City Council Regular Meeting
City Hall - Council Chambers
1900 N. Civic Square
Goodyear, AZ 85395
Monday, June 26, 2023
Immediately following the Joint Community Facilities District Meeting that begins at 5:00 PM
AMENDED 6/22/2023

Mayor
Joe Pizzillo

Vice Mayor
Laura Kaino

Councilmember
Sheri Lauritano

Councilmember
Wally Campbell

Councilmember
Bill Stipp

Councilmember
Brannon Hampton

Councilmember
Vicki Gillis



CITIZEN COMMENTS/APPEARANCES FROM THE FLOOR
Please complete a speaker card and submit it to the City Clerk prior to the meeting being convened, if possible. Each speaker is limited to three (3) minutes. Once the City Clerk has called your name, step up to the lectern and begin by clearly stating your name for the record and whether you are a Goodyear resident.

NON-AGENDA ITEMS
Members of the public may address the City Council regarding any non-agenda item within the jurisdiction of the City Council. The City Council will listen to comments and may take any of the following actions:

- Respond to criticism.
- Request that staff investigate and report on the matter.
- Request that the matter be scheduled on a future agenda.

AGENDA ITEMS
Members of the public may address the City Council regarding any item on the Consent, Public Hearing and/or Business portions of the agenda. Each speaker's name will be called in turn once the item has been reached and after City staff have completed their presentation.

PROCEDURES
Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Goodyear City Council and to the general public that the Council of the city of Goodyear will hold a meeting open to the public. Public body members of the city of Goodyear will attend either in person or by telephone conference call and/or video communication. The Goodyear City Council may vote to go into Executive Session, pursuant to A.R.S. § 38-431.03(A)(3), which will not be open to the public, to discuss certain matters. Meetings are conducted in accordance with the City Council Meetings Council Rules of Procedure adopted by Resolution No.2018-1879.



City Clerk's Office: 1900 N. Civic Square, Goodyear, AZ 85395 (623) 882-7830
www.goodyearaz.gov/cityclerk
City Council Meeting Live Broadcast: https://www.facebook.com/goodyearazgov/videos

Monday, June 26, 2023 **Meeting Agenda**

Immediately following the Joint Community Facilities District Meeting that begins at 5:00 p.m.

Amended on 6/22/2023 - to add Item #14

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE AND INVOCATION BY COUNCILMEMBER HAMPTON

COMMUNICATIONS

1. **POLICE CHIEF SANTIAGO RODRIGUEZ WILL PRESENT A TOKEN OF GRATITUDE TO SERGEANT SEAN CLARKE FOR HIS 29 YEARS OF SERVICE TO THE CITY OF GOODYEAR**

APPOINTMENTS

2. **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

   RECOMMENDATION

   Approve the appointments and re-appointments to the Boards, Commmissions and Committees. (Darcie McCracken, City Clerk)

CITIZEN COMMENTS/APPEARANCES FROM THE FLOOR

CONSENT

3. **APPROVAL OF MINUTES**

   RECOMMENDATION

   Approve the draft minutes from Special Meetings held June 9, 2023 and June 12, 2023 (2) and the Regular Meeting held June 12, 2023. (Darcie McCracken, City Clerk)

4. **APPROVAL OF NEW SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR ROCK N ROLL SUSHI**

   RECOMMENDATION

Recommend approval to the Arizona Department of Liquor Licenses and Control (DLLC) of Application No. 245845, a request by Andrea Dahlman Lewkowitz, agent for Rock N Roll Sushi for a new series 12 liquor license. Rock N Roll Sushi is located at 15611 W McDowell Rd., Ste 110, Goodyear, AZ 85395. (Darcie McCracken, City Clerk)

5. **FY2023-2024 COMMUNITY FUNDING RECOMMENDATIONS**

RECOMMENDATION

Approve the recommended allocations for FY2023-2024 Community Funding. (Christina Panaitescu, Grants & Neighborhood Services Supervisor)

6. **SET THE PRIMARY AND SECONDARY PROPERTY TAX LEVIES FOR FY2024**

RECOMMENDATION

ADOPT ORDINANCE NO. 2023-1573 LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF GOODYEAR, SUBJECT TO PRIMARY AND SECONDARY TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNTS ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET FOR THE PURPOSE OF PAYING FOR VARIOUS EXPENSES; TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUES; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING PRINCIPAL AND INTEREST UPON BONDED INDEBTEDNESS; ALL FOR FISCAL YEAR ENDING THE 30TH DAY OF JUNE 2024 AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE. (Ryan Bittle, Finance Manager - Budget)

7. **LIBRARY ASSISTANCE PROGRAM IGA WITH MARICOPA COUNTY LIBRARY**

RECOMMENDATION

Approve an Intergovernmental Agreement with the Maricopa County Library District for acceptance of Library Assistance Program funds for the Georgia T. Lord Library. The IGA will cover the period of July 1, 2023, through June 30, 2028. (Guylene Ozlanski, Arts & Culture Administrator)

8. **AUTHORIZATION OF EXPENDITURE OF CONSTRUCTION FUNDS FOR APPROVED CAPITAL IMPROVEMENT (CIP) PROJECT #42023 - BULLARD AVENUE WIDENING**

RECOMMENDATION

Authorize the expenditure of funds for the Bullard Avenue Widening project in an amount not to exceed $1,333,837.50. (Allan Smolko, Senior Project Manager)

9. **DECLARATION OF RIGHT-OF-WAY WITHIN A SECTION OF SOUTH 173RD AVENUE**

RECOMMENDATION

ADOPT RESOLUTION NO. 2023-2325 DECLARING AS PUBLIC RIGHT-OF-WAY CITY-OWNED PROPERTY LOCATED WITHIN A SECTION OF THE SOUTH 173rd AVENUE ALIGNMENT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Kevin Spicer, Real Estate Services Specialist)

10. **APPROVE BUDGET AMENDMENTS & RELATED EXPENDITURE AUTHORITY**

RECOMMENDATION

Approve budget amendments & related expenditure authority. (Ryan Bittle, Finance Manager)

11. **APPROVE EXPENDITURE UP TO $1,177,500 FOR CLEVELAND GUARDIANS COMPLEX IMPROVEMENTS**

RECOMMENDATION

Approve expenditure of $1,177,500 for Cleveland Guardians Complex improvements. (Bruce Kessman, Deputy Director Ballpark)

12. **GRANT OF AN ACCESS EASEMENT OVER CITY PROPERTY AT THE INTERSECTION OF W. KENDALL STREET AND SOUTH 173RD AVENUE**

RECOMMENDATION

Approve the Artesian Casitas Access Easement between 29SC Cotton Property owner, LLC and the City of Goodyear granting an Easement over a portion of city owned property at the intersection of W. Kendall Street and South 173rd Avenue. (Kevin Spicer, RWA-GN, Real Estate Specialist)

13. **RE-PLAT OF ARTESIAN CASITAS AT WEST GOODYEAR**

RECOMMENDATION

Approve the Re-Plat of Artesian Casitas at West Goodyear subdividing approximately 39 acres at the southeast corner of Lower Buckeye Road and 173rd Avenue (the “Property’) into two (2) and dedicating public streets and easements, subject to stipulations. (Marty Crossland, Deputy Director of Engineering Development)

14. **FOURTH AMENDMENT TO THE INFRASTRUCTURE DEVELOPMENT AGREEMENT FOR PROJECT 10-11**

RECOMMENDATION

ADOPT RESOLUTION NO. 2023-2323 APPROVING THE FOURTH AMENDMENT TO THE INFRASTRUCTURE DEVELOPMENT AGREEMENT FOR PROJECT 10-11; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE FOURTH AMENDMENT; PROVIDING AUTHORIZATION FOR FUTURE ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (Sarah Chilton, Deputy City Attorney and Andy Granger, Deputy City Manager)

PUBLIC HEARINGS

The following actions will take place for each public hearing item:

A. Open the Public Hearing
B. Staff Presentation
C. Applicant Presentation (if applicable)
D. Receive Public Comment
E. Close the Public Hearing

15. **USE PERMIT FOR A CONVENIENCE USE (QUICKTRIP AT YUMA AND 173RD)**
This item has been continued to July 10, 2023.

