Amendment #1 - 12/31/2020

City of Avondale

City Council Online Meeting

Monday, January 4, 2021

Mayor and Council

Kenneth Weise, Mayor

Pat Dennis, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Veronica Malone, Council Member | Curtis Nielson, Council Member

Mike Pineda, Council Member

Administration

Charles A. Montoya, City Manager

Gina Montes, Assistant City Manager

Tracy Stevens, Deputy City Manager | Cherlene Penilla, Deputy City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

Online Meeting

Join the meeting and view presentations: https://avondaleaz.zoom.us/j/3083557784

Using a Mobile Device? Download the Zoom Cloud Meeting App

Join the meeting with audio only: Call 301-715-8592 (meeting ID: 308 355 7784)

Amendment #1 - 12/31/2020

City Council Online Meeting
Notice & Agenda
Monday, January 4, 2021

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INSTALLATION OF CITY COUNCIL
6:00 pm

CALL TO ORDER BY MAYOR

1. **ROLL CALL BY THE CITY CLERK**

2. **INSTALLATION OF CITY COUNCIL**
   Newly elected Mayor and Council will take their Oaths of Office.

3. **ADJOURNMENT**

SPECIAL MEETING
Convene immediately following the Installation of City Council

CALL TO ORDER BY MAYOR

1. **ROLL CALL BY THE CITY CLERK**

2. **SELECTION OF NEW VICE MAYOR**
   City Council will accept nominations and designate one of its members as Vice Mayor for a two-year term. The Council will take appropriate action.

3. **ADJOURNMENT**

WORK SESSION
Convene immediately following the Special Meeting

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. ZONING ORDINANCE TEXT AMENDMENTS - MARIJUANA USES - APPLICATION PL-20-0260 & CITY CODE CHANGES RELATED TO RECREATIONAL MARIJUANA

City Council will discuss a City initiated text amendment to the Zoning Ordinance related to marijuana uses. The amendments are intended to allow for continued refinement of the Zoning Ordinance to reflect changes in policies and procedures, address a recently approved ballot initiative and subsequent state law change related to marijuana establishments, and clarify uses and restrictions for marijuana related uses and operations. City Council will also discuss City Code changes related to recreational marijuana.

3. SOUTHERN AVONDALE DEVELOPMENT DISCUSSION

City Council will discuss a City initiated master land use plan concept for Southern Avondale; the municipal planning area south of the Maricopa County Estrella Mountain Regional Park. The planning area is generally bounded by the road alignments of Litchfield Road on the west, south of Pecos Road on the north (south of Phoenix Raceway), 99th Avenue on the east, and Patterson Road on the south (south of Hunt Highway). The master land use plan concept provides a balanced land use vision to support future growth within this underdeveloped region of the City.

4. ADJOURNMENT

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should email a request to speak to CityClerk@AvondaleAZ.gov prior to consideration of that agenda item.

REGULAR MEETING
Convene immediately following the Work Session

CALL TO ORDER BY MAYOR
PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

1. ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES
(Limit three minutes per person. Please state your name.)

3. CONSENT AGENDA
Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. BUDGET TRANSFER FOR THE HISTORIC AVONDALE STREET PHASE 1 PROJECT
City Council will consider a request to approve a budget transfer in the amount of $600,000 from the Fairway Drive Construction CIP account to the Historic Avondale Construction account for the construction of the Phase I Project, and authorize staff to take the necessary action to complete the budget transfer. The Council will take appropriate action.

b. FINAL PLAT OF VERDE TRAILS UNIT I, PARCELS 1 AND 2 (APPLICATION PL-20-0126)
City Council will consider a request by Mr. Paul Haas, HILGARTWILSON, LLC, for approval of a Final Plat for Parcels 1 and 2 of Verde Trails Unit I. Consistent with the Preliminary Plat approved by City Council in August 2018, the proposed Final Plat will create 152 single-family residential lots, fifteen (15) common area tracts, and dedicate streets and easements on approximately 35.25 gross acres located approximately 1,500 feet west of the northwest corner of 107th Avenue and Broadway Road. City Council will consider adoption of Resolutions forming a Maintenance Improvement District (MID) for these parcels as a separate agenda item. Council will take appropriate action.

c. RESOLUTIONS 1001-0121 AND 1002-0121 – MAINTENANCE IMPROVEMENT DISTRICT FOR VERDE TRAILS UNIT I, PARCELS 1 AND 2
City Council will consider a request to: (a) approve the Petition for Formation; (b) adopt Resolution 1001-0121 declaring its intention to form the City of Avondale Maintenance Improvement District No. 21, Verde Trails Unit I, Parcels 1 and 2, providing for the assessment; (c) adopt Resolution 1002-0121 declaring its intention to order the improvements within the newly established maintenance improvement district, providing for the assessment; (d) declare an emergency; and (e) authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. ORDINANCE 2001-0121 - DEDICATION OF A PERPETUAL EASEMENT TO THE UNITED STATES OF AMERICA AT 99TH AVENUE AND INDIAN SCHOOL ROAD

City Council will consider a request to adopt Ordinance 2001-0121, dedicating a Perpetual Easement to the United States of America at 99th Avenue and Indian School Road and authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take the appropriate action.

e. ORDINANCE 2002-0121 - AMENDING CITY CODE, CHAPTER 25 - ADMINISTRATION

City Council will consider a request to adopt Ordinance 2002-0121, amending chapter 25 of the City Code pertaining to city administration and authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

4. REGULAR AGENDA

a. COUNCIL APPOINTMENTS TO REGIONAL AND LOCAL BOARDS, COMMISSIONS, AND COMMITTEES

City Council will consider a request to appoint members of the City Council to various regional and local boards and committees. The Council will take appropriate action.

5. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Item Number: 2.

CITY COUNCIL REPORT

SUBJECT: Selection of New Vice Mayor

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk, (623) 333-1214

THROUGH: Cherlene Penilla, Deputy City Manager, (623) 333-2214

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will accept nominations and designate one of its members as Vice Mayor for a two-year term. The Council will take appropriate action.

BACKGROUND:

At the January 14, 2019 City Council meeting, Councilmember Pat Dennis was elected Vice Mayor.

DISCUSSION:

Pursuant to Article II, Section 9 of the Avondale City Charter, the City Council shall designate one of its members as Vice Mayor, who shall serve in such capacity for a two-year term at the pleasure of the Council.

The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability.

BUDGET IMPACT:

This item does not have a direct impact to the City budget. The salary for the selected Vice Mayor will be adjusted accordingly.

RECOMMENDATION:

Staff recommends City Council accept nominations and designate one of its members as Vice Mayor for a two-year term.

Item Number: 2.

CITY COUNCIL REPORT

SUBJECT: Zoning Ordinance Text Amendments - Marijuana Uses - Application PL-20-0260 & City Code Changes Related to Recreational Marijuana

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Director, (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:
City Council will discuss a City initiated text amendment to the Zoning Ordinance related to marijuana uses. The amendments are intended to allow for continued refinement of the Zoning Ordinance to reflect changes in policies and procedures, address a recently approved ballot initiative and subsequent state law change related to marijuana establishments, and clarify uses and restrictions for marijuana related uses and operations. City Council will also discuss City Code changes related to recreational marijuana.

BACKGROUND:
The Avondale Zoning Ordinance was first adopted in 1951 and has been updated numerous times, the last of which occurred in February 2020. A second staff-initiated amendment related to various sections excluding Section 13 (Marijuana Uses) was approved by City Council on December 7, 2020 and has an effective date of January 7, 2021.

SUMMARY OF REQUEST:
The following is a summary of the proposed amendments to the Zoning Ordinance referenced by section number. The specific proposed text for each of these sections may be found in Exhibit A.

Section 1 (Administration and Procedures)
115 – Definitions: Add a definition for Marijuana Establishment and remove definition for Medical Marijuana Cultivation Location.

Section 13 (Marijuana Uses)
Section Title: Rename from Medical Marijuana Uses to Marijuana Uses.

1301 – Purpose and Applicability: Add Marijuana Establishments and Marijuana Establishment Cultivation Locations to the purpose and applicability of Section 13.

1302 – Location Restrictions; Medial Marijuana Dispensaries and Marijuana Establishments:

- Rename title from Location Restrictions to Location Restrictions; Medial Marijuana Dispensaries and

Marijuana Establishments.

- Add and amend location restrictions for marijuana dispensaries, establishments and cultivation facilities.

- Prohibit new Marijuana Establishments unless as a dual licensee.

- Maintain 2,000-foot distance requirement from other similar facilities, substance abuse treatment facilities, schools, childcare centers, public libraries, parks, and churches/paces of worship.

1303 – Medical Marijuana Dispensary; Marijuana Establishment providing Cultivation Services to Medical Marijuana Dispensary Development Standards:

- Rename title from Requirements to Medical Marijuana Dispensary; Marijuana Establishment providing Cultivation Services to Medical Marijuana Dispensary Development Standards.

- Move text to new Section 1306.

- Add new text regarding floor area limitations for marijuana operations.

1304 – Medical Marijuana Qualified Patients and Caregivers, Cultivation: Create subsection regarding qualified patients and caregiver, cultivation from previous text in Section 1302.

1305 – Marijuana Establishments Providing Cultivation Services to Marijuana Establishments Engaged in the Retail Sale of Marijuana: Create new subsection with text regarding area limitations for cultivation locations.

1306 – Requirements; Medical Marijuana Dispensary: Create new subsection with text from previous Section 1303 regarding dispensary operations with additional operational restrictions.

1307 – Requirements; Marijuana Establishments: New subsection regarding the operational restrictions and requirements for marijuana establishments.

DISCUSSION:

The Zoning Ordinance Text Amendments are not anticipated to result in any adverse impacts on the community. The amendments will allow for continued refinement of the Zoning Ordinance to reflect changes in policies and procedures, address a recently approved ballot initiative related to marijuana establishments, and clarify uses and restrictions for marijuana related uses and operations.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The proposed amendments to the Zoning Ordinance are provided to the City Council for information, feedback, and direction.

Exhibit A

Abstract of Proposed Changes

Section 1 (Administration and Procedures) - 115 Definitions

~~Medical Marijuana Cultivation Location: Any of the following: (A) a medical marijuana dispensary at which cultivation occurs for sale at that medical marijuana dispensary, (B) the one (1) additional location, if any, duly identified pursuant to ARIZ. REV. STAT. § 36-2806(E), as amended, during the process of registering a medical marijuana dispensary, where marijuana will be cultivated for sale at a medical marijuana dispensary, (C) any location identified pursuant to ARIZ. REV. STAT. § 362804.02(A) (3) (f), as amended, for cultivation of medical marijuana by a designated caregiver or qualifying patient (as defined in ARIZ. REV. STAT. § 36-2801, as amended) for a qualifying patient's medical use or (D) a facility that incorporates or processes medical marijuana into a consumable or edible product.~~

[Add the following definitions]

Marijuana Establishment: an entity licensed by the Arizona Department of health services to operate all of the following:

1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
3. A single off-site location at which the licensee may manufacture marijuana and marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

Marijuana establishments shall not include Marijuana Testing Facilities as defined in Arizona Revised Statutes Section 36-2850

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SECTION 13 ~~MEDICAL~~ MARIJUANA USES

1301 Purpose and Applicability

The purpose of this Section 13 is to provide for regulations necessary to protect the public health, safety and welfare for the general public by limiting the possible negative secondary effects of ~~Medical~~ Marijuana facilities. The provisions of this Section 13 shall apply to all Medical Marijuana Dispensaries and Marijuana Establishments and Medical Marijuana and Marijuana Establishment ~~Marijuana~~ Cultivation Locations located within the corporate limits of the City of Avondale.

1302 Location Restrictions; Medical Marijuana Dispensaries and Marijuana Establishments

A. Medical ~~m~~Marijuana dispensaries, Marijuana establishments or ~~medical~~ marijuana cultivation facilities to provide product to a Medical Marijuana dispensary or a marijuana establishment locations are prohibited from being established, operated or licensed in any City of Avondale Zoning District other than A-1 and are further limited as listed below:~~.~~

1. ~~To the fullest extent allowable by law,~~ the operation of a marijuana establishment is prohibited in the City, except where authorized for a dual licensee who:

a. Operates both a nonprofit medical marijuana dispensary and a marijuana establishment cooperatively in a shared location; and

b. Has not forfeited or terminated the nonprofit medical marijuana dispensary registration from the Department.

2. ~~To the fullest extent allowable by law~~, the operation of a marijuana establishment consisting of an offsite cultivation facility is prohibited in the city, except where authorized for:

a. A single cultivation facility for a nonprofit medical marijuana dispensary owned or controlled by a licensee holding a license in good standing from the Department for a Medical Marijuana facility.

b. A single cultivation facility for a retail marijuana establishment owned or controlled by a licensee holding a license in good standing from the Department for a Retail Marijuana Establishment.

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3. If a licensee has surrendered, terminated for forfeited their license for a nonprofit medical marijuana dispensary or a retail marijuana establishment, their permit for the cultivation facility shall automatically terminate upon action by the Department

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B. Medical Marijuana dispensaries, Marijuana establishments and ~~medical m~~Marijuana cultivation providing product to a Medical Marijuana dispensary or Marijuana establishment ~~locations~~ shall meet the following minimum separation requirements, measured in a straight line from the closest property boundary line of the parcel containing the medical marijuana dispensary; marijuana establishment or marijuana cultivation location to the closest property boundary line of the parcel containing any existing uses listed below:

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1. Two thousand (2,000) feet from any other medical marijuana dispensary; marijuana establishment or ~~medical~~ marijuana cultivation location.

2. Two thousand (2,000) feet from a substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

3. Two thousand (2,000) feet from a public, private, parochial, charter, dramatic, dancing or music school, a learning center, or other similar school or educational or entertainment facility that caters to children.

4. Two thousand (2,000) feet from a childcare center or registered residential child care facility.

5. Two thousand (2,000) feet from a public library.

6. Two thousand (2,000) feet from a park.

7. Two thousand (2,000) feet from a church or place of worship.

C. A ~~medical~~ marijuana establishment engaging in the cultivation of marijuana and ~~location~~ not associated with an ~~Arizona~~ medical marijuana dispensary engaging in the sale of marijuana to qualified individuals is prohibited, and only one (1) medical marijuana cultivation location shall be permitted for the single ~~Arizona~~ medical marijuana dispensary engaging in the sale of marijuana to qualified individuals located in the City with which it is associated.

1. The provisions of this subsection 1302 (C) shall not apply to locations identified pursuant to ARIZ. REV. STAT. § 36-2804-02(A) (3) (f) for cultivation of medical marijuana by a designated caregiver or qualifying patient for a qualifying patients medical use.

D. A marijuana establishment engaging in the cultivation of marijuana and not associated with a marijuana establishment engaging in the retail sale of marijuana in the City is prohibited, and only one (1) cultivation location shall be permitted for the single marijuana establishment engaging in the retail sale of marijuana located in the City with which it is associated.

E. Cooperative operation means that the Medical Marijuana Dispensary and the Marijuana Establishment engaging in the retails sale of marijuana shall be:

1. Located in a single facility.

2. May have a shared entrance but shall have physically separate waiting areas and dispensary and retail sales areas

3. May have shared parking, however parking will be calculated as if two businesses are located at the physical location

1303 Medical Marijuana Dispensary; Marijuana Establishment providing Cultivation Services to Medical Marijuana Dispensary Development Standards

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~~The provisions of this subsection 1302 (C) shall not apply to locations identified pursuant to ARIZ. REV. STAT. § 36-2804.02(A) (3) (f) for cultivation of medical marijuana by a designated caregiver or qualifying patient for a qualifying patients medical use.~~

~~AD. The following size limitations shall apply to any medical marijuana dispensary:~~

~~1. The total maximum floor area of a medical marijuana dispensary shall not exceed two thousand five hundred (2,500) square feet.~~

~~2. The secure storage area for the medical marijuana stored at the marijuana dispensary shall not exceed five hundred (500) square feet of the total two thousand five hundred (2,500) square foot maximum floor area of a marijuana dispensary.~~

A. The following size limitations shall apply to any marijuana establishment providing cultivation services to a medical marijuana dispensary and located at a separate location:

1. The total maximum floor area of a medical marijuana dispensary shall not exceed two thousand five hundred (2,500) square feet.

2. The secure storage area for the medical marijuana stored at the marijuana dispensary shall not exceed five hundred (500) square feet of the total two thousand five hundred (2,500) square foot maximum floor area of a marijuana dispensary.

B~~E~~. The following size limitations shall apply to any marijuana establishment ~~medical marijuana~~ cultivation location associated with a medical marijuana dispensary:

1. The total maximum floor area of a ~~medical~~ marijuana establishment cultivation location shall not exceed three thousand (3,000) square feet.

2. The secure storage area for the medical marijuana stored at the ~~medical~~ marijuana establishment cultivation location shall not exceed one thousand (1,000) square feet of

the three thousand (3,000) square feet total maximum floor area of a ~~medical~~ marijuana establishment cultivation location.

3. For a marijuana establishment engaging in cultivation for a medical marijuana dispensary~~medical marijuana dispensary that also is a medical marijuana cultivation location~~, the total maximum floor area that may also be used for cultivation and incorporation or processing of the medical marijuana into consumable or edible products inclusive of any secure storage area, shall not exceed three thousand (3,000) square feet. The secure storage area for the medical marijuana stored at a medical marijuana dispensary that also is a cultivation location shall not exceed one thousand five hundred (1,500) square feet.

1304 Medical Marijuana Qualified Patients and Caregivers, Cultivation

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A~~F~~. The following size limitations shall apply to any medical marijuana cultivation location associated with a qualified patient or designated caregiver:

1. All conditions and restrictions for medical marijuana cultivation locations apply except that the designated caregiver cultivation area is limited to a total two hundred fifty (250) square feet maximum, including any storage areas.

2. More than one (1) designated caregiver may not co-locate cultivation locations.

1305 Marijuana Establishments Providing Cultivation Services to Marijuana Establishments Engaged in the Retail Sale of Marijuana

A. The following size limitations shall apply to any marijuana establishment providing cultivation services to a marijuana establishment and located at a separate location:

1. The total maximum floor area of a marijuana establishment engaged in the retail sale of marijuana shall not exceed two thousand five hundred (2,500) square feet.

2. The secure storage area for the marijuana stored at the marijuana establishment engaged in the retail sale of marijuana shall not exceed five hundred (500) square feet of the total two thousand five hundred (2,500) square foot maximum floor area of a marijuana establishment.

B. The following size limitations shall apply to any marijuana establishment cultivation location associated with a marijuana establishment engaged in the retail sale of marijuana:

1. The total maximum floor area of a marijuana establishment cultivation location shall not exceed three thousand (3,000) square feet.

2. The secure storage area for the marijuana stored at the marijuana establishment cultivation location shall not exceed one thousand (1,000) square feet of the three thousand (3,000) square feet total maximum floor area of a marijuana establishment cultivation location.

3. For a marijuana establishment engaging in cultivation for a marijuana establishment engaged in the retail sale of marijuana, the total maximum floor area that may also be used for cultivation and incorporation or processing of the marijuana into consumable or edible products inclusive of any secure storage area, shall not exceed three thousand (3,000) square feet. The secure storage area for the marijuana stored at a marijuana establishment that also is a cultivation location shall not exceed one thousand five hundred (1,500) square feet.

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1306~~3~~ Requirements; Medical Marijuana Dispensary

The following minimum requirements shall apply to all "medical marijuana dispensary" ~~and "medical marijuana cultivation location"~~ uses located in the Zoning District where such uses are permitted:

A. In conjunction with the application requirements set forth in Section 1 above, an applicant for any medical marijuana dispensary ~~or medical marijuana cultivation location~~ shall provide all of the following:

1. A notarized authorization, executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary ~~or a medical marijuana cultivation location.~~

2. The legal name of the medical marijuana dispensary ~~or medical marijuana cultivation location.~~

3~~4~~. The name, address and birth date of each officer and board member of the nonprofit medical marijuana dispensary agent.

4~~5~~. The name, address, birth date and valid registry identification card number of (a) each medical marijuana dispensary agent if the application is related to a medical marijuana dispensary or a related medical marijuana cultivation location and (b) each designated caregiver and qualifying patient if the application is related to a medical marijuana cultivation location associated with such qualifying patient and designated caregiver.

5~~6~~. A copy of the operating procedures adopted in compliance with ARIZ. REV. STAT. § 36-2804(B) (1) (c).

6~~7~~. A notarized certification that none of the medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

a. A violent crime, as defined in ARIZ. REV. STAT. § 13-901.03(B), that was classified as a felony in the jurisdiction where the person was convicted.

b. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten (10) or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARIZ. REV. STAT. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

7~~8~~. A notarized certification that none of the medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

8~~9~~. A floor plan showing the location, dimensions and type of security measures demonstrating that the medial marijuana dispensary or medical marijuana cultivation location will be secured, enclosed and locked as required by law.

9~~4~~0. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the property boundary of the parcel containing any existing uses listed in Sections 1302 or 1303 above. If any of the uses are located within fifty (50) feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

B. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 8:00 p.m.

C. A medical marijuana dispensary ~~or medical marijuana cultivation location~~ shall:

1. Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle.

2. Not have drive-through service.

3. Shall not emit dust, fumes, vapors or odors into the environment from the facility and ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the city

~~Not emit dust, fumes, vapors or odors into the environment~~.

4. Not provide off-site delivery of medical marijuana.

5. Prohibit ~~consumption~~ smoking of marijuana or the consumption of marijuana infused products on the premises.

6. Not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

7. Not sell marijuana or marijuana products, except as permitted by state law to eligible patients.

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8. Not display or keep marijuana or marijuana products that is visible from outside the premises.

9. Comply with applicable state and county health regulations for food preparation and handling.

10. Comply with applicable laws to safely and securely engage in extraction processes.

11~~7~~. Display a current City of Avondale business license and a State of Arizona tax identification number.

12~~8~~. Install lighting to illuminate the exterior and interior of the building and all entrances and exits to the facility. Exterior lighting shall be at least five (5) foot candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each day. Twenty-four (24) hours each day, the marijuana dispensary or marijuana cultivation location shall illuminate the entire interior of the building, with particular emphasis on the locations of any counter, safe, storage area and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from a distance of one hundred (100) feet.

13~~9~~. Provide security guards at the main entrances and exits during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to ARIZ. REV. STAT. § 32-2601 *et seq.* Prior to opening for business, the marijuana dispensary or marijuana cultivation location shall provide all property owners within a five hundred (500) foot radius of the marijuana dispensary or marijuana cultivation location with written notification via first class U.S. Mail of the security company responsible for providing its security services.

14~~0~~. Have an exterior appearance compatible with commercial structures already constructed or under construction within the immediate neighborhood to insure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

15~~1~~. Allow unrestricted access by City code enforcement officers, police officers or other agents or employees of the City requesting admission for the purpose of determining compliance with these standards.

16~~2~~. Not display signs, or any other advertising matter used in connection with the medical marijuana dispensary ~~or marijuana cultivation~~ of any offensive nature and such signs shall in no way be contrary to the City code, or obstruct the view of the interior of the premises viewed from the outside.

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17~~3~~. Comply with all other applicable property development and design standards of the City of Avondale.

D. To ensure that the operations of marijuana dispensaries are in compliance with Arizona law and to mitigate the adverse secondary effects from operations of dispensaries, marijuana dispensaries shall operate in compliance with the following standards:

1. No doctor shall issue a written certification on-site for medical marijuana.

2. There shall be no on-site sales of alcohol, tobacco or food, other than food products containing infused marijuana. There shall be no on-site consumption of food, alcohol, tobacco or marijuana; provided that employees may consume food on-site so long as it does not contain infused marijuana.

3. Medical marijuana dispensaries shall only dispense medical marijuana to qualified patients and their designated caregivers as defined in ARIZ. REV. STAT. § 36-2801 *et seq.*

4. Medical marijuana dispensaries shall notify patrons of the following verbally and through posting of a sign in a conspicuous location at the medical marijuana dispensary:

   a. Use of medical marijuana shall be limited to the patient identified on the doctor's written certification. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

   b. Patrons must immediately leave the site and not consume medical marijuana until at home or in an equivalent private location. Medical marijuana dispensary staff shall monitor the site and vicinity to ensure compliance.

5. Medical marijuana dispensaries shall not provide marijuana to any individual in an amount not consistent with personal medical use or in violation of state law and regulations related to medical marijuana use.

6. Medical marijuana dispensaries shall not store more than two hundred dollars ($200) in cash overnight on the premises.

7. Any qualified patient under eighteen (18) years of age shall be accompanied by a parent or legal guardian. Except for such parent or legal guardian, no persons other that qualified patients and designated caregivers shall be permitted within a medical marijuana dispensary premises.

8. Medical marijuana dispensaries shall provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

1307 Requirements; Marijuana Establishments

For purposes of this Code, Marijuana Establishment shall mean a location for the retail sale of marijuana to individuals 21 years of age or over or a marijuana cultivation location that is specifically associated with a single marijuana dispensary or a single marijuana establishment engaging in the retail sale of marijuana. The following minimum requirements shall apply to all marijuana establishments located in the Zoning District where such uses are permitted:

A. In conjunction with the application requirements set forth in Section 1 above, an applicant for a marijuana establishment shall provide all of the following:

1. A notarized authorization, executed by the property owner, acknowledging and consenting to the proposed use of the property as a marijuana establishment. If a new marijuana establishment is proposed to be collocated with an existing medical marijuana dispensary, the property owner shall consent to the marijuana establishment

2. The legal name of the marijuana establishment

3. A copy of a certification from the Arizona Corporation showing that the business in in good standing, if a corporation or limited liability company.

4. The name, address, birth date and valid marijuana facility agent identification card of (a) each employee of a marijuana establishment. In the best interest of the city, the information pursuant to subsection 4 shall not be subject to disclosure as a public record

5. A notarized certification that none of the medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

   a. A violent crime, as defined in ARIZ. REV. STAT. § 13-901.03(B), that was classified as a felony in the jurisdiction where the person was convicted.

   b. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten (10) or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARIZ. REV. STAT. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

6. A notarized certification that none of the marijuana establishment managers, officers board members has served as an officer or board member for a marijuana establishment that has had its registration certificate revoked.

7. Shall submit a written security plan to the [City/Town] that describes the actions taken to deter and prevent unauthorized entrance into limited access areas including use of security equipment, exterior lighting to facilitate surveillance, and electronic monitoring such as video cameras. In the best interest of the city, the information pursuant to subsection 4 shall not be subject to disclosure as a public record

8. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the property boundary of the parcel containing any existing uses listed in Sections 1302 and 1303 above. If any of the uses are located within fifty (50) feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

B. A marijuana establishment shall have operating hours not earlier than 9:00 a.m. and not later than 8:00 p.m.

C. A marijuana establishment shall:

1. Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle.

