



City of Avondale

City Council Meeting

Monday, August 19, 2024

Mayor and Council

Kenneth Weise, Mayor

Mike Pineda, Vice Mayor

Tina Conde, Council Member | Curtis Nielson, Council Member

Veronica Malone, Council Member | Gloria Solorio, Council Member

Max White, Council Member

Administration

Ron Corbin, City Manager

Tracy Stevens, Assistant City Manager | Katie Gregory, Assistant City Manager

Dale Nannenga, Deputy City Manager | Nicholle Harris, City Attorney

Marcella Sarmiento, City Clerk

City Council Chamber

11465 West Civic Center Drive

Avondale, AZ 85323

Watch a City Council Meeting Online

Visit the link below to watch a City Council meeting live online:

<https://www.avondaleaz.new.swagit.com/views/540/>

Please note, the live stream will not be monitored by staff; therefore, anyone wishing to address the City Council shall appear in person to speak.



City Council Meeting Notice & Agenda Monday, August 19, 2024

CITY COUNCIL CHAMBER | 11465 WEST CIVIC CENTER DRIVE | AVONDALE AZ, 85323

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should submit a Request to Speak online at <http://www.avondaleaz.gov/requesttospeak> prior to consideration of that agenda item.

REGULAR MEETING

5:30 PM

Physical Access to the Council Chambers will be available 30 minutes prior to the meeting.

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

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES (Time is limited 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. MINUTES

City Council will consider a request to approve the July 1, 2024 and July 8, 2024 City Council meeting minutes. The Council will take appropriate action.

b. CITY COUNCIL MEETING SCHEDULE FOR 2025

City Council will consider a request to approve the 2025 City Council Meeting Schedule and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

c. FISCAL YEAR 2024 END OF YEAR BUDGET TRANSFER AND FISCAL YEAR 2025 PUBLIC ART BUDGET TRANSFER

City Council will consider a request to: a) approve budget transfers as summarized in the attached Exhibit A; b) facilitate items by increasing the award authority for these items; and c) authorize Finance and Budget Department staff to take the steps necessary to execute the transfers. The Council will take appropriate action.

d. RESOLUTION 1080-0824 - CANVASS OF VOTES FOR THE JULY 30, 2024 PRIMARY ELECTION

City Council will consider a request to adopt Resolution 1080-0824, canvassing the results of the July 30, 2024 Primary Election and authorize the City Clerk to issue Certificates of Election. The Council will take appropriate action.

- e. **RESOLUTION 1081-0824 – APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA GAME AND FISH COMMISSION FOR THE COMMUNITY FISHING PROGRAM**
City Council will consider a request to adopt Resolution 1081-0824, authorizing a new Intergovernmental Agreement with the Arizona Game & Fish Commission to extend the Community Fishing Program for a five-year period, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- f. **RESOLUTION 1082-0824 - AUTHORIZING GRANT ACCEPTANCE FROM THE ARIZONA STATE PARKS BOARD FOR THE OFF-HIGHWAY VEHICLE EDUCATION AND ENFORCEMENT GRANT**
City Council will consider a request to: a) adopt Resolution 1082-0824, approving the acceptance of the Off-Highway Vehicle Education and Enforcement Grant through the Arizona State Parks Board; b) authorize the necessary budget transfers associated with this grant; and c) authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.
- g. **RESOLUTION 1083-0824 - AUTHORIZING GRANT ACCEPTANCE FROM MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PROGRAM (SITING PLANS)**
City Council will consider a request to: a) adopt Resolution 1083-0824, accepting grant funding from Maricopa Association of Governments (MAG) for Electric Vehicle Charging Infrastructure Program (Siting Plans) in the amount of \$100,000; b) authorize and direct staff to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- h. **ORDINANCE 2018-0824 – ABANDONMENT OF A TEMPORARY WATERLINE EASEMENT AT FULTON HOMES ACCLAIM**
City Council will consider a request to adopt Ordinance 2018-0824, authorizing the abandonment of a temporary waterline easement located generally 2,600 feet north of Thomas Road and west of 99th Avenue and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- i. **ORDINANCE 2019-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM 117 LAND LLC, RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT**
City Council will consider a request to adopt Ordinance 2019-0824, authorizing the acceptance of dedication of a public waterline easement from 117 Land LLC, for Lot 1 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- j. **ORDINANCE 2020-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC., RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT**
City Council will consider a request to adopt Ordinance 2020-0824, authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 2 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- k. **ORDINANCE 2021-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC., RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT**
City Council will consider a request to adopt Ordinance 2021-0824, authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 3 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

I. ORDINANCE 2022-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM ENCOMPASS HEALTH ARIZONA REAL ESTATE, LLC, RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT

City Council will consider a request to adopt Ordinance 2022-0824, authorizing the acceptance of dedication of a public waterline easement from Encompass Health Arizona Real Estate, LLC, for Lot 4 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

m. ORDINANCE 2023-0824 – ACCEPTANCE OF DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC., RELATED TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT

City Council will consider a request to adopt Ordinance 2023-0824 authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 5 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

n. ORDINANCE 2024-0824 - LOWER BUCKEYE ROAD RIGHT-OF-WAY ANNEXATION

City Council will consider a request to adopt Ordinance 2024-0824, authorizing the annexation of a portion of Lower Buckeye Road right-of-way and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

o. FINAL PLAT FOR FULTON HOMES ACCLAIM - PHASE 2B - APPLICATION PL-23-0366

City Council will consider a request to: a) approve Application PL-23-0366, a request by Meikle Garrett with EPS Group, Inc., on behalf of Fulton Homes Corporation, for approval of the Final Plat for Fulton Homes Acclaim - Phase 2B, generally located at the northwest corner of 99th Avenue and Thomas Road; and b) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

p. BOARD AND COMMISSION APPOINTMENTS AND BOARD MEMBER REMOVAL FROM THE BOARD OF ADJUSTMENT

City Council will consider a request to: a) remove Margarita Barron from the Board of Adjustment due to being non-responsive; b) approve the following appointments to the City's Boards, Commissions, and Committees as recommended by the City Council Subcommittee on Boards, Commissions, and Committees; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

- Rhonda Bell as a Regular Member to the Municipal Art Committee with a partial term to expire on 12/31/2026.
- Deanna Sapata as an Alternate Member to the Municipal Art Committee with a partial term to expire on 12/31/2026.
- Nicole List as a Regular Member to the Board of Adjustment with a partial term to expire on 12/31/2024.
- Natosha Edmonds as a Regular Member to the Board of Adjustment with a partial term to expire on 12/31/2026.
- Zahra Muhidin as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2026.
- Diana Estrada as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2025.
- Ramon Sanchez as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2025.
- Ben Ruoti as an Alternate Member to the Sustainability Commission with a partial term to expire on 12/31/2024.

4. REGULAR AGENDA

a. PUBLIC HEARING - EXTRA SPACE STORAGE – APPEAL OF CONDITIONAL USE PERMIT – APPLICATION PL-23-0303

City Council will hold a public hearing and consider an appeal by Adam Baugh of Withey Morris Baugh (on behalf of Extra Space Storage) to consider an appeal of the Planning Commission's denial of a conditional use permit to allow for a mini-storage warehouse and personal storage development. The 2.28 net-acre subject property is located at the southwest corner of Indian School Road and Osborn Road. This project was previously approved as a conditional use permit by the City Council on June 21, 2021, zoning case PL-21-0003. The previous conditional use permit has expired, and the appellant filed an application for a new conditional use permit to move forward with the development. The Planning Commission denied the application. The City Council may affirm, reverse, or modify the decision of the Planning Commission.

Pursuant to Ariz. Rev. Stat. 38-431.03(A)(3), City Council may move and vote to go into executive session for discussion with the City's Attorneys for legal advice on the appeal of the denial of Extra Space Storage Conditional Use Permit Application PL-23-0303.

5. SUMMARY OF CURRENT EVENTS FROM MAYOR, VICE MAYOR, AND COUNCIL MEMBERS (5 minutes)

6. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone or video 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 o por video. 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: 3.a.

SUBJECT: Minutes

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

THROUGH: Tracy Stevens, Assistant City Manager 623-333-1014

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item provides residents with access to a previous meeting's minutes. The meeting minutes provide another outlet for residents to connect with the City Council.

PURPOSE:

City Council will consider a request to approve the July 1, 2024 and July 8, 2024 City Council meeting minutes. The Council will take appropriate action.

BACKGROUND:

Pursuant to Arizona Revised Statute §§ 38-431.01(B), the City must provide written minutes of all City Council meetings.

DISCUSSION:

City Council held a meeting and the attached minutes have been prepared for approval.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approve the July 1, 2024 and July 8, 2024 City Council meeting minutes.

Contact person for document distribution: Chris Pierson

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
July 01, 2024

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:32 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance of all communities impacted by hurricanes.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio, and Max White.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Tracy Stevens, Assistant City Manager; Dale Nannenga, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Sarmiento, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Jaime Lyn Gonzales, Community & Economic Vitality Manager; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Kimberly Moon, Engineering Director; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Stacy Swainston, Recreation Supervisor; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PRESENTATION ITEMS (DISCUSSION ONLY)

a. PROCLAMATION – PARK AND RECREATION MONTH

The Mayor and City Council read a proclamation recognizing July 2024 as Park and Recreation Month. This item was for discussion only.

3. UNSCHEDULED PUBLIC APPEARANCES

- Paul Lemmon was not present at the meeting; however, the City Clerk read the following public comment into the record: “The traffic on Avondale and Mc Dowell with construction is simply unacceptable. This is not the first time I have raised issue. It starts many years ago when city was to widen South Bound Avondale past Encanto. They never finished before school opened and then again they were to widen it to McDowell. That’s was never finished past Palm. Now the McDowell construction from Avondale to 119th, is moving into its 2nd year. Not sure why it’s a work zone, when they have only worked on it 4 days in last 3 months. I travel it twice a day. In the afternoon it’s normal to have East bound McDowell be backed up PAST Friendship

park. The only thing done everyday is replacement of all the cones knocked down daily. How can City accept this ? It seems strangely familiar to the 107th/ McDowell project couple years ago. What's more alarming is now you have signed off on another large project on South Side of McDowell. So will we once again spend multiple years restricting traffic? If you ask residents about the ability to transverse the city, a great deal of us are tired of constant project delays."

- Former Mayor Ron Drake agreed with Mr. Lemmon's comments. He then discussed several items within the city that he believes need the council's attention. Mr. Drake first discussed the damage to the wall on Encanto Blvd and how the degrading does not look good for the future of the city. He also addressed the need for code enforcement, noting the appearance of Walgreens and Sodalicious on 107th Avenue and Indian School Road as well as that business parking lots need to be cleaned up or addressed by Code Enforcement. Additional concerns noted included: A needle depository has been installed in the men's bathroom at the library, which is around children, when we should be protecting the children from this. The potential increased water usage with the approximate 2,000 units coming to Avondale Blvd. The need to increase economic development by adding restaurants and bringing tourism, including improving tourism advertising.
- Maribel Cono came before the Council to thank them for their assistance and continued support in the food distribution program, now known as Miltecayotl, to farm workers in the West Valley. She discussed the many ways council members have contributed or guided her to the appropriate resources that have provided clothing donations, USDA relief funds, and ESL education.

4. 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.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Council Member White requested agenda item 4g be removed for separate consideration. Motion was made by Vice Mayor Pineda, seconded by Council Member White, to approve the Consent Agenda with the exception of agenda item 4g.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the June 3, 2024 City Council meeting minutes.

b. AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THE CITY AUDITOR, BARBARA COPPAGE

City Council approved an amendment to the Employment Agreement with City Auditor, Barbara Coppage and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

c. AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THE CITY ATTORNEY, NICHOLLE HARRIS

City Council approved an amendment to the Employment Agreement with City Attorney, Nicholle Harris and authorize the Mayor, Special Legal Counsel and City Clerk to execute the necessary documents.

d. RESOLUTION 1076-0724 - SETTING THE FISCAL YEAR 2025 PRIMARY AND SECONDARY PROPERTY TAX

City Council adopted Resolution 1076-0724, setting the primary and secondary property tax levy for the fiscal year ending June 30, 2025 and authorized the Mayor, City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 1077-0724 - FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR WORKFORCE DEVELOPMENT SERVICES

City Council adopted Resolution 1077-0724 to amend the Intergovernmental Agreement (IGA) with the Maricopa County, Human Services Department, Workforce Development Division for the provision of workforce development services provided by the Workforce Development Coordinator and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. RESOLUTION 1078-0724 AUTHORIZING ACCEPTANCE OF PROPOSITION 302 FUNDS FROM ARIZONA OFFICE OF TOURISM

City Council a) adopted Resolution 1078-0724, accepting funding from the Arizona Office of Tourism for destination marketing organizations; b) authorize and direct staff to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution; and c) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. RESOLUTION 1079-0724 – ACCESSIBLE VEHICLE USE AGREEMENT BETWEEN THE CITY OF AVONDALE AND THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA) – TRANSFER OF ADA MINIVANS FOR WERIDE SERVICES

This item was pulled from the consent agenda for further discussion. Item is listed below in more detail.

h. MAP OF DEDICATION FOR ENTRADA – BROADWAY ROAD – APPLICATION PL-23-0168

City Council approved a request by Daniel Auxier of EPS Group Inc., on behalf of Tyler Champlin of Meritage Homes for (a) approval of Application PL-23-0168, a Map of Dedication for Entrada – Broadway Road, and (b) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

NOTE FROM THE CITY CLERK: THE FOLLOWING ITEM WAS PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY:

g. RESOLUTION 1079-0724 – ACCESSIBLE VEHICLE USE AGREEMENT BETWEEN THE CITY OF AVONDALE AND THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA) – TRANSFER OF ADA MINIVANS FOR WERIDE SERVICES

City Council was to consider a request to adopt Resolution 1079-0724 authorizing an Accessible Vehicle Use Agreement between the City of Avondale and the Regional Public Transportation Authority (RPTA) (Contract #106-29-2025-00-MT) relating to the transfer of ADA minivans from the RPTA to the City of Avondale for WeRIDE services, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Harold Siguenza, Public Works Assistant Director, discussed the ridership for WeRIDE with the expansion into South Avondale and the daily need for at least 10 vehicles to run daily for 10.5 hours. An overview of the current fleet of eight vehicles was provided, noting only half of them have one ADA compliant seat. Presently, WeRIDE contracted with Transdev to assist in meeting the demand for ridership. With this resolution, Valley Metro had four Chrysler Voyagers each equipped with one ADA compliant seat that they are no longer using and selected WeRIDE to have them. This would be at no cost to the city other than outfitting them and the cost of maintenance. In fact, the operating costs would decrease as there would no longer be a need to contract with Transdev.

Council Member White explained the importance of the public knowing that Avondale is accessible. He further noted a large percentage of WeRIDE ridership is to the medical corridor.

Council Member White moved to adopt Resolution 1079-0724 authorizing an Accessible Vehicle Use Agreement between the City of Avondale and the Regional Public Transportation Authority (RPTA) (Contract #106-29-2025-00-MT) relating to the transfer of ADA minivans from the RPTA to the City of Avondale for WeRIDE services, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

5. REGULAR AGENDA

a. **ORDINANCE 2017-0724 - AVONDALE FIRE STATION NO.171 - REZONING-APPLICATION PL-23-0349**

City Council held a public hearing and considered a request to adopt Ordinance 2017-0724, approving a City-initiated request to rezone approximately 1.8 gross acres of land located at the south of the southwest corner of Western Avenue and 6th Street from Multi-Family Residential (R-3) to Old Town Avondale Business District (OTAB). The rezoning of the property will allow for the development of a new Avondale Fire Station (No.171) that will replace the existing fire station.

Sylvia Willem, Planner with Development Services, provided an overview of Application PL-23-0349 to rezone the city-owned property from Multi-Family Residential R-3 to Old Town Avondale Business District (OTAB) public use to allow the current Avondale Fire Station No. 171.

The approximately 1.8-gross-acre site was annexed on December 15, 1946, and is located between 5th and 6th Streets facing Belmont Drive. The current use is the existing Avondale Fire Station No. 171. The zoning district to the north and east is OTAB, southeast corner is A-1, to the south and west, including the site in question is R-3. The General Plan designation on the property is Old Town with the same designation to the south, east, and north of Western Avenue, but north of the existing fire station is public civic open space and parks.

Th architectural renderings demonstrated roof height variations looking southwest from Western Avenue, incorporation of public art, vast landscaping, masonry walls with earth tones and gray accents depicting a modern design and promotion of pedestrian activities.

The OTAB zoning district is more suitable than R-3 for the existing and proposed use of the property. Public uses including utility buildings, structures and facilities, and equipment are permitted in OTAB zoning. Rezoning the property will bring it into conformance and enhance several goals in the General Plan. It is also compatible with Goals 1 and 5 within the Public Building Services Elements. The proposed rezoning results in compatible land use relationships, adequate public infrastructure for the proposed development that presently exists or will be constructed by the city.

A neighborhood meeting was held on April 9, 2024, at the Resource Center with one attendee from the public and two comments were received via email. In response to the questions received, there will be no additional trucks in the new fire station. The project is expected to go under construction in December 2024 and take a year to complete. The dormitory space provided will only be used by the firefighters, and this project has no effect on the Avondale Police Substation being constructed on 50 Northwest Felix Jr Way, adjacent to the Avondale Resource Center, which is currently under construction.

On June 26th, the Planning Commission meeting was held and passed a motion voting 6-0 to recommend approval of application PL-23-0349 and no questions were raised.

Mayor Weise opened the public hearing and did not receive any requests to speak. Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Solorio moved to adopt Ordinance 2017-0724 approving application PL-23-0349, a request to rezone approximately 1.8 gross acres of land located south of the southwest corner of Western Avenue and 6th Street from R-3 (Multi-Family Residential) to Old Town Avondale Business district (OTAB), subject to one (1) condition of approval as listed below; Council Member Malone seconded the motion.

- Development shall conform to the Old Town Avondale Business District (OTAB) zoning development standards.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

b. JUDICIAL ADVISORY BOARD RECOMMENDATION ON THE REAPPOINTMENT OF CRAIG L. JENNINGS AS THE PRESIDING JUDGE

City Council received a presentation from staff and the Chair of the Judicial Advisory Board regarding the reappointment of Craig L. Jennings as the Presiding Judge. This item was for presentation only.

The Honorable Judge John Burkholder, Chair of the Judicial Advisory Board, provided an overview of the process for reviewing a judge who is up for reappointment. Along with this process, Judge Burkholder provided some background information on Judge Jennings. A recommendation was made to the City Council to reappoint Craig L.

Jennings as the Presiding Judge of the Avondale Municipal Court for an additional two-year term.

There were no questions from the Council. Mayor Weise advised the City Council that additional discussion will occur within the executive session meeting.

6. ADJOURNMENT

There being no further business before the Council, Council Member Malone moved to adjourn the Regular Meeting into Executive Session pursuant to (ii) Ariz. Rev. Stat. § 38--431.03(A)(1) and (A)(3) for discussion of the evaluation and salary of the Presiding Judge; Council Member White seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

The meeting was adjourned at 6:26 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 1st day of July 2024. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Sarmiento, City Clerk

Date Approved by City Council

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ZOOM CLOUD MEETING PLATFORM
July 08, 2024

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 5:31 p.m. All participants attended by phone or video.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio, and Max White.

Note: All Council Members attended the meeting virtually.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Tracy Stevens, Assistant City Manager; Dale Nannenga, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Sarmiento, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Corey Larriva, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources Director; Kimberly Moon, Engineering Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 5 members of the public joined the online meeting.

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

Irene Vasquez submitted a request to speak; however, after speaking with staff, she withdrew her request.

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.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Solorio, seconded by Vice Mayor Pineda, to approve the Consent Agenda.

Upon vote, the motion was carried unanimously 6 to 0.

Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Council Member Conde had technical difficulties at the time of the vote.

a. MINUTES

City Council approved the June 17, 2024 City Council meeting minutes.

b. QUARTERLY BUDGET TRANSFER

City Council approved quarterly budget transfers as summarized in the attached Exhibit A, increase the award authority for the projects and authorized Finance and Budget Department staff to take the steps necessary to execute the transfers.

c. SERIES 12 (RESTAURANT) LIQUOR LICENSE - SUSHI LOVE

City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Reed Willaim Tomlinson for the sale of alcohol at Sushi Love located at 1721 North Dysart Road #A101 in Avondale and authorized the City Clerk to execute the necessary documents.

d. CONTRIBUTIONS ASSISTANCE PROGRAM FISCAL YEAR 2024-2025 FUNDING RECOMMENDATIONS

City Council approved the funding recommendations made by the City Council Subcommittee for distribution of the proposed \$200,000 Contributions Assistance Program fund and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. CONTRACT FOR SERVICES, LEASE AGREEMENT, AND ITEMIZED BUDGET – AREA AGENCY ON AGING FISCAL YEAR 2024 - 2025

City Council (a) approved a contract with Area Agency on Aging (AAA) for fiscal year 2024-2025 in the amount of \$418,429; (b) approved a Vehicle Lease Agreement in the amount of \$6; (c) adopted an itemized budget for the Senior Center Programs; (d) authorized a transfer of expenditure appropriations from the grant contingency account to provide the expenditure authority for these funds; and (e) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT WITH CRAIG L. JENNINGS (PRESIDING JUDGE)

City Council approved a Professional Services and Employment Agreement with Craig L. Jennings (Presiding Judge) and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. AMENDMENT TO THE PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT WITH RON CORBIN (CITY MANAGER)

City Council approved an amendment to the Professional Services and Employment Agreement with City Manager, Ron Corbin and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

h. ORTEGA RESIDENCE - MINOR LAND DIVISION - APPLICATION PL-23-0021

City Council approved a request by Francisco Bobadilla (on behalf of A & Sons Holdings LLC) for approval of a Minor Land Division subject to the following conditions of approval: the recorded Minor Land Division shall be in conformance with the Ortega Residence Minor Land Division date stamped July 8, 2024 and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The approximately 0.63-acre site is located at 12575 West Pioneer Street. The proposed Minor Land Division will dedicate a 25-foot public right-of-way along the north property line and an 8-foot public utility easement (P.U.E.) south of that right-of-way.

i. BOOTHROYD – MINOR LAND DIVISION - APPLICATION PL-23-0074

City Council approved a request by Keogh Engineering, Inc. (on behalf of Maria Boothroyd Del Rocio) for approval of a Minor Land Division subject to the following condition of approval: The recorded Minor Land Division shall be in conformance with the Boothroyd Minor Land Division date stamped on July 8, 2024 (Exhibit D) and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The approximately 1.86-acre site is located approximately 462 feet east of the northeast corner of Central Avenue and Lower Buckeye Road. The proposed Minor Land Division will split the property into two (2) parcels, and dedicate right-of-way and a public utility easement (P.U.E.) along Lower Buckeye Road.

4. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Regular Meeting; Council Member White seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

The meeting was adjourned at 5:35 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 8th day of July 2024. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Sarmiento, City Clerk

Date Approved by City Council

ITEM NUMBER: 3.b.

SUBJECT: City Council Meeting Schedule for 2025

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other.

Public meetings are just one outlet for residents to connect with the City Council.

PURPOSE:

City Council will consider a request to approve the 2025 City Council Meeting Schedule and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

According to the Council Rules of Procedure, City Council shall approve the upcoming year's meeting schedule prior to the end of each calendar year. According to the Avondale City Charter Article II §12, City Council shall conduct two meetings a month. If a change in approved meeting time or place shall be made, the City Clerk shall take appropriate action to publicly announce the change and publish a seven-day notice as required in the Avondale Charter Article II §12.

DISCUSSION:

The 2025 City Council meeting calendar provides for a summer break. The stand-alone Work Session meetings are not included on the schedule but may be added throughout the year on an as-needed basis.

All scheduled meetings will begin at 5:30 p.m.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff is recommending City Council approve the presented 2025 City Council Meeting Schedule.

Contact person for document distribution: n/a

2025 COUNCIL CALENDAR

with holidays and conferences

Approval Date: PENDING APPROVAL

Jan-25						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Jan 1 - New Year's Day
Jan 20 - MLK Jr. Day
Jan 22-24 - ACMA Winter Conf.

Feb-25						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

Feb 9 - Super Bowl
Feb 17 - Presidents' Day

Mar-25						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Mar 10-12 - NLC Conf. (Washington)

Apr-25						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May-25						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

May 26 - Memorial Day

Jun-25						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Jun 19 - Juneteenth

Jul-25						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

July 4 - Independence Day
July 14 - Virtual Mtg - **Consent Items ONLY**
July - ACMA Summer Conf. (Date TBD)

Aug-25						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Aug 18 - Virtual Mtg - **Consent Items ONLY**
Aug - League Annual Conf. (Date TBD)

Sep-25						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Sept 1 - Labor Day

Oct-25						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Oct 31 - Halloween (not observed)
Oct 25 - 29 - ICMA Annual Conf. (Florida)

Nov-25						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Nov 11 - Veterans' Day
Nov 19 - 22 - NLC Cities Summit (Utah)
Nov 27 - Thanksgiving Day
Nov 28 - Day After Thanksgiving

Dec-25						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Dec 24 - Christmas Eve (not observed)
Dec 25 - Christmas Day
Dec 31 - New Year's Eve (not observed)

	Conferences	NOTE: ALL PUBLIC HEARINGS SHOULD HAVE A PUBLISHED START TIME OF 5:30 P.M.
	Council Meeting	
	Holidays	
Spring Break Dates: March 10-14 (Avondale Elem., Agua Fria HS, Littleton, Pendergast Elm., Tolleson Union HS, Estrella Mountain Comm. College)		

CITY OF AVONDALE
2025 COUNCIL MEETING SCHEDULE

NOTICE IS HEREBY GIVEN to the general public that the following is the schedule of City Council meetings for the 2025 calendar year. Agendas are available 24 hours in advance of each meeting in the Office of the City Clerk, at 11465 West Civic Center Drive, Avondale, Arizona, Monday through Thursday, between the hours of 7:00 a.m. to 6:00 p.m. or online at www.avondaleaz.gov/councilmeeting.

Note: All City Council meetings will begin at **5:30 p.m.** in the Council Chamber unless otherwise noted.

Month	2025 City Council Meeting Schedule Meeting Location: City Hall - Council Chamber 11465 West Civic Center Drive, Avondale, Arizona 85323
January	January 6, 2025
	January 27, 2025
February	February 10, 2025
	February 24, 2025
March	March 3, 2025
	March 24, 2025
April	April 7, 2025
	April 21, 2025
May	May 5, 2025
	May 19, 2025
June	June 2, 2025
	June 16, 2025
July	July 7, 2025
	July 14, 2025 <i>*Virtual Meeting – Consent items ONLY</i>
August	August 18, 2025 <i>*Virtual Meeting – Consent items ONLY</i>
	August 25, 2025
September	September 8, 2025
	September 22, 2025
October	October 6, 2025
	October 20, 2025
November	November 3, 2025
	November 17, 2025
December	December 1, 2025
	December 15, 2025

**Virtual Meeting – The noted City Council meeting will be hosted virtually with no public hearings.
Please visit www.avondaleaz.gov/councilmeeting for instructions on joining the meeting.*

Council Members of the City of Avondale will attend either in person or by telephone conference call. Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica.

Accommodations for Individuals with Disabilities. 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. **Alojamiento para Personas incapacitadas.** 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: 3.c.

SUBJECT: Fiscal Year 2024 End of Year Budget Transfer and Fiscal Year 2025 Public Art Budget Transfer

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Renee Weatheress, Finance and Budget Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government. This action will help ensure flexibility within the budget, allowing the city to further innovate.
-

PURPOSE:

City Council will consider a request to: a) approve budget transfers as summarized in the attached Exhibit A; b) facilitate items by increasing the award authority for these items; and c) authorize Finance and Budget Department staff to take the steps necessary to execute the transfers. The Council will take appropriate action.

BACKGROUND:

Per the city's adopted Comprehensive Financial Policies, budget transfers between departments, between funds, from budget contingency, and between capital projects greater than \$50,000 require council approval.

DISCUSSION:

a. Transfer from Sewer PRO Bond Construction to General Obligation 2025 Bond Construction – The city is currently designing an expansion to the city's Water Reclamation Facility. The intention is to use bonds to pay for the design and construction of the facility. During the FY2025 budget process, staff recommended using General Obligation bonds, utilizing outstanding voter authorization, to pay for the initial design and construction of the expansion instead of Sewer Pledged Revenue Obligation Bonds. Staff anticipates issuing General Obligation bonds in FY2025. The proposed budget transfer will enable expenses that occurred late in FY2024 (up to \$240,000) to be covered by that planned bond issuance.

b. Solid Waste Budget – The Public Works Department exceeded the FY2024 budget in the Solid Waste fund by approximately \$200,100 due to higher than anticipated overtime and recycling costs and requires a transfer from the contingency appropriation. Use of contingency funds must be approved by City Council.

c. Public Art Budget – The city Public Art Fund has a projected fund balance of \$535,298. The current FY2025 budget is \$94,900. To ensure the city has the capacity to fully invest in public art, staff recommends increasing the budget by \$440,000 to fully appropriate the resources already collected for public art.

BUDGET IMPACT:

The proposed budget transfers for the Water Reclamation Facility will ensure expenses in FY2024 will be able to be reimbursed with the planned issuance of General Obligation bonds. The contingency appropriation utilized for the Solid Waste fund budget transfer is backed by reserves, so these budget transfers will reduce the fund balance available for one-time items. The transfer from unanticipated revenue to the Public Art fund will provide the spending authority needed in the Public Art fund to allow spending of resources previously collected for public art.

RECOMMENDATION:

Staff recommends that City Council approve the transfer of budget capacity listed in the attached Exhibit A and increase the award authority for the projects mentioned above.

Contact person for document distribution: Christina Baker

Exhibit A: Budget Transfer Schedule - August 19, 2024

Transfer	From Account	From Account Description	To Account	To Account Description	Amount	Notes
(a)	54470900-80000	Sewer PRO Bond Construction	33270900-80000	General Obligation 2025 Bond Construction	240,000	FY2024
(b)	56190000-99000	Solid Waste Fund Contingency	56170310-Various	Solid Waste Budget	200,100	FY2024
(c)	28090000-69000	Unanticipated Special Revenue	2075503-80000	Public Art Fund	440,000	FY2025

ITEM NUMBER: 3.d.

SUBJECT: Resolution 1080-0824 - Canvass of Votes for the July 30, 2024 Primary Election

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.
-

PURPOSE:

City Council will consider a request to adopt Resolution 1080-0824, canvassing the results of the July 30, 2024 Primary Election and authorize the City Clerk to issue Certificates of Election. The Council will take appropriate action.

BACKGROUND:

On January 22, 2024, the City Council approved the Call and Notice of Election for a Primary Election to be held on August 6, 2024. On February 9, 2024, Governor Katie Hobbs signed House Bill 2785 which changed the primary election date to July 30, 2024. On February 26, 2024, the City Council approved the amended Call and Notice of Election changing primary election day to July 30, 2024. The Council authorized the City Clerk and the City Attorney to take all action necessary to conduct the election.

On July 30, 2024, a primary election was conducted by Maricopa County Elections.

Pursuant to Arizona Revised Statutes § 16-642, City Council must meet and canvass for the primary election held on July 30, 2024. The canvass is the act that declares the election results official. The State Statute requires the canvass be completed not less than six days, and not more than twenty days, following the election. The deadline for this action is August 19, 2024.

DISCUSSION:

The Final Results, as published in the Summary Report by Maricopa County, are as follows:

**CANDIDATE NAME
MAYOR (1 SEAT)****TOTAL #
OF VOTES**

- | | |
|-------------------|---------|
| • Veronica Malone | • 3,208 |
| • Mike Pineda | • 4,248 |

**CANDIDATE NAME
COUNCIL MEMBER (3 SEATS)****TOTAL #
OF VOTES**

- | | |
|--------------------------------------|---------|
| • Natosha Edmonds | • 3,374 |
| • Jeannette Garcia | • 3,980 |
| • Gloria Solorio | • 4,436 |
| • Shari Weise | • 4,256 |
| • Manny Murillo (write-in candidate) | • 63 |

The following candidates are declared elected and will be issued Certificates of Election.

MAYOR

- Mike Pineda

COUNCIL MEMBER

- Jeannette Garcia
- Gloria Solorio
- Shari Weise

Pursuant to the Avondale City Charter, any candidate who receives a majority of all the votes cast shall be declared elected, and no further election will be held; therefore, a General Election will not occur.

BUDGET IMPACT:

Adopting the results of the election is statutorily required and does not have a direct impact on the budget.

RECOMMENDATION:

Staff is recommending the City Council adopt a Resolution canvassing the results of the July 30, 2024, Primary Election and authorize the City Clerk to issue certificates of election.

Contact person for document distribution: n/a

CERTIFICATE OF ELECTION

STATE OF ARIZONA
COUNTY OF MARICOPA
CITY OF AVONDALE

} SS
}

I, Marcella Sarmiento, City Clerk of the City of Avondale, County of Maricopa, State of Arizona, do hereby certify that at the Primary Election held in and for the City of Avondale, on the 30th day of July 2024,

Mike Pineda

was duly elected to the office of Mayor of the City of Avondale, County of Maricopa, State of Arizona as reflected in the official returns approved by the Avondale City Council on August 19, 2024.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the City of Avondale this 19th day of August 2024.

Marcella Sarmiento, City Clerk

CERTIFICATE OF ELECTION

STATE OF ARIZONA
COUNTY OF MARICOPA
CITY OF AVONDALE

} SS
}

I, Marcella Sarmiento, City Clerk of the City of Avondale, County of Maricopa, State of Arizona, do hereby certify that at the Primary Election held in and for the City of Avondale, on the 30th day of July 2024,

Jeannette Garcia

was duly elected to the office of Councilmember of the City of Avondale, County of Maricopa, State of Arizona as reflected in the official returns approved by the Avondale City Council on August 19, 2024.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the City of Avondale this 19th day of August 2024.

Marcella Sarmiento, City Clerk

CERTIFICATE OF ELECTION

STATE OF ARIZONA
COUNTY OF MARICOPA
CITY OF AVONDALE

} SS
}

I, Marcella Sarmiento, City Clerk of the City of Avondale, County of Maricopa, State of Arizona, do hereby certify that at the Primary Election held in and for the City of Avondale, on the 30th day of July 2024,

Gloria Solorio

was duly elected to the office of Councilmember of the City of Avondale, County of Maricopa, State of Arizona as reflected in the official returns approved by the Avondale City Council on August 19, 2024.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the City of Avondale this 19th day of August 2024.

Marcella Sarmiento, City Clerk

CERTIFICATE OF ELECTION

STATE OF ARIZONA
COUNTY OF MARICOPA
CITY OF AVONDALE

} SS
}

I, Marcella Sarmiento, City Clerk of the City of Avondale, County of Maricopa, State of Arizona, do hereby certify that at the Primary Election held in and for the City of Avondale, on the 30th day of July 2024,

Shari Weise

was duly elected to the office of Councilmember of the City of Avondale, County of Maricopa, State of Arizona as reflected in the official returns approved by the Avondale City Council on August 19, 2024.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the City of Avondale this 19th day of August 2024.

Marcella Sarmiento, City Clerk

RESOLUTION NO. 1080-0824

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE
PRIMARY ELECTION HELD ON JULY 30, 2024.

WHEREAS, the City of Avondale (the “City”), Arizona, held a primary election on July 30, 2024 (the “Election”) for the nomination/election of the Mayor and three Council Members; and

WHEREAS, the Election returns which are attached hereto, have been presented to, and have been canvassed by, the City Council.

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 (i) number of active registered voters, (ii) titles of the offices voted for and the names of each person voted for to fill each office, (iii) number of ballots cast in each precinct, (iv) number of votes cast in each precinct, and (v) number of votes by precinct received by each candidate, as reported by Maricopa County, Arizona, are attached hereto as Exhibit A, Election Results and incorporated herein by reference.

SECTION 3. The number of rejected ballots by precinct, as reported by Maricopa County, are set forth on Exhibit B, Early Voting Rejections and Provisional Totals by Precinct Canvass, attached and incorporated herein by reference.

SECTION 4. The total number of registered voters was 41,323; the total number of ballots cast at the Election, as shown by the polls lists, was 7,837; the total rate of return was 18.97%.

SECTION 5. The votes cast for the candidates for Mayor were as follows:

Malone, Veronica	3,208
Pineda, Mike	4,248

SECTION 6. It is hereby found, determined and declared of record that Mike Pineda (i) received the majority of valid votes cast at the Election for Mayor, and (ii) shall be issued a certificate of election by the City Clerk.

SECTION 7. The votes cast for the candidates for Council Member were as follows:

Edmonds, Natosha	3,374
Garcia, Jeannette	3,980
Solorio, Gloria	4,436
Weise, Shari	4,256
Murillo, Manny	63

SECTION 8. It is hereby found, determined and declared of record that Jeanette Garcia, Gloria Solorio, and Shari Weise (i) received the majority of valid votes cast at the Election for Council Member, and (ii) shall be issued certificates of election by the City Clerk.

SECTION 9. This Resolution shall be in full force and effect immediately upon its adoption; a certified permanent copy of which shall be filed with the City Clerk, who shall maintain it as a permanent record.

SECTION 10. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION 1080-0824

[Election Results]

See following pages.

**Maricopa County
PRIMARY ELECTION
JULY 30, 2024**

**FINAL OFFICIAL RESULTS
AVONDALE**

Elector Group	Counting Group	Voters Cast	Registered Voters	Turnout
DEM	EARLY VOTE	4,198	14,997	27.99%
	ELECTION DAY	271		1.81%
	PROVISIONAL	6		0.04%
	Total	4,475		29.84%
REP	EARLY VOTE	2,805	9,008	31.14%
	ELECTION DAY	429		4.76%
	PROVISIONAL	4		0.04%
	Total	3,238		35.95%
LBT	EARLY VOTE	20	309	6.47%
	ELECTION DAY	1		0.32%
	PROVISIONAL	0		0.00%
	Total	21		6.80%
GRN	EARLY VOTE	1	30	3.33%
	ELECTION DAY	0		0.00%
	PROVISIONAL	0		0.00%
	Total	1		3.33%
NOL	EARLY VOTE	25	499	5.01%
	ELECTION DAY	3		0.60%
	PROVISIONAL	0		0.00%
	Total	28		5.61%
NON	EARLY VOTE	52	16,480	0.32%
	ELECTION DAY	22		0.13%
	PROVISIONAL	0		0.00%
	Total	74		0.45%
Total	EARLY VOTE	7,101	41,323	17.18%
	ELECTION DAY	726		1.76%
	PROVISIONAL	10		0.02%
	Total	7,837		18.97%

Voters Cast: 7,837 of 41,323 (18.97%)

Avondale-Mayor (Vote for 1)

		Total	
Times Cast		7,837 / 41,323	18.97%
Undervotes		346	
Overvotes		11	
Candidate	Party	Total	
MALONE, VERONICA	NON	3,208	42.89%
PINEDA, MIKE	NON	4,248	56.79%
Write-in		24	0.32%
Total Votes		7,480	

Avondale-Councilmember (Vote for 3)

		Total	
Times Cast		7,837 / 41,323	18.97%
Undervotes		7,341	
Overvotes		15	
Candidate	Party	Total	
EDMONDS, NATOSHA	NON	3,374	20.89%
GARCIA, JEANNETTE	NON	3,980	24.64%
SOLORIO, GLORIA	NON	4,436	27.46%
WEISE, SHARI	NON	4,256	26.34%
Write-in		109	0.67%
Total Votes		16,155	
		Total	
MURILLO, MANNY	WRITE-IN	63	0.39%
NOT QUALIFIED 1	WRITE-IN	29	0.18%
NOT QUALIFIED 2	WRITE-IN	9	0.06%
NOT QUALIFIED 3	WRITE-IN	7	0.04%

FINAL STATEMENT OF VOTES CAST
 Primary Election
 Maricopa County
 July 30, 2024

AVONDALE

Precinct	Registered Voters	Voters Cast	% Turnout
County			
Electionwide			
0018 ALVARADO			
EARLY VOTE	1,708	241	14.11%
ELECTION DAY	1,708	22	1.29%
PROVISIONAL	1,708	0	0.00%
Total	1,708	263	15.40%
0045 AVONDALE			
EARLY VOTE	1,901	246	12.94%
ELECTION DAY	1,901	23	1.21%
PROVISIONAL	1,901	0	0.00%
Total	1,901	269	14.15%
0146 COLDWATER RIDGE			
EARLY VOTE	4,078	568	13.93%
ELECTION DAY	4,078	60	1.47%
PROVISIONAL	4,078	1	0.02%
Total	4,078	629	15.42%
0189 CRYSTAL GARDENS			
EARLY VOTE	4,862	919	18.90%
ELECTION DAY	4,862	87	1.79%
PROVISIONAL	4,862	0	0.00%
Total	4,862	1,006	20.69%
0224 DESSIE			
EARLY VOTE	2,754	348	12.64%
ELECTION DAY	2,754	38	1.38%
PROVISIONAL	2,754	2	0.07%
Total	2,754	388	14.09%

Precinct	Registered Voters	Voters Cast	% Turnout
0225 DEVONSHIRE			
EARLY VOTE	4,938	1,202	24.34%
ELECTION DAY	4,938	101	2.05%
PROVISIONAL	4,938	0	0.00%
Total	4,938	1,303	26.39%
0345 HADLEY			
EARLY VOTE	3,006	412	13.71%
ELECTION DAY	3,006	43	1.43%
PROVISIONAL	3,006	0	0.00%
Total	3,006	455	15.14%
0426 LA REATA			
EARLY VOTE	1,973	495	25.09%
ELECTION DAY	1,973	40	2.03%
PROVISIONAL	1,973	2	0.10%
Total	1,973	537	27.22%
0595 ORME			
EARLY VOTE	4,261	718	16.85%
ELECTION DAY	4,261	85	1.99%
PROVISIONAL	4,261	0	0.00%
Total	4,261	803	18.85%
0607 PALMBROOK			
EARLY VOTE	3,317	661	19.93%
ELECTION DAY	3,317	85	2.56%
PROVISIONAL	3,317	2	0.06%
Total	3,317	748	22.55%
0669 QUENTIN			
EARLY VOTE	3,116	384	12.32%
ELECTION DAY	3,116	40	1.28%
PROVISIONAL	3,116	2	0.06%
Total	3,116	426	13.67%
0705 ROMA PARK			
EARLY VOTE	582	77	13.23%
ELECTION DAY	582	2	0.34%
PROVISIONAL	582	0	0.00%
Total	582	79	13.57%

Precinct	Registered Voters	Voters Cast	% Turnout
0731 SANTA FE			
EARLY VOTE	2,036	457	22.45%
ELECTION DAY	2,036	51	2.50%
PROVISIONAL	2,036	1	0.05%
Total	2,036	509	25.00%
0885 WARNER			
EARLY VOTE	2,791	373	13.36%
ELECTION DAY	2,791	49	1.76%
PROVISIONAL	2,791	0	0.00%
Total	2,791	422	15.12%
Electionwide - Total	41,323	7,837	18.97%
County - Total	41,323	7,837	18.97%
EARLY VOTE	41,323	7,101	17.18%
ELECTION DAY	41,323	726	1.76%
PROVISIONAL	41,323	10	0.02%

Avondale-Mayor (Vote for 1) **** - Insufficient Turnout to Protect Voter Privacy

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes
County				
Electionwide				
0018 ALVARADO				
EARLY VOTE	241	1,708	17	0
ELECTION DAY	22	1,708	5	0
PROVISIONAL	0	1,708	0	0
Total	263	1,708	22	0
0045 AVONDALE				
EARLY VOTE	246	1,901	8	1
ELECTION DAY	23	1,901	1	0
PROVISIONAL	0	1,901	0	0
Total	269	1,901	9	1
0146 COLDWATER RIDGE				
EARLY VOTE	568	4,078	12	0
ELECTION DAY	60	4,078	0	0
PROVISIONAL	1	4,078	****	****
Total	629	4,078	12	0
0189 CRYSTAL GARDENS				
EARLY VOTE	919	4,862	38	0
ELECTION DAY	87	4,862	5	0
PROVISIONAL	0	4,862	0	0
Total	1,006	4,862	43	0
0224 DESSIE				
EARLY VOTE	348	2,754	14	1
ELECTION DAY	38	2,754	3	0
PROVISIONAL	2	2,754	****	****
Total	388	2,754	17	1

Precinct	MALONE, VERONICA (NON)	PINEDA, MIKE (NON)
County		
Electionwide		
0018 ALVARADO		
EARLY VOTE	88 39.29%	136 60.71%
ELECTION DAY	8 47.06%	9 52.94%
PROVISIONAL	0	0
Total	96 39.83%	145 60.17%
0045 AVONDALE		
EARLY VOTE	102 43.04%	134 56.54%
ELECTION DAY	10 45.45%	12 54.55%
PROVISIONAL	0	0
Total	112 43.24%	146 56.37%
0146 COLDWATER RIDGE		
EARLY VOTE	270 48.56%	286 51.44%
ELECTION DAY	31 51.67%	29 48.33%
PROVISIONAL	****	****
Total	301 48.78%	316 51.22%
0189 CRYSTAL GARDENS		
EARLY VOTE	358 40.64%	522 59.25%
ELECTION DAY	28 34.15%	54 65.85%
PROVISIONAL	0	0
Total	386 40.08%	576 59.81%
0224 DESSIE		
EARLY VOTE	153 45.95%	179 53.75%
ELECTION DAY	19 54.29%	16 45.71%
PROVISIONAL	****	****
Total	174 47.03%	195 52.70%

Precinct	Write-in		Total Votes
County			
Electionwide			
0018 ALVARADO			
EARLY VOTE	0	0.00%	224
ELECTION DAY	0	0.00%	17
PROVISIONAL	0		0
Total	0	0.00%	241
0045 AVONDALE			
EARLY VOTE	1	0.42%	237
ELECTION DAY	0	0.00%	22
PROVISIONAL	0		0
Total	1	0.39%	259
0146 COLDWATER RIDGE			
EARLY VOTE	0	0.00%	556
ELECTION DAY	0	0.00%	60
PROVISIONAL	****	****	****
Total	0	0.00%	617
0189 CRYSTAL GARDENS			
EARLY VOTE	1	0.11%	881
ELECTION DAY	0	0.00%	82
PROVISIONAL	0		0
Total	1	0.10%	963
0224 DESSIE			
EARLY VOTE	1	0.30%	333
ELECTION DAY	0	0.00%	35
PROVISIONAL	****	****	****
Total	1	0.27%	370

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes
0225 DEVONSHIRE				
EARLY VOTE	1,202	4,938	68	2
ELECTION DAY	101	4,938	7	0
PROVISIONAL	0	4,938	0	0
Total	1,303	4,938	75	2
0345 HADLEY				
EARLY VOTE	412	3,006	15	0
ELECTION DAY	43	3,006	4	0
PROVISIONAL	0	3,006	0	0
Total	455	3,006	19	0
0426 LA REATA				
EARLY VOTE	495	1,973	29	2
ELECTION DAY	40	1,973	1	1
PROVISIONAL	2	1,973	****	****
Total	537	1,973	30	3
0595 ORME				
EARLY VOTE	718	4,261	21	0
ELECTION DAY	85	4,261	1	0
PROVISIONAL	0	4,261	0	0
Total	803	4,261	22	0
0607 PALMBROOK				
EARLY VOTE	661	3,317	37	1
ELECTION DAY	85	3,317	5	0
PROVISIONAL	2	3,317	****	****
Total	748	3,317	42	1
0669 QUENTIN				
EARLY VOTE	384	3,116	13	2
ELECTION DAY	40	3,116	3	0
PROVISIONAL	2	3,116	****	****
Total	426	3,116	16	2

Precinct	MALONE, VERONICA (NON)		PINEDA, MIKE (NON)	
0225 DEVONSHIRE				
EARLY VOTE	474	41.87%	657	58.04%
ELECTION DAY	31	32.98%	63	67.02%
PROVISIONAL	0		0	
Total	505	41.19%	720	58.73%
0345 HADLEY				
EARLY VOTE	206	51.89%	189	47.61%
ELECTION DAY	18	46.15%	21	53.85%
PROVISIONAL	0		0	
Total	224	51.38%	210	48.17%
0426 LA REATA				
EARLY VOTE	174	37.50%	287	61.85%
ELECTION DAY	18	47.37%	20	52.63%
PROVISIONAL	****	****	****	****
Total	192	38.10%	309	61.31%
0595 ORME				
EARLY VOTE	271	38.88%	424	60.83%
ELECTION DAY	31	36.90%	52	61.90%
PROVISIONAL	0		0	
Total	302	38.67%	476	60.95%
0607 PALMBROOK				
EARLY VOTE	245	39.33%	372	59.71%
ELECTION DAY	32	40.00%	48	60.00%
PROVISIONAL	****	****	****	****
Total	278	39.43%	421	59.72%
0669 QUENTIN				
EARLY VOTE	177	47.97%	192	52.03%
ELECTION DAY	15	40.54%	22	59.46%
PROVISIONAL	****	****	****	****
Total	193	47.30%	215	52.70%

Precinct	Write-in		Total Votes
0225 DEVONSHIRE			
EARLY VOTE	1	0.09%	1,132
ELECTION DAY	0	0.00%	94
PROVISIONAL	0		0
Total	1	0.08%	1,226
0345 HADLEY			
EARLY VOTE	2	0.50%	397
ELECTION DAY	0	0.00%	39
PROVISIONAL	0		0
Total	2	0.46%	436
0426 LA REATA			
EARLY VOTE	3	0.65%	464
ELECTION DAY	0	0.00%	38
PROVISIONAL	****	****	****
Total	3	0.60%	504
0595 ORME			
EARLY VOTE	2	0.29%	697
ELECTION DAY	1	1.19%	84
PROVISIONAL	0		0
Total	3	0.38%	781
0607 PALMBROOK			
EARLY VOTE	6	0.96%	623
ELECTION DAY	0	0.00%	80
PROVISIONAL	****	****	****
Total	6	0.85%	705
0669 QUENTIN			
EARLY VOTE	0	0.00%	369
ELECTION DAY	0	0.00%	37
PROVISIONAL	****	****	****
Total	0	0.00%	408

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes
0705 ROMA PARK				
EARLY VOTE	77	582	2	1
ELECTION DAY	2	582	****	****
PROVISIONAL	0	582	0	0
Total	79	582	2	1
0731 SANTA FE				
EARLY VOTE	457	2,036	21	0
ELECTION DAY	51	2,036	1	0
PROVISIONAL	1	2,036	****	****
Total	509	2,036	23	0
0885 WARNER				
EARLY VOTE	373	2,791	11	0
ELECTION DAY	49	2,791	3	0
PROVISIONAL	0	2,791	0	0
Total	422	2,791	14	0
Electionwide - Total	7,837	41,323	346	11
County - Total	7,837	41,323	346	11

Precinct	MALONE, VERONICA (NON)		PINEDA, MIKE (NON)	
0705 ROMA PARK				
EARLY VOTE	37	50.00%	37	50.00%
ELECTION DAY	****	****	****	****
PROVISIONAL	0		0	
Total	38	50.00%	38	50.00%
0731 SANTA FE				
EARLY VOTE	188	43.12%	243	55.73%
ELECTION DAY	26	52.00%	24	48.00%
PROVISIONAL	****	****	****	****
Total	214	44.03%	267	54.94%
0885 WARNER				
EARLY VOTE	173	47.79%	189	52.21%
ELECTION DAY	20	43.48%	25	54.35%
PROVISIONAL	0		0	
Total	193	47.30%	214	52.45%
Electionwide - Total	3,208	42.89%	4,248	56.79%
County - Total	3,208	42.89%	4,248	56.79%

Precinct	Write-in		Total Votes
0705 ROMA PARK			
EARLY VOTE	0	0.00%	74
ELECTION DAY	****	****	****
PROVISIONAL	0		0
Total	0	0.00%	76
0731 SANTA FE			
EARLY VOTE	5	1.15%	436
ELECTION DAY	0	0.00%	50
PROVISIONAL	****	****	****
Total	5	1.03%	486
0885 WARNER			
EARLY VOTE	0	0.00%	362
ELECTION DAY	1	2.17%	46
PROVISIONAL	0		0
Total	1	0.25%	408
Electionwide - Total	24	0.32%	7,480
County - Total	24	0.32%	7,480

Avondale-Councilmember (Vote for 3) **** - Insufficient Turnout to Protect Voter Privacy