16. **USE PERMIT FOR A SELF STORAGE FACILITY AT WILLIS AND RAINBOW VALLEY ROAD**
This item has been continued to July 10, 2023.

17. **DEVELOPMENT IMPACT FEE AUDIT**

RECOMMENDATION

Accept the Development Impact Fee Audit. (Jared Askelson, Deputy Finance Director).

18. **USE PERMIT FOR A CONVENIENCE USE AT THE SOUTHEAST CORNER OF SARIVAL AND YUMA, WITHIN PUEBLO VERDE COMMERCIAL**

RECOMMENDATION

Approve the request for a Use Permit for a convenience use for a drive-through restaurant on an approximately 1.28-acre portion legally described in that certain document titled Site Plan for McDonald's (the "Property") of a larger 3.16-acre property zoned Planned Area Development (PAD) with an underlying zoning of C-1 (Neighborhood Commercial) located at the southeast corner of Sarival Avenue and Yuma Road, within the Pueblo Verde PAD, subject to stipulations. (Christian M. Williams, Principal Planner)

19. **USE PERMIT FOR A CONVENIENCE USE (CIRCLE K CONVENIENCE STORE WITH A GAS STATION)**

RECOMMENDATION

This is a continuation of the public hearing that was opened previously on April 24, 2023.

Approve the Use Permit request for a Convenience Use (Circle K convenience store with a gas station) on Parcels 4 and 5 of the final plat of the PV303 East II Phase 1 recorded on February 16, 2018 in the official records of Maricopa County at Book 1370 of Maps Page 10 (Instrument 20180122777) (the "Property") subject to stipulations. (Katie Wilken, Deputy Director of Planning, DSD)

BUSINESS

20. **ADOPTION OF RESOLUTION AND BY-LAWS FOR ESTABLISHMENT OF CITIZEN WATER ADVISORY COMMITTEE**

RECOMMENDATION

ADOPT RESOLUTION NO. 2023-2312 ESTABLISHING A CITIZEN WATER ADVISORY COMMITTEE; ADOPTING BY-LAWS FOR THE CITIZEN WATER ADVISORY COMMITTEE; AUTHORIZING STAFF TO TAKE ALL ACTIONS NECESSARY TO CARRY OUT THE INTENT OF THE RESOLUTION AND BY-LAWS; AND ESTABLISHING AN EFFECTIVE DATE. (Barbara Chappell, Water Services Director)

INFORMATION ITEMS

Comments, commendations, report on current events and presentations by Mayor, Councilmembers, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. § 38-431.02.

- Reports from the Mayor and City Council
  This may include current events and activities as well as requests for information or future agenda items.
- Report from the City Manager
  This may include updates from events, staff summary, update of legislative issues, clarification on items being requested by City Council and Manager's update on Council Related Matters.

FUTURE MEETINGS

Future meetings are tentatively scheduled as follows:

Juy 10, 2023	Council Meeting	5:00 p.m.

ADJOURNMENT

THE CITY OF GOODYEAR ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48-hour advance notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (623) 882-7830 or Arizona Relay (TDD) 7-1-1 to request an accommodation to participate in this public meeting.

For Non-English assistance please contact the City Clerk at (623) 882-7830.

Si necesita asistencia o traducción en español, favor de llamar al menos 48 horas antes de la reunión al (623) 882-7830.

POSTING VERIFICATION
This agenda was amended and posted on 6/22/2023 at 5:00 p.m. by VM.

ITEM #: 1.
DATE: 06/26/2023
AI #:1544

CITY COUNCIL COMMUNICATION

STAFF PRESENTER(S): Santiago Rodriguez, Chief of Police

SUBJECT:

POLICE CHIEF SANTIAGO RODRIGUEZ WILL PRESENT A TOKEN OF GRATITUDE TO SERGEANT SEAN CLARKE FOR HIS 29 YEARS OF SERVICE TO THE CITY OF GOODYEAR

ITEM #: 2.
DATE: 06/26/2023
AI #:1546

CITY COUNCIL ACTION REPORT

SUBJECT: APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

STAFF PRESENTER(S): Darcie McCracken, City Clerk

SUMMARY

Approve the recommendations of the Council Subcommittee: Boards, Commissions and Committees.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Approve the appointments and re-appointments to the Boards, Commmissions and Committees. (Darcie McCracken, City Clerk)

FISCAL IMPACT

There is no direct fiscal impact associated with these appointments.

BACKGROUND AND PREVIOUS ACTIONS

The City Council Subcommittee: Boards, Commissions and Committees met on June 7, 2023. After review of the applications and interviews, the Subcommittee recommends the following appointments:

COUNCIL COMPENSATION COMMITTEE

NAME	BEGINS	EXPIRES
Robert Paine	June 27, 2023	August 30, 2025 (completing term of another)

YOUTH COMMISSION - RE-APPOINTMENTS

NAME	BEGINS	EXPIRES
Azyus Byrd	July 1, 2023	June 30, 2024
Krislyn Lyons	July 1, 2023	June 30, 2025
Emily McGee	July 1, 2023	June 30, 2025
Emma Yocopis	July 1, 2023	June 30, 2024

YOUTH COMMISSION - APPOINTMENTS

NAME	BEGINS	EXPIRES
Omar Abdul-Gawad	July 1, 2023	June 30, 2024
Corina Butierez	July 1, 2023	June 30, 2024
Alexander Godbold	July 1, 2023	June 30, 2025
Mia Ishay	July 1, 2023	June 30, 2025
Kadin Keller	July 1, 2023	June 30, 2025
Ethan Murillo	July 1, 2023	June 30, 2025
Sebastian Orozco	July 1, 2023	June 30, 2024
Analicia Ortiz	July 1, 2023	June 30, 2024
Aariya Singh	July 1, 2023	June 30, 2025
Ameera Singh	July 1, 2023	June 30, 2025
Aleena Torres	July 1, 2023	June 30, 2025
Skylar Turner	July 1, 2023	June 30, 2025

ITEM #: 3.
DATE: 06/26/2023
AI #:1171

APPROVAL OF MINUTES

SUBJECT
APPROVAL OF MINUTES

RECOMMENDATION
Approve the draft minutes from Special Meetings held June 9, 2023 and June 12, 2023 (2) and the Regular Meeting held June 12, 2023. (Darcie McCracken, City Clerk)

Attachments

June 9, 2023 Special Meeting draft Minutes
June 12, 2023 Special Meeting 1 draft minutes
June 12, 2023 Regular Meeting draft minutes
June 12, 2023 Special Meeting 2 draft minutes

City Council Special Meeting
City Hall - Civic Square Conference Room
1900 N. Civic Square
Goodyear, AZ 85395

Friday, June 9, 2023	3:00 p.m.	Meeting Minutes

CALL TO ORDER

Mayor Pizzillo called the Special Meeting to order at 3:03 p.m.

ROLL CALL

Present:	**Mayor Joe Pizzillo**; **Vice Mayor Laura Kaino**; **Councilmember Sheri Lauritano**; **Councilmember Wally Campbell**; **Councilmember Bill Stipp**
Absent:	**Councilmember Brannon Hampton**; **Councilmember Vicki Gillis**
Staff Present:	City Manager Wynette Reed; City Attorney Roric Massey; City Clerk Darcie McCracken
Attendees:	Deputy City Manager Andy Granger, Deputy City Manager Justin Fair, Development Services Director Christopher Baker

MOTION BY Councilmember Bill Stipp, **SECONDED BY Councilmember Sheri Lauritano** to EXCUSE Councilmember Hampton and Councilmember Gillis. The motion carried as follows:

AYE: **Mayor Joe Pizzillo**, **Vice Mayor Laura Kaino**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**

Passed - Unanimously

BUSINESS

A VOTE MAY BE HELD TO CALL AN EXECUTIVE SESSION FOR THE FOLLOWING:

1. Pursuant to A.R.S. §38-431.03(A) (3): Discussion and consultation with the City Attorney for legal advice regarding the pending use permit application for a convenience use for a Circle K store.