2. Not provide drive-thru services or offsite deliveries of marijuana or marijuana products.

3. Shall not emit dust, fumes, vapors or odors into the environment from the facility and ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of [City/Town].

4. Prohibit smoking of marijuana or the consumption of marijuana infused products on the premises.

5. Not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

6. Not sell marijuana or marijuana products, except as permitted by state law.

7. Not display or keep marijuana or marijuana products that is visible from outside the premises.

8. Comply with applicable state and county health regulations for food preparation and handling.

9. Comply with applicable laws to safely and securely engage in extraction processes

10. Display a current City of Avondale business license and a State of Arizona tax identification number.

11. Install lighting to illuminate the exterior and interior of the building and all entrances and exits to the facility. Exterior lighting shall be at least five (5) foot candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each day. Twenty-four (24) hours each day, the marijuana dispensary or marijuana cultivation location shall illuminate the entire interior of the building, with particular emphasis on

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the locations of any counter, safe, storage area and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from a distance of one hundred (100) feet.

12. Provide security guards at the main entrances and exits during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to ARIZ. REV. STAT. § 32-2601 *et seq*. Prior to opening for business, the marijuana dispensary or marijuana cultivation location shall provide all property owners within a five hundred (500) foot radius of the marijuana dispensary or marijuana cultivation location with written notification via first class U.S. Mail of the security company responsible for providing its security services.

13. Have an exterior appearance compatible with commercial structures already constructed or under construction within the immediate neighborhood to insure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

14. Allow unrestricted access by City code enforcement officers, police officers or other agents or employees of the City requesting admission for the purpose of determining compliance with these standards.

15. Not display signs, or any other advertising matter used in connection with the Marijuana establishment of any offensive nature and such signs shall in no way be contrary to the City code, or obstruct the view of the interior of the premises viewed from the outside.

16. Comply with all other applicable property development and design standards of the City of Avondale.

D. To ensure that the operations of marijuana establishments are in compliance with Arizona law and to mitigate the adverse secondary effects from operations of marijuana establishments, , marijuana establishments shall operate in compliance with the following standards:

1. There shall be no on-site sales of alcohol, tobacco or food, other than food products containing infused marijuana. There shall be no on-site consumption of food, alcohol, tobacco or marijuana; provided that employees may consume food on-site so long as it does not contain infused marijuana.

2. Marijuana establishments shall not provide marijuana to any individual in an amount in violation of state law and regulations related to marijuana establishments.

3. Marijuana establishments shall not store more than two hundred dollars ($200) in cash overnight on the premises.

4. Marijuana Establishments shall post notice that you are required to be 21 years of age or older to purchase marijuana.

5. Marijuana establishments shall provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

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Item Number: 3.

CITY COUNCIL REPORT

SUBJECT: Southern Avondale Development Discussion

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Director, (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will discuss a City initiated master land use plan concept for Southern Avondale; the municipal planning area south of the Maricopa County Estrella Mountain Regional Park. The planning area is generally bounded by the road alignments of Litchfield Road on the west, south of Pecos Road on the north (south of Phoenix Raceway), 99th Avenue on the east, and Patterson Road on the south (south of Hunt Highway). The master land use plan concept provides a balanced land use vision to support future growth within this underdeveloped region of the City.

BACKGROUND:

The 2012 adopted General Plan 2030 land use designations south of the Estrella Mountains (referred to as the South Planning Area) include Open Space and Parks, Sports and Entertainment, Estate Low Density Residential, and Local Commercial with a Resort. A guiding principal of the General Plan is “Unique Lifestyle and Character” of Avondale. This principal emphasizes Avondale’s natural landscape setting that promotes growth and conservation, tourism, and outdoor recreation among the Estrella Mountains, Gila River, open space, and riparian areas. These areas would provide attractive public spaces and have a variety of living, working, and leisure opportunities for the community. The master land use plan concept responds to this guiding principle, taking into consideration land use placement in relation to various area property ownerships and the natural environment.

The General Plan’s Land Use Element goals include policies to minimize negative impacts to the natural environment and protect the areas in and around the Estrella Mountain Regional Park, and encourage land uses and design of buildings to capture the spirit of the City’s natural surroundings, such as the Estrella Mountains and the Gila River. The General Plan’s Land Use Map also includes a resort land use south of Phoenix Raceway to capture tourism related to the raceway and the Estrella Mountains. Also, this area is noted in the General Plan’s Code of Development Element as requiring a different fee structure for infrastructure services and costs than areas north of the mountains due to its location and geographic constraints.

The South Planning Area is approximately 38,400 acres, and through the land analysis process, only about 11,300 acres can be considered for development due to existing property assigned to a County Regional Park, Wilderness Area, Gila River Indian Community, and private ownership (Exhibit D). The northern edge of

this planning area is bordered to the west by the City of Goodyear's jurisdictional planning area, the Maricopa County Estrella Mountain Regional Park, the Bureau of Land Management, and the Sierra Estrella Mountain Wilderness. To the south, there lies a combination of Arizona State Trust Department lands and other properties retained by the Bureau of Land Management.

The physical characteristics of the property include expansive sections of flat desert terrain, Sonoran Desert uplands, well defined drainageways, and dramatic mountain vistas. Land topography generally slopes from the east and the Estrella Mountains ridgeline, to the west. This terrain captures drainage watershed from the Estrella Mountains toward the regional Waterman Wash further to the west and northwest.

Land use locations, land use program analysis, and infrastructure services are presented by Norris Design, a land planning consultant firm. Norris Design visited the property, evaluated the topography and area drainage patterns, reviewed land ownerships, researched planned development in City of Goodyear, and determined appropriate land uses and densities. The proposed master land use plan concept considers several factors intended to provide a balanced land use vision which will support future growth with this underdeveloped region of the city. A range of residential land use designations have been referenced within the recommended plan, including a newly recommended Medium Low land use category. Higher density residential and local commercial land use designations have been utilized sparingly to create a balanced community-based land use plan for pending growth. An appropriate blend of land uses is essential to promoting the reasonable extension of infrastructure and eventually prosperous growth.

The Land Use Program (Exhibit C) provides a detailed listing of each respective land use, inclusive of residential density ranges, residential density targets, and commercial development intensity projections. Overall, residential unit density projections range from approximately 30,395 to 45,910 total units for this planning area. Commercial intensity projections on 120 acres range from approximately 821,800 to 1,643,700 total square feet (target FAR of 0.22). A resort hotel, inclusive of amenities and convention facilities, should target 600 to 1000 rooms. Residential density categories include Rural Low Density 1,120 acres with 2,240 units (target density of 3 du/ac); Estate Low Density Residential 2,240 acres with 6,720 lots (target density of 1 du/ac); Medium Low Density 5,250 acres with 21,000 lots (this would be a new land use category proposed for the General Plan update); Medium Density Residential 180 acres with 1,080 lots (target density 8 du/ac); and High Density 140 acres with 2,800 lots (target density 12 du/ac). The residential range is 25,095 to 36,890 new residential lots/units. The resort is proposed on 370 acres to accommodate a destination resort property including a golf course, conference center, other amenities, and residential villas.

These above referenced uses are represented on the Land Use Map (Exhibit B). Development begins at the Germann Road alignment extending south to the Patterson Road alignment. This area abuts the Gila River Indian Community land to the north which encompasses approximately 3,188 acres. A small portion of this area does permit a future roadway to be established along the west property line. An intergovernmental agreement limits development within the area to a 150-foot wide strip of land intended for future right-of-way. The residual land area will remain as open space.

DISCUSSION:

The proposed master land use plan concept is intended to establish a thriving area of Avondale with a land use layout showcasing opportunity for development. The mix of residential densities, support commercial services, and a resort property creates a city within a city. The mountain vistas, existing regional park and wilderness area make for a special community nestled among the Estrella Mountains. Development projections include an overall average residential density of 2.6 du/ac and a population of 86,884. Development of this area requires planning for utility infrastructure and facilities, partnerships with City of Goodyear and other land ownerships, school sites, public safety facilities, transportation/street systems, transit, and parks/open space. Additional information is provided in the Narrative (Exhibit A.)

BUDGET IMPACT:

The implementation of the Land Use Plan for Southern Avondale will require development of supporting transportation, public safety, recreation, water, and wastewater infrastructure. The infrastructure necessary for development in this area was not included in the City's last Infrastructure Improvement Plan (IIP), which governs the City's Development Impact Fee program. The city's water, wastewater, and streets master plans should be updated to identify needed infrastructure to be included in a future update to the IIP. A separate development impact fee zone for the area for the area will need to be evaluated, to help ensure the recovery of the costs of any infrastructure from the developments directly benefiting from that infrastructure.

Development of the South Planning Area would generate additional revenues such as sales tax, property tax, permit-related revenues, and user fees. These sources of revenue would be used to support expenditures in the area for city operations and maintenance such as public safety, parks and recreation, streets and utilities.

RECOMMENDATION:

The South Avondale Planning area master land use plan concept presentation is provided to the City Council for information, feedback, and direction.

December 17, 2020

Ms. Jodie Novak, Assistant Director
Development & Engineering Services Department
City of Avondale
11465 W. Civic Center Drive
Avondale, AZ 85323

South Avondale Area Plan – Land Use Plan & Program

Dear Ms. Novak,

The following narrative has been prepared in support of the preliminary Land Use Plan and Program completed to date for the South Avondale Planning Area. The narrative also defines the planning considerations that contributed to the land use recommendations depicted on the Land Use Plan and further defined by the Land Use Program. Some of the planning determinants that contributed to the analysis and recommendations include a review of property ownership patterns, neighboring jurisdictional plans, as well as, the evaluation of topographic constraints and area drainage watersheds. We understand the City of Avondale will soon initiate its 10-year General Plan update, therefore our planning effort will contribute to those developments, as well as Avondale's shared vision.

Planning Area Description

The City of Avondale-South Planning Area, as identified in the Avondale General Plan 2030 dated August 28, 2012, is an approximate 38,400-acre area located south of the Phoenix Raceway (PR) complex. This particular land mass is bordered to the west by the City of Goodyear's jurisdictional planning area, the Estrella Mountain Regional Park (the Park) and the Bureau of Land Management, Sierra Estrella Mountain Wilderness. To the south, there lies a combination of Arizona State Trust Department lands (ASLD) and other properties retained by the Bureau of Land Management (BLM).

The physical characteristics of the property include expansive sections of flat desert terrain, Sonoran Desert uplands, well defined drainageways and dramatic mountain vistas. Land topography generally slopes from the east and the Estrella Mountains ridgeline, to the west. This terrain captures drainage watershed from the Estrella Mountains toward the regional Waterman Wash, further to the west and northwest.

To the north, portions of the planning area fall within the boundaries of Estrella Mountain Regional Park, established decades ago, and to the south with the Sierra Estrella Wilderness. These established desert preserves make a strong edge condition for the planning of the remaining property and future development within the Area. Located directly south of the Estrella Mountain Regional Park boundary resides the 3,188-acre "GRIC Purchase Area". This land mass falls within the jurisdiction of the Gila River Community. A small portion of the GRIC Purchase Area does permit a future roadway to be established along the west property line of the defined area. An intergovernmental agreement limits development within the GRIC Purchase Area to a 150-foot wide strip of land intended for future *right-of-way*. The residual GRIC land area is to remain as open space.

Property Ownership

Within the South Avondale Planning Area lies several property ownership entities. These entities vary from public to private, and the subsequent ownership pattern has aided in composing the proposed Land Use Plan. As depicted on the Property Ownership Exhibit (Exhibit A) the northmost land areas defined as open space in the current General Plan, are the Estrella Mountain Regional Park parcels owned by Maricopa County with acquisition initiated as far back as 1953. As described above, the GRIC Purchase Area then lies south of the park land, and further facilitates access to this planning area. The current General Plan indicates a future roadway alignment through the park, which would connect to Indian Springs Road south of the PR. Further south, the planning area encompasses a blend of privately-owned parcels of varied size, alongside ASLD and BLM lands. Southeast of the South Avondale Planning Area are lands managed by the Bureau if Land Management. This area is defined as the Sierra Estrella Wilderness, consisting of approximately 11,300 acres. Further east of this area, outside of the Avondale Planning Area, lies the Gila River Indian Community.

Regional Planning

Consequently, the Estrella Mountain Regional Park, mentioned above, is located within the South Avondale Planning Area vicinity, and represents approximately half of the overall park area. The other half is located to the west and resides within the City of Goodyear's jurisdictional planning area. This particular area is defined with an *open space* land use designation in the Goodyear 2025 General Plan. The Maricopa County Parks Master Plan indicates limited recreational land uses may be located within the park boundary. This extensive regional park will compliment future proposed land use planning further south, recognized by the attached Land Use Plan (Exhibit B).

The City of Goodyear General Plan has also provided Land Use and Transportation Plan elements for neighboring areas, most of which are located south of the Estrella Mountain Ranch community in the Rainbow Valley region. Under these General Plan policy elements, the planning for private development has flourished within the Goodyear southern planning area over the course of several years. While predominately classified with a "Neighborhood" land use designation, the Goodyear southern planning area has contemplated a combination of land uses to bolster the growth of future infrastructure, in addition to the expansion of essential service needs over time. This plan recognizes the prospective Loop 303 freeway, and proposes an alignment less than one mile from the western boundary of the South Avondale Planning Area.

Transportation Planning / Access

Access to the South Avondale Planning Area will occur from the north with a recommended scenic parkway, as well as, from the west via connections to Goodyear's planned neighboring transportation network. The scenic parkway alignment would follow Avondale's western boundary through the GRIC Purchase Area, northbound through the park area, then connect to Indian Springs Road near the PR complex. On the Land Use Plan, the alignment depicted for the scenic parkway, as shown in the current General Plan, would likely need to meander into the City of Goodyear's jurisdictional area within the park boundary. This would be necessary to preserve sensitive topographic areas, with minimal disturbance for roadway construction.

As depicted on the recommended Land Use Plan, a traditional block pattern of the Patterson Road alignment to the south, and the Germann Road alignment to the north, will establish arterial roadway connection points along the jurisdictional boundary. A direct connection is integrated into arterial roadway alignments, which are planned

interchanges with the planned alignment for the Loop 303 freeway as currently shown. This essentially provides a congruent network to the greater West Valley region needed to support the land use vision.

Land Use Plan & Program

After a comprehensive analysis of the items discussed above, as well as our direct correspondence, the attached Land Use Plan and accompanying Program were prepared. The proposed plan considers several factors, intended to provide a balanced land use vision which will support future growth with this underdeveloped region of the city. A range of residential land use designations have been referenced within the recommended Land Use Plan, including a newly recommended *Medium Low* category. Higher density residential and local commercial land use designations have been utilized sparingly to create a balanced community-based land use plan for pending growth. The south planning area, and community it will foster, stand to remain isolated from the greater Avondale city fabric to the north. Therefore an appropriate blend of land uses is essential to promoting the reasonable extension of infrastructure and eventually sustainable and prosperous growth. The BLM land area, which lies within the planning area, has not been classified with a land use designation proposed for these areas.

As described earlier, the northern and easternmost portions of this planning area will remain open space. As a result, a distinct location was selected for the prospective hospitality resort. The recommended site lies in fairly close proximity to the PR, reserves access to the logical extension of future roadway infrastructure, the Loop 303 freeway corridor, captures exceptional views to the Estrella Mountain Range, and promotes the best access to possible water and sewer connection. Access to this infrastructure will need to be coordinated with the City of Goodyear with the negotiation and establishment of an intergovernmental agreement. The recommended Land Use Plan realizes the vision for hospitality would likely include recreational golf or could emerge as an eco-resort focused on wellness. Either choice of recreation and experience should consider the inclusion of convention facilities and a symbiotic relationship with the Estrella Mountain range. The designated location defines a relatively large planning area intended to accommodate a large scale hotel/resort, potentially a golf course, retail village, and even mixed residential opportunities inclusive of timeshare units, resort for-sale living units, and hotel condominium units intended to remain active and vibrant throughout the year.

The attached Land Use Program (Exhibit C) provides a detailed listing of each respective land use, inclusive of residential density ranges, residential density targets, and commercial development intensity projections. Overall, residential unit density projections range from 30,395 to 45,910 total units for this planning area. Commercial intensity projections range from 821,800 to 1,643,700 total square feet. A resort hotel, inclusive of amenities and convention facilities, should target 600 to 1000 rooms.

Infrastructure Planning

The implementation of the recommended Land Use Plan will require the development of supporting water and wastewater infrastructure. It is recommended that a Civil Engineer be retained to further examine the opportunities and constraints for infrastructure expansion within the South Avondale Planning Area. This work should include the establishment of master plans to define optimum water resource options, the evaluation of pressure zones, the general routing of lines, and the optimum location(s) for wastewater treatment and reclamation. This work could include the consideration for joint planning facilities with the City of Goodyear. The following review of water and wastewater facilities is based on our current knowledge of the region, as well as potential infrastructure expansion to the area.

Water-

Regional scale planning for public water service may occur through a combination of various methods. With the establishment of a scenic parkway within Avondale to the north, a water service main could be extended south to this new service area, and new facilities established for storage and distribution. To the west within neighboring Goodyear, there are multiple community projects in the planning phase where water supply is noted as a critical need. As development in south Goodyear proceeds in the years ahead, infrastructure expansion will lead the way and may present future opportunity for inter-jurisdictional systems. Like other emerging development areas within the

Metropolitan Area, this area will likely emerge with independent water supply facilities and progress to system interconnectivity over time.

Wastewater-
The geographic location and general topography of the planning area present a challenge related to wastewater system expansion from the northern established area of the city. As indicated above, development planning in neighboring Goodyear could represent a solution to future long-term wastewater needs. Approximately six miles west, existing facilities within Goodyear located at Rainbow Valley and Willis Road, may have the capacity for rendering an initial resort development phase. Additional wastewater facilities are planned within the City of Goodyear Planning Area. These facilities could provide a service solution for the South Avondale Planning Area, or an independent service facility could be planned for future service. Either way, sewer service outfall would follow the lines of services generally flowing from east to west.

Conclusion
Norris Design is pleased to present the Land Use Plan and Land Use Program for the South Avondale Planning Area. This Plan strives to promote initial land use, transportation, and public facilities for the subject area. The Estrella Mountain Range offers a significant scenic backdrop for a future Avondale resident population estimated at approximately 87,000 through the implementation of the plan.

Respectfully Submitted,

[redacted]

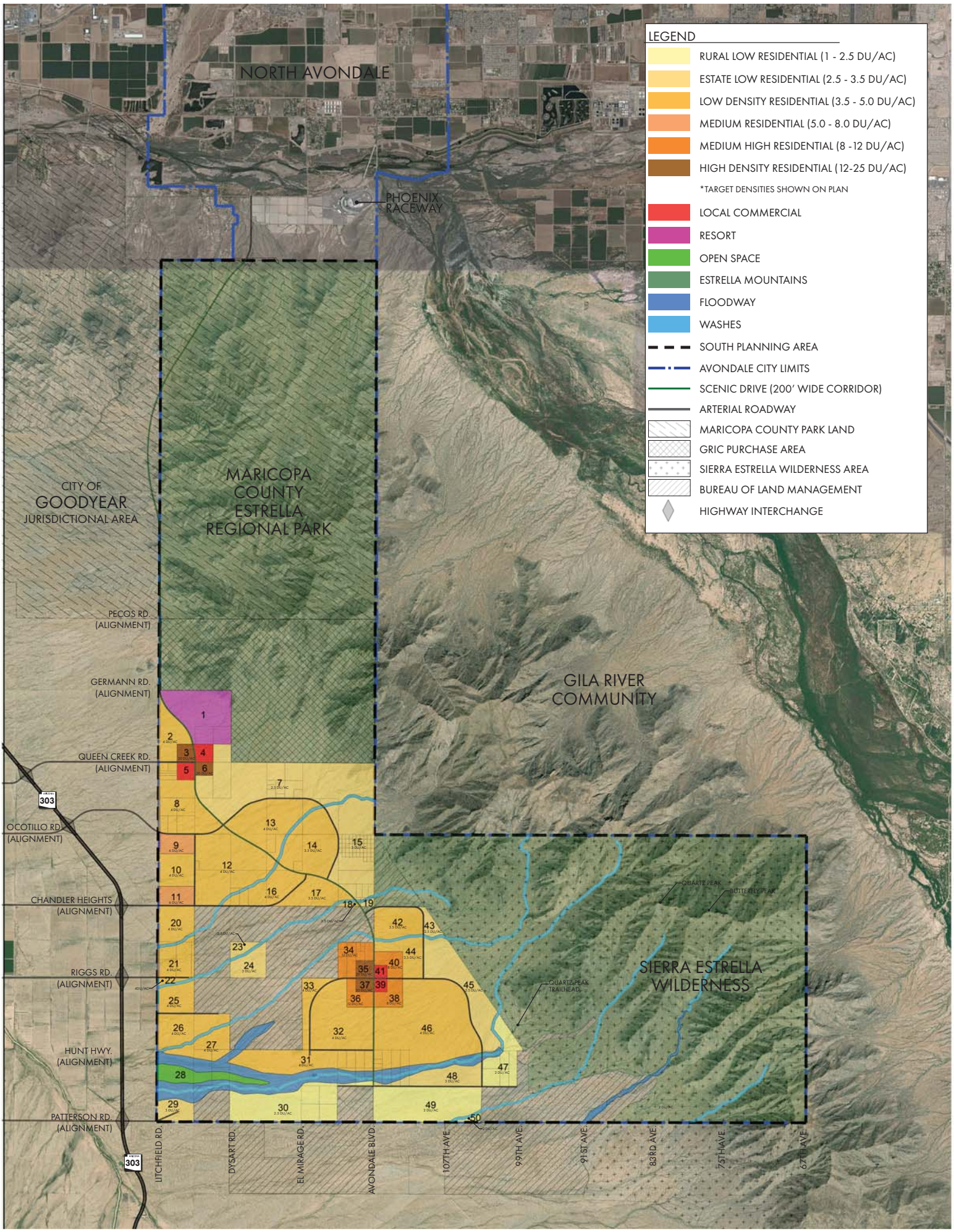
Alan Beaudoin, Principal

Attachments:
Exhibit A – Property Ownership Map
Exhibit B – Land Use Plan
Exhibit C – Land Use Program

