4248	0.095	LANDSCAPE			
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M	4248	0.095	LANDSCAPE			
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BC	4248	0.095	LANDSCAPE			
BD	4248	0.095	LANDSCAPE			
BE	4248	0.095	LANDSCAPE			
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Resolution No. 2011-28
MID 1042 – Vistancia Parcel F5
April 5, 2011
Page 9 of 10 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1042, VISTANCIA PARCEL F5

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 5th day of April 2011, the Mayor and Council of the City of Peoria adopted Resolution No. 2011-29; 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. 1042, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice be given.

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

Further information concerning City of Peoria Maintenance Improvement District No. 1042 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

Resolution No. 2011-28
MID 1042 – Vistancia Parcel F5
April 5, 2011
Page 10 of 10 Pages

DATED AND SIGNED this 5th day of April, 2011.

Andrew Granger
Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2011- **29**

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. 1042, VISTANCIA PARCEL F5; 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. 1042.

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

Resolution No. 2011-**29**
MID 1042, Vistancia Parcel F5
April 5, 2011
Page 2 of 5 Pages

District No. 1042 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. 1042 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. 1042 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. 1042.

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. 1042 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

Resolution No. 2011-**29**
MID 1042, Vistancia Parcel F5
April 5, 2011
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this **5th** day of April, 2011.

Bob Barrett, Mayor

Date Signed: _____

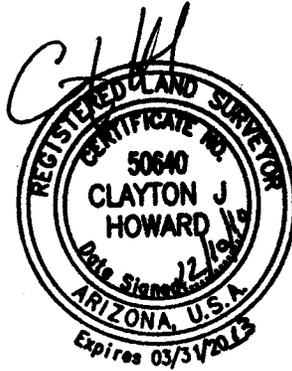
ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT A



DECEMBER 9, 2010
JOB # 10002
PAGE 1 OF 3

VISTANCIA PARCEL F5-MID
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 15, SOUTHWEST QUARTER OF SECTION 14, NORTHWEST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 14 (GLO BRASS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRASS CAP) BEARS S 89°42'04" E A DISTANCE OF 2643.63 FEET;

THENCE N 41°13'10" W, A DISTANCE OF 239.86 FEET;

THENCE N 13°34'26" W, A DISTANCE OF 156.25 FEET;

THENCE N 41°59'06" W, A DISTANCE OF 667.05 FEET TO A POINT ON THE SOUTH LINE OF TRACT "L" AS SHOWN ON THE RE-PLAT MAP OF DEDICATION FOR VISTANCIA BOULEVARD, LONE MOUNTAIN ROAD, CREOSOTE DRIVE AND WESTLAND ROAD RECORDED IN BOOK 850, PAGE 23, MARICOPA COUNTY RECORDS;

THENCE N 49°26'16" W, ACROSS SAID TRACT "L" AND WESTLAND ROAD, A DISTANCE OF 56.00 FEET TO A POINT ON THE CENTERLINE THEREOF;

THENCE ALONG SAID CENTERLINE OF WESTLAND ROAD THE FOLLOWING (3) THREE COURSES AND DISTANCES:

THENCE N 40°33'44" E, A DISTANCE OF 558.84 FEET;

THENCE 613.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1050.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING N 57°18'38" E;

DECEMBER 9, 2010

JOB # 10002

PAGE 2 OF 3

THENCE N 74°03'31" E A DISTANCE OF 70.70 FEET;

THENCE S 15°56'29" E, LEAVING SAID CENTERLINE AND ACROSS SAID WESTLAND ROAD AND TRACT "R" AS SHOWN ON SAID RE-PLAT MAP OF DEDICATION, A DISTANCE OF 56.00 FEET TO A POINT THE SOUTH LINE OF SAID TRACT "R";

THENCE S 34°30'55" W, LEAVING SAID SOUTH LINE OF TRACT "R", A DISTANCE OF 20.33 FEET;

THENCE S 07°56'44" E, A DISTANCE OF 109.35 FEET;

THENCE S 32°53'50" E, A DISTANCE OF 785.18 FEET;

THENCE S 17°17'08" W, A DISTANCE OF 118.70 FEET;

THENCE S 49°38'34" W, A DISTANCE OF 132.24 FEET;

THENCE S 16°45'35" W, A DISTANCE OF 244.62 FEET;

THENCE S 11°20'35" W, A DISTANCE OF 435.48 FEET;

THENCE S 02°29'25" W, A DISTANCE OF 115.97 FEET;

THENCE S 07°16'37" E, A DISTANCE OF 119.34 FEET;

THENCE S 15°10'05" E, A DISTANCE OF 279.22 FEET;

THENCE S 58°28'29" W, A DISTANCE OF 59.78 FEET;

THENCE S 83°33'01" W, A DISTANCE OF 87.78 FEET;

THENCE N 40°06'29" W, A DISTANCE OF 260.22 FEET;

THENCE N 50°53'11" W, A DISTANCE OF 198.09 FEET;

THENCE N 10°18'27" W, A DISTANCE OF 48.66 FEET;

THENCE N 40°28'10" W, A DISTANCE OF 117.04 FEET;

DECEMBER 9, 2010

JOB # 10002

PAGE 3 OF 3

THENCE N 23°38'05" E, A DISTANCE OF 45.74 FEET;

THENCE S 67°17'27" E, A DISTANCE OF 122.10 FEET;

THENCE N 27°49'32" W, A DISTANCE OF 172.06 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 34.5687 ACRES OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 11C
Amend No. _____

Date Prepared: March 1, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Maintenance Improvement District No. 1047, Vistancia Parcel F1, Westland Road and Calle Del Sol.

RECOMMENDATION:

Discussion and possible action to re-approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Maintenance Improvement District No. 1047, Vistancia Parcel F1, located on Westland Road and Calle Del Sol previously approved on August 21, 2007 (RES. 07-108 and 07-109).

Staff is recommending re-approval of the Assessment Diagram Boundary Map (Exhibit B), due to a re-plat of the parcel.

SUMMARY:

Pursuant to the provision of A.R.S. § 48-574, *et. seq.*, Mayor and Council are empowered to adopt a Resolution Ordering the Improvements for formation of a Maintenance Improvement District. A Petition and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1047, Vistancia Parcel F1 subdivision, located on Westland Road and Calle Del Sol. In this special situation, in which all the property owners have presented a Petition for Formation, the ordinary publication and protest period are not required by law, and 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.

Council Communication
MID 1047 – Vistancia Parcel F1
April 5, 2011
Page: 2

Under Arizona State law, commencing in October 2012, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State Statute, the City Engineer has prepared an assessment diagram and map, listing each parcel of property within the district.

ATTACHMENTS:

1. Petition for Formation
2. Proposed Resolution of Intention to Create
3. Proposed Resolution Declaring Intention to Order

CONTACT:

Traci Varland, Engineering Technician II, X7612

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

[1047]
MID#

[VISTANCIA PARCEL FL]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 35.198 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 10th day of DECEMBER 2010.

<u>VISTANCIA SOUTH, LLL</u> Print Property Owner Name <u>MARK HAMMONS</u> Print Name <u>10720 N. SCOTTSDALE RD, SUITE 160.</u> <u>SCOTTSDALE, AZ 85213</u> Address _____ Signature	Date: <u>12/10/10</u>	Property (Tax Parcel Numbers) <u>603-52-895</u> <u>Then 603-52-921</u> <u>603-52-844 THRU</u> <u>603-52-892</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 _____
Bob Barnett, Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2011-30

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. 1047, VISTANCIA PARCEL F1, 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. 1047 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. 1047.

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. 1047.

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 5th day of April, 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in the Peoria Times
Publication Dates: April 8, 2011 and April 15, 2011
Effective Date: _____

Resolution No. 2011-**30**
MID 1047 – Vistancia Parcel F1
April 5, 2011
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.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2011-**30** duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on **April 5**, 2011 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



DECEMBER 9, 2010

JOB # 10002

PAGE 1 OF 2

VISTANCIA PARCEL F1-MID
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 14 AND THE EAST HALF OF SECTION 15 TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15 (GLO BRAS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRAS CAP) BEARS N 89°39'29" W A DISTANCE OF 2638.08 FEET;

THENCE N 14°15'48" E, A DISTANCE OF 1737.16 FEET TO A POINT ON THE CENTERLINE OF WESTLAND ROAD AS SHOWN IN BOOK 850, PAGE 23, MARICOPA COUNTY RECORDERS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES AND DISTANCES:

THENCE S 74°03'31" W, A DISTANCE OF 248.49 FEET;

THENCE 613.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1050.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING S 57°18'38" W;

THENCE S 40°33'44" W, A DISTANCE OF 542.20 FEET;

THENCE N 49°26'16" W, LEAVING SAID CENTERLINE A DISTANCE OF 56.00 FEET TO A POINT ON THE NORTH LINE OF TRACT "S" AS SHOWN ON SAID MAP OF DEDICATION;

THENCE N 40°59'15" W, LEAVING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 130.87 FEET;

DECEMBER 9, 2010
JOB # 10002
PAGE 2 OF 2

THENCE N 56°11'44" W, A DISTANCE OF 275.11 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE CENTRAL ARIZONA PROJECT CANAL;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES:

THENCE N 37°41'16" E, A DISTANCE OF 59.75 FEET;

THENCE N 58°36'40" W, A DISTANCE OF 452.83 FEET;

THENCE N 37°43'10" E, A DISTANCE OF 449.99 FEET;

THENCE S 52°16'48" E, A DISTANCE OF 330.03 FEET;

THENCE N 37°43'12" E, A DISTANCE OF 659.93 FEET;

THENCE N 52°16'48" W, A DISTANCE OF 330.03 FEET;

THENCE N 37°43'16" E, A DISTANCE OF 890.21 FEET;

THENCE S 25°42'06" E, A DISTANCE OF 433.14 FEET;

THENCE S 25°46'31" E, A DISTANCE OF 125.85 FEET;

THENCE N 37°46'23" E, A DISTANCE OF 149.90 FEET;

THENCE S 03°30'37" W, LEAVING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 459.68 FEET;

THENCE S 30°19'36" E, A DISTANCE OF 519.87 FEET TO A POINT ON SAID NORTH LINE OF TRACT "Q";

THENCE S 15°56'29" E, ACROSS SAID TRACT "Q" AND WESTLAND ROAD A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 35.1984 ACRES OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

Resolution No. 2011-**30**
MID 1047 – Vistancia Parcel F1
April 5, 2011
Page 9 of 10 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1047, VISTANCIA PARCEL F1.