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes
County				
Electionwide				
0018 ALVARADO				
EARLY VOTE	241	1,708	245	0
ELECTION DAY	22	1,708	35	0
PROVISIONAL	0	1,708	0	0
Total	263	1,708	280	0
0045 AVONDALE				
EARLY VOTE	246	1,901	221	0
ELECTION DAY	23	1,901	22	0
PROVISIONAL	0	1,901	0	0
Total	269	1,901	243	0
0146 COLDWATER RIDGE				
EARLY VOTE	568	4,078	418	3
ELECTION DAY	60	4,078	60	0
PROVISIONAL	1	4,078	****	****
Total	629	4,078	480	3
0189 CRYSTAL GARDENS				
EARLY VOTE	919	4,862	820	0
ELECTION DAY	87	4,862	106	3
PROVISIONAL	0	4,862	0	0
Total	1,006	4,862	926	3
0224 DESSIE				
EARLY VOTE	348	2,754	333	0
ELECTION DAY	38	2,754	40	3
PROVISIONAL	2	2,754	****	****
Total	388	2,754	379	3

Precinct	EDMONDS, NATOSHA (NON)		GARCIA, JEANNETTE (NON)	
County				
Electionwide				
0018 ALVARADO				
EARLY VOTE	118	24.69%	116	24.27%
ELECTION DAY	8	25.81%	8	25.81%
PROVISIONAL	0		0	
Total	126	24.75%	124	24.36%
0045 AVONDALE				
EARLY VOTE	91	17.60%	147	28.43%
ELECTION DAY	13	27.66%	10	21.28%
PROVISIONAL	0		0	
Total	104	18.44%	157	27.84%
0146 COLDWATER RIDGE				
EARLY VOTE	282	21.98%	294	22.92%
ELECTION DAY	30	25.00%	32	26.67%
PROVISIONAL	****	****	****	****
Total	312	22.22%	327	23.29%
0189 CRYSTAL GARDENS				
EARLY VOTE	382	19.72%	493	25.45%
ELECTION DAY	29	19.08%	38	25.00%
PROVISIONAL	0		0	
Total	411	19.67%	531	25.42%
0224 DESSIE				
EARLY VOTE	134	18.85%	222	31.22%
ELECTION DAY	9	12.68%	17	23.94%
PROVISIONAL	****	****	****	****
Total	143	18.29%	239	30.56%

Precinct	SOLORIO, GLORIA (NON)		WEISE, SHARI (NON)		Write-in		Total Votes	MURILLO, MANNY Qualified Write In		*NOT QUALIFIED 1* Qualified Write In	*NOT QUALIFIED 2* Qualified Write In		
County													
Electionwide													
0018 ALVARADO													
EARLY VOTE	135	28.24%	106	22.18%	3	0.63%	478	2	0.42%	1	0.21%	0	0.00%
ELECTION DAY	9	29.03%	6	19.35%	0	0.00%	31	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	0		0		0		0	0		0		0	
Total	144	28.29%	112	22.00%	3	0.59%	509	2	0.39%	1	0.20%	0	0.00%
0045 AVONDALE													
EARLY VOTE	139	26.89%	127	24.56%	13	2.51%	517	7	1.35%	2	0.39%	2	0.39%
ELECTION DAY	13	27.66%	11	23.40%	0	0.00%	47	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	0		0		0		0	0		0		0	
Total	152	26.95%	138	24.47%	13	2.30%	564	7	1.24%	2	0.35%	2	0.35%
0146 COLDWATER RIDGE													
EARLY VOTE	378	29.46%	319	24.86%	10	0.78%	1,283	8	0.62%	2	0.16%	0	0.00%
ELECTION DAY	33	27.50%	24	20.00%	1	0.83%	120	1	0.83%	0	0.00%	0	0.00%
PROVISIONAL	****	****	****	****	****	****	****	****	****	****	****	****	****
Total	411	29.27%	343	24.43%	11	0.78%	1,404	9	0.64%	2	0.14%	0	0.00%
0189 CRYSTAL GARDENS													
EARLY VOTE	556	28.70%	501	25.86%	5	0.26%	1,937	4	0.21%	1	0.05%	0	0.00%
ELECTION DAY	38	25.00%	47	30.92%	0	0.00%	152	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	0		0		0		0	0		0		0	
Total	594	28.43%	548	26.23%	5	0.24%	2,089	4	0.19%	1	0.05%	0	0.00%
0224 DESSIE													
EARLY VOTE	200	28.13%	142	19.97%	13	1.83%	711	9	1.27%	2	0.28%	1	0.14%
ELECTION DAY	28	39.44%	16	22.54%	1	1.41%	71	1	1.41%	0	0.00%	0	0.00%
PROVISIONAL	****	****	****	****	****	****	****	****	****	****	****	****	****
Total	228	29.16%	158	20.20%	14	1.79%	782	10	1.28%	2	0.26%	1	0.13%

Precinct	*NOT QUALIFIED 3*	Qualified Write In
County		
Electionwide		
0018 ALVARADO		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	0	
Total	0	0.00%
0045 AVONDALE		
EARLY VOTE	2	0.39%
ELECTION DAY	0	0.00%
PROVISIONAL	0	
Total	2	0.35%
0146 COLDWATER RIDGE		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	****	****
Total	0	0.00%
0189 CRYSTAL GARDENS		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	0	
Total	0	0.00%
0224 DESSIE		
EARLY VOTE	1	0.14%
ELECTION DAY	0	0.00%
PROVISIONAL	****	****
Total	1	0.13%

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes
0225 DEVONSHIRE				
EARLY VOTE	1,202	4,938	1,192	0
ELECTION DAY	101	4,938	131	0
PROVISIONAL	0	4,938	0	0
Total	1,303	4,938	1,323	0
0345 HADLEY				
EARLY VOTE	412	3,006	409	0
ELECTION DAY	43	3,006	55	0
PROVISIONAL	0	3,006	0	0
Total	455	3,006	464	0
0426 LA REATA				
EARLY VOTE	495	1,973	438	3
ELECTION DAY	40	1,973	43	0
PROVISIONAL	2	1,973	****	****
Total	537	1,973	483	3
0595 ORME				
EARLY VOTE	718	4,261	673	0
ELECTION DAY	85	4,261	92	0
PROVISIONAL	0	4,261	0	0
Total	803	4,261	765	0
0607 PALMBROOK				
EARLY VOTE	661	3,317	575	0
ELECTION DAY	85	3,317	92	0
PROVISIONAL	2	3,317	****	****
Total	748	3,317	670	0
0669 QUENTIN				
EARLY VOTE	384	3,116	320	0
ELECTION DAY	40	3,116	64	0
PROVISIONAL	2	3,116	****	****
Total	426	3,116	388	0

Precinct	EDMONDS, NATASHA (NON)		GARCIA, JEANNETTE (NON)	
0225 DEVONSHIRE				
EARLY VOTE	519	21.50%	561	23.24%
ELECTION DAY	43	25.00%	39	22.67%
PROVISIONAL	0		0	
Total	562	21.73%	600	23.20%
0345 HADLEY				
EARLY VOTE	183	22.13%	182	22.01%
ELECTION DAY	17	22.97%	18	24.32%
PROVISIONAL	0		0	
Total	200	22.20%	200	22.20%
0426 LA REATA				
EARLY VOTE	211	20.21%	270	25.86%
ELECTION DAY	14	18.18%	25	32.47%
PROVISIONAL	****	****	****	****
Total	226	20.09%	296	26.31%
0595 ORME				
EARLY VOTE	305	20.59%	361	24.38%
ELECTION DAY	33	20.25%	47	28.83%
PROVISIONAL	0		0	
Total	338	20.56%	408	24.82%
0607 PALMBROOK				
EARLY VOTE	307	21.80%	331	23.51%
ELECTION DAY	37	22.70%	42	25.77%
PROVISIONAL	****	****	****	****
Total	345	21.92%	373	23.70%
0669 QUENTIN				
EARLY VOTE	161	19.35%	216	25.96%
ELECTION DAY	11	19.64%	19	33.93%
PROVISIONAL	****	****	****	****
Total	174	19.55%	235	26.40%

Precinct	SOLORIO, GLORIA (NON)		WEISE, SHARI (NON)		Write-in		Total Votes	MURILLO, MANNY Qualified Write In		*NOT QUALIFIED 1* Qualified Write In		*NOT QUALIFIED 2* Qualified Write In	
0225 DEVONSHIRE													
EARLY VOTE	633	26.22%	693	28.71%	8	0.33%	2,414	3	0.12%	4	0.17%	1	0.04%
ELECTION DAY	42	24.42%	46	26.74%	2	1.16%	172	1	0.58%	1	0.58%	0	0.00%
PROVISIONAL	0		0		0		0	0		0		0	
Total	675	26.10%	739	28.58%	10	0.39%	2,586	4	0.15%	5	0.19%	1	0.04%
0345 HADLEY													
EARLY VOTE	254	30.71%	202	24.43%	6	0.73%	827	3	0.36%	1	0.12%	1	0.12%
ELECTION DAY	19	25.68%	20	27.03%	0	0.00%	74	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	0		0		0		0	0		0		0	
Total	273	30.30%	222	24.64%	6	0.67%	901	3	0.33%	1	0.11%	1	0.11%
0426 LA REATA													
EARLY VOTE	263	25.19%	291	27.87%	9	0.86%	1,044	7	0.67%	1	0.10%	0	0.00%
ELECTION DAY	20	25.97%	18	23.38%	0	0.00%	77	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	****	****	****	****	****	****	****	****	****	****	****	****	****
Total	284	25.24%	310	27.56%	9	0.80%	1,125	7	0.62%	1	0.09%	0	0.00%
0595 ORME													
EARLY VOTE	399	26.94%	407	27.48%	9	0.61%	1,481	4	0.27%	3	0.20%	1	0.07%
ELECTION DAY	38	23.31%	43	26.38%	2	1.23%	163	0	0.00%	1	0.61%	1	0.61%
PROVISIONAL	0		0		0		0	0		0		0	
Total	437	26.58%	450	27.37%	11	0.67%	1,644	4	0.24%	4	0.24%	2	0.12%
0607 PALMBROOK													
EARLY VOTE	368	26.14%	395	28.05%	7	0.50%	1,408	5	0.36%	2	0.14%	0	0.00%
ELECTION DAY	33	20.25%	51	31.29%	0	0.00%	163	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	****	****	****	****	****	****	****	****	****	****	****	****	****
Total	402	25.54%	447	28.40%	7	0.44%	1,574	5	0.32%	2	0.13%	0	0.00%
0669 QUENTIN													
EARLY VOTE	257	30.89%	192	23.08%	6	0.72%	832	5	0.60%	1	0.12%	0	0.00%
ELECTION DAY	17	30.36%	8	14.29%	1	1.79%	56	0	0.00%	1	1.79%	0	0.00%
PROVISIONAL	****	****	****	****	****	****	****	****	****	****	****	****	****
Total	274	30.79%	200	22.47%	7	0.79%	890	5	0.56%	2	0.22%	0	0.00%

Precinct	*NOT QUALIFIED 3*	Qualified Write In
0225 DEVONSHIRE		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	0	
Total	0	0.00%
0345 HADLEY		
EARLY VOTE	1	0.12%
ELECTION DAY	0	0.00%
PROVISIONAL	0	
Total	1	0.11%
0426 LA REATA		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	****	****
Total	0	0.00%
0595 ORME		
EARLY VOTE	1	0.07%
ELECTION DAY	0	0.00%
PROVISIONAL	0	
Total	1	0.06%
0607 PALMBROOK		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	****	****
Total	0	0.00%
0669 QUENTIN		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	****	****
Total	0	0.00%

Precinct	Times Cast	Registered Voters	Undervotes	Overvotes
0705 ROMA PARK				
EARLY VOTE	77	582	53	3
ELECTION DAY	2	582	****	****
PROVISIONAL	0	582	0	0
Total	79	582	53	3
0731 SANTA FE				
EARLY VOTE	457	2,036	391	0
ELECTION DAY	51	2,036	58	0
PROVISIONAL	1	2,036	****	****
Total	509	2,036	452	0
0885 WARNER				
EARLY VOTE	373	2,791	374	0
ELECTION DAY	49	2,791	61	0
PROVISIONAL	0	2,791	0	0
Total	422	2,791	435	0
Electionwide - Total	7,837	41,323	7,341	15
County - Total	7,837	41,323	7,341	15

Precinct	EDMONDS, NATOSHA (NON)		GARCIA, JEANNETTE (NON)	
0705 ROMA PARK				
EARLY VOTE	46	26.29%	38	21.71%
ELECTION DAY	****	****	****	****
PROVISIONAL	0		0	
Total	47	25.97%	39	21.55%
0731 SANTA FE				
EARLY VOTE	179	18.27%	229	23.37%
ELECTION DAY	16	16.84%	23	24.21%
PROVISIONAL	****	****	****	****
Total	195	18.14%	252	23.44%
0885 WARNER				
EARLY VOTE	176	23.62%	175	23.49%
ELECTION DAY	15	17.44%	24	27.91%
PROVISIONAL	0		0	
Total	191	22.98%	199	23.95%
Electionwide - Total	3,374	20.89%	3,980	24.64%
County - Total	3,374	20.89%	3,980	24.64%

Precinct	SOLORIO, GLORIA (NON)		WEISE, SHARI (NON)		Write-in		Total Votes	MURILLO, MANNY Qualified Write In		*NOT QUALIFIED 1* Qualified Write In		*NOT QUALIFIED 2* Qualified Write In	
0705 ROMA PARK													
EARLY VOTE	49	28.00%	42	24.00%	0	0.00%	175	0	0.00%	0	0.00%	0	0.00%
ELECTION DAY	****	****	****	****	****	****	****	****	****	****	****	****	****
PROVISIONAL	0		0		0		0	0		0		0	
Total	51	28.18%	44	24.31%	0	0.00%	181	0	0.00%	0	0.00%	0	0.00%
0731 SANTA FE													
EARLY VOTE	258	26.33%	306	31.22%	8	0.82%	980	2	0.20%	2	0.20%	2	0.20%
ELECTION DAY	24	25.26%	32	33.68%	0	0.00%	95	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	****	****	****	****	****	****	****	****	****	****	****	****	****
Total	282	26.23%	338	31.44%	8	0.74%	1,075	2	0.19%	2	0.19%	2	0.19%
0885 WARNER													
EARLY VOTE	205	27.52%	184	24.70%	5	0.67%	745	1	0.13%	4	0.54%	0	0.00%
ELECTION DAY	24	27.91%	23	26.74%	0	0.00%	86	0	0.00%	0	0.00%	0	0.00%
PROVISIONAL	0		0		0		0	0		0		0	
Total	229	27.56%	207	24.91%	5	0.60%	831	1	0.12%	4	0.48%	0	0.00%
Electionwide - Total	4,436	27.46%	4,256	26.34%	109	0.67%	16,155	63	0.39%	29	0.18%	9	0.06%
County - Total	4,436	27.46%	4,256	26.34%	109	0.67%	16,155	63	0.39%	29	0.18%	9	0.06%

Precinct	*NOT QUALIFIED 3* Qualified Write In	
0705 ROMA PARK		
EARLY VOTE	0	0.00%
ELECTION DAY	****	****
PROVISIONAL	0	
Total	0	0.00%
0731 SANTA FE		
EARLY VOTE	2	0.20%
ELECTION DAY	0	0.00%
PROVISIONAL	****	****
Total	2	0.19%
0885 WARNER		
EARLY VOTE	0	0.00%
ELECTION DAY	0	0.00%
PROVISIONAL	0	
Total	0	0.00%
Electionwide - Total	7	0.04%
County - Total	7	0.04%

EXHIBIT B
TO
RESOLUTION 1080-0824

[Early Voting Rejections and Provisional Totals by Precinct Canvass]

See following pages.

PRECINCT #0018

Reason Code	Description	Count
NS	No Signature	1
PRECINCT #0018 TOTAL		1

PRECINCT #0045

Reason Code	Description	Count
BS	Bad Signature	2
L	Returned Late	4
PRECINCT #0045 TOTAL		6

PRECINCT #0146

Reason Code	Description	Count
BS	Bad Signature	4
L	Returned Late	6
PRECINCT #0146 TOTAL		10

PRECINCT #0189

Reason Code	Description	Count
BS	Bad Signature	2
NS	No Signature	2
L	Returned Late	7
PRECINCT #0189 TOTAL		11

PRECINCT #0224

Reason Code	Description	Count
L	Returned Late	5
PRECINCT #0224 TOTAL		5

PRECINCT #0225

Reason Code	Description	Count
BS	Bad Signature	3
NS	No Signature	3
L	Returned Late	10
PRECINCT #0225 TOTAL		16

PRECINCT #0345

Reason Code	Description	Count
BS	Bad Signature	1
L	Returned Late	5
PRECINCT #0345 TOTAL		6

PRECINCT #0426

Reason Code	Description	Count
BS	Bad Signature	2
L	Returned Late	4
PRECINCT #0426 TOTAL		6

PRECINCT #0595

Reason Code	Description	Count
BS	Bad Signature	6
L	Returned Late	7
PRECINCT #0595 TOTAL		13

PRECINCT #0607

Reason Code	Description	Count
BS	Bad Signature	3
L	Returned Late	9
PRECINCT #0607 TOTAL		12

PRECINCT #0669

Reason Code	Description	Count
L	Returned Late	6
PRECINCT #0669 TOTAL		6

PRECINCT #0705

Reason Code	Description	Count
L	Returned Late	5
PRECINCT #0705 TOTAL		5

PRECINCT #0731

Reason Code	Description	Count
L	Returned Late	6
PRECINCT #0731 TOTAL		6

PRECINCT #0885

Reason Code	Description	Count
BS	Bad Signature	1
L	Returned Late	1
PRECINCT #0885 TOTAL		2

SUMMARY - ALL PRECINCTS

Reason Code	Description	Count
BS	Bad Signature	24
NS	No Signature	6
Total Rejected		30
L	Returned Late	75
Total Rejected + Late		105

PRECINCT #0146

Counted	Reason Code	Description	Count
Yes			
	A	ACCEPTED	1
Total Yes			1
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	2
Total No			2
PRECINCT #0146 TOTAL			3

PRECINCT #0189

Counted	Reason Code	Description	Count
No			
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	1
Total No			1
PRECINCT #0189 TOTAL			1

PRECINCT #0224

Counted	Reason Code	Description	Count
Yes			
	A	ACCEPTED	2
Total Yes			2
PRECINCT #0224 TOTAL			2

PRECINCT #0225

Counted	Reason Code	Description	Count
No			
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	2
Total No			2
PRECINCT #0225 TOTAL			2

PRECINCT #0345

Counted	Reason Code	Description	Count
No			
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	1
Total No			1
PRECINCT #0345 TOTAL			1

PRECINCT #0426

Counted	Reason Code	Description	Count
Yes			
	A	ACCEPTED	2
Total Yes			2
PRECINCT #0426 TOTAL			2

PRECINCT #0595

Counted	Reason Code	Description	Count
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	1
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	1
Total No			2
PRECINCT #0595 TOTAL			2

PRECINCT #0607

Counted	Reason Code	Description	Count
Yes			
	A	ACCEPTED	2
Total Yes			2
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	1
Total No			1
PRECINCT #0607 TOTAL			3

PRECINCT #0669

Counted	Reason Code	Description	Count
Yes			
	A	ACCEPTED	2
Total Yes			2
No			
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	1
Total No			1
PRECINCT #0669 TOTAL			3

PRECINCT #0731

Counted	Reason Code	Description	Count
Yes			
	A	ACCEPTED	1
Total Yes			1
PRECINCT #0731 TOTAL			1

PRECINCT #0885

Counted	Reason Code	Description	Count
No			
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	1
Total No			1
PRECINCT #0885 TOTAL			1

SUMMARY - ALL PRECINCTS

Counted	Reason Code	Description	Count
Yes			
	A	ACCEPTED	10
Total Yes			10
No			
	B10	YOU ARE NOT REGISTERED TO VOTE	4
	B12	YOU WERE NOT ELIGIBLE TO VOTE IN THIS ELECTION	7
Total No			11
Cumulative Total:			21

ITEM NUMBER: 3.e.

SUBJECT: Resolution 1081-0824 – Approval of the Intergovernmental Agreement with the Arizona Game and Fish Commission for the Community Fishing Program

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Corey Larriva, Parks, Recreation, and Libraries Director

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Areas:

- Diverse Recreation and Entertainment Opportunities - Avondale provides residents with the ability to connect with amenities, businesses, and their community, enhancing the opportunity to live, work, and enjoy a healthy, active, and affordable lifestyle.

This agreement helps provide recreation opportunities that support and promote healthy outdoor lifestyles.

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government.

This agreement supports outdoor recreation and education opportunities for Avondale's residents and visitors.

PURPOSE:

City Council will consider a request to adopt Resolution 1081-0824, authorizing a new Intergovernmental Agreement with the Arizona Game & Fish Commission to extend the Community Fishing Program for a five-year period, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

This agreement aims to enter into a new intergovernmental agreement between the City and the Arizona Game and Fish Commission to extend the Community Fishing Program for a 5-year term with a revised cost structure presented by AZGF Commission.

DISCUSSION:

In conformance with initiatives outlined in the 2021 Avondale Strategic Plan and the 2017 Parks, Recreation and Trails Master Plan Update, the City strongly desires to promote and expand Avondale's natural assets,

such as parks, trails, rivers and wilderness areas to residents, visitors, and businesses.

This partnership will allow City staff to continue to support those strategic initiatives through the Community Fishing Program.

BUDGET IMPACT:

All costs associated with the AZGF Commission IGA are included in Parks and Recreation's annual budget.

RECOMMENDATION:

Staff recommends City Council adopt a Resolution authorizing a new Intergovernmental Agreement with the Arizona Game and Fish Commission for the Community Fishing Program extending the agreement for a five-year period, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Corey Larriva

RESOLUTION NO. 1081-0824

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA GAME AND FISH COMMISSION RELATING TO THE COMMUNITY FISHING PROGRAM.

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

SECTION 1. The Intergovernmental Agreement with the Arizona Game and Fish Commission relating to the Community Fishing Program (the “Agreement”) is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1081-0824

[Agreement]

See following pages.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF AVONDALE
AND**

**ARIZONA GAME AND FISH COMMISSION
FOR THE**

COMMUNITY FISHING PROGRAM

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is made as of June 30, 2024, between the City of Avondale, an Arizona municipal corporation (“City”) and the Arizona Game and Fish Commission, a Commission of the State of Arizona (“Commission”). The terms “Department” and “Director” in this Agreement hereinafter refer to the Arizona Game and Fish Department and its Director, acting as administrative agent for the Commission. The City, Department and Commission may be referred to herein individually as a “Party” and collectively as the “Parties.”

RECITALS

- A. The Commission has statewide responsibility for the management of wildlife and regulation of wildlife in Arizona.
- B. The City permits fishing at select City-owned lakes throughout its recreational areas.
- C. The Parties mutually desire to continue providing public fishing opportunities throughout the City’s recreation areas by utilizing the Commission’s fish stocking program to stock fish in City-owned lakes.

AGREEMENT

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

- A. **Term.** This Agreement shall be effective as of the date first set forth above and shall remain in full force and effect until July 1, 2025 (the “Initial Term”), unless terminated as otherwise provided pursuant to the terms and conditions of this Agreement. After the expiration of the Initial Term, this Agreement shall automatically renew for up to four successive one-year terms (each, a “Renewal Term”) at the rates set forth in Section C(5) if (i) each Party deems the Agreement to be in the best interests of such Party, subject to availability and appropriation of funds for renewal in each subsequent year. The Initial Term and any Renewal Term(s) are collectively referred to herein as the “Term.” Upon renewal, the terms and conditions of this Agreement shall remain in full force and effect.

B. The Parties agree the Department shall:

1. Inform the public of the purpose and intent of the Community Fishing Program. This may include coverage in various Department publications, websites, and other outlets as well as the media (radio, television, newspapers) to ensure broad coverage.
2. Make recommendations to the Commission pertaining to license requirements and bag and possession limits specific to the Community Fishing Program waters herein.
3. Issue fishing licenses and other applicable licenses to individuals and Department authorized license dealers in the local area. Licenses will also be available from Department offices and online.
4. Stocking Strategy.
 - i. For waters under the Department's "Expansion Strategy," stock participating waters with catchable rainbow trout approximately four times from December to February, and catchable channel catfish approximately two times from April to May, and two times time from mid-September to November. Fish stocking will cease from approximately June through mid-September due to heat stress factors.
 - ii. Sunfish (usually bluegill or redear) shall be stocked at least once annually into all participating waters. Other approved fish species may be stocked as necessary to: a) establish a resident fish population, b) augment existing fish populations, c) maintain a balanced fishery, d) improve angler success rates, ore) provide feature species for anglers.
 - iii. Adjustments to these stocking schedules and/or species may be required due to climatic and/or weather conditions, fish availability and condition, logistics of fish delivery from vendors, or lake water quality conditions. The Department shall notify the City of any adjustments.
5. Monitor basic water quality and biological indicators as needed to determine if the participating waters conditions are suitable for fish stockings. Provide periodic participating waters assessment data to the park managers. Notify the appropriate City or park management staff of any public health or safety concerns found by the Department.
6. For each participating water, provide one or more Fishing Information Stations (kiosks with bulletin board) so that current Community Fishing Program information may be posted for the public.
7. Design and provide Community Fishing Program information and regulation signs, and replacements as needed, for all primary access points, or mutually agreed-upon locations around each participating water.

8. Conduct periodic angler surveys to ascertain angler effort and harvest, angler satisfaction, and performance success of the Community Fishing Program. This information will be shared with the City when analyses are complete.
9. Cooperate and coordinate with local law enforcement officials, justice courts, and park staff to ensure angler compliance with state and local law and Commission regulations.
10. Provide advice, technical assistance, and guidelines on lake/pond and/or fishery management to the City.
11. Work with the City to design and install suitable fish habitats as needed to provide adequate cover from predators and spawning habitats.

C. The Parties agree the City shall:

1. Inform park users of the sport fishing opportunity and allow “Open to the Public” sport fishing education programs at the participating waters.
2. Install the Department-provided signage frame(s) at mutually agreed-upon locations, and maintain the signage as needed by removing graffiti, and notifying the Department of damage to the frames, attached signage, and kiosks.
3. Make information about opportunities to go fishing within the City available to the public at park facilities, on the City website, and other outlets.
4. Provide the Department any necessary keys to locks and/or gates so Department staff can gain access to the participating waters for stocking, monitoring water quality, or conducting creel surveys.
5. Pay a Partnership Fee to the Department for participating waters stocked under this Agreement. Annual rates shall be in accordance with the following fee schedule:

Water	Stocking Strategy	FY25Cost	FY26Cost	FY27Cost	FY28Cost	FY29Cost	Total Costs
Alamar Park	Expansion	\$6,002	\$6,182	\$6,368	\$6,559	\$6,755	\$31,866
Festival Fields	Expansion	\$6,308	\$6,497	\$6,692	\$6,893	\$7,100	\$33,490
Friendship Park	Expansion	\$5,262	\$5,420	\$5,582	\$5,750	\$5,922	\$27,936
	Totals	\$17,572	\$18,099	\$18,642	\$19,201	\$19,777	\$93,292

6. These funds shall be used to defray the cost of program operations, including costs for fish required hereunder; Payments made to the Department may be leveraged to obtain federal grant funding or other grant funding opportunities. If this opportunity arises, the City will be notified in writing by the Department, and it will be necessary to verify that all or a portion of the municipal fees do not originate from federal sources.
7. Promptly notify the Department of anticipated and emergency maintenance or management measures that may affect the Community Fishing Program. This may include lake and landscape repairs or construction, water supply or aeration disruptions, and other activities or occurrences that may affect public health, safety, and access to fishing and stocking activities.
8. With assistance from the Department, develop and implement management plans for each participating water that includes general operation and maintenance of the lake and associated facilities to support sport fishery. This may include plans for optimal timing for lake drawdown and filling, operation strategies and timing for lake aeration and mixing systems, knowing when and whom to call for algae or aquatic plant treatments, knowing how to spot unusual fish behaviors that may indicate problems, and knowing who to call in the event of a fish kill.
9. Maintain water quality in a manner consistent with all other requirements and regulations upon the City. Regularly remove trash and debris from the participating waters. Remove and dispose of dead fish in a timely manner and notify the Department Community Fishing Program Manager if there is an unusual amount of dead or dying fish. Actively control excessive aquatic vegetation and algae blooms, and report any aquatic invasive species to the Community Fishing Program Manager.
10. Discourage feeding of domestic waterfowl by the public, and harass or remove excess waterfowl as necessary. Discourage populations of fish-eating aquatic birds (i.e., cormorants and herons) through park landscape management and other permissible techniques. Allow the Department to conduct Migratory bird research or depredation activities as permitted by the U.S. Fish and Wildlife Service.
11. For participating waters with aeration systems, maintain a fully operational system to support good water quality. Ensure that aeration systems or other lake management systems are not limiting angler access or use, unless necessary to conduct maintenance or repairs. Manage and integrate landscape activities to be compatible with the maintenance of good lake water quality.
12. To the extent possible, assist in the enforcement of State, City and Park codes, rules, regulations and laws (including ARS Title 12 and Title 17 Game and Fish Laws), as applicable. Assist the Department in the enforcement by reporting violations or suspected violations to the Department Operation Game Thief hotline (1-800-352-0700), by verbal warnings, and by citations as necessary to achieve compliance goals. The City may adopt Title 17 Rules into its municipal code to facilitate enforcement.

13. Provide and maintain angler access to shoreline areas at each participating water. To the extent possible, provide suitable accommodations along the shoreline such as picnic tables, benches, and shade structures for angler use.

14. Provide access to the participating waters and associated park facilities such as shade structures so that sport fishing education contractors, Department personnel, and volunteer instructors may conduct sport fishing education programs at no charge to the Department. This may include conducting and/or supporting Sport fishing education programs (fishing clinics) for the general public in cooperation with the City. Specific scheduling information about Department-sanctioned programs will be provided to the City as far in advance as possible.

15. Provide suitable participating waters access to allow for stocking of fish using trucks and trailers by the Department and their fish contractors at the waters.

D. The Parties mutually agree to:

1. Work in harmony for the common purpose of managing a Community Fishing Program. Encourage a united and professional approach by personnel of both Parties in seeking solutions to problems and challenges that may arise in fish and angler management programs.

2. Department and City staff shall meet annually or as needed to discuss issues, operations and maintenance, planning, budgeting, and other activities relating to park management and the Community Fishing Program, to review accomplishments and to develop and prioritize activities for the coming year.

3. Cooperate and exchange biological, management, and other information useful in the effective operation of a Community Fishing Program.

4. Seek to obtain funding opportunities for projects that: 1) create, enhance, or restore fish habitat, water quality, or angler access; or 2) increase or enhance recreational angling opportunity. These funds may be transferred directly, or through reimbursement, to the City. Funding availability through the Department is uncertain, but may include support through the Sport Fish Restoration Federal Assistance Program, State Wildlife Grant Program, Arizona Heritage Fund, or other sources. To provide for the future transfer of special funds, the Parties agree to enter into mutually acceptable collection agreements. Future agreements will be developed within the framework of this Intergovernmental Agreement, and applicable grant and agreement requirements are to be approved by agency directors.

E. General Provisions.

1. Insurance. The State of Arizona is self-insured under A.R.S. § 41-621.

2. Notices. All written notices concerning this Agreement shall be delivered in person or sent by certified mail, return receipt requested, or first class mail, postage prepaid, to the Parties as follows:

- A. Ron Corbin, City Manager
City of Avondale
11465 W Civic Center Drive
Avondale AZ 85323

With copy to:

Nicholle Harris, City Attorney
11465 W Civic Center Drive
Avondale AZ 85323

- B. To the Department:
Ms. Julie Carter
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

3. Termination; Cancellation.

3.1 For Convenience. This Agreement may be terminated by either Party with or without cause upon 90 days' written notice to the other Party.

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

3.3 Agreement Subject to Appropriation. This Agreement is subject to the provisions of ARIZ. CONST. ART. IX, § 5 and ARIZ. REV. STAT. § 42-17106. The provisions of this Agreement for payment of funds or the incurring of expenses by either Party shall be effective when funds are appropriated for purposes of this Agreement and are actually available for payment. Each Party shall be the sole judge and authority in determining the availability of funds under this Agreement and each Party shall keep the other Party fully informed as to the availability of funds for the Agreement. The obligation of each Party to make any payment pursuant to this Agreement is a current expense of such Party, payable exclusively from such annual appropriations, and is not a general obligation or indebtedness of such Party. If the City Council of either Party fails to appropriate money sufficient to pay the amounts as set forth in this Agreement during any immediately succeeding fiscal year, this Agreement shall terminate at the end of the then-current fiscal year and each shall be relieved of any subsequent obligation under this Agreement.

4. Disposition of Property Upon Termination. The Parties do not anticipate having to dispose of any property upon partial or complete termination of this Agreement. However, to the extent that such disposition is necessary, property affixed to the Commission's property or grant funds obtained to improve Commission property shall be relinquished to the Commission. All other property shall be returned to its original owner.

5. Miscellaneous.

5.1 Independent Contractor. The Parties acknowledge and agree that the Services provided under this Agreement are being provided as an independent contractor, not as an employee or agent of the other Party. Neither Party, nor their employees, subcontractors, or volunteers are entitled to workers' compensation benefits from the other Party.

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

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

5.4 Amendments. This Agreement may be modified only by a written amendment approved by both Parties and signed by persons duly authorized to enter into contracts on behalf of the City or Commission.

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

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

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

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

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

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

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

6. E-verify, Records and Audits. To the extent applicable under ARIZ. REV. STAT. § 41-4401, the Parties warrant compliance with all federal immigration laws and regulations that relate to its employees and compliance with the E-verify requirements under ARIZ. REV. STAT. § 23-214(A).

7. Israel. The Parties certify that neither is current engaged in and agrees for the duration of this Agreement that it will not engage in a "boycott," as that term is defined in Ariz. Rev. Stat. § 35-393, of Israel.

8. Indemnity. Each Party (as "indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees, hereinafter collectively referred to as 'claims') arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date of the set forth above.

“City”

“Commission”

Kenneth N. Weise, Mayor

Ty Gray,
Secretary to the Commission and
Director, Arizona Game and Fish Department

ATTEST:

ATTEST:

Marcella Sarmiento, City Clerk

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

Nicholle Harris, City Attorney
City of Avondale

Attorney
Arizona Game and Fish Commission

ITEM NUMBER: 3.f.

SUBJECT: Resolution 1082-0824 - Authorizing Grant Acceptance from the Arizona State Parks Board for the Off-Highway Vehicle Education and Enforcement Grant

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.
-

PURPOSE:

City Council will consider a request to: a) adopt Resolution 1082-0824, approving the acceptance of the Off-Highway Vehicle Education and Enforcement Grant through the Arizona State Parks Board; b) authorize the necessary budget transfers associated with this grant; and c) authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Staff applied for the Off-Highway Vehicle Education and Enforcement Grant through the Arizona State Parks Board. The grant provides funding for off-highway vehicle equipment in order to keep up with calls for service by patrolling more efficiently. The main goal is to eliminate trespassing and illegal off-highway vehicle use, which often leads to other illegal activities.

DISCUSSION:

Adoption of the Resolution will allow the City of Avondale to accept the grant award and apply it to improve off-highway vehicle equipment.

BUDGET IMPACT:

The funding provided by the Arizona State Parks Board requires an appropriation transfer from the grant contingency account to provide expenditure authority for the grant. The required match is included in the Police Department's operating budget.

RECOMMENDATION:

Staff recommends the City Council adopt the Resolution approving the acceptance of the Off-Highway Vehicle Educationa and Enforcement Grant through the Arizona State Parks Board for \$100,000 and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. Additionally, staff recommends authorizing the necessary budget transfers associated with this grant.

Contact person for document distribution: Maggie Lam, Kimberly Martinez, Daniel Vazquez

RESOLUTION NO. 1082-0824

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM ARIZONA STATE PARKS FOR OFF-HIGHWAY VEHICLE EDUCATION AND ENFORCEMENT.

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

SECTION 1. The City Council hereby authorizes (i) the acceptance of the Grant in an amount not to exceed \$100,000, subject to a 10% City match (the “Grant”); and (ii) the execution of the Arizona Project Sponsor Agreement with Arizona State Parks relating to the acceptance and administration of the Grant funds (the “Agreement”) in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit the Agreement and any other necessary or desirable instruments in connection with the Grant and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1082-0824

[Agreement]

See following pages.

PROJECT SPONSOR AGREEMENT

PROJECT TITLE: OHV Education and Enforcement		PROJECT NUMBER: ASPT # 552410	
THIRD PARTY PARTICIPANT’S NAME:		FY OF REVENUE: 2024	
PROJECT PERIOD: All expenses and match must be submitted by <u>12/31/2026</u>			
GRANT PROGRAM: Off-Highway Vehicle Supplemental	GRANT AMOUNT: \$100,000.00	PARTICIPANT MATCH: \$75,000.00	TOTAL PROJECT COST: \$175,000.00
APPROVED SCOPE OF WORK AND SPECIAL CONDITIONS: Attachment A & B			
AUTHORITIES TO ENTER INTO THIS AGREEMENT: (statute, resolution, minutes, etc.) STATUTE: A.R.S. §28-1176(E)(3) RESOLUTION: N/A			
AWARDING OFFICIAL ON BEHALF OF THE ARIZONA STATE PARKS BOARD: Signature Kevin Brock Assistant Director Date			
ACCEPTANCE OF ALL TERMS OF THIS AGREEMENT AND ITS ATTACHMENTS IS ACKNOWLEDGED BY THE PROJECT SPONSOR’S SIGNATURE BELOW.		PARTICIPANT ATTORNEY APPROVAL AS TO FORM AND AS BEING WITHIN THE AUTHORITY OF THE PROJECT SPONSOR (optional)	
Desired Signatory, Name and Title		Date Attorney’s Signature	

Arizona State Parks PROJECT SPONSOR AGREEMENT

Attachment A Approved Project Scope and Special Conditions

PROJECT SPONSOR: Avondale Police Department

PROJECT TITLE: OHV Education and Enforcement

PROJECT NUMBER: 552410

PROJECT DESCRIPTION: The City of Avondale has had an increase of calls for service related to illegal OHV, firearm use, and target shooting. There are approximately 3,268 single family homes and 3 businesses in the surrounding area that can potentially be affected by the illegal activities. Residents have reported rounds hitting houses nearby and large illegal OHV parties. The City of Avondale Police Department coordinates with other agencies such as Arizona Game and Fish, Bureau of Land Management, Phoenix Police Department and Maricopa County Sheriff's Office to perform education and enforcement. Patrols have been conducted using the Chevrolet 4x4 Tahoe which has periodically gotten stuck in the area due to the extremely soft sandy conditions. Avondale Police Department is requesting \$100,000.00 in funding for OHV equipment to keep up with the calls for service demand by patrolling more efficiently. Citations and education on OHV will help minimize illegal OHV activities. The main goal is to eliminate trespassing and illegal OHV which in turn leads to other illegal activities. Eliminating illegal OHV will make it safer for all involved, residents, officers, businesses, and the individuals participating in illegal activities.

APPROVED PROJECT SCOPE:

Staff/Personnel Costs (Patrol OT hours – (Match)).....	\$60,000.00
Equipment Costs – SxS with LE Package.....	\$100,000.00
Equipment Costs – Radio Mounting Kits (Match).....	\$3,000.00
Equipment Costs – LE Radio Packages.....	\$12,000.00
TOTAL	\$175,000.00

DESCRIPTION AND SOURCE(S) AND AMOUNTS FOR APPROVED MATCH

A minimum 10% match is required for reimbursement. Avondale Police Department will provide \$75,000.00 in project match through cash and staff time.

SPECIAL CONDITIONS:

The administration of this grant agreement is additionally subject to the contents of the “Administrative Guidelines for Awarded Grants” found at:

https://www.azparkgrants.com/fileDownload.do?filename=1660836761151_2022-2023%20Admin%20Guidelines.pdf

Project applications are submitted as “shovel-ready” and project activities must begin immediately upon final execution of the project sponsor agreement.

Detailed Financial reports (Claims) in ASPT's on-line system are required at a minimum of every 6 months. Failure to provide these reports may result in a withdrawal (cancellation) of the project.

Upon financial completion of the project (when the final claim is submitted), a letter documenting that the project has been financially completed will be required. Payment for the final claim will be held until receipt of the letter.

Detailed Activity (Status) Reports are required bi-monthly (every other month) in WebGrants until the project end date specified in your Signed Project Agreement. Status Reports will require detailed patrol reports to be included. Patrol reports (See Attachment C) should highlight officer name, patrol areas, dates, number of hours on patrol, number of contacts and number of citations, violations and warnings issued. Failure to provide status reports will result in delays for reimbursement processing and issuance of future grants, or a withdrawal of funding.

A final report with details and photos of the project is to be submitted by the project end date specified in the Project Sponsor Agreement. All outstanding expense and match documentation must also be submitted by the project end date specified in the Project Sponsor Agreement. Upon submission of the final status report, a final close out letter will be required to end the project.

See the General Provisions – Attachment B

OTHER CONDITIONS

Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

Allocated project funds can only be expended on the designated scope items.

If any archeological remains are encountered during project related ground disturbance, work will cease in the area of the discovery and the participant will inform the Director of the Arizona State Museum pursuant to A.R.S. 41-844. The participant will then inform the Chief of Grant and Trails of the discovery to determine any further action that may be necessary.

Project costs above 10% of any line item must be approved by park staff prior to submitting that reimbursement. **Failure to request this change prior to submission will not be reimbursed.**

ITEM NUMBER: 3.g.

SUBJECT: Resolution 1083-0824 - Authorizing Grant Acceptance from Maricopa Association of Governments (MAG) for Electric Vehicle Charging Infrastructure Program (Siting Plans)

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Natural Resources and Open Spaces - Avondale recognizes the value of its natural resources and promotes environmental sustainability and conservation in its operations, activities, and planning.
-

PURPOSE:

City Council will consider a request to: a) adopt Resolution 1083-0824, accepting grant funding from Maricopa Association of Governments (MAG) for Electric Vehicle Charging Infrastructure Program (Siting Plans) in the amount of \$100,000; b) authorize and direct staff to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Infrastructure Investment and Jobs Act of 2021 introduced the Carbon Reduction Program, allocating significant funding for transportation emission reduction projects. In response, the MAG Regional Council approved 60% of the region's share of the Carbon Reduction Program for Electric Vehicle (EV) siting plans and charging infrastructure.

Avondale has been awarded the maximum grant amount of \$100,000 for developing a city-wide siting plan. This initiative directly supports the goals outlined in Avondale's Sustainability Plan, which aims to ensure affordable, convenient access to EV charging and prepare for 14,000 EVs in the city by 2030.

DISCUSSION:

The City of Avondale has been awarded a \$100,000 grant to develop a comprehensive EV Charging Infrastructure Siting Plan. This funding will enable the city to hire a qualified consultant to create an expert-led

plan that will include a detailed listing of implementation projects. The plan will specify the locations, numbers, and types of chargers that Avondale may need, while considering crucial factors such as grid capacity, population density, and equity considerations.

This initiative will significantly enhance Avondale's readiness to capitalize on future funding opportunities for EV charger installation. MAG is expected to have a call for implementation projects in 2025. This subsequent funding could provide up to \$2 million for single-jurisdiction projects and up to \$3 million for multi-jurisdictional projects. By developing this comprehensive siting plan now, Avondale will be better positioned to pursue both the upcoming MAG implementation funding and other grants dedicated to EV charger deployment.

BUDGET IMPACT:

Funding provided by Maricopa Association of Governments (MAG) will require an expenditure appropriation transfer of \$100,000 from grant contingency to provide expenditure authority for the grant. There is no grant match requirement.

RECOMMENDATION:

Staff recommends City Council adopt a resolution authorizing the Grant Agreement with Maricopa Association of Governments (MAG) in the amount of \$100,000 and authorize staff to take the necessary actions to execute the terms of the agreement.

Contact person for document distribution:

RESOLUTION NO. 1083-0824

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE MARICOPA ASSOCIATION OF GOVERNMENTS FOR THE ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PROGRAM.

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

SECTION 1. The City Council hereby authorizes (i) the acceptance of the grant in an amount not to exceed \$100,000 for the electric vehicle charging infrastructure program (the “Grant”); and (ii) the execution of the agreement with the Maricopa Association of Governments relating to the acceptance and administration of the Grant funds (the “Agreement”) in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit the Agreement and any other necessary or desirable instruments in connection with the Grant and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1083-0824

[Agreement]

See following pages.

MARICOPA ASSOCIATION OF GOVERNMENTS
ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PROGRAM

AGREEMENT

MAG Electric Vehicle Charging Infrastructure Program (Siting Plans),
Agreement No. 24-EVCIPSP-AVN
MAG TIP Project # AVN24-280

This Joint Agency Agreement (**Agreement**) by and between the Maricopa Association of Governments (**MAG**) and the City of Avondale (**City**), an Arizona Municipal Corporation, will become effective on the day, that the Agreement it is executed by the MAG Executive Director. In this Agreement, MAG and the City are referred to individually as a "**Party**" and collectively as the "**Parties.**"

RECITALS

A. MAG is the regional planning agency for Maricopa County and portions of Pinal County. MAG is governed by a regional council, which includes the mayor or chief executive of each member agency (**Regional Council**). MAG has developed an Electric Vehicle Charging Infrastructure Program (EVCIP) and associated Guidelines, as approved by the Regional Council on May 22, 2024, and incorporated herein by this reference. The Guidelines identify program goals and objectives, identify eligible project types, application and evaluations and the programming process. Included in the Guidelines was a set-aside of funding for member agencies to develop EVCIP Siting Plans (as defined in the Guidelines) prior to a larger infrastructure call for projects.

B. Funds for the Siting Plans are administered by the Arizona Department of Transportation (**ADOT**) through its Highway User Revenue Fund (**HURF**) sub-account for local agency streets designated collector or above, and through allocations of Surface Transportation Block Grant Program (**STBGP**) funds that are directly allocated to the MAG region and administered by ADOT. Funds will be disbursed by ADOT once an invoice is reviewed and approved in concurrence with MAG. Highway User Revenue funds (**HURF**) for the Siting Plans provided by ADOT are allocated via a funding exchange with the MAG region. Eligible activities must adhere to article IX, section 14, of the Arizona Constitution.

C. On May 22, 2024, MAG issued a notice for the Fiscal Year 2024 Electric Vehicle Charging Infrastructure Siting Plans Regional Competitive Program Call for Projects. A total of \$1.5 million was available for member agencies to develop siting plans for the deployment of electric vehicle charging infrastructure in their communities. At the June 26, 2024, Regional Council meeting, the City of Avondale was awarded a siting plan project (**Project**).

D. The regional funding for the Project is not to exceed \$100,000.00.

E. The Parties are authorized to enter into this agreement by the provisions of Arizona Revised Statutes (**A.R.S.**) § 28-6501 et seq.

AGREEMENT

NOW, THEREFORE, for good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

A. Purpose. The purpose of this Agreement is to identify and define the responsibilities of the City and MAG for the development of the Project.

B. Responsibilities of the Parties.

1. MAG's Responsibilities. MAG agrees to:

- a. Administer the EVCIP, pursuant to the EVCIP Guidelines;
- b. Provide to the City the required format for submitting requests for payment, invoices, progress reports, and backup documentation;
- c. Review and approve invoices for projects to be reimbursed with HURF, subject to the terms of this Agreement;
- d. Submit approved invoices to ADOT for payment by ADOT to the City. The payments from ADOT to the City will be based on the reimbursement amount as noted in the **Recitals, Section D**. The basis for payment to City shall be reimbursement for costs in conformance with the EVCIP Guidelines.

2. City's Responsibilities. The City agrees to:

- a. Be responsible for all project costs and submit invoices to MAG for reimbursement. The City will:
 - 1) be responsible for the completion of the Project;
 - 2) conduct the consultant selection process, award the contract for the Project pursuant to the applicable laws and ordinances, and provide necessary oversight, unless agreed to otherwise by the Parties;
 - 3) review and approve invoices from the consultant before submitting an invoice to MAG;
- b. Abide by the EVCIP Guidelines (available at [MAG EVCIP Guidelines](#)) throughout the Project;

- c. Be responsible for all Project costs in excess of the maximum amount of the funds allocated for the Project (**Allocated Funds**). The maximum amount of Allocated Funds for this Project is \$100,000.00 . The amount of funds paid to the City pursuant to this Agreement shall not exceed the Allocated Funds, as included in the Transportation Improvement Program (**TIP**) approved by MAG on June 26, 2024, and as may be amended from time to time, incorporated herein by this reference. The Allocated Funds are expressed in Year of Expenditure dollar amounts, which will not be adjusted for inflation;
- d. Provide invoices to MAG consistent with the EVCIP Guidelines;
- e. The City's authorized representative shall sign, approve and submit invoices to MAG is the City's Public Works Director or designee; and
- f. Otherwise comply with all requirements of this Agreement.

C. Records and Audit Rights. The City's work and accounting records (hard copy, as well as computer readable data), and any other supporting evidence deemed necessary by MAG to substantiate charges and claims related to this Agreement shall be open to inspection and subject to audit and/or reproduction by authorized representatives of MAG, ADOT and the Auditor General of the State of Arizona (collectively Auditors), as applicable to the extent necessary to adequately permit evaluation and verification of the performance and cost of the work, and to conduct and prepare all audits and reports required by law. Auditors shall be afforded access, at reasonable times and places, to all of the City's records and personnel, pursuant to the provisions of this Section, throughout the term of this Agreement, and for a period of five (5) years after last or final payment.

D. Term and Termination. The Agreement is valid through the payment of the final invoice for completion of the Project, subject to earlier termination as specifically provided herein.

1. Termination by MAG. MAG reserves the right to terminate this Agreement in the event that MAG determines, in its reasonable discretion, that local or MAG Allocated Funds are not available to meet the City's financial responsibilities in regard to the Project, or in the event of an act of God or act of war or terror that makes continuation of work pursuant to this Agreement no longer in the public interest. MAG will give **60 calendar days'** advance notice of such termination, unless such notice is impracticable, in which case MAG will provide such notice as is practicable under the circumstances. In the event of such termination, MAG will recommend to ADOT that it reimburse the City as provided in this Agreement for work satisfactorily performed up to the date of termination. MAG also reserves the right to terminate this Agreement in the following circumstances:

- a. No Project Reimbursement Request has been submitted to MAG for a period of at least **3 months** from the date of the last Project Reimbursement Request (**PRR**), or the effective date of this Agreement, whichever is later.

2. **Termination by the City.** The City reserves the right to terminate this Agreement in the event that the City determines, in its reasonable discretion, that local funds are not available to meet the City's financial responsibilities in regard to the Project, or in the event of an act of God or act of war or terror that makes continuation of work pursuant to this Agreement no longer in the public interest. The City will give **60 calendar days'** advance notice of such termination, unless such notice is impracticable, in which case the City will provide such notice as is practicable under the circumstances.

3. **Termination by Mutual Consent.** The Parties may terminate this Agreement by mutual consent in the event that they determine that such termination is in furtherance of the goals of the EVCIP and is in the best interests of the Parties.

E. **Availability of Funds.** Each Party's obligations under this Agreement are conditioned upon the availability of funds, appropriated or allocated, for the payment of such obligation. No liability shall accrue to MAG in the event MAG declines to review and/or approve invoices for payment on the basis that funds are not available for payment of such invoices, and/or if MAG terminates the Agreement in accordance with this Agreement's **Section D(1)**.

F. **Indemnification.** Each party (as Indemnitor) agrees to indemnify, defend, and hold harmless the other party (as Indemnitee) from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as **Claims**) arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

G. **Conflict of Interest.** This Agreement is subject to termination for conflict of interest, pursuant to the provisions of A.R.S. § 38-511.

H. **Ownership of Improvements upon Termination.** Upon the expiration or other termination of this Agreement, ownership of the Project and the improvements constructed under this Agreement shall be vested in the City.

I. **General Provisions.**

1. **Incorporation of Recitals.** The Recitals are acknowledged by the Parties to be substantially true and correct, and hereby incorporated as agreements of the Parties.

2. **Entire Agreement.** This Agreement constitutes the entire understanding of the Parties and supersedes all previous representations, written or oral, with respect to the services specified herein. This Agreement may not be modified or amended, except by a written document, signed by authorized representatives of each Party.

3. **Official Copies.** Upon date of execution by the MAG Executive Director, the City shall receive a signed copy of the agreement within **14 calendar days** of execution.