Exhibit A – Property Ownership Map

Exhibit B – Land Use Plan

Exhibit C – Land Use Program



SOUTH AVONDALE PLANNING AREA | LAND USE PLAN

11/10/2020

NORTH 0 500 1000 2000 SCALE

Avondale Aspiring Achieving Accelerating

NORRIS DESIGN Planning | Landscape Architecture | Branding

AVONDALE SOUTH PLANNING AREA - LAND USE PROGRAM

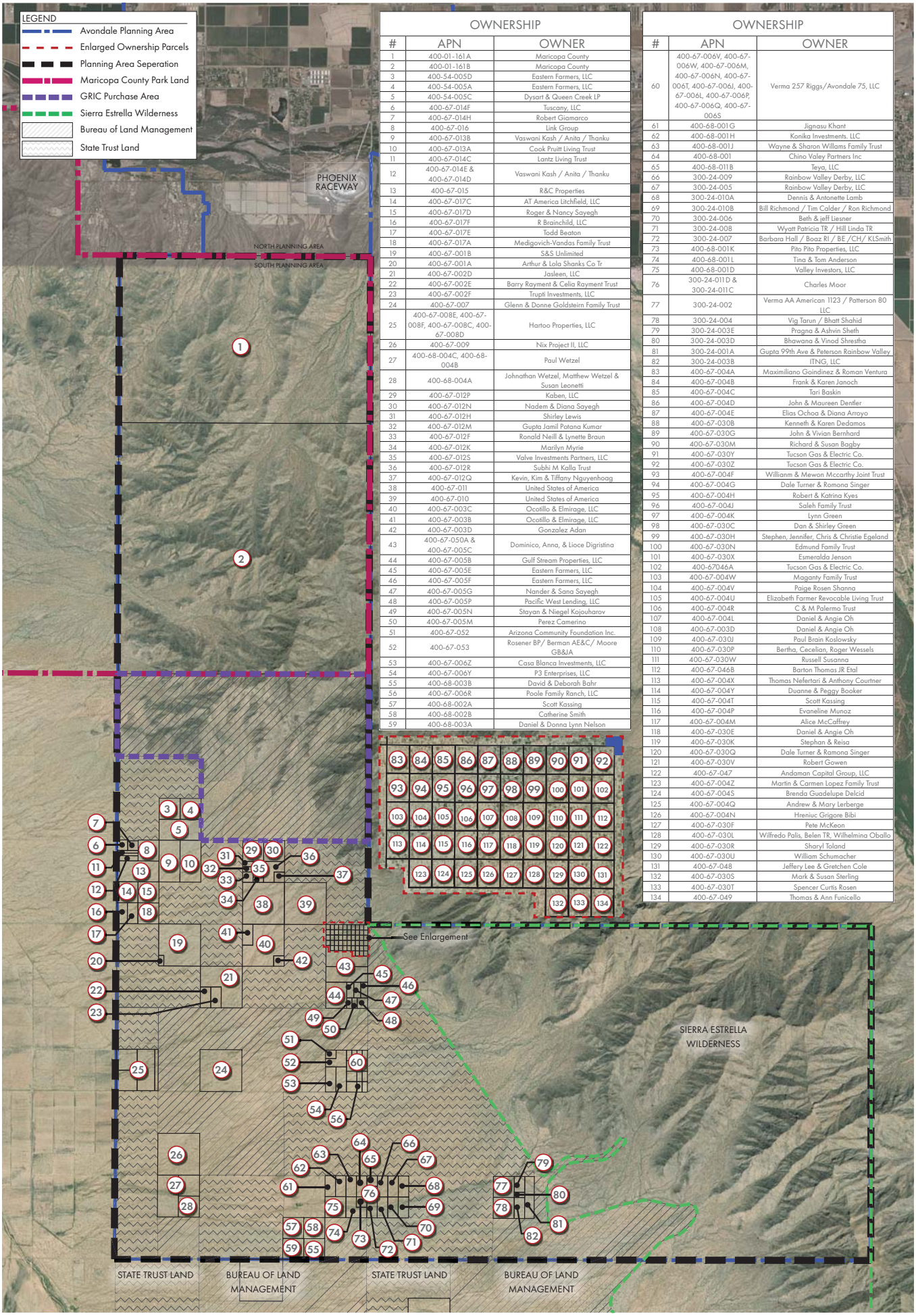
DATE: 12/17/2020

	LAND USE CATEGORY	SUBAREA #	GROSS SF	GROSS ACREAGE	DENSITY (DWELLING UNITS) LOW	TARGET	HIGH	INTENSITY (FAR SF) LOW	TARGET	HIGH	NOTES
R	RURAL LOW DENSITY RESIDENTIAL				**1.0**	**2.0**	**2.5**				GP density range: 0 - 1 DU/AC, Target = .3
		30	19,488,267	450	450	900	1,125	-	-	-	
		47	8,667,805	200	200	400	500	-	-	-	
		49	19,688,161	450	450	900	1,125	-	-	-	
		50	661,375	20	20	40	50	-	-	-	
	SUBTOTAL		28,156,072	**1,120**	**1,120**	**2,240**	**2,800**	-	-	-	
E	ESTATE LOW DENSITY RESIDENTIAL				**2.5**	**3.0**	**3.5**				GP density range: 0 - 2.5 DU/AC, Target = 1
		7	39,784,733	910	2,275	2,730	3,185	-	-	-	
		15	20,605,825	470	1,175	1,410	1,645	-	-	-	
		19	490,654	10	25	30	35	-	-	-	
		23	1,566,834	40	100	120	140	-	-	-	
		24	4,845,961	110	275	330	385	-	-	-	
		29	4,291,502	100	250	300	350	-	-	-	
		43	1,884,372	40	100	120	140	-	-	-	
		45	16,243,809	370	925	1,110	1,295	-	-	-	
		48	8,262,474	190	475	570	665	-	-	-	
	SUBTOTAL			**2,240**	**5,600**	**6,720**	**7,840**	-	-	-	
ML	MEDIUM LOW DENSITY RESIDENTIAL				**3.5**	**4.0**	**5.0**				GP density range: This category does not exist in Avondale
		2	6,779,681	160	560	640	800	-	-	-	
		8	15,712,024	360	1,260	1,440	1,800	-	-	-	
		10	6,294,773	140	490	560	700				
		12	23,119,977	530	1,855	2,120	2,650	-	-	-	
		13	16,154,572	370	1,295	1,480	1,850	-	-	-	
		14	15,430,590	350	1,225	1,400	1,750	-	-	-	
		16	8,809,769	200	700	800	1,000	-	-	-	
		17	7,843,807	180	630	720	900	-	-	-	
		18	423,502	10	35	40	50	-	-	-	
		20	6,716,471	150	525	600	750	-	-	-	
		21	6,745,244	150	525	600	750	-	-	-	
		22	885,579	20	70	80	100	-	-	-	
		25	5,698,046	130	455	520	650	-	-	-	
		26	9,267,514	210	735	840	1,050	-	-	-	
		27	6,393,299	150	525	600	750	-	-	-	
		31	15,520,547	360	1,260	1,440	1,800				
		32	19,011,738	440	1,540	1,760	2,200				
		33	4,497,903	100	350	400	500				
		42	7,927,292	180	630	720	900				
		44	6,175,594	140	490	560	700				
		46	40,212,757	920	3,220	3,680	4,600				
	SUBTOTAL			**5,250**	**18,375**	**21,000**	**26,250**	-	-	-	
M	MEDIUM DENSITY RESIDENTIAL				**5.0**	**6.0**	**8.0**				GP density range: 2.5-4.0 DU/AC, target = 2.5
		9	3,828,112	90	450	540	720	-	-	-	
		11	3,735,605	90	450	540	720	-	-	-	
	SUBTOTAL			***180***	**900**	**1,080**	**1,440**	-	-	-	
MH	MEDIUM HIGH DENSITY RESIDENTIAL				**8.0**	**10.0**	**12.0**				GP density range: 4-12 DU/AC, Target = 8.0
		34	5,236,778	120	960	1,200	1,440	-	-	-	
		36	2,892,747	70	560	700	840	-	-	-	
		38	3,530,592	80	640	800	960	-	-	-	
		40	3,252,260	70	560	700	840				
	SUBTOTAL			***340***	**2,720**	**3,400**	**4,080**	-	-	-	
H	HIGH DENSITY RESIDENTIAL				**12.0**	**20.0**	**25.0**				GP density range: 12-30 DU/AC, Target = 12.0
		3	1,655,229	40	480	800	1,000	-	-	-	
		6	1,295,001	30	360	600	750	-	-	-	
		35	1,745,238	40	480	800	1,000	-	-	-	
		37	1,312,791	30	360	600	750	-	-	-	
	SUBTOTAL			***140***	**1,680**	**2,800**	**3,500**	-	-	-	
R	RESORT										GP density range: 2.5-4.0 DU/AC, target = 2.5
		1	16,120,378	370	-	-	-	-	-	-	
	SUBTOTAL			***370***	-	-	-	-	-	-	
OS	OPEN SPACE AND PARKS										
	PARK	28	6,183,842	140	-	-	-	-	-	-	
	OPEN SPACE			27,700							
	SUBTOTAL			**27,840**	-	-	-	-	-	-	
FP	FLOODPLAIN/WASHES										
			62,384,982	1,430	-	-	-				
	SUBTOTAL	-		**1,430**	-	-	-	-	-	-	
PF	PUBLIC FACILITIES										
					-	-	-				
	SUBTOTAL	-		**0**	-	-	-	-	-	-	
LC	LOCAL COMMERCIAL							**0.15**	**0.22**	**0.30**	
		4	1,838,664	40	-	-	-	275,800	404,500	551,600	Currently Calculated Using Gross Acreage
		5	1,731,531	40	-	-	-	259,700	380,900	519,500	Currently Calculated Using Gross Acreage
		39	963,170	20	-	-	-	144,500	211,900	289,000	
		41	945,251	20	-	-	-	141,800	208,000	283,600	
	SUBTOTAL			**120**	-	-	-	**821,800**	**1,205,300**	**1,643,700**	
	ROADWAY RIGHT-OF-WAY	-	-	-	-	-	-	-	-	-	
	TOTAL (SUM)		**28,156,072**	**11,330**	**30,395**	**37,240**	**45,910**	**821,800**	**1,205,300**	**1,643,700**	

Planning Area Projections

Average Blended Density (Net)[1]		3.3
Projected Population		107,996
Projected Elementary School Age Children		18,620
Demand for Elementary Schools (number)		15.5
Projected High School, School Age Children		9,310
Demand for High Schools (number)		3.7
Projected Purchasing Power	$	912,380,000
Projected Retail Demand (Square Feet)	$	6,082,533
Projected Retail Demand (Acres)	$	559
Demand for Emergency Response (Stations)		4.3
Water Demand		tbd
Wastewater Discharge		tbd

(1) Net density excludes mountainous open space areas.



OWNERSHIP

#	APN	OWNER
1	400-01-161A	Maricopa County
2	400-01-161B	Maricopa County
3	400-54-005D	Eastern Farmers, LLC
4	400-54-005A	Eastern Farmers, LLC
5	400-54-005C	Dysart & Queen Creek LP
6	400-67-014F	Tuscany, LLC
7	400-67-014H	Robert Giamarco
8	400-67-016	Link Group
9	400-67-013B	Vaswani Kash / Anita / Thanku
10	400-67-013A	Cook Pruitt Living Trust
11	400-67-014C	Lantz Living Trust
12	400-67-014E & 400-67-014D	Vaswani Kash / Anita / Thanku
13	400-67-015	R&C Properties
14	400-67-017C	AT America Litchfield, LLC
15	400-67-017D	Roger & Nancy Sayegh
16	400-67-017F	R Brainchild, LLC
17	400-67-017E	Todd Beaton
18	400-67-017A	Medigovich-Vandas Family Trust
19	400-67-001B	S&S Unlimited
20	400-67-001A	Arthur & Lola Shanks Co Tr
21	400-67-002D	Jasleen, LLC
22	400-67-002E	Barry Rayment & Celia Rayment Trust
23	400-67-002F	Trupti Investments, LLC
24	400-67-007	Glenn & Donne Goldstein Family Trust
25	400-67-008E, 400-67-008F, 400-67-008C, 400-67-008D	Hartoo Properties, LLC
26	400-67-009	Nix Project II, LLC
27	400-68-004C, 400-68-004B	Paul Wetzel
28	400-68-004A	Johnathan Wetzel, Matthew Wetzel & Susan Leonetti
29	400-67-012P	Kaben, LLC
30	400-67-012N	Nadem & Diana Sayegh
31	400-67-012H	Shirley Lewis
32	400-67-012M	Gupta Jamil Potana Kumar
33	400-67-012F	Ronald Neill & Lynette Braun
34	400-67-012K	Marilyn Myrie
35	400-67-012S	Valve Investments Partners, LLC
36	400-67-012R	Subhi M Kalla Trust
37	400-67-012Q	Kevin, Kim & Tiffany Nguyenhoag
38	400-67-011	United States of America
39	400-67-010	United States of America
40	400-67-003C	Ocotillo & Elmirage, LLC
41	400-67-003B	Ocotillo & Elmirage, LLC
42	400-67-003D	Gonzalez Adan
43	400-67-050A & 400-67-005C	Dominico, Anna, & Lioce Digristina
44	400-67-005B	Gulf Stream Properties, LLC
45	400-67-005E	Eastern Farmers, LLC
46	400-67-005F	Eastern Farmers, LLC
47	400-67-005G	Nander & Sana Sayegh
48	400-67-005P	Pacific West Lending, LLC
49	400-67-005N	Stayan & Niegel Kojouharov
50	400-67-005M	Perez Camerino
51	400-67-052	Arizona Community Foundation Inc.
52	400-67-053	Rosener BP/ Berman AE&C/ Moore GB&JA
53	400-67-006Z	Casa Blanca Investments, LLC
54	400-67-006Y	P3 Enterprises, LLC
55	400-68-003B	David & Deborah Bahr
56	400-67-006R	Poole Family Ranch, LLC
57	400-68-002A	Scott Kassing
58	400-68-002B	Catherine Smith
59	400-68-003A	Daniel & Donna Lynn Nelson

OWNERSHIP

#	APN	OWNER
60	400-67-006V, 400-67-006W, 400-67-006M, 400-67-006N, 400-67-006T, 400-67-006J, 400-67-006L, 400-67-006P, 400-67-006Q, 400-67-006S	Verma 257 Riggs/Avondale 75, LLC
61	400-68-001G	Jignasu Khant
62	400-68-001H	Konika Investments. LLC
63	400-68-001J	Wayne & Sharon Willams Family Trust
64	400-68-001	Chino Valey Partners Inc
65	400-68-011B	Teya, LLC
66	300-24-009	Rainbow Valley Derby, LLC
67	300-24-005	Rainbow Valley Derby, LLC
68	300-24-010A	Dennis & Antonette Lamb
69	300-24-010B	Bill Richmond / Tim Calder / Ron Richmond
70	300-24-006	Beth & jeff Liesner
71	300-24-008	Wyatt Patricia TR / Hill Linda TR
72	300-24-007	Barbara Hall / Boaz RI / BE /CH/ KLSmith
73	400-68-001K	Pito Pito Properties, LLC
74	400-68-001L	Tina & Tom Anderson
75	400-68-001D	Valley Investors, LLC
76	300-24-011D & 300-24-011C	Charles Moor
77	300-24-002	Verma AA American 1123 / Patterson 80 LLC
78	300-24-004	Vig Tarun / Bhatt Shahid
79	300-24-003E	Pragna & Ashvin Sheth
80	300-24-003D	Bhawana & Vinod Shrestha
81	300-24-001A	Gupta 99th Ave & Peterson Rainbow Valley
82	300-24-003B	ITNG, LLC
83	400-67-004A	Maximiliano Goindinez & Roman Ventura
84	400-67-004B	Frank & Karen Janoch
85	400-67-004C	Tari Baskin
86	400-67-004D	John & Maureen Dentler
87	400-67-004E	Elias Ochoa & Diana Arroyo
88	400-67-030B	Kenneth & Karen Dedamos
89	400-67-030G	John & Vivian Bernhard
90	400-67-030M	Richard & Susan Bagby
91	400-67-030Y	Tucson Gas & Electric Co.
92	400-67-030Z	Tucson Gas & Electric Co.
93	400-67-004F	Willianm & Mewon Mccarthy Joint Trust
94	400-67-004G	Dale Turner & Romona Singer
95	400-67-004H	Robert & Katrina Kyes
96	400-67-004J	Saleh Family Trust
97	400-67-004K	Lynn Green
98	400-67-030C	Dan & Shirley Green
99	400-67-030H	Stephen, Jennifer, Chris & Christie Egeland
100	400-67-030N	Edmund Family Trust
101	400-67-030X	Esmeralda Jenson
102	400-67046A	Tucson Gas & Electric Co.
103	400-67-004W	Maganty Family Trust
104	400-67-004V	Paige Rosen Shanna
105	400-67-004U	Elizabeth Farmer Revocable Living Trust
106	400-67-004R	C & M Palermo Trust
107	400-67-004L	Daniel & Angie Oh
108	400-67-003D	Daniel & Angie Oh
109	400-67-030J	Paul Brain Koslowsky
110	400-67-030P	Bertha, Cecelian, Roger Wessels
111	400-67-030W	Russell Susanna
112	400-67-046B	Barton Thomas JR Etal
113	400-67-004X	Thomas Nefertari & Anthony Courtner
114	400-67-004Y	Duanne & Peggy Booker
115	400-67-004T	Scott Kassing
116	400-67-004P	Evaneline Munoz
117	400-67-004M	Alice McCaffrey
118	400-67-030E	Daniel & Angie Oh
119	400-67-030K	Stephan & Reisa
120	400-67-030Q	Dale Turner & Ramona Singer
121	400-67-030V	Robert Gowen
122	400-67-047	Andaman Capital Group, LLC
123	400-67-004Z	Martin & Carmen Lopez Family Trust
124	400-67-004S	Brenda Guadelupe Delcid
125	400-67-004Q	Andrew & Mary Lerberge
126	400-67-004N	Hreniuc Grigore Bibi
127	400-67-030F	Pete McKeon
128	400-67-030L	Wilfredo Palis, Belen TR, Wilhelmina Oballo
129	400-67-030R	Sharyl Toland
130	400-67-030U	William Schumacher
131	400-67-048	Jeffery Lee & Gretchen Cole
132	400-67-030S	Mark & Susan Sterling
133	400-67-030T	Spencer Curtis Rosen
134	400-67-049	Thomas & Ann Funicello

AVONDALE SOUTH PLANNING AREA | OWNERSHIP

11/05/2020

NORTH

0 1250 2500 5000
SCALE

NORRIS DESIGN
Planning | Landscape Architecture | Branding

Item Number: 3.a.

CITY COUNCIL REPORT

SUBJECT: Budget Transfer for the Historic Avondale Street Phase 1 Project

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Kevin Murphy, Development and Engineering Services Director, (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to approve a budget transfer in the amount of $600,000 from the Fairway Drive Construction CIP account to the Historic Avondale Construction account for the construction of the Phase I Project, and authorize staff to take the necessary action to complete the budget transfer. The Council will take appropriate action.

BACKGROUND:

The City's Historic Avondale Street Program consists of six phases. Phase 1 of the program consists of pavement rehabilitation, new 8-inch waterline, meter service connections, fire hydrants, abandonment of existing 6” waterline in place, replacement of existing ramps/sidewalk with new ADA ramps/sidewalk, street lighting, property fencing and block wall improvements, signing and striping, and driveway replacement. The design and construction budget for the project was initially developed in 2017. Since 2017, construction costs have increased by almost 50%. In addition, the project was initially planned for construction as design-bid-build, but the project design has been executed as a Design-Build project which will allow one unified flow of work from concept to completion. The Alternate Project Delivery Method (APDM) has resulted in increased cost of design and construction.

DISCUSSION:

The Historic Avondale Street Phase 1 Project was budgeted in 2020 for $313,750 (Design) and $3,013,750 (Construction). However, the Pre-construction design services cost the City $463,285 and the GMP for construction is $3,363,646.31, excluding the Arizona Public Service (APS) cost of $100,000 to add new streetlights. This has created a total budget deficit of $599,430.

The Fairway Drive CIP project currently has funding available that can be transferred to the Historic Avondale Streets Phase 1 project. The Fairway Drive project construction is 75% complete and there is an excess of $600,000 that will not be utilized for project construction based on the current schedule. Council is being asked to consider transferring $600k from the Fairway Drive project to Historic Avondale Streets Phase 1 project for the needed construction.

STRATEGIC PLAN ALIGNMENT

INITIATIVE: Foster Sustainable Community Development

GOAL: Maintain and expand infrastructure and improve connectivity to City amenities

BUDGET IMPACT:

This action will transfer $600,000 from CIP line item 304-1336-00-8410, Fairway Drive, to 304-1500-00-8420, Historic Avondale Street Construction.

RECOMMENDATION:

Staff recommends that City Council authorize the requested budget transfer and for staff to execute the necessary documents.

Item Number: 3.b.

CITY COUNCIL REPORT

SUBJECT: Final Plat of Verde Trails Unit I, Parcels 1 and 2 (Application PL-20-0126)

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Director, (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request by Mr. Paul Haas, HILGARTWILSON, LLC, for approval of a Final Plat for Parcels 1 and 2 of Verde Trails Unit I. Consistent with the Preliminary Plat approved by City Council in August 2018, the proposed Final Plat will create 152 single-family residential lots, fifteen (15) common area tracts, and dedicate streets and easements on approximately 35.25 gross acres located approximately 1,500 feet west of the northwest corner of 107th Avenue and Broadway Road. City Council will consider adoption of Resolutions forming a Maintenance Improvement District (MID) for these parcels as a separate agenda item. Council will take appropriate action.

BACKGROUND:

Verde Trails Parcels 1 and 2 (Exhibits A, B, and C) is a 35.25-acre property located approximately 1,500 feet west of the northwest corner of 107th Avenue and Broadway Road. The property is zoned Verde Trails (originally “Hillcrest”) Planned Area Development (PAD), approved by City Council in 2007 and amended in May 2018.

Verde Trails Parcels 1 and 2 are a portion of the planned 213-acre Verde Trails Unit I master development for which a Preliminary Plat was approved by City Council in August 2018. In accordance with the approved PAD zoning, the approved Verde Trails Unit 1 Preliminary Plat allows for development of the 35.25-acre subject property with 152 lots for single-family residential use, including 95 minimum 5,175 square foot lots in Parcel 1 and 57 minimum 6,960 square foot lots in Parcel 2. Additionally, the approved Preliminary Plat provides for approximately 23 percent open space across both parcels with the most prominent amenity being a centralized 1.19-acre “neighborhood parkette” featuring a covered children’s playground, benches, a picnic ramada, and picnic tables.

Parcels 1 and 2 feature a General Plan Land Use Map designation of Medium Density Residential (MDR). The MDR designation accommodates development of suburban detached single-family residential at a density range of 2.5 to 4.0 dwelling units per acre, with a target density of 2.5.

Land use and zoning of properties surrounding the Verde Trails Parcels 1 and 2 site include:

North and East: Currently used for farming purposes, the property abutting the site to the north and east is

expected to develop with Entrada, a planned 176.6-acre residential community featuring 624 single-family residential lots. Zoned Planned Area Development (PAD) in 2020, Entrada includes lots ranging in area from 4,950 square feet to 6,600 square feet.

South: Currently in agricultural production, the property to the south of the subject site, across Broadway Road, is planned to develop with Parcels 3 and 4 of Verde Trails Unit I. Zoned Verde Trails PAD, 28.2-acre Parcel 3 will include 113 minimum 6,000 square foot lots while 26.7-acre Parcel 4 will provide for 115 minimum 5,175 square foot lots. Final Plats for Parcels 3 and 4 were approved in 2019 and construction on these parcels is expected to begin in 2021.

West: Unincorporated properties zoned Maricopa County RU-43. Current use of these properties is a mix of agricultural and large lot, rural residential uses.

SUMMARY OF REQUEST:
The applicant is requesting approval of a Final Plat (Exhibit E) for Verde Trails Unit I, Parcels 1 and 2. In conformance with the approved Verde Trails Unit I Preliminary Plat, the proposed Final Plat subdivides the 35.25-acre property into 152 lots for single-family residential use. The lots created on these parcels are a mix of two (2) different minimum lot sizes, as follows:

- Ninety-five (95) lots with a minimum area of 5,175 square feet located in Parcel 1, the north half of the subject property. This lot type provides for a minimum lot width of 45 feet and a minimum lot depth of 115 feet.

- Fifty-seven (57) lots with a minimum area of 6,960 square feet located in Parcel 2, the south half of the subject property. This lot type provides for a minimum lot width of 58 feet and a minimum lot depth of 120 feet.

Additionally, the proposed Final Plat creates fifteen (15) common area tracts for active and passive open space totaling 6.49 acres (23 percent). Open spaces to be developed on this property include Tract L, a planned 1.19-acre neighborhood parkette that will feature a covered children's playground, benches, a picnic ramada, picnic tables, and turf areas for open play. Residents of Parcels 1 and 2 will also enjoy full access to all open spaces within the remainder of Verde Trails Unit 1 south of Broadway Road.

Vehicular access to Parcels 1 and 2 is provided from Broadway Road, an existing Major Collector street along the property's south edge. The proposed Final Plat dedicates rights-of-way and easements to accommodate future street improvements by the developer, including:

- **Broadway Road right-of-way:** Currently built with no curb or sidewalk, Broadway Road will be improved by the developer adjacent to the property to include curb, gutter, sidewalk, streetlights, and landscaping. These improvements will be completed with construction of Parcels 1 and 2. The proposed Final Plat dedicates right-of-way to allow for these Broadway Road improvements and, if ever warranted, a future widening of the street to include a second westbound travel lane.

- **Local street right-of-way:** The proposed Final Plat dedicates right-of-way for all internal local streets that will provide access to the 152 planned lots within Verde Trails Parcels 1 and 2.

All streets adjacent to and within Verde Trails Parcels 1 and 2 will be public; the Verde Trails Homeowners' Association will be responsible for maintaining all open space areas, landscape tracts, and right-of-way landscaping within or adjacent to the community. City Council will consider adoption of Resolutions forming a Maintenance Improvement District (MID) for the Verde Trails Parcels 1 and 2 subdivision as a separate agenda item. The MID mechanism allows the City to assume maintenance responsibilities for the community's open space and landscaping in the event that the HOA goes defunct, providing for an assessment of

residents to cover the maintenance costs.

PUBLIC PARTICIPATION:
Public notification is not required for Final Plat applications.

PLANNING COMMISSION ACTION:
The Planning Commission does not review Final Plat applications.

ANALYSIS:

- The proposed Final Plat has been reviewed by the City's contracted Registered Land Surveyor and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.

- The proposed Final Plat is in conformance with the City of Avondale Zoning Ordinance, Subdivision Regulations, Verde Trails Planned Area Development (PAD) Development Plan, and meets all conditions of these prior approvals.

- The proposed Final Plat conforms to the approved Preliminary Plat for Verde Trails Unit I, dedicating rights-of-way and easements as necessary to serve that future development. All conditions of Preliminary Plat approval relevant to Parcels 1 and 2 have been satisfied.

- Final Landscape, Open Space, Amenity, Wall, and Photometric Plans for this project have been approved. The approved plans are consistent with the preliminary plans approved by City Council.

- As stipulated at the time of Preliminary Plat approval, the applicant is required to extinguish the property's groundwater rights and pledge those rights to the City's assured water supply account prior to issuance of any permits for the project. This requirement ensures that the City will have an adequate water supply in the future. Staff will ensure that no permits are issued for the development until the process is complete.

DISCUSSION:

1. The proposed Final Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.

2. The proposed Final Plat is in conformance with the Verde Trails PAD Development Plan, including conditions of approval.

3. The proposed Final Plat is in conformance with the approved Verde Trails Unit I Preliminary Plat, including conditions of approval.

4. The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

STRATEGIC PLAN:
INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

INITIATIVE: Create and support diverse recreation and education opportunities

- STRATEGIC GOAL: Provide multi-generational recreation events and programs.

BUDGET IMPACT:
No budget impacts.

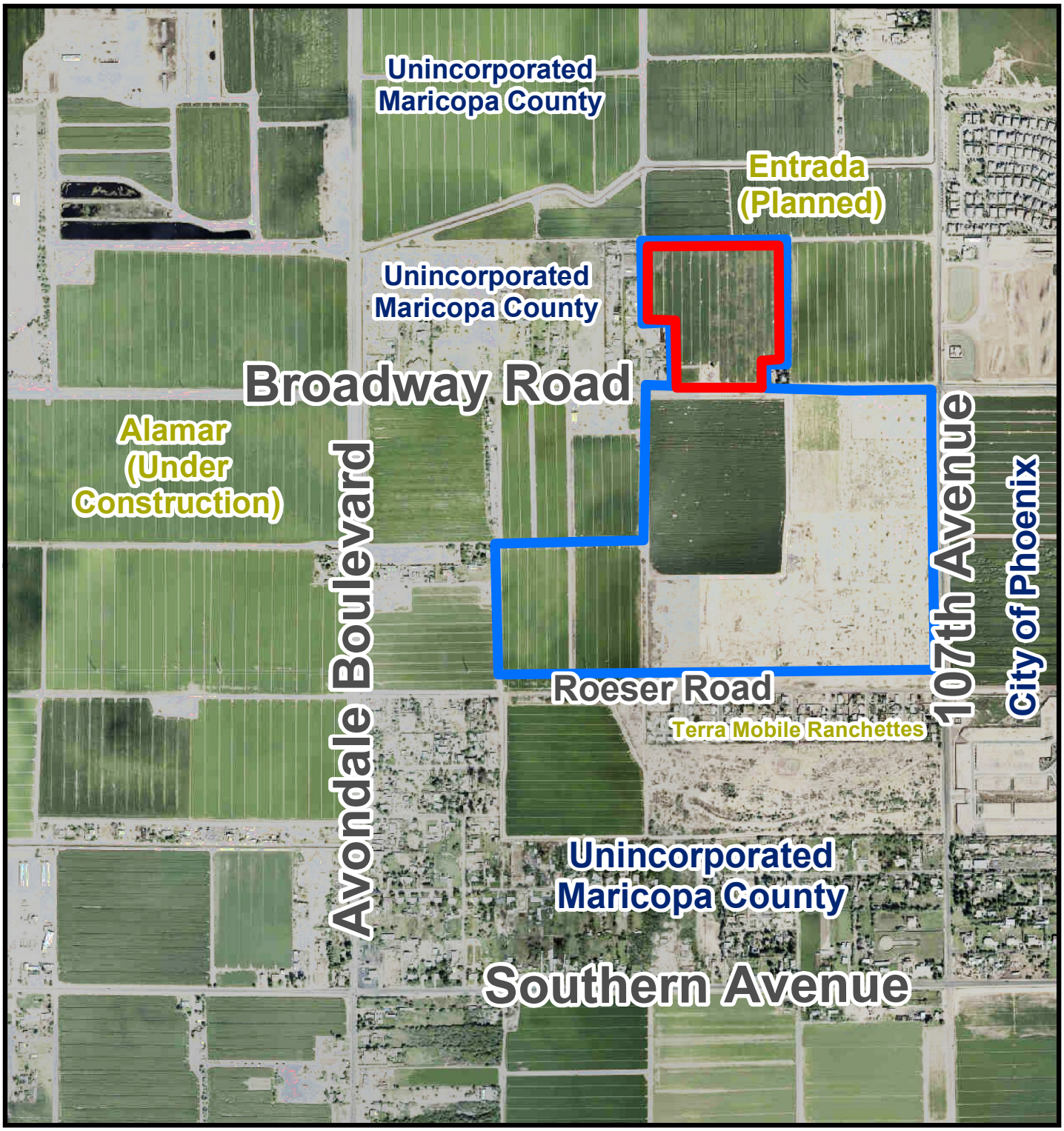
RECOMMENDATION:
No public hearing is required. City Council will **APPROVE** Application PL-20-0126 Verde Trails Parcels 1 and 2, a request for approval of the Final Plat for Verde Trails Unit I, Parcels 1 and 2, subject to the following two (2) conditions of approval:

1. The recorded plat shall be in conformance with the Verde Trails Parcels 1 and 2 Final Plat submitted on December 1, 2020.