MOTION BY Councilmember Wally Campbell, **SECONDED BY Vice Mayor Laura Kaino** to CONVENE an Executive Session. The motion carried as follows:

AYE: **Mayor Joe Pizzillo**, **Vice Mayor Laura Kaino**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**

Passed - Unanimously

Council moved into the Executive Session at 3:04 p.m.

ADJOURNMENT OF EXECUTIVE SESSION

Mayor Pizzillo adjourned the Executive Session at 3:45 p.m.

RECONVENING OF SPECIAL MEETING

Mayor Pizzillo reconvened the Special Meeting at 3:45 p.m.

ADJOURNMENT

There being no further business to discuss, Mayor Pizzillo adjourned the Special Meeting at 3:45 p.m.

_____ _____

Darcie McCracken, City Clerk Joe Pizzillo, Mayor

Date:_____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the CITY COUNCIL SPECIAL MEETING of the city of Goodyear, Arizona, held on June 9, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2023. SEAL:

_____

Darcie McCracken, City Clerk

City Council Special Meeting
City Hall - Council Chambers
1900 N. Civic Square
Goodyear, AZ 85395

Monday, June 12, 2023	4:30 p.m.	Meeting Minutes

CALL TO ORDER

Mayor Pizzillo called the Special Meeting to order at 4:30 p.m.

ROLL CALL

Present: **Mayor Joe Pizzillo**; **Vice Mayor Laura Kaino**; **Councilmember Sheri Lauritano**; **Councilmember Wally Campbell**; **Councilmember Bill Stipp**; **Councilmember Brannon Hampton**; **Councilmember Vicki Gillis**

Staff Present: City Manager Wynette Reed; Deputy City Attorney Sarah Chilton; City Clerk Darcie McCracken

BUSINESS

A VOTE MAY BE HELD TO CALL AN EXECUTIVE SESSION FOR THE FOLLOWING:

1. Pursuant to A.R.S. § 38-430.03(A)(1) & (A)(3): Legal advice and discussion or consideration of employment, assignment, and appointment, of the position of Presiding Judge.

MOTION BY Councilmember Bill Stipp, **SECONDED BY Vice Mayor Laura Kaino** to CONVENE an Executive Session. The motion carried as follows:

AYE: **Mayor Joe Pizzillo**, **Vice Mayor Laura Kaino**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Brannon Hampton**, **Councilmember Vicki Gillis**

Passed - Unanimously

Council moved into the Executive Session at 4:30 p.m.

ADJOURNMENT OF EXECUTIVE SESSION

Mayor Pizzillo adjourned the Executive Session at 5:13 p.m.

RECONVENING OF SPECIAL MEETING

Mayor Pizzillo reconvened the Special Meeting at 5:13 p.m.

ADJOURNMENT

There being no further business to discuss, Mayor Pizzillo adjourned the Special Meeting at 5:13 p.m.

_____ _____

Darcie McCracken, City Clerk Joe Pizzillo, Mayor

Date:_____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the CITY COUNCIL SPECIAL MEETING of the city of Goodyear, Arizona, held on June 12, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2023. SEAL:

_____

Darcie McCracken, City Clerk

City Council Regular Meeting
City Hall - Council Chambers
1900 N. Civic Square
Goodyear, AZ 85395

Monday, June 12, 2023 **Meeting Minutes**

Immediately Following the Joint Community Facilities District Special Meeting

CALL TO ORDER

Mayor Pizzillo called the Regular Meeting to order at 5:22 p.m.

ROLL CALL

Present: **Mayor Joe Pizzillo**; **Vice Mayor Laura Kaino**; **Councilmember Sheri Lauritano**; **Councilmember Wally Campbell**; **Councilmember Bill Stipp**; **Councilmember Brannon Hampton**; **Councilmember Vicki Gillis**

Staff Present: City Manager Wynette Reed; Deputy City Attorney Sarah Chilton; City Clerk Darcie McCracken

PLEDGE OF ALLEGIANCE AND INVOCATION BY COUNCILMEMBER STIPP

CITIZEN COMMENTS/APPEARANCES FROM THE FLOOR

Joy Peterson, a Goodyear resident, spoke about new buildings that are now blocking her view of the sunset. Mayor Pizzillo commented that there were only certain things that could be built in that area due to noise contours around Luke Air Force Base.

CONSENT

MOTION BY Councilmember Wally Campbell, **SECONDED BY Councilmember Bill Stipp to APPROVE Consent Agenda Items 1 through 8. The motion carried as follows:**

AYE: **Mayor Joe Pizzillo**, **Vice Mayor Laura Kaino**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Brannon Hampton**, **Councilmember Vicki Gillis**

Passed - Unanimously

1. **APPROVAL OF MINUTES**
Approve the draft meeting minutes from the Special Meetings of May 15, 2023 and May 17, 2023 and the Regular Meeting of May 22, 2023. (Darcie McCracken, City Clerk)

2. **RECOMMEND APPROVAL FOR A NEW CLASS B BINGO LICENSE**

RECOMMENDATION
Recommend approval to the Arizona Department of Revenue (ADOR) for a Class B bingo license, submitted by John Fournier, Administrator for the Avondale Moose Lodge, for bingo games to be held at 1572 S. Cotton Ln, Goodyear, AZ, 85338. (Corinne Ferguson, Deputy City Clerk)

3. **APPROVAL OF NEW SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR WAFFLETTO COFFEE & WAFFLES**

RECOMMENDATION
Recommend approval to the Arizona Department of Liquor Licenses and Control (DLLC) of Application No. 236460, a request by Juanita Alicia Esparza, agent for Waffletto Coffee & Waffles for a new Series 12 liquor License. Waffletto Coffee & Waffles is located at 406 N. Litchfield Rd. #208, Goodyear, AZ 85338 (generally located N of Van Buren and W of Litchfield Rd.). (Darcie McCracken, City Clerk)

4. **INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR INDIAN SCHOOL ROAD & PERRYVILLE ROAD INTERSECTION IMPROVEMENTS**

RECOMMENDATION
ADOPT RESOLUTION NO. 2023-2313 APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR INDIAN SCHOOL ROAD AND PERRYVILLE ROAD INTERSECTION IMPROVEMENTS, PROVIDING AUTHORIZATION, DIRECTION, AND AN EFFECTIVE DATE. (Hugh Bigalk, P.E., City Traffic Engineer)

5. **DEDICATION OF RIGHT OF WAY REQUIRED FOR THE BULLARD AVENUE WIDENING AT SOUTHBOUND VAN BUREN PROJECT**

RECOMMENDATION
Authorize the acceptance and execution of Special Warranty Deed from Squaw Peak Goodyear LLC, an Arizona limited liability company conveying right-of-way to the City. (Kimberly Romero, Real Estate Coordinator)

6. **APPROVE AMENDMENT 12 TO THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF GOODYEAR AND THE REGIONAL PUBLIC TRANSIT AUTHORITY FOR THE CONTINUED PROVISION OF ACCESSIBLE TRANSIT SERVICES**

RECOMMENDATION
Authorize the City Manager to approve Transit Services Amendment 12 between the City of Goodyear and the Regional Public Transit Authority (RPTA) for the continued provision of transit services in Goodyear and related FY2024 budget transfer. (Christine McMurdy, Project Management Coordinator)

7. **APPROVE EXPENDITURE UP TO $1,000,000 FOR THE MID-TERM UPDATE OF THE INTEGRATED WATER MASTER PLAN (PROJECT 60079)**

RECOMMENDATION
Approve expenditure of funds up to $1,000,000 for the mid-term update of the Integrated Water Master Plan to include the submission/renewal of a Designation of Assured Water Supply (DAWS) application. (Ray Diaz, Water Resources and Sustainability Manager)

8. **RESOLUTION 2023-2324 AMENDING "POLICY 600 ATTENDANCE AND LEAVE", AS AN AMENDMENT TO THE "CITY OF GOODYEAR POLICY AND ADMINISTRATIVE GUIDELINES MANUAL"**

RECOMMENDATION
ADOPT RESOLUTION NO. 2023-2324 AMENDING "POLICY 600 ATTENDANCE AND LEAVE," AS AN AMENDMENT TO THE "CITY OF GOODYEAR POLICY AND ADMINISTRATIVE GUIDELINES MANUAL." (Vicki Lackey, Human Resources Deputy Director)

PUBLIC HEARINGS

9. **PROPOSED PROPERTY TAX LEVY FOR FY2024 (TRUTH-IN-TAXATION HEARING) AND ON PROPOSED FINAL BUDGET ADOPTION FOR FY2024 AND APPROVAL OF TRUTH IN TAXATION INCREASE BY ROLL CALL VOTE**

Mayor Pizzillo opened the Public Hearing at 5:28 p.m.