4. **Arizona Law.** This Agreement shall be governed and interpreted according to the laws of the State of Arizona.
5. **Modifications.** Except as otherwise specifically provided in this Agreement, any amendment, modification or variation from the terms of this Agreement shall be in writing and shall be effective only after written approval of all Parties.
6. **Attorney's Fees.** In the event either Party brings any action for any relief, declaratory or otherwise, arising out of this Agreement, or on account of any breach or default of this Agreement, the prevailing Party may seek from the other Party reasonable attorneys' fees and reasonable costs and expenses.
7. **Notices.** All notices or demands required to be given, pursuant to the terms of this Agreement, shall be given to the other Party in writing, delivered in person, sent by facsimile transmission, deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested or deposited with any commercial air courier or express service at the addresses set forth below, or to such other address as the Parties may substitute by written notice, given in the manner prescribed in this paragraph.

If to the City :

City Manager
City of Avondale
11465 W Civic Center Drive
Avondale, AZ 85323

If to MAG:

Executive Director
Maricopa Association of Governments
302 No. First Avenue
Suite 300
Phoenix, Arizona 85003
Tel: (602) 254-6300
Fax: (602) 254-6490

A notice shall be deemed received on the date delivered, if delivered by hand, on the **day** it is sent by facsimile transmission, on the **second working day** after its deposit with any commercial air courier or express services or, if mailed, **three working days** (exclusive of United State Post Office holidays) after the notice is deposited in the United States mail as above provided, and on the delivery date indicated on receipt, if delivered by certified or registered mail. Any time period stated in a notice shall be computed from the time the notice is deemed received. Notices sent by facsimile

transmission shall also be sent by regular mail to the recipient at the above address. This requirement for duplicate notice is not intended to change the effective date of the notice sent by facsimile transmission. Email is not an acceptable means for meeting the requirements of this section unless otherwise agreed in writing.

8. **Force Majeure.** Neither Party shall be responsible for delays or failures in performance resulting from acts beyond their control. Such acts shall include, but not be limited to, acts of God, riots, acts of war, epidemics, governmental regulations imposed after the fact, fire, communication line failures or power failures.
9. **Advertising.** No advertising or publicity concerning MAG using any contractor's or subcontractor's services shall be undertaken without prior written approval of such advertising or publicity by MAG's Executive Director.
10. **Counterparts.** This Agreement may be executed in one or more counterparts, and each originally executed counterpart of this Agreement shall be deemed to possess the full force and effect of the original.
11. **Captions.** The captions used in this Agreement are solely for the convenience of the Parties, do not constitute a part of this Agreement and are not to be used to construe or interpret this Agreement.
12. **Severability.** If any term or provision of this Agreement shall be found to be illegal or unenforceable, then notwithstanding such illegality or unenforceability, this Agreement shall remain in full force and effect, and such term or provision shall be deemed to be deleted.
13. **Authority.** Each Party hereby warrants and represents that it has full power and authority to enter into and perform this Agreement, and that the person signing on behalf of each has been properly authorized and empowered to enter this Agreement. Each Party further acknowledges that it has read this Agreement, understands it, and agrees to be bound by it.
14. **E-Verify.**
 - a. **Warrant of Compliance.** Pursuant to the provisions of A.R.S. §41-4401, each Party warrants to the other that it is in compliance with all federal immigration laws and regulations that relate to its employees and with the E-Verify Program under A.R.S. §23-214(A).
 - b. **Breach of Warranty.** A breach of this warranty by a Party or any of its subcontractors will be considered a material breach of this Agreement and may subject the breaching party to penalties up to and including termination of this Agreement or any subcontract.

- c. **Right to Inspect.** Each Party retains the legal right to inspect the papers of any employee who works on this Agreement or any subcontractor to ensure compliance with the warranty given above.
- d. **Random Verification.** Either Party may conduct a random verification of the employment records of the other to ensure compliance with this warranty.
- e. **Federal Employment Verification Provisions – No Material Breach.** A Party will not be considered in material breach of this Agreement if it establishes that it has complied with the employment verification provisions prescribed by 8 USCA §1324(a) and (b) of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214(A).
- f. **Inclusion of Article in Other Contracts.** The provisions of this Article must be included in any contract either Party enters into with any and all of its contractors or subcontractors who provide services pursuant to this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed by their duly authorized officers. (The order for obtaining the signatures is as follows: the MAG General Counsel, the appropriate representative of the City of Avondale, and the MAG Executive Director).

MAG:

Maricopa Association of Governments, an
Arizona non-profit Corporation

Date

By: _____
Ed Zuercher
Executive Director

City of Avondale:

City of Avondale, an Arizona Municipal
Corporation

Date

By: _____
Kenneth Weise, Mayor

ATTEST:

Marcella Sarmiento, City of Avondale Clerk

Approved as to form:

Approved as to form:

By: _____
MAG General Counsel

By: _____
Nicholle Harris,
Attorney for the City of Avondale

ITEM NUMBER: 3.h.

SUBJECT: Ordinance 2018-0824 – Abandonment of a Temporary Waterline Easement at Fulton Homes Acclaim

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2018-0824, authorizing the abandonment of a temporary waterline easement located generally 2,600 feet north of Thomas Road and west of 99th Avenue and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

City Council approved "Final Plat Fulton Homes Acclaim - Phase IB", on March 7, 2022, and subsequently recorded in Book 1657, Page 9, with the Maricopa County Recorder's Office. The plat dedicated a temporary 20' waterline easement located generally 2,600 feet north of Thomas Road and west of 99th Avenue.

DISCUSSION:

The temporary waterline easement was requested by the Acclaim developer, Fulton Homes, to provide a temporary secondary water line connection for Acclaim's Phases IA and IB residential developments. Due to ongoing delays in tiling an existing Salt River Project (SRP) open irrigation channel along the west side of 99th Avenue, the proposed 16-inch water line in 99th Avenue along Acclaim's frontage could not be constructed by the developer. A temporary water line connection to an existing water line slightly north of Acclaim was approved by staff provided a water line easement was dedicated to the City. Now that the ditch has been tiled and the 99th Avenue waterline along Acclaim's frontage has been constructed, the temporary waterline

easement is no longer needed and can be abandoned.

The easement consists of an area containing 5,702 square feet.

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the abandonment of a temporary waterline easement located generally 2,600 feet north of Thomas Road and west of 99th Avenue and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore

TEMPORARY WATERLINE EASEMENT
TO BE ABANDONED



20-0146

Fulton Homes Acclaim

Vicinity Map



1130 N. Alma School Rd
Suite 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

ORDINANCE NO. 2018-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, PROVIDING FOR THE ABANDONMENT OF A TEMPORARY WATER LINE EASEMENT GENERALLY LOCATED NORTH OF THOMAS ROAD AND WEST OF 99TH AVENUE.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the “City”) to dispose of its acquired property as the City’s interests may require; and

WHEREAS, a temporary water line easement was dedicated for public use by plat entitled “Final Plat Fulton Homes Acclaim – Phase 1B” recorded at Document No. 2022-0254917 Book 1657 Page 9 in the Office of the Maricopa County Recorder on March 22, 2022 (the “Easement”); and

WHEREAS, the Council of the City of Avondale (the “City Council”) has determined that the Easement is no longer needed and therefore, it is necessary and appropriate to abandon said easement.

NOW, THEREFORE, BE IT ORDAINED 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 Easement, as more particularly described and depicted in Exhibit A, and Exhibit B attached hereto and incorporated herein by reference, is hereby declared to be no longer necessary for use as a temporary water line easement and is hereby abandoned to the surrounding privately-owned parcels, Maricopa County Assessor Parcel Nos. 102-33-451, 102-33-373 and 102-33-508.

SECTION 3. Upon recordation of this Ordinance in the office of the Maricopa County Recorder, all right and title in the Easement shall be forever extinguished and all right and title to the real property described therein shall vest in the owner of Maricopa County Assessor Parcel Nos. 102-33-451, 102-33-373 and 102-33-508.

SECTION 4. The Mayor, the City Manager or authorized designee, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
August 19, 2024.

Kenneth Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2018-0824

[Legal Description]

See following page.

Exhibit "A"
Legal Description
Fulton Homes Acclain – Phase 1B
Temporary Waterline Easement Abandonment



Job No. 20-0146

January 19, 2024

A portion of Lot 452 and Tract O, Fulton Homes Acclain – Phase 1B, Book 1657 of Maps, Page 9, Official Records of Maricopa County, Arizona, located in the Southeast Quarter of Section 29, Township 2 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, and more particularly described as follows:

COMMENCING at a 3-inch Maricopa County Highway Department brass cap in hand hole at the east quarter corner of said Section 29, from which a MAG nail in pavement with no ID at the southeast corner of said Section 29, bears South 0 degrees 18 minutes 10 seconds West (basis of bearing) 2638.01 feet;

thence along the North line of said Southeast Quarter, South 89 degrees 17 minutes 09 seconds West, 18.00 feet to the **POINT OF BEGINNING**;

thence South 0 degrees 18 minutes 10 seconds West, 26.83 feet;

thence North 89 degrees 41 minutes 50 seconds West, 125.88 feet;

thence South 45 degrees 18 minutes 10 seconds West, 137.69 feet to a point on the North right of way of Cora Lane as shown on said Fulton Homes Acclain – Phase 1B, said point being to the beginning of a non-tangent curve, concave southwest, from which the radius point bears South 20 degrees 37 minutes 51 seconds West a distance of 54.00 feet;

thence northwesterly 25.74 feet along said right of way and along the arc of said curve to the left through a central angle of 27 degrees 18 minutes 28 seconds;

thence on a non-tangent line North 45 degrees 18 minutes 10 seconds East, 161.79 feet;

thence South 89 degrees 41 minutes 50 seconds East, 114.16 feet;

thence North 0 degrees 18 minutes 10 seconds East, 6.47 feet;

thence along the North line of said Southeast Quarter, North 89 degrees 17 minutes 09 seconds East, 20.00 feet to the **POINT OF BEGINNING**.

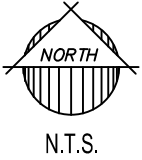
Containing an area of 5,702 square feet or 0.1309 acres, more or less.



EXHIBIT B
TO
ORDINANCE NO. 2018-0824

[Map of Temporary Water Line Easement]

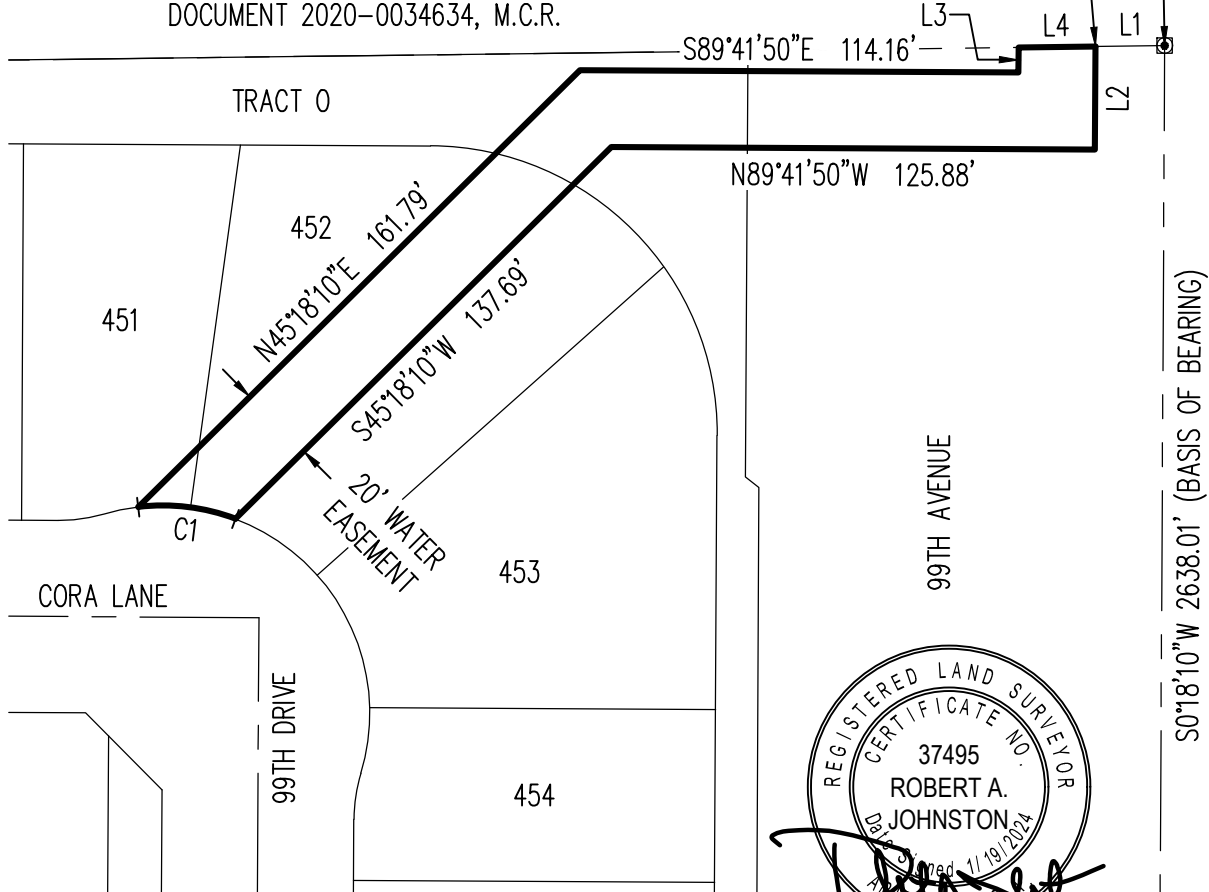
See following page.



APN: 102-27-008N
WILLIAM LYON HOMES INC
DOCUMENT 2020-0034634, M.C.R.

EAST QUARTER CORNER
SECTION 29, T2N, R1E
FOUND 3" MARICOPA COUNTY HIGHWAY
DEPARTMENT BRASS CAP IN HAND HOLE
POINT OF COMMENCEMENT

POINT OF BEGINNING



SOUTHEAST CORNER
SECTION 29, T2N, R1E
FOUND MAG NAIL
IN PAVEMENT, NO ID

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°17'09"W	18.00'
L2	S00°18'10"W	26.83'
L3	N00°18'10"E	6.47'
L4	N89°17'09"E	20.00'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	25.74'	54.00'	27°18'28"	25.49'	N83°01'24"W

20-0146

Fulton Homes Acclain - Phase 1B
Temporary Waterline Easement Abandonment

Exhibit "A"



1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

ITEM NUMBER: 3.i.

SUBJECT: Ordinance 2019-0824 – Acceptance of Dedication of a Public Waterline Easement from 117 Land LLC, Related to The District at Crystal Springs Development

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2019-0824, authorizing the acceptance of dedication of a public waterline easement from 117 Land LLC, for Lot 1 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The District at Crystal Springs (The District) is a 45-acre site located at the southwest corner of McDowell Road and Avondale Boulevard. The site was annexed into the City's corporate limits on March 3, 1999, via Ordinance 690-99. The site was previously zoned Crystal Springs Planned Area Development (PAD) and was rezoned to The District at Crystal Springs PAD on June 26, 2023, via Ordinance 2043-0623. A final plat was approved by City Council on December 19, 2023, and recorded in Book of Maps 1775, Page 10 of the Maricopa County Recorder's Office, which split the 45-acre site into five (5) lots. The site is currently designated by the General Plan 2030 Land Use Map for Mixed Use.

DISCUSSION:

The District will install a public waterline in an onsite private road for domestic service, fire protection and landscaping purposes for the five individual lots. Each lot has separate ownership which will require a public waterline easement from each owner to provide public services to each lot and allow the City access for

operation and maintenance purposes. Lot 1, owned by 117 Land LLC, will be the focus of this request.

An easement containing 13,434 square feet will be granted to the City along Lot 1.

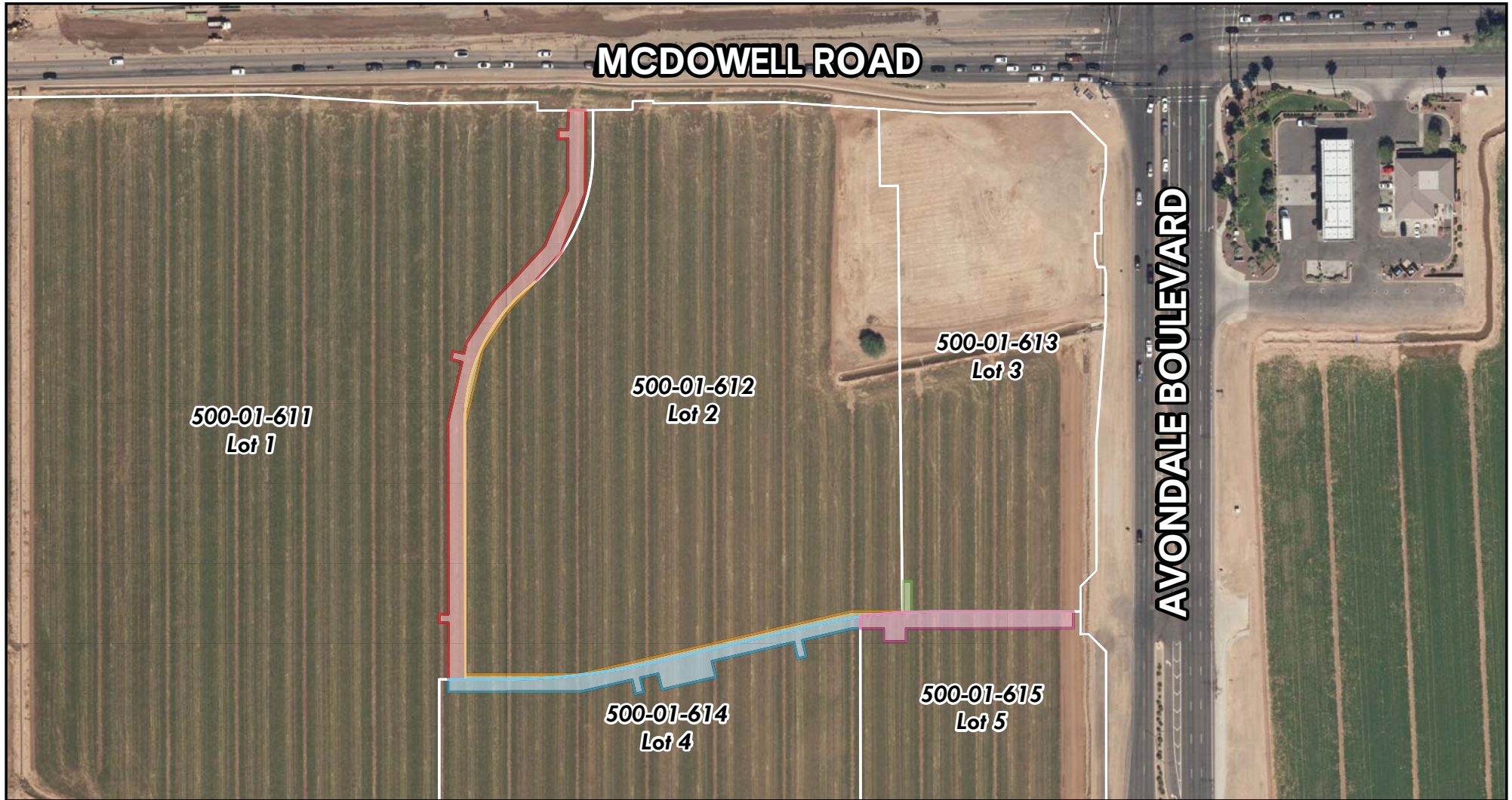
BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acceptance of dedication of a public waterline easement from 117 Land LLC, for Lot 1 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Natalie Railey, Terry Dorschied



Vicinity Map - Overview



Easements

- | | | |
|--------------------|--------------------|--------------------|
| Lot 1 (500-01-611) | Lot 3 (500-01-613) | Lot 5 (500-01-615) |
| Lot 2 (500-01-612) | Lot 4 (500-01-614) | |

Not to Scale



MCDOWELL ROAD

500-01-611
Lot 1

500-01-612
Lot 2

500-01-614
Lot 4

Vicinity Map - Lot 1



Water Line Easement

Not to Scale



ORDINANCE NO. 2019-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC WATERLINE EASEMENT FOR PUBLIC USE FROM 117 LAND LLC, GENERALLY LOCATED SOUTH OF MCDOWELL ROAD AND WEST OF AVONDALE BOULEVARD.

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

SECTION 1. A waterline easement for public use over, across and under $\pm$ 13,434 square feet of real property (APN 500-01-611), generally located south of McDowell Road and west of Avondale Boulevard in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted in substantially the form and substance set forth in Exhibit A, by the City of Avondale (the “City”) from 117 Land LLC, as it relates to The District at Crystal Springs development.

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, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2019-0824

[Utility Easement Agreement]

See following pages.

When Recorded Mail To:
City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

This Easement is exempt from recording fee
and Affidavit of Property Value pursuant to
A.R.S. §11-1134(A)(2)

UTILITY EASEMENT AGREEMENT

GRANTOR: 117 Land LLC, a Delaware limited liability company

GRANTEE: CITY OF AVONDALE, an Arizona municipal corporation (the “City”)

THIS UTILITY EASEMENT AGREEMENT (this “Agreement”) is entered into on July 09, 2024, by and between the Grantor and the City for the purposes set forth below.

RECITALS

A. Grantor is the record owner of certain real property at the location identified on Exhibit A, attached hereto and incorporated herein by this reference (the “Easement Area”).

B. The Grantor and the City desire to enter into this Agreement for Grantor to grant to the City a limited, non-exclusive, perpetual easement (the “Easement”) together with the necessary right of access, ingress and egress over the Easement Area, for purposes of accessing, operating, maintaining, repairing or replacing the waterline and related water utility infrastructure (the “Facilities”) located adjacent to the Easement Area, as described and depicted on Exhibit A and Exhibit B attached hereto and incorporated herein by reference.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference and the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys unto and for the benefit of the City the Easement for the purposes of accessing, operating, maintaining, repairing or replacing the Facilities.

2. Maintenance and Use of the Easement. Grantor shall not maintain the Easement Area in a manner that impairs the ability or capacity of the City to utilize the Easement. Grantor shall not construct, install or place, or permit to be constructed, installed or placed upon the Easement Area any fence, wall, structure or other improvement that interferes with or impede the

City's access to the Easement or the City's right to access, maintain, operate, repair or replace the Facilities in the Easement Area.

3. Indemnification. To the fullest extent permitted by law, the City shall indemnify, defend and hold harmless the Grantor (the Grantor and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions of the City, its council members, officers, employees, agents, or any tier of subcontractor related to City's use of the Easement Area.

4. Termination. This Agreement and the City's use of the Easement shall terminate 60 days after the City's permanent abandonment, decommissioning or cessation of use of the Facilities and related water facilities. No such 60-day period shall begin until after written notice by Grantor to the City's Manager of Grantor's belief that the City has abandoned, decommissioned or ceased use of the Facilities.

5. No Assignment. The City shall have no right or authority to assign, in whole or in part, any of its rights or obligations under this Agreement, or any portion of this Agreement to any third party without the prior, written consent of Grantor, which consent shall not be unreasonably delayed, conditioned or denied.

6. Liens and Encumbrances. The City represents and warrants that it will maintain the Easement Area free and clear from any liens or encumbrances of any nature whatsoever in connection with the City's use of the Easement Area.

7. Running of Benefits and Burdens. All provisions of this Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the assigns and successors of the parties hereto.

8. Attorneys' Fees. Either party may enforce this instrument by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorney's fees and court costs.

9. Additional Easements. Nothing contained in this Agreement shall prohibit Grantor from conveying additional easements for access, utility or other purposes through, over, under, upon, in, across and along the Easement Area; provided, however, that no such additional rights or easements shall impair the City's use of the Easement.

10. Counterparts. This Agreement may be executed in counterparts, all of which are identical, each of which shall be deemed an original, and all of which counterparts, when executed, taken together shall constitute one and the same instrument.

11. Entire Agreement. This instrument contains the entire agreement between the parties relating to the City's use of the Easement Area. Any oral representations or modifications

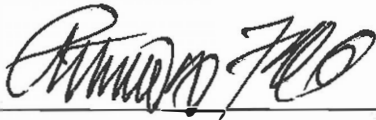
concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the parties.

12. Cancellation by City. This Agreement may be cancelled by the City or the Grantor pursuant to ARIZ. REV. STAT. § 38-511 at which time, the Easement shall revert back to the Grantor.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

“Grantor”

117 LAND LLC,
a Delaware limited liability company

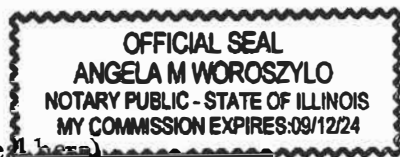


Steven D. Fifield, Manager Member

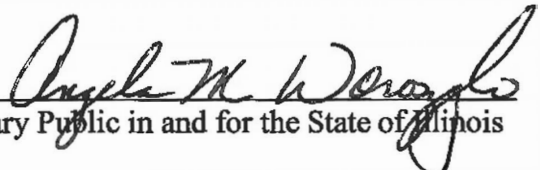
(ACKNOWLEDGMENT)

STATE OF ILLINOIS)
) ss.
COUNTY OF WILL)

This instrument was acknowledged before me on July 9, 2024,
by Steven D. Fifield, Manager Member of 117 Land LLC, a Delaware limited liability company
on behalf of the company.



(affix notary seal here)


Notary Public in and for the State of Illinois

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

ACCEPTED:

“City”

CITY OF AVONDALE,
an Arizona municipal corporation

Ron Corbin, City Manager

ATTEST:

Marcella Sarmiento, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2024,
by Ron Corbin, the City Manager of the CITY OF AVONDALE, an Arizona municipal
corporation, on behalf of the City of Avondale.

Notary Public in and for the State of Arizona

(affix notary seal here)

EXHIBIT A
TO
UTILITY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
117 LAND LLC

[Legal Description]

See following page.

EXHIBIT A
LEGAL DESCRIPTION
APN: 500-01-611

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 1 BEARS SOUTH 89°22'41" WEST, A DISTANCE OF 2654.42 FEET;

THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 89°22'41" WEST, A DISTANCE OF 678.67 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°37'19" EAST, A DISTANCE OF 72.11 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°57'51" WEST, A DISTANCE OF 20.00 FEET;
THENCE SOUTH 00°02'09" WEST, A DISTANCE OF 22.77 FEET;
THENCE SOUTH 89°52'13" WEST, A DISTANCE OF 11.34 FEET;
THENCE SOUTH 00°07'47" EAST, A DISTANCE OF 10.00 FEET;
THENCE NORTH 89°52'13" EAST, A DISTANCE OF 11.31 FEET;
THENCE SOUTH 00°02'09" WEST, A DISTANCE OF 59.26 FEET;
THENCE SOUTH 22°27'25" WEST, A DISTANCE OF 69.60 FEET;
THENCE SOUTH 42°42'46" WEST, A DISTANCE OF 86.04 FEET;
THENCE SOUTH 33°22'44" WEST, A DISTANCE OF 58.72 FEET;
THENCE SOUTH 13°12'26" WEST, A DISTANCE OF 12.81 FEET;
THENCE NORTH 76°45'39" WEST, A DISTANCE OF 13.00 FEET;
THENCE SOUTH 13°14'21" WEST, A DISTANCE OF 10.00 FEET;
THENCE SOUTH 76°45'39" EAST, A DISTANCE OF 13.01 FEET;
THENCE SOUTH 13°12'26" WEST, A DISTANCE OF 70.95 FEET;
THENCE SOUTH 00°03'42" EAST, A DISTANCE OF 222.34 FEET;
THENCE NORTH 89°44'59" WEST, A DISTANCE OF 10.47 FEET;
THENCE SOUTH 00°15'01" WEST, A DISTANCE OF 10.00 FEET;
THENCE SOUTH 89°44'59" EAST, A DISTANCE OF 10.53 FEET;
THENCE SOUTH 00°02'35" EAST, A DISTANCE OF 65.37 FEET;
THENCE NORTH 89°57'25" EAST, A DISTANCE OF 19.52 FEET;

CHAD W. HUBER
RLS 35316
7740 N. 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020
PH. 602-837-5511
chad.huber@kimley-horn.com

WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST, Suite 300
PHOENIX, AZ 85020

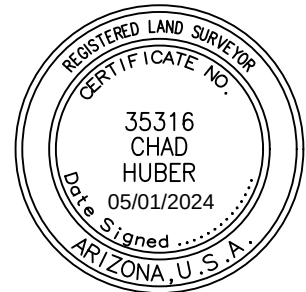
Tel. No. (602) 837-5511

Scale N/A	Drawn by KES	Checked by CWH	Date 04/11/2024	Project No. 291751000	Sheet No. 1 OF 4
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EXHIBIT A
LEGAL DESCRIPTION
APN: 500-01-611

THENCE NORTH 00°03'42" WEST, A DISTANCE OF 297.72 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY WHOSE RADIUS BEARS NORTH 89°56'18" EAST, A DISTANCE OF 200.00 FEET;
THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 50°43'22", AN ARC LENGTH OF 177.06 FEET;
THENCE NORTH 50°06'28" EAST, A DISTANCE OF 7.41 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS BEARS NORTH 40°55'08" WEST, A DISTANCE OF 200.00 FEET;
THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 0°50'28", AN ARC LENGTH OF 2.94 FEET;
THENCE NORTH 42°42'46" EAST, A DISTANCE OF 38.53 FEET;
THENCE NORTH 22°27'25" EAST, A DISTANCE OF 75.49 FEET;
THENCE NORTH 00°02'09" EAST, A DISTANCE OF 95.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,434 SQ.FT. MORE OR LESS.



CHAD W. HUBER
RLS 35316
7740 N. 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020
PH. 602-837-5511
chad.huber@kimley-horn.com

WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST., Suite 300
PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	2 OF 4

EXHIBIT B
TO
UTILILY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
117 LAND LLC

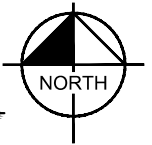
[Map]

See following page.

EXHIBIT B

NE COR.
SEC. 1, T1N, R1W

POC



S89°22'41"W 2654.42'
S0°37'19"E 678.67
72.11'

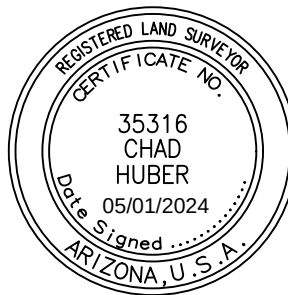
MCDOWELL ROAD

POB

LOT 1
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 501-01-611

LOT 3
BK. 1775 OF MAPS, PG. 10, M.C.R.
APN: 500-01-613

LOT 2
BK. 1775 OF MAPS, PG. 10, M.C.R.
APN: 501-01-612



CHAD W. HUBER
RLS 35316
7740 N. 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020
PH. 602-837-5511
chad.huber@kimley-horn.com

WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST, Suite 300
PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	3 OF 4

EXHIBIT B

Line Table		
Line #	Length	Direction
L1	20.00	N89° 57' 51"W
L2	22.77	S0° 02' 09"W
L3	11.34	S89° 52' 13"W
L4	10.00	S0° 07' 47"E
L5	11.31	N89° 52' 13"E
L6	59.26	S0° 02' 09"W
L7	69.60	S22° 27' 25"W
L8	86.04	S42° 42' 46"W
L9	58.72	S33° 22' 44"W
L10	12.81	S13° 12' 26"W
L11	13.00	N76° 45' 39"W
L12	10.00	S13° 14' 21"W
L13	13.01	S76° 45' 39"E
L14	70.95	S13° 12' 26"W
L15	222.34	S0° 03' 42"E

Line Table		
Line #	Length	Direction
L16	10.47	N89° 44' 59"W
L17	10.00	S0° 15' 01"W
L18	10.53	S89° 44' 59"E
L19	65.37	S0° 02' 35"E
L20	19.52	N89° 57' 25"E
L21	297.72	N0° 03' 42"W
L22	7.41	N50° 06' 28"E
L23	38.53	N42° 42' 46"E
L24	75.49	N22° 27' 25"E
L25	95.99	N0° 02' 09"E



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 PH. 602-837-5511
 chad.huber@kimley-horn.com

Curve Table			
Curve #	Length	Radius	Delta
C1	177.06	200.00	50°43'22"
C2	2.94	200.00	0°50'28"

WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST, Suite 300
 PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	4 OF 4

ITEM NUMBER: 3.j.

SUBJECT: Ordinance 2020-0824 – Acceptance of Dedication of a Public Waterline Easement from Stotz Farms, Inc., Related to The District at Crystal Springs Development

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2020-0824, authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 2 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The District at Crystal Springs (The District) is a 45-acre site located at the southwest corner of McDowell Road and Avondale Boulevard. The site was annexed into the City's corporate limits on March 3, 1999, via Ordinance 690-99. The site was previously zoned Crystal Springs Planned Area Development (PAD) and was rezoned to The District at Crystal Springs PAD on June 26, 2023, via Ordinance 2043-0623. A final plat was approved by City Council on December 19, 2023, and recorded in Book of Maps 1775, Page 10 of the Maricopa County Recorder's Office, which split the 45-acre site into five (5) lots. The site is currently designated by the General Plan 2030 Land Use Map for Mixed Use.

DISCUSSION:

The District will install a public waterline in an onsite private road for domestic service, fire protection and landscaping purposes for the five individual lots. Each lot has separate ownership which will require a public waterline easement from each owner to provide public services to each lot and allow the City access for

operation and maintenance purposes. Lot 2, owned by Stotz Farms, Inc., will be the focus of this request.

An easement containing 3,444 square feet will be granted to the City along Lot 2.

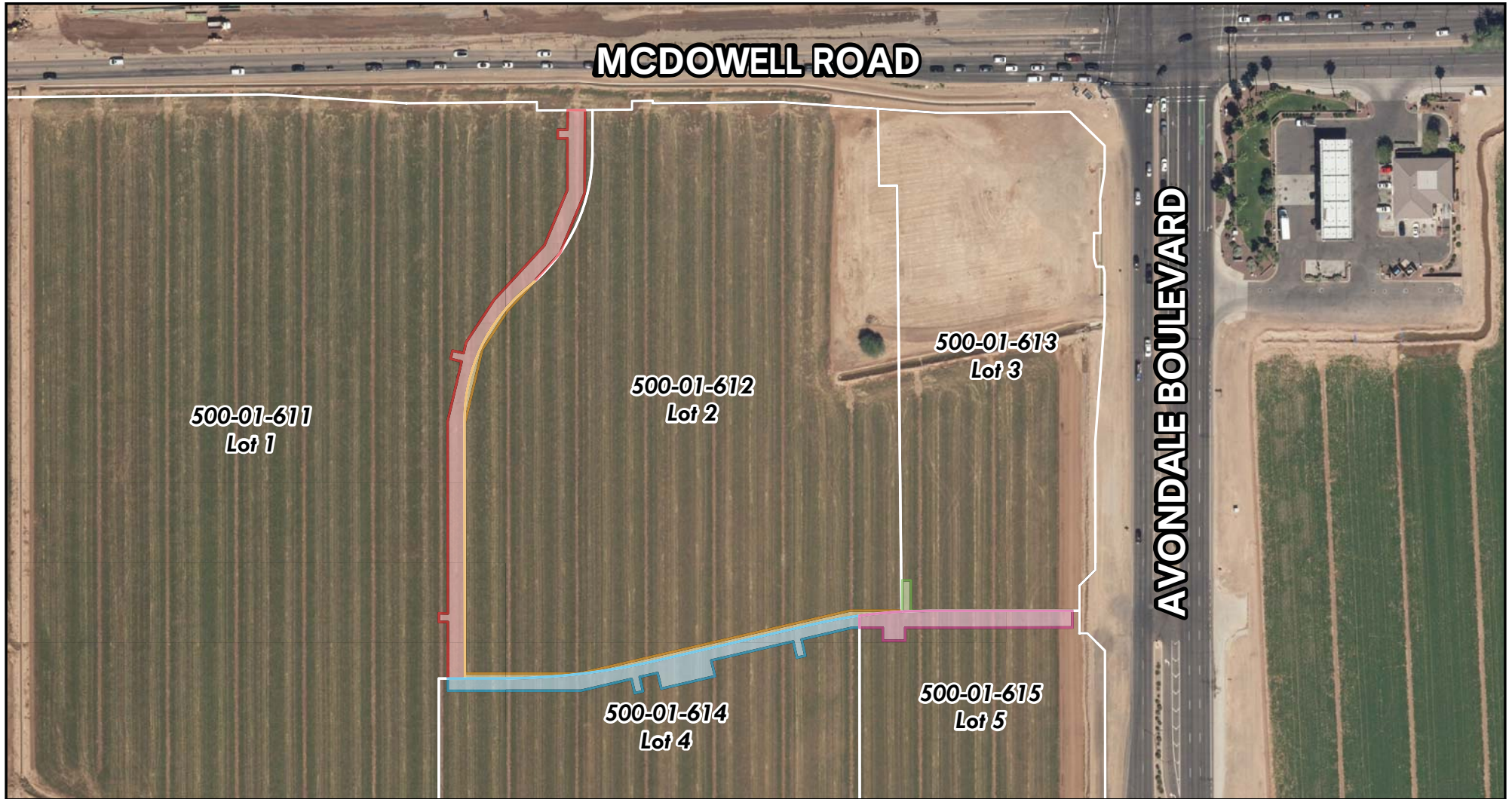
BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 2 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Natalie Railey, Terry Dorschied



Vicinity Map - Overview

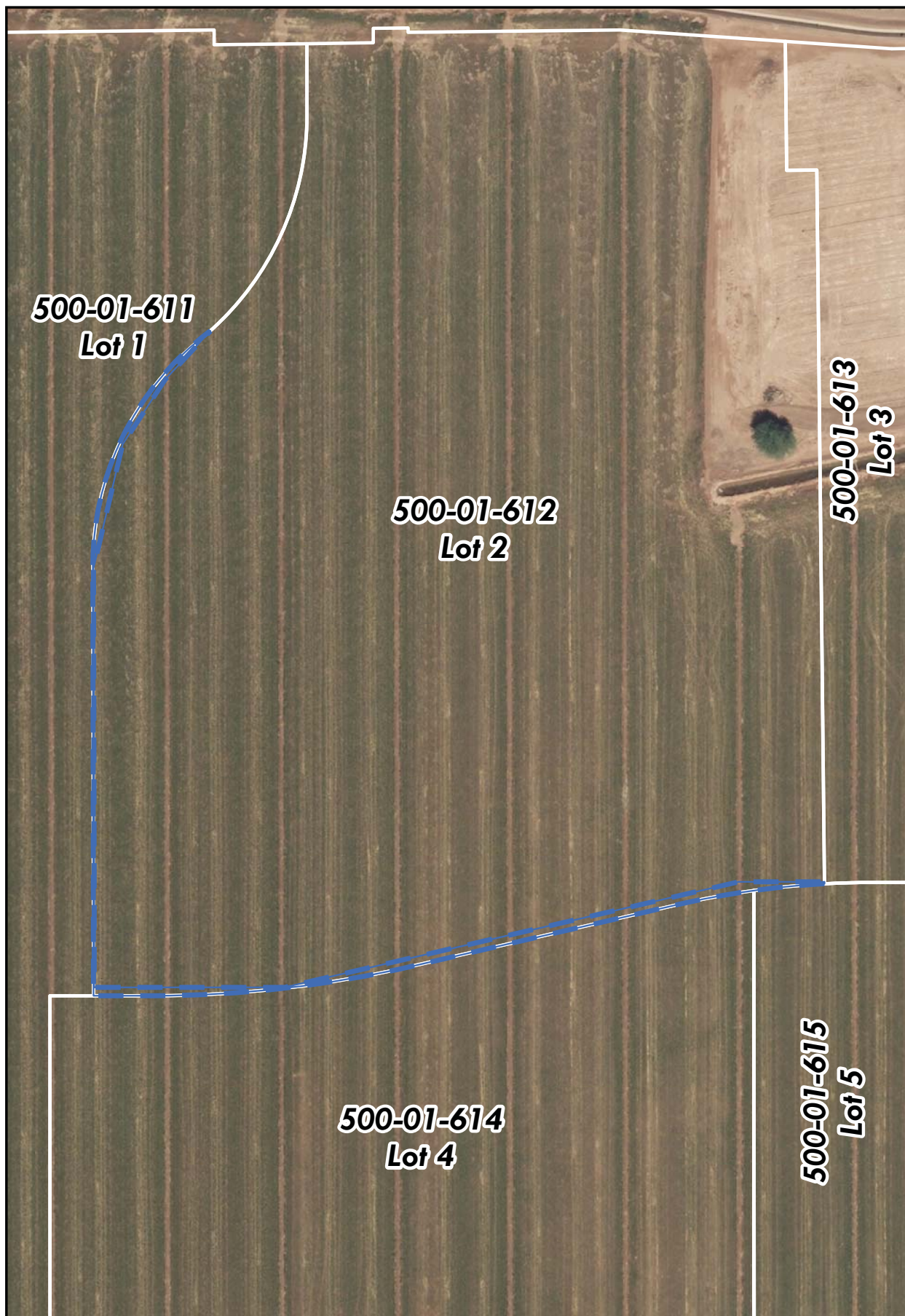


Easements

- | | | |
|--|--|--|
|  Lot 1 (500-01-611) |  Lot 3 (500-01-613) |  Lot 5 (500-01-615) |
|  Lot 2 (500-01-612) |  Lot 4 (500-01-614) | |

Not to Scale





Vicinity Map - Lot 2



Water Line Easement

Not to Scale



ORDINANCE NO. 2020-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC. FOR LOT 2 AS IT RELATES TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT, GENERALLY LOCATED SOUTH OF MCDOWELL ROAD AND WEST OF AVONDALE BOULEVARD.

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

SECTION 1. A waterline easement for public use over, across and under $\pm$ 3,444 square feet of real property generally located south of McDowell Road and west of Avondale Boulevard in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted in substantially the form and substance set forth in Exhibit A, by the City of Avondale (the “City”) from Stotz Farms, Inc. for Lot 2 (APN 500-01-612) as it relates to The District at Crystal Springs development.

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, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2020-0824

[Utility Easement Agreement]

See following pages.

When Recorded Mail To:
City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

This Easement is exempt from recording fee
and Affidavit of Property Value pursuant to
A.R.S. §11-1134(A)(2)

UTILITY EASEMENT AGREEMENT

GRANTOR: STOTZ FARMS, INC., an Arizona Corporation

GRANTEE: CITY OF AVONDALE, an Arizona municipal corporation (the "City")

THIS UTILITY EASEMENT AGREEMENT (this "Agreement") is entered into on July 16, 2024, by and between the Grantor and the City for the purposes set forth below.

RECITALS

A. Grantor is the record owner of certain real property at the location identified on Exhibit A, attached hereto and incorporated herein by this reference (the "Easement Area").

B. The Grantor and the City desire to enter into this Agreement for Grantor to grant to the City a limited, non-exclusive, perpetual easement (the "Easement") together with the necessary right of access, ingress and egress over the Easement Area, for purposes of accessing, operating, maintaining, repairing or replacing the waterline and related water utility infrastructure (the "Facilities") located adjacent to the Easement Area, as described and depicted on Exhibit A and Exhibit B attached hereto and incorporated herein by reference.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference and the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys unto and for the benefit of the City the Easement for the purposes of accessing, operating, maintaining, repairing or replacing the Facilities.

2. Maintenance and Use of the Easement. Grantor shall not maintain the Easement Area in a manner that impairs the ability or capacity of the City to utilize the Easement. Grantor shall not construct, install or place, or permit to be constructed, installed or placed upon the Easement Area any fence, wall, structure or other improvement that interferes with or impede the

City's access to the Easement or the City's right to access, maintain, operate, repair or replace the Facilities in the Easement Area.

3. Indemnification. To the fullest extent permitted by law, the City shall indemnify, defend and hold harmless the Grantor (the Grantor and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions of the City, its council members, officers, employees, agents, or any tier of subcontractor related to City's use of the Easement Area.

4. Termination. This Agreement and the City's use of the Easement shall terminate 60 days after the City's permanent abandonment, decommissioning or cessation of use of the Facilities and related water facilities. No such 60-day period shall begin until after written notice by Grantor to the City's Manager of Grantor's belief that the City has abandoned, decommissioned or ceased use of the Facilities.

5. No Assignment. The City shall have no right or authority to assign, in whole or in part, any of its rights or obligations under this Agreement, or any portion of this Agreement to any third party without the prior, written consent of Grantor, which consent shall not be unreasonably delayed, conditioned or denied.

6. Liens and Encumbrances. The City represents and warrants that it will maintain the Easement Area free and clear from any liens or encumbrances of any nature whatsoever in connection with the City's use of the Easement Area.

7. Running of Benefits and Burdens. All provisions of this Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the assigns and successors of the parties hereto.

8. Attorneys' Fees. Either party may enforce this instrument by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorney's fees and court costs.

9. Additional Easements. Nothing contained in this Agreement shall prohibit Grantor from conveying additional easements for access, utility or other purposes through, over, under, upon, in, across and along the Easement Area; provided, however, that no such additional rights or easements shall impair the City's use of the Easement.

10. Counterparts. This Agreement may be executed in counterparts, all of which are identical, each of which shall be deemed an original, and all of which counterparts, when executed, taken together shall constitute one and the same instrument.

11. Entire Agreement. This instrument contains the entire agreement between the parties relating to the City's use of the Easement Area. Any oral representations or modifications

concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the parties.

12. Cancellation by City. This Agreement may be cancelled by the City or the Grantor pursuant to ARIZ. REV. STAT. § 38-511 at which time, the Easement shall revert back to the Grantor.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

“Grantor”

STOTZ FARMS, INC., an Arizona corporation

By: 
Tom Rosztoczy, President/CEO

(ACKNOWLEDGMENT)

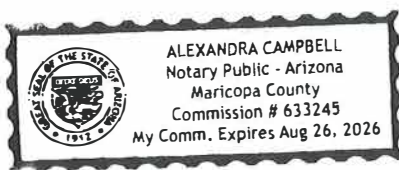
STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on July 16th, 2024,
by Tom Rosztoczy, as President/CEO of Stotz Farms, Inc., an Arizona corporation

Alexandra Campbell 
Notary Public in and for the State of Arizona

(affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



ACCEPTED:

“City”

CITY OF AVONDALE,
an Arizona municipal corporation

Ron Corbin, City Manager

ATTEST:

Marcella Sarmiento, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2024,
by Ron Corbin, the City Manager of the CITY OF AVONDALE, an Arizona municipal
corporation, on behalf of the City of Avondale.

Notary Public in and for the State of Arizona

(affix notary seal here)

EXHIBIT A
TO
UTILITY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
STOTZ FARMS, INC.
[Legal Description]

See following page.

EXHIBIT A
LEGAL DESCRIPTION
APN: 500-01-612

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 1 BEARS SOUTH 89°22'41" WEST, A DISTANCE OF 2654.42 FEET;

THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 89°22'41" WEST, A DISTANCE OF 670.07 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°37'19" EAST, A DISTANCE OF 72.00 FEET;

THENCE SOUTH 00°02'35" EAST, A DISTANCE OF 49.13 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY;

THENCE ALONG THE CHORD OF SAID CURVE, SOUTH 24°05'55" WEST, A DISTANCE OF 163.60 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS BEARS SOUTH 36°22'53" EAST, A DISTANCE OF 200.00 FEET AND THE POINT OF BEGINNING;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 50°43'22", AN ARC LENGTH OF 177.06 FEET;

THENCE SOUTH 00°03'42" EAST, A DISTANCE OF 297.72 FEET;

THENCE NORTH 89°57'25" EAST, A DISTANCE OF 41.42 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY WHOSE RADIUS BEARS NORTH 00°02'35", A DISTANCE OF 800.00 FEET;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°01'17", AN ARC LENGTH OF 181.81 FEET;

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WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST, Suite 300
PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	1 OF 5

EXHIBIT A
LEGAL DESCRIPTION
APN: 500-01-612

THENCE NORTH 76°56'08" EAST, A DISTANCE OF 186.13 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY WHOSE RADIUS BEARS SOUTH 13°03'52" EAST, A DISTANCE OF 600.00 FEET;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 9°51'56", AN ARC LENGTH OF 103.31 FEET;

THENCE NORTH 00°37'19" WEST, A DISTANCE OF 1.30 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 59.22 FEET;

THENCE SOUTH 76°56'08" WEST, A DISTANCE OF 322.15 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 131.59 FEET;

THENCE NORTH 00°02'35" WEST, A DISTANCE OF 64.44 FEET;

THENCE NORTH 00°03'42" WEST, A DISTANCE OF 225.06 FEET;

THENCE NORTH 13°12'26" EAST, A DISTANCE OF 87.88 FEET;

THENCE NORTH 33°22'44" EAST, A DISTANCE OF 53.52 FEET;

THENCE NORTH 42°42'46" EAST, A DISTANCE OF 45.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,444 SQ.FT. MORE OR LESS.



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WATERLINE EASEMENT

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	2 OF 5

EXHIBIT B
TO
UTILILY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
STOTZ FARMS, INC.
[Map]

See following page.

EXHIBIT B

N 1/4 COR.
SEC. 1, T1N, R1W

NE COR.
SEC. 1, T1N, R1W
POC



S89°22'41"W 2654.42'
670.07'

MCDOWELL ROAD

S0°37'19"E
72.00'

S0°02'35"E
49.13'

P.O.B.

C=163.60'
CB=S24°05'55"W
L=168.54'
R=200.00'
Δ=48°17'00"

LOT 2

BK. 1775 OF MAPS, PG. 10, M.C.R.
APN: 500-01-612

LOT 3

BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-613

SEE SHEET 4

SEE SHEET 4

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WATERLINE EASEMENT

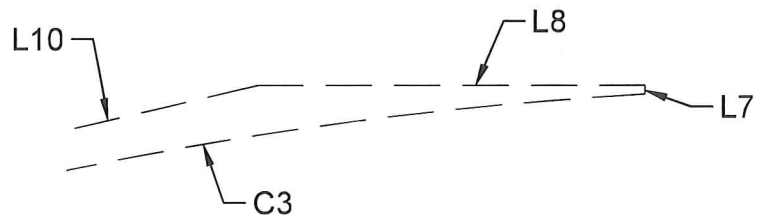
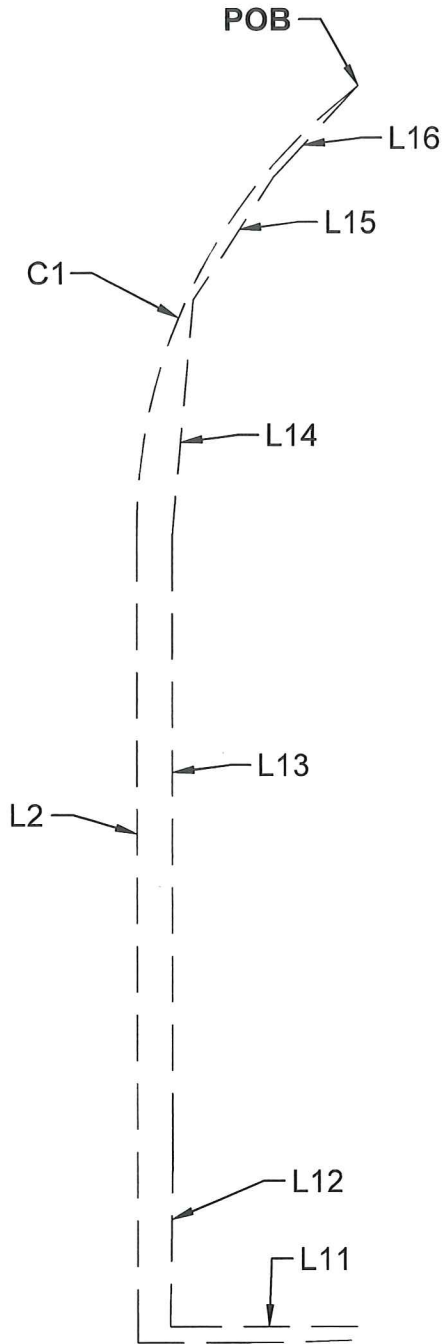
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	3 OF 5

EXHIBIT B



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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	4 OF 5

EXHIBIT B

Line Table		
Line #	Length	Direction
L2	297.72	S0° 03' 42"E
L3	41.42	N89° 57' 25"E
L5	186.13	N76° 56' 08"E
L7	1.30	N0° 37' 19"W
L8	59.22	N90° 00' 00"W
L10	322.15	S76° 56' 08"W
L11	131.59	N90° 00' 00"W
L12	64.44	N0° 02' 35"W
L13	225.06	N0° 03' 42"W
L14	87.88	N13° 12' 26"E
L15	53.52	N33° 22' 44"E
L16	45.82	N42° 42' 46"E



CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	200.00'	177.06'	S25°17'59"W	171.33'	50°43'22"	94.80'
C2	800.00'	181.81'	N83°26'47"E	181.42'	13°01'17"	91.30'
C3	600.00'	103.31'	N81°52'06"E	103.19'	9°51'56"	51.78'

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 PH. 602-837-5511
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WATERLINE EASEMENT

Kimley»Horn

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 PHOENIX, AZ. 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	5 OF 5

ITEM NUMBER: 3.k.