2. Grandfathered groundwater rights for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for any portion of the project.

PROPOSED MOTION:
I move that City Council **APPROVE** Application PL-20-0126 Verde Trails Parcels 1 and 2, a request for approval of the Final Plat for Verde Trails Unit I, Parcels 1 and 2, subject to two (2) recommended conditions of approval as listed in the staff report.

Exhibit A



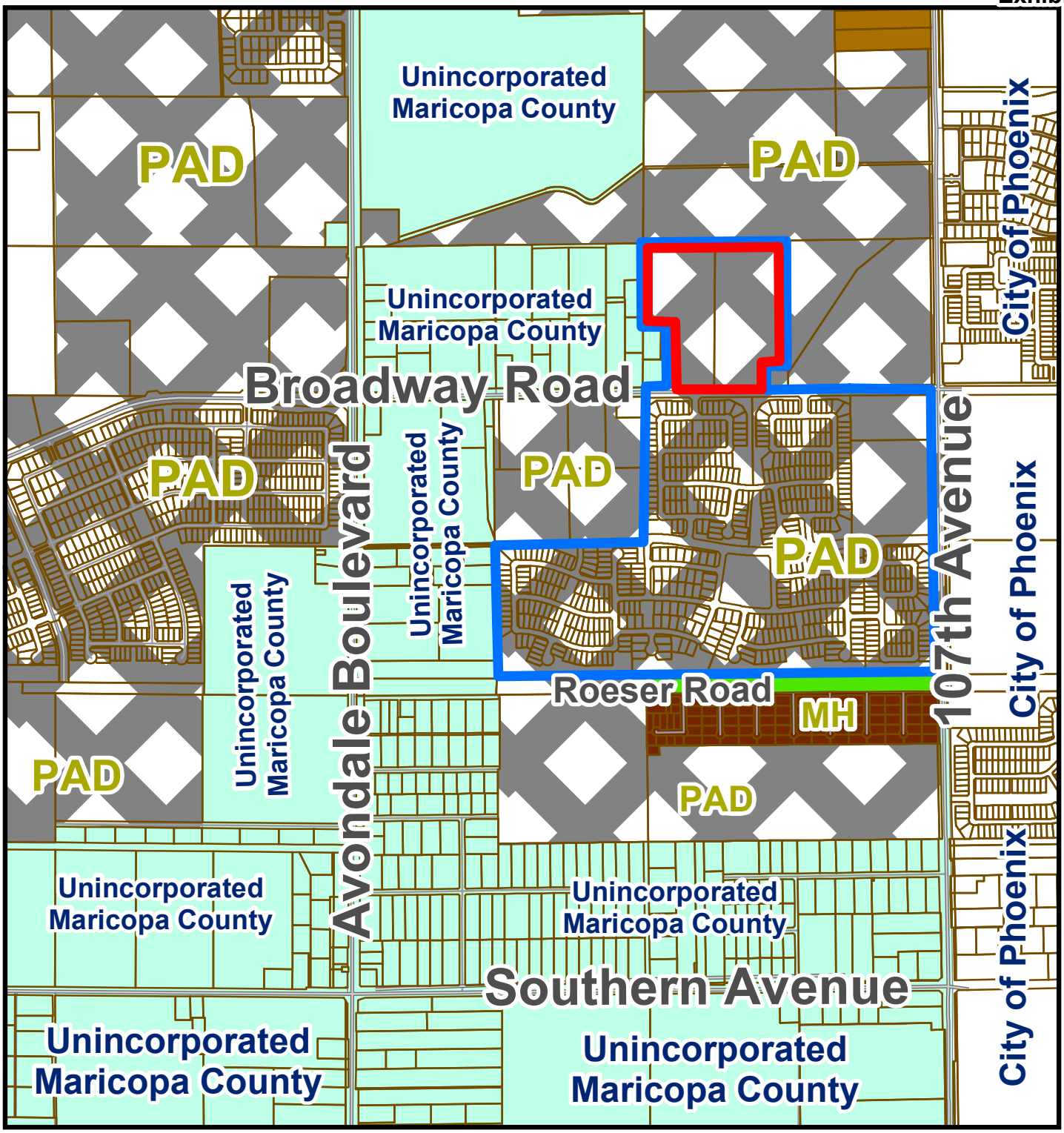
Aerial Photograph

Avondale

Verde Trails Unit I

Parcels 1 and 2

Exhibit B



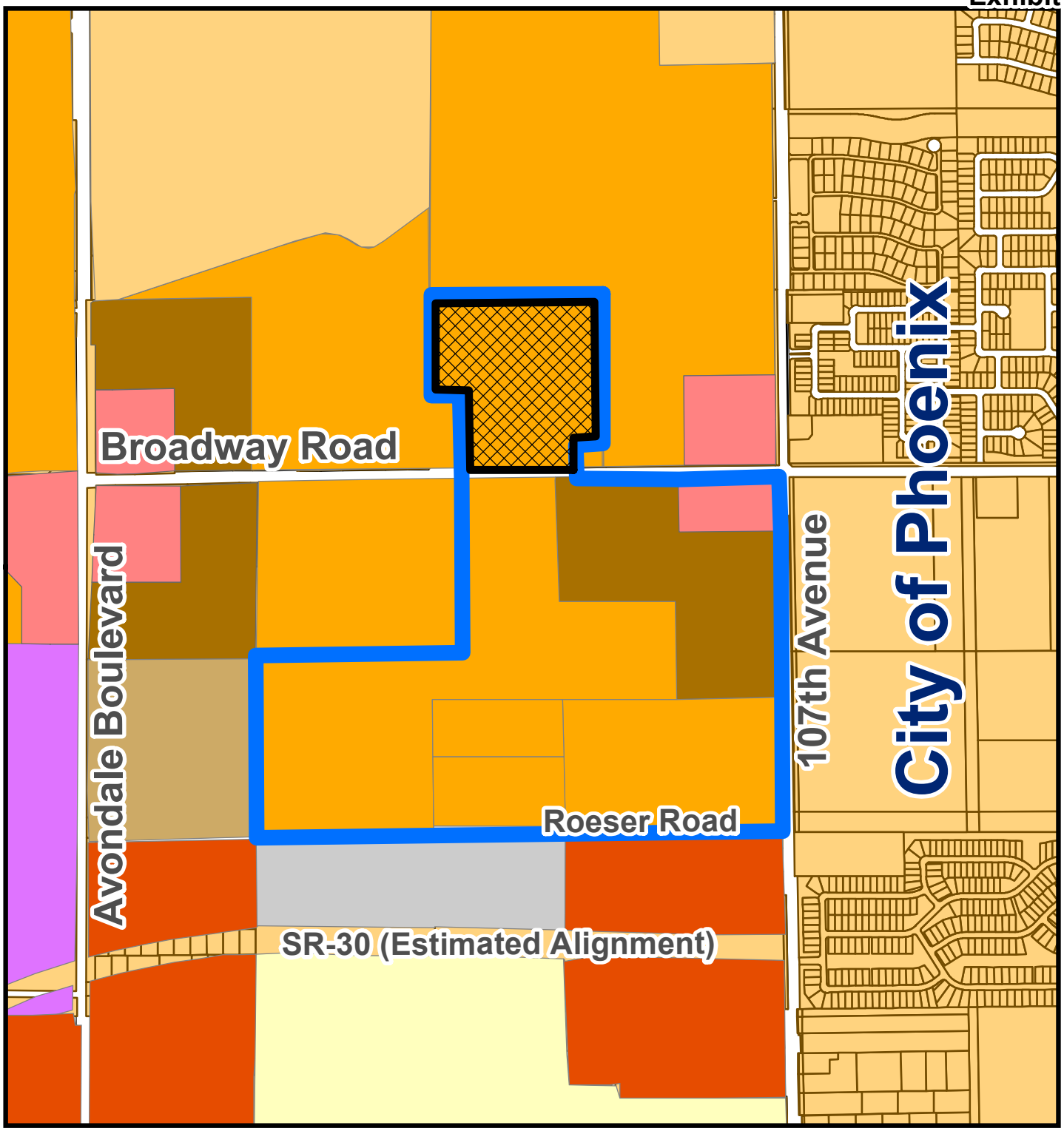
Zoning Vicinity Map

Avondale

Verde Trails Unit I

Parcels 1 and 2

Exhibit C



General Plan Land Use Map

- Medium Density Residential
- Estate Low Density Residential
- High Density Residential
- Rural Low Density Residential
- Medium/High Density Residential
- Local Commercial
- Mixed Use
- Freeway Commercial
- Office/Professional

Verde Trails Unit I

Parcels 1 and 2

Avondale

Exhibit D

SUMMARY OF RELATED FACTS
APPLICATION PL-20-0126

THE PROPERTY	
PARCEL SIZE	Approximately 35.25 gross acres (27.52 net acres)
LOCATION	Approximately 1,500 feet west of the northwest corner of 107th Avenue and Broadway Road
PHYSICAL CHARACTERISTICS	Relatively flat farmland with frontage on Broadway Road
EXISTING LAND USE	Agricultural
EXISTING ZONING	Verde Trails Planned Area Development (PAD)
ZONING HISTORY	The subject property, which was annexed in November 2007, is part of the larger 310-acre Verde Trails Planned Area Development (PAD), formerly known as Hillcrest. Originally approved by City Council in November 2007 and amended by Council in May 2018, the approved PAD allows for development of the approximate north half of the subject property (Parcel 1), with minimum 5,175 square foot (45 feet wide by 115 feet deep) lots and the approximate south half of the subject property (Parcel 2) with minimum 6,960 square foot (58 feet wide by 120 feet deep) lots. A Preliminary Plat for Verde Trails Unit I was approved by the City Council in August 2018. In accordance with the approved PAD zoning, the approved Verde Trails Unit I Preliminary Plat provides for 95 minimum 5,175 square foot lots in Parcel 1 and 57 minimum 6,960 square foot lots in Parcel 2 with approximately 23 percent open space across both parcels.

SURROUNDING ZONING AND LAND USE	
NORTH AND EAST	Currently used for farming purposes, the property abutting the site to the north and east is expected to develop with Entrada, a planned 176.6-acre residential community featuring 624 single-family residential lots. Zoned Planned Area Development (PAD) in 2020, Entrada includes lots ranging in area from 4,950 square feet to 6,600 square feet.
SOUTH OF BROADWAY ROAD	Currently in agricultural production, the property to the south of the subject site, across Broadway Road, is planned to develop with Parcels 3 and 4 of Verde Trails Unit I. Zoned Verde Trails Planned Area Development (PAD), 28.2-acre Parcel 3 will include 113 minimum 6,000 square foot lots while 26.7-acre Parcel 4 will provide for 115 minimum 5,175 square foot lots. Final Plats for Parcels 3 and 4 were approved in 2019 and construction on these parcels is expected to begin in the upcoming months.
WEST	Unincorporated properties zoned Maricopa County RU-43. Current use of these properties is a mix of agricultural/farming and large lot, rural residential uses.

GENERAL PLAN

The subject property is designated as Medium Density Residential. The Medium Density Residential (MDR) General Plan designation allows for development of detached single-family residential uses at a suburban density of 2.5 to 4.0 dwelling units per acre.

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton Elementary School District; Tolleson Union High School District
ELEMENTARY SCHOOL	Student's choice (No defined school). The closest district school is Quentin Elementary School, generally located at the northwest corner of 107th Avenue and Lower Buckeye Road.
HIGH SCHOOL	La Joya Community High School

STREETS	
Broadway Road	
Classification	Minor Arterial
Existing half street ROW	40 feet
Standard half street ROW	50 feet
Existing half street improvements	One (1) travel lane
Standard half street improvements	Two (2) travel lanes, half (½) center turn lane, bike lane, curb and gutter, detached sidewalks, street lights and landscaping. The developer of Verde Trails will be constructing standard improvements except that only one (1) westbound lane will be constructed. The second westbound lane will be constructed in the future when Broadway Road is widened adjacent to the developed county properties east and west of Verde Trails.

UTILITIES
There are currently no water lines adjacent to the site. Verde Trails Parcels 1 and 2 will receive City water service from a 16-inch water line to be installed in Broadway Road by the developer of Verde Trails Unit 1. There are currently no sewer lines adjacent to the site. Verde Trails Parcels 1 and 2 will receive City sewer service from a 12-inch sewer line to be installed in Broadway Road by the Developer of Verde Trails Unit 1. Salt River Project (SRP) provides electrical service in this portion of Avondale.

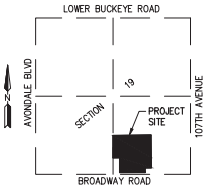
Exhibit E

Proposed Final Plat

Verde Trails Parcels 1 and 2

Received
December 1, 2020

FINAL PLAT
FOR
"VERDE TRAILS - PARCELS 1 & 2"
BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19,
TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE
GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
NOT TO SCALE

DEDICATION
STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT HILLCREST RESIDENTIAL 2, LP, AN ARIZONA LIMITED PARTNERSHIP, AS OWNER, HAS SUBDIVIDED UNDER THE NAME "VERDE TRAILS – PARCELS 1 & 2" BEING WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "VERDE TRAILS – PARCELS 1 & 2" HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE STREETS, LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME AND THAT EACH STREET, LOT AND TRACT SHALL BE KNOWN BY THE NAME, NUMBER OR LETTER GIVEN TO EACH RESPECTIVELY ON SAID PLAT.
THE OWNER, AS LISTED ABOVE, HEREBY DEDICATES IN FEE ALL RIGHT TITLE AND INTEREST TO THE CITY FOR USE AS SUCH, THE STREET RIGHTS OF WAY AS SHOWN ON SAID MAP AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE HEREBY DEDICATED TO THE CITY FOR THE PURPOSES SHOWN HEREON.

TRACTS A THROUGH O ARE HEREBY DECLARED AS COMMON AREAS TO BE OWNED AND MAINTAINED BY THE VERDE TRAILS HOMEOWNER ASSOCIATION, AN ARIZONA NON-PROFIT ORGANIZATION.

AN EASEMENT FOR WATER IS HEREBY DEDICATED TO THE CITY OF AVONDALE ACROSS TRACT O.

AN EASEMENT FOR SEWER IS HEREBY DEDICATED TO THE CITY OF AVONDALE ACROSS TRACT I.

THE CITY OF AVONDALE IS HEREBY GRANTED AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, IRRIGATION, DRAINAGE FACILITIES, HARDSCAPE AND RETENTION AREAS ON TRACTS A THROUGH O. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF AVONDALE AT ANY SUCH TIME WHEN THE GRANTOR, ITS SUCCESSORS OR ASSIGNEES, INCLUDING A HOMEOWNERS' ASSOCIATION FORMED OVER THIS SUBDIVISION FAILS TO EXIST AND PROVIDE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, IRRIGATION, DRAINAGE FACILITIES, RETENTION AREAS AND/OR HARDSCAPE.

NOTWITHSTANDING THE FOREGOING, HILLCREST RESIDENTIAL 2, LP, AN ARIZONA LIMITED PARTNERSHIP, HEREINAFTER COLLECTIVELY REFERRED TO AS THE "OWNER", HEREBY RESERVES AN INTEREST IN ANY OF THE FOREGOING REAL PROPERTY UPON WHICH WHAT WOULD BE "PUBLIC INFRASTRUCTURE" AS SUCH TERM IS DEFINED IN SECTION 48–701, ARIZONA REVISED STATUTES, AS AMENDED, HAS BEEN OR IS TO BE CONSTRUCTED. EXCEPT IF RELEASED PRIOR THERETO AS HEREINAFTER DESCRIBED, SUCH INTEREST IS TO BE ACQUIRED BY A COMMUNITY FACILITIES DISTRICT THAT HAS BEEN OR WILL BE ESTABLISHED. (SUCH INTEREST IS LIMITED TO ONE NECESSARY TO ACCOMMODATE THE FINANCING OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE (INCLUDING OF SUCH INTEREST IN SUCH REAL PROPERTY) PURSUANT TO A SUBSEQUENT DEVELOPMENT AGREEMENT THAT MAY BE ENTERED INTO AMONG THE OWNER, SUCH DISTRICT AND THE MUNICIPALITY.) SUCH INTEREST IS TO BE RELEASED UPON THE EARLIER OF THE ACQUISITION OF SUCH PUBLIC INFRASTRUCTURE ONLY BY SUCH DISTRICT PURSUANT TO SUCH SUBSEQUENT DEVELOPMENT AGREEMENT AND NOVEMBER 1, 2065.

IN WITNESS WHEREOF:

HILLCREST RESIDENTIAL 2, LP, AN ARIZONA LIMITED PARTNERSHIP, AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED TO BY THE SIGNATURE OF _____, ITS _____ THEREUNTO DULY AUTHORIZED THIS _____ DAY OF_____, 20__.

HILLCREST RESIDENTIAL 2, LP, AN ARIZONA LIMITED PARTNERSHIP

BY: HILLCREST GP, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
ITS: GENERAL PARTNER
BY: HARVARD INVESTMENTS, INC., A NEVADA CORPORATION
ITS: MANAGER

BY: _____

ITS: _____

ACKNOWLEDGMENT
STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

BEFORE ME THIS _____ DAY OF _____, 20__ _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____, OF HILLCREST RESIDENTIAL 2, LP, AN ARIZONA LIMITED PARTNERSHIP, AND ACKNOWLEDGED THAT HE/SHE, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: _____ MY COMMISSION EXPIRES: _____

RATIFICATION AND CONSENT
KNOWN BY ALL MEN PRESENTS:

BY THIS RATIFICATION, _____ DULY ELECTED PRESIDENT OF THE VERDE TRAILS HOMEOWNERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION. ACKNOWLEDGES THE RESPONSIBILITIES DEDICATED HEREIN.

BY: _____

ITS: _____

ACKNOWLEDGMENT
STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

BEFORE ME THIS _____ DAY OF _____, 20__ _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____, OF VERDE TRAILS HOMEOWNERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND ACKNOWLEDGED THAT HE/SHE, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: _____ MY COMMISSION EXPIRES: _____

SITE DATA		
GROSS AREA	1,535,814.75 SQ. FT.	35.2575 AC.
RIGHT OF WAY	336,991.27 SQ. FT.	7.7363 AC.
NET AREA	1,198,823.48 SQ. FT.	27.5212 AC.
STREET LENGTHS	6,819.27 LINEAR FT.	
TOTAL LOTS	152	
DENSITY (GROSS)	4.3 D.U. / ACRE	
DENSITY (NET)	5.5 D.U. / ACRE	
EXISTING ZONING	P.A.D.	
TOTAL TRACT AREA *	282,871.04 SQ. FT.	6.4938 AC.

* SEE SHEET 2 OF 8 FOR TRACT TABLES

OWNER
HILLCREST RESIDENTIAL 2, LP
17700 N. PACESETTER WAY, STE. 100
SCOTTSDALE, ARIZONA 85255
PHONE:(480) 515-3255
CONTACT: TIM BRISLIN
tbrislin@harvardinvestments.com

SURVEYOR
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
PHONE: (602) 490-0535
CONTACT: KIRK J. PANGUS, RLS
kpangus@hilgartwilson.com

UTILITIES
WATER – CITY OF AVONDALE
SEWER – CITY OF AVONDALE
REFUSE COLLECTION – CITY OF AVONDALE
FIRE PROTECTION – CITY OF AVONDALE
POLICE PROTECTION – CITY OF AVONDALE
ELECTRIC – SALT RIVER PROJECT
CABLE/TELEPHONE – CENTURYLINK/COX COMMUNICATIONS
GAS – SOUTHWEST GAS CORPORATION

SHEET INDEX

FP01–COVER SHEET

FP02–TRACT TABLE, LOT TABLE, KEY MAP, DETAIL

FP03–FP08–PLAT SHEETS

AREA
GROSS = 35.2575 ACRES / 1,535,814.75 SQ. FT.

NET (LESS R/W) = 27.5212 ACRES / 1,198,823.48 SQ. FT.

BASIS OF BEARING
BASIS OF BEARING IS N89°12'39"E ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST, MARICOPA COUNTY, ARIZONA, BETWEEN THE MONUMENTS AS SHOWN HEREON.

100-YEAR ASSURED WATER SUPPLY
THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45–576 ARIZONA REVISED STATUTES.

LEGAL DESCRIPTION
A PARCEL OF LAND BEING SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION 19 FROM WHICH A FOUND BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTHEAST CORNER THEREOF BEARS NORTH 89°12'39" EAST, 2599.41 FEET;

THENCE NORTH 89°12'39" EAST, 230.00 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19 TO THE POINT OF BEGINNING;

THENCE LEAVING SAID SOUTH LINE, NORTH 00°00'28" WEST, 568.17 FEET;

THENCE SOUTH 88°57'42" WEST, 230.00 FEET TO A POINT ON THE NORTH–SOUTH MID–SECTION LINE OF SAID SECTION 19;

THENCE NORTH 00°00'22" WEST, 751.48 FEET ALONG SAID NORTH–SOUTH MID–SECTION LINE;

THENCE LEAVING SAID NORTH–SOUTH MID–SECTION LINE, NORTH 89°01'43" EAST, 1289.98 FEET;

THENCE SOUTH 00°25'49" EAST, 1113.96 FEET;

THENCE SOUTH 89°12'39" WEST, 208.70 FEET;

THENCE SOUTH 00°25'49" EAST, 208.70 FEET TO A POINT ON THE AFORESAID SOUTH LINE;

THENCE SOUTH 89°12'39" WEST, 861.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

NOTES
1. ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT–OF–WAY AND LANDSCAPE MEDIANS ARE TO BE MAINTAINED BY THE VERDE TRAILS HOMEOWNER ASSOCIATION, AN ARIZONA NON PROFIT ORGANIZATION, EXCLUDING MEDIANS ON ARTERIAL STREETS.
2. ALL UTILITY AND PUBLIC SERVICE EASEMENTS, INCLUDING ANY LIMITATIONS OF EASEMENTS; AND CONSTRUCTION WITHIN SUCH EASEMENTS SHALL BE LIMITED TO UTILITIES, LANDSCAPING, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCES.
3. ALL EXISTING OVERHEAD UTILITIES UNDER 69KV SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE MUNICIPAL CODE AND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
4. NO ALTERATIONS SHALL BE MADE TO THE STORM WATER RETENTION AREAS AND APPROVED OR EXISTING CONVEYANCE PATTERNS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.
5. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION BY THE CITY OF AVONDALE.
6. NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.
7. THIS SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID).
8. LOTS THAT REQUIRE POSITIONING THE NON–LIVING SPACE SIDE WITH INTERSECTION TO AVOID HEADLIGHT INTRUSION INTO LIVING AREAS. (LOTS 8, 46, AND 116)
9. BACKWATER VALVES ARE REQUIRED TO BE INSTALLED ON THE SEWER SERVICE LINES FOR LOTS 23, 24, 25, 26, 66, 67, 68, 69, 77, 78, 79, 80, 101, 102, 103, 111, 112, 126, 127.
10. ALL STORM DRAIN PIPES FROM THE CATCH BASINS TO THE RETENTION BASINS, AND ALL SPILLWAYS FROM THE SCUPPERS TO THE RETENTION BASINS, SHALL BE MAINTAINED BY THE HOA.
11. NO ABOVE GROUND FACILITIES ALLOWED WITHIN THOSE PORTIONS OF THE DEPICTED PUE AND 20 FEET WIDE UTILITY EASMENT THAT CROSS SRP EASEMENT. ALL PROPOSED INSTALLATIONS/IMPROVEMENTS/ACTIVITIES WITHIN THE AREA WHERE THE PUE, UTILITY EASEMENTS, AND SRP EASEMENTS OVERLAP EACH OTHER REQUIRE PRIOR REVIEW/WRITTEN APPROVALS BY SRP. PLEASE SUBMIT PLANS TO SRP LAND RIGHTS MANAGEMENT DEPT., P.O. BOX 52025, PHOENIX, AZ 85072–2025.

BOUNDARY CORNER NOTIFICATION
PER THE ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS (ADOPTED FEB. 6, 2010), EXTERIOR BOUNDARY CORNERS WILL BE SET BY THE SURVEYOR WHO CERTIFIED THIS PLAT. IT IS THE RESPONSIBILITY OF THE SUBDIVIDER TO ENSURE THAT INTERIOR CORNERS OF THE SUBDIVISION ARE SET (I) WITHIN NINETY (90) DAYS AFTER COMPLETION OF THE CONSTRUCTION IMPROVEMENTS, OR (II) WITHIN TWO (2) YEARS AFTER RECORDATION OF THE SUBDIVISION PLAT, WHICHEVER DATE IS FIRST TO OCCUR. THE INTERIOR CORNERS OF THE SUBDIVISION MAY BE STAKED BY SURVEYORS OTHER THAN WHO CERTIFIED THIS SURVEY. IT WILL BE THE RESPONSIBILITY OF THE OTHER SURVEYOR WHO STAKES THE INTERIOR CORNERS OF THE SUBDIVISION TO RECORD A "RECORD OF SURVEY" WITH THE COUNTY RECORDER, CONSISTENT WITH CURRENT ARIZONA BOUNDARY MINIMUM STANDARDS.