Finance Manager, Budget and Research, Ryan Bittle presented information about the budget process and the requirements for a public hearing, special meeting and roll call vote for the Truth in Taxation increase.

Mr. Bittle reviewed the budget and emphasized that nothing had changed from the tentative budget adopted at the May 22, 2023 Council Meeting. He spoke about where the money comes from (revenue) and where the money goes (expenses).

Mr. Bittle then reviewed the tax increase. He said that the State Constitution limits the annual levy increase to no more than 2%. He added that the Truth-in-Taxation amount is $258,247 and the process outlined in statute was followed. He continued that any increase a city of Goodyear property owner may see is likely due to an increase in the value of the home as the rate has not changed.

Mayor Pizzillo closed the Public Hearing at 5:36 p.m.

Council inquired what the rationale was behind having multiple meetings right after the other to adopt the budget and have the public hearings.

Council highlighted that over half of the General Fund goes to funding public safety.

MOTION BY Councilmember Bill Stipp, **SECONDED BY Councilmember Brannon Hampton to APPROVE the Property Tax Levy increase. The motion carried upon a VOICE ROLL CALL VOTE as follows:**

AYE: **Mayor Joe Pizzillo**, **Vice Mayor Laura Kaino**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Brannon Hampton**, **Councilmember Vicki Gillis**

Passed - Unanimously

BUSINESS

10. **DEVELOPMENT AGREEMENT FOR BULLARD AVENUE IMPROVEMENTS**

Engineering Director Stephen Scinto reviewed the development agreement.

Council verified that the city would widen the road and be reimbursed in the future from the developer. Mr. Scinto agreed that would be the order of events.

MOTION BY Vice Mayor Laura Kaino, **SECONDED BY Councilmember Bill Stipp to ADOPT RESOLUTION NO. 2023-2320, APPROVING THE DEVELOPMENT AGREEMENT FOR BULLARD AVENUE IMPROVEMENTS WITH SQUAW PEAK GOODYEAR, LLC AN ARIZONA LIMITED LIABILITY COMPANY; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE SAID DEVELOPMENT AGREEMENT; PROVIDING AUTHORIZATION FOR FUTURE ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. The motion carried as follows:**

AYE: **Mayor Joe Pizzillo**, **Vice Mayor Laura Kaino**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Brannon Hampton**, **Councilmember Vicki Gillis**

Passed - Unanimously

INFORMATION ITEMS

There were no information items.

FUTURE MEETINGS

Future meetings are tentatively scheduled as follows:

June 26, 2023	Council Meeting	5:00 p.m.

ADJOURNMENT

There being no further business to discuss, Mayor Pizzillo adjourned the Regular Meeting at 5:43 p.m.

_____ _____

Darcie McCracken, City Clerk Joe Pizzillo, Mayor

Date:_____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the CITY COUNCIL REGULAR MEETING of the city of Goodyear, Arizona, held on June 12, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2023. SEAL:

_____
Darcie McCracken, City Clerk

City Council Special Meeting
City Hall - Council Chambers
1900 N. Civic Square
Goodyear, AZ 85395

Monday, June 12, 2023 **Meeting Minutes**

Immediately Following the Regular Meeting

CALL TO ORDER

Mayor Pizzillo called the Special Meeting to order at 5:43 p.m.

ROLL CALL

Present: **Mayor Joe Pizzillo**; **Vice Mayor Laura Kaino**; **Councilmember Sheri Lauritano**; **Councilmember Wally Campbell**; **Councilmember Bill Stipp**; **Councilmember Brannon Hampton**; **Councilmember Vicki Gillis**

Staff Present: City Manager Wynette Reed; Deputy City Attorney Sarah Chilton; City Clerk Darcie McCracken

BUSINESS

1. **FINAL ADOPTION OF THE FY2024 BUDGET**

Ryan Bittle, Finance Manager, did not have anything to add after his comments during the Regular Meeting.

MOTION BY Councilmember Brannon Hampton, **SECONDED BY Councilmember Sheri Lauritano to ADOPT RESOLUTION NO. 2023-2318 DETERMINING AND ADOPTING THE FINAL ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES FOR THE CITY OF GOODYEAR FOR FY2024 BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024. The motion carried as follows:**

AYE: **Mayor Joe Pizzillo**, **Vice Mayor Laura Kaino**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Brannon Hampton**, **Councilmember Vicki Gillis**

Passed - Unanimously

[Councilmember Gillis left the meeting at 5:50 p.m.]

WORK SESSION

ALL ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN NOR WILL BE TAKEN.

2. **DEVELOPMENT SERVICES DEPARTMENT – CONTINUOUS IMPROVEMENT UPDATE**

Development Services Director Christopher Baker introduced himself and Katie Wilken, Deputy Director of Planning. Ms. Wilken spoke about a survey that indicated that although less than 1 in three residents are satisfied with the permitting and licensing process, in Goodyear 83% of the customers said they would choose to do business again in Goodyear. She added that online payments was a factor listed across the valley.

Mr. Baker spoke about the ties to Council's strategic plan including Fiscal and Resource Management, Sense of Community, Economic Vitality and Quality of Life. Ms. Wilken spoke about the customers and the types of projects that are seen in the Development Services Department (DSD). She spoke about the survey that was done, adding that 6,000 surveys were distributed and 558 responses received.

Mr. Baker spoke about the Continuous Improvement being done in DSD which included a system to allow a consistent online application system that allowed for improved data analytics and assisted in the identification of areas for improvement. He spoke about the addition of an Express Lane that brought processing down from 4.5 days in 2021 to 2.25 days in 2023. He added that this allows Goodyear to be 33-50% more efficient than other cities. Mr. Baker continued to identify areas of process improvement.

Mr. Baker spoke about an upcoming improvement of an improved online application system which is integrated with plan review and finance software. He also provided information on several upcoming text amendments that would be coming before Council including noise revision, use permits and churches, a business park designation and an overlay to allow the Mobile community to remain rural.

Mr. Baker concluded his presentation by commenting on the areas of accomplishment, the items currently in process and the next steps.

Council commented on the timing on a Business Park designation. Mr. Baker said they could review the timing on that item.

Council thanked DSD for the presentation and commented that they looked forward to future updates.

Council inquired on the online submittal process and Mr. Baker clarified it was a "cradle to grave" system that would handle every step of the process on the submissions.

Council asked if there were any requirements to how long someone could take to complete a project. Mr. Baker stated that as long as there was at least one inspection every six months it followed the requirements of the International Building Code.

Council inquired about the notification distance. Mr. Baker said it was in city code that it would be 500 feet which is 200 feet more than required in statute. City Manager Wynette Reed commented that additional research is being done on this topic. Mr. Baker added that DSD wanted to make sure the same notification requirements would be used for all projects.

BUSINESS CONTINUED

No Executive Session was held.

ADJOURNMENT

There being no further business to discuss, Mayor Pizzillo adjourned the Special Meeting at 6:31 p.m.