SUBJECT: Ordinance 2021-0824 – Acceptance of Dedication of a Public Waterline Easement from Stotz Farms, Inc., Related to The District at Crystal Springs Development

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2021-0824, authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 3 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The District at Crystal Springs (The District) is a 45-acre site located at the southwest corner of McDowell Road and Avondale Boulevard. The site was annexed into the City's corporate limits on March 3, 1999, via Ordinance 690-99. The site was previously zoned Crystal Springs Planned Area Development (PAD) and was rezoned to The District at Crystal Springs PAD on June 26, 2023, via Ordinance 2043-0623. A final plat was approved by City Council on December 19, 2023, and recorded in Book of Maps 1775, Page 10 of the Maricopa County Recorder's Office, which split the 45-acre site into five (5) lots. The site is currently designated by the General Plan 2030 Land Use Map for Mixed Use.

DISCUSSION:

The District will install a public waterline in an onsite private road for domestic service, fire protection and landscaping purposes for the five individual lots. Each lot has separate ownership which will require a public waterline easement from each owner to provide public services to each lot and allow the City access for

operation and maintenance purposes. Lot 3, owned by Stotz Farms, Inc., will be the focus of this request.

An easement containing 459 square feet will be granted to the City along Lot 3.

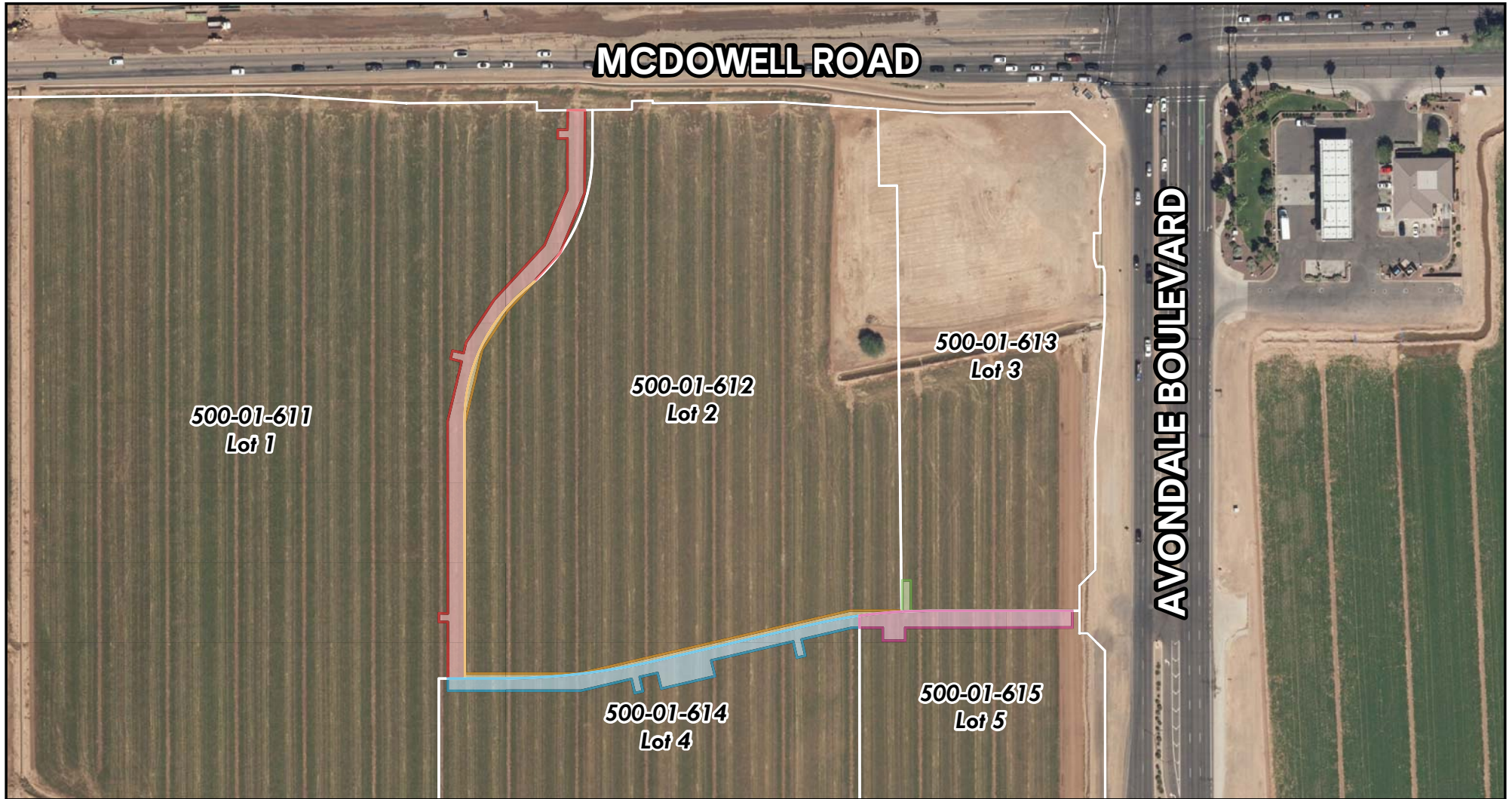
BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 3 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Natalie Railey, Terry Dorschied



Vicinity Map - Overview



Easements

- | | | |
|--|--|--|
|  Lot 1 (500-01-611) |  Lot 3 (500-01-613) |  Lot 5 (500-01-615) |
|  Lot 2 (500-01-612) |  Lot 4 (500-01-614) | |

Not to Scale





Vicinity Map - Lot 3



Water Line Easement

Not to Scale



ORDINANCE NO. 2021-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC. FOR LOT 3 AS IT RELATES TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT, GENERALLY LOCATED SOUTH OF MCDOWELL ROAD AND WEST OF AVONDALE BOULEVARD.

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

SECTION 1. A waterline easement for public use over, across and under $\pm$ 459 square feet of real property generally located south of McDowell Road and west of Avondale Boulevard in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted in substantially the form and substance set forth in Exhibit A, by the City of Avondale (the “City”) from Stotz Farms, Inc. for Lot 3 (APN 500-01-613) as it relates to The District at Crystal Springs development.

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, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2021-0824

[Utility Easement Agreement]

See following pages.

When Recorded Mail To:
City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

This Easement is exempt from recording fee
and Affidavit of Property Value pursuant to
A.R.S. §11-1134(A)(2)

UTILITY EASEMENT AGREEMENT

GRANTOR: STOTZ FARMS, INC., an Arizona Corporation

GRANTEE: CITY OF AVONDALE, an Arizona municipal corporation (the "City")

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RECITALS

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B. The Grantor and the City desire to enter into this Agreement for Grantor to grant to the City a limited, non-exclusive, perpetual easement (the "Easement") together with the necessary right of access, ingress and egress over the Easement Area, for purposes of accessing, operating, maintaining, repairing or replacing the waterline and related water utility infrastructure (the "Facilities") located adjacent to the Easement Area, as described and depicted on Exhibit A and Exhibit B attached hereto and incorporated herein by reference.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference and the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys unto and for the benefit of the City the Easement for the purposes of accessing, operating, maintaining, repairing or replacing the Facilities.

2. Maintenance and Use of the Easement. Grantor shall not maintain the Easement Area in a manner that impairs the ability or capacity of the City to utilize the Easement. Grantor shall not construct, install or place, or permit to be constructed, installed or placed upon the Easement Area any fence, wall, structure or other improvement that interferes with or impede the

City's access to the Easement or the City's right to access, maintain, operate, repair or replace the Facilities in the Easement Area.

3. Indemnification. To the fullest extent permitted by law, the City shall indemnify, defend and hold harmless the Grantor (the Grantor and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions of the City, its council members, officers, employees, agents, or any tier of subcontractor related to City's use of the Easement Area.

4. Termination. This Agreement and the City's use of the Easement shall terminate 60 days after the City's permanent abandonment, decommissioning or cessation of use of the Facilities and related water facilities. No such 60-day period shall begin until after written notice by Grantor to the City's Manager of Grantor's belief that the City has abandoned, decommissioned or ceased use of the Facilities.

5. No Assignment. The City shall have no right or authority to assign, in whole or in part, any of its rights or obligations under this Agreement, or any portion of this Agreement to any third party without the prior, written consent of Grantor, which consent shall not be unreasonably delayed, conditioned or denied.

6. Liens and Encumbrances. The City represents and warrants that it will maintain the Easement Area free and clear from any liens or encumbrances of any nature whatsoever in connection with the City's use of the Easement Area.

7. Running of Benefits and Burdens. All provisions of this Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the assigns and successors of the parties hereto.

8. Attorneys' Fees. Either party may enforce this instrument by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorney's fees and court costs.

9. Additional Easements. Nothing contained in this Agreement shall prohibit Grantor from conveying additional easements for access, utility or other purposes through, over, under, upon, in, across and along the Easement Area; provided, however, that no such additional rights or easements shall impair the City's use of the Easement.

10. Counterparts. This Agreement may be executed in counterparts, all of which are identical, each of which shall be deemed an original, and all of which counterparts, when executed, taken together shall constitute one and the same instrument.

11. Entire Agreement. This instrument contains the entire agreement between the parties relating to the City's use of the Easement Area. Any oral representations or modifications

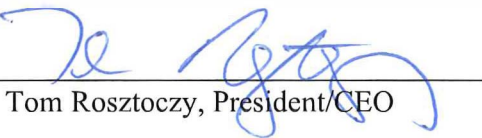
concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the parties.

12. Cancellation by City. This Agreement may be cancelled by the City or the Grantor pursuant to ARIZ. REV. STAT. § 38-511 at which time, the Easement shall revert back to the Grantor.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

“Grantor”

STOTZ FARMS, INC., an Arizona corporation

By: 
Tom Rosztoczy, President/CEO

(ACKNOWLEDGMENT)

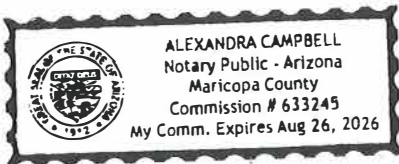
STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on July 16th, 2024,
by Tom Rosztoczy, as President/CEO of Stotz Farms, Inc., an Arizona corporation

Alexandra Campbell 
Notary Public in and for the State of Arizona

(affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



ACCEPTED:

“City”

CITY OF AVONDALE,
an Arizona municipal corporation

Ron Corbin, City Manager

ATTEST:

Marcella Sarmiento, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2024,
by Ron Corbin, the City Manager of the CITY OF AVONDALE, an Arizona municipal
corporation, on behalf of the City of Avondale.

Notary Public in and for the State of Arizona

(affix notary seal here)

EXHIBIT A
TO
UTILITY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
STOTZ FARMS, INC.
[Legal Description]

See following page.

EXHIBIT A
LEGAL DESCRIPTION
APN: 500-01-613

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH,
RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY,
ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, FROM WHICH
THE NORTH QUARTER CORNER OF SAID SECTION 1 BEARS SOUTH 89°22'41"
WEST, A DISTANCE OF 2654.42 FEET;

THENCE ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, SOUTH 00°02'35"
EAST, A DISTANCE OF 658.49 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89°57'25" WEST, A DISTANCE OF 114.50
FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°02'35" WEST, A DISTANCE OF 0.50 FEET;

THENCE SOUTH 89°57'25" WEST, A DISTANCE OF 186.80 FEET;

THENCE NORTH 00°02'35" WEST, A DISTANCE OF 35.00 FEET;

THENCE SOUTH 89°57'25" WEST, A DISTANCE OF 10.00 FEET;

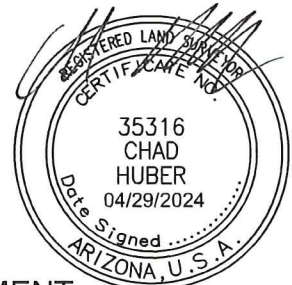
THENCE SOUTH 00°02'35" EAST, A DISTANCE OF 35.11 FEET;

THENCE SOUTH 00°37'19" EAST, A DISTANCE OF 1.30 FEET TO THE BEGINNING OF
A CURVE CONCAVE SOUTHERLY WHOSE RADIUS BEARS SOUTH 03°11'55" EAST,
A DISTANCE OF 600.00 FEET;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, THROUGH
A CENTRAL ANGLE OF 3°09'20", AN ARC LENGTH OF 33.05 FEET;

THENCE NORTH 89°57'25" EAST, A DISTANCE OF
164.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 459 SQ.FT. MORE OR LESS.



CHAD W. HUBER
RLS 35316
7740 N. 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020
PH. 602-837-5511
chad.huber@kimley-horn.com

WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST, Suite 300
PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	1 OF 3

EXHIBIT B
TO
UTILILY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
STOTZ FARMS, INC.
[Map]

See following page.

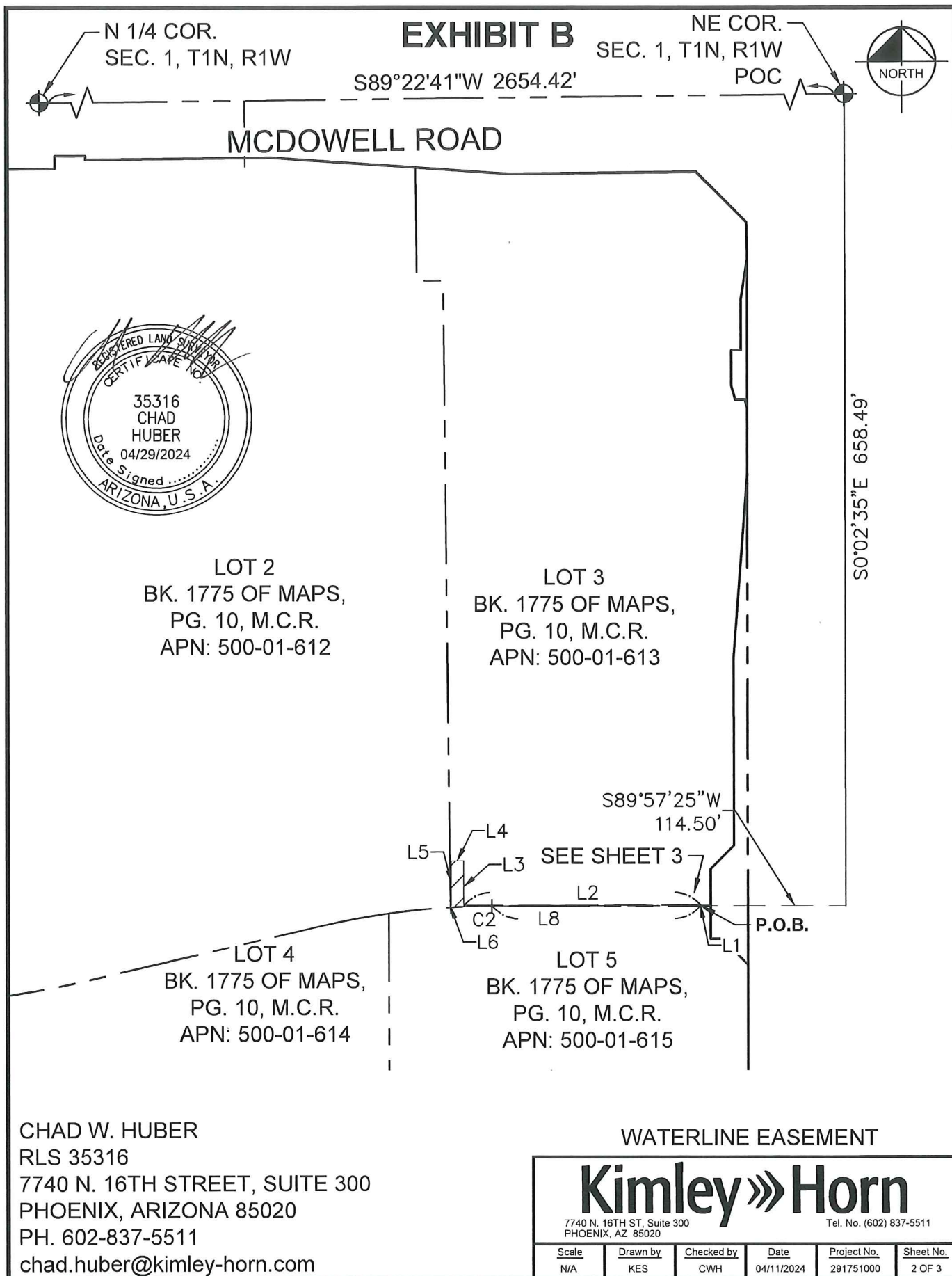
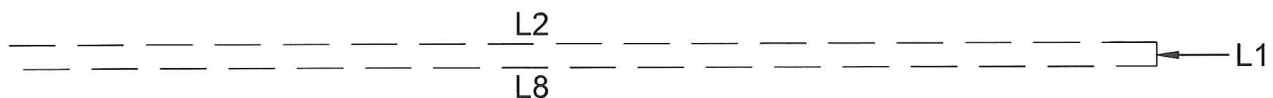


EXHIBIT B

Line Table		
Line #	Length	Direction
L1	0.50	N0° 02' 35"W
L2	186.80	S89° 57' 25"W
L3	35.00	N0° 02' 35"W
L4	10.00	S89° 57' 25"W
L5	35.11	S0° 02' 35"E
L6	1.30	S0° 37' 19"E
L8	164.65	N89° 57' 25"E



CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C2	600.00'	33.05'	N88°22'45"E	33.04'	3°09'20"	16.53'



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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	3 OF 3

ITEM NUMBER: 3.1.

SUBJECT: Ordinance 2022-0824 – Acceptance of Dedication of a Public Waterline Easement from Encompass Health Arizona Real Estate, LLC, Related to The District at Crystal Springs Development

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2022-0824, authorizing the acceptance of dedication of a public waterline easement from Encompass Health Arizona Real Estate, LLC, for Lot 4 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The District at Crystal Springs (The District) is a 45-acre site located at the southwest corner of McDowell Road and Avondale Boulevard. The site was annexed into the City's corporate limits on March 3, 1999, via Ordinance 690-99. The site was previously zoned Crystal Springs Planned Area Development (PAD) and was rezoned to The District at Crystal Springs PAD on June 26, 2023, via Ordinance 2043-0623. A final plat was approved by City Council on December 19, 2023, and recorded in Book of Maps 1775, Page 10 of the Maricopa County Recorder's Office, which split the 45-acre site into five (5) lots. The site is currently designated by the General Plan 2030 Land Use Map for Mixed Use.

DISCUSSION:

The District will install a public waterline in an onsite private road for domestic service, fire protection and landscaping purposes for the five individual lots. Each lot has separate ownership which will require a public

waterline easement from each owner to provide public services to each lot and allow the City access for operation and maintenance purposes. Lot 4, owned by Encompass Health Arizona Real Estate, LLC, will be the focus of this request.

An easement containing 8,718 square feet will be granted to the City along Lot 4.

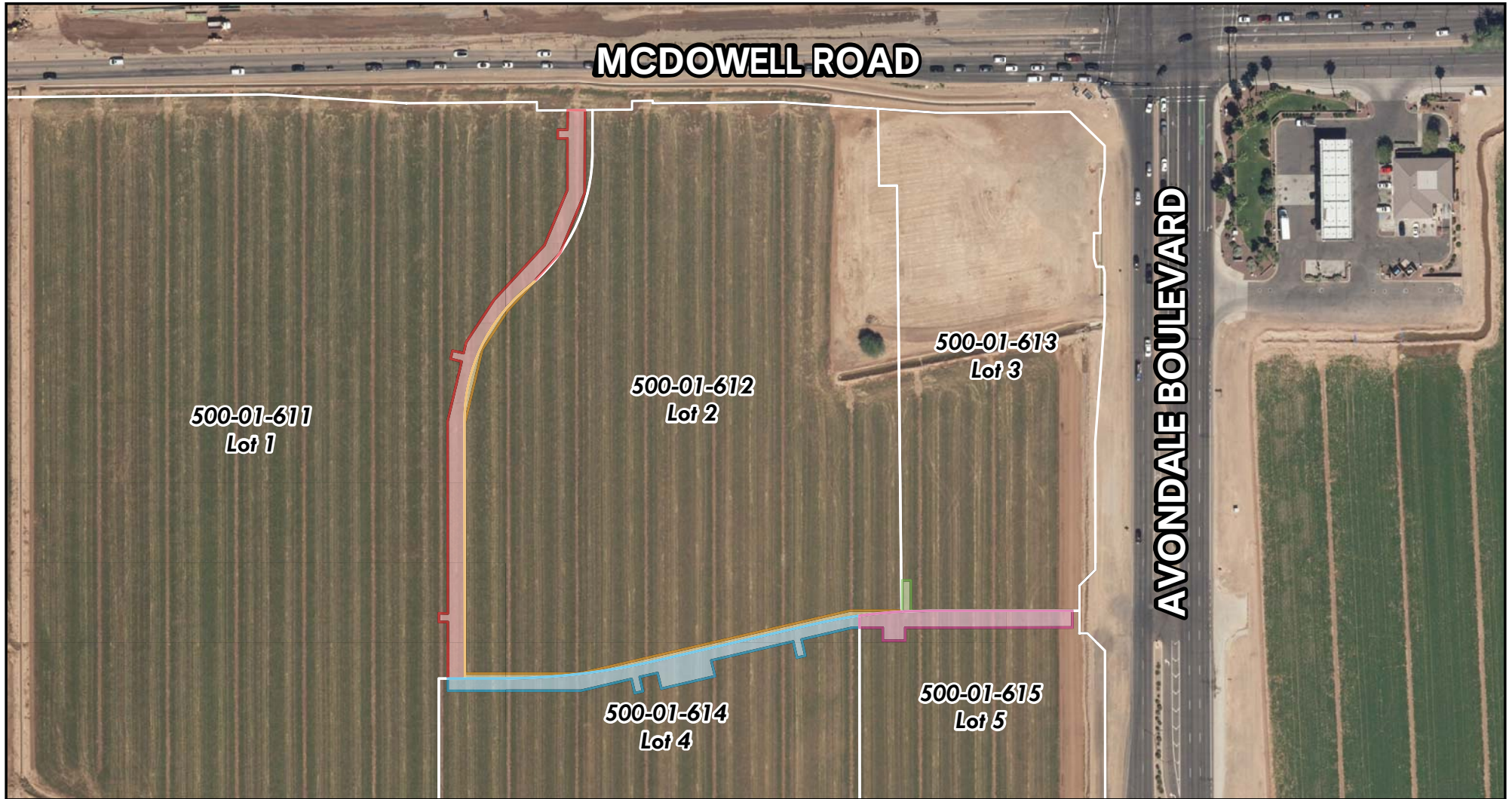
BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acceptance of dedication of a public waterline easement from Encompass Health Arizona Real Estate, LLC, for Lot 4 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Natalie Railey, Terry Dorschied



Vicinity Map - Overview



Easements

- | | | |
|--------------------|--------------------|--------------------|
| Lot 1 (500-01-611) | Lot 3 (500-01-613) | Lot 5 (500-01-615) |
| Lot 2 (500-01-612) | Lot 4 (500-01-614) | |

Not to Scale





Vicinity Map - Lot 4



Water Line Easement

Not to Scale



ORDINANCE NO. 2022-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM ENCOMPASS HEALTH ARIZONA REAL ESTATE, LLC, AS IT RELATES TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT, GENERALLY LOCATED SOUTH OF MCDOWELL ROAD AND WEST OF AVONDALE BOULEVARD.

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

SECTION 1. A waterline easement for public use over, across and under $\pm$ 8,718 square feet of real property (APN 500-01-614), generally located south of McDowell Road and west of Avondale Boulevard in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted in substantially the form and substance set forth in Exhibit A, by the City of Avondale (the “City”) from Encompass Health Arizona Real Estate, LLC, as it relates to The District at Crystal Springs development.

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, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2022-0824

[Utility Easement Agreement]

See following pages.

When Recorded Mail To:
City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

This Easement is exempt from recording fee
and Affidavit of Property Value pursuant to
A.R.S. §11-1134(A)(2)

UTILITY EASEMENT AGREEMENT

GRANTOR: ENCOMPASS HEALTH ARIZONA REAL ESTATE, LLC, a
Delaware limited liability company

GRANTEE: CITY OF AVONDALE, an Arizona municipal corporation (the "City")

THIS UTILITY EASEMENT AGREEMENT (this "Agreement") is entered into on
_____, 2024, by and between the Grantor and the City for the purposes set forth below.

RECITALS

A. Grantor is the record owner of certain real property identified on Exhibit A, attached hereto and incorporated herein by this reference (the "Easement Area").

B. The Grantor and the City desire to enter into this Agreement for Grantor to grant to the City a limited, non-exclusive, perpetual utility easement (the "Easement") together with the necessary right of access, ingress and egress over the Easement Area, for purposes of operating, maintaining, repairing or replacing the water line and related water utility infrastructure (the "Facilities") located in the Easement Area, as described and depicted on Exhibit A and Exhibit B attached hereto and incorporated herein by reference.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference and the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys unto and for the benefit of the City the Easement for the purposes of operating, maintaining, repairing or replacing the Facilities.

2. Maintenance and Use of the Easement. Neither the City nor Grantor shall maintain the Easement Area in a manner that impairs the ability or capacity of the other party to utilize the Easement Area. Grantor shall not construct, install or place, or permit to be constructed, installed or placed upon the Easement Area any fence, wall, structure or other improvement that materially interferes with the City's right to maintain, operate, repair or replace the Facilities in the Easement Area without the City's consent. Grantor shall have the right to

use and enjoy the Easement Area in any manner that is not inconsistent with the rights granted herein to the City.

3. Indemnification. To the fullest extent permitted by law, the City shall indemnify, defend and hold harmless the Grantor, its employees, owners, members, principals, officers, directors, tenants, subtenants, successors and/or assigns (the Grantor and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon the acts, negligence, intentional misconduct, errors, mistakes or omissions of the City, its council members, officers, employees, agents, or any tier of subcontractor related to City's use of the Easement Area.

4. Termination. This Agreement and the City's use of the Easement shall terminate 60 days after the City's permanent abandonment, decommissioning or cessation of use of the Facilities and related water facilities. No such 60-day period shall begin until after written notice by Grantor to the City's Manager of Grantor's belief that the City has abandoned, decommissioned or ceased use of the Facilities.

5. No Assignment. The City shall have no right or authority to assign, in whole or in part, any of its rights or obligations under this Agreement, or any portion of this Agreement to any third party without the prior, written consent of Grantor, which consent shall be at Grantor's sole discretion.

6. Liens and Encumbrances. The City represents and warrants that it will maintain the Easement Area free and clear from any liens or encumbrances of any nature whatsoever in connection with the City's use of the Easement Area.

7. Running of Benefits and Burdens. All provisions of this Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the assigns and successors of the parties hereto.

8. Attorneys' Fees. Either party may enforce this Agreement by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorney's fees and court costs.

9. Additional Easements. Nothing contained in this Agreement shall prohibit Grantor from conveying additional easements for access, utility or other purposes through, over, under, upon, in, across and along the Easement Area; provided, however, that no such additional rights or easements shall materially impair the City's use of the Easement.

10. Counterparts. This Agreement may be executed in counterparts, all of which are identical, each of which shall be deemed an original, and all of which counterparts, when executed, taken together shall constitute one and the same instrument.

11. Entire Agreement. This instrument contains the entire agreement between the parties relating to the City's use of the Easement Area. Any oral representations or modifications

concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the parties.

12. Cancellation by City. This Agreement may be cancelled by the City or the Grantor pursuant to ARIZ. REV. STAT. § 38-511 at which time, the Easement shall revert back to the Grantor.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

“Grantor”

ENCOMPASS HEALTH ARIZONA REAL ESTATE, LLC,
a Delaware limited liability company

Sarina Ruggiero

By: Sarina Ruggiero
Its: Authorized Representative

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on April 23, 2024,
by Sarina Ruggiero

Margaret Elizabeth Lane
Notary Public in and for the State of Arizona



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

ACCEPTED:

“City”

CITY OF AVONDALE,
an Arizona municipal corporation

Ron Corbin, City Manager

ATTEST:

Marcella Sarmiento, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2024,
by Ron Corbin, the City Manager of the CITY OF AVONDALE, an Arizona municipal
corporation, on behalf of the City of Avondale.

Notary Public in and for the State of Arizona

(affix notary seal here)

EXHIBIT A
TO
UTILITY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
ENCOMPASS HEALTH ARIZONA REAL ESTATE, LLC

[Legal Description]

See following page.

LEGAL DESCRIPTION

APN: 500-01-614

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 1 BEARS SOUTH 89°22'41" WEST, A DISTANCE OF 2654.42 FEET;

THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 89°22'41" WEST, A DISTANCE OF 670.07 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°37'19" EAST, A DISTANCE OF 72.00 FEET;

THENCE SOUTH 00°02'35" EAST, A DISTANCE OF 49.13 FEET;

THENCE ALONG THE CHORD OF A CURVE CONCAVE NORTHWESTERLY, SOUTH 25°34'44" WEST, A DISTANCE OF 172.98 FEET;

THENCE ALONG THE CHORD OF A CURVE CONCAVE SOUTHEASTERLY, SOUTH 25°17'59" WEST, A DISTANCE OF 171.33 FEET;

THENCE SOUTH 00°03'42" EAST, A DISTANCE OF 297.72 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°57'25" WEST, A DISTANCE OF 19.52 FEET;

THENCE SOUTH 00°02'35" EAST, A DISTANCE OF 14.10 FEET;

THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 153.87 FEET;

THENCE NORTH 76°56'08" EAST, A DISTANCE OF 59.90 FEET;

THENCE SOUTH 13°03'52" EAST, A DISTANCE OF 16.78 FEET;

THENCE NORTH 76°56'08" EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 13°03'52" WEST, A DISTANCE OF 16.78 FEET;

CHAD W. HUBER
RLS 35316
7740 N. 16TH STREET, SUITE 300
PHOENIX, ARIZONA 85020
PH. 602-837-5511
chad.huber@kimley-horn.com

WATERLINE EASEMENT

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7740 N. 16TH ST, Suite 300
PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	1 OF 4

LEGAL DESCRIPTION

APN: 500-01-614

THENCE NORTH 76°56'08" EAST, A DISTANCE OF 20.99 FEET;

THENCE SOUTH 13°03'52" EAST, A DISTANCE OF 18.75 FEET;

THENCE NORTH 76°58'30" EAST, A DISTANCE OF 64.00 FEET;

THENCE NORTH 13°03'52" WEST, A DISTANCE OF 18.80 FEET;

THENCE NORTH 76°56'08" EAST, A DISTANCE OF 97.01 FEET;

THENCE SOUTH 13°03'32" EAST, A DISTANCE OF 19.26 FEET;

THENCE NORTH 77°15'44" EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 13°03'52" WEST, A DISTANCE OF 19.31 FEET;

THENCE NORTH 76°56'08" EAST, A DISTANCE OF 60.25 FEET;

THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 8.28 FEET;

THENCE NORTH 00°02'31" WEST, A DISTANCE OF 13.98 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY WHOSE RADIUS BEARS SOUTH 07°52'11" EAST, A DISTANCE OF 600.00 FEET;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 5°11'41", AN ARC LENGTH OF 54.40 FEET;

THENCE SOUTH 76°56'08" WEST, A DISTANCE OF 186.13 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 800.00 FEET;

THENCE WESTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 13°01'17", AN ARC LENGTH OF 181.81 FEET;

THENCE SOUTH 89°57'25" WEST, A DISTANCE OF 41.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,718 SQ.FT. MORE OR LESS.

CHAD W. HUBER

RLS 35316

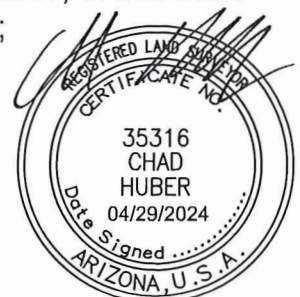
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	2 OF 4

EXHIBIT B
TO
UTILILY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
ENCOMPASS HEALTH ARIZONA REAL ESTATE, LLC

[Map]

See following page.

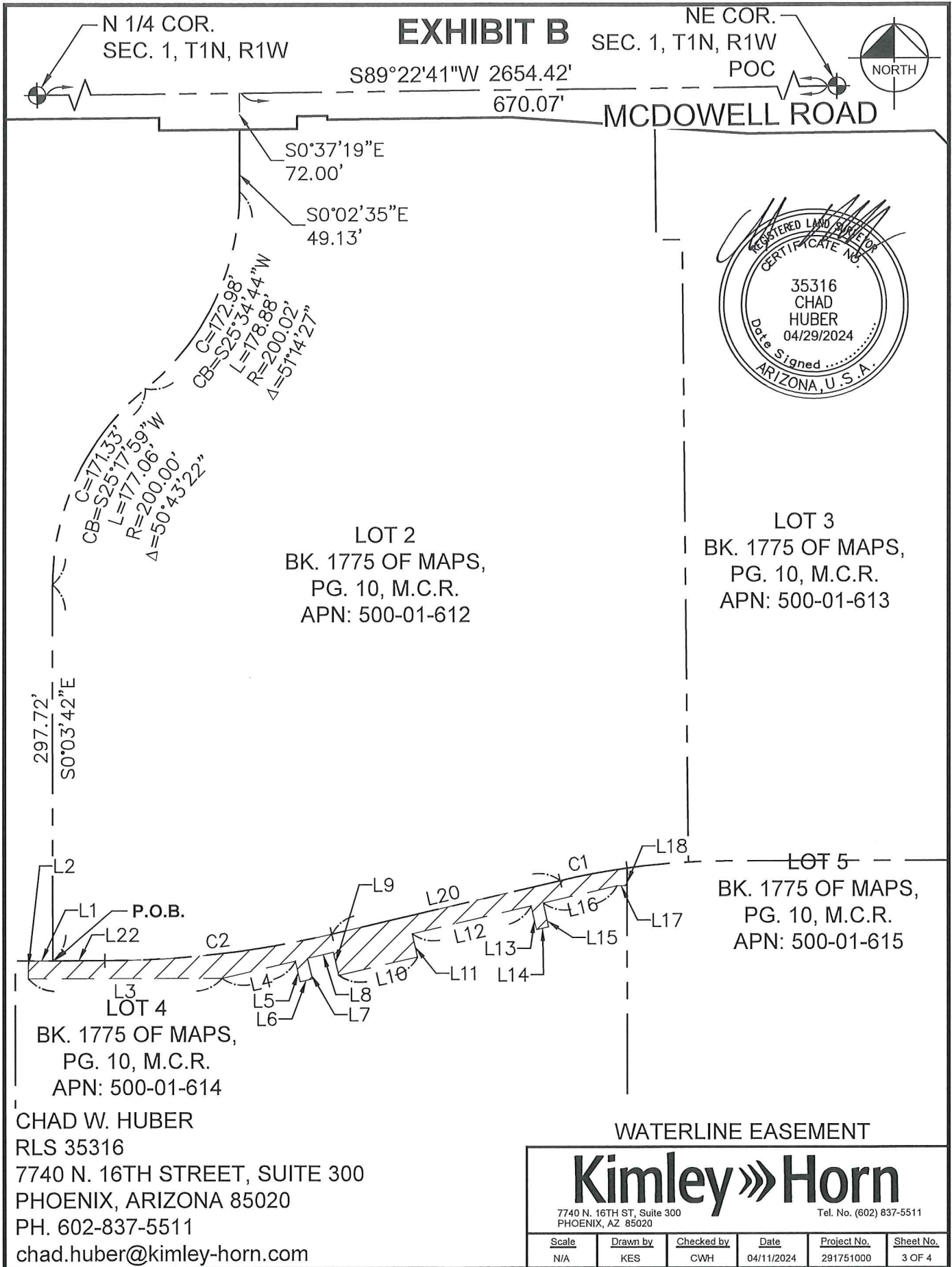


EXHIBIT B

N 1/4 COR.
SEC. 1, T1N, R1W

NE COR.
SEC. 1, T1N, R1W
POC



S89°22'41"W 2654.42'
670.07'

MCDOWELL ROAD

S0°37'19"E
72.00'

S0°02'35"E
49.13'

C=172.98'
CB=S25°34'44"W
L=178.88'
R=200.02'
Δ=51°14'27"

C=171.33'
CB=S25°17'59"W
L=177.06'
R=200.00'
Δ=50°43'22"

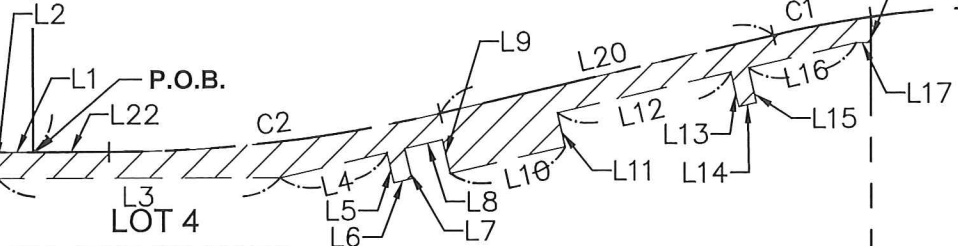
LOT 2
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-612

LOT 3
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-613



297.72'
S0°03'42"E

LOT 5
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-615



LOT 4
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-614

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	3 OF 4

EXHIBIT B



Line Table		
Line #	Length	Direction
L1	19.52	S89° 57' 25"W
L2	14.10	S0° 02' 35"E
L3	153.87	S90° 00' 00"E
L4	59.90	N76° 56' 08"E
L5	16.78	S13° 03' 52"E
L6	10.00	N76° 56' 08"E
L7	16.78	N13° 03' 52"W
L8	20.99	N76° 56' 08"E
L9	18.75	S13° 03' 52"E
L10	64.00	N76° 58' 30"E

Line Table		
Line #	Length	Direction
L11	18.80	N13° 03' 52"W
L12	97.01	N76° 56' 08"E
L13	19.26	S13° 03' 32"E
L14	10.00	N77° 15' 44"E
L15	19.31	N13° 03' 52"W
L16	60.25	N76° 56' 08"E
L17	8.28	S90° 00' 00"E
L18	13.98	N0° 02' 31"W
L20	186.13	S76° 56' 08"W
L22	41.42	S89° 57' 25"W

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	600.00'	54.40'	S79°31'59"W	54.38'	5°11'41"	27.22'
C2	800.00'	181.81'	S83°26'47"W	181.42'	13°01'17"	91.30'

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 chad.huber@kimley-horn.com

WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST, Suite 300
 PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	04/11/2024	291751000	4 OF 4

ITEM NUMBER: 3.m.

SUBJECT: Ordinance 2023-0824 – Acceptance of Dedication of a Public Waterline Easement from Stotz Farms, Inc., Related to The District at Crystal Springs Development

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2023-0824 authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 5 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The District at Crystal Springs (The District) is a 45-acre site located at the southwest corner of McDowell Road and Avondale Boulevard. The site was annexed into the City's corporate limits on March 3, 1999, via Ordinance 690-99. The site was previously zoned Crystal Springs Planned Area Development (PAD) and was rezoned to The District at Crystal Springs PAD on June 26, 2023, via Ordinance 2043-0623. A final plat was approved by City Council on December 19, 2023, and recorded in Book of Maps 1775, Page 10 of the Maricopa County Recorder's Office, which split the 45-acre site into five (5) lots. The site is currently designated by the General Plan 2030 Land Use Map for Mixed Use.

DISCUSSION:

The District will install a public waterline in an onsite private road for domestic service, fire protection and landscaping purposes for the five individual lots. Each lot has separate ownership which will require a public waterline easement from each owner to provide public services to each lot and allow the City access for

operation and maintenance purposes. Lot 5, owned by Stotz Farms, Inc., will be the focus of this request.

An easement containing 5,203 square feet will be granted to the City along Lot 5.

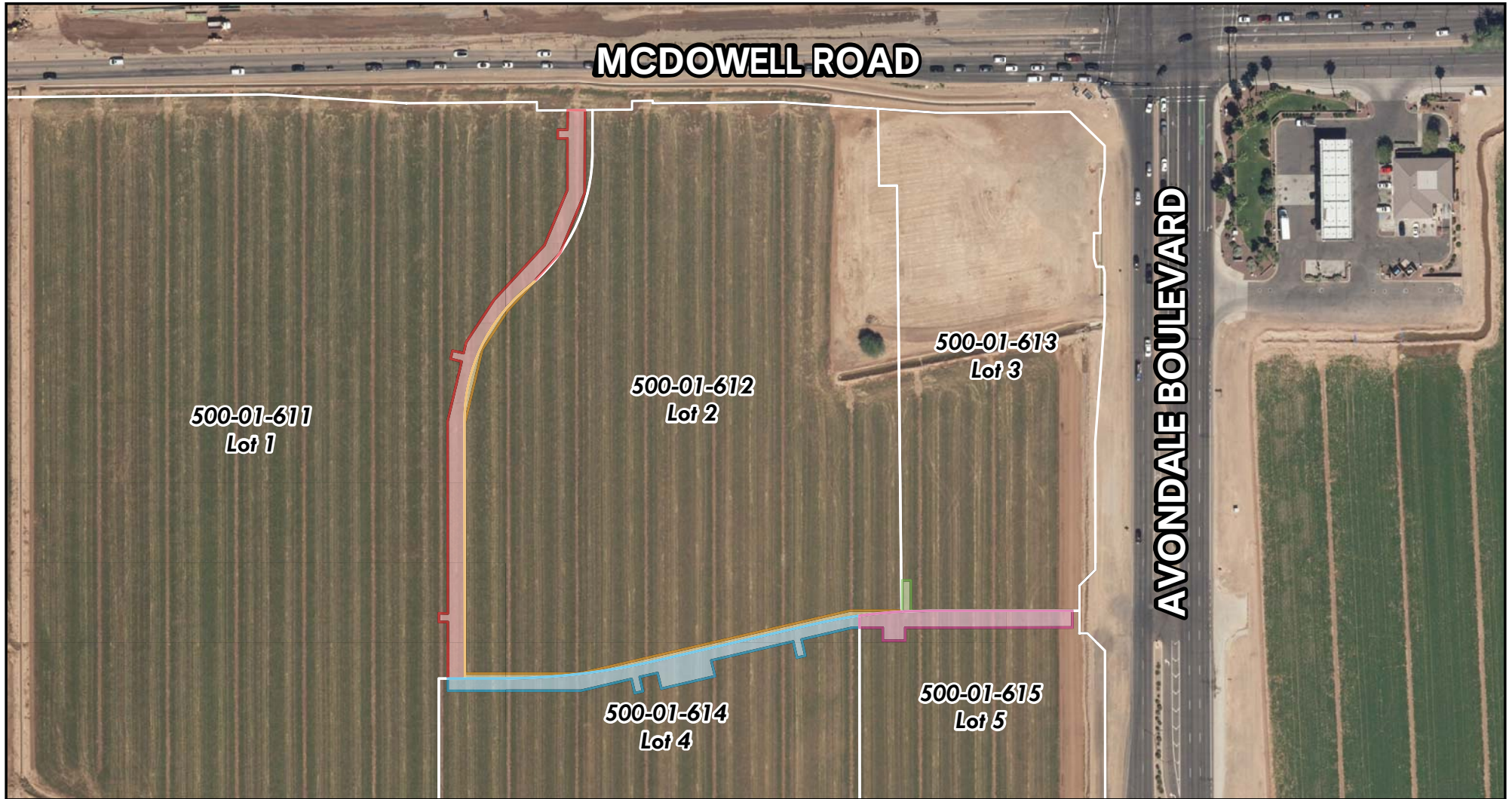
BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acceptance of dedication of a public waterline easement from Stotz Farms, Inc., for Lot 5 as it relates to The District at Crystal Springs development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Natalie Railey, Terry Dorschied



Vicinity Map - Overview

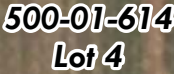


Easements

- | | | |
|--|--|--|
|  Lot 1 (500-01-611) |  Lot 3 (500-01-613) |  Lot 5 (500-01-615) |
|  Lot 2 (500-01-612) |  Lot 4 (500-01-614) | |

Not to Scale





A diagram of a rectangular circuit loop. It consists of four resistors connected in a single loop. The resistors are represented by rectangles: one on the top horizontal wire, one on the bottom horizontal wire, one on the left vertical wire, and one on the right vertical wire.

ORDINANCE NO. 2023-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC WATERLINE EASEMENT FROM STOTZ FARMS, INC. FOR LOT 5 AS IT RELATES TO THE DISTRICT AT CRYSTAL SPRINGS DEVELOPMENT, GENERALLY LOCATED SOUTH OF MCDOWELL ROAD AND WEST OF AVONDALE BOULEVARD.

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

SECTION 1. A waterline easement for public use over, across and under $\pm$ 5,203 square feet of real property generally located south of McDowell Road and west of Avondale Boulevard in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted in substantially the form and substance set forth in Exhibit A, by the City of Avondale (the “City”) from Stotz Farms, Inc. for Lot 5 (APN 500-01-615) as it relates to The District at Crystal Springs development.

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, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2023-0824

[Utility Easement Agreement]

See following pages.

When Recorded Mail To:
City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

This Easement is exempt from recording fee
and Affidavit of Property Value pursuant to
A.R.S. §11-1134(A)(2)

UTILITY EASEMENT AGREEMENT

GRANTOR: STOTZ FARMS, INC., an Arizona Corporation

GRANTEE: CITY OF AVONDALE, an Arizona municipal corporation (the "City")

THIS UTILITY EASEMENT AGREEMENT (this "Agreement") is entered into on July 16, 2024, by and between the Grantor and the City for the purposes set forth below.

RECITALS

A. Grantor is the record owner of certain real property at the location identified on Exhibit A, attached hereto and incorporated herein by this reference (the "Easement Area").

B. The Grantor and the City desire to enter into this Agreement for Grantor to grant to the City a limited, non-exclusive, perpetual easement (the "Easement") together with the necessary right of access, ingress and egress over the Easement Area, for purposes of accessing, operating, maintaining, repairing or replacing the waterline and related water utility infrastructure (the "Facilities") located adjacent to the Easement Area, as described and depicted on Exhibit A and Exhibit B attached hereto and incorporated herein by reference.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference and the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys unto and for the benefit of the City the Easement for the purposes of accessing, operating, maintaining, repairing or replacing the Facilities.

2. Maintenance and Use of the Easement. Grantor shall not maintain the Easement Area in a manner that impairs the ability or capacity of the City to utilize the Easement. Grantor shall not construct, install or place, or permit to be constructed, installed or placed upon the Easement Area any fence, wall, structure or other improvement that interferes with or impede the

City's access to the Easement or the City's right to access, maintain, operate, repair or replace the Facilities in the Easement Area.

3. Indemnification. To the fullest extent permitted by law, the City shall indemnify, defend and hold harmless the Grantor (the Grantor and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions of the City, its council members, officers, employees, agents, or any tier of subcontractor related to City's use of the Easement Area.

4. Termination. This Agreement and the City's use of the Easement shall terminate 60 days after the City's permanent abandonment, decommissioning or cessation of use of the Facilities and related water facilities. No such 60-day period shall begin until after written notice by Grantor to the City's Manager of Grantor's belief that the City has abandoned, decommissioned or ceased use of the Facilities.

5. No Assignment. The City shall have no right or authority to assign, in whole or in part, any of its rights or obligations under this Agreement, or any portion of this Agreement to any third party without the prior, written consent of Grantor, which consent shall not be unreasonably delayed, conditioned or denied.

6. Liens and Encumbrances. The City represents and warrants that it will maintain the Easement Area free and clear from any liens or encumbrances of any nature whatsoever in connection with the City's use of the Easement Area.

7. Running of Benefits and Burdens. All provisions of this Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the assigns and successors of the parties hereto.

8. Attorneys' Fees. Either party may enforce this instrument by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorney's fees and court costs.

9. Additional Easements. Nothing contained in this Agreement shall prohibit Grantor from conveying additional easements for access, utility or other purposes through, over, under, upon, in, across and along the Easement Area; provided, however, that no such additional rights or easements shall impair the City's use of the Easement.

10. Counterparts. This Agreement may be executed in counterparts, all of which are identical, each of which shall be deemed an original, and all of which counterparts, when executed, taken together shall constitute one and the same instrument.

11. Entire Agreement. This instrument contains the entire agreement between the parties relating to the City's use of the Easement Area. Any oral representations or modifications

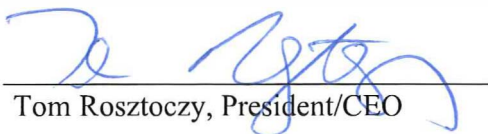
concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the parties.

12. Cancellation by City. This Agreement may be cancelled by the City or the Grantor pursuant to ARIZ. REV. STAT. § 38-511 at which time, the Easement shall revert back to the Grantor.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

“Grantor”

STOTZ FARMS, INC., an Arizona corporation

By: 
Tom Rosztoczy, President/CEO

(ACKNOWLEDGMENT)

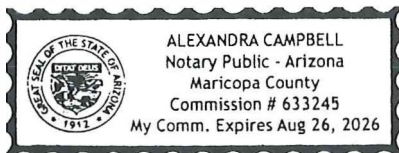
STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on July 16th, 2024,
by Tom Rosztoczy, as President/CEO of Stotz Farms, Inc., an Arizona corporation

Alexandra Campbell Alexandra Campbell
Notary Public in and for the State of Arizona

(affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



ACCEPTED:

“City”

CITY OF AVONDALE,
an Arizona municipal corporation

Ron Corbin, City Manager

ATTEST:

Marcella Sarmiento, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2024,
by Ron Corbin, the City Manager of the CITY OF AVONDALE, an Arizona municipal
corporation, on behalf of the City of Avondale.

Notary Public in and for the State of Arizona

(affix notary seal here)

EXHIBIT A
TO
UTILITY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
STOTZ FARMS, INC.
[Legal Description]

See following page.

EXHIBIT A
LEGAL DESCRIPTION
APN: 500-01-615

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 1 BEARS SOUTH 89°22'41" WEST, A DISTANCE OF 2654.42 FEET;

THENCE ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, SOUTH 00°02'35" EAST, A DISTANCE OF 658.49 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89°57'25" WEST, A DISTANCE OF 114.50 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00°02'35" EAST, A DISTANCE OF 19.50 FEET;

THENCE SOUTH 89°57'25" WEST, A DISTANCE OF 201.40 FEET;

THENCE SOUTH 00°18'17" EAST, A DISTANCE OF 15.13 FEET;

THENCE SOUTH 89°58'00" WEST, A DISTANCE OF 26.00 FEET;

THENCE NORTH 00°18'17" WEST, A DISTANCE OF 15.03 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 26.96 FEET;

THENCE NORTH 00°02'31" WEST, A DISTANCE OF 13.98 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY WHOSE RADIUS BEARS SOUTH 07°52'11" EAST, A DISTANCE OF 600.00 FEET;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 7°49'36", AN ARC LENGTH OF 81.96 FEET;

THENCE NORTH 89°57'25" EAST, A DISTANCE OF 172.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,203 SQ.FT. MORE OR LESS.



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PH. 602-837-5511
chad.huber@kimley-horn.com

WATERLINE EASEMENT

Kimley»Horn

7740 N. 16TH ST, Suite 300
PHOENIX, AZ 85020

Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	07/01/2024	291751000	1 OF 3

EXHIBIT B
TO
UTILILY EASEMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
STOTZ FARMS, INC.
[Map]

See following page.

EXHIBIT B

N 1/4 COR.
SEC. 1, T1N, R1W

NE COR.
SEC. 1, T1N, R1W
POC

S89°22'41"W 2654.42'



MCDOWELL ROAD



LOT 2
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-612

LOT 3
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-613

S0°02'35"E 658.49'

S89°57'25"W
114.50'

P.O.B.