HILLCREST RESIDENTIAL 2, LP, AN ARIZONA LIMITED PARTNERSHIP

BY: _____

ITS: _____

SURVEYORS CERTIFICATION
THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF APRIL 2020; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE EXTERIOR BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

KIRK J. PANGUS
RLS# 19344
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
P: 602.490.0535
kpangus@hilgartwilson.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
12-1-2020
ARIZONA U.S.A.

NOTE:
A.R.S. 32–151 STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A PERSON OR FIRM THAT IS REGISTERED OR CERTIFIED BY THE BOARD IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OR FINDINGS THAT ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE.

APPROVALS AND ACCEPTANCE OF DEDICATION
PLAT APPROVED AND DEDICATED RIGHT–OF–WAY AND EASEMENTS ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA

THIS_____ DAY OF_____, 2020

_____ _____
MAYOR DATE

_____ _____
ATTEST: CITY CLERK DATE

_____ _____
CITY ENGINEER DATE

U:\1300\1377\SURVEY\PLATS\PARCEL 1 & 2\1377–P1&P2–FP01.dwg 12/1/2020 3:27 PM

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016
www.hilgartwilson.com

VERDE TRAILS PARCELS 1 & 2
N.E.C. OF 111TH AVENUE & BROADWAY ROAD
AVONDALE, ARIZONA

FINAL PLAT

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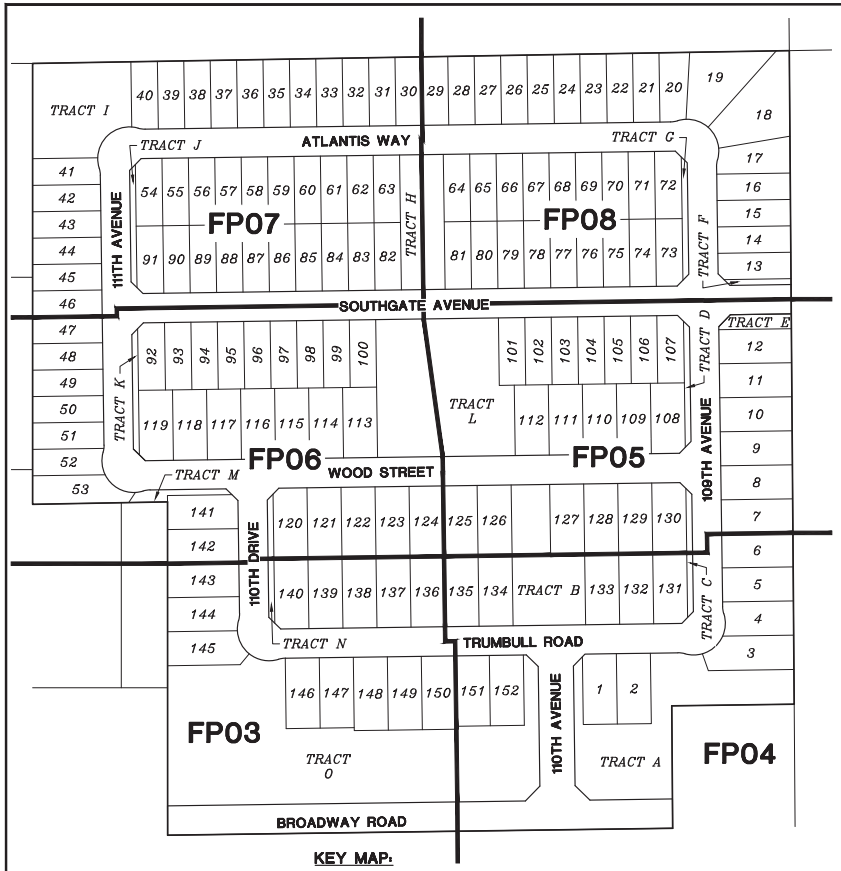
PROJ. NO.: 1377
DATE: APRIL 2020
SCALE: NONE
DRAWN: JDL
APPROVED: KJP
STATUS:
MUNICIPAL TRACKING NO:

DWG. NO.
FP01
SHT. 1 OF 8



KEY MAP:

PARCEL 2 LOTS		PARCEL 2 LOTS		PARCEL 2 LOTS		PARCEL 2 LOTS		PARCEL 2 LOTS		PARCEL 2 LOTS		PARCEL 2 LOTS		PARCEL 2 LOTS	
LOT NO.	AREA (SQ.FT)	LOT NO.	AREA (SQ.FT)	LOT NO.	AREA (SQ.FT)	LOT NO.	AREA (SQ.FT)	LOT NO.	AREA (SQ.FT)	LOT NO.	AREA (SQ.FT)	LOT NO.	AREA (SQ.FT)	LOT NO.	AREA (SQ.FT)
LOT : 1	6950	LOT : 21	5308	LOT : 41	5175	LOT : 61	5175	LOT : 81	5175	LOT : 101	5175	LOT : 121	6960	LOT : 141	6925
LOT : 2	6960	LOT : 22	5301	LOT : 42	5217	LOT : 62	5175	LOT : 82	5175	LOT : 102	5175	LOT : 122	6960	LOT : 142	7020
LOT : 3	8303	LOT : 23	5295	LOT : 43	5244	LOT : 63	5175	LOT : 83	5175	LOT : 103	5175	LOT : 123	6960	LOT : 143	7066
LOT : 4	6933	LOT : 24	5288	LOT : 44	5272	LOT : 64	5175	LOT : 84	5175	LOT : 104	5175	LOT : 124	6960	LOT : 144	7047
LOT : 5	7013	LOT : 25	5282	LOT : 45	5300	LOT : 65	5175	LOT : 85	5175	LOT : 105	5175	LOT : 125	6960	LOT : 145	7391
LOT : 6	7034	LOT : 26	5276	LOT : 46	5327	LOT : 66	5175	LOT : 86	5175	LOT : 106	5175	LOT : 126	6960	LOT : 146	6960
LOT : 7	7055	LOT : 27	5269	LOT : 47	5355	LOT : 67	5175	LOT : 87	5175	LOT : 107	5178	LOT : 127	6960	LOT : 147	6960
LOT : 8	7076	LOT : 28	5263	LOT : 48	5383	LOT : 68	5175	LOT : 88	5175	LOT : 108	6910	LOT : 128	6960	LOT : 148	7250
LOT : 9	7097	LOT : 29	5256	LOT : 49	5410	LOT : 69	5175	LOT : 89	5175	LOT : 109	6960	LOT : 129	6960	LOT : 149	7250
LOT : 10	7118	LOT : 30	5250	LOT : 50	5438	LOT : 70	5175	LOT : 90	5175	LOT : 110	6960	LOT : 130	6910	LOT : 150	7250
LOT : 11	7139	LOT : 31	5243	LOT : 51	5465	LOT : 71	5175	LOT : 91	5183	LOT : 111	6960	LOT : 131	6910	LOT : 151	6960
LOT : 12	7160	LOT : 32	5237	LOT : 52	5384	LOT : 72	5182	LOT : 92	5240	LOT : 112	6960	LOT : 132	6960	LOT : 152	6960
LOT : 13	5544	LOT : 33	5230	LOT : 53	7198	LOT : 73	5182	LOT : 93	5175	LOT : 113	6960	LOT : 133	6960		
LOT : 14	5607	LOT : 34	5224	LOT : 54	5182	LOT : 74	5175	LOT : 94	5175	LOT : 114	6960	LOT : 134	6960		
LOT : 15	5619	LOT : 35	5218	LOT : 55	5175	LOT : 75	5175	LOT : 95	5175	LOT : 115	6960	LOT : 135	6960		
LOT : 16	5632	LOT : 36	5211	LOT : 56	5175	LOT : 76	5175	LOT : 96	5175	LOT : 116	6960	LOT : 136	6960		
LOT : 17	6607	LOT : 37	5205	LOT : 57	5175	LOT : 77	5175	LOT : 97	5175	LOT : 117	6960	LOT : 137	6960		
LOT : 18	13841	LOT : 38	5198	LOT : 58	5175	LOT : 78	5175	LOT : 98	5175	LOT : 118	6960	LOT : 138	6960		
LOT : 19	11550	LOT : 39	5192	LOT : 59	5175	LOT : 79	5175	LOT : 99	5175	LOT : 119	6910	LOT : 139	6960		
LOT : 20	5657	LOT : 40	5176	LOT : 60	5175	LOT : 80	5175	LOT : 100	5175	LOT : 120	6910	LOT : 140	6910		

NOTES:

(1) A MINIMUM 5' SIDE SETBACK WILL BE REQUIRED FOR ALL DETACHED PRODUCT. IN ALL CONDITIONS WITH A 5'/5' SIDE SETBACK, THE AIR CONDITIONING UNIT WILL BE REQUIRED TO BE PLACED IN THE REAR YARD AND/OR LOCATED ON THE SIDE YARD OPPOSITE THE ACCESS GATE. FOR ATTACHED PRODUCT, A 0' TO PROPERTY LINE WILL BE ALLOWED AND THE AIR CONDITIONING UNIT WILL BE REQUIRED TO BE PLACED IN THE REAR YARD. MINIMUM SEPARATION BETWEEN BUILDINGS ON ADJACENT LOTS TO BE PER FIRE CODE.

(2) FIREPLACES, BAY WINDOWS AND OTHER BUILDING POP-OUTS WILL ENCROACH INTO FRONT, SIDE AND REAR SETBACKS A MAXIMUM OF 3'.

(3) NOT REQUIRED WHEN ADJACENT TO A 10' LANDSCAPE TRACT.

(4) MINIMUM FRONT YARD SETBACK MAY BE REDUCED BY FIVE (5) FEET WHEN PROVIDING A SIDE-ENTRY GARAGE.

(5) MINIMUM 10' SEPARATION BETWEEN BUILDINGS ON ADJACENT LOTS.

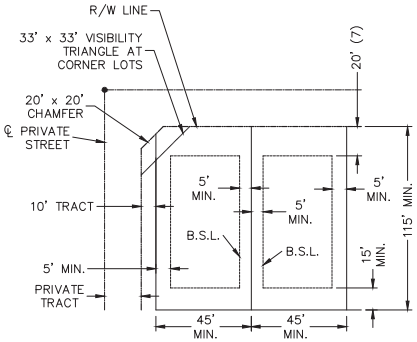
(6) A MINIMUM 5' FRONT SETBACK MEASURED FROM PRIVATE ACCESS WAY TO LIVABLE, FACE OF GARAGE OR SIDE ENTRY GARAGE.

(7) MEASURED FROM BACK OF SIDEWALK: 20' TO FACE OF GARAGE, 12' TO LIVABLE AREA, AND 10' TO SIDE-ENTRY GARAGE OR NON-STRUCTURAL ARCHITECTURAL FEATURES SUCH AS LOW MASONRY WALLS, WROUGHT IRON GATES, AND ARBORS. VARIATION ALLOWS INCORPORATION OF SIDE-ENTRY GARAGES, FORWARD LIVING SPACE, AND FEATURES THAT WILL ENHANCE ARCHITECTURAL DIVERSITY.

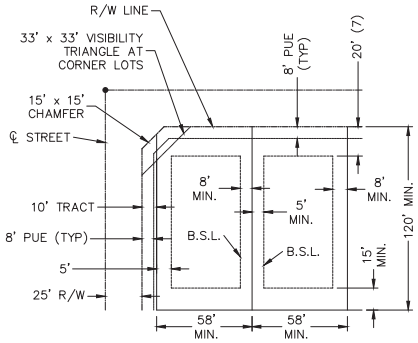
(8) THE MINIMUM LOT DEPTHS AND WIDTHS ON THE DETAILS ARE TYPICAL. THE MINIMUM DEPTHS AND WIDTHS ON SOME LOTS MAY BE LESS THAN TYPICAL, BUT THE MINIMUM AREA WILL BE MET.

TRACT TABLE		
TRACT	AREA (ACRES)	USE
TRACT A	0.9420	LANDSCAPE & DRAINAGE
TRACT B	0.5214	LANDSCAPE & DRAINAGE
TRACT C	0.0482	LANDSCAPE
TRACT D	0.0471	LANDSCAPE
TRACT E	0.0670	LANDSCAPE & DRAINAGE
TRACT F	0.0251	LANDSCAPE
TRACT G	0.0459	LANDSCAPE
TRACT H	0.3938	LANDSCAPE
TRACT I	0.5740	LANDSCAPE & DRAINAGE, SEWER EASEMENT
TRACT J	0.0459	LANDSCAPE
TRACT K	0.0471	LANDSCAPE
TRACT L	1.1984	LANDSCAPE & DRAINAGE
TRACT M	0.0515	LANDSCAPE & DRAINAGE
TRACT N	0.0482	LANDSCAPE
TRACT O	2.4383	LANDSCAPE & DRAINAGE, WATER EASEMENT

1. COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPING, PEDESTRIAN PATHS AND/OR AMENITIES.
2. THE USES SHOWN IN THE TRACT TABLE ABOVE DO NOT INTEND TO GRANT EASEMENTS THAT ARE BLANKET IN NATURE OVER THE ENTIRE TRACT.
3. SPECIFIC EASEMENTS THAT ARE BEING DEDICATED AS PART OF THIS PLAT ARE FULLY DELINEATED ON THE FOLLOWING SHEETS.



TYPICAL LOT SETBACKS 5175 DISTRICT
SCALE = N.T.S.



TYPICAL LOT SETBACKS 6900 DISTRICT
SCALE = N.T.S.

U:\1300\1377\SURVEY\PLATS\PARCEL 1 & 2\1377-P1&P2-FP02.dwg 12/1/2020 3:27 PM

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
2141 E. HIGHLAND AVE. STE. 250 | P: 602.490.0535 / F: 602.368.2436
PHOENIX, AZ 85016
www.hilgartwilson.com

VERDE TRAILS PARCELS 1 & 2

N.E.C. OF 111TH AVENUE & BROADWAY ROAD
AVONDALE, ARIZONA

FINAL PLAT

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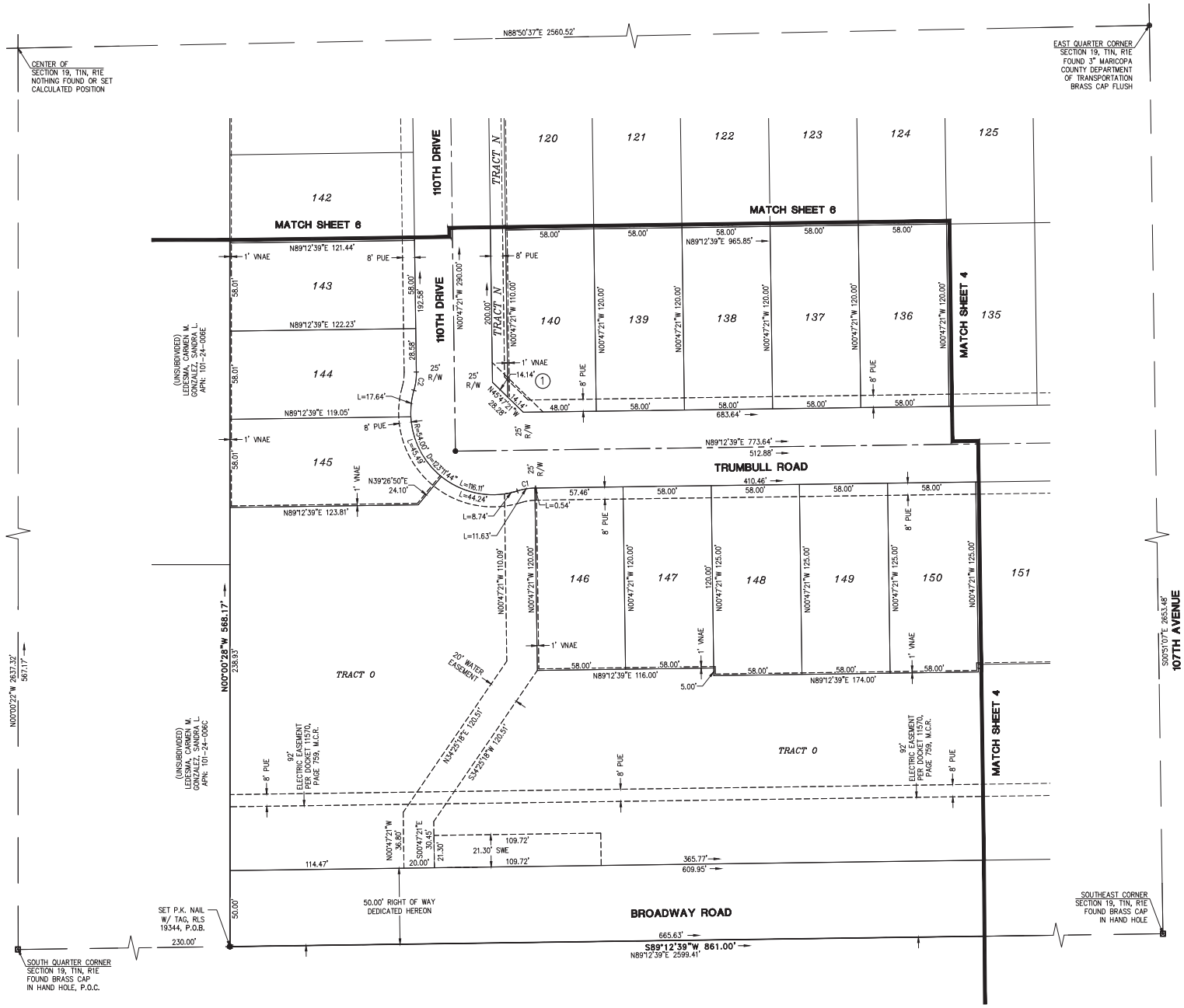
PROJ. NO.: 1377
DATE: APRIL 2020
SCALE: AS SHOWN
DRAWN: JDL
APPROVED: KJP
STATUS:
MUNICIPAL TRACKING NO:

DWG. NO.
FP02



LEGEND

○	FOUND MONUMENT AS NOTED
◙	FOUND BRASS CAP IN HAND HOLE
⊕	FOUND BRASS CAP FLUSH
●	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
●	SET BRASS CAP FLUSH PER MAG STD DTL 120-1 TYPE "B"
	BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	RIGHT OF WAY
	EASEMENT LINE
	PARCEL LINE
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT
VNAE	VEHICLE NON-ACCESS EASEMENT
MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
APN	ASSESSOR PARCEL NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
①	33'X33' SIGHT VISIBILITY TRIANGLE
*	HEADLIGHT INTRUSION (SEE NOTE 8)

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	42.00'	16°35'52"	12.17'
C2	42.00'	16°35'52"	12.17'

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PHOENIX, AZ 85016
www.hilgartwilson.com

VERDE TRAILS PARCELS 1 & 2

N.E.C. OF 111TH AVENUE & BROADWAY ROAD
AVONDALE, ARIZONA

FINAL PLAT

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PROJ. NO.: 1377
DATE: APRIL 2020
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DRAWN: JDL
APPROVED: KJP
STATUS:
MUNICIPAL TRACKING NO:

DWG. NO.
FP03
SHT. 3 OF 8

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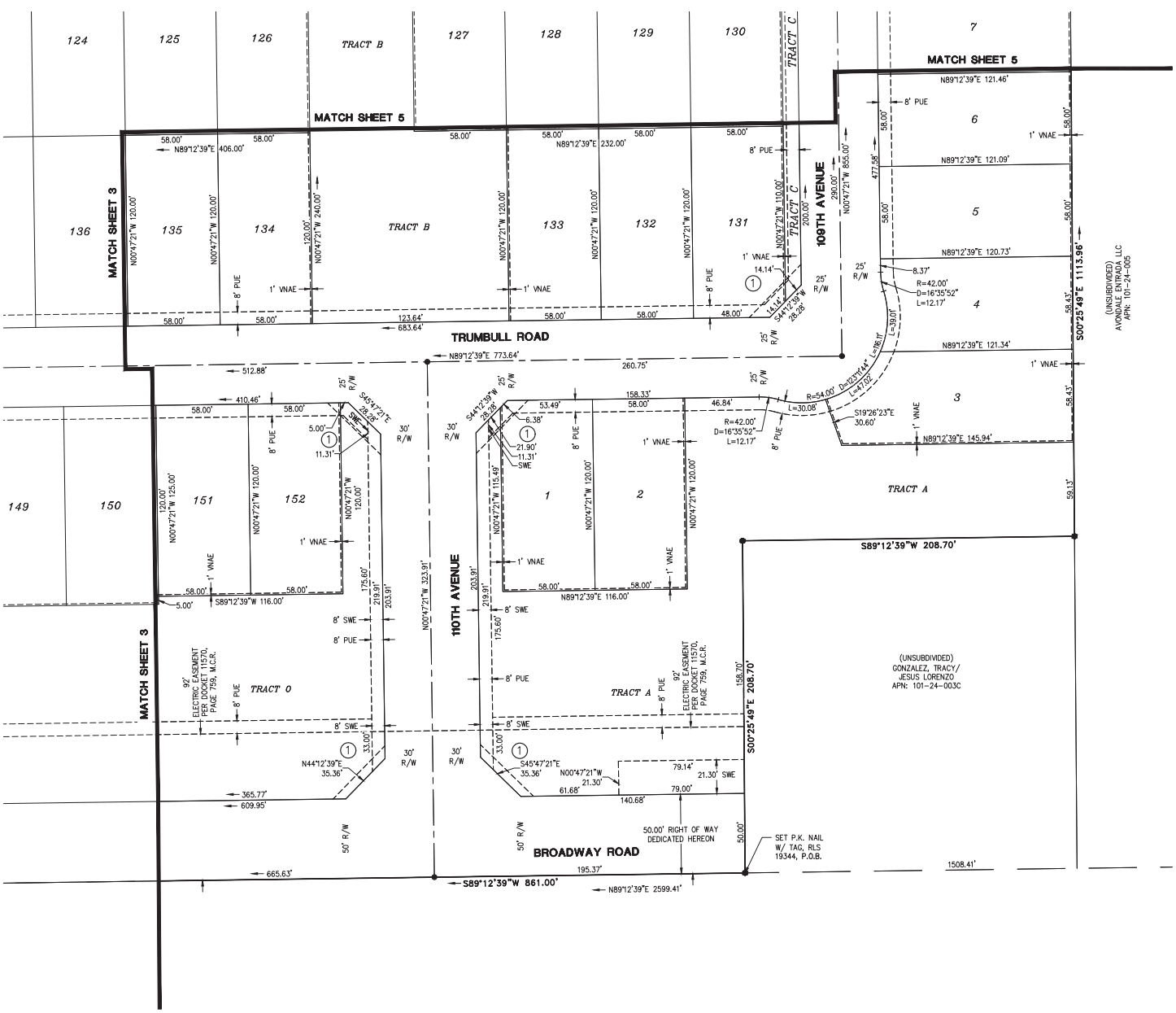

LEGEND

○	FOUND MONUMENT AS NOTED
◙	FOUND BRASS CAP IN HAND HOLE
⊕	FOUND BRASS CAP FLUSH
●	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
●	SET BRASS CAP FLUSH PER MAG STD DTL 120-1 TYPE "B"
———	BOUNDARY LINE
———	SECTION LINE
———	CENTER LINE
———	RIGHT OF WAY
———	EASEMENT LINE
———	PARCEL LINE
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT
VNAE	VEHICLE NON-ACCESS EASEMENT
MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
APN	ASSESSOR PARCEL NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
①	33'X33' SIGHT VISIBILITY TRIANGLE
*	HEADLIGHT INTRUSION (SEE NOTE 8)

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APPROVED: KJP	

DWG. NO.
FP04

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30 0 30 60

SCALE: 1" = 30 FEET

LEGEND

○	FOUND MONUMENT AS NOTED
⊠	FOUND BRASS CAP IN HAND HOLE
⊗	FOUND BRASS CAP FLUSH
●	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
●	SET BRASS CAP FLUSH PER MAG STD DTL 120-1 TYPE "B"
	BOUNDARY LINE
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	RIGHT OF WAY
	EASEMENT LINE
	PARCEL LINE
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT
VNAE	VEHICLE NON-ACCESS EASEMENT
MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
APN	ASSESSOR PARCEL NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
①	33'X33' SIGHT VISIBILITY TRIANGLE
*	HEADLIGHT INTRUSION (SEE NOTE 8)

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J. PANGUS
12-1-2020
ARIZONA U.S.A.