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 **5th** day of **April**, 2011, the Mayor and Council of the City of Peoria adopted Resolution No. 2011-**31**; 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. 1047, 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. 1047 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

Resolution No. 2011-**30**
MID 1047 – Vistancia Parcel F1
April 5, 2011
Page 10 of 10 Pages

DATED AND SIGNED this **5th** day of **April**, 2011.

Andrew Granger
Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2011-**31**

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. 1047, VISTANCIA PARCEL F1; 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. 1047.

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

Resolution No. 2011-**31**
MID 1047 – Vistancia Parcel F1
April 5, 2011
Page 2 of 5 Pages

District No. 1047 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. 1047 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. 1047 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. 1047.

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. 1047 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

Resolution No. 2011-**31**
MID 1047 – Vistancia Parcel F1
April 5, 2011
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this **5th** day of **April**, 2011.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney



DECEMBER 9, 2010

JOB # 10002

PAGE 1 OF 2

VISTANCIA PARCEL F1-MID
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 14 AND THE EAST HALF OF SECTION 15 TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15 (GLO BRAS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRAS CAP) BEARS N 89°39'29" W A DISTANCE OF 2638.08 FEET;

THENCE N 14°15'48" E, A DISTANCE OF 1737.16 FEET TO A POINT ON THE CENTERLINE OF WESTLAND ROAD AS SHOWN IN BOOK 850, PAGE 23, MARICOPA COUNTY RECORDERS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES AND DISTANCES:

THENCE S 74°03'31" W, A DISTANCE OF 248.49 FEET;

THENCE 613.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1050.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING S 57°18'38" W;

THENCE S 40°33'44" W, A DISTANCE OF 542.20 FEET;

THENCE N 49°26'16" W, LEAVING SAID CENTERLINE A DISTANCE OF 56.00 FEET TO A POINT ON THE NORTH LINE OF TRACT "S" AS SHOWN ON SAID MAP OF DEDICATION;

THENCE N 40°59'15" W, LEAVING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 130.87 FEET;

DECEMBER 9, 2010

JOB # 10002

PAGE 2 OF 2

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THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES:

THENCE N 37°41'16" E, A DISTANCE OF 59.75 FEET;

THENCE N 58°36'40" W, A DISTANCE OF 452.83 FEET;

THENCE N 37°43'10" E, A DISTANCE OF 449.99 FEET;

THENCE S 52°16'48" E, A DISTANCE OF 330.03 FEET;

THENCE N 37°43'12" E, A DISTANCE OF 659.93 FEET;

THENCE N 52°16'48" W, A DISTANCE OF 330.03 FEET;

THENCE N 37°43'16" E, A DISTANCE OF 890.21 FEET;

THENCE S 25°42'06" E, A DISTANCE OF 433.14 FEET;

THENCE S 25°46'31" E, A DISTANCE OF 125.85 FEET;

THENCE N 37°46'23" E, A DISTANCE OF 149.90 FEET;

THENCE S 03°30'37" W, LEAVING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 459.68 FEET;

THENCE S 30°19'36" E, A DISTANCE OF 519.87 FEET TO A POINT ON SAID NORTH LINE OF TRACT "Q";

THENCE S 15°56'29" E, ACROSS SAID TRACT "Q" AND WESTLAND ROAD A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 35.1984 ACRES OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 12C
Amend No. _____

Date Prepared: March 3, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Street Light Improvement District No. 1063, Vistancia Parcel F5, Calle De Baca and Westland Road.

RECOMMENDATION:

Discussion and possible action to approve the Petition for Formation, and adopt the Resolutions of Intention and Ordering Formation of the proposed Street Light Improvement District No. 1063, Vistancia Parcel F5, located at Calle De Baca and Westland Road.

SUMMARY:

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. 1063, Vistancia Parcel F5, located at Calle De Baca and Westland Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Council Communication
SLID 1063 - Vistancia Parcel F5
April 5, 2011
Page: 2

Under Arizona State law, commencing in October 2012, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, the City Engineer has prepared an assessment diagram and map listing each parcel of property within the district.

Therefore, based upon the earlier Resolution of Intention, it is my recommendation that the Mayor and Council adopt the proposed Resolutions.

ATTACHMENTS:

1. Petition for Formation
2. Proposed Resolution of Intention
3. Proposed Resolution Ordering the Improvements

CONTACT:

Traci Varland, Engineering Technician II, X7612

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

11063
SLID#
VISTANCIA BAKELFS
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 34.569 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 10th
day of DECEMBER 2010.

<u>VISTANCIA SOUTH, LLC</u> Print Property Owner Name <u>MARK HAMMONS</u> Print Name <u>4720 N. SCOTTSDALE RD, SUITE 100</u> <u>SCOTTSDALE, AZ 85213</u> _____ Signature	Date: <u>12/10/10</u>	Property (Tax Parcel Numbers) <u>503-52-674 THRU</u> <u>503-52-634</u> <u>503-52-651</u> <u>503-52-636 THRU</u> <u>503-52-645</u> <u>503-52-647 THRU</u> <u>503-52-650</u> <u>503-52-841</u> <u>503-52-842</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 _____
Bob Barrett, Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2011-32

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. 1063, VISTANCIA PARCEL F5; 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. 1063 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

Resolution No. 2011-32
SLID 1063, Vistancia Parcel F5
April 5, 2011
Page 2 of 5 Pages

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. 1063 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. 1063 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. 1063.

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. 1063 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 Statues.

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

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

Resolution No. 2011-32
SLID 1063, Vistancia Parcel F5
April 5, 2011
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 5th day of April, 2011.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in the Peoria Times
Publication Dates: April 8, 2011 and April 15, 2011
Effective Date: _____



DECEMBER 9, 2010
JOB # 10002
PAGE 1 OF 3

VISTANCIA PARCEL F5-SLID
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 15, SOUTHWEST QUARTER OF SECTION 14, NORTHWEST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 14 (GLO BRASS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRASS CAP) BEARS S 89°42'04" E A DISTANCE OF 2643.63 FEET;

THENCE N 41°13'10" W, A DISTANCE OF 239.86 FEET;

THENCE N 13°34'26" W, A DISTANCE OF 156.25 FEET;

THENCE N 41°59'06" W, A DISTANCE OF 667.05 FEET TO A POINT ON THE SOUTH LINE OF TRACT "L" AS SHOWN ON THE RE-PLAT MAP OF DEDICATION FOR VISTANCIA BOULEVARD, LONE MOUNTAIN ROAD, CREOSOTE DRIVE AND WESTLAND ROAD RECORDED IN BOOK 850, PAGE 23, MARICOPA COUNTY RECORDS;

THENCE N 49°26'16" W, ACROSS SAID TRACT "L" AND WESTLAND ROAD, A DISTANCE OF 56.00 FEET TO A POINT ON THE CENTERLINE THEREOF;

THENCE ALONG SAID CENTERLINE OF WESTLAND ROAD THE FOLLOWING (3) THREE COURSES AND DISTANCES:

THENCE N 40°33'44" E, A DISTANCE OF 558.84 FEET;

THENCE 613.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1050.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING N 57°18'38" E;

DECEMBER 9, 2010

JOB # 10002

PAGE 2 OF 3

THENCE N 74°03'31" E A DISTANCE OF 70.70 FEET;

THENCE S 15°56'29" E, LEAVING SAID CENTERLINE AND ACROSS SAID WESTLAND ROAD AND TRACT "R" AS SHOWN ON SAID RE-PLAT MAP OF DEDICATION, A DISTANCE OF 56.00 FEET TO A POINT THE SOUTH LINE OF SAID TRACT "R";

THENCE S 34°30'55" W, LEAVING SAID SOUTH LINE OF TRACT "R", A DISTANCE OF 20.33 FEET;

THENCE S 07°56'44" E, A DISTANCE OF 109.35 FEET;

THENCE S 32°53'50" E, A DISTANCE OF 785.18 FEET;

THENCE S 17°17'08" W, A DISTANCE OF 118.70 FEET;

THENCE S 49°38'34" W, A DISTANCE OF 132.24 FEET;

THENCE S 16°45'35" W, A DISTANCE OF 244.62 FEET;

THENCE S 11°20'35" W, A DISTANCE OF 435.48 FEET;

THENCE S 02°29'25" W, A DISTANCE OF 115.97 FEET;

THENCE S 07°16'37" E, A DISTANCE OF 119.34 FEET;

THENCE S 15°10'05" E, A DISTANCE OF 279.22 FEET;

THENCE S 58°28'29" W, A DISTANCE OF 59.78 FEET;

THENCE S 83°33'01" W, A DISTANCE OF 87.78 FEET;

THENCE N 40°06'29" W, A DISTANCE OF 260.22 FEET;

THENCE N 50°53'11" W, A DISTANCE OF 198.09 FEET;

THENCE N 10°18'27" W, A DISTANCE OF 48.66 FEET;

THENCE N 40°28'10" W, A DISTANCE OF 117.04 FEET;

DECEMBER 9, 2010

JOB # 10002

PAGE 3 OF 3

THENCE N 23°38'05" E, A DISTANCE OF 45.74 FEET;

THENCE S 67°17'27" E, A DISTANCE OF 122.10 FEET;

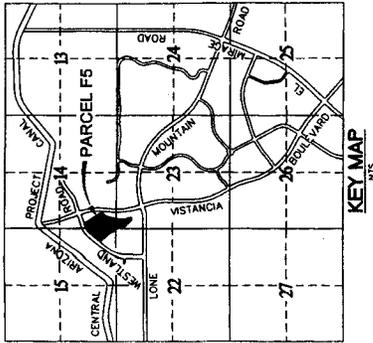
THENCE N 27°49'32" W, A DISTANCE OF 172.06 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 34.5687 ACRES OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