_____ _____

Darcie McCracken, City Clerk Joe Pizzillo, Mayor

Date:_____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the CITY COUNCIL SPECIAL MEETING of the city of Goodyear, Arizona, held on June 12, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2023. SEAL:

_____

Darcie McCracken, City Clerk

ITEM #: 4.
DATE: 06/26/2023
AI #:1547

CITY COUNCIL ACTION REPORT

SUBJECT: APPROVAL OF NEW SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR ROCK N ROLL SUSHI

STAFF PRESENTER(S): Darcie McCracken, City Clerk

OTHER PRESENTER(S):
Andrea Dahlman Lewkowitz, Agent

SUMMARY

The applicant is requesting a recommendation of approval for a new Series 12 (Restaurant) liquor license.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Recommend approval to the Arizona Department of Liquor Licenses and Control (DLLC) of Application No. 245845, a request by Andrea Dahlman Lewkowitz, agent for Rock N Roll Sushi for a new series 12 liquor license. Rock N Roll Sushi is located at 15611 W McDowell Rd., Ste 110, Goodyear, AZ 85395. (Darcie McCracken, City Clerk)

FISCAL IMPACT

The applicant paid the $635 application fee for the liquor license per the Goodyear Municipal User Fee Schedule. The business will also contribute to the tax base of the community.

BACKGROUND AND PREVIOUS ACTIONS

Ms. Lewkowitz has applied for a new Series 12 liquor license for Rock N Roll Sushi which is set to open in the Summer of 2023.

The City Clerk's office received the application from the DLLC on May 30, 2023, and the Public Hearing notice was posted on June 2, 2023 to comply with Arizona Revised Statues §4-201(b). No petitions or protests from qualified persons were received during the comment period.

The application was routed to the Police Department and the Development Services Department (Planning & Zoning, and Building Safety), and any comments from these departments are listed below:

Department/Division	Comments
Police	None
Planning & Zoning	None
Code Compliance	None
Building Safety	None

STAFF ANALYSIS

A Series 12 liquor license is for a restaurant and is non-transferrable. This on-sale retail privileges liquor license allows the holder to sell all types of spirituous liquor solely for consumption on the premises of an establishment that derives at least forty percent (40%) of its gross revenue from the sale of food.

The DLLC requires liquor license owners, agents, and managers actively involved in the day-to-day operations of the business to complete a state-approved management training course prior to the issuance of a liquor license. The registered premise manager has completed the AZ Title IV basic and management training and employees will either complete the Title IV liquor training or attend in-house liquor training by a manager who has completed Title IV basic and management training. Managers and staff will monitor guest alcohol consumption throughout the licensed premises and will require a valid ID to purchase alcohol if the guest appears to be under the legal drinking age.

There are no licensed childcare facilities or K-12 schools within 300 feet of the location. The City Council's recommendation of "Approval", "Disapproval", or "No Recommendation" will be forwarded to the DLLC for consideration during their licensing review process.

Attachments

Redacted Application

Liquor License Evaluation Map

Liquor License within One Mile Report

State of Arizona
Department of Liquor Licenses and Control

Created 05/30/2023 @ 10:22:00 AM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	ROCK N ROLL SUSHI		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	9950 W GLENDALE AVENUE SUITE D GLENDALE, AZ 85307 USA		
Mailing Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA		
Phone:	(602)200-7222		
Alt. Phone:			
Email:	ANDREA@LEWKLAW.COM		

AGENT

Name:	ANDREA DAHLMAN LEWKOWITZ
Gender:	Female
Correspondence Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA
Phone:	(602)200-7222
Alt. Phone:	
Email:	ANDREA@LEWKLAW.COM

OWNER

Name:	RNR GLENDALE LLC		
Contact Name:	ANDREA DAHLMAN LEWKOWITZ		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	23403939	State of Incorporation:	AZ
Incorporation Date:	09/19/2022		
Correspondence Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA		
Phone:	(602)200-7222		
Alt. Phone:			
Email:	ANDREA@LEWKLAW.COM		

Officers / Stockholders

Name:	Title:	% Interest:
SCOTT WILLIAM PALMATEER	MEMBER	25.00
CHRISTOPHER JOHN KRAMOLIS	MEMBER	25.00
CRAIG L LEMIEUX AND DIANNE H LEMIEUX TRUST	MEMBER	25.00
THE JESSEN FAMILY TRUST	MEMBER	25.00

RNR GLENDALE LLC - MEMBER

Name:	CRAIG L LEMIEUX AND DIANNE H LEMIEUX TRUST		
Contact Name:	ANDREA DAHLMAN LEWKOWITZ		
Type:	TRUST		
AZ CC File Number:		State of Incorporation:	
Incorporation Date:			
Correspondence Address:	4866 COMMONWEALTH DRIVE SIESTA KEY, FL 34242 USA		
Phone:	(602)200-7222		
Alt. Phone:			
Email:	ANDREA@LEWKLAW.COM		

RNR GLENDALE LLC - MEMBER

Name:	THE JESSEN FAMILY TRUST		
Contact Name:	ANDREA DAHLMAN LEWKOWITZ		
Type:	TRUST		
AZ CC File Number:		State of Incorporation:	
Incorporation Date:			
Correspondence Address:	16269 CAMDEN LAKES CIRCLE NAPLES, FL 34110 USA		
Phone:	(602)200-7222		
Alt. Phone:			
Email:	ANDREA@LEWKLAW.COM		

THE JESSEN FAMILY TRUST - Trustee

Name:	TERRI LYN JESSEN
Gender:	Female
Correspondence Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA
Phone:	(239)877-1656
Alt. Phone:	
Email:	TERRIJESSEN15@GMAIL.COM

RNR GLENDALE LLC - MEMBER

Name:	SCOTT WILLIAM PALMATEER
Gender:	Male
Correspondence Address:	13355 S 186TH AVENUE GOODYEAR, AZ 85338 USA
Phone:	(623)349-3985
Alt. Phone:	
Email:	PALMATEERSCOTT@GMAIL.COM

CRAIG L LEMIEUX AND DIANNE H LEMIEUX TRUST - Trustee

Name:	CRAIG LAWRENCE LEMIEUX
Gender:	Male
Correspondence Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA
Phone:	(810)691-9623
Alt. Phone:	
Email:	LEMIEUXDEVELOPMENT@GMAIL.COM

THE JESSEN FAMILY TRUST - Trustee

Name:	ANDREW CARL JESSEN
Gender:	Male
Correspondence Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA
Phone:	(239)877-1657
Alt. Phone:	
Email:	ANDREWJESSEN33@GMAIL.COM

CRAIG L LEMIEUX AND DIANNE H LEMIEUX TRUST - Trustee

Name:	DIANNE HELEN LEMIEUX
Gender:	Female
Correspondence Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA
Phone:	(810)691-9625
Alt. Phone:	
Email:	DHLEMIEUX27@GMAIL.COM

RNR GLENDALE LLC - MEMBER

Name:	CHRISTOPHER JOHN KRAMOLIS
Gender:	Male
Correspondence Address:	98 WILDERNESS WAY SANTA ROSA, FL 32459 USA
Phone:	(501)352-0175
Alt. Phone:	
Email:	CKRAMOLIS@ME.COM

APPLICATION INFORMATION

Application Number:	246501
Application Type:	New Application
Created Date:	05/18/2023