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VERDE TRAILS PARCELS 1 & 2

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STATUS:
MUNICIPAL TRACKING NO:

DWG. NO.
FP05
SHT. 5 OF 8

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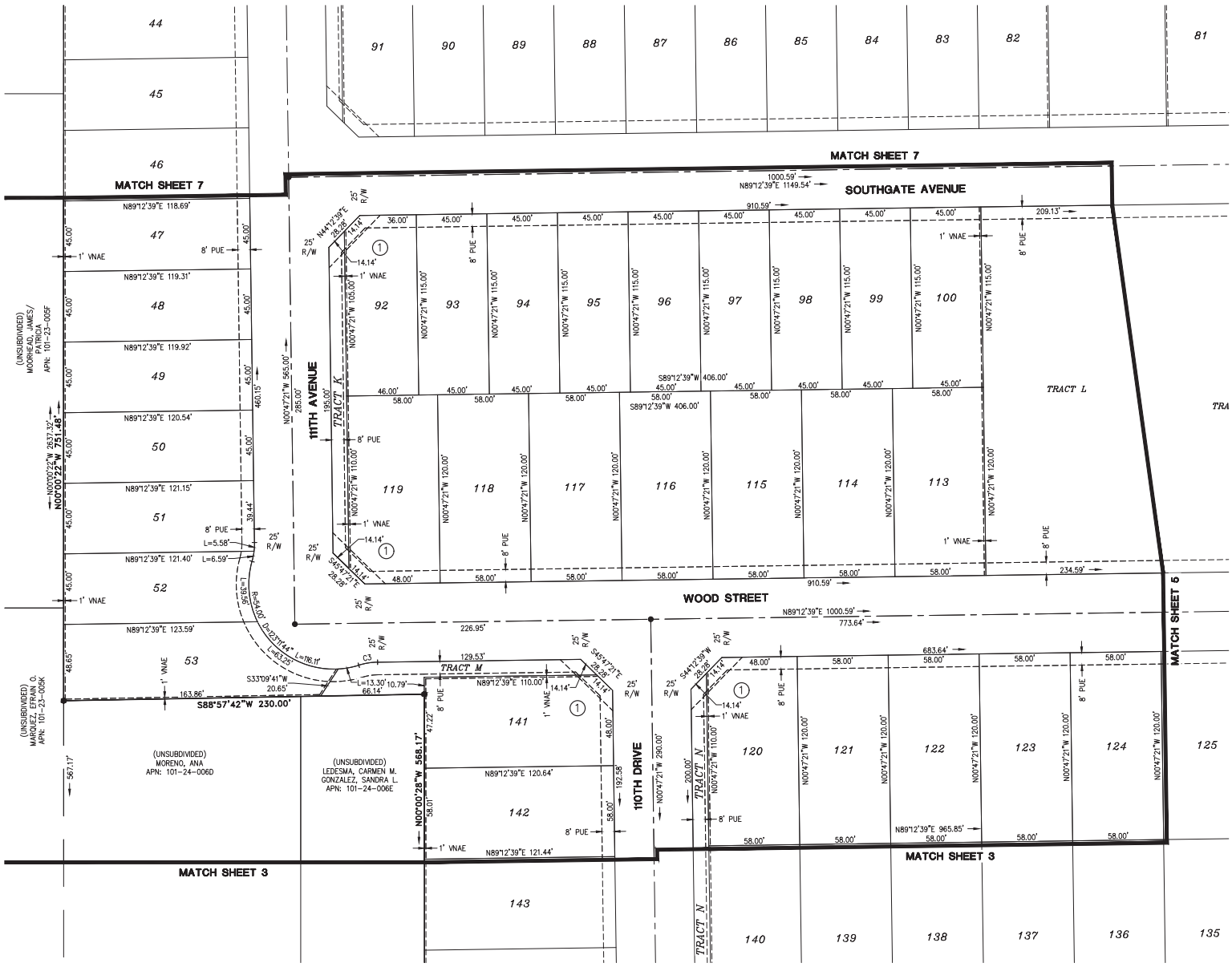

LEGEND

○	FOUND MONUMENT AS NOTED
⊠	FOUND BRASS CAP IN HAND HOLE
⊗	FOUND BRASS CAP FLUSH
■	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
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	BOUNDARY LINE
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	EASEMENT LINE
	PARCEL LINE
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
SWE	SIDEWALK EASEMENT
VNAE	VEHICLE NON-ACCESS EASEMENT
MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
APN	ASSESSOR PARCEL NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
①	33'X33' SIGHT VISIBILITY TRIANGLE
*	HEADLIGHT INTRUSION (SEE NOTE 8)

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C3	42.00'	16°35'52"	12.17'

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VERDE TRAILS PARCELS 1 & 2

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DWG. NO.
FP06
SHT. 6 OF 8

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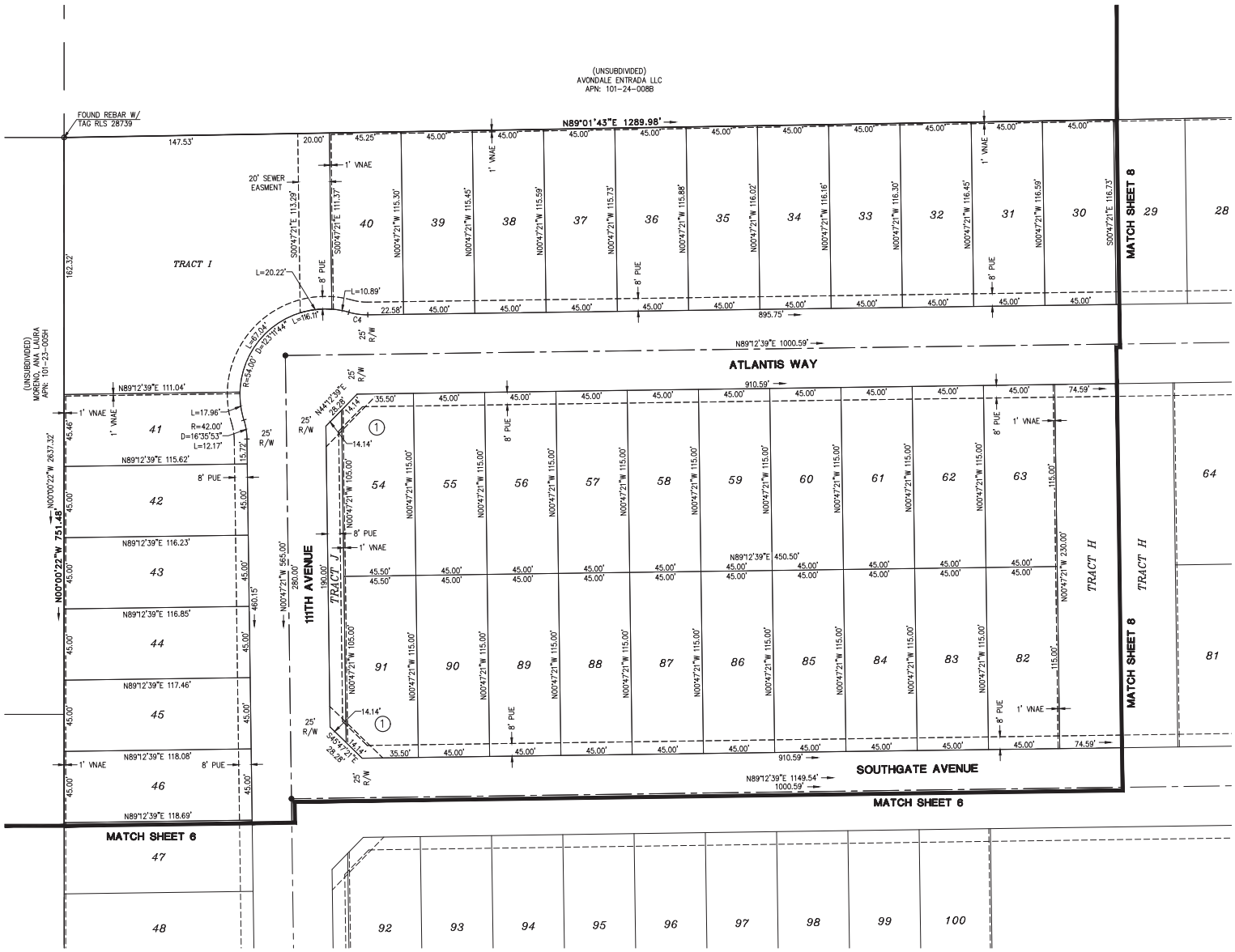

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30 0 30 60

SCALE: 1" = 30 FEET

LEGEND

○	FOUND MONUMENT AS NOTED
⊠	FOUND BRASS CAP IN HAND HOLE
⊗	FOUND BRASS CAP FLUSH
■	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
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MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
APN	ASSESSOR PARCEL NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
①	33'X33' SIGHT VISIBILITY TRIANGLE
*	HEADLIGHT INTRUSION (SEE NOTE 8)

CURVE TABLE

CURVE NO.	RADIUS	DELTA	LENGTH
C4	42.00'	16°35'52"	12.17'

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGLIS
12-1-2020
ARIZONA U.S.A.

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VERDE TRAILS PARCELS 1 & 2

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FP07
SHT. 7 OF 8

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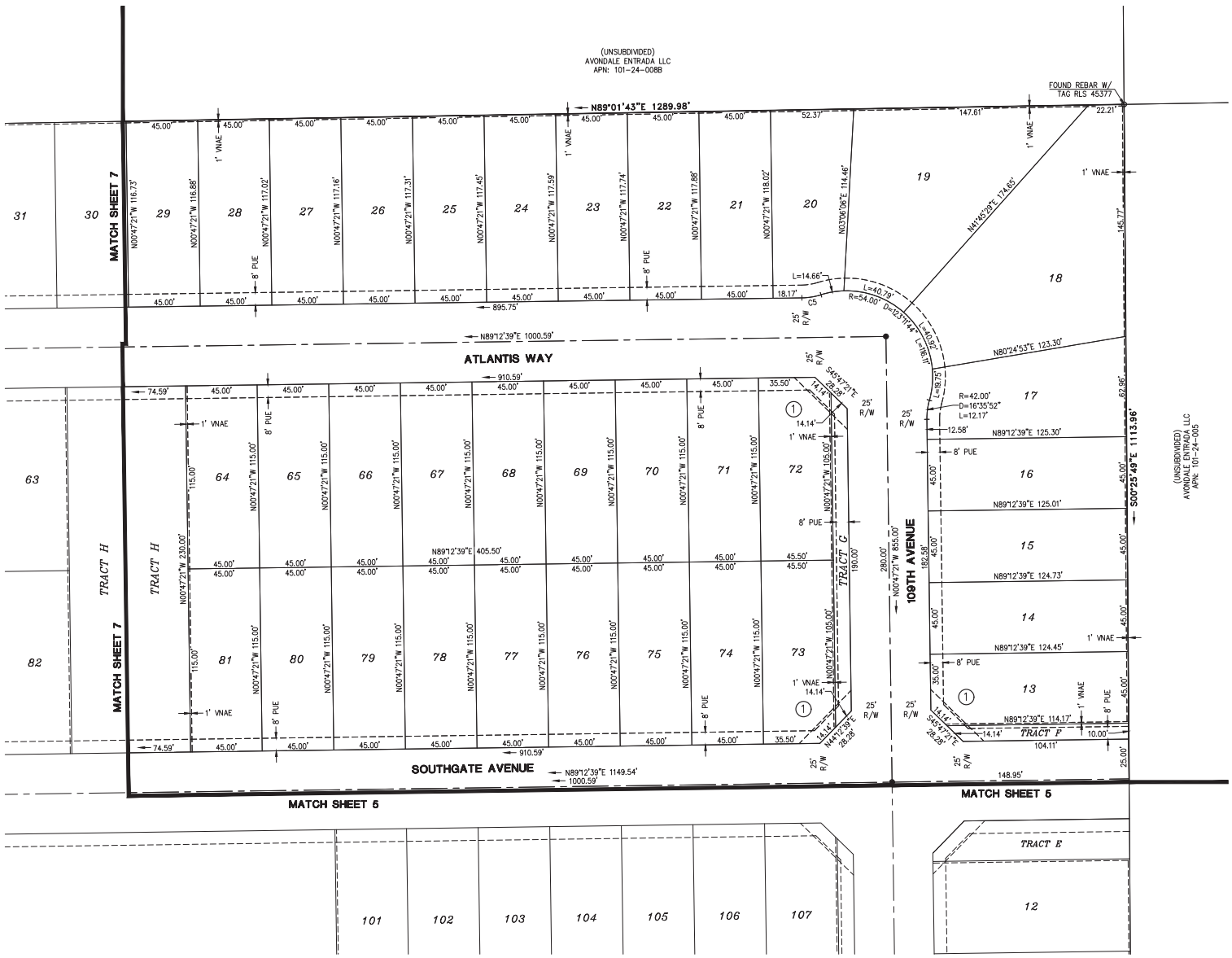

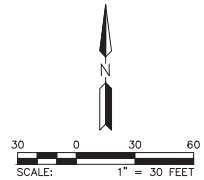

LEGEND

○	FOUND MONUMENT AS NOTED
⊠	FOUND BRASS CAP IN HAND HOLE
⊗	FOUND BRASS CAP FLUSH
■	SET 1/2" REBAR W/ CAP, RLS 19344 OR AS NOTED
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R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
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MCR	MARICOPA COUNTY RECORDS
RLS	REGISTERED LAND SURVEYOR
APN	ASSESSOR PARCEL NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
①	33'X33' SIGHT VISIBILITY TRIANGLE
*	HEADLIGHT INTRUSION (SEE NOTE 8)

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C5	42.00'	16°35'52"	12.17'

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VERDE TRAILS PARCELS 1 & 2

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DWG. NO.
FP08
SHT. 8 OF 8

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Item Number: 3.c.

CITY COUNCIL REPORT

SUBJECT: Resolutions 1001-0121 and 1002-0121 – Maintenance Improvement District for Verde Trails Unit I, Parcels 1 and 2

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Director, (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to: (a) approve the Petition for Formation; (b) adopt Resolution 1001-0121 declaring its intention to form the City of Avondale Maintenance Improvement District No. 21, Verde Trails Unit I, Parcels 1 and 2, providing for the assessment; (c) adopt Resolution 1002-0121 declaring its intention to order the improvements within the newly established maintenance improvement district, providing for the assessment; (d) declare an emergency; and (e) authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Under provisions of the City Code and Zoning Ordinance, developers are responsible for landscaping development projects prior to issuance of a Certificate of Occupancy. In particular, subdivisions are required to provide landscaping along certain arterial and collector streets and in other locations as provided in the zoning requirements, approval conditions, engineering requests or subdivision requirements. In addition, developers are often required to provide paths, trails, and other usable amenities in common open space areas within a community.

The purpose of the Maintenance Improvement District (MID) is to provide for the operations, maintenance, repair and improvements to landscaping and open space adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district in the event a Homeowner's Association fails. Until such time as the Homeowner's Association fails, and the Council directs City Staff to assume maintenance responsibility, a line item of $0.00 will display on the homeowners' property tax bills. Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District.

A Resolution of Intention for formation of City of Avondale Maintenance Improvement District No. 21, Verde Trails Unit 1, Parcels 1 and 2, located approximately 1,500 feet west of the northwest corner of 107th Avenue and Broadway Road, is attached. In the case in which all of the property owners have consented to MID formation, the ordinary publication and protest period are not required by law; the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Maintenance Improvement District

process. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

PUBLIC PARTICIPATION:
Public notification is not required for MID applications.

PLANNING COMMISSION ACTION:
The Planning Commission does not review MID applications.

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

The Maintenance Improvement District has been approved through the Development and Engineering Services Department, which recommends that City Council formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

It should be noted that not approving the Maintenance Improvement District will prevent any charges from being assessed on the property tax bills for those properties located within the District in the event that the Homeowner's Association fails.

DISCUSSION:
The proposed MID has been reviewed by the City Attorney and is in conformance with the City of Avondale's Subdivision Regulations and State Statute governing Maintenance Improvement District formation.

STRATEGIC PLAN:
INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

BUDGET IMPACT:
There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance responsibilities should the taxing district not be approved and recorded, and the homeowner's association fails.

RECOMMENDATION:
Staff recommends Council **ADOPT** a Resolution declaring its intention to create and adopt plans for the City of Avondale Maintenance Improvement District No. 21, Verde Trails Unit I, Parcels 1 and 2, providing for the assessment, and a second Resolution declaring its intention to order the improvements within the newly established Maintenance Improvement District, providing for the assessment and declaring an emergency, subject to the following two (2) conditions:

1. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and

2. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

PROPOSED MOTION:
I move that City Council **ADOPT** the necessary resolutions approving City of Avondale Maintenance Improvement District No. 21, Verde Trails Unit I, Parcels 1 and 2, subject to two (2) recommended conditions of approval as listed in the staff report.

RESOLUTION -1001-121

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, 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 AVONDALE AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF AVONDALE MAINTENANCE IMPROVEMENT DISTRICT NO. 21 – VERDE TRAILS – PHASE I – PARCELS 1 AND 2, 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; 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 City of Avondale (the "City") has been presented with a Petition for Formation of a Maintenance Improvement District purporting to be signed by all of the real property owners within the proposed district and, according to ARIZ. REV. STAT. § 48-574(C), the City finds that such ownership has been verified; and

WHEREAS, the Council of the City of Avondale (the "City Council") desires to declare its intent to form the City of Avondale Maintenance Improvement District No. 21 – Verde Trails – Phase I – Parcels 1 and 2 (the "Assessment District") over the area described on Exhibit A, attached hereto and incorporated herein by reference and including those lots, pieces or parcels of land lying within the Assessment District as shown in more detail on the duplicate diagrams made by or at the direction of the City Engineer showing each separate lot numbered consecutively, the area in square feet of each lot, the area of any building or buildings located on each lot, and the location of the lot in relation to the work proposed to be done (the "Assessment Diagram") attached hereto as part of Exhibit A and incorporated herein by reference; and

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

WHEREAS, the City Council declares that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the Assessment 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 Assessment 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 living within the Assessment 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 Council 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 Assessment 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 parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City living within the Assessment District.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The public interest or convenience requires, and it is the intention of the City Council to order the following work (hereinafter the "Work") to be performed: The maintenance of all landscaping, including replacement of landscape materials, within the Assessment District in the areas shown on the Assessment Diagram.

SECTION 3. The City Council designates as parkways those streets and rights-of-way areas set forth on the Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and specifically including those portions of pedestrian facilities, retention, detention and storm water management facilities included within or adjacent to the Assessment District. 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 showing the engineer's estimate for the City of Avondale Maintenance Improvement District No. 21 – Verde Trails – Phase I – Parcels 1 and 2, filed with the City Clerk prior to the adoption of this Resolution (the "Plans and Specifications"), which are hereby approved and adopted by the City Council and which shall remain on file in the Office of the City Engineer; 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 (the City Engineer) and the City Clerk are hereby approved and adopted by the City Council. 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 Avondale Maintenance Improvement District No. 21 – Verde Trails – Phase I – Parcels 1 and 2.

SECTION 4. 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 5. The City Engineer is hereby authorized and directed to prepare duplicate Assessment Diagrams of the property contained within the Assessment District.

SECTION 6. 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 7. In no event will the City or any officer thereof be liable for any portion of the cost of said Assessment District or for any delinquency of persons or property assessed.

SECTION 8. The City Council shall make annual statements and estimates of the expenses of the Assessment 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 Assessment District as provided in ARIZ. REV. STAT. § 48-574 and amendments thereto.

SECTION 9. The Work and all proceedings pertaining thereto shall be performed under the provisions of ARIZ. REV. STAT. § 48-574, and all amendments thereto and pursuant to Article I, Section 3 and Article XII, Section 8 of the Avondale City Charter.

SECTION 10. The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications.

SECTION 11. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit all documents and any other necessary or desirable instruments and to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 12. 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 City Council as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 4, 2021.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION 1001-121

[Legal Description and Assessment Diagram]

See following pages.

VERDE TRAILS - PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRICT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

A parcel of land being situated within the Southeast Quarter of Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap in hand hole accepted as the South Quarter corner of said Section 19 from which a found brass cap in hand hole accepted as the Southeast corner thereof bears North 89°12'39" East, 2599.41 feet;

Thence North 89°12'39" East, 230.00 feet along the south line of the Southeast Quarter of said Section 19 to the **POINT OF BEGINNING**;

Thence leaving said south line, North 00°00'28" West, 568.17 feet;

Thence South 88°57'42" West, 230.00 feet to a point on the north-south mid-section line of said Section 19;

Thence North 00°00'22" West, 751.48 feet along said north-south mid-section line;

Thence leaving said north-south mid-section line, North 89°01'43" East, 1289.98 feet;

Thence South 00°25'49" East, 1113.96 feet;

Thence South 89°12'39" West, 208.70 feet;

Thence South 00°25'49" East, 208.70 feet to a point on the aforesaid south line;

Thence South 89°12'39" West, 861.00 feet along said south line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 1,535,815 sq. ft. (35.2575 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

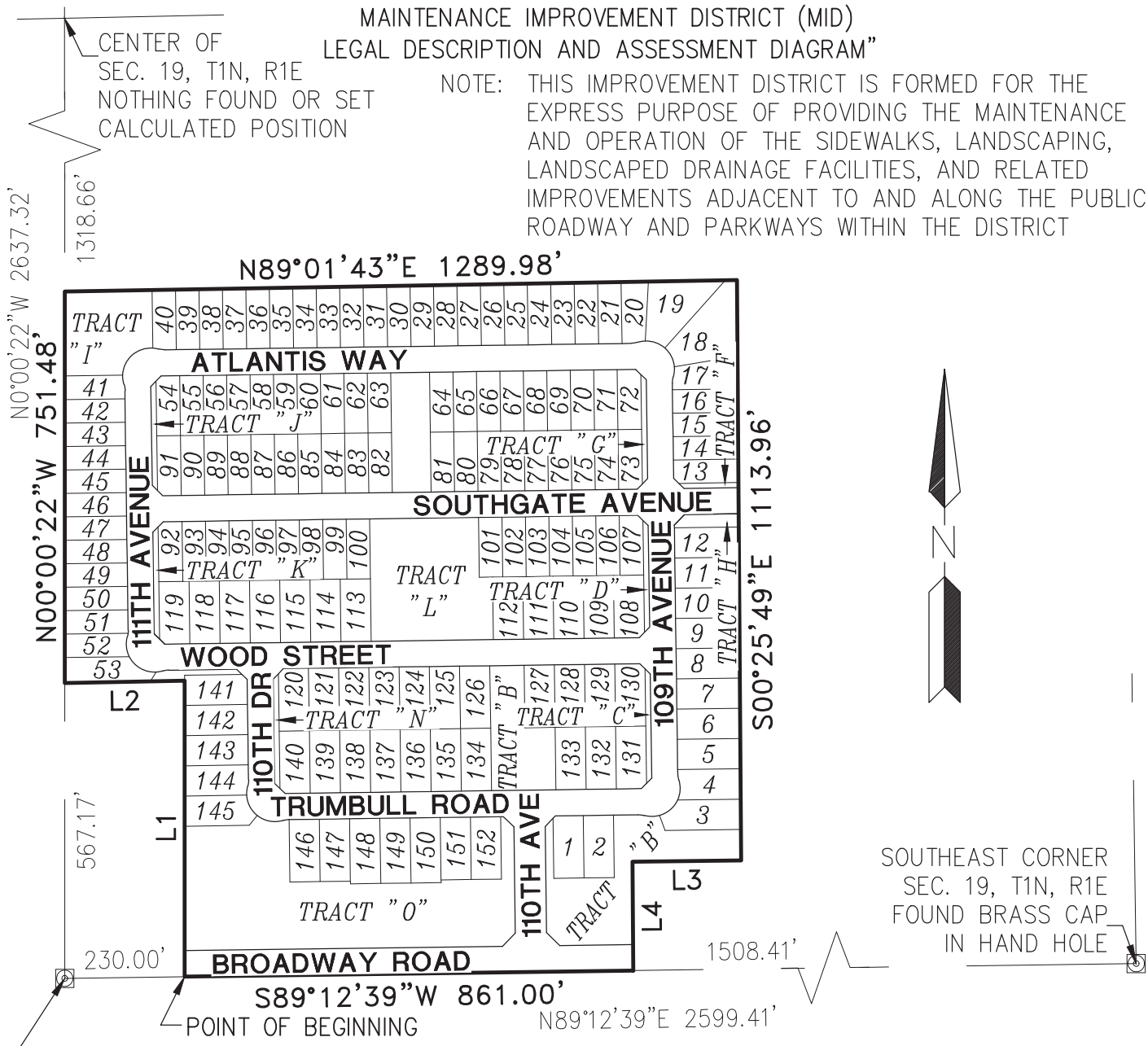
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1377
Date: May 2020

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
Date Signed 8/13/2020
ARIZONA, U.S.A.

"VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRICT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM"

NOTE: THIS IMPROVEMENT DISTRICT IS FORMED FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE SIDEWALKS, LANDSCAPING, LANDSCAPED DRAINAGE FACILITIES, AND RELATED IMPROVEMENTS ADJACENT TO AND ALONG THE PUBLIC ROADWAY AND PARKWAYS WITHIN THE DISTRICT



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
Date Signed 8/13/2020
ARIZONA, U.S.A.