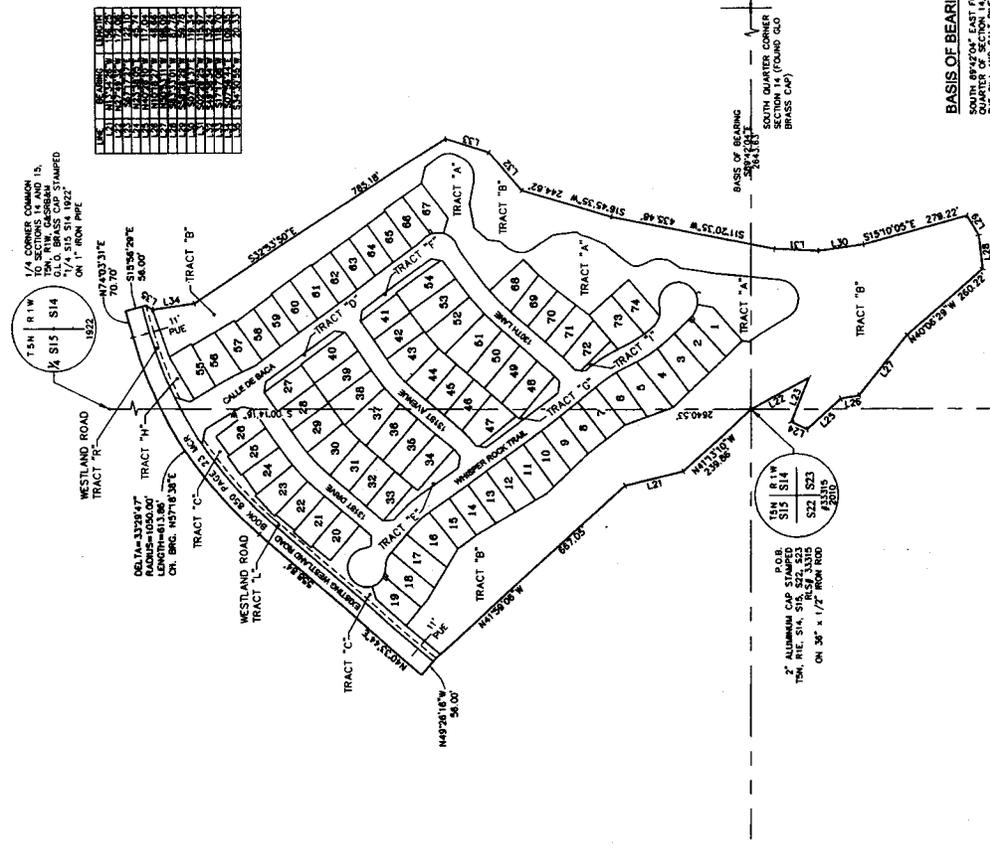


EXHIBIT B

ASSESSMENT DIAGRAM
STREET LIGHT IMPROVEMENT DISTRICT NO. 1063
VISTANCIA NORTH PHASE III
PARCEL F-5



A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14 AND THE SOUTHEAST QUARTER OF SECTION 15 AND THE NORTHEAST QUARTER OF SECTION 22 AND THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

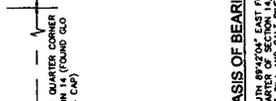
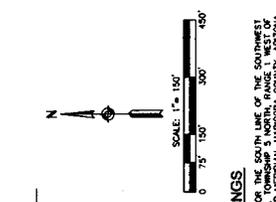


F5 - LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 14, SOUTHWEST QUARTER OF SECTION 15, NORTHWEST QUARTER OF SECTION 22 AND THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 14 (GLO BRASS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRASS CAP) BEARS S 89°42'04" E A DISTANCE OF 240.583 FEET;

- THENCE N 41°31'10" W, A DISTANCE OF 9239.86 FEET;
- THENCE N 13°24'38" W, A DISTANCE OF 158.25 FEET;
- THENCE N 41°30'00" W, A DISTANCE OF 607.05 FEET TO A POINT ON THE SOUTH LINE OF TRACT "L", AS SHOWN ON THE "PLAT MAP OF DEDICATION FOR VISTANCIA BOULEVARD, WESTLAND ROAD AND MOUNTAIN ROAD" RECORDED IN MARICOPA COUNTY RECORDS, PAGE 53, MARICOPA COUNTY RECORDS;
- THENCE N 49°17'18" W, ACROSS SAID TRACT "L", AND WESTLAND ROAD, A DISTANCE OF 25.00 FEET TO A POINT ON THE CENTERLINE THEREOF;
- THENCE ALONG SAID CENTERLINE OF WESTLAND ROAD THE FOLLOWING (3) THREE COURSES AND DISTANCES:
- THENCE N 40°33'44" E, A DISTANCE OF 558.84 FEET;
- THENCE 43.88 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1020.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING N 57°18'38" E;
- THENCE N 74°03'31" E, LEAVING SAID CENTERLINE AND ACROSS SAID WESTLAND ROAD AND TRACT "L", AS SHOWN ON SAID RE-PLAT MAP OF DEDICATION, A DISTANCE OF 56.00 FEET TO A POINT THE SOUTH LINE OF SAID TRACT "R";
- THENCE S 34°20'55" W, LEAVING SAID SOUTH LINE OF TRACT "R", A DISTANCE OF 20.33 FEET;
- THENCE S 07°56'44" E, A DISTANCE OF 109.35 FEET;
- THENCE S 32°33'50" E, A DISTANCE OF 785.18 FEET;
- THENCE S 17°17'09" W, A DISTANCE OF 118.70 FEET;
- THENCE S 49°28'34" W, A DISTANCE OF 132.24 FEET;
- THENCE S 16°45'35" W, A DISTANCE OF 244.82 FEET;
- THENCE S 17°20'35" W, A DISTANCE OF 435.48 FEET;
- THENCE S 07°29'25" W, A DISTANCE OF 115.97 FEET;
- THENCE S 07°16'37" E, A DISTANCE OF 119.34 FEET;
- THENCE S 15°10'05" E, A DISTANCE OF 279.22 FEET;
- THENCE S 58°28'29" W, A DISTANCE OF 99.78 FEET;
- THENCE S 83°33'01" W, A DISTANCE OF 87.78 FEET;
- THENCE N 40°09'29" W, A DISTANCE OF 280.22 FEET;
- THENCE N 50°33'11" W, A DISTANCE OF 198.09 FEET;
- THENCE N 10°18'27" W, A DISTANCE OF 48.69 FEET;
- THENCE N 40°28'10" W, A DISTANCE OF 17.04 FEET;
- THENCE N 23°38'05" E, A DISTANCE OF 45.74 FEET;
- THENCE S 67°17'27" E, A DISTANCE OF 122.10 FEET;
- THENCE N 27°48'32" W, A DISTANCE OF 72.08 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 34.5887 ACRES OF LAND, MORE OR LESS, INCLUDING ANY SUBDIVISION OF RECORD.



BASIS OF BEARINGS
SOUTH QUARTER CORNER SECTION 14 (FOUND GLO BRASS CAP)

P.O.B. ALABAMA CO. S14 S14 S14 S22 S23 S23 S33 S33 S33 S33 ON 3/4 x 1/2 INCH ROD

1/4 CORNER COMMON TO S14 S15 S14 S14 S14 S22 S23 S23 S33 S33 S33 S33 ON 1" IRON PIPE

68.71 = 33.94 x 2
DEAN'S ROAD 100.00' LENGTH = 613.86'
ON BRG. 89°18'38"E

75H R 17
K S15 S14
ON 1" IRON PIPE

75H R 17
K S15 S14
ON 1" IRON PIPE

75H R 17
K S15 S14
ON 1" IRON PIPE

75H R 17
K S15 S14
ON 1" IRON PIPE

75H R 17
K S15 S14
ON 1" IRON PIPE

75H R 17
K S15 S14
ON 1" IRON PIPE

75H R 17
K S15 S14
ON 1" IRON PIPE

75H R 17
K S15 S14
ON 1" IRON PIPE

Table with columns: REVISIONS, DATE, INT. Includes a table for tracking changes and a title block with project name 'VISTANCIA NORTH PHASE III STREET LIGHT IMPROVEMENT DISTRICT PLAN SHEETS' and sheet number '01 of 1'.

CERTIFICATIONS:
I, ANDREW GRANER, ENGINEERING DEPARTMENT DIRECTOR OF THE CITY OF PEORIA, ARIZONA, HEREBY CERTIFY THAT THIS IS THE ASSESSMENT DIAGRAM OF VISTANCIA NORTH PHASE III STREET LIGHT IMPROVEMENT DISTRICT NO. 1063 OF THE CITY OF PEORIA AND THAT A QUORUM WAS PRESENT.
ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____ 20
BY _____ DISTRICT ENGINEER

NOTES
THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE OF PURCHASING ELECTRICAL POWER AND ELECTRICAL SUPPLIES FROM VISTANCIA VALLEY A, PARCEL 15, AS APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AND THAT A QUORUM WAS PRESENT.
CHAPTER 4, ARTICLE 2, SECTION 48-571 TO 48-616 AS AMENDED.

RESOLUTION NO. 2011-33

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. 1063, VISTANCIA PARCEL F5, 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 5th day of April 2011, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2011- 32, 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. 1063; 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. 2011- 32 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. 2011- 32, 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. 2011- 32 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

Resolution No. 2011-33
SLID 1063 – Vistancia Parcel F5
April 5, 2011
Page 2 of 6 Pages

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2011- 32 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. 2011- 32; 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. 2011- 32 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 5th day of April, 2011, 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. 2011-33
SLID 1063 – Vistancia Parcel F5
April 5, 2011
Page 3 of 6 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona on the 5th day of April, 2011.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in the Peoria Times
Publication Dates: April 8, 2011 and April 15, 2011
Effective Date: _____



DECEMBER 9, 2010
JOB # 10002
PAGE 1 OF 3

VISTANCIA PARCEL F5-SLID
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 15, SOUTHWEST QUARTER OF SECTION 14, NORTHWEST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 14 (GLO BRASS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRASS CAP) BEARS S 89°42'04" E A DISTANCE OF 2643.63 FEET;

THENCE N 41°13'10" W, A DISTANCE OF 239.86 FEET;

THENCE N 13°34'26" W, A DISTANCE OF 156.25 FEET;

THENCE N 41°59'06" W, A DISTANCE OF 667.05 FEET TO A POINT ON THE SOUTH LINE OF TRACT "L" AS SHOWN ON THE RE-PLAT MAP OF DEDICATION FOR VISTANCIA BOULEVARD, LONE MOUNTAIN ROAD, CREOSOTE DRIVE AND WESTLAND ROAD RECORDED IN BOOK 850, PAGE 23, MARICOPA COUNTY RECORDS;

THENCE N 49°26'16" W, ACROSS SAID TRACT "L" AND WESTLAND ROAD, A DISTANCE OF 56.00 FEET TO A POINT ON THE CENTERLINE THEREOF;

THENCE ALONG SAID CENTERLINE OF WESTLAND ROAD THE FOLLOWING (3) THREE COURSES AND DISTANCES:

THENCE N 40°33'44" E, A DISTANCE OF 558.84 FEET;

THENCE 613.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1050.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING N 57°18'38" E;

DECEMBER 9, 2010
JOB # 10002
PAGE 2 OF 3

THENCE N 74°03'31" E A DISTANCE OF 70.70 FEET;

THENCE S 15°56'29" E, LEAVING SAID CENTERLINE AND ACROSS SAID WESTLAND ROAD AND TRACT "R" AS SHOWN ON SAID RE-PLAT MAP OF DEDICATION, A DISTANCE OF 56.00 FEET TO A POINT THE SOUTH LINE OF SAID TRACT "R";

THENCE S 34°30'55" W, LEAVING SAID SOUTH LINE OF TRACT "R", A DISTANCE OF 20.33 FEET;

THENCE S 07°56'44" E, A DISTANCE OF 109.35 FEET;

THENCE S 32°53'50" E, A DISTANCE OF 785.18 FEET;

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THENCE S 16°45'35" W, A DISTANCE OF 244.62 FEET;

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THENCE S 02°29'25" W, A DISTANCE OF 115.97 FEET;

THENCE S 07°16'37" E, A DISTANCE OF 119.34 FEET;

THENCE S 15°10'05" E, A DISTANCE OF 279.22 FEET;

THENCE S 58°28'29" W, A DISTANCE OF 59.78 FEET;

THENCE S 83°33'01" W, A DISTANCE OF 87.78 FEET;

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DECEMBER 9, 2010
JOB # 10002
PAGE 3 OF 3

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THENCE S 67°17'27" E, A DISTANCE OF 122.10 FEET;

THENCE N 27°49'32" W, A DISTANCE OF 172.06 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 34.5687 ACRES OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.