QUESTIONS & ANSWERS

012 Restaurant

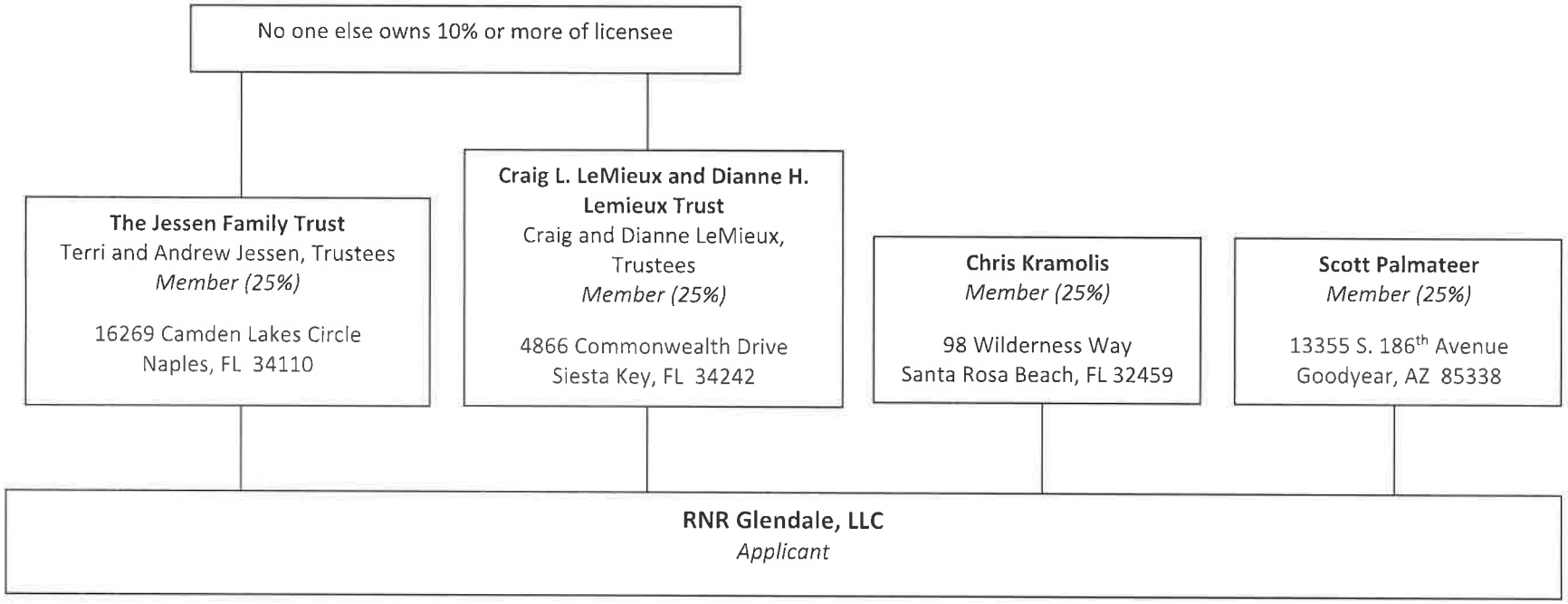
1) Are you applying for an Interim Permit (INP)?
   No
2) Are you one of the following? Please indicate below.
   Property Tenant
   Subtenant
   Property Owner
   Property Purchaser
   Property Management Company
   PROPERTY TENANT
3) Is there a penalty if lease is not fulfilled?
   Yes
   What is the penalty?
   TERMINATION AND/OR OTHER MONETARY PENALTIES
4) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
5) What is the total money borrowed for the business not including the lease?
   Please list each amount owed to lenders/individuals.
   0.00

6) Are there walk-up or drive-through windows on the premises?
   No
7) Does the establishment have a patio?
   No
8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   Yes
   If yes, what is your estimated completion date?
   JULY 2023
9) What type of business will this license be used for?
   RESTAURANT

DOCUMENTS

DOCUMENT TYPE	FILE NAME	UPLOADED DATE
DIAGRAM/FLOOR PLAN	RNR (Glendale)_Diagram.pdf	05/18/2023
ORGANIZATIONAL DOCUMENTS	RNR Glendale, LLC_Ownership.pdf	05/18/2023
RECORDS REQUIRED FOR AUDIT	RNR (Glendale)_Audit.pdf	05/18/2023
MISCELLANEOUS	RNR (Glendale)_Agt ADL (Ctzn).pdf	05/18/2023
QUESTIONNAIRE	RNR (Glendale)_Agt ADL (Q).pdf	05/18/2023
RESTAURANT OPERATION PLAN	RNR (Glendale)_ROP.pdf	05/18/2023
QUESTIONNAIRE	RNR (Glendale)_CP Kramolis (Q).pdf	05/18/2023
QUESTIONNAIRE	RNR (Glendale)_CP D LeMieux (Q).pdf	05/18/2023
QUESTIONNAIRE	RNR (Glendale)_CP A Jessen (Q).pdf	05/18/2023
QUESTIONNAIRE	RNR (Glendale)_CP T Jessen (Q).pdf	05/18/2023
QUESTIONNAIRE	RNR (Glendale)_CP C LeMieux (Q).pdf	05/18/2023
MENU	RNR (Glendale)_Menu.pdf	05/22/2023
QUESTIONNAIRE	RNR (Glendale)_CP Palmateer (Q).pdf	05/22/2023

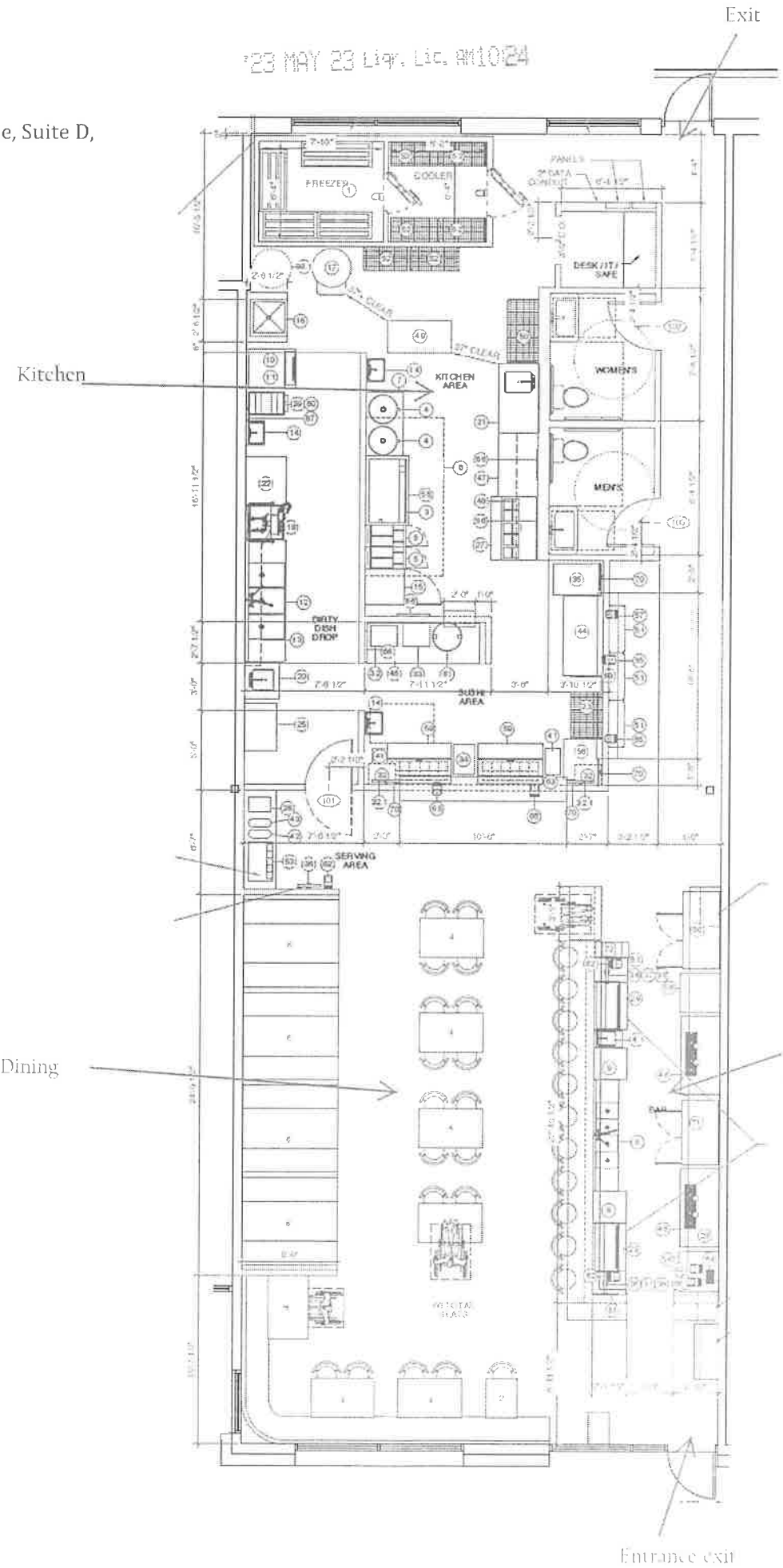
RNR Glendale, LLC
Ownership draft
April 11, 2023