PROJ.NO.: 1377	VERDE TRAILS – PARCELS 1 & 2	HILGARTWILSON
DATE: MAY 2020	MAINTENANCE IMPROVEMENT DISTRCT (MID)	2141 E. HIGHLAND AVE., STE. 250
SCALE: N.T.S.	LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM	PHOENIX, AZ 85016
DRAWN BY: JHVD	EXHIBIT	P: 602.490.0535 / F: 602.368.2436
CHECKED BY: KJP		

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"VERDE TRAILS – PARCELS 1 & 2
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LOT : 2	6960	0.1598	LOT : 36	5211	0.1196
LOT : 3	8303	0.1906	LOT : 37	5205	0.1195
LOT : 4	6933	0.1592	LOT : 38	5198	0.1193
LOT : 5	7013	0.1610	LOT : 39	5192	0.1192
LOT : 6	7034	0.1615	LOT : 40	5176	0.1188
LOT : 7	7055	0.1620	LOT : 41	5175	0.1188
LOT : 8	7076	0.1624	LOT : 42	5217	0.1198
LOT : 9	7097	0.1629	LOT : 43	5244	0.1204
LOT : 10	7118	0.1634	LOT : 44	5272	0.1210
LOT : 11	7139	0.1639	LOT : 45	5300	0.1217
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LOT : 13	5544	0.1273	LOT : 47	5355	0.1229
LOT : 14	5607	0.1287	LOT : 48	5383	0.1236
LOT : 15	5619	0.1290	LOT : 49	5410	0.1242
LOT : 16	5632	0.1293	LOT : 50	5438	0.1248
LOT : 17	6607	0.1517	LOT : 51	5465	0.1255
LOT : 18	13841	0.3178	LOT : 52	5384	0.1236
LOT : 19	11550	0.2652	LOT : 53	7198	0.1653
LOT : 20	5657	0.1299	LOT : 54	5183	0.1190
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LOT : 22	5301	0.1217	LOT : 56	5175	0.1188
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LOT : 32	5237	0.1202	LOT : 66	5175	0.1188
LOT : 33	5230	0.1201	LOT : 67	5175	0.1188
LOT : 34	5224	0.1199	LOT : 68	5175	0.1188

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N00°00'28"W	568.17'
L2	S88°57'42"W	230.00'
L3	S89°12'39"W	208.70'
L4	S00°25'49"E	208.70'

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PROJ.NO.:	1377
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VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRCT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

EXHIBIT

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LOT	SQ. FT.	ACRES	LOT	SQ. FT.	ACRES	LOT	SQ. FT.	ACRES
LOT : 69	5175	0.1188	LOT : 103	5175	0.1188	LOT : 137	6960	0.1598
LOT : 70	5175	0.1188	LOT : 104	5175	0.1188	LOT : 138	6960	0.1598
LOT : 71	5175	0.1188	LOT : 105	5175	0.1188	LOT : 139	6960	0.1598
LOT : 72	5183	0.1190	LOT : 106	5175	0.1188	LOT : 140	6910	0.1586
LOT : 73	5183	0.1190	LOT : 107	5178	0.1189	LOT : 141	6925	0.1590
LOT : 74	5175	0.1188	LOT : 108	6910	0.1586	LOT : 142	7020	0.1612
LOT : 75	5175	0.1188	LOT : 109	6960	0.1598	LOT : 143	7066	0.1622
LOT : 76	5175	0.1188	LOT : 110	6960	0.1598	LOT : 144	7047	0.1618
LOT : 77	5175	0.1188	LOT : 111	6960	0.1598	LOT : 145	7391	0.1697
LOT : 78	5175	0.1188	LOT : 112	6960	0.1598	LOT : 146	6960	0.1598
LOT : 79	5175	0.1188	LOT : 113	6960	0.1598	LOT : 147	6960	0.1598
LOT : 80	5175	0.1188	LOT : 114	6960	0.1598	LOT : 148	7250	0.1664
LOT : 81	5175	0.1188	LOT : 115	6960	0.1598	LOT : 149	7250	0.1664
LOT : 82	5175	0.1188	LOT : 116	6960	0.1598	LOT : 150	7250	0.1664
LOT : 83	5175	0.1188	LOT : 117	6960	0.1598	LOT : 151	6960	0.1598
LOT : 84	5175	0.1188	LOT : 118	6960	0.1598	LOT : 152	6960	0.1598
LOT : 85	5175	0.1188	LOT : 119	6910	0.1586			
LOT : 86	5175	0.1188	LOT : 120	6910	0.1586			
LOT : 87	5175	0.1188	LOT : 121	6960	0.1598			
LOT : 88	5175	0.1188	LOT : 122	6960	0.1598			
LOT : 89	5175	0.1188	LOT : 123	6960	0.1598			
LOT : 90	5175	0.1188	LOT : 124	6960	0.1598			
LOT : 91	5183	0.1190	LOT : 125	6960	0.1598			
LOT : 92	5240	0.1203	LOT : 126	6960	0.1598			
LOT : 93	5175	0.1188	LOT : 127	6960	0.1598			
LOT : 94	5175	0.1188	LOT : 128	6960	0.1598			
LOT : 95	5175	0.1188	LOT : 129	6960	0.1598			
LOT : 96	5175	0.1188	LOT : 130	6910	0.1586			
LOT : 97	5175	0.1188	LOT : 131	6910	0.1586			
LOT : 98	5175	0.1188	LOT : 132	6960	0.1598			
LOT : 99	5175	0.1188	LOT : 133	6960	0.1598			
LOT : 100	5175	0.1188	LOT : 134	6960	0.1598			
LOT : 101	5175	0.1188	LOT : 135	6960	0.1598			
LOT : 102	5175	0.1188	LOT : 136	6960	0.1598			

TRACT	SQ. FT.	ACRES
TRACT A	41033	0.9420
TRACT B	22713	0.5214
TRACT C	2100	0.0482
TRACT D	2050	0.0471
TRACT E	2919	0.0670
TRACT F	1091	0.0251
TRACT G	2000	0.0459
TRACT H	17156	0.3938
TRACT I	25005	0.5740
TRACT J	2000	0.0459
TRACT K	2050	0.0471
TRACT L	52201	1.1984
TRACT M	2242	0.0515
TRACT N	2100	0.0482
TRACT O	106211	2.4383

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VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRCT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

EXHIBIT

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RESOLUTION 1002-121

RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, 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 AVONDALE MAINTENANCE IMPROVEMENT DISTRICT NO. 21, VERDE TRAILS – PHASE I – PARCELS 1 AND 2; 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.

WHEREAS, the Council of the City of Avondale (the "City Council") has adopted Resolution 1001-121 declaring its intent to form the City of Avondale Maintenance Improvement District No. 21 – Verde Trails – Phase I – Parcels 1 and 2; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 48-574(C), as amended, the City Council has immediate jurisdiction to adopt a resolution ordering the improvements pursuant to ARIZ. REV. STAT. § 48-581, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The public interest or convenience require and it is the intention of the City Council 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 the City of Avondale Maintenance Improvement District No. 21 – Verde Trails – Phase I – Parcels 1 and 2 (the "District") as described and depicted on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3. The estimate of the cost and expenses for the maintenance of the landscaping within the District on file with the Superintendent of Streets (City Engineer) and the City Clerk is approved and adopted by the City Council.

SECTION 4. The City Council determines maintenance of the landscaping within the District is of more than local or ordinary public benefit, and is of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The City Council makes and orders 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 the District, the area of which is described and depicted as set forth on Exhibit A, and declare that the District 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.

SECTION 5. 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 District 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 District only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the District.

SECTION 6. 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 (City Engineer) 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 District 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 7. 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 City Council as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

[SIGNATURES ON FOLLOWING PAGE.]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 4, 2021.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION 1002-121

[Legal Description and Assessment Diagram]

See following pages.

VERDE TRAILS - PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRICT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

A parcel of land being situated within the Southeast Quarter of Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap in hand hole accepted as the South Quarter corner of said Section 19 from which a found brass cap in hand hole accepted as the Southeast corner thereof bears North 89°12'39" East, 2599.41 feet;

Thence North 89°12'39" East, 230.00 feet along the south line of the Southeast Quarter of said Section 19 to the **POINT OF BEGINNING**;

Thence leaving said south line, North 00°00'28" West, 568.17 feet;

Thence South 88°57'42" West, 230.00 feet to a point on the north-south mid-section line of said Section 19;

Thence North 00°00'22" West, 751.48 feet along said north-south mid-section line;

Thence leaving said north-south mid-section line, North 89°01'43" East, 1289.98 feet;

Thence South 00°25'49" East, 1113.96 feet;

Thence South 89°12'39" West, 208.70 feet;

Thence South 00°25'49" East, 208.70 feet to a point on the aforesaid south line;

Thence South 89°12'39" West, 861.00 feet along said south line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 1,535,815 sq. ft. (35.2575 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

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

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1377
Date: May 2020

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
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KIRK J.
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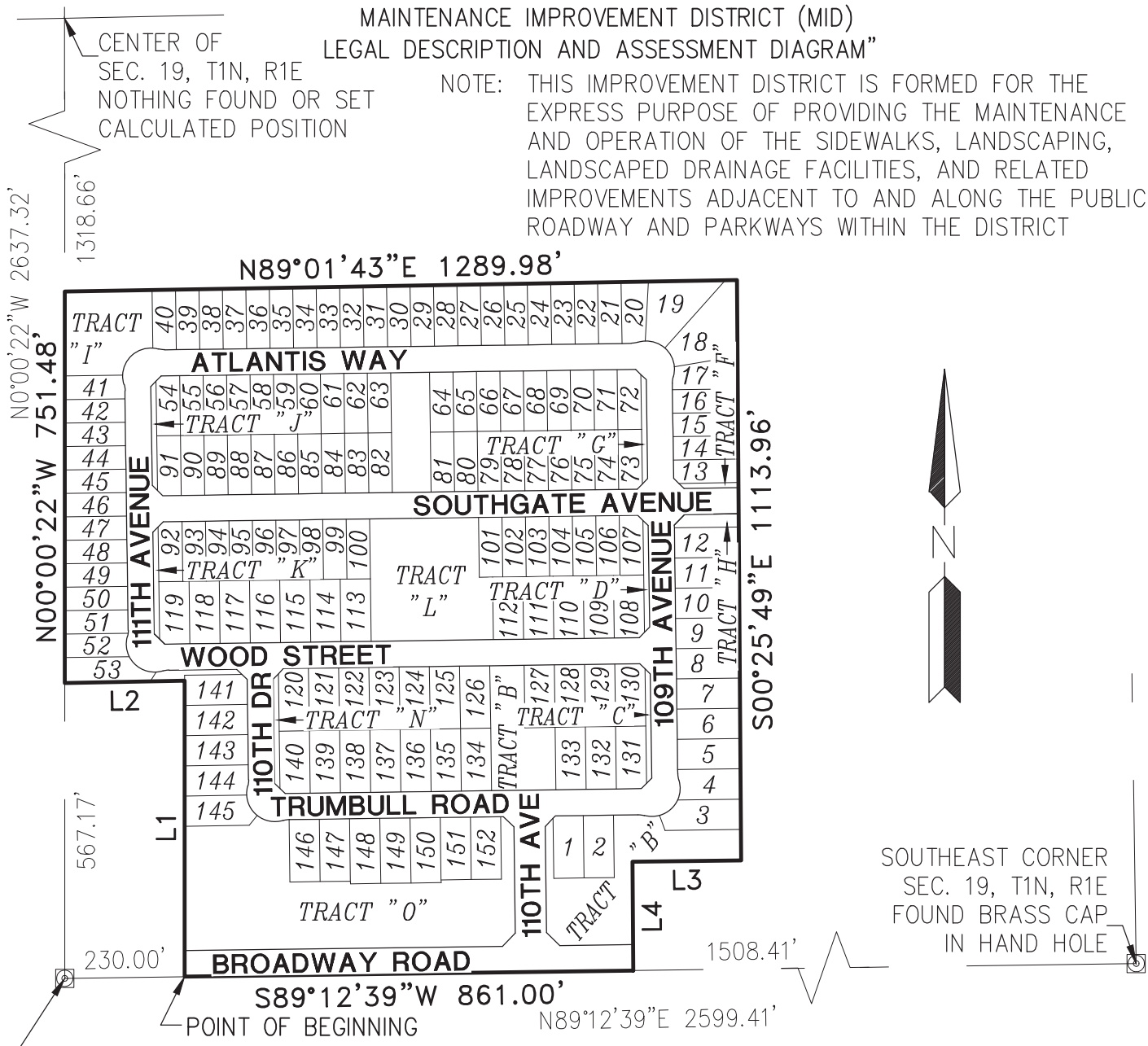

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DATE: MAY 2020	MAINTENANCE IMPROVEMENT DISTRCT (MID)	2141 E. HIGHLAND AVE., STE. 250
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LOT : 78	5175	0.1188	LOT : 112	6960	0.1598	LOT : 146	6960	0.1598
LOT : 79	5175	0.1188	LOT : 113	6960	0.1598	LOT : 147	6960	0.1598
LOT : 80	5175	0.1188	LOT : 114	6960	0.1598	LOT : 148	7250	0.1664
LOT : 81	5175	0.1188	LOT : 115	6960	0.1598	LOT : 149	7250	0.1664
LOT : 82	5175	0.1188	LOT : 116	6960	0.1598	LOT : 150	7250	0.1664
LOT : 83	5175	0.1188	LOT : 117	6960	0.1598	LOT : 151	6960	0.1598
LOT : 84	5175	0.1188	LOT : 118	6960	0.1598	LOT : 152	6960	0.1598
LOT : 85	5175	0.1188	LOT : 119	6910	0.1586			
LOT : 86	5175	0.1188	LOT : 120	6910	0.1586			
LOT : 87	5175	0.1188	LOT : 121	6960	0.1598			
LOT : 88	5175	0.1188	LOT : 122	6960	0.1598			
LOT : 89	5175	0.1188	LOT : 123	6960	0.1598			
LOT : 90	5175	0.1188	LOT : 124	6960	0.1598			
LOT : 91	5183	0.1190	LOT : 125	6960	0.1598			
LOT : 92	5240	0.1203	LOT : 126	6960	0.1598			
LOT : 93	5175	0.1188	LOT : 127	6960	0.1598			
LOT : 94	5175	0.1188	LOT : 128	6960	0.1598			
LOT : 95	5175	0.1188	LOT : 129	6960	0.1598			
LOT : 96	5175	0.1188	LOT : 130	6910	0.1586			
LOT : 97	5175	0.1188	LOT : 131	6910	0.1586			
LOT : 98	5175	0.1188	LOT : 132	6960	0.1598			
LOT : 99	5175	0.1188	LOT : 133	6960	0.1598			
LOT : 100	5175	0.1188	LOT : 134	6960	0.1598			
LOT : 101	5175	0.1188	LOT : 135	6960	0.1598			
LOT : 102	5175	0.1188	LOT : 136	6960	0.1598			

TRACT	SQ. FT.	ACRES
TRACT A	41033	0.9420
TRACT B	22713	0.5214
TRACT C	2100	0.0482
TRACT D	2050	0.0471
TRACT E	2919	0.0670
TRACT F	1091	0.0251
TRACT G	2000	0.0459
TRACT H	17156	0.3938
TRACT I	25005	0.5740
TRACT J	2000	0.0459
TRACT K	2050	0.0471
TRACT L	52201	1.1984
TRACT M	2242	0.0515
TRACT N	2100	0.0482
TRACT O	106211	2.4383

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
Date Signed 8/13/2020
ARIZONA, U.S.A.

PROJ.NO.:	1377
DATE:	MAY 2020
SCALE:	N.T.S.
DRAWN BY:	JHVD
CHECKED BY:	KJP

VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRCT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

EXHIBIT

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

©2020, HILGARTWILSON, LLC

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

Maintenance Improvement District No. 21
(Verde Trails Phase I, Parcels 1 and 2)

To: Honorable Mayor and Council
City of Avondale, Arizona

Pursuant to ARIZ. REV. STAT. § 48-574(C), the undersigned property owner respectfully petitions the Council of the City of Avondale, Arizona (the "City Council") to order the formation of a Municipal Improvement District (the "District") under ARIZ. REV. STAT. § 48-574, *et seq.* In support of this petition, the undersigned agree to waive certain rights under Arizona Law and to consent to the formation and completion of the District.

1. Area of District. The proposed District is described by a diagram and by a legal description on Exhibit A, attached hereto and incorporated herein by reference. The proposed District consists of ± 35.2575 acres and is entirely within the corporate boundaries of the City of Avondale.

2. Ownership. The undersigned is the sole owner 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 of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways, and parkways within the proposed District.

4. Public Convenience and Necessity. The necessity for the proposed District is for the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways 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 all of the following:

   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 relating to the District.

   b. All protest rights whatsoever under ARIZ. REV. STAT. §§ 48-579(A) and (B), as amended.

   c. 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. The Engineer's Estimate of the costs and expenses of the improvements are attached as part of Exhibit A.

IN WITNESS WHEREOF, the parties have executed this Petition and Waiver Agreement as of _____, 202_.

"**Property Owner**"

HILLCREST RESIDENTIAL 2, LP,
an Arizona limited partnership,

By: HILLCREST GP, LLC,
an Arizona limited liability company,
its General Partner

By: HARVARD INVESTMENTS, INC.,
a Nevada corporation,
its Manager

By: _____

Its: _____

(ACKNOWLEDGMENT)

STATE OF _____)
) ss.
COUNTY OF _____)

On, _____, 202_, before me personally appeared _____, the _____ of Harvard Investments, Inc., a Nevada corporation, the Manager of Hillcrest GP, LLC, an Arizona limited liability company, the General Partner of HILLCREST RESIDENTIAL I, LP, an Arizona limited partnership, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that he/she signed the above document on behalf of the company.

_____
Notary Public

(Affix notary seal here)

ACCEPTED AND APPROVED BY:

"**City**"

CITY OF AVONDALE,
an Arizona municipal corporation

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On _____, 202_, before me personally appeared Kenneth N. Weise, the Mayor of the CITY OF AVONDALE, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document on behalf of the City of Avondale.

_____
Notary Public

(Affix notary seal here)

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

Maintenance Improvement District No. 21
(Verde Trails Phase I, Parcels 1 and 2)

[Legal Description, Assessment Diagram and Engineer's Estimate]

(See following pages.)

VERDE TRAILS - PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRICT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

A parcel of land being situated within the Southeast Quarter of Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap in hand hole accepted as the South Quarter corner of said Section 19 from which a found brass cap in hand hole accepted as the Southeast corner thereof bears North 89°12'39" East, 2599.41 feet;

Thence North 89°12'39" East, 230.00 feet along the south line of the Southeast Quarter of said Section 19 to the **POINT OF BEGINNING**;

Thence leaving said south line, North 00°00'28" West, 568.17 feet;

Thence South 88°57'42" West, 230.00 feet to a point on the north-south mid-section line of said Section 19;

Thence North 00°00'22" West, 751.48 feet along said north-south mid-section line;

Thence leaving said north-south mid-section line, North 89°01'43" East, 1289.98 feet;

Thence South 00°25'49" East, 1113.96 feet;

Thence South 89°12'39" West, 208.70 feet;

Thence South 00°25'49" East, 208.70 feet to a point on the aforesaid south line;

Thence South 89°12'39" West, 861.00 feet along said south line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 1,535,815 sq. ft. (35.2575 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

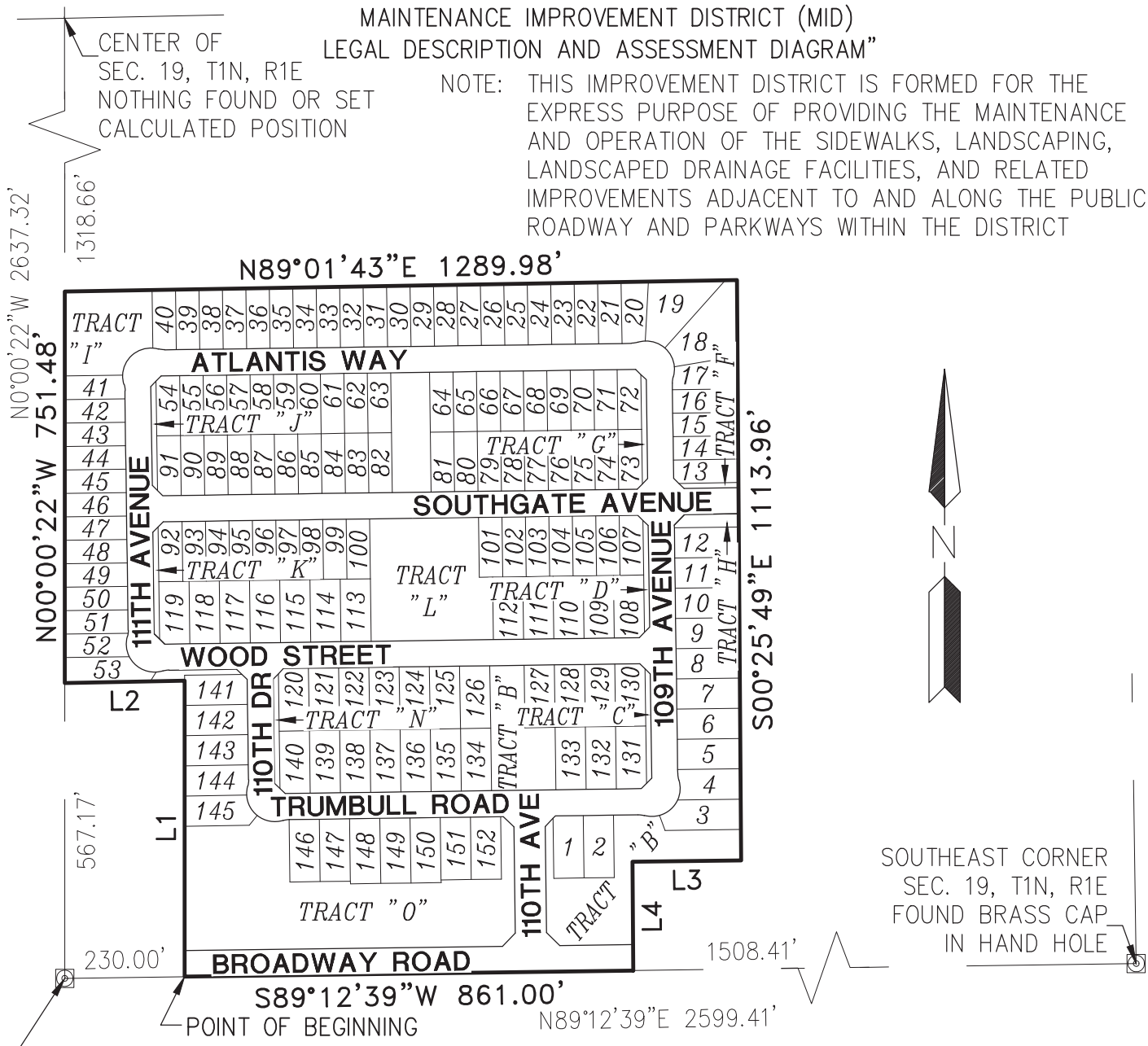
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1377
Date: May 2020

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
Date Signed 8/13/2020
ARIZONA, U.S.A.

"VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRICT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM"

NOTE: THIS IMPROVEMENT DISTRICT IS FORMED FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE SIDEWALKS, LANDSCAPING, LANDSCAPED DRAINAGE FACILITIES, AND RELATED IMPROVEMENTS ADJACENT TO AND ALONG THE PUBLIC ROADWAY AND PARKWAYS WITHIN THE DISTRICT



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
Date Signed 8/13/2020
ARIZONA, U.S.A.

PROJ.NO.: 1377	VERDE TRAILS – PARCELS 1 & 2	HILGARTWILSON
DATE: MAY 2020	MAINTENANCE IMPROVEMENT DISTRCT (MID)	2141 E. HIGHLAND AVE., STE. 250
SCALE: N.T.S.	LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM	PHOENIX, AZ 85016
DRAWN BY: JHVD	EXHIBIT	P: 602.490.0535 / F: 602.368.2436
CHECKED BY: KJP		

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"VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRICT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM"

NOTE: THIS IMPROVEMENT DISTRICT IS FORMED FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE SIDEWALKS, LANDSCAPING, LANDSCAPED DRAINAGE FACILITIES, AND RELATED IMPROVEMENTS ADJACENT TO AND ALONG THE PUBLIC ROADWAY AND PARKWAYS WITHIN THE DISTRICT

LOT	SQ. FT.	ACRES	LOT	SQ. FT.	ACRES
LOT : 1	6950	0.1596	LOT : 35	5218	0.1198
LOT : 2	6960	0.1598	LOT : 36	5211	0.1196
LOT : 3	8303	0.1906	LOT : 37	5205	0.1195
LOT : 4	6933	0.1592	LOT : 38	5198	0.1193
LOT : 5	7013	0.1610	LOT : 39	5192	0.1192
LOT : 6	7034	0.1615	LOT : 40	5176	0.1188
LOT : 7	7055	0.1620	LOT : 41	5175	0.1188
LOT : 8	7076	0.1624	LOT : 42	5217	0.1198
LOT : 9	7097	0.1629	LOT : 43	5244	0.1204
LOT : 10	7118	0.1634	LOT : 44	5272	0.1210
LOT : 11	7139	0.1639	LOT : 45	5300	0.1217
LOT : 12	7160	0.1644	LOT : 46	5327	0.1223
LOT : 13	5544	0.1273	LOT : 47	5355	0.1229
LOT : 14	5607	0.1287	LOT : 48	5383	0.1236
LOT : 15	5619	0.1290	LOT : 49	5410	0.1242
LOT : 16	5632	0.1293	LOT : 50	5438	0.1248
LOT : 17	6607	0.1517	LOT : 51	5465	0.1255
LOT : 18	13841	0.3178	LOT : 52	5384	0.1236
LOT : 19	11550	0.2652	LOT : 53	7198	0.1653
LOT : 20	5657	0.1299	LOT : 54	5183	0.1190
LOT : 21	5308	0.1219	LOT : 55	5175	0.1188
LOT : 22	5301	0.1217	LOT : 56	5175	0.1188
LOT : 23	5295	0.1216	LOT : 57	5175	0.1188
LOT : 24	5288	0.1214	LOT : 58	5175	0.1188
LOT : 25	5282	0.1213	LOT : 59	5175	0.1188
LOT : 26	5276	0.1211	LOT : 60	5175	0.1188
LOT : 27	5269	0.1210	LOT : 61	5175	0.1188
LOT : 28	5263	0.1208	LOT : 62	5175	0.1188
LOT : 29	5256	0.1207	LOT : 63	5175	0.1188
LOT : 30	5250	0.1205	LOT : 64	5175	0.1188
LOT : 31	5243	0.1204	LOT : 65	5175	0.1188
LOT : 32	5237	0.1202	LOT : 66	5175	0.1188
LOT : 33	5230	0.1201	LOT : 67	5175	0.1188
LOT : 34	5224	0.1199	LOT : 68	5175	0.1188

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N00°00'28"W	568.17'
L2	S88°57'42"W	230.00'
L3	S89°12'39"W	208.70'
L4	S00°25'49"E	208.70'

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
Date Signed 8/13/2020
ARIZONA, U.S.A.

PROJ.NO.:	1377
DATE:	MAY 2020
SCALE:	N.T.S.
DRAWN BY:	JHVD
CHECKED BY:	KJP

VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRCT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

EXHIBIT

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

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"VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRICT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM"

NOTE: THIS IMPROVEMENT DISTRICT IS FORMED FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE SIDEWALKS, LANDSCAPING, LANDSCAPED DRAINAGE FACILITIES, AND RELATED IMPROVEMENTS ADJACENT TO AND ALONG THE PUBLIC ROADWAY AND PARKWAYS WITHIN THE DISTRICT

LOT	SQ. FT.	ACRES	LOT	SQ. FT.	ACRES	LOT	SQ. FT.	ACRES
LOT : 69	5175	0.1188	LOT : 103	5175	0.1188	LOT : 137	6960	0.1598
LOT : 70	5175	0.1188	LOT : 104	5175	0.1188	LOT : 138	6960	0.1598
LOT : 71	5175	0.1188	LOT : 105	5175	0.1188	LOT : 139	6960	0.1598
LOT : 72	5183	0.1190	LOT : 106	5175	0.1188	LOT : 140	6910	0.1586
LOT : 73	5183	0.1190	LOT : 107	5178	0.1189	LOT : 141	6925	0.1590
LOT : 74	5175	0.1188	LOT : 108	6910	0.1586	LOT : 142	7020	0.1612
LOT : 75	5175	0.1188	LOT : 109	6960	0.1598	LOT : 143	7066	0.1622
LOT : 76	5175	0.1188	LOT : 110	6960	0.1598	LOT : 144	7047	0.1618
LOT : 77	5175	0.1188	LOT : 111	6960	0.1598	LOT : 145	7391	0.1697
LOT : 78	5175	0.1188	LOT : 112	6960	0.1598	LOT : 146	6960	0.1598
LOT : 79	5175	0.1188	LOT : 113	6960	0.1598	LOT : 147	6960	0.1598
LOT : 80	5175	0.1188	LOT : 114	6960	0.1598	LOT : 148	7250	0.1664
LOT : 81	5175	0.1188	LOT : 115	6960	0.1598	LOT : 149	7250	0.1664
LOT : 82	5175	0.1188	LOT : 116	6960	0.1598	LOT : 150	7250	0.1664
LOT : 83	5175	0.1188	LOT : 117	6960	0.1598	LOT : 151	6960	0.1598
LOT : 84	5175	0.1188	LOT : 118	6960	0.1598	LOT : 152	6960	0.1598
LOT : 85	5175	0.1188	LOT : 119	6910	0.1586			
LOT : 86	5175	0.1188	LOT : 120	6910	0.1586			
LOT : 87	5175	0.1188	LOT : 121	6960	0.1598			
LOT : 88	5175	0.1188	LOT : 122	6960	0.1598			
LOT : 89	5175	0.1188	LOT : 123	6960	0.1598			
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LOT : 92	5240	0.1203	LOT : 126	6960	0.1598			
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LOT : 94	5175	0.1188	LOT : 128	6960	0.1598			
LOT : 95	5175	0.1188	LOT : 129	6960	0.1598			
LOT : 96	5175	0.1188	LOT : 130	6910	0.1586			
LOT : 97	5175	0.1188	LOT : 131	6910	0.1586			
LOT : 98	5175	0.1188	LOT : 132	6960	0.1598			
LOT : 99	5175	0.1188	LOT : 133	6960	0.1598			
LOT : 100	5175	0.1188	LOT : 134	6960	0.1598			
LOT : 101	5175	0.1188	LOT : 135	6960	0.1598			
LOT : 102	5175	0.1188	LOT : 136	6960	0.1598			

TRACT	SQ. FT.	ACRES
TRACT A	41033	0.9420
TRACT B	22713	0.5214
TRACT C	2100	0.0482
TRACT D	2050	0.0471
TRACT E	2919	0.0670
TRACT F	1091	0.0251
TRACT G	2000	0.0459
TRACT H	17156	0.3938
TRACT I	25005	0.5740
TRACT J	2000	0.0459
TRACT K	2050	0.0471
TRACT L	52201	1.1984
TRACT M	2242	0.0515
TRACT N	2100	0.0482
TRACT O	106211	2.4383

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19344
KIRK J.
PANGUS
Date Signed 8/13/2020
ARIZONA, U.S.A.