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. 1063, VISTANCIA PARCEL F5.

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 **5th** day of **April** 2011, the Mayor and Council of the City of Peoria adopted Resolution No. 2011-**33**; 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. 1063, 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. 1063 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this **5th** day of **April**, 2011.

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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 13C
Amend No. _____

Date Prepared: March 3, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Street Light Improvement District No. 1064, Vistancia Parcel F1, Calle De Baca and Westland Road.

RECOMMENDATION:

Discussion and possible action to approve the Petition for Formation, and adopt the Resolutions of Intention and Ordering Formation of the proposed Street Light Improvement District No. 1064, Vistancia Parcel F1, located at Calle De Baca and Westland Road.

SUMMARY:

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. 1064, Vistancia Parcel F1, located at Calle De Baca and Westland Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Council Communication
SLID 1064 - Vistancia Parcel F1
April 5, 2011
Page: 2

Under Arizona State law, commencing in October 2012, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, the City Engineer has prepared an assessment diagram and map listing each parcel of property within the district.

Therefore, based upon the earlier Resolution of Intention, it is my recommendation that the Mayor and Council adopt the proposed Resolutions.

ATTACHMENTS:

1. Petition for Formation
2. Proposed Resolution of Intention
3. Proposed Resolution Ordering the Improvements

CONTACT:

Traci Varland, Engineering Technician II, X7612

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

[1064]
SLID#

[VISTANCIA BECEL FL]
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 36.198 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 10th
day of DECEMBER 2010.

<u>VISTANCIA SOUTH, LLL</u> Print Property Owner Name <u>MARK HAMMONS</u> Print Name <u>6720 N. SCOTTSDALE RD, SUITE 160,</u> <u>SCOTTSDALE, AZ 85213</u> _____ Signature	Date: <u>12/10/10</u>	Property (Tax Parcel Numbers) <u>503-52-893</u> <u>THRU 503-52-921</u> <u>503-52-844 THRU</u> <u>503-52-892</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 _____
Bob Barrett, Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2011-34

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. 1064, VISTANCIA PARCEL F1; 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. 1064 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. 1064 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. 1064 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. 1064.

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. 1064 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 Statues.

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

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

Resolution No. 2011-34
SLID 1064, Vistancia Parcel F1
April 5, 2011
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 5th day of April, 2011.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in the Peoria Times
Publication Dates: April 8, 2011 and April 15, 2011
Effective Date: _____



DECEMBER 9, 2010

JOB # 10002

PAGE 1 OF 2

VISTANCIA PARCEL F1-SLID
LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 14 AND THE EAST HALF OF SECTION 15 TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15 (GLO BRAS CAP) FROM WHICH POINT THE SOUTH QUARTER CORNER THEREOF (GLO BRAS CAP) BEARS N 89°39'29" W A DISTANCE OF 2638.08 FEET;

THENCE N 14°15'48" E, A DISTANCE OF 1737.16 FEET TO A POINT ON THE CENTERLINE OF WESTLAND ROAD AS SHOWN IN BOOK 850, PAGE 23, MARICOPA COUNTY RECORDERS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES AND DISTANCES:

THENCE S 74°03'31" W, A DISTANCE OF 248.49 FEET;

THENCE 613.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1050.00 FEET, THROUGH A CENTRAL ANGLE OF 33°29'47" AND A CHORD BEARING S 57°18'38" W;

THENCE S 40°33'44" W, A DISTANCE OF 542.20 FEET;

THENCE N 49°26'16" W, LEAVING SAID CENTERLINE A DISTANCE OF 56.00 FEET TO A POINT ON THE NORTH LINE OF TRACT "S" AS SHOWN ON SAID MAP OF DEDICATION;

THENCE N 40°59'15" W, LEAVING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 130.87 FEET;

DECEMBER 9, 2010
JOB # 10002
PAGE 2 OF 2

THENCE N 56°11'44" W, A DISTANCE OF 275.11 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE CENTRAL ARIZONA PROJECT CANAL;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES:

THENCE N 37°41'16" E, A DISTANCE OF 59.75 FEET;

THENCE N 58°36'40" W, A DISTANCE OF 452.83 FEET;

THENCE N 37°43'10" E, A DISTANCE OF 449.99 FEET;

THENCE S 52°16'48" E, A DISTANCE OF 330.03 FEET;

THENCE N 37°43'12" E, A DISTANCE OF 659.93 FEET;

THENCE N 52°16'48" W, A DISTANCE OF 330.03 FEET;

THENCE N 37°43'16" E, A DISTANCE OF 890.21 FEET;

THENCE S 25°42'06" E, A DISTANCE OF 433.14 FEET;

THENCE S 25°46'31" E, A DISTANCE OF 125.85 FEET;

THENCE N 37°46'23" E, A DISTANCE OF 149.90 FEET;

THENCE S 03°30'37" W, LEAVING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 459.68 FEET;

THENCE S 30°19'36" E, A DISTANCE OF 519.87 FEET TO A POINT ON SAID NORTH LINE OF TRACT "Q";

THENCE S 15°56'29" E, ACROSS SAID TRACT "Q" AND WESTLAND ROAD A DISTANCE OF 56.00 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 35.1984 ACRES OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

RESOLUTION NO. 2011-35

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. 1064, VISTANCIA PARCEL F1, 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 5th day of April 2011, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2011- 34, 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. 1064; 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. 2011- 34 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. 2011- 34, 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. 2011- 34 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

Resolution No. 2011-35
SLID 1064 – Vistancia Parcel F1
April 5, 2011
Page 2 of 6 Pages

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2011-34 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. 2011-34; 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. 2011-34 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 5th day of April 2011, 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. 2011-35
SLID 1064 – Vistancia Parcel F1
April 5, 2011
Page 3 of 6 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the
City of Peoria, Arizona on the 5th day of April, 2011.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

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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. 1064, VISTANCIA PARCEL F1.

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 **5th** day of **April** 2011, the Mayor and Council of the City of Peoria adopted Resolution No. 2011-**35**; 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. 1064, 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. 1064 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this **5th** day of **April** _____, 2011.

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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 14C
Amend No. _____

Date Prepared: March 1, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager
FROM: Scott Whyte, Economic Development Services Director
SUBJECT: Deeds and Easements for various locations

RECOMMENDATION:

Adopt a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

SUMMARY:

The City of Peoria periodically acquires a number of property interests including deeds, roadway dedications and various types of easements. All documents are reviewed for accuracy and recorded. A Resolution to accept these documents has been prepared, which lists each document by recording number and provides information related to each so the property interest to be accepted can be identified.

Staff recommends the adoption of the attached Resolution.

ATTACHMENT:

1. Resolution

CONTACT:

Della Ernest, Administrative Assistant II, x7240

RESOLUTION NO. 2011-27

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

WHEREAS, the real estate interests hereinafter referenced have been conveyed to the City of Peoria;

WHEREAS, it is to the advantage of the City of Peoria to accept said real property interests; and

WHEREAS, the City has determined that acquisition of these property interests is in the interest of the public health, safety and welfare.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows:

SECTION 1. That the following real property interests are hereby accepted by the City of Peoria and referenced by the recording number issued by the Maricopa County Recorder's Office.

Circle K Stores Inc. SEC 83rd Ave. & Olive Avenue
Circle K Stores Inc.
STORM WATER / SURFACE CROSS DRAINAGE EASEMENT
Maricopa County Recording No. 2011-0180212
(Project No. R100040 / DEED 11-003)

Circle K Stores Inc. SEC 83rd Ave. & Olive Avenue
Circle K Stores Inc. and RMA Holdings
PUBLIC WATER LINE EASEMENT
Maricopa County Recording No. 2011-0180174
(Project No. R100040 / DEED 11-004)

Resolution No. 2011-27
Acceptance of Deeds and Easements
April 5, 2011
Page: 2

SECTION 2. Public Easement and Land Rights

That the Mayor and Council accept the deeds and public easements transferred to the City of Peoria as described herein.

SECTION 3. Recording Authorized

That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th of April 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 15C

Amend No. _____

Date Prepared: February 23, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Final Plat of Trilogy at Vistancia – Parcel C1, Vistancia Blvd and Trilogy Blvd (Project No. R110001)

RECOMMENDATION:

Discussion and possible action to approve a Final Plat of Trilogy at Vistancia – Parcel C1, located on Vistancia Blvd and Trilogy 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 and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Final Plat.
2. An approval of design from the City Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Final Plat.
3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Final Plat.
4. In the event that the Final Plat is not recorded within 60 days of Council approval, the Final Plat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

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 19 new lots within the Trilogy at Vistancia Community. All internal roadways are private and will be maintained by the homeowners' association.

The preliminary plat was reviewed by the City and completed in December 2010 and no changes were made to the proposed Final Plat.