23 MAY 23 PM 1:04 AZ DEPT. LIC. #10024

Rock N Roll Sushi
9950 W. Glendale Avenue, Suite D,
Glendale, AZ 85307
2,577 SF

'23 MAY 23 Liq. Lic. AM1024



'23 MAY 23 Liq. Lic. #10024

RESTAURANT/HOTEL/MOTEL OPERATION PLAN

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

1. Name of restaurant (Please print): ROCK N ROLL SUSHI

2. Must indicate the equipment below by Make, Model, and Capacity:

LIST ONLY THE FOLLOWING - NO ATTACHMENTS

Grill	GRIDDLE/ELECTRIC/COUNTERTOP (Imperial/Model No. ITG-36-E) FRYER/ELECTRIC (Henny Penny Model No. OFE341.0)
Oven	CONVECTION OVEN/ELECTRIC (Winco Model No. ECO-250) MICROWAVE OVEN /x2 (ACP Model No. RMS10TSA)
Freezer	REACH-IN FREEZER/x2 (Atosa USA, Inc. Model Nos. MBF8503GR+MBF8501GR) REACH-IN UNDERCOUNTER FREEZER (Atosa USA, Inc. Model No. MGF8405GRL)
Refrigerator	REACH-IN REFRIGERATOR/x2 (Atosa USA, Inc. Model Nos. MBF8507GR + MBF8505GR) REFRIGERATED WORK TOP /x2 (True Mfg/Model #TWT-72-HC + Atosa/Model #MGF8409GR)
Sink	HAND SINK /x3 (BK Resources Model No. BKHS-W-1410-1SSBKKPG) (1) COMPARTMENT SINK (John Boos Model No. IB2-44-1D24R-X)
Dish Washing Facilities	DISHTABLE, WITH POTSINKS (Advance Tabco Model No. DTC93-2020-9L) UNDERBAR SINK UNITS (Advance Tabco Model No. PRB-24-64C)
Food Preparation Counter (Dimensions)	WORK TABLES, 48"+36"+30" (John Boos Model Nos. FBLG4830-X+FBLG3624-X+ST6-330SSK) WORK TABLE, 72" (John Boos Model No. FBLG7224-X)
Other	RICE SHEETER (for making sushi rolls) | Autec Inc. Model No. ASM865A

3. Attach a copy of your FULL menu with pricing **INCLUDING ALCOHOLIC BEVERAGES**

4. What percentage of your public premises is used primarily for restaurant dining?

(Do not include kitchen, bar, hi-top tables, or game area.) 40 %

5. Does your restaurant have a bar area that is distinct and separate from the dining area? [X] YES [ ] No

(If yes, what percentage of the public floor space does this area cover?) 10 %

6. List the seating capacity for:

a) Restaurant dining area of your premises: [54]

(DO NOT INCLUDE PATIO SEATING)

b) Bar area [+ 11]

TOTAL [= 65]

Individuals requiring ADA accommodations please call (602)542-9027

7. What type of dinnerware is primarily used in your restaurant? ☐ Reusable ☐ Disposable ☒ Both

8. Does your restaurant contain any **games, televisions,** or **any other entertainment?** ☒ YES ☐ No

If yes, specify what types and how many (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

6 TVs

9. Do you have live entertainment or dancing? ☐ YES ☒ No

If yes, what type and how often (example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

10. List number of employees for each position:

Position	How many
Cooks	8-10
Bartenders	2
Hostesses	2
Managers	2
Servers	8-10
Other ( )	
Other ( )	
Other ( )	

I, (Print Full Name) ANDREA DAHLMAN LEWKOWITZ, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: _____

Individuals requiring ADA accommodations please call (602)542-9027

'23 MAY 23 Liqr. Lic. AM10:25

RECORDS REQUIRED FOR AUDIT

RESTAURANT/HOTEL/MOTEL

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine Compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

1. Name of restaurant (Please print): ROCK N ROLL SUSHI
2. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
3. A list of ***all*** food and liquor vendors
4. The restaurant menu used during the audit period
5. A price list for alcoholic beverages during the audit period
6. Mark-up figures on food and alcoholic products during the audit period
7. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
8. Monthly Inventory Figures - beginning and ending figures for food and liquor
9. Chart of accounts (copy)
10. Financial Statements-Income Statements-Balance Sheets

11. General Ledger

   A. Sales Journals/Monthly Sales Schedules

      1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)

      2) Daily Cash Register Tapes - Journal Tapes and Z-tapes

      3) Dated Guest Checks

      4) Coupons/Specials/Discounts

      5) Any other evidence to support income from food and liquor sales

   B. Cash Receipts/Disbursement Journals

      1) Daily Bank Deposit Slips

      2) Bank Statements and canceled checks

12. Tax Records

   A. Transaction Privilege Sales, Use and Severance Tax Return (copies)

   B. Income Tax Returns - city, state and federal (copies)

   C. Any supporting books, records, schedules or documents used in preparation of tax returns

13. Payroll Records

'23 MAY 23 Liq. Lic. AM10:25

A. Copies of all reports required by the State and Federal Government

B. Employee Log (A.R.S. §4-119)

C. Employee time cards (actual document used to sign in and out each work day)

D. Payroll records for all employees showing hours worked each week and hourly wages

14. Off-site Catering Records (must be complete and separate from restaurant records)

A. All documents which support the income derived from the sale of food off the license premises.

B. All documents which support purchases made for food to be sold off the licensed premises.

C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).

A.R.S. §4-210(A)7

The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. §4-205.02(G)

For the purpose of this section,

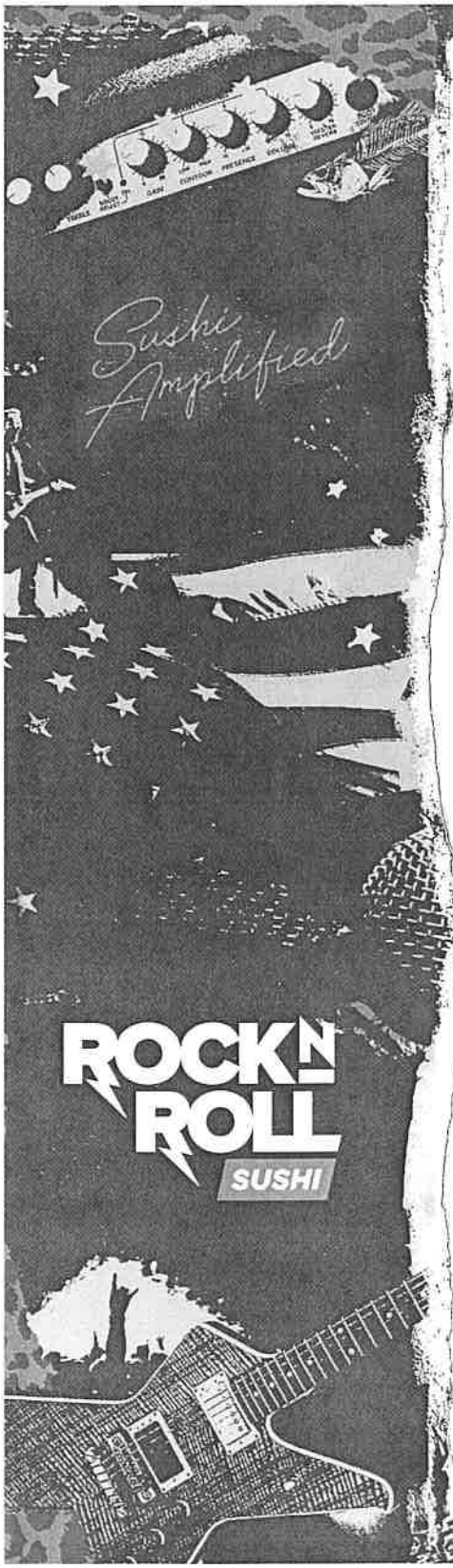
1. "Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food
2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any under any other license that has been issued for the premises pursuant to this article.