LOT 4
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-614

LOT 5
BK. 1775 OF MAPS,
PG. 10, M.C.R.
APN: 500-01-615

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WATERLINE EASEMENT

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Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	07/01/2024	291751000	2 OF 3

EXHIBIT B



Line Table		
Line #	Length	Direction
L1	19.50	S0° 02' 35"E
L2	201.40	S89° 57' 25"W
L3	15.13	S0° 18' 17"E
L4	26.00	S89° 58' 00"W
L5	15.03	N0° 18' 17"W
L6	26.96	N90° 00' 00"W
L7	13.98	N0° 02' 31"W
L9	172.65	N89° 57' 25"E

Curve Table			
Curve #	Length	Radius	Delta
C1	81.96	600.00	7°49'36"

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Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	KES	CWH	07/01/2024	291751000	3 OF 3

ITEM NUMBER: 3.n.

SUBJECT: Ordinance 2024-0824 - Lower Buckeye Road Right-of-Way Annexation

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2024-0824, authorizing the annexation of a portion of Lower Buckeye Road right-of-way and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The proposed right-of-way annexation includes an area located at the northwest corner of Lower Buckeye Road and El Mirage Road containing 38,675 square feet.

DISCUSSION:

The purpose of the annexation is the City's Traffic Signal and Roadway Improvements Project at El Mirage Road and Lower Buckeye Road (T0138). This project includes the design and construction of a traffic signal at the intersection and roadway improvements to include the addition of sidewalk. The traffic signal will improve traffic flow, reduce delays along arterial roadways, and provide safer access for vehicles exiting adjacent developments.

Since the annexation is Maricopa County right-of-way with no other property owners, the annexation may be processed in accordance with ARS 9-471 as noted below:

O. As an alternative to the procedures established in this section, a county right-of-way or roadway

may be transferred to an adjacent city or town by mutual consent of the governing bodies of the county and city or town if the property transferred is adjacent to the receiving city or town and if the city or town and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies. A transfer of property made pursuant to this subsection shall be treated by the receiving city or town as if the transferred property was newly annexed territory.

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the annexation of portions of Lower Buckeye Road and El Mirage Road right-of-way and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Terry Dorschied



Vicinity Map



 Annexation Area

Not to Scale



ORDINANCE NO. 2024-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF AVONDALE BY ANNEXING THERETO A PORTION OF RIGHT OF WAY AND ROADWAY; GENERALLY LOCATED ALONG THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND EL MIRAGE ROAD.

WHEREAS, the City of Avondale (the “City”), and Maricopa County (the “County”) entered into an intergovernmental agreement, approved and accepted by the City of Avondale on May 10, 2021 and recorded as document 2021-0580798 in the records of the Maricopa County Recorder pertaining to the financing, planning, construction, maintenance and eventual annexation by the City, of Lower Buckeye Road from South 124th Avenue to the intersection with El Mirage Road; and

WHEREAS, it is the desire of the Council of the City of Avondale (the “City Council”) to annex a portion of the northwest corner of Lower Buckeye Road and South El Mirage Road, east of 124th Avenue, for future traffic signal intersection improvements; and

WHEREAS, ARIZ. REV. STAT. § 9-471(O) allows for the annexation of county right-of-way into an adjacent city if the property to be annexed is adjacent to the city for the entire length of the annexation and if the city and the county each approve the proposed annexation as a published agenda item at a regular public meeting of their respective governing bodies; and

WHEREAS, the property proposed for annexation (i) consists of Maricopa County right-of-way and roadway and (ii) is adjacent to the City for its entire length; and

WHEREAS, this Ordinance has been duly posted as an agenda item at a regular meeting of the City Council.

NOW, THEREFORE, BE IT ORDAINED 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 parcel of land in Maricopa County, Arizona, an area bounded by 618.90 feet west of South El Mirage Road and 55.0 feet north of Lower Buckeye Road, totaling approximately $\pm$ 0.89 acres, generally located between South 124th Avenue and South El Mirage

Road, as more fully described and depicted in Exhibit A, attached hereto and incorporated herein by reference (the “Annexation Area”), is hereby annexed into the corporate boundaries of the City of Avondale.

SECTION 3. The City Clerk is hereby authorized and directed to file with the Maricopa County Recorder’s Office a fully executed copy of this Ordinance, together with an accurate map of the Annexation Area.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to 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, August 19, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE 2024-0824

[Legal Description and Map of Annexation Area]

See following pages.

EXHIBIT "A"
ANNEXATION OF THE
NORTHWEST CORNER OF EL MIRAGE ROAD AND LOWER BUCKEYE ROAD
RIGHT OF WAY
IN MARICOPA COUNTY, STATE OF ARIZONA

A Parcel of Land in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township One (1) North, Range One (1) West, of the Gila & Salt River Meridian, Maricopa County, Arizona and being more particularly described as follows:

Commencing at a found brass cap in Hand Hole at the Southeast Corner (SE) of Section Fourteen (14) of Township One (1) North Range One (1) West. Also being the Intersection of El Mirage Road and Lower Buckeye Road. from which a Found Brass Cap in Hand Hole at the South Quarter Corner (S1/4) of said Section 14, bears North 89°06'50" West, a distance of 2,595.68 feet based on Field measurement between the two points. Also, the said Southeast Section corner is the point of Beginning;

THENCE North 89 degrees 06 minutes 50 seconds West, a distance of 618.90 feet along the South line of Section 14 also being the Centerline of Lower Buckeye Road;

THENCE Departing Said Line North 01 degrees 03 minutes 56 seconds West, a distance of 75.04 feet to the North Right of Way Line of Lower Buckeye Road;

THENCE along said Right of Way South 89 degrees 06 minutes 50 seconds East a distance of 230.29 feet to the Centerline of 123rd Dr;

THENCE along said Centerline South 00 degrees 00 minutes 00 seconds East a distance of 20.00 feet;

THENCE South 89 degrees 06 minutes 50 seconds East a distance of 390.17 feet to the Centerline of El Mirage Road;

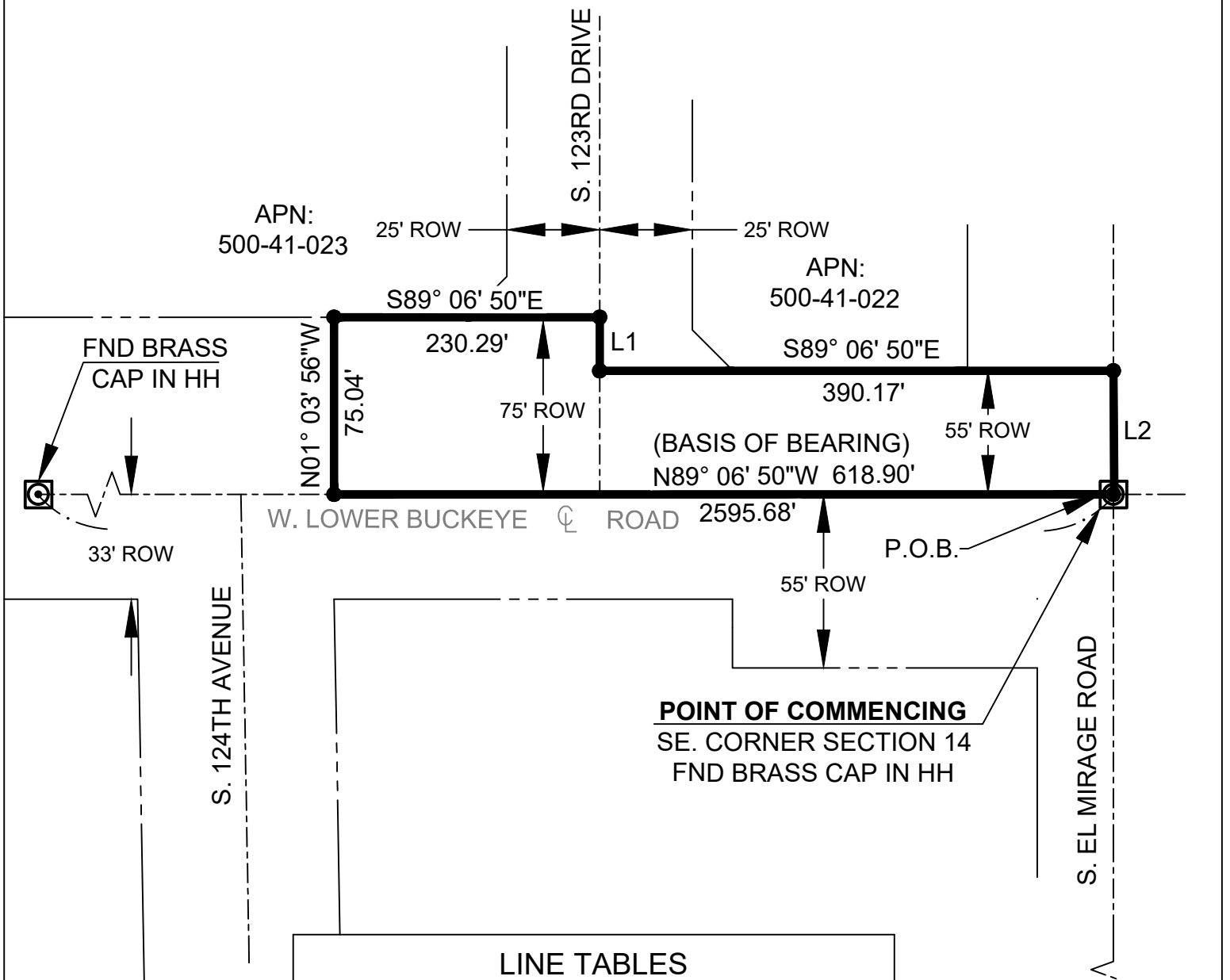
THENCE along said Centerline South 00 degrees 10 minutes 13 seconds West a distance of 55.01 feet to the Point of Beginning;

Containing 38,675.4 sqft or 0.89 acres more or less

Prepared by:
Thomas Lavalette, RLS.
AZ # 37258
Engineering Alliance, Inc.
1423 S. Higley Rd., Suite 121, Building 9
Mesa, Arizona 85206
Phone: (602) 757-6032
Email: tlavalette@eaincglobal.com



EXHIBIT "A"



LINE TABLES

LINES	LENGTHS	BEARING
L1	20.00'	S00° 00' 00"E
L2	55.01'	S00° 10' 13"W

FIND BRASS
CAP FLASH

NORTH

SCALE:
NTS
T1N R1W

REGISTERED LAND SURVEYOR
37258
THOMAS E. LAVALETTE
Date Signed 6/24/2024
ARIZONA, U.S.A.
Expires 03/31/2026

ENGINEERING ALLIANCE
INC

PROJECT: 2024-M-051	
DATE: 6-24-2024	CHKD BY: TL
DRN BY: BL	SCALE: N.T.S.
TITLE: ANNEXATION OF LOWER BUCKEYE AND EL MIRAGE COUNTY ROAD	
SHEET NO: 1 OF 1	

ITEM NUMBER: 3.o.

SUBJECT: Final Plat for Fulton Homes Acclaim - Phase 2B - Application PL-23-0366

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to: a) approve Application PL-23-0366, a request by Meikle Garrett with EPS Group, Inc., on behalf of Fulton Homes Corporation, for approval of the Final Plat for Fulton Homes Acclaim - Phase 2B, generally located at the northwest corner of 99th Avenue and Thomas Road; and b) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Fulton Homes Acclaim – Phase 2B is a 12.73-gross acre site located at the northwest corner of 99th Avenue and Thomas Road. Phase 2B is part of the larger Fulton Homes Acclaim development consisting of 153.2 gross acres. The site was annexed into the City in October 1989 with an initial zoning of Agricultural, then rezoned to Community Commercial in January 2001. It was rezoned to the Fulton Homes Acclaim Planned Area Development (PAD) in October 2020 and included two phases of development (Phase 1 and Phase 2). Phase 2 was approved for 296 single-family residential lots and has since been modified into sub-phases 2A, 2B and 2C. The Final Plat for Phase 2B is the subject of this request for approval.

The Preliminary Plat for the overall Fulton Homes Acclaim project was approved by City Council on January 19, 2021.

A Master Maintenance Improvement District (MID) for the entire Fulton Homes Acclaim development was established and approved by City Council via Resolutions 1091-1121 and 1092-1121 on November 1, 2021.

DISCUSSION:

The applicant is requesting approval of a final plat for Fulton Homes Acclaim - Phase 2B. The plat subdivides the 12.73-gross acre site into 82 single-family residential lots, common open space and open space and dedicates right-of-way and easements along all local streets within this portion of the community.

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

Approval of the Final Plat conforms to the boundaries of the Final Plat certified by the R.L.S. dated July 18, 2024.

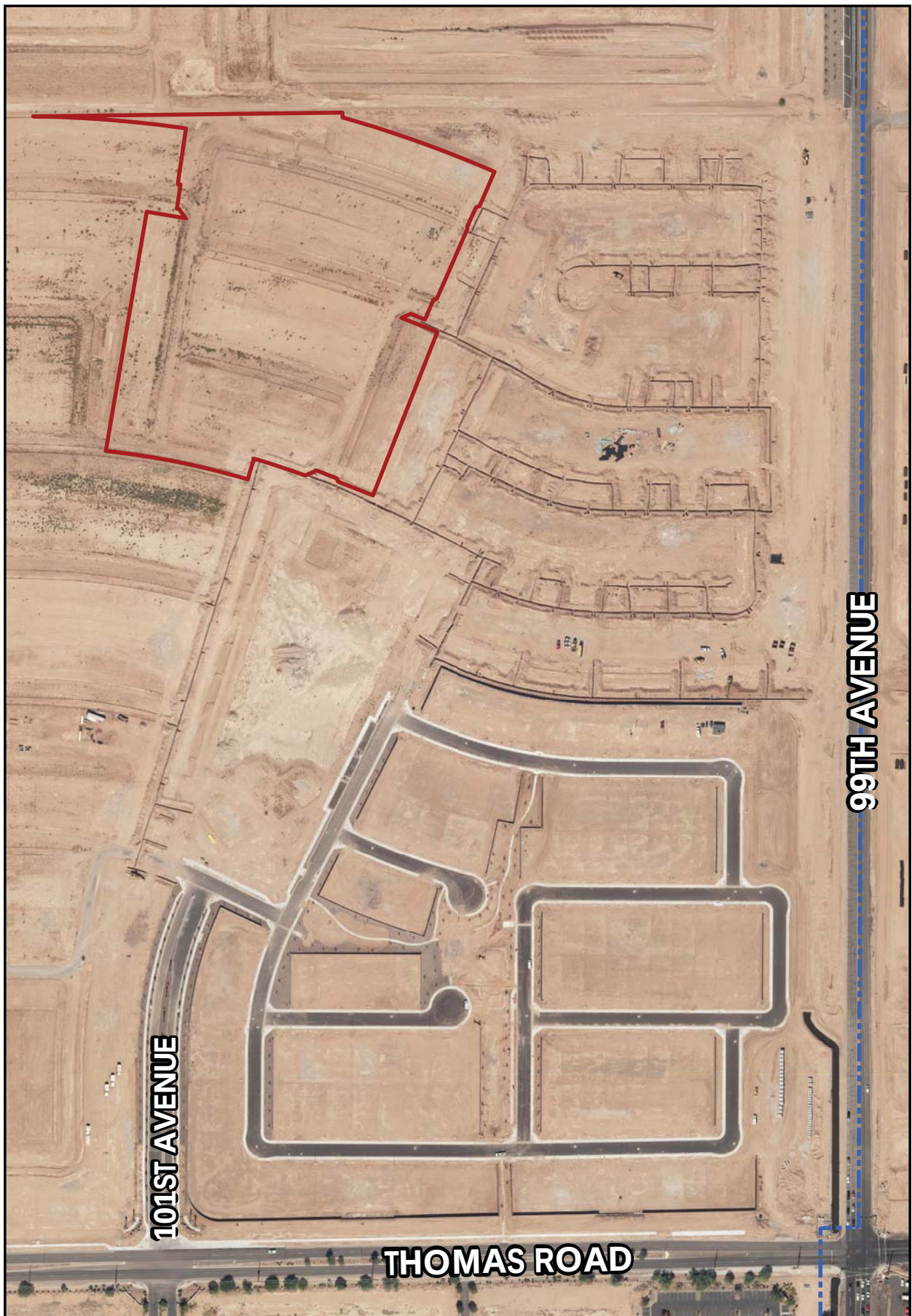
BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council approve Application PL-23-0366, Final Plat for Fulton Homes Acclaim - Phase 2B, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore, Natalie Railey



101ST AVENUE

99TH AVENUE

THOMAS ROAD

Vicinity Map



Subject Parcel

Not to Scale



Jul 18, 2024 5:50 pm C:\Users\agromax\AppData\Local\Temp\ACF-Publishing\106485\20-0146 Plot Plz28.dwg

09/20/24

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS:

THAT FULTON HOMES CORPORATION, AN ARIZONA CORPORATION, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "FULTON HOMES ACCLAM - PHASE 2B", A PORTION OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "FULTON HOMES ACCLAM - PHASE 2B", A PLANNED RESIDENTIAL DEVELOPMENT, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, STREETS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN EACH RESPECTIVELY ON SAID PLAT.

FULTON HOMES CORPORATION, AN ARIZONA CORPORATION, HEREBY DEDICATES IN FEE, ALL RIGHTS TITLE AND INTEREST TO THE CITY OF AVONDALE FOR USE AS SUCH, THE STREET RIGHT OF WAYS AS SHOWN ON SAID MAP AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

THE PUBLIC UTILITY EASEMENTS AND THE WATER LINE EASEMENT ARE HEREBY DEDICATED TO THE CITY AS SHOWN HEREON.

TRACTS "A" THROUGH "T" ARE HEREBY DECLARED AS COMMON AREAS TO BE OWNED AND MAINTAINED BY THE FULTON HOMES ACCLAM COMMUNITY ASSOCIATION.

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

IN WITNESS WHEREOF, FULTON HOMES CORPORATION, AN ARIZONA CORPORATION, AS OWNER, HAS HEREUNDER CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF _____
ITS _____, THEREUNTO DULY AUTHORIZED THIS ____ DAY OF _____, 2024.

OWNER/AUTHORIZED SIGNER

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

BEFORE ME THIS ____ DAY OF _____, 2024, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____ OF FULTON HOMES CORPORATION, AN ARIZONA CORPORATION, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT _____ AS _____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

BY: _____ DATE _____
NOTARY PUBLIC

MY COMMISSION EXPIRES:

RATIFICATION AND CONSENT

KNOW ALL MEN BY THESE PRESENTS:

BY THIS RATIFICATION _____ DULY ELECTED _____ OF THE FULTON HOMES ACCLAM COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION ACKNOWLEDGES THE RESPONSIBILITIES DEDICATED HEREON.

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

BEFORE ME THIS ____ DAY OF _____, 2024, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE _____ OF FULTON HOMES ACCLAM COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, ACKNOWLEDGE THAT HE/SHE, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

BY: _____ DATE _____
NOTARY PUBLIC

MY COMMISSION EXPIRES:

RIGHT OF WAY DEDICATION		
STREET CLASSIFICATION	AREA (SF)	AREA (ACRES)
LOCAL	155,441	3.5684
COLLECTOR	---	---
ARTERIAL	---	---

LAND AREA TABLE		
GROSS AREA OF PROJECT	AREA (SF)	AREA (ACRES)
LOTS 358 - 439 (82 LOTS)	355,836	8.1689
TRACTS A - G (7 TRACTS)	43,631	1.0016
RIGHT-OF-WAY	155,441	3.5684
GROSS AREA	554,908	12.7389

UTILITY PROVIDERS

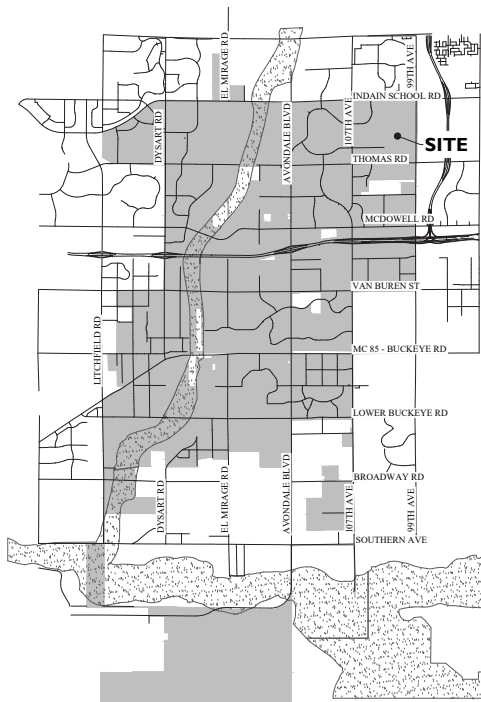
WATER
RECLAIMED WATER
SEWER
REFUSE
FIRE
TRAFFIC SIGNALS
GAS
ELECTRIC
TELEPHONE
CABLE TV
POLICE

CITY OF AVONDALE
CITY OF AVONDALE
CITY OF AVONDALE
CITY OF AVONDALE
CITY OF AVONDALE
CITY OF AVONDALE
SOUTHWEST GAS
SALT RIVER PROJECT (SRP)
CENTURYLINK/COX COMMUNICATIONS/ACI
CENTURYLINK/COX COMMUNICATIONS
CITY OF AVONDALE

FINAL PLAT OF

"Fulton Homes Acclam - Phase 2B"

A PORTION OF SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN
CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA



KEY MAP

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.

FLOODPLAIN DESIGNATION

THE PLATTED PROPERTY APPEARS TO LIE PARTIALLY WITHIN ZONE SHADED "X" (OTHER FLOOD AREAS) AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE MARICOPA COUNTY, COMMUNITY PANEL NO. 04013C221604, EFFECTIVE DATE SEPTEMBER 18, 2020.

BENCHMARK

CITY OF AVONDALE BENCHMARK "RD THOMAS" LOCATED AS FOLLOWS FROM THE 99TH AVENUE EXT AT 1-10 IN AVONDALE, ARIZONA, TRAVEL NORTH ON 99TH AVENUE, 204' TO THOMAS ROAD, TRAVEL WEST ON THOMAS ROAD 0.80M TO THE WESTERLY GATED ENTRANCE TO HOLY CROSS CEMETERY, TRAVEL SOUTH ON PAVED ACCESS ROAD, 53M. MARK IS A NOS HORIZONTAL CONTROL DISK, STAMPED RD THOMAS 2006, IN A CONCRETE POST, LEVEL WITH GROUND. STATION IS 35M SOUTH OF CENTERLINE OF THOMAS ROAD, 11.5M EAST OF TOP OF ROOSEVELT IRRIGATION DISTRICT CANAL, 10M WEST OF CENTERLINE PAVED ACCESS ROAD AND 1.5M NORTH OF CARSONITE WITNESS MARKER.

ELEVATION = 1023.86 CITY OF AVONDALE NAVD83 DATUM

BASIS OF BEARING

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, ALSO BEING THE CENTER LINE OF 99TH AVENUE PER THE PLSS SUBDIVISION QDACS RECORD OF SURVEY, RECORDED IN BOOK 669, PAGE 26, MARICOPA COUNTY RECORDS.

THE BEARING OF WHICH IS: SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST

OWNER / DEVELOPER

FULTON HOMES CORPORATION
9140 S. KYRENE ROAD
SUITE 202
TEMPE, AZ 85284
TEL: (480) 753-6789

SURVEYOR

EPS GROUP, INC.
1130 N. ALMA SCHOOL ROAD, SUITE 120
MESA, AZ 85201
TEL: (480)-503-2250
FAX: (480)-503-2258
CONTACT: ROBERT A. JOHNSTON, R.L.S.
EMAIL: robert.johnston@epsgruopinc.com

ENGINEER

EPS GROUP, INC.
1130 N. ALMA SCHOOL ROAD
SUITE 120
MESA, AZ 85201
TEL: (480)-503-2250
CONTACT: BRIAN NICHOLLS, PE
EMAIL: brian.nicholls@epsgruopinc.com

SHEET INDEX

1. COVER SHEET
2. LEGAL DESCRIPTIONS, LENDER OWNER STATEMENT AND DETAILS
3. FINAL PLAT
4. FINAL PLAT, LOT AREA TABLES, TRACT AREA & USE TABLE, LINE TABLE AND CURVE TABLES

NOTES

1. ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE FULTON HOMES ACCLAM HOMEOWNERS' ASSOCIATION, 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 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 OF 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. A MASTER M/D FOR THE ENTIRE FULTON HOME DEVELOPMENT WAS APPROVED BY CITY COUNCIL ON NOVEMBER 1, 2021 BY RESOLUTION 1091-1121.
8. STORM DRAIN PIPES FROM A CATCH BASIN TO THE RETENTION BASIN SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
9. ALL SPILLWAYS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
10. THE CITY SHALL MAINTAIN CATCH BASINS AND SOUPPERS WITHIN CITY RIGHT-OF-WAY.

REFERENCE DOCUMENTS

UNRECORDED ALTA/NPS LAND TITLE SURVEY BY CLOUSE ENGINEERING, INC., JOB NO. 191203

PLSS SUBDIVISION RECORD OF SURVEY QDACS, BOOK 699, PAGE 26, MCR.

APPROVALS AND ACCEPTANCE OF DEDICATION

PLAT APPROVED AND DEDICATED RIGHT-OF-WAY EASEMENTS ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, THIS ____ DAY OF _____, 2024.

MAYOR _____ DATE _____

ATTEST, CITY CLERK _____ DATE _____

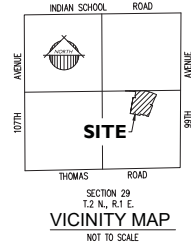
CITY ENGINEER _____ DATE _____

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF AUGUST 2022. THAT THE PLAT IS CORRECT AND ACCURATE. THAT THE MONUMENTS SHOWN HEREON HAVE BEEN LOCATED OR ESTABLISHED AS DESCRIBED.

Robert A. Johnston
REGISTERED LAND SURVEYOR 37466
DATE: 7/18/24
ROBERT A. JOHNSTON, R.L.S.

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.



1130 N. Alma School Rd, Suite 120
Mesa, Arizona 85201
T: 480.503.2250 | F: 480.805.1719
www.epsgruopinc.com

EPS GROUP

Fulton Homes Acclam - Phase 2B
AVONDALE, ARIZONA
FINAL PLAT

Project: _____
Revisions: _____
Drawn by: A.G.
Reviewed by: M.E.

Job No.
20-0146
FP01
Sheet No.
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of 4

PL-23-0366

LENDER OWNER STATEMENT

THE UNDERSIGNED, AS BENEFICIARY OF THAT CERTAIN DEED OF TRUST DOCUMENT RECORDED IN DOCUMENT NO. 2023-048363 OF THE MARICOPA COUNTY RECORDER, HEREBY RELEASES ALL THAT REAL PROPERTY IDENTIFIED AS PUBLIC STREETS AND TRACTS A-F, FROM THE LIEN AND SECURITY INTEREST OF THE DEED OF TRUST DATED AS OF JUNE 28, 2021 BY FULTON HOMES CORPORATION, AN ARIZONA CORPORATION, AS TRUSTOR, TO BENEFICIARY AND FIRST AMERICAN TITLE INSURANCE COMPANY, A NEBRASKA CORPORATION, AS TRUSTEE. FURTHER, THE UNDERSIGNED CONSENTS TO THE DRAINAGE, RETENTION, UTILITY AND OTHER EASEMENTS FOR PUBLIC PURPOSES DESCRIBED ON THIS MAP OF DEDICATION. THIS PARTIAL RELEASE SHALL IN NO WAY AFFECT OR OPERATE TO DISCHARGE THE LIEN OF THE DEED OF TRUST WITH RESPECT TO ANY OTHER OF THE PREMISES DESCRIBED ON THIS MAP OF DEDICATION, BUT SHALL RELEASE THEREFROM ONLY THE REAL ESTATE WHICH IS DESCRIBED ABOVE. THE UNRELEASED REAL ESTATE COVERED BY THE DEED OF TRUST SHALL REMAIN AS SECURITY FOR THE PAYMENT OF THE INDEBTEDNESS AND THE FULL PERFORMANCE OF ALL OF THE COVENANTS AND OBLIGATIONS SECURED THEREBY.

IN WITNESS WHEREOF, THIS PARTIAL RELEASE AND RECONVEYANCE OF DEED OF TRUST HAS BEEN EXECUTED AND DELIVERED THIS ____ DAY OF _____, 2024.

BY: M&T BANK, A NEW YORK CORPORATION, ITS: SENIOR VICE PRESIDENT
A NEW YORK CORPORATION

BY: FULTON HOMES CORPORATION, AN ARIZONA CORPORATION

BENEFICIARY TRUSTOR

BY: THOMAS M. DALY ITS: SENIOR VICE PRESIDENT
PRESIDENT

BY: NORMAN LEE NICHOLLS ITS: PRESIDENT

ACKNOWLEDGMENT

STATE OF ARIZONA } S.S.
COUNTY OF MARICOPA }

ON THIS ____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____, BEING DULY AUTHORIZED TO DO SO ON BEHALF OF SAID ENTITY, EXECUTED THIS PLAT FOR THE PURPOSES THEREIN CONTAINED.

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

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

ACKNOWLEDGMENT

STATE OF ARIZONA } S.S.
COUNTY OF MARICOPA }

ON THIS ____ DAY OF _____, 2024, BEFORE ME PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____, BEING DULY AUTHORIZED TO DO SO ON BEHALF OF SAID ENTITY, EXECUTED THIS PLAT FOR THE PURPOSES THEREIN CONTAINED.

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

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3" MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HAND HOLE AT THE EAST QUARTER CORNER OF SAID SECTION 29 FROM WHICH A MAG NAIL IN PAVEMENT WITHOUT ID AT THE SOUTHEAST CORNER OF SAID SECTION 29 BEARS SOUTH 0 DEGREES 18 MINUTES 10 SECONDS WEST, 2,638.01 FEET (BASIS OF BEARING);

THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, SOUTH 89 DEGREES 17 MINUTES 09 SECONDS WEST, 1,169.82 FEET TO THE POINT OF BEGINNING;

THE NEXT NINETEEN (19) COURSE BEING ALONG WESTERLY LIMITS OF FULTON HOMES ACCLAIM - PHASE 1B, BOOK 1657 OF MAPS, PAGE 9, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 0 DEGREES 42 MINUTES 51 SECONDS EAST, 11.31 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 15 DEGREES 50 MINUTES 09 SECONDS WEST A DISTANCE OF 2722.72 FEET;

THENCE SOUTHEASTERLY 371.61 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 7 DEGREES 49 MINUTES 12 SECONDS;

THENCE ON A NON-TANGENT LINE SOUTH 23 DEGREES 39 MINUTES 21 SECONDS WEST, 66.18 FEET;

THENCE SOUTH 69 DEGREES 11 MINUTES 22 SECONDS WEST, 8.41 FEET;

THENCE SOUTH 24 DEGREES 38 MINUTES 09 SECONDS WEST, 50.01 FEET;

THENCE SOUTH 20 DEGREES 49 MINUTES 09 SECONDS EAST, 3.62 FEET;

THENCE SOUTH 23 DEGREES 33 MINUTES 35 SECONDS WEST, 176.20 FEET;

THENCE SOUTH 69 DEGREES 08 MINUTES 45 SECONDS WEST, 8.40 FEET;

THENCE SOUTH 23 DEGREES 33 MINUTES 35 SECONDS WEST, 50.00 FEET;

THENCE NORTH 67 DEGREES 00 MINUTES 55 SECONDS WEST, 35.10 FEET;

THENCE SOUTH 66 DEGREES 53 MINUTES 03 SECONDS WEST, 23.68 FEET;

THENCE SOUTH 68 DEGREES 32 MINUTES 35 SECONDS EAST, 88.87 FEET;

THENCE SOUTH 21 DEGREES 27 MINUTES 25 SECONDS WEST, 405.11 FEET;

THENCE NORTH 68 DEGREES 32 MINUTES 35 SECONDS WEST, 86.11 FEET;

THENCE NORTH 23 DEGREES 01 MINUTES 05 SECONDS WEST, 8.41 FEET;

THENCE NORTH 68 DEGREES 32 MINUTES 35 SECONDS WEST, 50.00 FEET;

THENCE SOUTH 65 DEGREES 55 MINUTES 55 SECONDS WEST, 28.54 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 20 DEGREES 06 MINUTES 25 SECONDS WEST A DISTANCE OF 1910.00 FEET;

THENCE NORTHWESTERLY 124.49 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 3 DEGREES 44 MINUTES 03 SECONDS;

THENCE ON A NON-TANGENT LINE SOUTH 16 DEGREES 22 MINUTES 22 SECONDS WEST, 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 16 DEGREES 22 MINUTES 22 SECONDS WEST A DISTANCE OF 1860.00 FEET;

THENCE DEPARTING FROM SAID WESTERLY LIMITS, NORTHWESTERLY 333.55 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10 DEGREES 16 MINUTES 29 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 9 DEGREES 42 MINUTES 16 SECONDS EAST, 560.52 FEET;

THENCE SOUTH 80 DEGREES 17 MINUTES 44 SECONDS EAST, 91.02 FEET;

THENCE NORTH 35 DEGREES 42 MINUTES 26 SECONDS WEST, 26.71 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 8 DEGREES 38 MINUTES 45 SECONDS WEST A DISTANCE OF 2436.00 FEET;

THENCE NORTHWESTERLY 4.85 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 0 DEGREES 06 MINUTES 51 SECONDS;

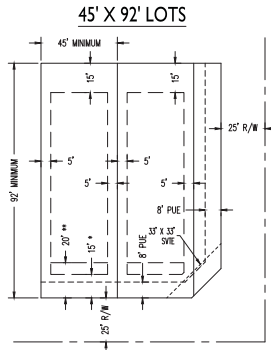
THENCE ON A NON-TANGENT LINE NORTH 8 DEGREES 31 MINUTES 54 SECONDS EAST, 56.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 8 DEGREES 31 MINUTES 54 SECONDS WEST A DISTANCE OF 2492.00 FEET;

THENCE NORTHWESTERLY 6.33 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 0 DEGREES 08 MINUTES 44 SECONDS;

THENCE ON A NON-TANGENT LINE NORTH 8 DEGREES 23 MINUTES 10 SECONDS EAST, 130.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 8 DEGREES 23 MINUTES 10 SECONDS WEST A DISTANCE OF 2622.00 FEET;

THENCE WESTERLY 352.90 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 7 DEGREES 42 MINUTES 41 SECONDS;

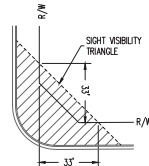
THENCE ON A NON-TANGENT LINE NORTH 89 DEGREES 17 MINUTES 09 SECONDS EAST, 712.01 FEET TO THE POINT OF BEGINNING.



NOTES:

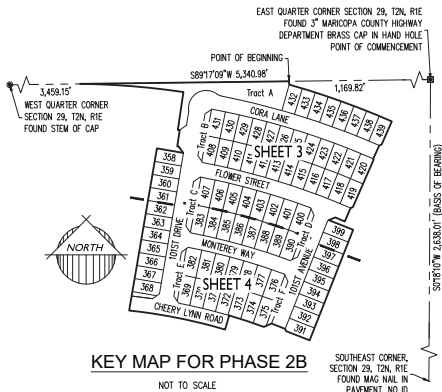
- * FRONT LIVABLE AREA/PORCH
- ** FRONT FACING GARAGE

1. ALL SETBACKS ARE MEASURED FROM THE PROPERTY LINE.



TYPICAL S.V.T. EASEMENT

NOT TO SCALE



KEY MAP FOR PHASE 2B

NOT TO SCALE

1130 N. Alma School Rd. Suite 120
Phoenix, AZ 85016
T: 480.503.2260 F: 480.805.1799
www.epsgroupinc.com



Fulton Homes Acclaim - Phase 2B

AVONDALE, ARIZONA

FINAL PLAT

Project

Revisions:



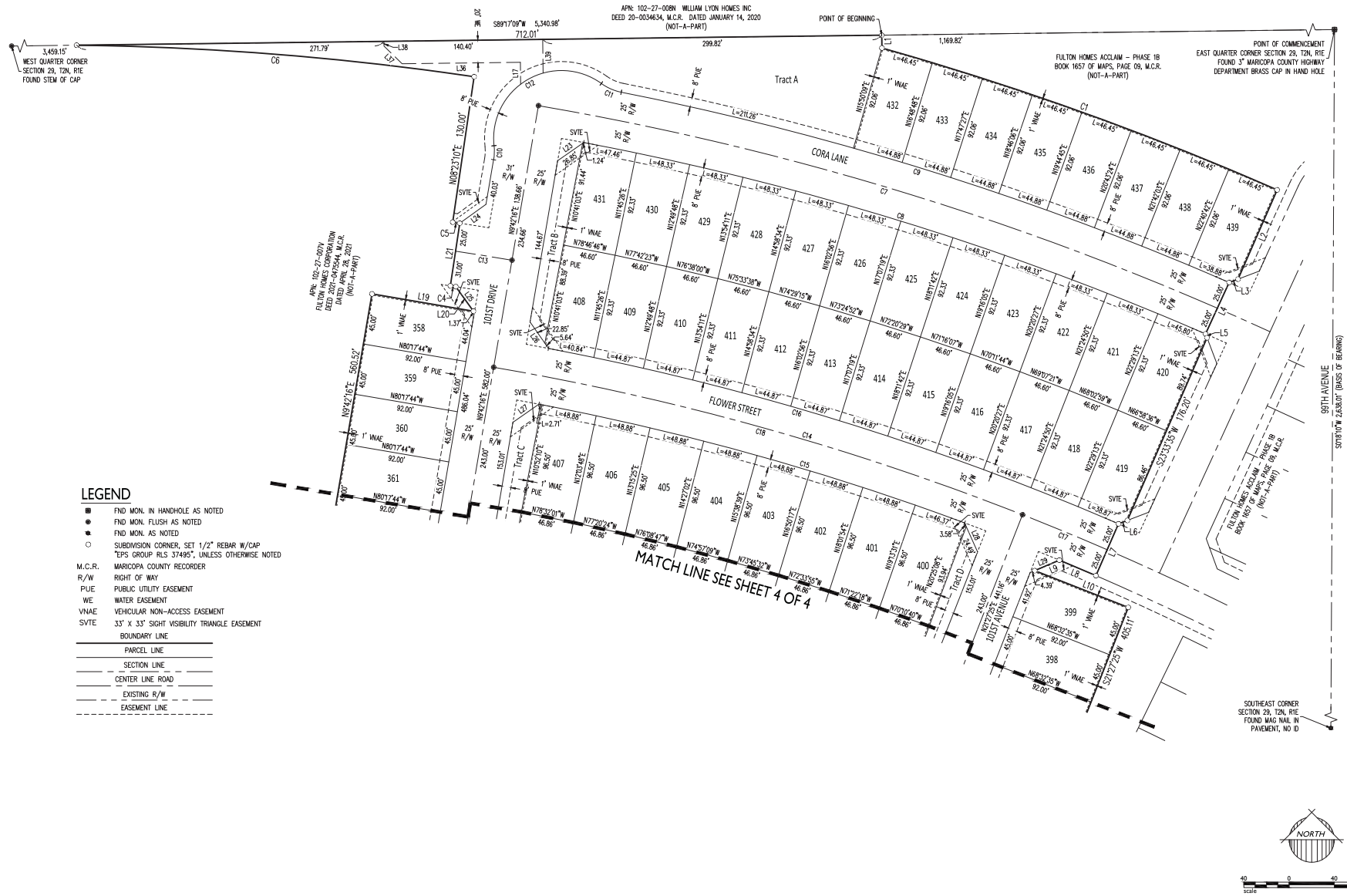
Drawn by: A.G.
Reviewed by: M.R.

Job No.
20-0146

FP01

Sheet No.

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of 4



■ FND MON. IN HANDHOLE AS NOTED
● FND MON. FLUSH AS NOTED
○ FND MON. AS NOTED

○ SUBDIVISION CORNER, SET 1/2" REBAR W/CAP
"EPS GROUP RLS 3749S", UNLESS OTHERWISE NOTED

M.C.R. MARICOPA COUNTY RECORDER
R/W RIGHT OF WAY
P/UE PUBLIC UTILITY EASEMENT
W/E WATER EASEMENT
VNAE VEHICULAR NON-ACCESS EASEMENT
SVTE 33' x 33' SIGHT VISIBILITY TRIANGLE EASEMENT

BOUNDARY LINE

PARCEL LINE

SECTION LINE

CENTER LINE ROAD

EXISTING R/W

EASEMENT LINE

TRACT	USE	AREA (SF)	AREA (AC)
Tract A	LANDSCAPE, OPEN SPACE, WATER EASEMENT AND **PUE	28,370	0.6513
Tract B	LANDSCAPE, OPEN SPACE AND **PUE	2,850	0.0654
Tract C	LANDSCAPE, OPEN SPACE AND **PUE	3,605	0.0828
Tract D	LANDSCAPE, OPEN SPACE AND **PUE	2,660	0.0611
Tract E	LANDSCAPE, OPEN SPACE AND **PUE	2,384	0.0547
Tract F	LANDSCAPE, OPEN SPACE AND **PUE	2,702	0.0620
Tract G	LANDSCAPE, OPEN SPACE AND **PUE	1,059	0.0243

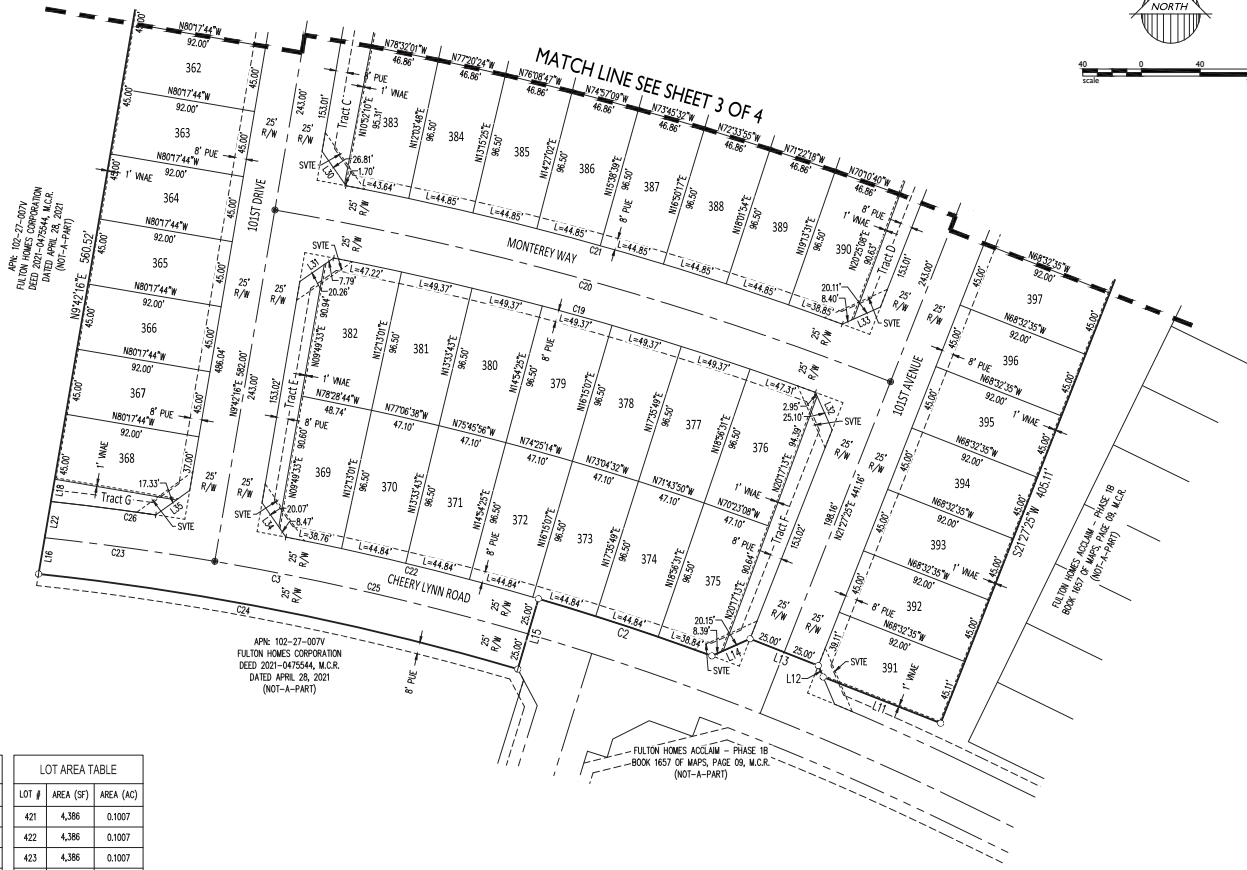
1. COMMON AREAS MAY INCLUDE OPEN SPACE, LANDSCAPING, PEDESTRIAN PATHS AND/OR AMENITIES.
2. SPECIFIC EASEMENTS ARE BEING DEDICATED AS PART OF THIS PLAT ARE FULLY DELINEATED ON THE PLAT SHEETS.
3. ** EASEMENTS LISTED ABOVE (SHOWN WITH AN ASTERISK **) ONLY AFFECT A PORTION OF THE TRACT WITH WHICH THEY ARE LISTED, AND ARE FULLY DELINEATED WITHIN THE PLAT. OTHER "USES" LISTED ABOVE ARE COMMON AREA

LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
358	1,140	0.0950
359	1,140	0.0950
360	1,140	0.0950
361	1,140	0.0950
362	1,140	0.0950
363	1,140	0.0950
364	1,140	0.0950
365	1,140	0.0950
366	1,140	0.0950
367	1,140	0.0950
368	4,109	0.0943
369	4,486	0.1032
370	4,432	0.1017
371	4,432	0.1017
372	4,432	0.1017
373	4,432	0.1017
374	4,432	0.1017
375	4,414	0.1013
376	4,657	0.1069
377	4,659	0.1070
378	4,659	0.1070

LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
379	4,659	0.1070
380	4,659	0.1070
381	4,659	0.1070
382	4,887	0.1122
383	4,421	0.1015
384	4,422	0.1015
385	4,422	0.1015
386	4,422	0.1015
387	4,422	0.1015
388	4,422	0.1015
389	4,422	0.1015
390	4,404	0.1011
391	4,132	0.0949
392	4,140	0.0950
393	4,140	0.0950
394	4,140	0.0950
395	4,140	0.0950
396	4,140	0.0950
397	4,140	0.0950
398	4,140	0.0950
399	4,135	0.0949

LOT AREA TABLE			
LOT #	AREA (SF)	AREA (AC)	
400	4,620	0.1061	
401	4,623	0.1061	
402	4,623	0.1061	
403	4,623	0.1061	
404	4,623	0.1061	
405	4,623	0.1061	
406	4,623	0.1061	
407	4,623	0.1061	
408	4,211	0.0967	
409	4,219	0.0969	
410	4,219	0.0969	
411	4,219	0.0969	
412	4,219	0.0969	
413	4,219	0.0969	
414	4,219	0.0969	
415	4,219	0.0969	
416	4,219	0.0969	
417	4,219	0.0969	
418	4,219	0.0969	
419	4,202	0.0965	
420	4,382	0.1000	

LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
421	4,386	0.1007
422	4,386	0.1007
423	4,386	0.1007
424	4,386	0.1007
425	4,386	0.1007
426	4,386	0.1007
427	4,386	0.1007
428	4,386	0.1007
429	4,386	0.1007
430	4,386	0.1007
431	4,385	0.1007
432	4,204	0.0965
433	4,204	0.0965
434	4,204	0.0965
435	4,204	0.0965
436	4,204	0.0965
437	4,204	0.0965
438	4,204	0.0965
439	4,186	0.0961

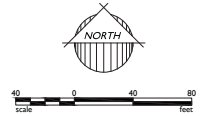


CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEG
C1	371.61'	2722.72'	749.29'	371.33'	S70°05'15"
C2	124.49'	1910.00'	344.03'	124.46'	N71°46'53"W
C3	336.46'	1885.00'	1015.57'	336.01'	N44°42'7"W
C4	4.86'	2436.00'	076.59'	4.85'	N87°46'40"W
C5	6.33'	2492.00'	076.44'	6.33'	N81°32'28"W
C6	262.00'	3822.00'	742.46'	262.63'	N85°08'21"W
C7	628.05'	2605.66'	1347.34'	626.53'	N73°03'36"W
C8	576.53'	2580.66'	1246.00'	575.33'	N72°53'47"W
C9	564.31'	2630.66'	1217.58'	563.25'	N72°37'53"W
C10	12.46'	45.00'	155.55'	12.42'	N01°00'00"W
C11	19.42'	45.00'	244.32'	19.27'	S66°24'00"W
C12	138.36'	60.00'	1320.71'	109.68'	S59°53'58"W
C13	54.00'	2467.00'	170.21'	54.49'	N80°52'55"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BING
C14	567.38'	2371.00'	17342.38'	566.01'	N7326°56'W
C15	391.21'	2346.00'	9331.67'	390.76'	N7425°10'W
C16	508.41'	2396.00'	1238.99'	507.34'	N725°40'W
C17	802.43'	2157.00'	1757.99'	802.12'	N6733°51'W
C18	486.34'	2371.00'	1145°59'	485.49'	N7425°10'W
C19	343.57'	2123.00'	918°02'	340.99'	N7425°10'W
C20	446.35'	2108.00'	1145°59'	445.73'	N7425°10'W
C21	351.62'	2153.00'	921°27'	351.23'	N7425°10'W
C22	1172.88'	2159.00'	519°06'	1171.23'	N676°17'W
C23	1178.81'	1885.00'	333°31'	1176.25'	N824°30'W
C24	333.55'	1860.00'	1046°29'	333.11'	N78°45°51'W
C25	219.38'	1885.00'	640°06'	219.26'	N76°57°41'W
C26	72.07'	1910.00'	209°43'	72.07'	N82°43°50'W

LINE TABLE			LINE TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S00°25'12"E	11.31'	L14	S65°55'25"E	28.54'
L2	S23°39'21"W	86.18'	L15	S16°22'22"W	50.00'
L3	S69°11'22"W	6.41'	L16	S04°42'16"W	25.35'
L4	S24°58'00"W	5.00'	L17	N00°24'15"E	19.09'
L5	S20°49'09"E	3.62'	L18	N09°42'16"E	15.42'
L6	S69°00'45"E	8.40'	L19	N87°17'44"E	91.21'
L7	S23°35'35"W	5.00'	L20	N35°42'26"E	26.02'
L8	N6°70'05"S	35.10'	L21	N68°31'54"E	56.00'
L9	S64°53'03"W	22.88'	L22	S04°42'16"W	25.35'
L10	S68°35'25"W	83.67'	L23	N55°05'34"E	28.09'
L11	N68°32'35"W	86.11'	L24	N54°15'59"E	28.08'
L12	N23°01'05"W	5.00'	L25	N35°42'26"W	26.02'
L13	N68°32'35"W	84.10'	L26	N24°52'38"E	28.49'

LINE TABLE		
LINE	BEARING	LENGTH
L27	N55°07'54"E	28.07'
L28	N23°58'14"W	28.07'
L29	N66°53'03"E	28.07'
L30	S34°49'48"E	28.51'
L31	N55°10'52"E	28.05'
L32	S45°01'12"E	28.05'
L33	N65°59'28"E	28.51'
L34	N34°46'14"W	28.54'
L35	N54°10'46"E	28.54'
L36	S89°17'09"W	104.53'
L37	N45°42'51"N	22.38'
L38	N00°42'51"E	4.17'
L39	N00°42'51"E	29.79'



ITEM NUMBER: 3.p.

SUBJECT: Board and Commission Appointments and Board Member Removal from the Board of Adjustment

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item will allow residents to serve Avondale as an appointed board member, increasing community engagement.

PURPOSE:

City Council will consider a request to: a) remove Margarita Barron from the Board of Adjustment due to being non-responsive; b) approve the following appointments to the City's Boards, Commissions, and Committees as recommended by the City Council Subcommittee on Boards, Commissions, and Committees; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

- Rhonda Bell as a Regular Member to the Municipal Art Committee with a partial term to expire on 12/31/2026.
- Deanna Sapata as an Alternate Member to the Municipal Art Committee with a partial term to expire on 12/31/2026.
- Nicole List as a Regular Member to the Board of Adjustment with a partial term to expire on 12/31/2024.
- Natosha Edmonds as a Regular Member to the Board of Adjustment with a partial term to expire on 12/31/2026.
- Zahra Muhidin as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2026.
- Diana Estrada as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2025.
- Ramon Sanchez as a Regular Member to the Sustainability Commission with a partial term to expire on 12/31/2025.
- Ben Ruoti as an Alternate Member to the Sustainability Commission with a partial term to expire on 12/31/2024.