ATTACHMENTS:

1. Final Plat
2. Vicinity Map

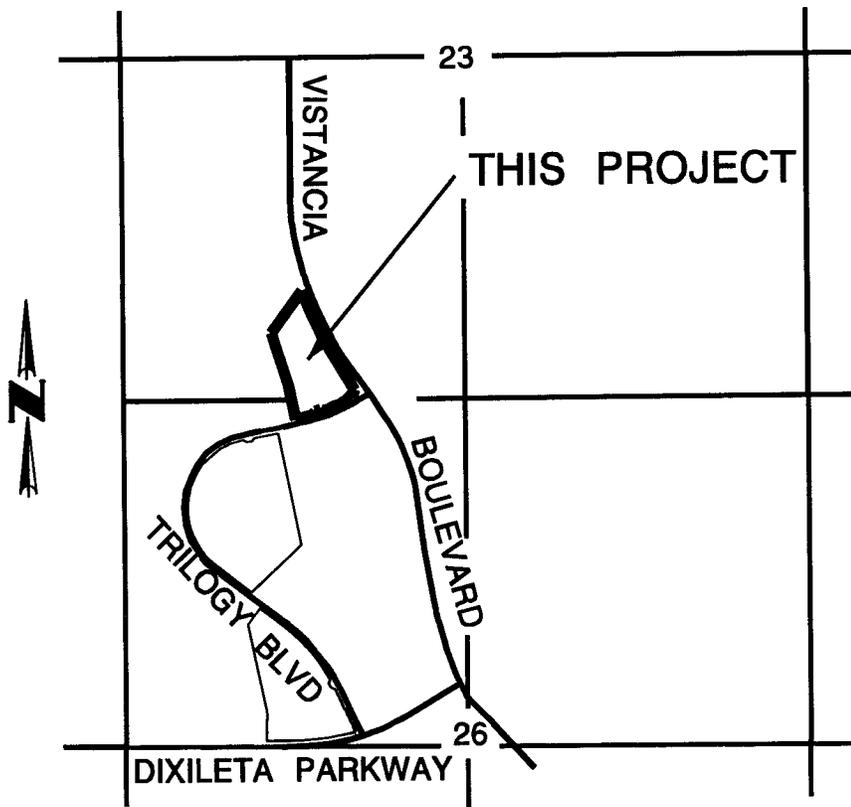
CONTACT:

Jodi Breyfogle, P.E., Civil Engineer: 623-773-7577, Jodi.Breyfogle@peoriaaz.gov

"TRILOGY AT VISTANCIA-PARCEL C1"

LOCATED WITHIN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23 AND
THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

OWNER: VISTANCIA CONSTRUCTION, LLC



VICINITY MAP

(NOT TO SCALE)

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 16R
Amend No. _____

Date prepared: March 23, 2011

Council Meeting Date: April 5, 2011

TO: Honorable Mayor and Council

FROM: Steve Kemp, City Attorney

SUBJECT: Adopt a resolution that supports the construction of electric transmission lines adjacent to State Route 74.

RECOMMENDATION: Discussion and possible action to adopt a Resolution in support of Arizona Public Service Company's Application to the Bureau of Land Management to construct electric transmission lines adjacent to State Route 74.

SUMMARY:

The U.S. Bureau of Land Management ("BLM") has agreed to institute a new process to review its existing land use plan in terms of a pending Application filed by Arizona Public Service Company ("APS"). The APS Application is to construct high-voltage electric transmission lines within a corridor adjacent to State Route 74 that was approved in 2009 by the State of Arizona. The City helped to develop and fully supports the State-approved corridor.

Since 2007 the City has been a leader in the line-siting process, adopting Resolution No. 08-97 to support a route north of SR-74, presenting witnesses and exhibits to the Arizona Line Siting Committee, advocating to the Arizona Corporation Commission that it reaffirm the "Route 3-North" adopted by the Committee, and urging the BLM to approve the APS Application. The City consistently has pointed out that the proposed APS lines are necessary, will promote economic development, and need to be approved and constructed by 2016.

Throughout this effort the City has worked closely with many groups: City residents, landowners, conservationists, other cities, Maricopa County state agencies, U.S. Congressmen, and APS. Our goal has been to focus the analysis on proper land and resource planning, for today and many years in the future.

BLM has informed the City that we will be a "Cooperating Agency" during the new BLM process, which, pursuant to Federal regulations, will provide the City with an official seat at the table as the BLM examines its existing plan, develops any necessary amendments to the plan, and then finally acts on the APS Application. BLM also will be seeking comments from members of the public and other groups, at a public meeting to be held in Peoria and through written comments. The City will publicize the public meeting date and location and the address and timeframe to submit written comments as soon as they are announced by BLM.

City of Peoria Council Communication
April 5, 2011
Adopt Resolution No. 11- **48**
Page 2 of 2

To continue the City's active leadership in this matter, staff is asking the Mayor and City Council to adopt a Resolution stating that the City intends to participate actively and fully in providing relevant information to BLM, to seek input from all interested individuals and groups, and to advocate strongly for approval of the APS Application. The Resolution urges BLM to complete its process and approve the APS Application within the next 18 months so that these necessary electric transmission lines can be constructed in a timely manner.

FISCAL NOTE: None

ATTACHMENT: Resolution No. 2011-**48**

CONTACT: Steve Burg, Chief Assistant City Attorney (x7330)

RESOLUTION NO. 2011 -48

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA SEEKING THE BUREAU OF LAND MANAGEMENT'S APPROVAL OF THE ARIZONA PUBLIC SERVICE COMPANY'S RIGHT-OF-WAY APPLICATION TO CONSTRUCT ELECTRIC TRANSMISSION LINES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 3, 2008, the Mayor and Council of the City of Peoria unanimously resolved in Resolution No. 08-97 that proposed electric transmission power lines should be located north of State Route 74 to be consistent with the City's General Plan;

WHEREAS, the City of Peoria participated as an Intervenor during 16 days of public hearings conducted by the Arizona Power Plant and Transmission Line Siting Committee ("Committee") held from August through December of 2008;

WHEREAS, the proposed electric high-voltage transmission lines are necessary to transmit electricity generated from new alternative energy sources such as solar power and to complete a loop of interconnected transmission lines throughout the Valley that will increase system reliability as protection against terrorism, bad weather, fires, and other threats;

WHEREAS, construction of the transmission lines also will facilitate economic development within the City by providing additional energy resources to support the expansion of existing businesses and the attraction of new businesses to the City;

WHEREAS, the proposed transmission lines need to be sited, designed, and constructed to be in service no later than 2016 to meet the needs of the citizens of the City of Peoria, State of Arizona, and United States of America;

WHEREAS, at the Committee hearings and throughout the process the City has worked closely with its residents and community partners to develop and advocate for a transmission line route through Peoria adjacent to State Route 74 known as "Alternative Route 3-North;"

WHEREAS, on December 29, 2008, the Committee issued a Certificate of Environmental Compatibility ("CEC") adopting the City's Alternative Route 3-North;

WHEREAS, when Arizona Public Service Company (“APS”) and others appealed the CEC, the Arizona Corporation Commission (“ACC”) upheld the Committee’s adoption of Alternative Route 3-North in Decision No. 70850 issued on March 17, 2009;

WHEREAS, in April of 2009 APS submitted an Application for Right-of-Way to the U.S. Bureau of Land Management (“BLM”) seeking authorization to implement the State-certificated power line route on a portion of BLM land adjacent to State Route 74;

WHEREAS, during the past two years the City, its residents, large property owners, U.S. Representatives Trent Franks, Gabrielle Giffords, and Ed Pastor, and others have urged BLM to grant the APS Application;

WHEREAS, BLM will seek public comments and decide upon the APS Application in the context of a potential amendment to the applicable BLM Resource Management Plan (“RMP”);

WHEREAS, BLM has granted the City status as a “Cooperating Agency;”

WHEREAS, the City has a long history of cooperating with BLM in land planning, including the transfer of BLM land to private parties south of State Route 74 in exchange for land more beneficial for federal purposes located in other parts of the State; and

WHEREAS, the City is prepared to continue to work with BLM to advocate for BLM’s approval of the APS Application.

NOW, THEREFORE, IT IS RESOLVED by the Mayor and Council of the City of Peoria as follows:

1. As a Cooperating Agency in the current BLM proceeding, the City intends to participate actively and fully in providing relevant information, to seek input from all interested individuals and groups, and to advocate for approval of the APS Application.

2. The City strongly believes that the APS Application for a power line route over a portion of BLM lands adjacent to City jurisdictional boundaries within the certificated corridor approved by the State of Arizona is in the best interests of the citizens of the City of Peoria and is consistent with and complies with all of the following:

- a. City land use requirements, including the Peoria City Code, Peoria General Plan, and specific adopted land use plans;
- b. State laws, regulations, and existing State agency plans; and
- c. Federal laws, regulations, and existing Federal agency plans.

3. If BLM concludes that its existing land use plan needs to be amended to approve the APS Application, the City supports a plan amendment that will lead to the Application's approval.

4. The City urges BLM to complete its process and approve the APS Application within the next 18 months so that these necessary electric transmission lines can be constructed in a timely manner.

5. The City's support of the APS Application is shared by U.S. Congressman Trent Franks, U.S. Congresswoman Gabrielle Giffords, U.S. Congressman Ed Pastor, Arizona Governor Jan Brewer, the Arizona Corporation Commission, Arizona Power Plant and Transmission Line Siting Committee, Maricopa County, City of Surprise, Town of Buckeye, various homeowners' groups within Vistancia, the owners of Saddleback Heights, and other community partners.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of April, 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in Peoria Times

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Effective Dates: _____



City Council Calendar

Color Key:
 City Council
 No Category
 Sports Complex

< March	April 2011					May >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	<u>2</u> Peoria Pioneer Days
3	4	<u>5</u> Regular City Council Meeting Special Meeting and Study Session	6	<u>7</u> Budget Study Session	8	9
10	11	<u>12</u> Budget Study Session	13	<u>14</u> Budget Study Session	15	16
17	18	19	20	21	22	<u>23</u> Dolly Sanchez Memorial Easter Egg Hunts
24	25	26	27	28	29	30



City Council Calendar

Select Calendar View:

Color Key:
City Council

 =Import to Outlook

< April	May 2011						June >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
1	2	3  Special Meeting and Study Session	4	5	6	7	
8	9	10	11	12	13	14	
15	16	17  Regular City Council Meeting  Special Meeting and Study Session	18	19	20	21	
22	23	24	25	26	27	28	
29	30	31					

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

RCM #: 2a

Date Prepared: February 28, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Old Town Commercial Rehabilitation Program – Phase I

SUMMARY:

The first phase of the Old Town Commercial Rehabilitation Program (CIP – ED00006) includes both the Wagoner I & II Plazas along Peoria Avenue. A brief presentation will include exhibits of the proposed façade designs, site & landscaping layouts and plaza monument signage. Material boards depicting proposed color schemes and materials for each plaza will also be presented. The contractor is scheduled to mobilize for construction in May and the project will be completed in July/August 2011.