PROJ.NO.:	1377
DATE:	MAY 2020
SCALE:	N.T.S.
DRAWN BY:	JHVD
CHECKED BY:	KJP

VERDE TRAILS – PARCELS 1 & 2
MAINTENANCE IMPROVEMENT DISTRCT (MID)
LEGAL DESCRIPTION AND ASSESSMENT DIAGRAM

EXHIBIT

HILGARTWILSON
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CITY OF AVONDALE
MAINTENANCE IMPROVEMENT DISTRICT NO. 21
"VERDE TRAILS - PARCELS 1 & 2" TRACTS A THROUGH O

ENGINEERS ESTIMATE

In compliance with the provisions of A.R.S. Title 48, Chapter 4, Article 2, Section §48-574, and all ammendments and supplements thereto, we hereby estimate the costs and expenses of said improvements to be as follows:

AREA

Right-of-way:	0.41	AC
Tract Area:	6.49	AC

ANNUAL MAINTENANCE FEE

Right-of-way:	0.41	x	$2,000	AC	=	$820.00
Tract Area:	6.49	x	$10,500	AC	=	$68,145.00
						$68,965.00

ANNUAL ADMINISTRATIVE FEE

$68,965.00	x	5%	=	$3,448.25

TOTAL ANNUAL COST

$68,965.00	+	$3,448.25	=	$72,413.25

TOTAL COST PER MONTH

$72,413.25	/	12 MONTHS	=	$6,034.44

DATED

CITY OF AVONDALE
DEVELOPMENT & ENGINEERING SERVICES
ENGINEERING DIVISION

By: David A Janover, P.E., F.NSPE, CFM

Registered Professional Engineer (Civil)
CERTIFICATE NO.
32836
PAUL M.
HAAS
Date Signed: 11-10-20
ARIZONA U.S.A.

Item Number: 3.d.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2001-0121 - Dedication of a Perpetual Easement to the United States of America at 99th Avenue and Indian School Road

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Kevin Murphy, Development and Engineering Services Director (623) 333-4011

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Ordinance 2001-0121, dedicating a Perpetual Easement to the United States of America at 99th Avenue and Indian School Road and authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take the appropriate action.

BACKGROUND:

On August 26, 2019, City Council entered into a First Amendment to the Development Agreement with AG/RW - Entorno, LLC, for the Parkside Village development located at the southwest corner of 99th Avenue and Indian School Road. One of the requirements in the Development Agreement was for the Parkside Village developer to complete the 99th Avenue half street improvements from Indian School Road to the Osborn Road alignment. The offsite improvements include piping the existing open channel along the west side of 99th Avenue.

DISCUSSION:

The dedication of this easement to the United States of America is necessary for the developer to construct a new irrigation pipeline along 99th Avenue. The easement will be located inside existing City right-of-way (see attached exhibit). Salt River Project will operate and maintain the pipeline within this easement.

STRATEGIC PLAN ALIGNMENT:

INITIATIVE - Foster Sustainable Community Development

GOAL - Maintain and Expand Quality Infrastructure

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends that the City Council adopt an Ordinance dedicating a Perpetual Easement to the United States of America at 99th Avenue and Indian School Road and authorize the Mayor or City Attorney, and City Clerk to execute the necessary documents.

CITY OF AVONDALE

EASEMENT TO BE DEDICATED TO THE UNITED STATES OF AMERICA

ORDINANCE NO. 2001-0121

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, GRANTING AN EASEMENT TO THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION FOR CONSTRUCTION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF WATER DISTRIBUTION SYSTEM PIPELINES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. An easement is hereby granted to the United States Department of the Interior Bureau of Reclamation for construction, reconstruction, operation and maintenance of water distribution system pipelines, as part of the Salt River Project water distribution system, for the improvements to 99th Avenue in the form attached hereto as Exhibit 1 and incorporated herein by reference, through, over, under and across certain real property generally located at 99th Avenue, south of Indian School Road, described in Exhibit A to the easement form attached hereto as Exhibit 1.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 4, 2021.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT 1
TO
ORDINANCE NO. 2001-0121

[Contract and Grant of Easement]

See following pages.

.

Contract No. 20-LE-32-4297
Case No. 19-008

ORIGINAL

Exempt per A.R.S. § 11-1134 A.3.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

SALT RIVER PROJECT

CONTRACT AND GRANT OF EASEMENT

THIS CONTRACT AND GRANT OF EASEMENT, made this _____ day of _____, _____, pursuant to the Reclamation Act of June 17, 1902 (32 Stat. 388), the Reclamation Project Act of 1939 (53 Stat. 1187), and all acts amendatory thereof or supplementary thereto, between the **UNITED STATES OF AMERICA**, hereinafter referred to as "United States," and **City of Avondale, an Arizona municipal corporation,** hereinafter referred to as "Grantor."

WITNESSETH:

That the Salt River Project Agricultural Improvement and Power District (SRP), an agricultural improvement district organized and existing under the laws of the State of Arizona, intends to

relocate a portion of a federal irrigation facility acquired for a project purpose to a piped irrigation facility at a new location; and,

WHEREAS, the United States owns a real property interest along the existing irrigation facility, and Grantor owns the fee title to the real property onto which the irrigation facility will be relocated; and,

WHEREAS, Grantor intends to grant to the United States and its assigns that certain real property interest needed for the relocated facility in exchange for the real property interest no longer needed for project purposes and for the purpose of benefitting its future development of real property; and,

WHEREAS, the United States will release its interest, if any, in and to the real property interest no longer needed by Contract No. 20-LE-32-4298 to **City of Avondale, an Arizona municipal corporation**, and any and all other owners of record of the underlying fee title.

NOW THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, the parties agree to the following grant and mutual covenants:

1. Grantor does hereby grant, with general warranty of title, unto the United States of America and its assigns a perpetual easement to construct, reconstruct, operate and maintain certain water distribution system pipelines, as part of the SRP water distribution system, and such structures, installations and facilities used in the construction, reconstruction, operation and maintenance of

said water distribution system, across certain land situated in the County of Maricopa, State of Arizona, and more fully described in Exhibit "A" attached hereto and by this reference made part hereof.

2. The grant of easement herein contained shall include the perpetual right of ingress and egress over said premises to construct, reconstruct, operate, maintain, enlarge, improve, relocate, remove, repair and renew said water distribution system, together with the present and future right to clear said right-of-way to the extent deemed necessary by the United States to protect the rights and privileges herein granted.

3. The United States, its successors and assigns, may hold such easement forever for all purposes consistent with the water distribution feature of SRP, or any changes, or additions or modifications that may hereafter be made therein, and the United States, its successors and assigns, will have the perpetual right to take and use materials, as well as all of the rights incident to such water distribution feature, or any changes, additions, or modifications thereof over, upon or across said right-of-way described in Exhibit "A".

4. The Grantor hereby ratifies and affirms the right of the United States, its permittees, successors or assigns, to construct, reconstruct, operate, maintain, enlarge, improve, relocate, remove, repair and renew, together with the right of access thereto for such purposes, at any time and from time to time, a water conduit and related facilities, consisting of one or more canals, pipelines, laterals, markers, air valves, manholes, valves, meters, surge control devices, buried communication conduits, and all other fixtures, devices and appurtenances related thereto, and to

conduct all related activities in, on, under, and across the land described in Exhibit "A" under the following conditions:

(a) The United States shall have the right to use the subject land for ingress and egress at any time without prior notice, together with the right to use existing or future roadways, lanes and rights-of-way on Grantor's property adjacent thereto, as may be convenient and necessary for the purposes of exercising the rights herein granted. The United States may, at any time, install and/or use gates in any fences which are now or may hereafter be constructed and to trim, cut and clear away trees or brush whenever, in its judgment, the same shall be necessary for the convenient and safe exercise of the rights hereby granted, on said lands described in Exhibit "A", or on such adjoining lands for the purpose of exercising the rights herein granted.

(b) The rights granted to, and exercised by, the United States shall be subject to all existing structures, fencing, canals, ditches, pipelines, roadways, and rights-of-way, and all future uses thereof, including but not limited to the right of the Grantor to use the lands within said parcel for agricultural and other purposes that do not directly or indirectly interfere with or endanger the exercise of the rights of the United States; PROVIDED, HOWEVER, that the Grantor shall clear and keep clear the lands described in Exhibit "A", from explosives, buildings and structures of all kinds or facilities of a permanent nature which directly or indirectly interfere or could interfere with the rights of the United States, and shall not drill any well, install swimming pools, or alter ground level by cut or fill, within the limits of said rights-of-way and the United States shall have the permanent right of exclusive use and possession within the easement.

5. The grant of easement herein contained is subject to easements and rights-of-way existing or of record in favor of the public or third parties, and subject to any outstanding interest in any and all organic or inorganic substances in or under said land.

6. Grantor warrants that no person or agency has been employed or retained to solicit or secure this grant upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the Grantor for the purpose of securing business.

7. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this grant or to any benefit that may arise herefrom, but this restriction shall not be construed to extend to this grant if made with a corporation or company for its general benefit.

8. The provisions of this grant shall obligate and inure to the benefit of the respective heirs, executors, administrators, successors, and assigns of the parties to this grant.

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

to **City of Avondale, an Arizona municipal corporation**

By: _____
Kenneth N. Weise
Mayor of Avondale

UNITED STATES OF AMERICA

By: [redacted]
Leslie A. Meyers
Area Manager
Phoenix Area Office
Bureau of Reclamation

Contract No. 20-LE-32-4297
Case No. 19-008

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Maricopa)

On this ____ day of_____, _____, before me,

_____, a Notary Public in and for said County and State,

personally appeared _____, _____, on behalf of

to **City of Avondale, an Arizona municipal corporation,** known to me to be the person described in the foregoing instrument, and acknowledged to me that he/she executed the same in the capacity therein stated and for the purpose therein contained.

_____
Notary Public in and for
said County and State

Contract No. 20-LE-32-4297
Case No. 19-008

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Maricopa)

On this 13 day of November, 2020, before me, [redacted] a Notary Public in and for said County and State personally appeared [redacted], Area Manager, Phoenix Area Office, Bureau of Reclamation, Department of the Interior, **UNITED STATES OF AMERICA**, known to me to be the person described in the foregoing instrument, and acknowledged to me that ~~he~~/she executed the same on behalf of the United States in the capacity therein stated and for the purpose therein contained.

JESSICA L HERNDON-LADEWIG
Notary Public - Arizona
Maricopa County
Commission # 566707
My Comm. Expires Jul 26, 2023

[redacted]
said County and State

ATWELL

ONE COMPANY.
INFINITE SOLUTIONS.

EXHIBIT "A"
DESCRIPTION OF REAL ESTATE IN MARICOPA COUNTY, STATE OF ARIZONA

A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWENTY-NINE (29), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP FLUSH, ACCEPTED AS THE NORTHEAST CORNER OF SECTION TWENTY-NINE (29), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) EAST, FROM WHICH A BRASS CAP IN HANDHOLE, ACCEPTED AS THE EAST QUARTER CORNER OF SECTION TWENTY-NINE (29), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) EAST, THEREOF BEARS SOUTH 00°08'08" WEST, 2638.29 FEET;

THENCE, ALONG THE EAST LINE OF SAID SECTION TWENTY-NINE (29), SOUTH 00°08'08" WEST, 45.00 FEET TO THE **POINT OF BEGINNING**;

THENCE, CONTINUING ALONG THE EAST LINE OF SAID SECTION TWENTY-NINE (29), SOUTH 00°08'08" WEST, 14.50 FEET TO A POINT;

THENCE, LEAVING THE EAST LINE OF SAID SECTION TWENTY-NINE (29), SOUTH 45°08'03" WEST, 46.67 FEET TO A POINT ON THE WEST LINE OF A 33' RIGHT OF WAY "R/W" RECORDED PER BK 117, PG 539, RECORDS OF MARICOPA COUNTY;

THENCE, CONTINUING ALONG WEST LINE OF SAID "R/W", NORTH 00°08'08" EAST, 47.50 FEET TO A POINT;

THENCE, LEAVING SAID WEST "R/W", SOUTH 89°51'52" EAST A DISTANCE OF 33.00 FEET TO THE **POINT OF BEGINNING**.

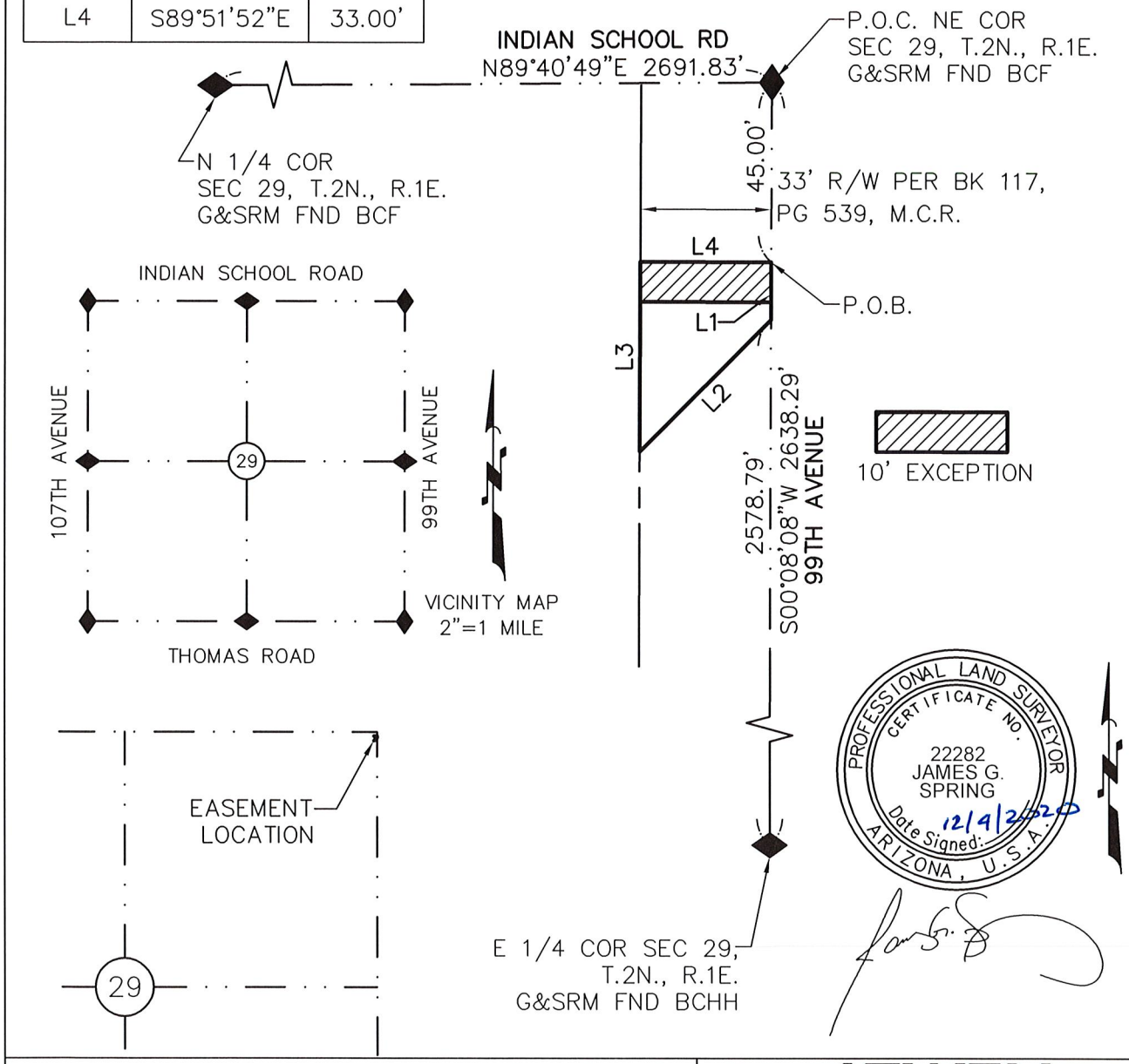
EXCEPT, THE NORTH 10 FEET THEREOF.

SAID PARCEL OF LAND CONTAINS AN AREA OF 0.015 ACRE(S)MORE OR LESS, AFTER SAID EXCEPTION HAS BEEN MADE.

PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 22282
JAMES G. SPRING
Date Signed 12/4/2020
ARIZONA, U.S.A.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S00°08'08"W	14.50'
L2	S45°08'03"W	46.67'
L3	N00°08'08"E	47.50'
L4	S89°51'52"E	33.00'

EXHIBIT
PROPOSED EASEMENT



BUREAU OF RECLAMATION	
PROJECT NUMBER: 18000694	SCALE: N.T.S.
AGENT: PAMELA J. HICKS	SHEET: 1 OF 1
DRAWN: R. GILES	SHEET SIZE: 8.5"X11"
CHECKED BY: J. SPRING	REVISION:
DATE: 12-04-2020	FIELD DATE: N/A

ATWELL
866.850.4200 www.atwell-group.com
4700 E. SOUTHERN AVENUE
MESA, AZ 85206
480.218.8831

EXHIBIT
PROPOSED USA EASEMENT
LOCATED IN A PORTION OF THE
NORTHEAST 1/4 OF SECTION 29,
T.2N., R.1E. G&SRM

Item Number: 3.e.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2002-0121 - Amending City Code, Chapter 25 - Administration

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Lindsey Duncan, Finance and Budget Director, (623) 333-2011

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Ordinance 2002-0121, amending chapter 25 of the City Code pertaining to city administration and authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

As part of update to the administrative policy for procurement, staff is requesting administrative amendments to the City Code. These changes were drafted and recommended by the City Attorney. The requested ordinance includes administrative changes only, including updates to definitions and verbiage. The ordinance sections with changes are included in the attachment for further detail.

DISCUSSION:

During the process to revise/update administrative policy number 23 - Procurement Policy, a thorough review of City Code, Chapter 25, was initated and staff discovered multiple sections that required further clarification and/or correction; these include: chapter 25-5 - revised definitition of "Business"; chapter 25-9 - correcting the word "or" to "of"; chapter 25-14 - public notice also applies to "Requests for Qualifications"; chapter 25-17 (c) submittals for an Invitation for Bids is referred to as a Bid not a Proposal; chapter 25-17 (d) corrects reference from section 25-13 to 25-14; chapter 25-19 (c) - adds "proposal" to type of submittal that may be withdrawn; chapter 25-20 (b)- adds "related experts" to types of professional services that may be selected, if necessary, for legal matters; chapter 25-25 (g) and (i) - clarifies type of Hearing Offcer by adding the word "independent".

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends adoption of an Ordinance to amend chapter 25 of the City Code pertaining to city administration.

ORDINANCE NO. 2002-0121

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE CITY CODE, CHAPTER 25, PROCUREMENT CODE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The Avondale City Code, Chapter 25 (Procurement Code), Article I (General Provisions), Section 25-5 (Definitions), is hereby amended to read as follows:

…

"Business" means ANY CORPORATION, PARTNERSHIP, INDIVIDUAL, SOLE PROPRIETORSHIP, JOINT STOCK COMPANY, JOINT VENTURE OR other private legal entity or any person ~~authorized to do business in the State of Arizona~~.

…

SECTION 2. The Avondale City Code, Chapter 25 (Procurement Code), Article I, (General Provisions), Section 25-9 (Assistance to small, minority, disadvantaged and women-owned businesses), Subparagraph (a) is hereby amended to read as follows:

(a) It is the city's policy that suppliers of goods or services to the city adhere to a policy of equal employment opportunity and demonstrate an affirmative effort to recruit, hire and promote, regardless ~~or~~ OF race, color, religion, gender, national origin, age or disability.

SECTION 3. The Avondale City Code, Chapter 25 (Procurement Code), Article II, (Ethics; Violations; Unauthorized Purchases), Section 25-14 (Public Notice), Subparagraph (b) is hereby amended to read as follows:

(b) Public notice of a request for proposals OR QUALIFICATIONS shall be in a manner that is reasonable in the judgment of procurement agent or authorized designee, given the commercial context of the proposed purchase. Notice may be given in any publication of general circulation that is reasonably available to prospective ~~bidders~~ OFFERORS in the judgment of procurement agent or authorized designee. For purposes of this procurement code reasonable notice shall be defined as not less than twenty-one (21) calendar days.

SECTION 4. The Avondale City Code, Chapter 25 (Procurement Code), Article II, (Ethics; Violations; Unauthorized Purchases), Section 25-17 (Invitation for Bids), Subparagraph (c) and Subparagraph (d) are hereby amended to read as follows:

(c) Bids shall be by sealed ~~proposals~~ BIDS only and under such regulations as may be

prescribed by the procurement agent or authorized designee. The procurement agent or authorized designee shall have the power to reject any or all bids and advertise for bids again.

(d) Adequate public notice of the invitation for bids shall be given in the same manner as provided in section 25-~~13~~ 14 above.

SECTION 5. The Avondale City Code, Chapter 25 (Procurement Code), Article II (Ethics; Violations; Unauthorized Purchases), Section 25-19 (Withdrawal or cancellation of bids or proposals), Subparagraph (c) is hereby amended to read as follows:

(c) A bidder or proposer may withdraw its bid OR PROPOSAL at any time prior to bid or proposal opening or the deadline for receipt of the bid or proposal by delivering notice to the procurement agent or authorized designee in writing.

SECTION 6. The Avondale City Code, Chapter 25 (Procurement Code), Article II, (Ethics; Violations; Unauthorized Purchases), Section 25-20 (Retention of professional services), Subparagraph (b) is hereby amended to read as follows:

(b) Professional legal services AND RELATED EXPERTS. In accordance with subsection 2-75(b) of the Avondale City Code, the City Attorney, in consultation with the City Manager, shall select outside legal counsel AND EXPERTS NECESSARY FOR A LEGAL MATTER for the City.

SECTION 7. The Avondale City Code, Chapter 25 (Procurement Code), Article II, (Ethics; Violations; Unauthorized Purchases), Section 25-25 (Protests; informal and formal), Subparagraph (g) and Subparagraph (h)(ii)(1) are hereby amended to read as follows:

(g) The formal appeal shall be heard by ~~a~~ AN INDEPENDENT HEARING officer appointed by the ~~procurement agent~~ CITY or authorized designee for such purposes within ten (10) business days after filing of the appeal, unless extended by the INDEPENDENT hearing officer.

(h) The independent hearing officer (i) may (A) reject the protest in whole or in part or (B) sustain the protest in whole or in part and (ii) shall provide for an appropriate remedy as follows:

(1) In determining an appropriate remedy, the INDEPENDENT hearing officer shall consider the circumstances surrounding the procurement or proposed procurement including, but not limited to the seriousness of the procurement deficiency, the degree of prejudice to other interested parties or to the integrity of the procurement system, the good faith of the parties, the extent of performance, costs to the city, the urgency of the procurement and the impact of the relief upon the city.

SECTION 8. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 9. The Mayor, the City Manager, the City Clerk and the City Attorney are

hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 4, 2021.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

Item Number: 4.a.

CITY COUNCIL REPORT

SUBJECT: Council Appointments to Regional and Local Boards, Commissions, and Committees

MEETING DATE: 1/4/2021

TO: Mayor and Council

FROM: Jessica Blazina, Intergovernmental Affairs Administrator, (623) 333-1612

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

REVIEWED: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to appoint members of the City Council to various regional and local boards and committees. The Council will take appropriate action.

BACKGROUND:

Regional and local representation on behalf of the City Council is beneficial to the City in maintaining a strong presence valley-wide. Serving on committees within the Maricopa Association of Governments (MAG), WESTMARC, the Arizona Municipal Water Users Association (AMWUA) and other regional organizations is paramount to the City staying abreast of regional initiatives. This allows the City of Avondale to maintain a regional presence and assures that the City's best interests are represented. In addition to the regional committees, the Council Subcommittees for Boards, Commissions and Committees Appointments and the Risk Management Trust Board also need to be filled.

As mentioned above, the Council will determine the appropriate representation for each of the following:

- Maricopa Association of Governments (MAG)
- WESTMARC
- Arizona Municipal Water Users Association (AMWUA)
- Council Subcommittee for Boards, Commissions and Committees Appointments (3 members)
- Council Subcommittee on Contributions Assistance Program (3 members)
- Risk Management Trust Board (1 member)

DISCUSSION:

Council will evaluate current appointments and vacancies and make any necessary assignments to ensure the City is adequately represented.

After each election, appointments are re-addressed on the various regional and local boards, commissions and committees. Staff will brief council regarding the current assignments and the current vacancies. Based on the information provided, Council will determine the appropriate representative to fill each of the vacancies and may make changes to current assignments as they deem appropriate.

BUDGET IMPACT:
There is no budgetary impact.

RECOMMENDATION:
The Council will determine the appropriate representation for each of the boards and committees.