BACKGROUND:

The Avondale City Council established the Board of Adjustment on January 9, 1951, to hear appeals for variances to regulations contained within the Zoning Ordinance. On December 18, 2023, City Council approved the City Council Subcommittee's recommendation for the appointment of Margarita Barron as a member of the city's Board of Adjustment. Over the past few months, Development Services staff have attempted to reach Ms. Barron through multiple email and phone calls; however, they were unable to reach her. Ms. Barron was previously a board member of the Municipal Art Committee but was removed due to missing three consecutive meetings.

The City Council Subcommittee on Boards, Commissions, and Committees (Subcommittee) makes recommendations for membership based on term expiration, vacancies from resignations, or changes to member eligibility status. The Subcommittee met on July 8, 2024, and made appointment recommendations.

As required in the City Council Rules of Procedures, all candidates have been notified of the recommendations.

DISCUSSION:

Board of Adjustment member Margarita Barron has been non-responsive since being appointed by City Council on December 18, 2023; therefore, staff are recommending she be removed from the board.

On July 8, 2024, the Subcommittee recommended the following:

MUNICIPAL ART COMMITTEE

- Rhonda Bell as a Regular Member with a partial term to expire on 12/31/2026.
- Deanna Sapata as an Alternate Member with a partial term to expire on 12/31/2026.

BOARD OF ADJUSTMENT

- Nicole List as a Regular Member with a partial term to expire on 12/31/2024.
- Natosha Edmonds as a Regular Member with a partial term to expire on 12/31/2026.

SUSTAINABILITY COMMISSION

- Zahra Muhidin as a Regular Member for a partial term to expire on 12/31/2026.
- Diana Estrada as a Regular Member for a partial term to expire on 12/31/2025.
- Ramon Sanchez as a Regular Member for a partial term to expire on 12/31/2025.
- Ben Ruoti as an Alternate Member for a partial term to expire on 12/31/2024.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff is recommending that the Council take action to remove Margarita Barron from the Board of Adjustment and approve the subcommittee's recommendations for the appointment of members of the city's boards, commissions, and committees.

Contact person for document distribution: n/a

ITEM NUMBER: 4.a.

SUBJECT: Public Hearing - Extra Space Storage – Appeal of Conditional Use Permit – Application PL-23-0303

MEETING DATE: 8/19/2024

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

Strategic Outcome Area: Creative and Sustainable Community Development

Strategy: Maintain and expand quality infrastructure and improve connectivity to city amenities.

PURPOSE:

City Council will hold a public hearing and consider an appeal by Adam Baugh of Withey Morris Baugh (on behalf of Extra Space Storage) to consider an appeal of the Planning Commission's denial of a conditional use permit to allow for a mini-storage warehouse and personal storage development. The 2.28 net-acre subject property is located at the southwest corner of Indian School Road and Osborn Road. This project was previously approved as a conditional use permit by the City Council on June 21, 2021, zoning case PL-21-0003. The previous conditional use permit has expired, and the appellant filed an application for a new conditional use permit to move forward with the development. The Planning Commission denied the application. The City Council may affirm, reverse, or modify the decision of the Planning Commission.

BACKGROUND:

This agenda item was continued from the April 29, 2024, City Council meeting.

The 2.3 net-acre subject property (Exhibit A) is located at the southwest corner of Indian School Road and Osborn Road. The site is located within the North Avondale Specific Plan area. It is mostly rectangular, relatively flat, undeveloped, and features no unusual physical characteristics.

The property was annexed in June 1981 and rezoned to Planned Area Development (PAD), part of the Palm Valley Avondale PAD (Exhibit B), on September 6, 1994. The property is zoned Palm Valley Planned Area Development (PAD), which includes C-2 (Community Commercial) uses and development standards. Mini-storage warehouses and personal storage facilities require approval of a conditional use permit in the C-2 district and, by extension, the Palm Valley PAD as it applies to the subject site.

The property is designated by the General Plan 2030 Land Use Map as Local Commercial (Exhibit C). This land use category is primarily intended to provide for the daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in

adjacent residential areas, which promotes a walkable community. The Palm Valley PAD's C-2 zoning of this property is consistent with the Local Commercial designation.

SUMMARY OF REQUEST:

A conditional use permit for a mini-storage use was approved by the City Council on June 21, 2021, with conditions. One of the conditions required compliance with the Zoning Ordinance in that the conditional use permit would expire on June 21, 2023, if the use had not commenced. Because the use had not commenced through the issuance of a building permit, a new conditional use permit request and approval was required. For this reason, a new conditional use permit application for the same mini-storage use and development design was submitted.

On February 21, 2024, the Planning Commission conducted a public hearing for the conditional use permit. Staff provided a presentation with a recommendation for approval. After hearing from the applicant and public comment, the Commission had questions regarding the proposed location as it related to other storage facilities in the area and access to the site. The Commission's motion to approve the request failed to pass by a 2-2 tie vote, which technically resulted in a denial. A copy of the Planning Commission staff report, including public comments received, is provided in Exhibit E. Please refer to the Planning Commission meeting minutes attached as Exhibit F.

On March 6, 2024, an appeal of the Planning Commission's action was filed by Adam Baugh on behalf of Paul Hedges/Extra Space Storage. Please refer to Exhibit D – Appeal Request. The appellant is requesting a reversal of the Planning Commission's denial of a conditional use permit to allow for a mini-storage warehouse and personal storage development in the Palm Valley Planned Area Development (PAD).

On April 29, 2024, the City Council opened the public hearing, at which time the applicant requested a continuance of the item to a future public hearing in order to re-post the public notice sign on the subject site.

PUBLIC PARTICIPATION:

All required notifications for the City Council public hearing were completed in accordance with notification requirements.

DISCUSSION:

An appeal of a Planning Commission decision is a quasi-judicial hearing as opposed to a legislative hearing. For this reason, Council may only consider the record presented to the Planning Commission. New issues or information may not be considered in Council's action. The Council must evaluate the Commission's action based on the following required findings:

1. That the proposed use (a) is consistent with the land-use designation set forth in the general plan, (b) will further the City's general guidelines and objectives for development of the area, as set forth in the general plan, and (c) will be consistent with the desired character for the surrounding area.
2. That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood, or the public welfare in general.
3. That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.
4. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.
5. That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

The City Council may affirm, reverse, or modify the decision of the Planning Commission. Should the City Council be inclined to affirm the denial by the Planning Commission, passage of a motion to uphold the decision will be needed.

Should the City Council be inclined to reverse or modify the decision of the Planning Commission, the Council shall direct the City Attorney to prepare written findings setting forth the basis for the reversal or modification. Passage of a motion to reverse or modify the decision should include the staff-recommended conditions of approval shown below.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The City Council will conduct a public hearing per Section 28-8(i), Appeal of decision of the Planning Commission to City Council.

Should the Council be inclined to reverse the denial and approve Application PL-23-0303, a request for a Conditional Use Permit to allow for the operation of a mini-storage warehouse and personal storage development at the southwest corner of Indian School Road and Osborn Road, the Council shall direct the City Attorney to prepare written findings setting forth the basis for the reversal, and the approval shall be subject to the following five (5) conditions of approval:

CONDITIONS OF APPROVAL:

1. Development and use of the site shall substantially conform to the Extra Space Storage Conditional Use Permit narrative, site plan, and landscape plan date stamped December 12, 2023, attached to the Planning Commission staff report as Exhibits D, E, and G respectively.
2. In accordance with Avondale Municipal Code Article 1, 28-8, the Conditional Use Permit shall expire two (2) years from the date of approval if the use has not commenced.
3. The facility manager shall ensure that no unit is used as a point of sale for any goods, materials, or services.
4. The storage of hazardous or flammable materials within the facility shall be prohibited.
5. The Site Plan and Design Review shall be amended to ensure consistency with this conditional use permit proposal.

Contact person for document distribution: Sandra Freund, AICP, Senior Planner

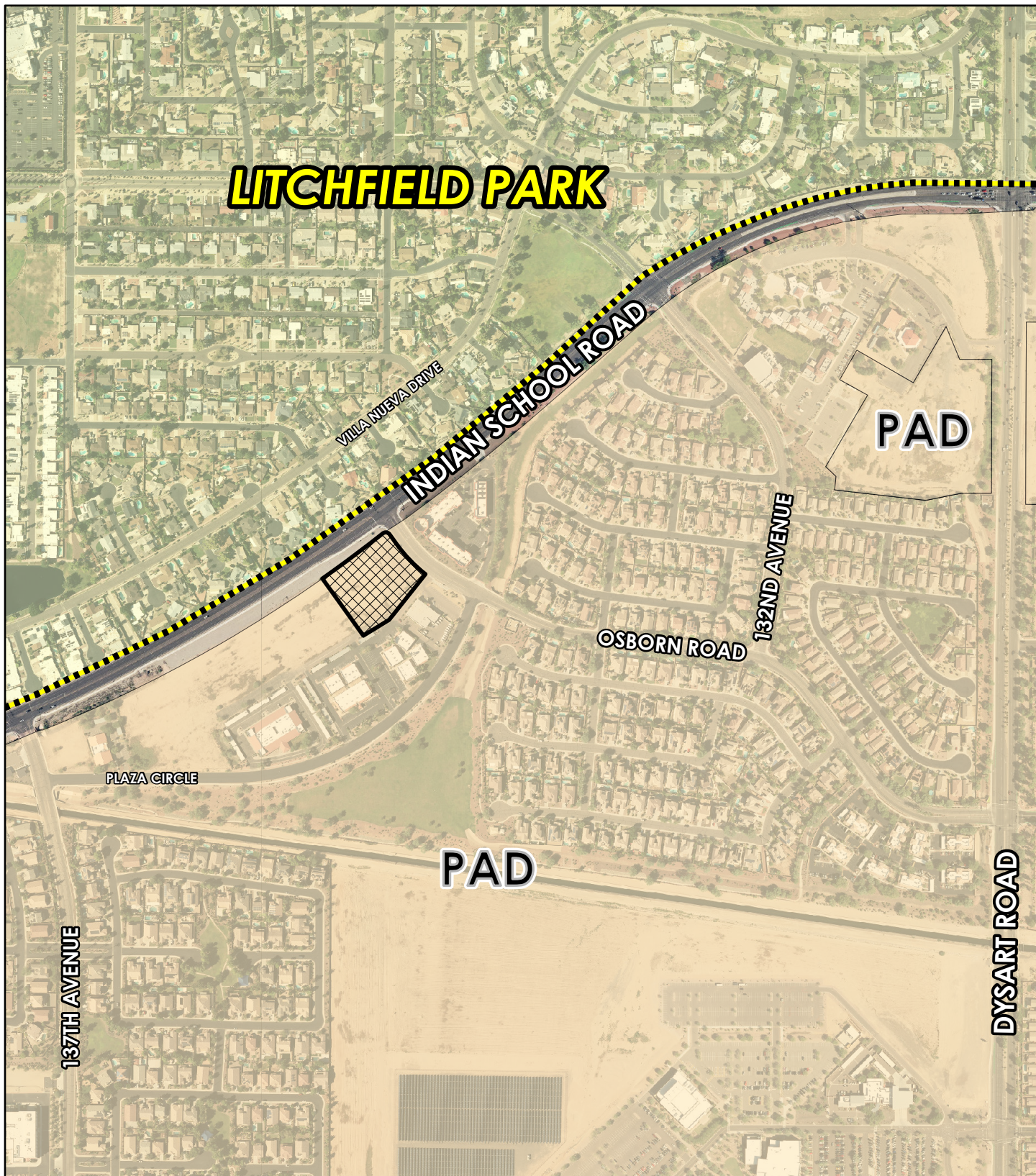


Aerial Map

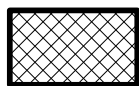


 Subject Parcel



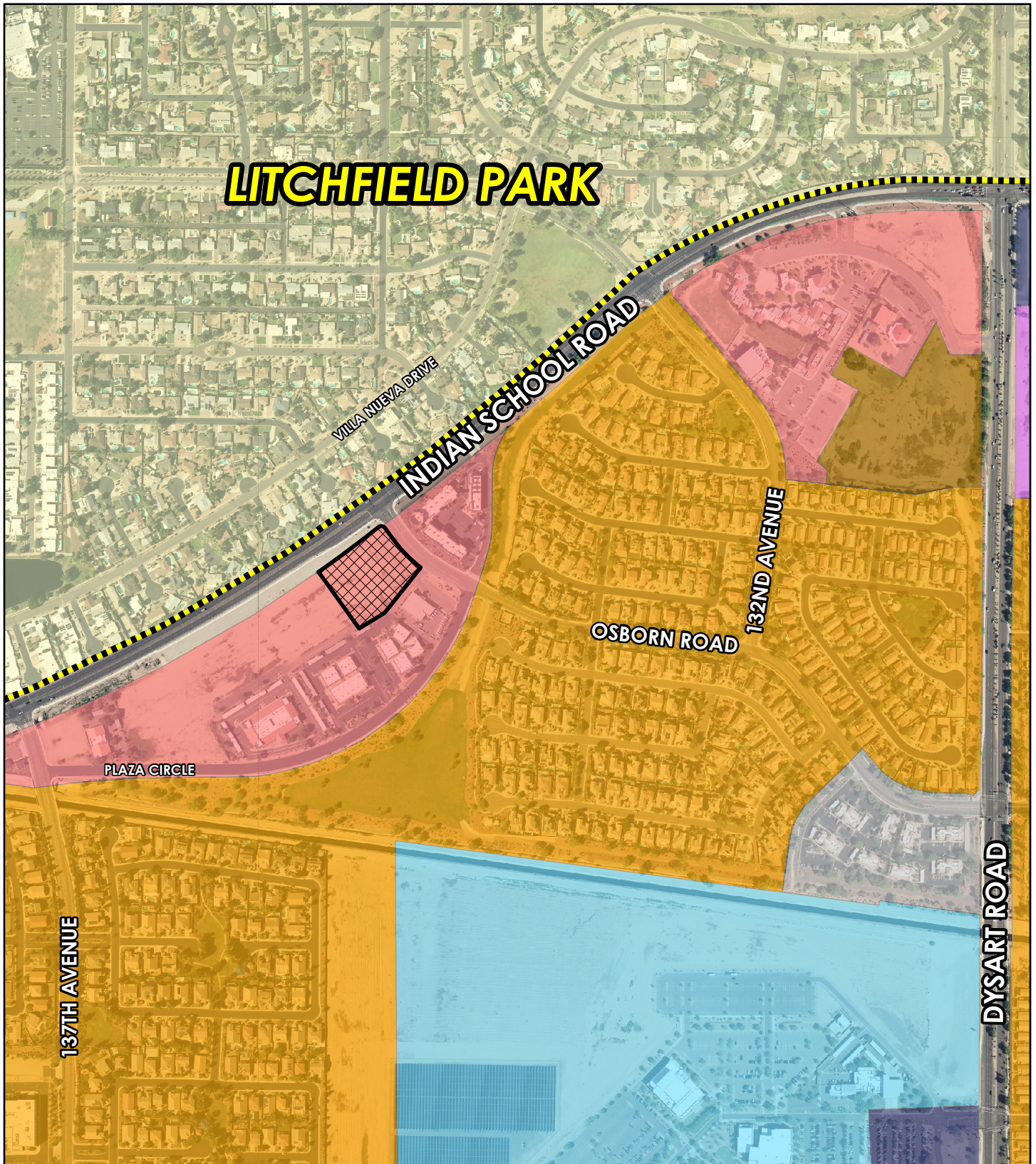


Zoning Vicinity



Subject Parcel

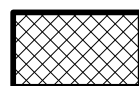




General Plan Land Use



- | | |
|----------------------------|---------------------|
| Education | Mixed Use |
| High Density Residential | Office/Professional |
| Local Commercial | Public/Civic |
| Medium Density Residential | Litchfield Park |



Subject Parcel





WITHEY
MORRIS
BAUGH

March 6, 2024

VIA HAND DELIVERY

Avondale City Council
Development & Engineering Services Dept
11465 W. Civic Center Dr, #110
Avondale, Arizona 85323

Re: Conditional Use Permit Appeal / PL-21-0003

Dear Mayor and Council:

We submit this appeal on behalf of Paul Hedges / Extra Space Storage ("Applicant") regarding its proposed self-storage facility on a C-2 PAD zoned parcel at the southwest corner of Indian School Road and Osborn Road in the City of Avondale (the "Property").

The matter before the council is not a question about a change in the General Plan, or the commercial zoning. Those items were approved 29 years ago and are applicable today. The only question before the council is the re-approval of a Conditional Use Permit (CUP) that was approved by this City Council in 2021.

REQUEST

In 2021, the City Council approved a Conditional Use Permit (CUP) for a storage facility at this Property. At the time, city staff, the Planning Commission, and the City Council evaluated the zoning ordinance criteria for approving a CUP. All three review bodies determined this site meets the legal criteria and approved the CUP use. The basis of that 2021 CUP approval, and the facts that supported it, remain the same today.

The current application before you today is an extension of the CUP approval. The purpose is to re-approve the CUP that the City Council already approved in 2021...in the same manner, size, scope, design and operation as before. All things remain exactly the same and the legal criteria supporting the prior approval are identical and unchanged.

Accordingly, this letter sets forth the justification for the re-approval of the CUP.

BACKGROUND

When the CUP was approved in 2021, a code requirement existed to commence the use in two years. That time condition makes sense for existing buildings where no additional permitting processes are required. However, it is virtually impossible for new, ground up buildings to be completed in two years

because of all the additional city processes which must occur after the CUP is approved...and then build the building...and then commence the use...all before two years. An example of the extra processes this site required are below:

1. Site Plan: After the CUP was approved, the applicant filed a Site Plan Application and worked with staff for eleven (11) months before obtaining site plan approval in September 2022.
2. Plat: Alongside the site plan application, the application had to undergo the Final Plat application which took 7 months before it was approved in March 2022.
3. Fire Review: Fire access and PUE had to be approved which took 13 months (Oct 2022).
4. Civil Plans & Building Plans: Only after the site plan and plat approval, was the applicant's design team able to start working on civil plans and construction drawings. Those were submitted to the city and pending their final review when this issue came up. There were three submittals, and three plan reviews by city staff between August 2022 to Spring 2023. During this time the two-year time condition expired.

The expiration was not attributed to the applicant or the city. It was a reflection of the time needed to complete all the post CUP processes that are required for a new building. Additionally, there were some unexpected delays experienced by many projects during the COVID-era where manpower, materials, and suppliers were all backlogged. Around this time, the City of Avondale review periods were also behind their typical review times for many of the same COVID-related and staffing factors.

The Applicant expended significant funds and continually worked through all the required site plan, platting, and permit processes. But despite all their effort to act on the CUP approval, they were told to reapply for the CUP anew.

Accordingly, the applicant filed the exact same CUP in October 2023. Staff's review and favorable recommendation were the same as before.

However, on the date of the Planning Commission, not all members were present at the hearing, and the Commission voted in a 2-2 tie without much discussion or deliberation. What is noted from the hearing is that the Commission did not evaluate and discuss the 5-part test of the CUP. This necessitates the appeal to the City Council today.

CUP LEGAL CRITERIA

The question before the city council is not whether the land should be rezoned or whether the use is allowed. The only question to consider are the five (5) findings of the CUP test as outlined in the Avondale Zoning Ordinance. If those five (5) findings are met, the CUP shall be approved. The legal standard for this appeal is outlined in the Zoning Ordinance (Chapter 28, Article 1, 28-8).

- (1) That the proposed use (a) is consistent with the land-use designation set forth in the general plan, (b) will further the city's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.**

Response: This finding is satisfied. The site is located within the Local Commercial designation on the General Plan which promotes commercial services – like a storage facility – for residents within the surrounding area. A proposed self-storage facility is allowed within the Local Commercial designation. It is a service for residents within a 2-mile radius of the site. It is perfectly consistent with the type of

neighborhood-serving commercial uses desired in the Local Commercial designation of the General Plan. See **Exhibit A**, General Plan Map.

The site is also within the North Avondale Specific Plan whose Objective #1 is to "Facilitate the full buildout of North Avondale.". This site is on the north border of Avondale and has remained undeveloped for 29 years since being zoned commercial. Approving this request brings commercial uses and creates new energy for the full buildout of the rest of the shopping center, achieving the goal of the Specific Plan.

The building design is also consistent with the character of the area in its use of stucco, masonry, and earth tone colors. Its building height (25' with a 30' parapet) is also consistent with the height of the commercial Coldwater Station buildings next door (24' with a 36' parapet). See **Exhibit B**, Building Elevations.

(2) That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.

Response: This finding is met. This use is perfectly compatible with the surrounding commercial shopping center and will not have any detrimental impact on persons residing and working in the area.

This use is located along a major arterial street and part of an existing shopping center where this type of use is allowed and expected to locate. It is separated from Avondale residents by several office buildings and a post office to the south, and 36'-tall commercial buildings to the east. It is separated from Litchfield Park residents by a major arterial street. See **Exhibit C**, Aerial Photograph of the Property and Vicinity.

These types of facilities are considered among the least impactful commercial uses with respect to traffic, noise, crime or other factors that may be detrimental to nearby residents and businesses.

Self-storage facilities create very little traffic, and significantly less than any other commercial use that is otherwise allowed on this C-2 zoned Property.

Self-storage facilities are also significantly less quiet than other commercial uses, especially because there are no outdoor functions or roll up doors. All storage activities occur inside a fully enclosed building and loading occurs inside as well.

Because the site is securely monitored, trips are low and customer activity is minimal, there is no measurable impact on the neighborhood.

(3) That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.

Response: This finding is met. The site is a sufficient size to accommodate all necessary circulation and access has been approved by the City Traffic Engineer. The development has been designed to meet and exceed all applicable city development standards including setbacks, screening, and landscaping.

(4) That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

Response: This finding is satisfied. The Property has direct access to arterial streets (Indian School Road and Osborn Road) which are presently designed to accommodate far greater volumes of traffic than would be generated by this facility. There is no direct access from residential streets. Per the ITE Manual, a storage facility of this size could generate 160 daily trips which is substantially less than the 5,370 trips that would otherwise be created if this were developed with shopping center uses under the current zoning. The AM & PM peak trips (10 & 16) are also substantially less than a typical commercial center peak trips. See Trip Gen Comparison Table below.

SELF STORAGE DEVELOPMENT									
					AM		PM		Daily
Parcel Planned Use	Land Use	Description	Units	Total	In	Out	In	Out	Total
Warehouse	151	Self Storage	SF	110,620	6	4	8	8	160
Total									160

COMMERCIAL & FAST FOOD DEVELOPMENT									
					AM		PM		Daily
Parcel Planned Use	Land Use	Description	Units	Total	In	Out	In	Out	Total
Fast Food (1)	933	Drive Thru	SF	3,000	25%	75%	64%	36%	2148
Fast Food (2)	933	Drive Thru	SF	3,000	25%	75%	64%	36%	2148
Commercial	942	Shopping Center	SF	25,000	25%	75%	64%	36%	1074
Total									5370

(5) That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

Response: This finding is met. City staff have added five (5) conditions of approval that effectively mitigate any potential impacts.

In short, the applicant has satisfied all the five (5) criteria necessary to grant the CUP, in the same manner as when the City Council determined these findings existed in 2021. Accordingly, the CUP should be re-approved as filed.

NEIGHBOR RESPONSE

The applicant met with residents who expressed concerns related to the project. Below are responses to some of those items:

1. "Excessive Traffic" – Concerns were raised that this type of facility would create significant traffic. Per the ITE manual, this facility typically generates only 160 trips (80 cars) a day which is significantly less than the intensity expected with the current C-2 zoning (5,370 trips). Additionally, Indian School Road is an arterial streets and recent Maricopa County Association of Governments (MAG) website shows more than 17,473 trips per day are already occurring on Indian School Road at this location. The total daily trips of this facility would be less than .009% of the overall trips Indian School Road presently carries. See **Exhibit E**, MAG trip data.
2. "Trash & Dumping" – A concern was raised that this facility would create trash and dumping. The project is designed with onsite trash bins as would be expected with any commercial development that would otherwise exist here. The volume of trash is no greater than a normal shopping center. Arguably, a vacant property is more susceptible to dumping than a professionally managed business with video monitoring and on-site employees.
3. "Noise Impact" – As it relates to noise, a storage facility is one of the quieter commercial uses due to the limited activity occurring on site and indoors. For example, a typical commercial shopping center has deliveries throughout the day, semi-trucks and air brakes, more frequent trash collection, employee break areas outside, more cars and traffic circulating behind the building, more collection of items outside, and generally more outdoor activity.
4. "Brings Vagrants" – The site is fully monitored and secured so no vagrancy is allowed to loiter on site. Additionally, there is no evidence that vagrancy exists with indoor, climate-controlled storage facilities. An on-site office with employees is another deterrent to vagrancy.
5. Building Height – The proposed building heights (25' tall) are actually less than what is permitted by-right by the zoning code today (30' tall). They are also slightly less than the heights of the adjacent commercial buildings next door which have parapets up to 36' tall. Additionally, there are other commercial buildings between this project and the residents to the south. Several of the residential homes to the south have 2-story buildings like us.
6. "Major loss in Property Values" – A statement was made, but no evidence was provided, that this facility would directly cause a loss in residential property values. There is no evidence to support the belief that an indoor, climate-controlled facility, within a commercial zoned area, has a direct value impact on residential homes further away. This site is located on land already zoned commercial which allow far more intensive uses. There are also commercial/office buildings around it and between the residents and this site. Without any direct adjacency, there is no evidence to support this inaccurate statement.
7. Toxic Waste – A misbelief has been shared that toxic and hazardous materials would be stored onsite. To be clear, hazardous materials are not permitted on the property and is a violation of the lease and the zoning ordinance. To our knowledge, the city has not had any issue with

hazardous waste at other indoor storage facilities. Additionally, there has been no pattern or evidence provided which shows hazardous waste being stored at Extra Space storage facilities.

CONCLUSION

The question before the city council is not whether the land should be rezoned or whether a storage building is allowed. The only question is whether the five (5) findings of the CUP have been met.

In this case, this application meets all five (5) legal standards for re-approval of the CUP. The facts and circumstances of the CUP today are identical to the legal facts supporting the prior approval in 2021 and remain unchanged, and we respectfully request its re-approval.

We look forward to discussing the case with you at the city council hearing.

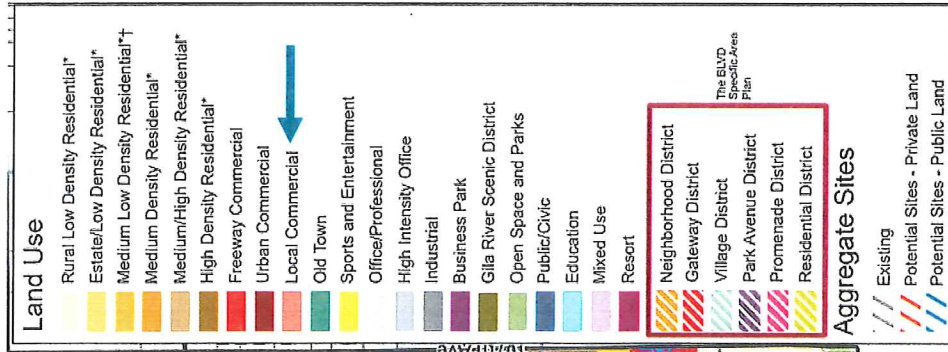
Very truly yours,

WITHEY MORRIS BAUGH P.L.C.

By 
Adam Baugh

Enclosures

EXHIBIT A - GENERAL PLAN LAND USE MAP



Existing:
Local Commercial

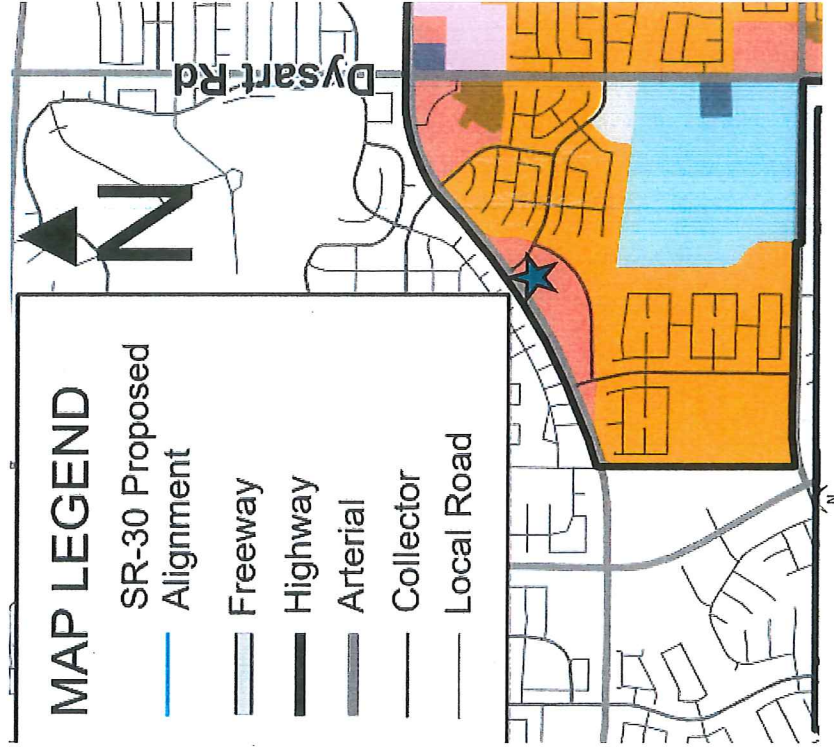


EXHIBIT B – BUILDING ELEVATIONS

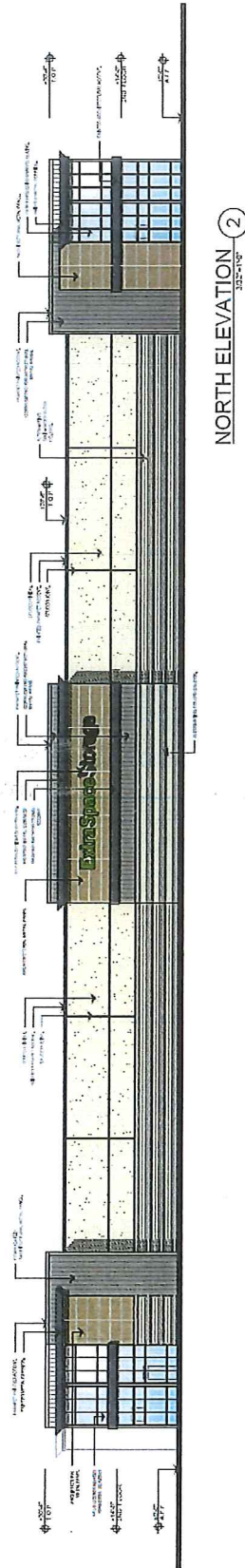
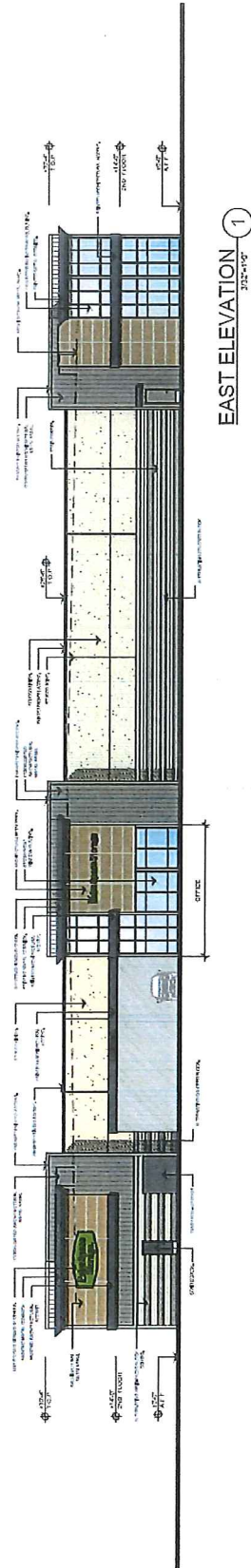
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EXHIBIT C – AERIAL MAP



EXHIBIT D - SITE PLAN

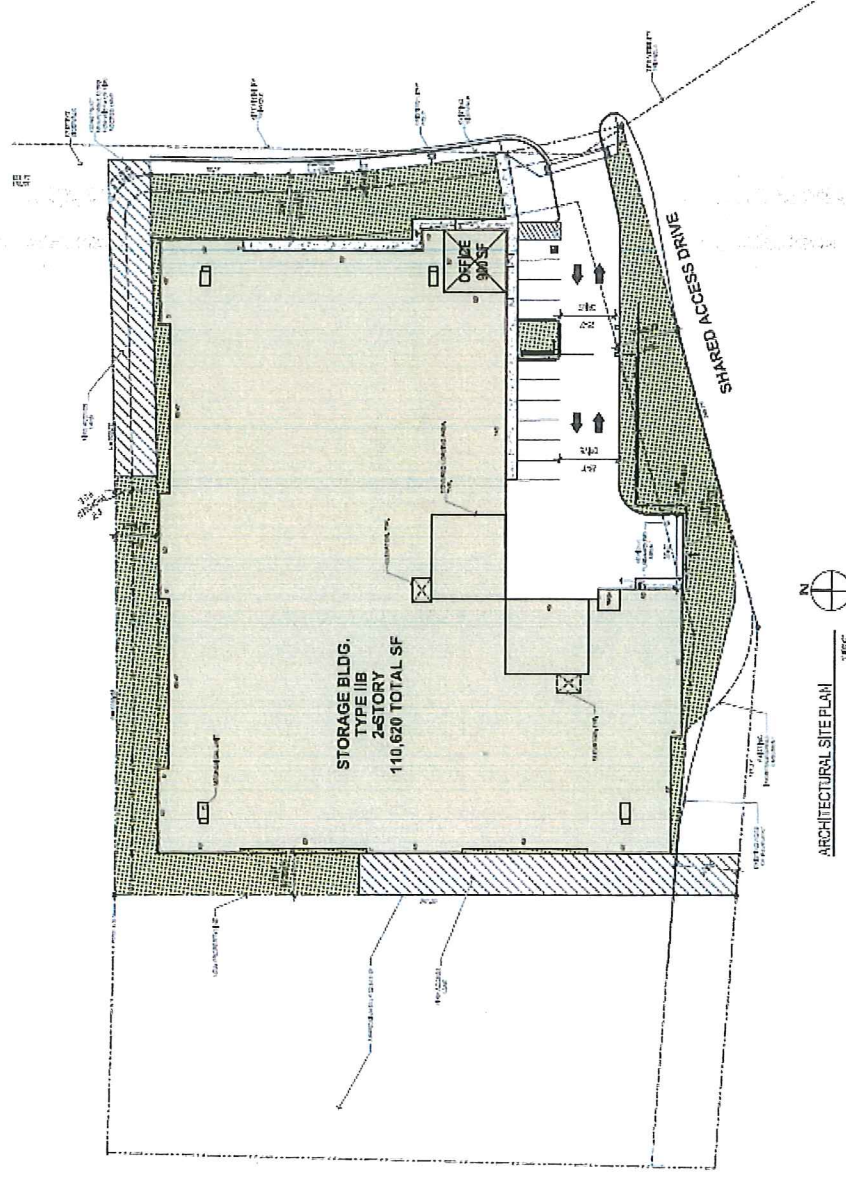
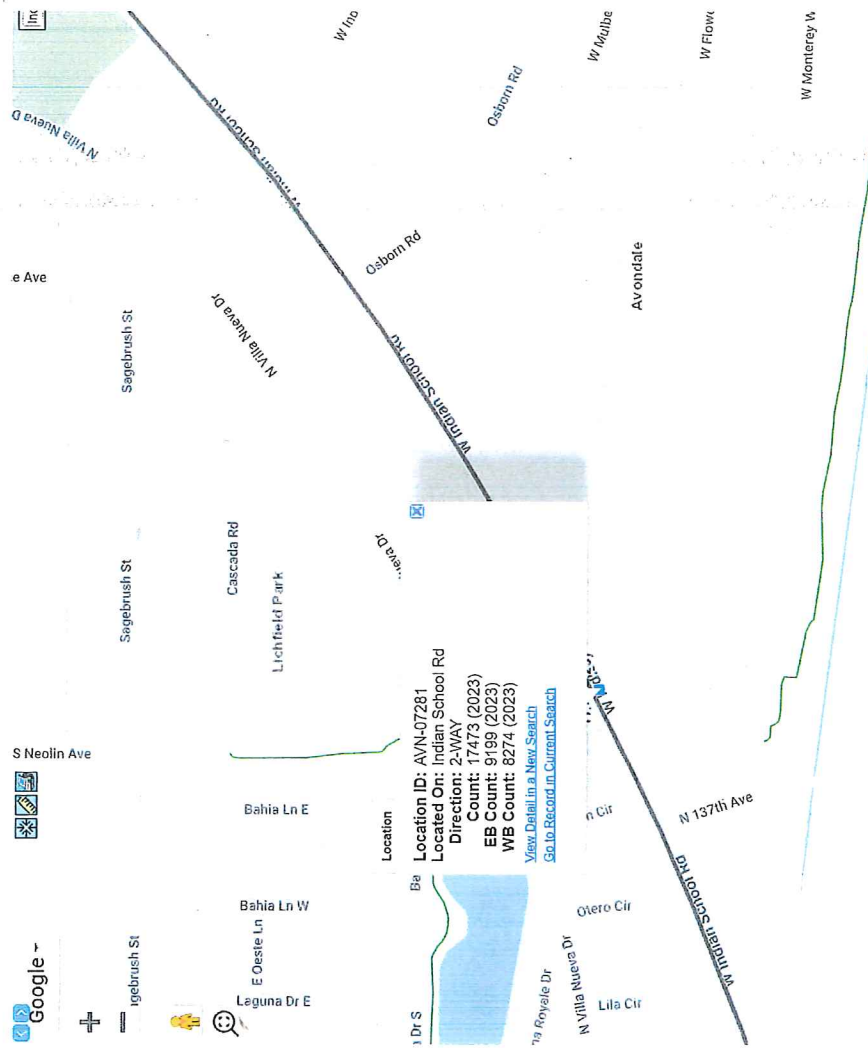


EXHIBIT E – MAG DATA



Existing Traffic:

- 17,473 daily trips
- 160 daily storage trips
 - Less than .009% of total trips



AGENDA ITEM REPORT

ITEM NUMBER: 4.a.

SUBJECT: Extra Space Storage – Conditional Use Permit – Application PL-23-0303

MEETING DATE: 2/21/2024

TO: Planning Commission

FROM: Sandra Freund, AICP, Senior Planner

THROUGH: Jodie Novak, Director of Development Services

PURPOSE:

Planning Commission will hold a public hearing and consider a request by Paul Hedges (on behalf of Extra Space Storage) for approval of a Conditional Use Permit (CUP) to allow for a mini-storage warehouse and personal storage development. The 2.28 net-acre subject property is located at the southwest corner of Indian School Road and Osborn Road. This project was previously approved as a Conditional Use Permit by the City Council on June 21, 2021, zoning case PL-21-0003. The CUP has expired, and the applicant is requesting a new approval of the CUP for the same project to move forward with the development. The Planning Commission will take appropriate action.

BACKGROUND:

The 2.3 net-acre subject property (Exhibits A, B, & C) is located at the southwest corner of Indian School Road and Osborn Road. The site is located within the North Avondale Specific Plan area. It is mostly rectangular in shape, relatively flat, undeveloped, and features no unusual physical characteristics.

The property was annexed in June 1981 and rezoned to Planned Area Development (PAD), part of the Palm Valley Avondale PAD (Exhibit B), on September 6, 1994. The property is zoned Palm Valley Planned Area Development (PAD), which includes C-2 (Community Commercial) uses and development standards. Mini-storage warehouses and personal storage facilities require approval of a Conditional Use Permit in the C-2 district and, by extension, the Palm Valley PAD as it applies to the subject site.

The property is designated by the General Plan 2030 Land Use Map as Local Commercial (Exhibit C). This land use category is primarily intended to provide for daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community. The Palm Valley PAD's C-2 zoning of this property is consistent with the Local Commercial designation.

The existing uses and zoning of surrounding properties include:

NORTH OF INDIAN SCHOOL ROAD: Litchfield Park Subdivision No. 15-A, a developed single-family residential subdivision located with Litchfield Park, zoned Medium Density Residential (R1-8).

EAST OF OSBORN ROAD: Coldwater Station, a commercial condominium complex containing retail, restaurant, office, and service uses on approximately three (3) acres. The Coldwater Station site is zoned Palm Valley Planned Area Development (PAD) with allowances for C-1 (Neighborhood Commercial) uses.

SOUTH: Multiple land uses are occurring south of the subject property. From east to west, these include:

- o The Litchfield Park branch of the United States Postal Service (USPS). The 1.20-acre USPS parcel is zoned Palm Valley PAD with C-2 (Community Commercial) uses, though federal facilities (such as post offices) are exempt from local zoning regulations.

- o Litchfield Park Plaza, a 7-building garden-style office complex on approximately 4.0 acres. The office complex property is zoned Palm Valley PAD with allowances for C-2 (Community Commercial) uses.

WEST: Over seven (7) acres of vacant/undeveloped land zoned Palm Valley PAD with C-2 (Community Commercial) uses. The undeveloped land consists of multiple parcels owned by the same entity (Little Guy Investments LLC).

SUMMARY OF REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow for a mini-storage warehouse and personal storage development in the Palm Valley PAD (Exhibit D). A Conditional Use Permit was approved by City Council for this same use and development design on June 21, 2021, with conditions. One of the conditions requires compliance with the Zoning Ordinance in that the Conditional Use Permit expires on June 21, 2023, if the use has not commenced. The use has not commenced; therefore, a new Conditional Use Permit request and approval is required.

The proposed mini-storage facility will be fully enclosed and involve the construction of a two-story 110,620 square feet building with 900 square feet of attached office (Exhibit E). A new driveway allowing full access to the site is proposed at the southeast corner of the property, along Osborn Road. The parking area will consist of ten (10) parking spaces for both employee and customer parking and two (2) separate covered loading areas to facilitate the movement of goods to and from the facility. Because the City does not have a parking standard for mini-storage uses, the applicant has provided a parking demand study showing, during peak hours, a maximum of seven (7) vehicles will be parked on the site at any one time.

All storage units will be accessed solely from within the climate-controlled facility with no exterior access to any unit provided. The proposed architecture is contemporary, with a combination of stucco and metal panel exterior materials in desert earth tone colors, with accent trim for contrast. The building design uses both horizontal and vertical massing elements as well as material variation to break up the wall planes, rooflines, and overall massing (Exhibit F).

Low emittance lighting will be used for security purposes and will comply with the City's photometric requirements.

The proposed office hours of operation will be: 9:30 A.M. to 6:00 P.M. (Monday through Friday) and 9:30 A.M. to 5:30 P.M. on Saturday, with the office closed on Sunday. The proposed storage access hours of operation will be from 6:00 A.M. to 10:00 P.M. Monday through Sunday.

Following approval of the Conditional Use Permit, administrative approval of a Site Plan and Design Review Amendment application will be required to ensure consistency with the Conditional Use Permit submittal and the approved Site Plan and Design Review submittal.

PUBLIC PARTICIPATION:

A neighborhood meeting to discuss the proposal with neighboring property owners and other interested parties was held on December 19, 2023, on Zoom. All notices of the meeting were in accordance with Zoning Ordinance notification requirements. In addition to City staff and the applicant's team, three (3) members of the public and one (1) Councilmember attended the virtual meeting. The discussion was primarily related to trash, landscape and water demands, traffic, safety at a neighboring bus stop, access, and the use itself. The applicant held a second neighborhood meeting in-person on January 31, 2024, at Avondale's City Hall to provide another opportunity to describe the project and answer questions from the public. In addition to City staff and the applicant's team, five (5) members of the public attended the meeting. Discussion was primarily related to the following topics: trash, rodents, traffic, safety at a nearby school bus stop, access, the use itself, and the design of the building. One neighbor suggested an office park would be a better use for the property. Please refer to Exhibit H.

To date, two (2) comments related to the proposal have been posted on the City's Avondale Connect digital forum, one of which was not in support of the use and another that was in support of the project. Two (2) public comments were received that expressed concerns about traffic and building height, and listed alternative

preferred uses for the site (Exhibit I). Community members also shared comments on the City's social media posting about the neighborhood meeting conveying concerns and/or not in support of the proposed use.

All required notifications for the Planning Commission public hearing were completed in accordance with notification requirements.

ANALYSIS:

To grant a Conditional Use Permit, five (5) findings must be met as outlined in Chapter 28, Article 1, 28-8 of the Zoning Ordinance. Each finding is presented below along with Staff's analysis.

1. That the proposed use (a) is consistent with the land use designation set forth in the general plan, (b) will further the City's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.

The subject site is within the North Avondale Specific Plan area and is designated as Local Commercial by the General Plan. This land use category is intended to provide for the daily needs of goods and services for the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community. The proposed mini-storage use, a service use that meets resident needs in the surrounding area, is consistent with the type of neighborhood-serving commercial uses desired in the Local Commercial designation.

Furthermore, Objective #1 of the North Avondale Specific Plan is to, "Facilitate the full buildout of North Avondale". The subject property has remained undeveloped for over 29 years since being zoned for commercial use as part of the Palm Valley PAD. Approval of this request, paving the way towards the development of the site, will further this objective of the North Avondale Specific Plan.

The building's architectural design includes stucco, masonry, and earth tone color schemes complementary to the surrounding built environment.

This finding has been met.

2. That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.

The adjacent uses include commercial uses to the east and south, with a shopping plaza containing various personal services and restaurants to the east, the Litchfield Park branch of the United States Postal Service and an office plaza with a combination of personal services and medical and professional office uses to the south. Vacant land zoned for commercial use lies to the west, with single-family residential homes to the north of Indian School Road.

Mini-storage facilities, especially fully-enclosed storage facilities, are considered among the least impactful commercial uses with respect to traffic, noise, crime, and other factors that may be detrimental to nearby residents and businesses. The planned hours of operation (public access between 6:00 AM and 10:00 PM) will help ensure all loading and unloading activity occurs at a reasonable hour, further minimizing potential noise impacts on existing homes or businesses in the vicinity.

This finding has been met.

3. That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.

The proposed new development will meet or exceed all applicable City of Avondale development standards including setbacks, landscape area, parking, and screening. Additionally, access to the site and on-site circulation has been reviewed by the City Traffic Engineer and found to be of sound design.

This finding has been met.

4. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

The subject property will have full access to and from Osborn Road, a Minor Collector, at the east end of the site. As presently built, Osborn Road is designed to accommodate the traffic anticipated from the proposed mini-storage facility, a very low traffic generating use relative to other commercial uses.

This finding has been met.

5. That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

Five (5) conditions of approval are recommended, two (2) of which are standard for development of this type (see "Conditions of Approval" section, below).

Condition #1 is a standard stipulation ensuring the proposed use develops in accordance with the site plan and project narrative provided to the City and attached as exhibits to this staff report.

Condition #2 is a standard stipulation noting that, per the Zoning Ordinance, the Conditional Use Permit will expire within two (2) years if the use has not commenced on the property.

Condition #3 is a stipulation that there will be no sale or rental of any goods or materials from the rented units.

Condition #4 is a stipulation that this facility will prohibit the storage of hazardous or flammable materials within the facility.

Condition #5 is a stipulation that the Site Plan and Design Review be amended to ensure consistency with this CUP proposal.

This finding has been met.

DISCUSSION:

Staff recommends approval of the request for the following reasons:

1. The proposed land use meets the five (5) required findings for a CUP in Avondale Municipal Code Chapter 28, Article 1, 28-8.
2. Approval of the proposal will result in a development compatible with Local Commercial General Plan designation, the Palm Valley PAD, and existing development in the area.
3. The proposed land use will not be detrimental to persons residing or working in the area, on adjacent properties, or to the public welfare in general.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The Planning Commission will conduct a public hearing and **APPROVE** Application PL-23-0303, a request for a Conditional Use Permit to allow for the operation of Extra Space Storage, a mini-storage warehouse and personal storage development at the southwest corner of Indian School Road and Osborn Road, subject to the following five (5) conditions of approval:

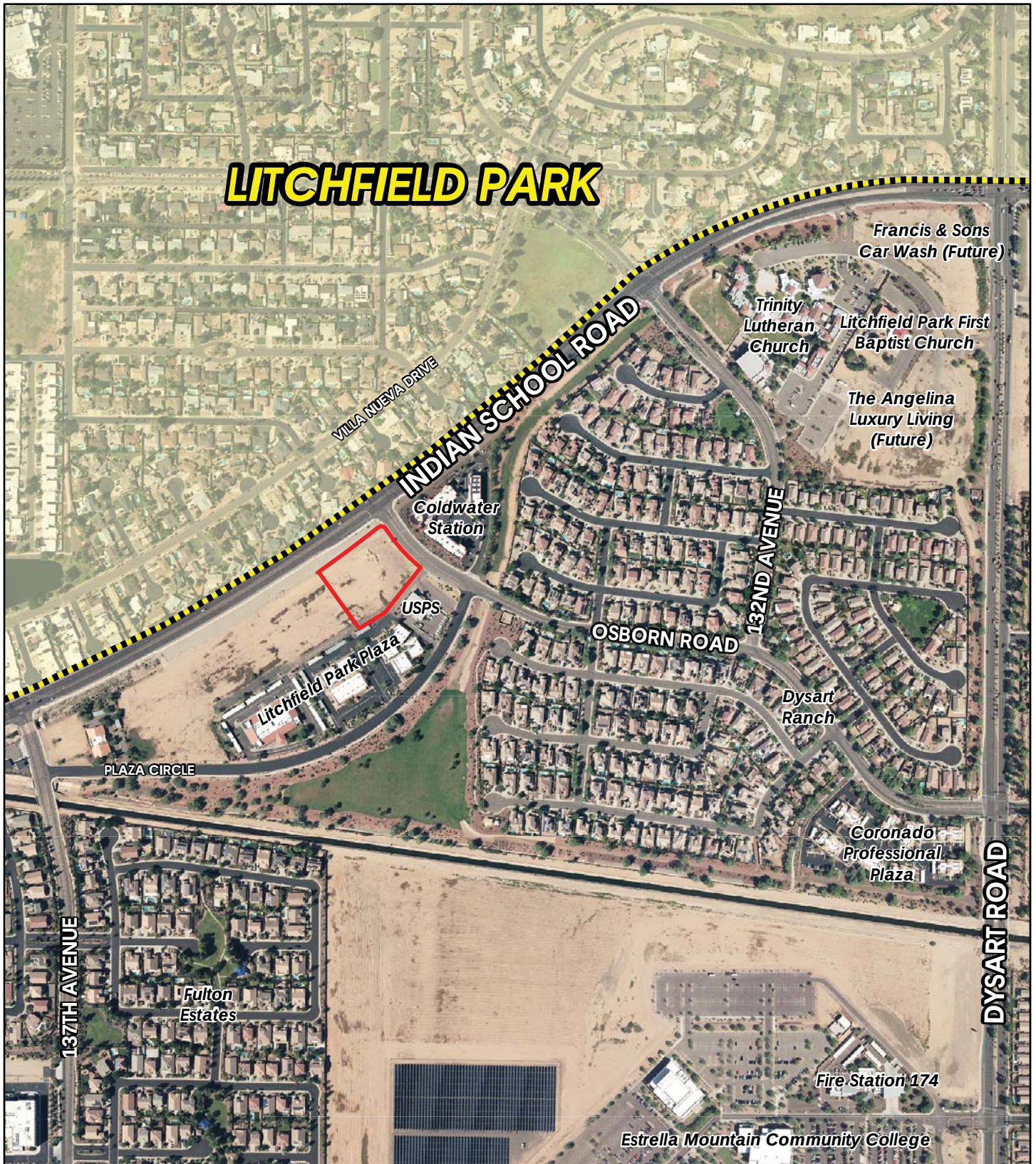
CONDITIONS OF APPROVAL:

1. Development and use of the site shall substantially conform to the Extra Space Storage Conditional Use Permit (CUP) narrative, site plan, and landscape plan date stamped December 12, 2023, attached to the staff report as Exhibits D, E, and G respectively.
2. In accordance with Avondale Municipal Code Article 1, 28-8, the Conditional Use Permit shall expire two (2) years from the date of approval if the use has not commenced.
3. The facility manager shall ensure that no unit is used as a point of sale for any goods, materials, or services.