CONTACT: Rebecca Zook, Site Development Manager, x7589

**CITY OF PEORIA, ARIZONA
REPORT**

AGENDA #: RCM 2b

Date Prepared: March 22, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager

FROM: Tammy Shreeve, Council Office and Grant Program Manager

PREPARED BY: Tony Staffaroni, Council Assistant

SUBJECT: **Centennial Plaza Decades Walk Timeline**

SUMMARY: Centennial Plaza, Peoria's signature Arizona Centennial project will include a Decades Walk timeline that will highlight major events that have taken place over the course of 100 years of Arizona statehood beginning in 1912.

The timeline will include national and world events, Arizona events, and Peoria specific events as well. The timeline itself is a sampling of 100 years of history and is not meant to be all inclusive. It is made up of major historical events, as well as some popular culture to provide for an interesting and educational walk at Centennial Plaza. The Decades Walk is a work in progress. Future events will be included as years pass.

The timeline was compiled by the Peoria Centennial Citizen Advisory Committee with the input the following organizations:

- Council Members
- Peoria Art Commission
- Historical Society
- Peoria Historic Preservation Commissions
- Peoria Library Board
- Salt River Project
- AECOM
- Peoria Women's Club
- Peoria Veterans Board
- Peoria Youth Advisory Board

ATTACHMENT: Timeline

**CENTENNIAL PLAZA
DECADES WALK EVENTS TIMELINE**

Year	World/National	Arizona	Peoria
2012		ARIZONA CENTENNIAL FEBRUARY 14TH	

ARTS COMMISSION
COUNCILMEMBER LEONE
HISTORICAL SOCIETY

HISTORIC PRESERVATION COMMISSION
LIBRARY BOARD
STAFF
SRP

Events Recommended by:

CENTENNIAL COMMITTEE
AECOM
JOHN DOUGLAS
Woman's Club

**CENTENNIAL PLAZA
DECADES WALK EVENTS TIMELINE**

		HISTORIC PRESERVATION COMMISSION	CENTENNIAL COMMITTEE
		LIBRARY BOARD	AECOM
		STAFF	JOHN DOUGLAS
		SRP	Woman's Club
Year	World/National	Arizona	Peoria
2011		Tragic Shooting in Tucson	
2010			Peoria Population 154,065
2009	PRESIDENT BARAK OBAMA, 2009 - PRESENT	GOVERNOR JAN BREWER, 2009 - PRESENT	SUNRISE MOUNTAIN LIBRARY OPENS
	MICHAEL JACKSON 1958-2009	PHOENIX MERCURY WIN WOMEN'S NBA TITLE	SRP AND TESSERA SOLAR PARTNER FOR THE CONSTRUCTION OF A 1.5 MEGAWATT SOLAR GENERATION INSTALLATION USING SUNCATCHER TECHNOLOGY
2008	ARIZONA COMMEMORATIVE QUARTER DEBUTS	ARIZONA CARDINALS PLAY IN SUPERBOWL XLIII	PEORIA NAMED ONE OF THE TOP 100 PLACES TO LIVE BY MONEY MAGAZINE
		AZ SENATOR JOHN MCCAIN - THE REPUBLICAN NOMINEE FOR U.S. PRESIDENT IN THE 2008 ELECTION.	PEORIA CENTER FOR THE PERFORMING ARTS OPENS
2007	COLLAPSE OF GLOBAL ECONOMY CAUSING WORST ECONOMIC CONDITIONS SINCE THE GREAT DEPRESSION	PHOENIX MERCURY WIN WOMEN'S NBA TITLE	MAYOR BOB BARRETT, 2007 - PRESENT
2006			LIBERTY HIGH SCHOOL OPENS
2005	HURRICANE KATRINA HITS LOUISIANA'S GULF COAST		VISTANCIA VOTED "BEST MASTER PLANNED COMMUNITY" BY NATIONAL ASSOCIATION OF HOMEBUILDERS
2004	GROUND BREAKING OF FREEDOM TOWER BEGINS AT GROUND ZERO IN NEW YORK CITY	CORPORAL PAT TILLMAN KILLED IN AFGHANISTAN	Peoria celebrates 50th year of incorporation
2003	WAR IN IRAQ BEGINS	GOVERNOR JANET NAPOLITANO, 2003-2009 ARMY PFC. LORI ANN PIESTEWA KILLED IN IRAQ	New Public Safety building opens
2002		RODEO-CHEDISKI FIRE - WORST FOREST FIRE IN AZ HISTORY, 468,638 ACRES BURNED	Peoria and Borough of Ards, Northern Ireland become sister cities
2001	WAR IN AFGHANISTAN BEGINS OCTOBER 7	ARIZONA DIAMONDBACKS WIN MAJOR LEAGUE BASEBALL WORLD SERIES	FIRST VOTER RATIFIED PEORIA GENERAL PLAN APPROVED
	IPOD BY APPLE DEBUTS SEPTEMBER 11 TERRORIST ATTACKS ON THE WORLD TRADE CENTERS IN NEW YORK CITY, PENTAGON AND HIJACKED PLANE CRASHED IN PENNSYLVANIA PRESIDENT GEORGE W. BUSH, 2001-2009		
2000		AZ CENSUS POPULATION 5,130,632	PEORIA POPULATION 108,364
			CHALLENGER SPACE CENTER OPENS
1999	TRAGEDY AT COLUMBINE HIGH SCHOOL IN COLORADO	TEMPE TOWN LAKE OPENS	CITY ANNEXES LAND AROUND LAKE PLEASANT
			DESERT LANDS PRESERVATION ORDINANCE ENACTED
1998	GOOGLE FOUNDED	ARIZONA DIAMONDBACKS INAUGURAL SEASON	First wastewater treatment plant completed
1997		GOVERNOR JANE DEE HULL, 1997-2003	MAYOR JOHN KEEGAN, 1997-2007
1996	SUMMER OLYMPICS IN ATLANTA GEORGIA	ARIZONA COYOTES INAUGURAL SEASON	SUNRISE MOUNTAIN HIGH SCHOOL OPENS
1995	YAHOO FOUNDED IN SANTA CLARA, CALIFORNIA	AN AMTRAK SUNSET LIMITED TRAIN DERAILED BY SABOTEURS NEAR PALO VERDE	
	OKLAHOMA CITY BOMBING		
1994			PEORIA SPORTS COMPLEX OPENS - MLB SPRING TRAINING HOME TO SAN DIEGO PADRES AND SEATTLE MARINERS
1993	WORLD TRADE CENTER ATTACKED FOR FIRST TIME IN NEW YORK CITY PRESIDENT WILLIAM CLINTON 1993-2001	NEW WADDELL DAM COMPLETED - TRIPLING SIZE OF LAKE PLEASANT	
1992			

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Year	World/National	Arizona	Peoria
1991	OPERATION DESERT STORM - PERSIAN GULF WAR	BIOSPHERE2 OPENS GOVERNOR FIFE SYMINGTON, 1991-1997	MAYOR KENNETH FORGIA, 1991-1997
1990	HUBBLE SPACE TELESCOPE LAUNCHED INTO SPACE	AZ CENSUS POPULATION 3,665,228	PEORIA POPULATION 50,675 CENTENNIAL HIGH SCHOOL OPENS
1989	BERLIN WALL DECONSTRUCTED SYMBOLIZING END OF COLD WAR PRESIDENT GEORGE H. W. BUSH, 1989-1993 EXXON VALDEZ OIL SPILL IN ALASKA		ESTABLISHED A CITY COUNCIL DISTRICT SYSTEM SEPARATING CITY INTO SIX GEOGRAPHICAL DISTRICTS
1988		GOVERNOR ROSE MOFFORD, 1988-1991 NFL CARDINALS RELOCATE TO ARIZONA	PEORIA MUNICIPAL COMPLEX OPENS
1987	THE SIMPSONS CARTOON DEBUTS	GOVERNOR EVAN MECHAM, 1987-1988	
1986	CHALLENGER SPACE SHUTTLE DISASTER CHERNOBYL METLDOWN HANDS ACROSS AMERICA	PALO VERDE NUCLEAR POWER PLANT GOES ON-LINE	
1985	"WE ARE THE WORLD" RECORDED IN HOLLYWOOD, CALIFORNIA MICROSOFT RELEASES WINDOWS 1.0		MAYOR RON TRAVERS, 1985-1991
1984	APPLE MACINTOSH COMPUTER IS INTRODUCED SUMMER OLYMPICS HELD IN LOS ANGELES		
1983	MARTIN LUTHER KING JR. DAY HOLIDAY LAW PASSED. OBSERVED THE THIRD MONDAY IN JANUARY		PEORIA CITIZENS VOTE TO REQUIRE THE DIRECT ELECTION OF THE MAYOR
1982			

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DECADES WALK EVENTS TIMELINE**

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		STAFF	JOHN DOUGLAS
		SRP	Woman's Club
Year	World/National	Arizona	Peoria
1981	SANDRA DAY O'CONNOR APPOINTED FIRST FEMALE JUSTICE OF SUPREME COURT OF THE UNITED STATES PRESIDENT RONALD REAGAN, 1981-1989 FIRST NASA SPACE SHUTTLE IS LAUNCHED INTO SPACE. MTV DEBUTS ON CABLE TV FIRST IBM PERSONAL COMPUPTER IS RELEASED		
1980	"MIRACLE ON ICE" USA DEFEATED USSR IN HOCKEY AT 1980 WINTER GAMES IN LAKE PLACID NEW YORK MT. ST. HELENS ERUPTS IN WASHINGTON STATE	AZ CENSUS POPULATION 2,718,215	PEORIA POPULATION 12,171
1979	3M POST-IT NOTE DEBUTS		MAYOR EDMUND "ED" TANG, 1979-1985
1978		GOVERNOR BRUCE BABBITT, 1978-1987	
1977	ELVIS PRESLEY 1935-1977 PRESIDENT JIMMY CARTER, 1977-1981 STAR WARS FILM DEBUTS	GOVERNOR WESLEY BOLIN, 1977-1978	MAYOR ROBERT K. HENSLEY, 1977-1979
1976	UNITED STATES CELEBRATES BICENTENNIAL		
1975	FALL OF SAIGON - END OF VIETNAM WAR	GOVERNOR RAUL HECTOR CASTRO, 1975-1977	LIBRARY RELOCATED TO OLD CITY HALL
1974	"THE RUMBLE IN THE JUNGLE" TAKES PLACE IN ZAIRE, WHERE MOHAMMED ALI DEFEATS GEORGE FORMAN PRESIDENT GERALD FORD, 1974-1977		
1973	FIRST RELEASE OF AMERICAN P.O.W.'S FROM VIETNAM TAKES PLACE THE LAST U.S. SOLDIERS LEAVE SOUTH VIETNAM WORLD TRADE CENTER DEDICATED IN NEW YORK CITY SKYLAB FIRST U.S. SPACE STATION LAUNCHED		MAYOR MANUEL M. "MANNY" LEYVA, 1973-1977
1972	WATERGATE - NIXON RESIGNS AS UNITED STATES PRESIDENT THE GODFATHER, DIRECTED BY FRANCIS FORD COPPOLA, IS RELEASED		

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Year	World/National	Arizona	Peoria
1971	U.S. CONGRESS CREATES AMENDMENT TWENTY-SIX LOWER VOTING AGE TO 18.	FIESTA BOWL DEBUT - ARIZONA STATE WINS	MAYOR ORVILLE COOK, 1971-1973
1970		TWENTY-THREE PEOPLE DIED DURING THE LABOR DAY STORM AZ CENSUS POPULATION 1,770,900	PEORIA POPULATION 4,792
1969	NEIL ARMSTRONG AND BUZZ ALDRIN FIRST HUMANS TO WALK ON THE MOON. PRESIDENT RICHARD NIXON, 1969-1974 WOODSTOCK FESTIVAL IS HELD IN NEW YORK		
1968	MARTIN LUTHER KING JR. ASSASSINATED IN MEMPHIS TENNESSEE ROBERT F. KENNEDY ASSASSINATED IN LOS ANGELES CALIFORNIA CONGRESS AUTHORIZES CENTRAL ARIZONA PROJECT TO BRING COLORADO RIVER WATER TO PHOENIX AND TUCSON	PHOENIX SUNS INAUGURAL SEASON LONDON BRIDGE IS RELOCATED FROM ENGLAND TO LAKE HAVASU, ARIZONA	
1967	GREEN BAY PACKERS WIN SUPERBOWL I	GOVERNOR JACK RICHARD WILLIAMS, 1967-1975	
1966	MIRANDA V. ARIZONA DECISION ESTABLISHES MIRANDA RIGHTS		
1965	CESAR CHAVEZ STRIKES	GOVERNOR SAMUEL PEARSON GODDARD JR., 1965-1967 ARIZONA STATE UNIVERSITY WINS THEIR FIRST BASEBALL NATIONAL CHAMPIONSHIP	
1964	U.S. CONGRESS PASSING CIVIL RIGHTS ACT OF 1964 THE BEATLES ARRIVE IN NEW YORK FOR THEIR TV APPEARANCE ON THE ED SULLIVAN SHOW THE BEATLES' FIRST ALBUM RELEASED	SENATOR BARRY GOLDWATER - THE REPUBLICAN NOMINEE FOR U.S. PRESIDENT IN THE 1964 ELECTION.	
1963	PRESIDENT LYNDON B. JOHNSON, 1963-1969 JOHN F. KENNEDY ASSASSINATED IN DALLAS TEXAS MARTIN LUTHER KING JR. DELIVERS "I HAVE A DREAM SPEECH" IN WASHINGTON D.C.	U.S. SUPREME COURT DECISION MAINTAINS ARIZONA'S RIGHT TO LARGE AMOUNTS OF COLORADO RIVER WATER. GEOLOGISTS IN FLAGSTAFF CONDUCT RESEARCH FOR THE APOLLO MOON LANDING	SRP SIGNED DOMESTIC WATER AGREEMENT WITH PEORIA
1962	ANDY WARHOL PAINTS CAMPBELL'S SOUP CANS A KEY WORK OF THE POP ART MOVEMENT		

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Year	World/National	Arizona	Peoria
1961	BAY OF PIGS INVASION PRESIDENT JOHN F. KENNEDY, 1961-1963		
1960		DEL WEBB BREAKS GROUND IN SUN CITY AZ CENSUS POPULATION 1,302,161	PEORIA POPULATION 2,593
1959	BARBIE DOLL DEBUTS	GOVERNOR PAUL FANNIN, 1959-1965	MAYOR J. DON WAGONER, 1959-1971
1958	HULA-HOOP DEBUTS		
1957	SPUTNIK 1 - FIRST EARTH ORBITING SATELLITE LAUNCHED BY THE SOVIET UNION JACK KEROUAC PUBLISHES ON THE ROAD WHICH MAKES HIM A CULT HERO OF THE BEAT MOVEMENT		MAYOR CONLEY KOSIER, 1957-1959
1956	DWIGHT D. EISENHOWER SIGNS THE FEDERAL AND HIGHWAY ACT, CREATING THE INTERSTATE HIGHWAY SYSTEM	TWA AND UNITED FLIGHTS COLIDE IN MID-AIR OVER GRAND CANYON	
1955	VIETNAM WAR BEGINS KOREAN WAR ENDS DISNEYLAND OPENS IN ANAHEIM CALIFORNIA	BLACK CANYON FREEWAY OPENS GOVERNOR ERNEST MCFARLAND, 1955-1959	MAYOR CHARLES K. VICKERY, 1955-1957
1954	BROWN VS. BOARD OF EDUCATION		PEORIA BECOMES A CHARTER CITY ON JUNE 7TH MAYOR ROLAND POMEROY, 1954-1955
1953	FIRST COLOR TV GOES ON SALE PRESIDENT DWIGHT D. EISENHOWER, 1953-1961		PEORIA NAMED THE ROSE CAPITAL OF THE WORLD
1952			

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Year	World/National	Arizona	Peoria
1951		GOVERNOR JOHN HOWARD PYLE, 1951-1955	
1950	KOREAN WAR BEGINS	AZ CENSUS POPULATION 749,587	O.O. FUEL'S PARAMOUNT THEATRE SERVES AS FIRE STATION 1
1949	KDKA-TV IN PITTSBURGH BECOMES THE FIRST LOCAL ON-AIR TELEVISION STATION IN U.S.	FIRST TV STATION IN ARIZONA GOES ON THE AIR - KPHO	PEORIA SUBSTATION ENERGIZED (PART OF SRP'S NEW POWER SYSTEM TO ACCOMMODATE THE EXPANDING POPULATION FOLLOWING WWII)
1948		NATIVE AMERICANS GAIN THE RIGHT TO VOTE GOVERNOR DAN EDWARD GARVEY, 1948-1951	
1947	POLAROID CAMERA DEBUTS CAPTAIN CHUCK YEAGER FLIES BELL X-1 PLANE FASTER THAN SPEED OF SOUND JACKIE ROBINSON SIGNS CONTRACT WITH BROOKLYN DODGERS BECOMING FIRST AFRICAN AMERICAN BASEBALL PROFESSIONAL		
1946	FLAMINGO HOTEL OPEN ON LAS VEGAS STRIP		
1945	GERMANY SURRENDERS PRESIDENT HARRY S. TRUMAN, 1945-1953 WORLD WAR II ENDS HIROSHIMA JAPAN IS DESTROYED BY AN ATOMIC BOMB ON AUGUST 9TH JAPAN SURRENDERS SEPTEMBER 2	ARIZONA STATE TEACHERS COLLEGE IS RENAMED ARIZONA STATE UNIVERSITY FUTURE PRESIDENT JOHN F. KENNEDY RECOVERS FROM WAR-TIME INJURIES AT CASTLE HOT SPRINGS RESORT	
1944	D-DAY ANNE FRANK AND HER FAMILY SENT TO A CONCENTRATION CAMP G.I. BILL IS PASSED BY CONGRESS BATTLE OF THE BULGE		
1943	PENTAGON OPENS IN ARLINGTON, VIRGINIA		
1942	WWII - FIRST AMERICAN FORCES ARRIVE IN EUROPE BATTLE OF MIDWAY JUNE 1ST-7TH EISENHOWER ASSUMES COMMAND OF U.S. TROOPS IN EUROPE MANHATTEN PROJECT - FIRST SELF SUSTAINING NUCLEAR REACTION		

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Year	World/National	Arizona	Peoria
1941	JAPANESE ATTACK PEARL HARBOR SINKED U.S.S. ARIZONA ON DECEMBER 7TH THE GREAT DEPRESSION ENDS U.S. ENTERS WWII	GOVERNOR SIDNEY PRESTON OSBORN, 1941-1948 PILOT TRAINING BEGINS AT LUKE AIR FORCE BASE ON JUNE 6TH.	
1940	GERMANY INVADES GREAT BRITAIN SOCIAL SECURITY BEGINS WINSTON CHURCHILL ELECTED PRIME MINISTER OF UK MCDONALD'S FOUNDED IN SAN BERNARDINO, CALIFORNIA	ARIZONA KNOWN AS GRAND CANYON STATE AZ CENSUS POPULATION 499,261	PEORIA SKATING RINK OPENS
1939	GERMANY INVADES POLAND - WWII BEGINS THE FILM GONE WITH THE WIND IS MADE BASED ON A NOVEL BY MARGARET MITCHELL	TALIESEN WEST BY FRANK LLOYD WRIGHT COMPLETED GOVERNOR ROBERT TAYLOR JONES, 1939-1941	
1938	NYLONS ARE INVENTED MARCH OF DIMES ESTABLISHED BY FDR SNOW WHITE AND THE SEVEN DWARFS RELEASED BY DISNEY ORSON WELLES RADIO BROADCAST OF WAR OF THE WORLDS TERRIFIES MANY PEOPLE WHO BELIEVE IT IS TRUE		
1937	U.S. CONGRESS PASSES U.S. HOUSING ACT HINDENBURG DIRIGIBLE EXPLODES IN NEW JERSEY	GOVERNOR RAWGHLE CLEMENT STANFORD, 1937-1939	
1936	SPANISH CIVIL WAR BEGINS DUST BOWL SPREADS THROUGH THE MIDWEST	HOOVER DAM COMPLETED CREATING LAKE MEAD	UNDERGROUND IRRIGATION SYSTEM OF ENTIRE RESIDENTIAL DISTRICT COMPLETED
1935	FDR SIGNS SOCIAL SECURITY ACT INTO LAW FIRST NIGHT TIME MAJOR LEAGUE BASEBALL GAME IS PLAYED		
1934	ALCATRAZ PRISON OPENS MAO ZEDONG BEGINS LONG MARCH (15 YEARS) IN CHINA	FIRE BREAKS OUT IN HOTEL CONGRESS LEADING TO THE DILLINGER GANG ARREST	FIRST PEORIA HIGH SCHOOL ANNUAL YEARBOOK
1933	FIRE SIDE CHATS - RADIO PLAYS IMPORTANT ROLE IN AMERICAN LIVES PRESIDENT FRANKLIN D. ROOSEVELT, 1933-1945 HITLER BECOMES CHANCELLOR OF GERMANY U.S. CONGRESS REPEALS 18TH AMENDMENT. PERMITS STATES TO PROHIBIT THE IMPORTATION OF ALCOHOLIC BEVERAGES.	GOVERNOR BENJAMIN BAKER MOEUR, 1933-1937 WADDELL DAM REPLACES CARL PLEASANT DAM AT LAKE PLEASANT	
1932	FDR PROMISED "NEW DEAL" LINDBERGH BABY IS KIDNAPPED RADIO CITY MUSIC HALL IS COMPLETED IN NEW YORK		