4. The storage of hazardous or flammable materials within the facility shall be prohibited.
5. The Site Plan and Design Review shall be amended to ensure consistency with this CUP proposal.

PROPOSED MOTION:

I move that Planning Commission accept the findings and **APPROVE** Application PL-23-0303, a request for a Conditional Use Permit to allow for a mini-storage warehouse and personal storage development at the southwest corner of Indian School Road and Osborn Road, subject to the five (5) conditions of approval as listed in the staff report.

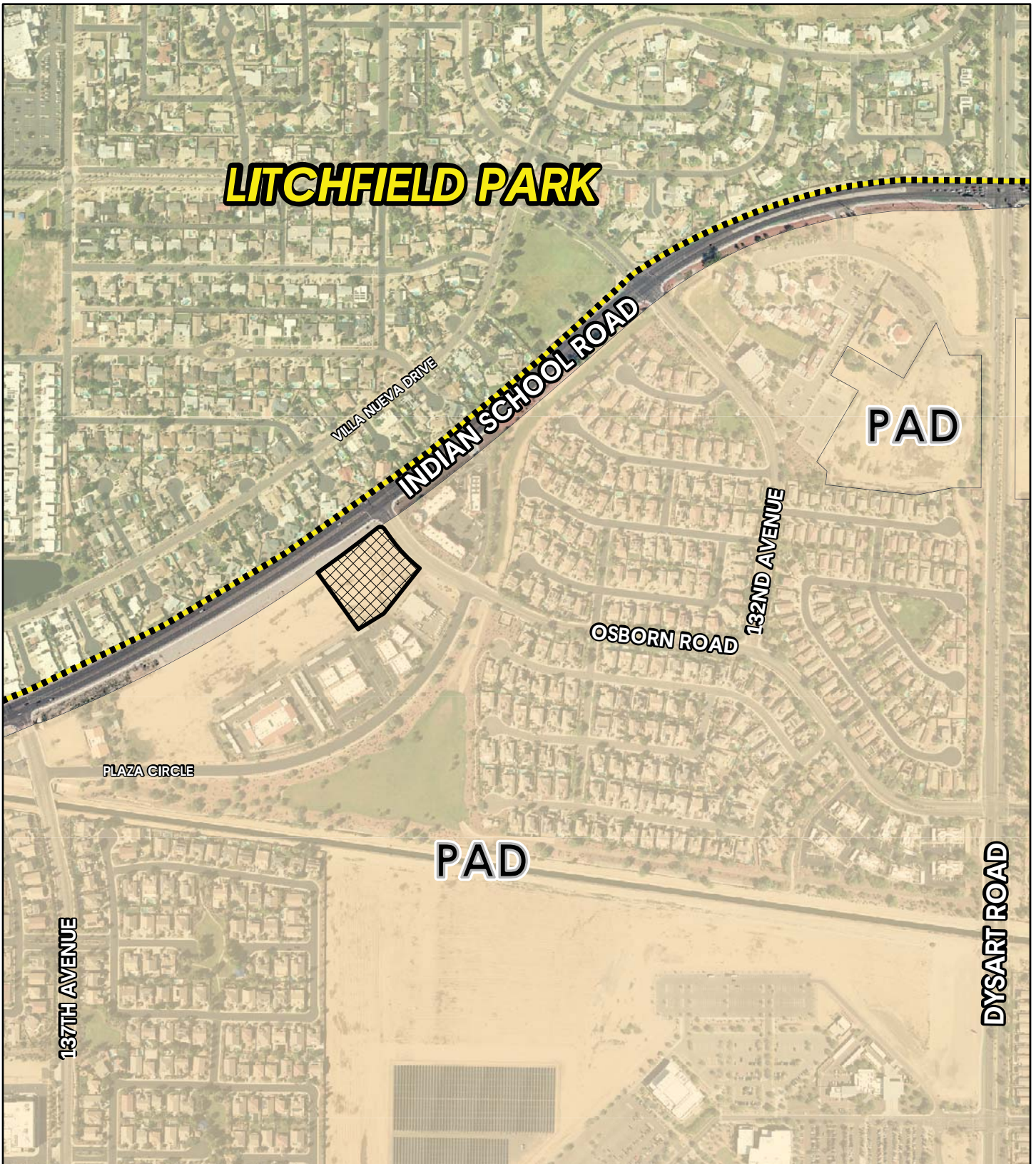


Aerial Map



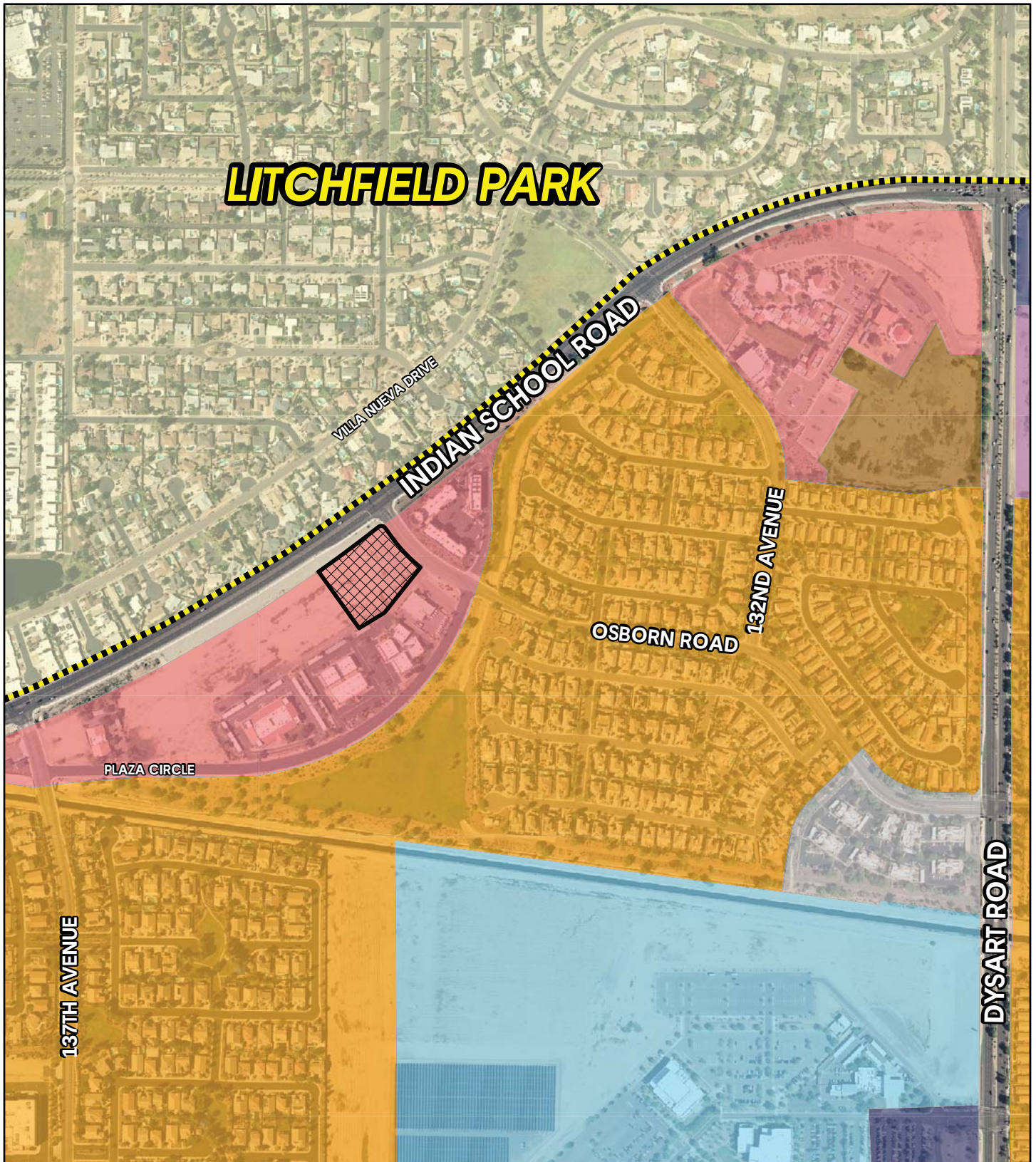
 Subject Parcel





Zoning Vicinity

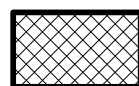




General Plan Land Use



- | | |
|----------------------------|---------------------|
| Education | Mixed Use |
| High Density Residential | Office/Professional |
| Local Commercial | Public/Civic |
| Medium Density Residential | Litchfield Park |



Subject Parcel





November 27, 2023

City of Avondale
ATTN: Ms. Michelle Simerdla
Development Services Department
11465 W. Civic Center Drive
Avondale, AZ. 85323

Subject: CUP Narrative for PL-23-0303_REVISION_1

Dear Ms. Simerdla,

The proposed project is located at the Southwest corner of Indian School Road and Osborn Road in the City of Avondale. This request is for an approval of a Conditional Use application to allow a mini storage warehouse, currently named Extra Space Storage (subject to change), in the PAD zoning. The project is consistent with the General Plan of the area which is "Local Commercial". The project will serve as a buffer from the shopping center to the South and the single family residences to the North.

The hours of operation are assumed to be as follows:

Office

Monday through Friday	9:30am-6:00pm
Saturday	9:30am-5:30pm
Sunday	Closed

Storage Access Hours

Monday through Sunday 6:00am-10:00pm

The site is a proposed 2.28 acres with adequate area to ensure all development standards for the PAD zoning are being met including landscaping, setbacks and building coverage. Two points of access are being proposed with the main entry/exit being located off of Osborn Road. A secondary Emergency Vehicle Access point is proposed off of the shared access to the South. Both of these points of entry are located away from the Indian School Road intersection by over 200 feet.

Traffic

The inherent low traffic generation of self storage will bode well for the area and present a much needed service to the surrounding area without the impacts on traffic or draw on emergency services. The volume of traffic (see Parking Demand Study included with this submittal) for the site is minimal and consists mostly of passenger vehicles and small, client-leased residential

moving vans (i.e. Uhaul). The omittance of noise, smoke, odor, dust, vibration and illumination is limited due to the circulation being blocked from the neighboring residential and Indian School Road.

The onsite circulation allows for the volume of traffic to be accommodated as well as access for emergency services vehicles with knox devices for gate operations. Security gates located at the entrances will require clientele to input their personal code to enter and exit the facility. These gates leave plenty of stacking room to ensure that there is no traffic back up onto Osborn. Currently, office hours are planned to be 8am to 6pm with access hours being the same.

Design

The building has been designed to screen all loading operations from the rights-of-way and surrounding residences. This includes the screening of security lighting needed in the areas of circulation as the building will mass will restrict spill over to the to the residences to the North. Low emittance lighting will be used for security purposes and accent lighting will be utilized at the office during off hours and will not spill over onto adjacent properties.

The faux units facing Indian School Road will have low wattage accent lighting that will be placed on a timer and set to turn off around 9 or 10pm.

The design team has utilized both horizontal and vertical building articulation as well as varying materials to add to the character of the structure. The use of high-end architectural materials will ensure the project is not only delivered looking good, but that it remains so throughout the life of the facility. The materials selected can withstand the elements while being environmentally conscious.

Low Impact Development

The site is proposing drought tolerant landscaping that will drastically reduce the need for irrigation that results in urban runoff.

Findings Subject pursuant to Article 12, 28-8, b and 28-55, d:

Section 28-8, b

- (1) That the proposed use (a) is consistent with the land-use designation set forth in the general plan, (b) will further the city's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.*

The project is consistent with the General Plan of the area which is "Local Commercial". Local Commercial is a land use category that is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community. The proposed use is consistent with the land use designation set forth in the General Plan and will further the objectives for development with a needed service in

the area of an underserved market. The architecture will ensure that the character of the surrounding area is met.

- (2) That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.*

The use will be compatible with adjacent land uses and will not be detrimental to persons either living or working in the surrounding area. Due to its low traffic and quiet nature, it will serve as a buffer to the neighboring residential to the North and the traffic of the commercial center to the South.

- (3) That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.*

The proposed new development will meet or exceed all applicable City of Avondale development standards including setbacks, landscape area, parking, and screening. Additionally, access to the site and on-site circulation has been reviewed by the City Traffic Engineer and found to be of sound design. Special attention has been paid to onsite circulation to in order to preserve the flow of traffic on surrounding infrastructure as well as onsite.

- (4) That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.*

The site has appropriate primary access from Osborn and allows the low-traffic for the use to access the site safely. The onsite gates provide adequate stacking and staging so as not to impact the ROW.

- (5) That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.*

All conditions have been accounted for in the design of this facility. Our firm has designed thousands of facilities nationwide and are aware of the pitfalls to avoid and the required items to ensure a safe, successful development.

Section 28-55, d

- 1) Doors of the storage areas shall not front or face onto any public street or residential use.*

No storage doors have been proposed on the exterior of the building. All units will be internally loaded.

- (2) Only indoor storage shall be permitted and there shall be no sale or rental of goods, materials or other tangible or intangible property from the facility or any part thereof and there shall be no activities conducted on the premises whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the*

sale therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.

There will be no sale or rental of any goods or materials from the rented units. The office will have a small retail section for the purchase of locks and packing supplies. The operator will also offer insurance to its tenants.

(3) No hazardous or flammable materials, as defined in the Avondale Building Code, shall be stored in such facility.

This facility will prohibit the storage of hazardous or flammable materials.

(4) Any structure may be exempt from side and rear yard setbacks, provided, that in all cases where the conditional use abuts any residential district on its side or rear lot lines, there shall be a side yard of not less than twenty-five (25) feet and a rear yard of not less than twenty five (25) feet.

The project will comply with setback standards.

(5) A wall with a minimum height of six (6) feet and a landscaping area a minimum of twenty (20) feet wide, all as approved by the zoning administrator, shall be constructed on the side and/or rear property lines.

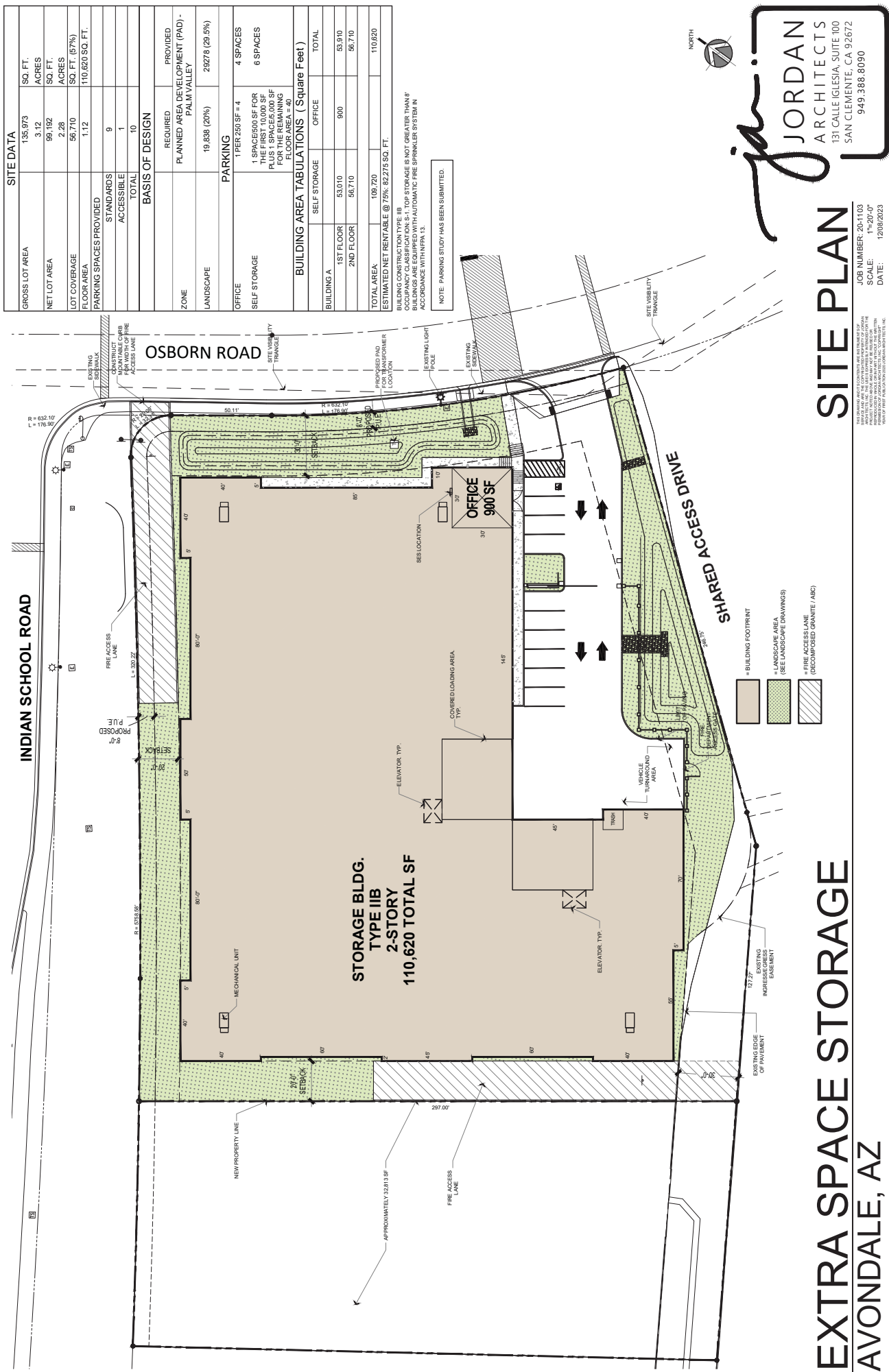
The building currently wraps the North and West property lines. The Eastern property line does not propose a site wall at this time. The Southern property line will propose a 6' wall in compliance with this section.

If you should have any additional questions or comments, please do not hesitate to ask. Thank you for your time and consideration.

Sincerely,



David Meinecke
Vice President

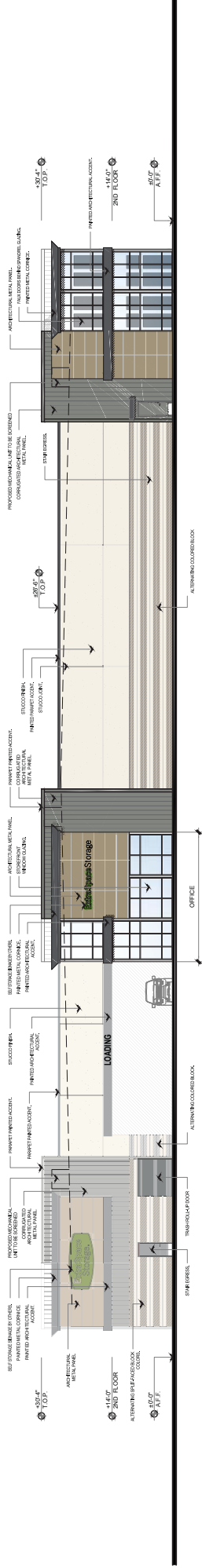


SITE PLAN

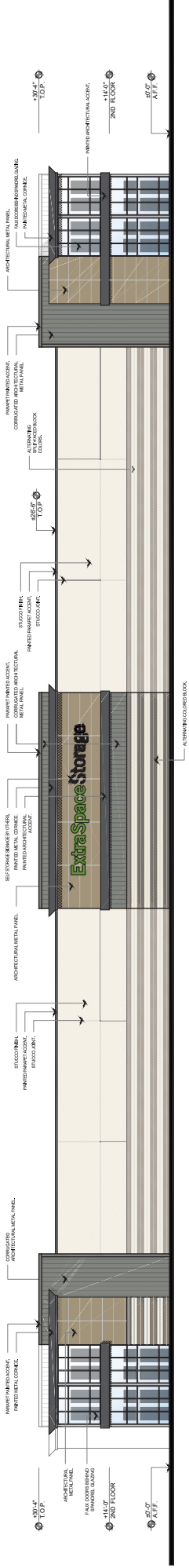
EXTRA SPACE STORAGE
AVONDALE, AZ

JORDAN ARCHITECTS
131 CALLE GLEZIA, SUITE 100
SAN CLEMENTE, CA 92672
949.388.8090

JOB NUMBER: 20-1103
SCALE: 1"=20'-0"
DATE: 12/08/2023



EAST ELEVATION 1
3/32" = 1'-0"



NORTH ELEVATION 2
3/32" = 1'-0"

MATERIAL/COLOR LEGEND		KEYPLAN
ACCENT BAND COLOR: SLATE GRAY (OR APPROVED EQUAL)	ARCHITECTURAL METAL PANEL COLOR: BROWN TONE (OR APPROVED EQUAL)	
CORNER / ACCENT COLOR: WEB GRAY (OR APPROVED EQUAL)	STUCCO COLOR: BROWN TONE (OR APPROVED EQUAL)	
ARCHITECTURAL METAL PANEL COLOR: BROWN TONE (OR APPROVED EQUAL)	STUCCO COLOR: BROWN TONE (OR APPROVED EQUAL)	
ARCHITECTURAL METAL PANEL COLOR: BROWN TONE (OR APPROVED EQUAL)	STUCCO COLOR: BROWN TONE (OR APPROVED EQUAL)	

NOTE - ALL ROOF DRAIN DOWNSPOUTS WILL BE INTERNALIZED AS REQUIRED.

JORDAN ARCHITECTS
131 CALLE GIESA, SUITE 100
SAN CLEMENTE, CA 92672
949.388.8090

EXTRA SPACE STORAGE PRELIMINARY ELEVATIONS

AVONDALE, AZ

JOB NUMBER: 20-103
SCALE: 3/32" = 1'-0"
DATE: 11/28/2023

PRELIMINARY ELEVATIONS

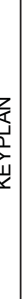
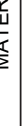
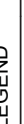
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 PERMITTED PROJECT ADDRESS: 1000 W. 1ST AVE., SUITE 100, DENVER, CO 80202-1000

JOB NUMBER: 20-1103	SCALE:	3/32"=1'-0"
	DATE:	11/28/2023

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NOTE - ALL ROOF DRAIN DOWNSPOUTS WILL BE INTERNALIZED AS REQUIRED.



MATERIAL/COLOR LEGEND		KEYPLAN
 ACCENT BAND COLOR: SHERMAN WILLIAMS (OR APPROVED EQUAL)	 CONCRETE / AGENT COLOR: WEB GRAY (OR APPROVED EQUAL)	
 ARCHITECTURAL METAL PANEL COLOR: BROWNSTONE (OR APPROVED EQUAL)	 ARCHITECTURAL METAL PANEL MANUFACTURER: M&T (OR APPROVED EQUAL)	
	 STUCCO COLOR: CLASSIC LIGHT BUFF/MS 0509 (OR APPROVED EQUAL)	
	 CALLI BLOOM MANUFACTURER: CORD BLOOM COLOR: CRAFTSMAN BROWN (OR APPROVED EQUAL)	
	 CALLI BLOOM MANUFACTURER: CORD BLOOM COLOR: CRAFTSMAN BROWN (OR APPROVED EQUAL)	

NOTE - ALL ROOF DRAIN DOWNSPOUTS WILL BE INTERNALIZED AS REQUIRED.

CITY OF AVONDALE PLANTING DATA SHEET

REQUIRED LANDSCAPE IMPROVEMENTS BY ZONING DISTRICT				REQUIRED	PROVIDED
				N/A	Tree(s)
A	Single Family Residential (AG, RD-43, RR-18, R1-35, R1-15, R1-8, R1-5)			N/A	Tree(s)

C. City Center

	NA	NA	%		NA	NA	%
Q1: With an Endowment							
Q2: With an Endowment							
Q3: With an Endowment							
Q4: With an Endowment							
Q5: With an Endowment							
Q6: With an Endowment							
Q7: With an Endowment							
Q8: With an Endowment							
Q9: With an Endowment							
Q10: With an Endowment							
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Q16: With an Endowment							
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Q82: With an Endowment							
Q83: With an Endowment							
Q84: With an Endowment							
Q85: With an Endowment							
Q86: With an Endowment							

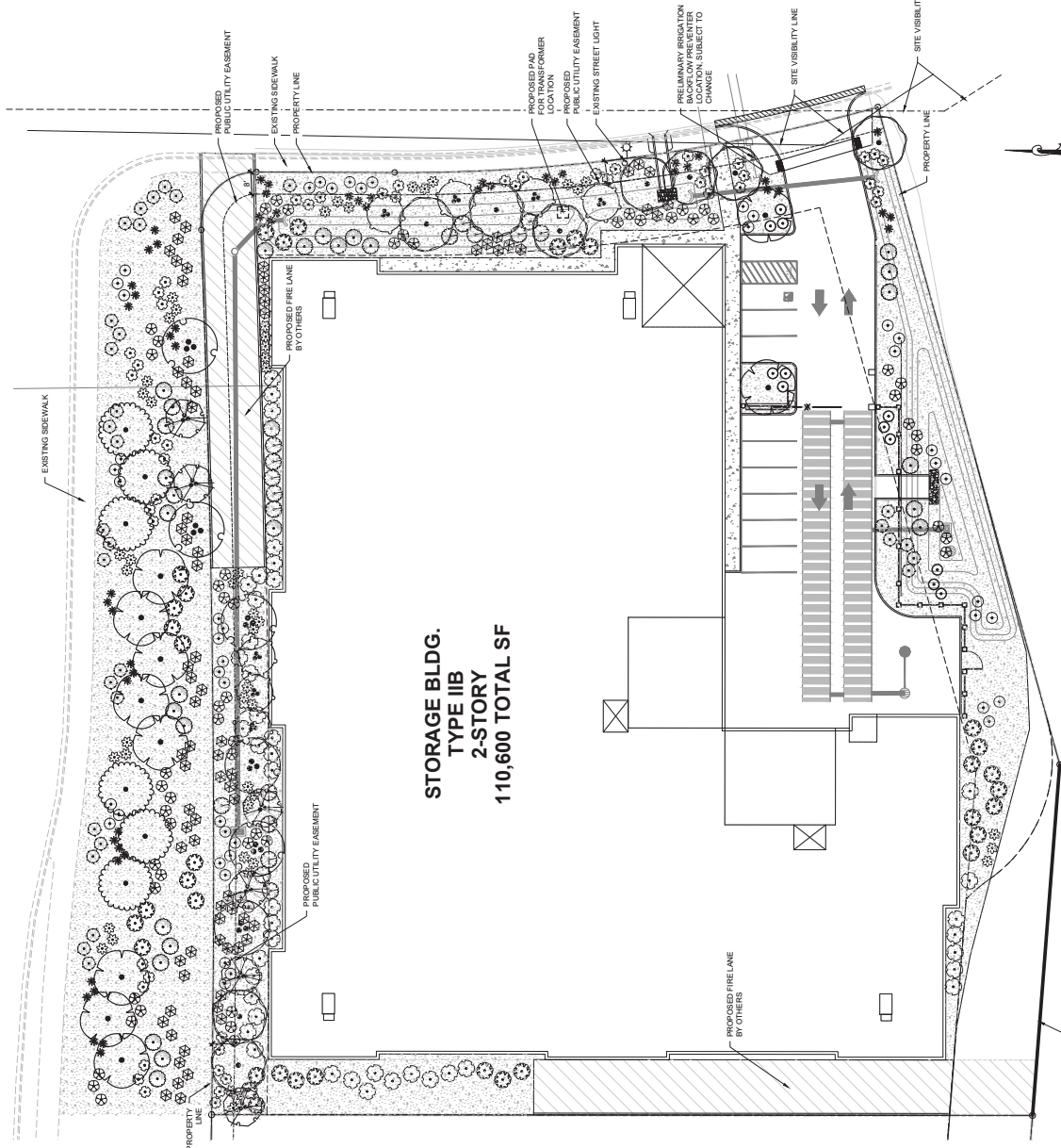
Total Trees (Lines AN)	44	Trees	44
Total Shrubs (Lines AN)	408	Shrubs	44
Total Groundcover (Lines AN)	6,977	Groundcover	44
Total Groundcover Inorganic (34° screened decomposed granite)	35,100.0	Inorg	NA
Total Organic (34° screened decomposed granite)	NA	Org	NA
Total Right-of-Way and Landscape Area	85.0	Roadway	44
Total Usable Open Space (PAQ only)	NA	Open Space	NA
Total Usable Open Space (PAQ only)	NA	Open Space	NA

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	WUOOLS	CAL
	AS	10	ACICIA PALONA WUOOLAZONA	24" BOX	1.5" CAL	8" HT MIN
	PC	6	PISTACIA CHINENSIS RED PULSH RED PULSH CHINESE PISTACHE	24" BOX	1.5" CAL	6" HT MIN
	PL	7	PISTACIA LENTIS MATTIC TREE	24" BOX	1.5" CAL	6" HT MIN
	PX	6	PARACASINUS / SOCHORUS AERIALIS KONGHON ENERAL / PALO VERDE	24" BOX	1.5" CAL	6" HT MIN
	SS	6	SONCHORA SECUNDIFLORA TEXAS BUSHY LAUREL	24" BOX	1.5" CAL	5" HT MIN
	UP	9	ULMUS PARVIFOLIA LACEBARK ELM	24" BOX	1.5" CAL	8" HT MIN
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	WUOOLS	MATURE SIZE (WUOOL)
	CA	31	CAESALPINA PULCHERRIMA RED SHIP OF FANTASY	5 GAL		3x3'
	D0	37	DALIA GREGGII TRAILING GOLD BUSH	1 GAL		6'x6"
	EE	52	ERIOGONIA HYDROPHILA BLUE BELLS BLUE BELLS EMU BUSH	5 GAL		1'x1'
	EG	52	ERIOGONIA GLABRA MINGENY GOLD GOLD BELL CHINESE EMU BUSH	1 GAL		6'x6"
	EM	76	ERIOGONIA MACULATA SPOTTED EMU BUSH	5 GAL		2x2'
	UH	61	LANTANA 'NINE GOLD' NEW GOLD LANTANA	1 GAL		1'x1'
	LL	43	LEICOPHYLLUM LANGMANIANE LYNN'S LEGACY LYNN'S LEGACY LANGMAN'S SAGE	5 GAL		2x2'
	SN	36	SENNA NEMOPHILA SENNA	5 GAL		3x3'
	SV	12	SPANDEGUS CHINENSIS VISTA JORDAN	5 GAL		2x2'
	TS	18	TEODORA STANS YELLOW BELLS	5 GAL		3x3'
ACCENTS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	WUOOLS	
	HF	51	HESPERIA FUMIFERA MEXICAN FALSE YUCCA	5 GAL		1'x3'
	HP	53	HESPERIA PARVIFLORA	5 GAL		2x2'

PLANT SCHEDULE

GROUND COVERS	CODE	BOTANICAL / COMMON NAME	CONT.
	DX	DECOMPOSED GRANITE 3/4" MINUS 2" DEEP COLOR: TBD; SAMPLE TO BE SUBMITTED TO OWNER FOR APPROVAL	MULCH

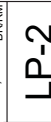


STORAGE BLDG.
TYPE IIB
2-STORY
110 600 TOTAL SF

NOTE: THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE DRAWINGS IS BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR MUST VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES IN THE FIELD. THE DISBURSER DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. AS SUCH, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND UNCOVERING EXISTING UTILITIES IN THE VICINITY OF THE PROPOSED IMPROVEMENTS AND UTILITY CONNECTION POINTS PRIOR TO THE START OF CONSTRUCTION TO ASCERTAIN EXACT MATERIALS, LOCATIONS, ELEVATIONS, ETC. AND THEIR POTENTIAL CONFLICT WITH PROPOSED IMPROVEMENTS. GC SHALL



Scale 1" = 20'



LP-2

Exhibit H

December 20, 2023

City of Avondale | Planning Division
ATTN: Michelle Simerdla
11465 West Civic Center Drive
Avondale, AZ 85323

Subject: Neighborhood Meeting Notes
December 19, 2023 @ 5:00pm via Zoom

Attendees:

Paul Hedges (Owner/Developer)
Dawson Hedges (Owner/Developer)
David Meinecke (Architect)
Michelle Simerdla (City of Avondale)
Catherine Lorbeer (City of Avondale)
Veronica Malone (City Councilwoman)
Caller 1 (public)
Caller 2 (public)
Teresa (public)

Dear Ms. Simerdla,

The following is a cursory review of the neighborhood meeting conducted on Tuesday, December 19th, 2023 at 5pm.

The meeting commenced with a brief Powerpoint presentation conducted by David Meinecke of Jordan Architects. The slide show included photosimulations that implimented the design changes worked through with staff and the neighborhood during the previous neighborhood meeting.

Also included in the presentation was an estimate of traffic generation from the proposed project, a breakdown of the onsite security, site function, and operations. The presentation concluded with a question and answer phase.

During the question and answer phase, two callers (refused to provide names) posed a few questions to the presenter and owner/developer. Below is a synopsis of some of the concerns raised along with the owner's response:

1. *Trash dumping in surrounding communities and pest control*
 - The project offers onsite trash disposal along with onsite receptacles for clientele that are emptied daily.
2. *Landscape and water demand concerns*
 - The site is designed per city standards and wrapped with drought tolerant landscaping. The building and parking area occupy the majority of the site area and the detention basin, which requires little-to-no water, is located within the landscaped area.
3. *Traffic, neighboring bus stop and the request for 3rd party traffic input*
 - The owner/developer presented *estimates* of onsite traffic that would have minimal impact on the surrounding infrastructure. These estimates were based on the Institute of Traffic Engineers (ITE) manual
 - a. *Access off of Osborn Road is a bad idea*

- The developer tried to propose access off of West Indian School Road but was told that it was prohibited
- 4. *We would like to see a use that's more conducive to the community and that provides services to the community (i.e. professional offices)*
 - Using the same ITE manual, estimates were provided for the use of office which would exacerbate the current infrastructure and result in exponentially more onsite traffic.
 - In addition, providing the one allowed driveway cut would funnel all of this traffic on Osborn and create a bottle neck of traffic and may result in dangerous ingress and egress.

These are the main talking points from the meeting. Following these points, Staff was asked a number of questions in regards to an additional neighborhood meeting and the approval process to which Staff provided answers.

If you should have any questions or comments regarding the information contained herein, please do not hesitate to contact us.

Sincerely,

The Project Team

February 1, 2024

City of Avondale | Planning Division
ATTN: Michelle Simerdla
11465 West Civic Center Drive
Avondale, AZ 85323

Subject: Neighborhood Meeting Notes
January 31 2024 @ 6:00pm in City meeting room

Attendees:

Paul Hedges (Owner/Developer)
Dawson Hedges (Owner/Developer)
David Meinecke (Architect)
Michelle Simerdla (City of Avondale)
Catherine Lorbeer (City of Avondale)
Attendee 1 (public)
Attendee 2 (public)
Attendee 3 (public)
Attendee 4 (public)
Attendee 5 (public)

Dear Ms. Simerdla,

The following is a cursory review of the neighborhood meeting conducted on Wednesday, January 31, 2024 at 6pm.

Prior to the meeting beginning, Attendee 1 [Tom Lundquist (?)] approached Paul to discuss access to his offices that are to the south of the subject site. Attendee 1 indicated that he was in support of the project and also stated that he has an issue with people dumping trash in their dumpsters.

The meeting then commenced with a brief Powerpoint presentation conducted by David Meinecke of Jordan Architects. The slide show included photosimulations that implimented the design changes worked through with staff and the neighborhood during the previous neighborhood meeting that took place prior to previous approvals.

Also included in the presentation was a graph that displayed traffic counts from Paul's Gilbert facility that is similar in size, a breakdown of the onsite security, site function, and operations. The presentation concluded with a question and answer phase.

During the question and answer phase, two attendees (that refused to sign in) posed a few questions to the presenter and owner/developer. Below is a synopsis of some of the main concerns raised by Attendee's 2 and 3 along with the owner's response:

1. *Trash dumping in surrounding communities and pest control*
 - The project offers onsite trash disposal along with onsite receptacles for clientele that are emptied daily. This was answered during the meeting.
2. *Traffic, neighboring bus stop and the request for a 3rd party traffic report*
 - The owner/developer presented *estimates* of onsite traffic from a similarly sized facility that illustrated minimal impact on the surrounding infrastructure.

3. *We would like to see a use that's more conducive to the community and that provides services to the community (i.e. professional offices)*
 - Using the ITE manual, the presentation provided estimates for office and retail uses which illustrated such uses exacerbate the current infrastructure and result in exponentially more onsite traffic.
 - In addition, providing the one allowed driveway cut would funnel all of this traffic on Osborn and create a bottle neck of traffic and may result in dangerous ingress and egress.
4. *Attendee 3 felt that the design did not reflect the surroundings of the community.*
 - During the previous approval process the Project Team worked at length with the City and incorporated some of the comments from the neighborhood meeting
 - The project incorporates warm desert tones that fit well within the fabric of the community as well as glass elements that aid in blending the project with the surrounding office and retail uses.

Attendee 2 read a lengthily statement that highlighted the above listed concerns. Some of the research conducted that yielded negative statements from Attendee 2 were from competing self storage facilities that have a vested interest in seeing the project not succeed. The project team did not respond to the read statement as the main concerns have been addressed previously.

These are the main talking points from the meeting. If you should have any questions or comments regarding the information contained herein, please do not hesitate to contact us.

Sincerely,

The Project Team

From: City of Avondale <webmaster@avondale.org>

Sent: Tuesday, December 19, 2023 9:04 PM

To: Engineering <Engineering@avondaleaz.gov>

Subject: Zoom meeting with guardian storage

Message submitted from the <City of Avondale> website.

Site Visitor Name: Jay lageschulte

Site Visitor Email: [REDACTED]

Guardian storage sent out a letter with a zoom meeting address for their proposed storage facility at Osborn road and Indian school rd. Tried several times and could no get signed in. Each time it came back invalid. I wonder how many other residents could not get signed in. Concerns me about application PL-23-0303. Meeting was to be on dec. 19th at 6 pm. They gave us no phone number in the mailing to contact them. We are not in favor of a 2 story building on that property. We would have expressed more of our concerns, such as traffic flow had we been able to sign into the meeting. Thank you Jay and Eva lageschulte

From: [Gail Sanchez](#)
To: [Michelle Simerdla](#)
Subject: What comments do you have on the Conditional Use Permit for Extra Space Storage? | Developer Projects | Avondale Connect
Date: Sunday, January 28, 2024 9:21:48 AM

We do not need another storage facility.

There are 3 extremely close that come to mind.

The Post Office I work for would deliver the mail to the business there. Has the Post Office even been notified? My Postmaster was not aware that this was even considered. What about a swap of land with Litchfield Park City Hall? What about Trader Joe's, a Cheesecake Factory, Outback, Longhorn a Miracle Mole Deli or something that would service our area better. Something that would look better even a mom and pop sandwich place. I live in Bel Fleur and have been in this area over 20 years and have worked for that post office and am very familiar with that mail route. It's a lot of medical and only one food place I believe. There's nothing to walk to for lunch or coffee without driving. The neighborhood restaurants in the middle of Litchfield by the Wigwam are very profitable and it's packed daily with residents eating outside that we need more of. We at the Post Office will service whatever is approved and hopefully this area will remain unique and still feel like a small town community.

Sincerely

Gail Sanchez

Litchfield Park

[https://urldefense.com/v3/_https://avondaleconnect.org/developer-initiated-projects/news_feed/conditional-use-permit-for-extra-space-2_!!LPHuuNWgF-3BSw!yXb9q-4yGws4knIaNYTYZqceq_JAFc_KFI5-Q6OrN4Zwu9orQDf0uB_tNYgnDFMfuOwIZjU9S-S5dVdyFGC7yU3pmaXJ\\$](https://urldefense.com/v3/_https://avondaleconnect.org/developer-initiated-projects/news_feed/conditional-use-permit-for-extra-space-2_!!LPHuuNWgF-3BSw!yXb9q-4yGws4knIaNYTYZqceq_JAFc_KFI5-Q6OrN4Zwu9orQDf0uB_tNYgnDFMfuOwIZjU9S-S5dVdyFGC7yU3pmaXJ$)

Sent from my iPhone

2 comments

Recently active | Posted first

Jms, 17 days ago

Alert moderator

We don't need another storage facility. We have more than enough now. I'm sure there are better options that can be explored

Do you agree? 👍 1 🗨️ 0



TMAZ, 2 months ago

Alert moderator

Seems fine. I've been a boxholder customer of that USPS for 12 years. If they don't see a problem with it, I certainly don't.

Do you agree? 👍 0 🗨️ 1

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33 Dysart Ranch Residents do not recommend approval of CUP PL-23-0303

My name is Eric Blocher and I am a resident on West Mulberry Drive in Dysart Ranch. I have gathered and submitted for the meeting record the signatures of 33 Dysart Ranch residents living in the West Mulberry Drive, West Flower Street, and Monterrey Way cul-de-sacs that are requesting that Conditional Use Permit (CUP) PL-23-0303 for a mini-storage warehouse and personal storage development NOT be approved by the City of Avondale. The 2-story proposed warehouse/storage units would be visible to residents in the Dysart Ranch West Mulberry Drive, West Flower Street, and West Monterrey Way cul-de-sacs and would result in a decline of our property values. The proposed warehouse and personal storage units would also provide no compelling civic benefits to the residents of Dysart Ranch and are recommended to be built on the ample warehouse/storage zoning that already exists along the nearby Loop 303 corridor. Planned operating hours of 6AM to 10AM would promote a potential noise impact to existing residential areas. Based on warehouse/storage unit operating experience found on the Internet, the neighboring residential areas would be exposed to numerous negative impacts such as: vagrancy, infestation, fire hazards, exposure to toxic chemicals, waste management/dumping, etc.

In conclusion, the proposed project does not provide a use that is conducive to the community, nor does it provide a service to the community; therefore, we recommend that CUP PL-23-0303 NOT be approved.

Thank-you for your time.

Do Not Approve CUP PL-23-0003-0303
0303
 2/19/24

As Dysart Park residents, we are requesting that Conditional Use Permit (CUP) PL-23-0003 for a mini-storage warehouse and personal storage development (approximately 800 units) on 2.3 acres should NOT be approved by the City of Avondale. The proposed warehouse/storage units would be visible to residents in the Dysart Ranch West Mulberry Drive, West Flower Street, and West Monterrey Way cul-de-sacs and would result in a decline of our property values. The proposed warehouse and personal storage units would also provide no compelling civic benefits to the residents of Dysart Park and are recommended to be built on the ample warehouse/storage zoning that already exists along the nearby Loop 303 corridor. Based on warehouse/storage unit operating experience found on the Internet, the neighboring residential areas would be exposed to numerous negative impacts such as: vagrancy, infestation, fire hazards, exposure to toxic chemicals, waste management/dumping, etc. In conclusion, we recommend that CUP PL-23-0003 NOT be approved.

Date	Signature	Name (Print)	Address
2-19-24	<i>Eric Blocher</i>	Eric Blocher	
2/19/24	<i>Debra L. Blocher</i>	Debra L. Blocher	
2-19-24	<i>Tracy Moy</i>	Tracy Moy	
2-19-24	<i>Tony Montes</i>	TONY MONTES	
2-19-24	<i>Daniel Leung</i>	Daniel Leung	
2-19-24	<i>Wanlin Liao</i>	Wanlin Liao	
2-19-24	<i>Olive Mapin</i>	Olive Mapin	
2-19-24	<i>Rodel Mapin</i>	Rodel Mapin	
2-19-24	<i>Roberto Berrador</i>	Roberto Berrador	
2-20-24	<i>Manuela G. Berrador</i>	Manuela G. Berrador	
2-20-24	<i>Jay Lageschulte</i>	Jay Lageschulte	
2/20/24	<i>Eva Lageschulte</i>	Eva Lageschulte	
2/20/24	<i>Barney F. Howell</i>	BARNEY F. HOWELL	
2/20/24	<i>Wendy F. Howell</i>	Wendy F. Howell	
2/20/24	<i>Casey Weiss</i>	Casey Weiss	
2/20/24	<i>Tammy Weiss</i>	Tammy Weiss	

Date	Signature	Name (Print)	Address
2/20/24	Adela Martinez	ADELA MARTINEZ	
2/20/24	John Rickmar	John Rickmar	
2/20/24	Amada Rickmar	Amada Rickmar	
2/20/24	Tony Orlando	Tony Orlando	
2/20/24	Vivonne Orlando	Vivonne Orlando	
2/20/24	Sonia Herrera	Sonia Herrera	
2/20/24	Jeffrey Herrera	Jeffrey Herrera	
2/20/24	Matt Doyle	Matt Doyle	
2/21/24	Jill Rife	Jill Rife	
2/21/24	Richard Rife	Richard Rife	
2/21/24	David Hutsen	David Hutsen	
2/21/24	Rosalinda Rumes	Rosalinda Rumes	
2/21/24	Karissa Williams	Karissa Williams	
2/21/24	Joel Williams	Joel Williams	
2/21/24	Elizabeth Boatman	Elizabeth Boatman	
2/21/24	Summer Austin	Summer Austin	
2/21/24	Jared Austin	Jared Austin	

From: [Arrianna Ramirez](#)
To: [Blocher's](#)
Cc: [Catherine Lorbeer](#); [Sandra Freund](#)
Subject: RE: Planning Commission Meeting Request to Speak
Date: Thursday, February 22, 2024 1:46:26 PM

Good afternoon,

Thank you for this corrected information.

Arrianna

From: Blocher's [REDACTED]
Sent: Thursday, February 22, 2024 1:38 PM
To: Arrianna Ramirez <aramirez@avondaleaz.gov>
Subject: Re: Planning Commission Meeting Request to Speak

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Arrianna

Attached is a revised copy of my statement file that corrects a typo for the time mentioned within - changed 10M to 10PM.

During my presentation at the meeting I used the correct time of 10 PM.

Thanks

Eric Blocher

On Wednesday, February 21, 2024 at 04:50:43 PM MST, Blocher's [REDACTED] wrote:

See attached meeting statement & 2 pages of signatures.

Thank-you for assisting

Eric Blocher

On Wednesday, February 21, 2024 at 02:50:44 PM MST, Arrianna Ramirez <aramirez@avondaleaz.gov> wrote:

Hello Eric,

I am reaching out in regards to your question we spoke about on the phone today. You can submit a public comment by emailing us so we can keep this for the records. In this email you may also attach the document of names so we can have on file. When speaking you can make note that you have emailed a public comment with those names that you have gathered.

Thank you,

Arrianna Ramirez

Administrative Assistant

City of Avondale

Development Services

11465 W. Civic Center Dr.

Avondale, AZ 85323

Phone (623) 333-4220

The City of Avondale is open Monday - Thursday, 7 AM - 6 PM.





PLANNING COMMISSION
MEETING MINUTES

Wednesday, February 21, 2024
6:00 pm

1. **WELCOME AND CALL TO ORDER**

Chair White called the meeting to order at 6:01 p.m.

2. **ROLL CALL**

The following members and representatives were present.

COMMISSIONERS PRESENT IN PERSON / PHONE / VIDEO

Chair Larry White
Commissioner Linda Warren
Commissioner Alan Agundez-Castillo
Commissioner Julia Jewell
Alternate Ryan Benson

COMMISSIONERS UNEXCUSED ABSENT

Commissioner Denise Stanfield

CITY STAFF PRESENT

Catherine Lorbeer, Deputy Director of Planning
Arrianna Ramirez, Administrative Assistant
Stephen Kemp, Attorney
Joshua Orton, Senior Planner
Sandra Freund, Senior Planner
Larry Rooney, Fire Chief
Jodie Novak, Development Services Director

3. **APPROVAL OF MINUTES**

Chair White called for a motion to approve the minutes.

Commissioner Agundez Castillo moved to approve the minutes for November 15, 2023, and January 17, 2024;
Commissioner Warren seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon Vote, the motion passed 4 to 0

4. **PUBLIC HEARING ITEMS**

a. **EXTRA SPACE STORAGE – CONDITIONAL USE PERMIT – APPLICATION PL-23-0303**

Sandra Freund, Senior Planner, provided an overview of Application PL-23-0303 for a Conditional Use Permit (CUP) to allow a Mini Storage Warehouse and Personal Storage facility in the Palm Valley Planned Area Development (PAD). A CUP for this development was previously approved on June 21, 2021, but has since expired and the applicant is requesting a new approval for the same project to allow the development to move forward. The property is 2.28 net acres, located on the southwest corner of Indian School Road and Osborn Road, which was annexed in the city in 1981 and zoned PAD. To the north is Litchfield Park with single family homes; to the east is Coldwater Station, that contains retail, restaurant, office, and service uses on approximately 3 acres; to the south is the Litchfield Park Post Office and Litchfield Park Plaza; and to the west is undeveloped land with C-2 community uses allowed. This site is zoned Palm Valley PAD with C-2 community commercial uses. The 30-foot tall, 2-story facility is designed for internal access only with operating hours from 6:00 AM to 10:00 PM. Access will only be from west Osborn Road through a controlled security gate and on-site parking will accommodate 10 vehicles with covered loading sections. The south elevation will be visible from the post office.

The staff's analysis finds the project conforms with the General Plan, zoning, and existing development; complies with the City's commercial design manual; and is a low traffic generator. The developer must meet five recommended conditions of approval for the project:

- Consistent with the General Plan 2030 and North Avondale Specific Plan
- Compatible with existing land uses
- Suitable size to accommodate use and meet all required development standards
- Adequate access to public streets and capacity to accommodate traffic generated by proposed use
- Adequate conditions in place to mitigate any potential adverse effects

Two neighborhood meetings were held, one was virtual and the other was in-person. The public comments focused on traffic safety concerns, landscape and water demand, and the proposed use at this location. On the City's digital platform, Avondale Connect, the project received two comments. One of the comments had concerns about the traffic and building height and the other comment voiced support for the project. Staff recommends approval of the application, subject to the five conditions of approval as listed in the staff report.

Applicant Paul Hedges addressed the Commission, noting although the CUP expired, their dedication has not wavered. The project is a step toward meeting Avondale's need to enhance the community and contribute to the local economy. The design will consist of warm desert tones and glass elements for the exterior. The development will have minimal impact on traffic. Monthly services and internal loading would minimize pest concerns and ensure cleanliness and safety. Effective waste management, following city codes, and diligent monitoring help preserve the environment. Hazardous materials or toxic chemicals are not allowed to be stored in the facility.

In response to the commissioners' questions, Ms. Freund clarified Osborn Road does not have a concrete median at the proposed entrance location. The post office is a single-story building to the south and this facility would be approximately 30-feet tall. Mr. Hedges explained how a feasibility study was used to determine the need for a storage facility within this area. They project the facility will fill up within 12 to 18 months and 1 to 3 cars will access the facility every hour. Nearby facilities are at capacity and have minimal vacancies, which are created by raising rents. Based on the growth study conducted, the demand is there. Office hours will be from 9:00 a.m. to 6:00 p.m. and the gate hours will be from 6:00 a.m. to 10:00 p.m. every day. There are many layers of security to keep crime down, including a gate code, exterior cameras, and lighting. Although the lease states the hazardous items are not allowed, it is difficult to monitor and staff walk through the building to see what is coming in and out.

Chair White opened the public hearing.

Ms. Ramirez read a comment card from Mike Llewellyn, who is opposed to this item based on the type and size of the business, the esthetics and industrial service, excessive traffic, loud noise, and visual degradation of the area that will cause property values to decrease.

Ms. Ramirez read a comment card from Christopher Chavez, who is opposed to this item.

Eric Blocher presented 33 signatures from the Dysart Ranch residents to request this project not be approved, citing this would decrease property values and would not benefit the Dysart Ranch residents. The proposed operating hours will result in loud noises within the residential areas and is not conducive to the community. He presented a recommendation to build the warehouse along the Loop 303 Corridor.

Jennifer with the Dysart Ranch Community coalition (DRC) formed around this permit stated this should not be approved for the following reasons:

- The notices were not completed correctly
- Inaccurate information was provided to the Commission
- The title report deed was not current
- C-2 zoning requirements have not been met
- The esthetics do not conform with the area
- The applicant failed to comply with the application requirements

Greg Deeds, also with the DRC, spoke against this item. He noted the report provided by the applicant is incomplete, inaccurate, and that the applicant has misrepresented facts. Building this property will have a long-term adverse effect on the community, safety, and property value. He urged that the lot instead be used for community enrichment.

Public Hearing was closed by Chair White.

In response to Commissioner Warren's questions, Mrs. Lorbeer stated noticing requirements have been met for this item.