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Year	World/National	Arizona	Peoria
1931	EMPIRE STATE BUILDING OPENS IN NEW YORK CITY	HOOVER DAM BEGINS CONSTRUCTION	JAMES LECKY SETS FIVE WORLD RECORDS IN HORSESHOE PITCHING TOURNAMENT
	STAR SPANGLED BANNER BECOMES NATIONAL ANTHEM	MILL AVENUE BRIDGE IS COMPLETED	
1930		GOVERNOR GEORGE W.P. HUNT, 1931-1933	
		PLUTO DISCOVERED BY CLYDE TOMBAUGH AT LOWELL OBSERVATORY IN FLAGSTAFF AZ CENSUS POPULATION 435,573	
1929	"BLACK TUESDAY" OCTOBER 24TH-STOCK MARKET CRASHES BEGINNING THE GREAT DEPRESSION PRESIDENT HERBERT HOOVER, 1929-1933	ARIZONA BILTMORE HOTEL OPENS IN PHOENIX	NAZARENE'S BIG REVIVAL TENT CATCHES ON FIRE
	THE MUSEUM OF MODERN ART, NEW YORK, OPENS	HEARD MUSEUM FOUNDED BY DWIGHT AND MAIE BARTLETT HEARD GOVERNOR JOHN CALHOUN PHILLIPS, 1929-1931	
1928	THE JAZZ SINGER - FIRST FEATURE-LENGTH TALKING FILM	CARL PLEASANT DAM COMPLETED CREATING LAKE PLEASANT	
1927	CHARLES LINDBERG TRANS-ATLANTIC FLIGHT		
	MOUNT RUSHMORE IS DEDICATED FIRST TRANS-ATLANTIC PHONE CALL MADE		
1926	US ROUTES 60 AND 66 ESTABLISHED	FLAGSTAFF TRAIN STATION BUILT	
	QUEEN ELIZABETH II BORN		
1925	THE NEW YORKER MAGAZINE PUBLISHES FIRST ISSUE	ARIZONA HIGHWAYS PUBLISHED	
1924	FIRST MACY'S THANKSGIVING PARADE HELD IN NEW YORK CITY		
	LENIN DIES IN RUSSIA, STALIN REPLACES LENIN		
	IBM INCORPORATED J.EDGAR HOOVER APPOINTED HEAD OF FBI		
1923	YANKEE STADIUM OPENS IN BRONX, NEW YORK	GOVERNOR GEORGE W.P. HUNT, 1923-1929	
	TIME MAGAZINE APPEARS ON NEWSSTANDS FOR FIRST TIME		
	PRESIDENT CALVIN COOLIDGE, 1923-1929		
1922	LINCOLN MEMORIAL IN WASHINGTON DC IS DEDICATED		PEORIA HIGH SCHOOL OPENS
			PEORIA LIBRARY OPENS PAVED GRAND AVENUE OPENS FOR TRAFFIC

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1921	<p>PRESIDENT WARREN G. HARDING, 1921-1923</p> <p>FIRST BURIAL IN TOMB OF UNKNOWN SOLDIER AT ARLINGTON CEMETARY</p>		<p>FORMATION OF PEORIA'S FIRST VOLUNTEER FIRE DEPARTMENT</p>
1920	<p>FLAPPERS - "NEW BREED" OF YOUNG WOMEN WEAR SHORT SKIRTS, BOBBED HAIR, LISTEN TO JAZZ, DRINK, AND SMOKE.</p> <p>19TH AMENDMENT RATIFIED GRANTING WOMEN THE RIGHT TO VOTE</p> <p>OTTOMAN EMPIRE COLLAPSES</p>	<p>AZ CENSUS POPULATION 334,162</p>	<p>PEORIA VOLUNTEER FIRE DISTRICT FORMED</p> <p>FIRST LIBRARY HELD AT THE WOMAN'S CLUB</p> <p>SRP STARTED DELIVERING POWER TO THE TOWN OF PEORIA AFTER TRANSMISSION LINES WERE STRUNG</p> <p>O.O. FUEL'S PARAMOUNT THEATRE OPENS</p> <p>NEW HOOD BUILDING COMPLETED</p>
1919	<p>U.S. CONGRESS CREATES EIGHTEENTH AMENDMENT PROHIBITING THE MANUFACTURING, IMPORTING, AND EXPORTING OF ALCOHOLIC BEVERAGES</p> <p>TREATY OF VERSAILLES SIGNED BY GERMANS ENDING WWI</p> <p>MAHATMA GHANDI BEGINS HIS NON-VIOLENT CAMPAIGN AGAINST BRITISH RULE IN INDIA</p> <p>CHICAGO WHITE SOX BASEBALL SCANDAL (CHICAGO BLACK SOX)</p>	<p>GRAND CANYON NATIONAL PARK ESTABLISHED</p> <p>HOTEL CONGRESS BUILT IN TUCSON</p> <p>GOVERNOR THOMAS EDWARD CAMPBELL, 1919-1923</p>	<p>PEORIA CHAMBER OF COMMERCE IS FORMED</p>
1918	<p>WWI ENDS AS GERMANY AND ALLIES SIGN AN ARMISTICE.</p>		<p>PEORIA'S WOMEN'S CLUB FOUNDED</p> <p>FIRST LIBRARY IN PEORIA STARTED BY WOMAN'S CLUB IN THURSTON'S REAL ESTATE OFFICE ON GRAND AVE & PEORIA AVE</p> <p>SRP PURCHASED LUMBER FROM PEORIA LUMBER COMPANY</p> <p>EDWARDS HOTEL AND MABEL HOOD BUILDING OPEN</p>
1917	<p>RUSSIAN REVOLUTION - USSR FOUNDED</p> <p>GERMAN SPY MATI HARI EXECUTED</p> <p>U.S. DECLARES WAR ON GERMANY</p> <p>DAYLIGHT SAVINGS TIME ENACTED, NOT APPLICABLE IN ARIZONA</p>	<p>GOVERNOR GEORGE W.P. HUNT, 1917-1919</p> <p>GOVERNOR THOMAS EDWARD CAMPBELL, 1917</p> <p>ARIZONA STATE FLAG ADOPTED - DESIGNED BY COLONEL CHARLES W. HARRIS</p>	<p>FIRE BROKE OUT IN A POOL HALL OPERATED BY E.E. STAFFORD ENGULFING ALMOST THE ENTIRE BUSINESS DISTRICT</p> <p>LAST ANNUAL OSTRICH BBQ</p> <p>CORNERSTONE LAYED FOR PEORIA WOMAN'S CLUB</p> <p>PEORIA ENTERPRISE FIRST NEWSPAPER WITH WEEKLY PRINTS 1917-1921</p>
1916	<p>LINCOLN LOGS INVENTED</p> <p>MONTANA ELECTS FIRST WOMAN TO US CONGRESS</p> <p>THE US NATIONAL PARKS WERE ESTABLISHED</p>		
1915	<p>EINSTEIN'S THEORY OF RELATIVITY</p> <p>ONE MILLIONTH FORD BUILT VIA ASSEMBLY LINE IN DETROIT</p>		
1914	<p>FRANCIS FERDINAND ASSASSINATED</p> <p>GERMANY INVADES BELGIUM - WWI BEGINS</p> <p>FIRST TRENCHES OF THE WESTERN FRONT ARE DUG</p> <p>PANAMA CANAL OPENS AFTER 10 YEARS OF CONSTRUCTION</p>		<p>PEORIA'S SECOND WATER TOWER IS CONSTRUCTED</p>
1913	<p>HENRY FORD INTRODUCES ASSEMBLY LINE</p> <p>PRESIDENT WOODROW WILSON, 1913-1921</p> <p>16TH AMENDMENT CREATES INCOME TAX</p> <p>17TH AMENDMENT ELECTION OF SENATORS BY CITIZENS</p>	<p>10TH CAVALRY BUFFALO SOLDIERS STATIONED AT FORT HUACHUCA</p>	
1912	<p>TITANIC HITS ICEBERG AND SINKS IN ATLANTIC OCEAN ON APRIL 14TH-15TH</p> <p>NEW MEXICO BECOMES A STATE ON JANUARY 6TH BECOMING 47TH STATE</p> <p>PRESIDENT WILLIAM HOWARD TAFT, 1909-1913</p> <p>GIRL SCOUTS WERE FOUNDED</p>	<p>WOMEN GAIN RIGHT TO VOTE IN ARIZONA</p> <p>ARIZONA BECOMES A STATE ON FEBRUARY 14TH BECOMING 48TH STATE</p> <p>GOVERNOR GEORGE W.P. HUNT, 1912-1917</p>	<p>OLD PATHS BIBLE SCHOOL FOUNDED</p>

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

RCM #: 3a

Date Prepared: March 2, 2011

Council Meeting Date: April 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager
FROM: J.P. de la Montaigne, Community Services Director
SUBJECT: 35th Annual Dolly Sanchez Memorial Easter Egg Hunts

SUMMARY:

The City of Peoria and Peter Piper Pizza invite the community out to enjoy the 35th Annual Dolly Sanchez Memorial Easter Egg Hunts on Saturday, April 23, 2011 from 8:00 a.m. to Noon.

Cottontail Lane will be open for kids to participate in carnival games and fun arts & crafts activities. Kids can also watch a puppet show, visit animals at the petting zoo, take a train ride, and jump on the inflatables.

Mr. and Mrs. Bunny will be on-hand to start the candy hunts and take pictures with kids.

Candy hunt times are the following:

Age 1- 8:20 a.m.	Age 5- 9:50 a.m.
Age 2- 8:45 a.m.	Age 6- 10:10 a.m.
Age 3- 9:10 a.m.	Age 7&8- 10:25 a.m.
Age 4- 9:30 a.m.	Age 9&10- 10:40 a.m.
Family Scavenger Hunt- 10:00 a.m. – 11:30 a.m.	

Gates open at 8am at Peoria Sports Complex, located at 16101 N. 83rd Ave just south of Bell Rd. Parking and admission is free with a donation of canned food to benefit St. Mary's Westside Food Bank Alliance. Food and beverage concessions will be available for purchase including a special \$5 kids' meal (hot dog, small soda and chips) for those 12 and under. For more information call 623-773-7137 or visit us on the web at www.peoriaaz.gov/specialevents.

CONTACT: Kevin Naughton, Recreation Supervisor 623-773-8627