Commissioner Jewell moved to approve Application PL-23-0303 Extra Space Storage Conditional Use Permit (CUP) to allow for a mini-storage warehouse and personal storage development, subject to the five conditions of approval. Commissioner Agundez Castillo seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Nay
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Nay
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion to approve the project failed 2 to 2 so the project is denied.

b. SUN DEPOT ENERGY STORAGE – MAJOR GENERAL PLAN AMENDMENT – APPLICATION PL-23-0053

Josh Orton, Senior Planner, presented the second public hearing for Sun Depot Energy Storage Major General Plan Amendment and the first and only public hearing on the Rezone before this item moves forward to the City Council. This site is located approximately 330 feet west of the southwest corner of Palm Lane and Avondale Boulevard. The approximate 15.92-gross-acre property was annexed into the City in 2006 and is currently being used for agriculture. North of Palm Lane is Canyon Breeze Elementary School, zoned agriculture, and single-family residences zoned Palm Gardens planned area development (PAD). South is McDowell Villas PAD for future townhome rentals and Avondale Commons PAD, zoned mixed use including multifamily, which is under construction for apartments and future commercial and office uses. To the East are larger single-family residences, and to the west are two electrical substations owned by APS and SRP within Maricopa County jurisdiction.

The first request is to amend the General Plan Land Use designation from mixed use to Public/Civic. An explanation of the type of uses allowed under the mixed use and public/civic use was provided. The proposed use for this site is a privately owned battery energy storage facility that is intended to sell stored energy to APS and SRP, which most closely fits the public/civic designation. There is also a request to rezone the property from Agricultural to Sun Depot

Planned Area Development (PAD) to allow for the development of the battery energy storage facility. A conceptual site plan has been provided. If the project is approved, the development must conform to the PAD narrative and conceptual designs presented to staff. The majority of the site is made up of battery storage with primary ingress and egress from West Palm Lane. The proposal includes an 8-foot screen wall and a gravel drive aisle around the perimeter. Requested deviations include to allow:

- Galvanized chain link on west side
- Decreased land use buffer plantings
- Decreased right of way plantings
- Decreased land use setback plantings.

Staff analysis finds the amendment does not constitute an improvement to the 2030 General Plan. The change would alter and adversely impact the current acceptable use land use of the area. A battery energy storage system project would be incompatible with the existing residential, educational, and hospital uses in the vicinity in terms of environmental and safety concerns from a potential fire event and in terms of esthetics. These also present potential life safety concerns in the event of a fire that could have toxic fumes and cause evacuations. Fire incident considerations from the Fire Marshall include:

- The scale of the systems is directly correlated to the effects of their failure, meaning the larger the system, the more danger it presents if it were to fail
- Fire suppression practice involves a defensive approach
- Neighborhood evacuations are probable due to the toxic fumes
- Effects could spread as far as the freeway

The neighborhood meeting was held on January 4, 2024, at City Hall with nine attendees along with members of the applicant's team and one Planning Commissioner. Discussion related to safety, monitoring, and response to any kind of fire events, along with the traffic impact; potential improvements to Palm Lane; benefits to Avondale; and the design, layout, specific details about batteries and security of the site; as well as concerns expressed by Phoenix Children's Hospital.

The City has notified the required agencies and began a 60-day review process. Luke Air Force Base indicated this project would not affect their operations and Arizona Game and Fish had preliminary comments. Thirteen comments were received through Avondale Connect in opposition to the project due to the proximity of homes and school and potential fire risk as well as visual impact and increased traffic. Two citizens spoke in opposition at the first Planning Commission hearing and one individual expressed support. North Avondale Homeowners Association, which is the community north of the project, is in opposition to the project.

Staff recommends denial of Application PL-23-0053 and PL-23-0177 because they are not consistent with the overall intent of the 2030 General Plan and other adopted plan, codes, and ordinances. General Plan states consideration will be given to relationship with surrounding land uses, visual impact of the project, potential fire risk, and public input.

In response to Commissioner Jewell's questions, Mr. Orton advised the individual who previously spoke in favor of the project is employed with Invenergy and Chair White noted he lived in the City of Avondale. Mr. Orton stated the map may not fully reflect current information including education designations. Approximately six people will be employed at the battery storage facility.

Commissioner Agundez Castillo stated he shares staff's concerns and believes this project is not compatible with the land uses surrounding this site.

In response to Commissioner Jewell's questions, Chief Rooney stated this would be very difficult for them to handle, but they do have a plan in place to mitigate. There are many factors such as the wind and weather conditions. The large number of residents and the proximity of the neighborhoods is very concerning and surrounding areas could be shut down for up to a week.

Applicant, Paul Burman discussed how the battery energy storage facilities are an investment in energy safety to create a reliable, compatible, and safe use for a growing community like Avondale. Invenergy will do this responsibly and effectively. The safety elements require analysis of the impacts on hazard mitigation, and as the technology expands, it gets safer. Due to the existing APS and SRP substation, there is no other land use available in the City of Avondale. This project is also committed to adhering to the landscape, wall, and visual aesthetics for the City of Avondale.

In response to the Commissioners' questions, Mr. Burman explained energy comes from the grid of the APS and SRP substations and there would need to be a long-term power purchasing agreement with either utility before the project is built. There will be three employees on site at this facility and the site manager lives in Avondale. The batteries are made from lithium. There is no fire suppression within the individual units. Instead, an alert will be received notifying staff if something needs to be addressed. If there is a fire within one cell, only that cell would be at risk because they are stand-alone units. The facility shows no impact on property values. Most of the residents in the area are SRP customers and Avondale would receive tax revenue from the project. Jim Kennedy, Invenergy Staff Engineer, stated there is extensive testing being done and they will work with the fire department to design a system in the safest way.

In response to Chair White's questions regarding the 2019 incident in Surprise, Mr. Kennedy explained the system's battery management system and that it is designed with a battery management system that can detect any fluctuation and will shut down and disconnect the affected battery cell rack from the rest of the system. Fire suppression is only used to prevent the spread of an electrical fire and the best suppression method will be determined with the fire department. An insulator will be used as a barrier to ensure propagation is limited between cells. Most storage systems use a prevention method called NFPA 69, which detects hydrogen gases. The emergency ventilation system evacuates gases to prevent explosions. The fire department is aware of the development. The NFPA 55 has improved since 2019 and has gone through the 2023 version. This facility would be viewed as a large system. Mr. Burman noted the three employees would park in the drive aisles and the employees' primary focus would be the operations and maintenance of the system.

Chair White asked if this type of technology has advanced to the point that the risk is now low enough to accept putting this facility in a residential location. Mr. Burman responded by referencing multiple events in the Phoenix area that have helped inform safety measures the company will take. He also noted it took a while for people in Youngtown to become educated about and comfortable with this type of facility.

It was noted there are two items under consideration: PL-23-0053, application for a Sun Depot Energy Storage Major General Plan Amendment to amend the General Plan Land Use designation from mixed use to Public/Civic, and PL-23-0177, a request to rezone the property from Agricultural to Sun Depot Planned Area Development.

Chair White opened the public hearing for both Application PL-23-0053 and PL-23-0177.

Vicente Juarez, a resident of Avondale and employee of Invenergy, spoke in favor of the project.

Wilma Brown, a resident of Palm Garden, stated her opposition to the project, noting the risk with high temperatures, overcharging, toxic fumes, and traffic impacts. She also referenced the Gilbert, AZ, 2023 fire.

Layla Villasenor gave a community map to the Commissioners that shows over 100 neighbors that have signed a letter of opposition to this project. She stated of her opposition to the project, noting it would be better suited for an industrial area, will not bring jobs to the City, and is not worth the risk to families in the neighborhoods.

Linda Ressler stated her opposition to the project and asked the commission to take into consideration the Fire Marshall's evacuation report and the letter from Phoenix Children's Hospital.

Chair White closed the public hearing.

Mr. Burman stated Invenergy makes providing safety a high priority and have designs ready for the Fire Marshall to review that do not present any evacuation risks. They want to work with everyone to ensure they are comfortable with this type of technology.

Commissioner Warren moved to recommend denial of Application PL-23-0053, a request to amend the General Plan 2030 Land Use Map designation from Mixed Use to Public/Civic. Commissioner Agundez Castillo seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion to recommend denial of the project passed 4 to 0.

c. SUN DEPOT – REZONE – APPLICATION PL-23-0177

Commissioner Agundez Castillo moved to recommend denial of Application PL-23-0177, a request to rezone approximately 15.92 gross acres from Agricultural to Planned Area Development. Commissioner Jewell seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion to recommend denial of the project passed 4 to 0.

5. COMMISSIONER ANNOUNCEMENTS

No announcements made.

6. PLANNING DIVISION REPORT

Mrs. Lorbeer thanked the Commissioners for their time and noted the next meeting will be held at an alternative location.

7. CALENDAR

- Special meeting March 20, 2024

8. ADJOURNMENT

There was no further business; Chair White called for a motion to adjourn.

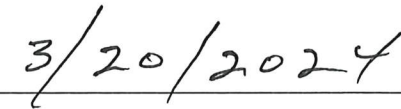
Commissioner Agundez Castillo made a motion to adjourn; seconded by Commissioner Warren.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion passed 4 to 0

Meeting Adjourned at 8:00 p.m.


Chair, Larry White


Date

Note from the City Clerk:

The following individual does not want to speak; however, they would like their comments acknowledged.

In Support

1. Jared Stasch

Contact Information

First Name

Jared

Last Name

Stasch

Phone

Email

Street Address

City

Litchfield Park

Do you wish to speak at the meeting?

☐ No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

☐ Yes, this is related to an item on the agenda.

##APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

☐ I am IN FAVOR of this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I live a block away from this proposed storage facility and I am completely in favor of the storage for a couple or reasons.

First and foremost as a entrepreneur and business owner myself I feel that it is wrong for the city to allow a permit for the storage facility and then to rip that away from the owner when the city has a change of heart. Right now there is a bare lot with no one proposing anything else but to leave it as a bare lot. Someone has to pay taxes and sit on this property until the city decides what it wants to be there and that could take years at this point. The storage will only take up a portion of that bare land and the city can decide what they want for the rest of the land later on down the road. I think if the city wants to decide what should be on this lot and they have the final say then they should buy the lot and pay the taxes, insurance and everything else involved in owning land that basically won't be used.

Secondly, I owned and worked at a storage and out of any proposed businesses going there, storage has the least amount of traffic which would fit the neighborhood profile very well. Most people store their belongings and then don't come back for months. Very few will use it as a space for being homeless as I

have heard from these meetings. That is a very small issue. Traffic is minimal in storage and that is something that is a positive for the neighborhood.

Thirdly, I have looked at different storages that were built recently and will look like this proposed storage. Besides the sign it is hard to even tell its a storage. They do a great job today of making the buildings look modern and sleek unlike the old storages that are laid out like backyard sheds. New modern storages are low profile and made to fit into urban settings. This new storage will be no different. A rooftop bar would be a great addition as well.

In my view the positives on overall impact of the neighborhood outweigh the negatives. I support the storage and hope you do as well.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.**

Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Note from the City Clerk:

The following individuals do not want to speak; however, they would like their comments acknowledged.

In Opposition

- | | |
|------------------------|---------------------|
| 1. Sergio Jimenez | 21. James Lopez |
| 2. Chris Chavez | 22. Brandon Heinen |
| 3. Cory Spintig | 23. Robert Attala |
| 4. Darrel K | 24. Tiana Roth |
| 5. Greg Faulhaber (x2) | 25. Arlene Santos |
| 6. Janice Kupiszewski | 26. Hector A |
| 7. Jennifer Tran | 27. Renee Bryant |
| 8. John Kupiszewski | 28. Lee W |
| 9. Laura Lundquist | 29. Natalie Lynn |
| 10. Lucy M | 30. Narisa L |
| 11. Margarita Valencia | 31. Alan Tew |
| 12. Mike Llewellyn | 32. Andrea Sandoval |
| 13. Monte H (x2) | 33. Phil Sanchez |
| 14. Stephen Blanchard | 34. Letitia V |
| 15. Suzanne Nunez (x2) | 35. Timothy La Sota |
| 16. Maryanne Zahari | |
| 17. Mark Jones | |
| 18. Emma Grassi (x2) | |
| 19. Jessica T | |
| 20. Eric Blocher | |

From: Sergio Jimenez [REDACTED]

Sent: Monday, April 29, 2024 10:07 AM

To: Aneyssa Romo <aromo@avondaleaz.gov>

Subject: Storage facility / Osborn & indian school

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Help preserve our community, we are opposed to the plans to build a 30ft high 110,000sf storage facility. This affects everybody in Avondale, litchfield and Goodyear!

Thank You,

Sergio Jimenez

Contact Information

First Name

Chris

Last Name

Chavez

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I do not want the traffic or the building in my neighborhood.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.**

Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name

Cory

Last Name

Spintig

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

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Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

NOTE: Please disregard my earlier submission. I made a mistake on my position vote - My vote should be been "OPPOSED"

I am emphatically against this type of development. This is an industrial-type development being placed in a family-focused residential neighborhood. The proposed development is an eyesore and will diminish the neighborhood by inviting congestion, traffic, noise, etc. Any type of financial gain the city believes they will be seeing will be offset by the corresponding drop in property taxes due to the lost value of the neighboring properties.

I have been a resident of other cities where the city leaders have a thoughtful long-term vision for how they want their city to grow in a responsible manner. This means balancing finances vs. other intangibles that make the area desirable for residents. Does the Avondale city council have any such long-term considerations? I hope the City Council has more pride in how their city looks that to approve a building that is so unfit for this residential location.

Contact Information

First Name

Darrell

Last Name

K

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

#APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

This proposed plan does not benefit our treasured community. I am an original owner of this community and absolutely oppose this plan. Please note my position on this matter.

Respectfully

Property owner

**By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.**

Thank you,
City of Avondale

Contact Information

First Name	Greg	Last Name	Faulhaber
Phone		Email	
Street Address		City	Not answered

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I strongly urge you to reject the appeal of the Panning Commission's denial of Application PL-23-0303 for a storage facility on SW Corner of Indian School Rd & Osborn.

This matter was decided appropriately by the Planning Commission and the City must and can do better for this prime lot that also borders Avondale, Litchfield Park and Goodyear.

I strongly urge you to reject any appeal.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
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Contact Information

First Name	Greg	Last Name	Faulhaber
Phone		Email	
Street Address		City	Litchfield Park
	Dr		

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item # Appeal of CUP

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I strongly urge you to reject the appeal of the Planning Commission's denial of Application PL-23-0303 for a storage facility on SW Corner of Indian School Rd & Osborn.

This matter was decided appropriately by the Planning Commission and the City must and can do better for this prime lot that also borders Avondale, Litchfield Park and Goodyear. The City should look to leverage this parcel and its proximity to the Wigwam Resort to make it something that will benefit residents in the area and Avondale at large.

I strongly urge you to reject any appeal.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.**

Contact Information

First Name

Janice

Last Name

Kupiszewski

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I am a homeowner in Dysart Ranch Community. I am absolutely against this proposed project and I feel strongly that our water and our land areas will be very negatively impacted. We were not given proper notice in 2021, and following that, no appropriate notice was ever given to us in 2023. From what I've seen in the documentation I've been able to find - this build is NOT consistent with C-2 Zoning regulations. Our HOA land, in our community, will be used to provide dumping ground for their water and heaven-only-knows what else. In light of this happening, no doubt we homeowners will inherit the price for it by seeing our HOA monthly assessment fees rise. If those in office that were elected to "support" our communities are allowing this to happen, it is sickening & we, as residents here, will remember this when it comes time to vote again. Please consider the severe, awful impact a build of this nature will have on our communities. DO NOT DO IT. Thank you very much.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.**

Contact Information

First Name

Jennifer

Last Name

Tran

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I am opposed to having a 30 feet tall storage building in this area. We have many of these storage facilities within a 5- mile radius. These type of facilities usually have a 24 hour access. Traffic and noise are not an ideal situation for a residential community. I'm also concern that while we all know that it is illegal to live in storage units, there are unfortunately cases that this is happening in the valley due to increase in rent. I refuse to accept the possibility of this storage facility becoming one of these places.

One of the most overlooked risk associated with storage facilities is crime. The propose storage facility is too close for comfort and I don't want to see my neighborhood became a place that "attracts theft and break-ins. This is absolutely unacceptable! My family and neighbors need to feel safe taking evening walks and doing regular outdoor activities and not be paranoid with the possibilities that may occur from this addition.

Additionally, with construction traffic, it will certainly damage the public roadways leading into this facility which was not originallu designed to take on these types of traffic loads. We all know it take awhile and tax money to fix a pothole. I am not anti-business as I am also a business owner myself, but these types of facilities are better situated further out. We need to keep a safe and peaceful neighborhood.

Contact Information

First Name	John	Last Name	Kupiszewski
Phone		Email	
Street Address		City	

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

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Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

#APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

This storage building will bring trash and ruin to our community. I live in Dysart Ranch community & resent that we got next to no communication about this. The people currently in office here are not making this decision for the best of the communities involved; it does make one wonder exactly why this was so easily pushed thru. I, for one, will watch this closely & vote accordingly when we learn if this thing goes thru or not. Anyone consider the water issues - as in what a mess our water will be inheriting??? I have seen zero plans or discussion around that. Quality of life for our kids and family when this place becomes a homeless shelter - Anyone think of that? Realistically, we all know the odds are good for that happening. Can we please get smart here AND get conscientious about just what would come with this thing going up? DON'T DO IT!!! Amen. Thank you.

By submitting this form, you are providing an electronic signature and acknowledging the following: This Request to Speak Card is considered a public record and may be released to the public upon request.

Contact Information

First Name

Lucy

Last Name

M

Phone

Email

Street Address

City

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Agenda Item #APPEAL PL-23-0303

Page 2

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This is a nice community that should add restaurants, small local shops, coffee shops, and fun activities.

Please do not change the zoning where our home and livelihood is.

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Thank you,
City of Avondale

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Contact Information

First Name	Margarita	Last Name	Valencia
Phone	[REDACTED]	Email	Not answered
Street Address	[REDACTED]	City	[REDACTED]

Do you wish to speak at the meeting?

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Agenda Item #APPEAL PL-23-0303

Page 2

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I don't drive and I am elderly and disabled. I have not received any information about this. If it were not for the people who came to my house to tell me this was happening I would not know about it. I do not have email and am home bound. Who will buy my house with this ugly building right there? I have lived here almost 30 years. My husband built this house. I saw what the building will look like. This building will be so big it blocks my view of the sky, I am concerned about traffic flow, and noise. We already have so much noise. This building will act like a wall and bounce noise right back at my house. I do not want this building here. This will not fit in the neighborhood and nobody wants it. I can already see the traffic light outside my bathroom window and I will see this from inside my house and yards. This was called the jewel in the desert when I moved here. This does not belong here. We need stores. I am alone here and need services that help me. Thank you to the people who told me about this and helped me fill out this form. You can call me if you have any questions. Thank you, Margarita

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Contact Information

First Name

Mike

Last Name

Llewellyn

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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APPEAL PL-23-0303

Page 2

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Not answered

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Contact Information

First Name	Monte	Last Name	H
Phone		Email	Not answered
Street Address		City	

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Agenda Item #ap pl-23-0303

Page 2

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All this will do is lower our home values. I'm all for expansion and the builders right to make income, but do it in a location where other storage unit are currently. Also it has came to our attention others not in our Hoa , are piggybacking on our sewer drain. I'm hoping the city government is working in our better half on this.thank you

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Thank you,
City of Avondale

First Name
Phone
Street Address

Monte

Last Name
Email
City

H

Litchfield Park

Do you wish to speak at the meeting?

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Agenda appeal pl-23-0303 Item #

Page 2

Please tell us your position on the agenda item.

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You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I oppose the building of this storage unit in this location. There are several storage units a few miles down the road, with plenty of space to build that's not in a residential area.. I'm asking don't let this be approved to lower the value of our homes. I'm asking you council members to look out for the citizens that you represent, and who elected you ,to vote this down and have them build in an area zoned already for storage units. Thank you Monte

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Contact Information

First Name

Stephen

Last Name

Blanchard

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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Agenda Item #

Page 2

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In my opinion a large (or small) storage facility would detract from the charm of the neighborhood. There are at least 4 storage facilities within 5 miles of this area and they all have vacancies.

Please reject this project.

Regards,

Stephen Blanchard

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Thank you,
City of Avondale

Contact Information

First Name

Suzanne

Last Name

Nunez

Phone

Email

Street Address

City

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Agenda Item #Appeal PL 23-0303

Page 2

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This is a family developed neighborhood. Not an industrial development. This business will cause tremendous impact on traffic. There are bus stops for the children in our neighborhood. The traffic that will be created coincide with the children coming and going to school. The aesthetician and home values of the neighborhood will be compromised. This business will cause a negative impact for the residence.

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First Name
Phone
Street Address

Suzanne

Last Name
Email
City

Nunez

Litchfield Park

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Agenda Item #Appeal PL 23-0303

Page 2

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We are one of many original homeowner in Dysart Ranch. We take pride in our home and neighborhood. This area was not permitted for industrial or large conglomerate businesses. The aesthetics and safety in a neighborhood is important to homeowners. The value of the homes is reflected by the type of businesses in the area. There are numerous children at bus stops throughout are neighborhood. Their safety will be compromised. The traffic and noise from this business would have a negative impact.

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Contact Information

First Name

Maryanne

Last Name

Zahari

Phone

Email

Street Address

City

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Agenda Item #APPEAL PL-23-0303

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This area should be used to enhance the community. There are enough storage facilities and this would create additional dangers to our homes. This area should be used for businesses that would enhance our community such as restaurants, medical care and day care. We should be encouraging businesses that would enhance community and provide additional jobs and resources.

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Thank you,
City of Avondale

Contact Information

First Name

Mark

Last Name

Jones

Phone

(000) 000-0000

Email

Street Address

City

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APPEAL PL-23-0303

Page 2

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From Dysart Ranch Home Owners Association President, Mark Jones:

Good evening, I am Mark Jones the HOA president in Dysart Ranch. I have lived in this community for 30 years. I have never seen the community come together like this on an issue. We are unanimous in our agreement that this is an improper development to be nested between our neighborhoods of Dysart Ranch and Old Litchfield Park. We want and need more traditional C2 businesses. As many here have already stated, this is not just about the crime and other issues that developments like this bring in comparison to other uses, but it's also about adding to the character of our neighborhood. This development detracts from the beauty of our neighborhood, and I would encourage this council to follow in the steps of Peoria and put in place a zoning code amendment that limits these businesses to discourage the abusive over-saturation that we see across so many of our communities. We will continue to ask questions, consult with experts while we protect and support our community and fight against this Conditional Use. We ask that this council support our community by denying CUP PL-23-0303. Thank you

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Contact Information

First Name

Laura

Last Name

Lundquist

Phone

Email

Street Address

City

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#APPEAL PL-23-0303

Page 2

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We are writing to express our strong opposition to the city council's consideration of the appeal from Guardian Storage regarding their already denied conditional use permit. We were deeply troubled that this type of permit was even considered in the first place, given that this is not what the area is zoned for. Avondale city code presents that C2 zoning is defined as development of commercial complexes providing goods and services to a community-wide trade area. A quick google search shows there are 21 self storage facilities within three miles of our address. Twenty one. The storage unit market is oversaturated for our area already, and this conditional use permit appeal fails to meet the zoning criteria this land is zoned for.

We love our community, and we love supporting local businesses within our community. Use this land the way it was zoned for to give us goods and services that enhance and support our community. Our primary care physician is located on this same street. We love that we are within walking distance of her office. When one of us was getting a new job last fall that required a background check and fingerprinting, we were able to go to a small business in this same office park to get digital fingerprinting done. Our financial advisor is located within this office park. Our children's friend's orthodontists and dance classes are in this same development. We took great consideration when choosing where to live. We both work within 10

minutes of our home. We are not anti-business. Rather, we expect and demand that this business area be put to more effective use than this. Give us businesses that continue to give back to our community by creating jobs for numerous community members. Give us businesses that provide services that enhance our citizens every day lives.

A large multi acre storage facility does not fit within the small business area this has been zoned for. There is a reason storage facilities are traditionally classified as industrial. Storage units are low engagement spaces, with low employment rates, low everyday interaction and extremely visually unappealing. We cannot see any upsides to this conditional use appeal for this specific area, other than lazy zoning. This is an oversaturated area already. Again, there are already 21 storage facilities within three miles of this location, it is not needed here.

We expect our elected representatives to have our family and communities interests at heart. There is ample space here to enhance our community, which is why it was zoned this way to begin with. Make use of the infrastructure already in place (i.e. the bus stop, parking lots, and other small businesses) The largest business in an area sets the tone for the whole location. A massive storage facility is not an accurate representation of the numerous small businesses that have been established within the correct zone. They will be lost in its shadow. This is an extremely confusing business proposition on all sides. While it fills an empty lot, it does not boost the businesses around it or provide the goods and services this lot is zoned for. Avondale is a great place for business, this appeal does not fit the needs of this location and community.

Laura and Brayden Lundquist

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Contact Information

First Name

Emma

Last Name

Grassi

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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Agenda Item #APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

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You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

These Storage Facilities are overtaking our area and seem to popup on all available corners. They are like carwashes in the area....always too many of them and always seem to be empty and never used. I just heard there is another one being built near Bethany Home and Litchfield Road and another one on camelback near Moon Valley Nursery.

This one will not fit with the surrounding architecture at all and will take away from a very beautiful and welcoming area. We should be focused on bringing in useful business to the area not oversaturating ourselves with unsightly storage facilities.

Leave these area zoned as is. Maintain our property values and build up our community, don't turn it into a developers playground.

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Contact Information

First Name

Emma

Last Name

Grassi

Phone

Email

Street Address

City

Litchfield Park

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Agenda Item #APPEAL PL-23-0303.

Page 2

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As we drive around the surrounding area all we see being built is more and more storage units. My husband pointed out that there are 11 within 5 miles of this proposed location and at least 3 more going up currently in that same radius. We as a community deserve better businesses and options that provide real value to citizens who live here.

We strongly oppose this proposal and urge our city council to represent the best interest of those of us who call this area home. Maintain the appeal of the area without crowding it with eye sores that bring few jobs to the area and degrade our property values with over saturated businesses. People can have their storage needs met. We don't need this and don't want this.

It stands in stark contrast to the surrounding architecture and does not improve the community.

Taxpayers who live here deserve better.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
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Contact Information

First Name

Jessica

Last Name

T

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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#APPEAL PL-23-0303

Page 2

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Since the notice of appeal by "Guardian Storage" on 3/6/2024, I have been following the status of sign updates to verify compliance. All the pictures of the old and "new" signage were taken by me.

Over the course of the last several weeks, the original signage noting the Conditional Use Permit Renewal request has remained in its original spot, visible by heading South on Osborn. This sign is single sided and has never been updated with new information, it continues to only display meeting notices for 1/31/2024 and 2/21/2024.

Instead, an additional sign has been constructed in the middle of the property. This sign is no less than 20 yards South of Indian School and the distance from Osborn, as well as the distance from the stop light for Indian School Rd/Osborn Rd is too far to even be measurable. The sign faces East/West and is not readable if driving down Indian School Rd (speed limit of 45mph) and not viewable from Osborn Rd. The sign is not easily decipherable even while walking by on any of the surrounding sidewalks. The only way you could tell what it is and/or what it says would be to enter the dirt property on foot.

These actions are a clear attempt to stop us from participating and being involved in the decision making for what happens in our community and shows complete disregard for the neighbors and individuals that are being negatively impacted by the proposed storage facility. Our neighborhood needs commercial

businesses that were intended to be present according to the General Plan. Businesses that support, engage and improve our community, not disrupt and compromise the quality of our neighborhoods. We do NOT want nor need any additional storage facilities in our area. Deny this permit. As a community, we oppose this facility.

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Contact Information

First Name

Eric

Last Name

Blocher

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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Is this regarding an item on the meeting agenda?

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Appeal PL-23-0303 Agenda Item #

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

42 Dysart Ranch Residents do not recommend approval of CUP Application PL-23-0303. My name is Eric Blocher and I am a resident on West Mulberry Drive in Dysart Ranch. I have identified 42 Dysart Ranch residents living in the West Mulberry Drive, West Flower Street, and Monterrey Way cul-de-sacs that are requesting that Conditional Use Permit (CUP) Application PL-23-0303 for a mini-storage warehouse and personal storage development NOT be approved by the City of Avondale. Of all the three cul-de-sac residents that I contacted, none indicated they would approve CUP Application PL-23-0303. The 2-story proposed warehouse/storage units would be visible to residents in the Dysart Ranch West Mulberry Drive, West Flower Street, and West Monterrey Way cul-de-sacs and would result in a decline of our property values. The proposed mini storage warehouse and personal storage units are not consistent with the 2030 General Plan that states consideration be given to relationship with surrounding land uses, visual impact of the project, potential for risk, and public input. Based on warehouse/mini-storage unit operating experience found on the Internet, the neighboring residential areas to the north and south would be exposed to numerous negative impacts such as: vagrancy, infestation, fire hazards, noise impacts, exposure to hazardous/toxic chemicals, waste management/dumping, etc. The March 6, 2024 Appeal Request failed to adequately address the following

Neighbor Concerns. In addition, the March 6 Appeals Request does not demonstrate the mini-storage warehouse and personal storage units would be built and operated in a manner consistent with the public health, safety, or welfare of the community or in manner that does not constitute a nuisance to neighboring property owners, adjacent neighborhoods, or the city.

- Noise impact:

The planned mini-storage warehouse and personal storage unit construction is not consistent with the existing office park. Proposed operating hours of 6AM to 10PM is not consistent with the existing office park operating hours and would create a potential noise impact to existing residential areas. Operating hours should be 7 days a week from 8AM to 5PM consistent with the existing office park. In addition, the office in the planned mini-storage warehouse and personal storage unit shall have on-site employees when the mini-storage warehouse and personal storage unit is open for client access. A single level mini-storage warehouse and personal storage unit is preferred to minimize reflected noise impacts from Indian School Road to the Old Litchfield Park residents to the north of the facility.

- Signage/Night Light:

The planned mini-storage warehouse and personal storage unit construction is not consistent with the existing office park signage. Signage should not be illuminated, be aesthetic pleasing, and limited to the first floor of the structure to limit visual and night light impacts to the residential areas to the north and south.

- Excessive Traffic:

While the Appeal Request addressed traffic volume; it did not address traffic flow. The addition of another business using the Litchfield Park Post Office access point from Osbourne Drive access would add to the existing congestion from the confluence of the one-way flow for post office access, one-way flow for mail drop, Coldwater Station access, and Plaza Drive intersection. Relocating the mini-storage warehouse and personal storage entrance from the east end of the building to the west end of the building to require access and egress from Plaza Drive through the office park would mitigate this impact.

- Hazardous/Toxic Waste:

The Appeal Request indicates that the city of Avondale has not had an issue with hazardous/toxic waste at other indoor storage facilities. This is not consistent with the Industry operating experience associated with mini-storage warehouses. Prohibition of hazardous waste/toxic materials should be a condition of the CUP with insurance coverage for pollutant/hazardous/toxic material disposal and removal in those cases of negligent renter actions or criminal activities.

- Waste Management/Dumping:

Having on-site trash bins does not guarantee on-site waste generation and dumping will be managed and not allowed to accumulate. In addition to dumping issues, the sale and disposal of delinquent unit contents could generate significant volumes of waste that need to be removed, disposed and not allowed to accumulate. Insurance coverage for disposal liabilities should also be considered as a condition of the CUP.

- Vagrancy:

There have been vagrancy issues in the vicinity of the Litchfield Park Post Office. The office in the planned mini-storage warehouse and personal storage unit shall have on-site employees when the mini-storage warehouse and personal storage unit is open for client access. In addition, it is our understanding that the facility is fully monitored (24 hours) and has after-hour security response. Prohibition of other businesses to operate in the facility as well as use of the facility for temporary or overnight lodging should also be considered as a condition of the CUP

In conclusion, the proposed project does not provide a use that is conducive to the community, nor does it provide a service to the community. The Appeals Request does not demonstrate the mini-storage warehouse and personal storage units would be built and operated in a manner consistent with the public health, safety, or welfare of the community or in manner that does not constitute a nuisance to neighboring property owners, adjacent neighborhoods, or the city; therefore, we recommend that CUP Application PL-23-0303 NOT be approved.

Thank-you for your time.

Contact Information

First Name

James

Last Name

Lopez

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

This is not true area to place a storage facility with the families and school bus stops in the direct vicinity. The placement of a storage facility would significantly devalue the neighborhood when we should be attempting to bring valuable establishments such as retail and dining. There are already multiple storage facilities within a two mile radius, to which none of those have direct access to the neighborhoods that border them.

By submitting this form, you are providing an electronic signature and acknowledging the following: This Request to Speak Card is considered a public record and may be released to the public upon request.

Thank you,
City of Avondale

Contact Information

First Name	Brandon	Last Name	Heinen
Phone		Email	Not answered
Street Address	Not answered	City	Not answered

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item # Appeal of CUP PL23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I urge you to reject the appeal of the Panning Commission's denial of Application PL-23-0303 for a storage facility on SW Corner of Indian School Rd & Osborn.

The City must do better for this lot than a storage facility. Many of which already exist within Avondale and this immediate surrounding area.

Reject this appeal!!!!

Thanks you..

By submitting this form, you are providing an electronic signature and acknowledging the following: This Request to Speak Card is considered a public record and may be released to the public upon request.

Contact Information

First Name

robert

Last Name

attala

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

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Agenda Item #APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

-I went to the City's website and could find no information to register this complaint. I got this information when you were contacted by us to let you know this was not a 'done deal'

-I don't want a 30 foot tall building with signage behind your home that will cause a nuisance with its neon signage and detract from property values

-I would not buy a home with this type of structure looming above it.

-The building does not conform to the aesthetics of the neighborhood

-I OPPOSE the building

By submitting this form, you are providing an electronic signature and acknowledging the following:

This Request to Speak Card is considered a public record and may be released to the public upon request.

Thank you,

Contact Information

First Name	Tiana	Last Name	Roth
Phone		Email	
Street Address		City	Litchfield park

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item ##APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

A storage warehouse will negatively impact the community. This is a peaceful area of Litchfield park without a lot of traffic and a huge contributing factor why we decided to buy another home in Litchfield park. This would defeat the purpose of our peaceful community and our decision to stay here.

By submitting this form, you are providing an electronic signature and acknowledging the following: This Request to Speak Card is considered a public record and may be released to the public upon request.

Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name

Arlene

Last Name

Santos

Phone

Email

Street Address

City

Litchfield Park

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

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#APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

Not answered

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Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name

Hector

Last Name

A

Phone

[REDACTED]

Email

[REDACTED]

Street Address

Not answered

City

Not answered

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

Please DO NOT allow this

By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.

Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name

Renee

Last Name

Bryant

Phone

Email

Street Address

City

Litchfield pk

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

Not answered

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City of Avondale

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[AvondaleAZ.gov Website](#)

THERE IS LITERALLY A HUGE STORAGE UNIT LOCATED AT DYSART AND INDIAN SCHOOL!
That is barely .7 miles away. Avondale is quickly becoming known as the valley hub for huge and ugly apartment buildings, storage units, & warehouses! To note: The BLVD is an abomination. When I first heard of the BLVD (east & west of Avondale blvd), I was thinking it was going to be an entertainment district, similar to westgate. Nope. Apartments. A couple restaurants and maybe, just maybe (probably not) a grocery store. The BLVD concept drawing shows possible retail/commercial space. The voting record of our great city council shows they have no problem voting for zoning changes without any push-back from the public. There is a very very high chance of voting to change retail space to the apartments they yearn for. They need to vote and change the name of the road to 'Infinite Apartments Blvd'. Welcome to Apartmentdale!

Do you agree?  0  0



Contact Information

First Name	Natalie	Last Name	Lynn
Phone	[REDACTED]	Email	[REDACTED]
Street Address	[REDACTED]	City	Litchfield Park

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

#Appeal PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I live along the green belt on Indian School and I am concerned about the traffic on Encanto. I am also concerned about the impact this facility will have on our community and property values.

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Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name	Narisa	Last Name	L.
Phone	[REDACTED]	Email	[REDACTED]
Street Address	[REDACTED]	City	Litchfield Park, AZ 85340

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I opposed the building of the storage warehouse which is near my house because as I homeowner will be affected by stormwater runoff based on new FEMA info and my insurance will increase. Also, my area has many business establishments already and this storage building addition will decrease the quality of life we have in our community due to noise, safety, garbage and possible floods. This planned storage building is not a proper addition to my neighborhood because it does not deal with services like medical care, daycare, shops, restaurants, gyms, etc. PLEASE do not permit this storage facility to rise in our neighborhood. This will not benefit the whole community but only few people who will manipulate the land and use my community.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.**

Contact Information

First Name

Alan

Last Name

Tew

Phone

Email

Street Address

City

Litchfield Park

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

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Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

#APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I am opposed to this use of the property as it is not suitable for our community.

**By submitting this form, you are providing an electronic signature and acknowledging the following:
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Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name	Andrea	Last Name	Sandoval
Phone		Email	
Street Address		City	Litchfield Park

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

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Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #Appeal PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I am a homeowner in the Dysart Ranch community. I oppose this item for several reasons. First of all, I oppose this item because of the way the item was continued at the last minute at the last Council meeting, after the applicant's representative appeared late. If the application cannot even show up to a public meeting, they should not have been allowed to request a continuance, the community should have been allowed to speak, and the continuance should have been denied.

I also oppose because of the number of existing storage facilities already built or being built in our neighborhood in the time the applicant had an approved CUP and since the CUP was expired a new one should not be approved.

I also oppose because of the entrance and exits to the proposed building would exit into our small neighborhood, next to the US Post Office where there is oftentimes already traffic congestion that backs up on Osborn Road. I would like this restudied and a new community engagement. The community engagement related to this item has been sporadic and confusing. The public signage has been inaccurate and placed in locations where the neighborhood cannot even read them.

I also oppose because I do not believe an unmanaged storage facility is the best use of this property.

Overall, the Council should deny the appeal and allow the Planning Commission's denial to stand.

Alternatively, request the Council to revert this Item back to the Planning Commission to re-examine the request and re-engage the community.

By submitting this form, you are providing an electronic signature and acknowledging the following:

This Request to Speak Card is considered a public record and may be released to the public upon request.

Thank you,

City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name

Phil

Last Name

Sanchez

Phone

Email

Street Address

City

AVONDALE

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

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Agenda Item #pl-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

There are already several storage units within a 5 mile radius of this location. The design does not blend well with the Avondale and Litchfield Park neighborhoods. The type of traffic it will bring into the area is not good for an already busy area. There are also health concerns with the type of products and items stored in this type of facility. This building is not necessary or wanted.

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Thank you,
City of Avondale

This is an automated message generated by Granicus. Please do not reply directly to this email.

Contact Information

First Name

Letitia

Last Name

V

Phone

Email

Street Address

City

Litchfield Park

Do you wish to speak at the meeting?

(o) No, I do not want to speak but I would like my comments acknowledged.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

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APPEAL PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

You selected to NOT speak before City Council. Please provide your public comments in the field below. The City Clerk will provide a copy of your submitted comments to City Council.

I do not wish for storage place to be developed in our neighborhood. There is several being built less than mile away. This neighborhood is for families, and it does not have any value for neighborhood. I see it showing negativity and bring blight to the area. How does this building help the community? We need more trees and landscape to help the climate, and this building will be so cold. Please do not approve this building. Thank you

**By submitting this form, you are providing an electronic signature and acknowledging the following:
This Request to Speak Card is considered a public record and may be released to the public upon request.**

Thank you,
City of Avondale

Timothy A. La Sota, PLC

Phoenix, Arizona 85016

April 29, 2024

Via email to:

Kenneth Weise, Mayor
Mike Pineda, Vice Mayor
Veronica Malone, Council Member
Gloria Solorio, Council Member
Max White, Council Member
Tina Conde, Council Member
Curtis Nielson, Council Member
City of Avondale
11465 West Civic Center Drive
Avondale, Arizona 85322

Re: Appeal of Conditional Use Permit –Application PL-23-0303

Dear Honorable Mayor and Councilmembers:

This firm represents the Dysart Ranch Homeowners Association. I write today to urge you to sustain the Planning Commission's rejection of the conditional use permit for this project.

The applicant has clearly not met its burden to overturn the decision of the Planning Commission. This project is poorly conceived, unnecessary, and will provide little if any additional benefit to the citizens of Avondale.

I will let my client and the numerous other citizens speak to the shortcomings of this project from a neighborhood prospective. I will focus on the legal shortcomings and the laws that simply have not been followed, and the reasons why this Council should not hear this appeal at all.

1. INADEQUATE SIGNAGE

The Avondale Zoning Code requires the following notice to the public, in the form of a sign that has to be placed on the site at least fifteen days prior to the City Council meeting and must remain there until the meeting:

All information shall be evenly spaced and organized in a readable manner:

...

The sign shall contain the case number, project location, description of the request, time, date and location of the scheduled meetings and contact for the City of Avondale. For all applications that require planning commission and city council hearings, if the date, time, and location of the planning commission and city council hearings are unknown at the time of posting, adequate space shall be reserved on the sign to be updated when that information is known. Lettering for this text shall be a minimum of three (3) inches.

Section 28-13(c)(2)(E)(emphasis added).

In this case the sign has been placed far from the road and is clearly not “readable”. In order to read the sign, one must find a place to park, and then walk well into the property to read the sign, as the photo below shows:

Honorable Mayor and Council
April 29, 2024



This is a great place to put a sign, assuming one does not want anyone to read it or know about the Council meeting. Both the original sign with the Planning Commission information and the current sign are placed in locations making them very difficult to read from the street, unless one happens to be carrying binoculars on one's person.

In addition, the above problem was exacerbated by the lettering of the text, barely more than one inch, not the required three inches:

Honorable Mayor and Council
April 29, 2024



That was the first sign. And then it happened again with the second, current sign that gives notice of today's meeting, along with the poor placement:



Honorable Mayor and Council
April 29, 2024



Clearly the type does not meet the requirement of the Avondale Zoning Code.

In *Manning v. Reilly*, 2 Ariz.App. 310 (1965), the Arizona Court of Appeals pointed out that the rule governing enactment of zoning ordinances is that the statutory procedure must be strictly pursued, and an ordinance enacted without substantial compliance with the statutory requirements is void. *See also Wood v. Town of Avondale*, 72 Ariz. 217, 232 P.2d 963 (1951)(striking down a zoning ordinance which had been enacted without following the notice requirements of the state statute in effect at the time).

Along the same lines, another state court posed the question, and answer, this way:

As to whether the failure to follow statutory notice requirements renders an ordinance invalid, the rule is summarized in 96 ALR2d 449 annotation, “Zoning Ordinance—Notice Requirements,” at 455–456: Regardless of the type of notice called for by the statute, the basic requirement that notice be given is uniformly held to impose upon the zoning authority a mandatory duty to give it, in default of which jurisdiction to pass valid zoning measures is lacking. The rule that compliance with the statute is mandatory and jurisdictional has been announced in scores of cases and appears to prevail in every jurisdiction where the question has been presented.... measures passed in contravention of notice requirements are invalid.

Fountain v. City of Jacksonville, 447 So.2d 353, 355 (Fla.App. 1984).

Clearly the required notice has not been given. Any action the Council could take would be invalid anyway. *Id.*

2. THIS APPEAL CANNOT BE HEARD BY THE COUNCIL IN THE ABSENCE OF ACTUAL FINDINGS BY THE PLANNING COMMISSION TO SERVE AS A BASIS FOR REVIEWING THE PLANNING COMMISSION’S DECISION

Section 28-8(i)(3) of the Avondale Zoning Code states that, in the event of an appeal, “[t]he city council shall base its decision on the written findings previously issued by the planning commission, applicable law, the review criteria stipulated in this section and guidelines promulgated by the department.” (Emphasis added).

Here, there were no written findings from the Planning Commission, so there is nothing for this Council to consider, and it does not have jurisdiction to hear the

Honorable Mayor and Council
April 29, 2024

appeal. These written findings are clearly required for the Council to ascertain whether to sustain the Planning Commission's decision on appeal. It is clear from the Avondale Code that the role of the City Council is a very limited one and it is to focus on whether the Planning Commission's decision, as embodied in their findings, is consistent with applicable law, the review criteria, and any department guidelines, of which there apparently are none. Absent findings, the role of the City Council turns into an unlimited one that displaces the Planning Commission instead of being a review of the Planning Commission's actual findings.

In this instance, Council lacks jurisdiction to hear an appeal, as it is the longstanding law in this state that the legal process required to initiate an appeal must be strictly followed to vest the body hearing the appeal with jurisdiction. *Arizona Corp. Com'n v. Pacific Motor Trucking Co.*, 83 Ariz. 135, 137 (Ariz. 1957) (overturned on other grounds, *Hanen v. Willis*, 102 Ariz. 6 (1967)).

Here, it was incumbent on the applicant to secure actual findings by the Planning Commission. Its failure to do so deprives the Council of its ability to review the Planning Commission decision.

3. DRAINAGE ISSUES

The City of Avondale was sent certified mail on February 1, 2024 on the updated Federal assessments for Flooding for Dysart Ranch and surrounding north Avondale property owners. The FEMA notice to the Mayor and City of Avondale engineers and staff required the City of Avondale to notice property owners of the FEMA update.

FEMA notice is an official federal report and provides updated information for flood calculations to City of Avondale Planners to produce reports and approve building plans and create final recommendations for the City Council and City Zoning Board to consider. The FEMA letter has not been sent to homeowners, to the HOA of Dysart Ranch, and this letter data is not incorporated into current conditional use permit applications under consideration.

In the case of PL-23-0303, the City and Mayor were aware of the FEMA notice as of February 2024. This date predates City staff recommendation to approve this application (which recommendation, of course, the Planning Commission did not follow). FEMA datasets change any and all current and future planning constants for applications before the city staff. Many residents are in A and AE zone- this is not 100 year flood designation, but is a 25% chance of flooding over the course of a 30 year mortgage. Disregarding the request from FEMA to the Mayor to notice affected voters, or approving applications despite the notice and the risks imposed may cause injury to the home owners and to us appears actionable. Most of Dysart

Honorable Mayor and Council
April 29, 2024

Ranch's HOA dues are currently used to maintain the Dysart Channel and drainage basin that the project refers to as the area that the water "naturally flows" to. Based on what the applicant has presented inappropriate attention has been paid to the flooding and drainage issues, the A and AE zones and the already existing flood risk to surrounding areas.

Poor drainage, or allowing runoff from one's property on to another's may be a common law nuisance as well.

4. OTHER QUESTIONABLE CONDUCT

At times it has seemed like the developer and the staff are acting in concert. While the staff has been sure to keep the public at arms' length from the Councilmembers due to the quasi-judicial nature of these proceedings, the developer and its attorney have seemed to enjoy unfettered access to assist the developer with its appeal.

The developer also seems to have been sent documents without having to submit public records requests, even though for the opponents the City always puts them through the paces by making them go through the formal process and make a formal request. In fact, the staff seems to bend over backwards to provide public records to the applicant as soon as possible, and in a well-organized fashion.

Lastly, the City staff has been courteous enough to the developer to redact his personal information:

APPLICANT INFORMATION (Single point of contact)		PROPERTY OWNER INFORMATION	
NAME	Guardian Storage III, LLC	NAME	Guardian Storage III, LLC
ADDRESS			
CITY, ST			
PHONE			
Review			
EMAIL			
APPLICATION FEES (STAFF ONLY)			
BASE FEE:	CUP for Authorized Use	\$1,250	
	CUP for Un-authorized Use	\$2,500	
BASE FEE SUBTOTAL			\$
TOTAL AMOUNT DUE			\$

Handwritten initials: DA

No such courtesy has been afforded the opponents, whose full personal information has been readily provided to the developer's attorney, allowing him to make multiple unwelcome contacts with various opponents of the application.

Honorable Mayor and Council
April 29, 2024

5. THE AFFIDAVIT OF POSTING

Another matter that this Council should inquire into is the way dates were apparently changed on the Affidavit of Notification submitted by the Applicant. It appears that the "20" was changed the three times the document states the date February 20, 2024. It also does not appear that any photos were attached. It is unclear what happened there, but at a minimum, if there is a proper explanation someone should provide it.

Avondale AFFIDAVIT- NOTIFICATION OF PUBLIC HEARING
Aspiring. Achieving. Accelerating.

Date: 2-20-24

Case Number: PL-23-0303 Project Name: Extra Space Storage
Project Location/Address: 13455 W. Osborn Rd.

In order to assist in providing adequate notice to interested parties, the applicant for any case requiring a public hearing in the City of Avondale must do the following **no less than 15 calendar days** prior to the first public hearing:

1. **Newspaper:** Publish a legal ad a minimum of 1/8th page in the Wednesday edition of the Southwest Valley Arizona Republic giving notice of the date, time, and place of the scheduled public hearing, as well as describe the nature of the request as contained on the formal zoning application.
The tear sheet for this notification is to be submitted with this affidavit.
2. **Sign:** Sign notification requirement for the required Neighborhood Meeting and Public hearings is covered during the Neighborhood Meeting notification stage. However, it is the responsibility of the applicant to erect and maintain the sign on the subject property, and to maintain the hearing information on the sign until final disposition of the case.
Photos of any subsequent changes made to the content listed on the sign must be submitted to Planning Division staff submitted with this affidavit.

I, Paul Hedges, certify that I am the authorized applicant to the City of Avondale for the above application, and do hereby affirm the following:

1. The legal ad has been prepared and published in the Southwest Valley Arizona Republic Newspaper as required by the Public Participation packet prepared by Planning Division staff for the case noted above and the tear sheet for this notice has also been submitted.
2. The sign has been posted and maintained as required by the Public Participation packet prepared by Planning Division Staff for the case noted above and photos of any subsequent changes/updates made to the sign have also been submitted.

Applicant/Representative Signature: [Signature] Date: 2-20-24

STATE OF Arizona)
County of Maricopa) ss.

The foregoing instrument was acknowledged before me this 20th day of February, 2024.

6. CONCLUSION

The applicant has not met the criteria necessary to secure a conditional use permit. And this appeal is legally defective. This Council should dismiss it.

Very truly yours,

TIMOTHY A. LA SOTA, PLC

Timothy La Sota

Timothy A. La Sota

cc: Nichole Harris, City Attorney

Note from the City Clerk:

The following individuals do want to speak at the meeting.

In Opposition

1. Andrea Sandoval
2. Art Crisostomo
3. Benjamin Grassi
4. Dysart Ranch Community Coalition
5. Laida Fonte
6. Eric Blocher
7. Greg D
8. Timothy La Sota
9. Arthur Crisostomo

Contact Information

First Name

Andrea

Last Name

Sandoval

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

(o) Yes, I would like to speak at the meeting.

Note: If you prefer to NOT speak before the Council, the City Clerk will present your comments to the City Council during the meeting.

Is this regarding an item on the meeting agenda?

(o) Yes, this is related to an item on the agenda.

Agenda Item #Appeal of CUP from App PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

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Thank you,
City of Avondale

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Contact Information

First Name

Art Crisostomo

Last Name

Crisostomo

Phone

Email

Street Address

Not answered

City

Do you wish to speak at the meeting?

(o) Yes, I would like to speak at the meeting.

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Agenda Item #PL-23-0303

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

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City of Avondale

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Contact Information

First Name

Benjamin

Last Name

Grassi

Phone

Email

Street Address

City

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Agenda Item # Not sure how to find this....the
Storage Facility Nonsense

Page 2

Please tell us your position on the agenda item.

(o) I am OPPOSED to this agenda item.

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Contact Information

First Name	Dysart Ranch	Last Name	Community Coalition
Phone		Email	Not answered
Street Address	Not answered	City	Not answered

Do you wish to speak at the meeting?

☐ Yes, I would like to speak at the meeting.

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Is this regarding an item on the meeting agenda?

☐ Yes, this is related to an item on the agenda.

Agenda Item #APPEAL PL-23-0303

Page 2

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Contact Information

First Name

Laida

Last Name

Fonte

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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Appeal PL-23-0303

Page 2

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Contact Information

First Name

Eric

Last Name

Blocher

Phone

Email

Street Address

City

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Appeal PL-23-0303

Page 2

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Contact Information

First Name

Greg

Last Name

D

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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APPEAL PL-23-0303

Page 2

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Contact Information

First Name

TIMOTHY

Last Name

LA SOTA

Phone

Email

Street Address

City

Do you wish to speak at the meeting?

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Agenda Item # 2

Page 2

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City of Avondale

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Contact Information

First Name

Arthur

Last Name

Crisostomo

Phone

[REDACTED]

Email

Not answered

Street Address

Not answered

City

[REDACTED]

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PL-23-0303

Page 2

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