I, (Print Full Name) ANDREA DAHLMAN LEWKOWITZ, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: _____

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

'23 MAY 23 Liq. Lic. AM10:24



OPENING ACTS

CRISPY WONTONS
Stuffed with krabmeat and cream cheese filling, studded with green onion and jalapeño, and served with headbanger dip swirled with eel sauce. You'll definitely wonton encore. (601cal.) 7.95



APPETIZER SAMPLER
All of our most famous opening acts on one plate! Crispy wontons, jalapeño poppers, egg rolls and TNT shrimp served with headbanger and sweet chili dip, both swirled with eel sauce. (1045cal.) 14.95

TUNA TATAKI *
Red Tuna lightly seared, sliced, drizzled with our savory Agedashi sauce and finished with a sprinkle of sesame seeds. (209 cal.) 8.95



HEADBANGER SHRIMP
Juicy shrimp fried to a golden crunch, drizzled in our signature spicy-sweet creamy headbanger sauce and a sprinkle of sesame seeds (462cal.) 6.95

T.N.T. SHRIMP
It's dy-na-mite. Crispy shrimp tempura drizzled with headbanger sauce, savory eel sauce and a sprinkle of sesame seed confetti. Boom. (480cal.) 7.95

STAGE DIVERS
Japanese style Crispy Panko chicken bites ready to take the dive in to our headbanger, creamy ginger and sweet chili dipping sauces. (725cal.) 9.95



JALAPEÑO POPPERS
Fresh jalapeños stuffed with crab stick and cream cheese and fried to perfection. Served with headbanger dip swirled with eel sauce for extra pop. (492cal.) 6.95

EGG ROLLS
A classic. Fried crispy and served with sweet chili dip and a dash of eel sauce. (401cal.) 6.95

TWISTED TUNA *
Our spin on tuna tartare. Chopped spicy red tuna and coolly twisted avocado topped with tobiko, sweet chili, eel sauce and crunchy flakes. (495cal.) 9.95



EDAMAME GF V
Soybeans steamed in their pods and lightly salted. Eat 'em with your fingers. (380cal.) 4.95

MISO SOUP GF
Briny miso broth with seaweed, green onions and tofu. (35cal.) 2.95

GREATEST HITS CHOSEN BY THE FANS

* SUSHI ITEMS MAY CONTAIN RAW OR UNDERCOOKED FISH OR SEAFOOD. CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELLFISH, OR EGGS MAY INCREASE THE RISK OF FOOD BOURNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS.

SPICY GF GLUTEN-FREE V VEGAN

GREEN ROOM

AHI TUNA SALAD*
Open wide and say AHI. Just-seared tuna slices, cucumber, avocado and strawberries piled on spring greens, topped with ponzu, sesame seeds and your choice of sweet chili or house made ginger dressing. (417cal.) 11.95

SPICY SASHIMI SALAD*
Three sashimi rockstars - red tuna, salmon, and yellowtail - crab stick and cucumber piled up on spring greens, topped with ponzu, sriracha, eel sauce, and your choice of sweet chili or house made ginger dressing. (451cal.) 12.95

CUCUMBER SALAD V
Cool as a... You get it. Cukes and crab stick glazed with sweet chili and ponzu sauce, piled on spring mix, topped with sesame seeds. (133cal.) 4.95

SEAWEED SALAD V
Sweet and savory wakame seaweed on spring mix. (137cal.) 4.95

GINGER SALAD
Chopped romaine with a sweet, refreshing, house made ginger dressing topped with shredded carrots and sesame seeds. (245cal.) 2.95

HIBACHI BACK STAGE
GRILLED TO ORDER, VIP-STYLE.

SOLOS
Served with soup or salad, side of fried rice, vegetables and yum-yum sauce

CHICKEN (1417cal.) 13.95
FILET MIGNON (1344cal.) 19.95
SHRIMP (1163cal.) 16.95
LOBSTER (1176cal.) 24.95



COMBOS
Served with soup or salad, fried rice, vegetables and yum-yum sauce

VEGETABLES & FRIED RICE (Served with soup or salad) (880cal.) 9.95

CHICKEN & FILET MIGNON (1381cal.) 17.95
CHICKEN & SHRIMP (1290cal.) 15.95
SHRIMP & FILET MIGNON (1254cal.) 18.95
CHICKEN, SHRIMP & FILET MIGNON (1441cal.) 24.95
LOBSTER & FILET MIGNON (1327cal.) 32.95
CHICKEN & LOBSTER (1363cal.) 28.95
SHRIMP & LOBSTER (1236cal.) 29.95

ROCKIN' SIDES
FRIED RICE (616cal.) 4.95
Add Chicken (94cal.) +3.00
Add Shrimp (40cal.) +4.00
Add Filet Mignon (86cal.) +5.00

VEGETABLES (264cal.) 4.95

WHITE RICE V GF (340cal.) 2.50

KIDS ROCK
FOR MINI-ROCKERS (12 AND UNDER) ONLY.

CRISPY SHRIMP TEMPURA & FRENCH FRIES Served with ketchup. (505cal.) 5.95

CLASSIC CHICKEN NUGGETS & FRENCH FRIES Served with ketchup. (573cal.) 5.95

CHICKEN TERIYAKI & FRIED RICE Served with yum-yum sauce. (966cal.) 7.95

FILET MIGNON TERIYAKI & FRIED RICE Served with yum-yum sauce. (930cal.) 9.95

'23 MAY 23 Liq. Lic. #1024

HEADLINERS

SERVED WITH GINGER AND WASABI
ALL ROLLS CAN BE MODIFIED
ADDITIONAL CHARGES MAY APPLY

NOT A FAN OF SEAWEED?
TRY IT ON SOY PAPER! +$1

AXL ROLL
(FRIED) Shrimp tempura, salmon and cream cheese inside, fully fried, topped with spicy mayo, eel sauce and crunchy flakes. Named by a true rockstar, our favorite son. (595cal) 12.95

BRITISH INVASION ROLL
Shrimp tempura, crab stick, cream cheese and cucumber inside, smoked salmon, baked eel and avocado outside, topped with sweet chili, eel sauce and sesame seeds. A Spicy lover's worthy. (345cal) 12.95

CROWD SURFER ROLL
Spice, Sizzle, Sauce, Magic. Shrimp tempura and spicy tuna inside, red tuna and jalapeño outside, topped with spicy mayo, sweet chili, eel sauce and crunchy flakes. (582cal) 12.95



ELECTRIC ROLL
Cajun seasoned crawfish, shrimp tempura, crab stick inside. Baked eel, sweet and jalapeños outside, topped with spicy mayo, sweet chili and eel sauce. Try not to eat it too fast. Turn it up. (515cal) 13.95

GOOD TIMES ROLL
Make it fast. Shrimp tempura, crab stick and spicy mayo inside, and cucumber outside, topped with sweet chili, eel sauce and sesame seeds. (590cal) 12.95

GROUPIE ROLL
You can always get what you want with it's spicy tuna, shrimp tempura, cream cheese, avocado and cucumber topped with crab stick, spicy mayo, sweet chili and eel sauce. (560cal) 13.95

JAILHOUSE ROLL
(FRIED) Shrimp tempura and cream cheese inside, fully fried, then topped with Cajun seasoned crawfish, spicy mayo, eel sauce and crunchy flakes. The icing inside! Approx. (375cal) 12.95

JAM SESH ROLL
Gang's all here. Yellowtail and spicy mayo inside, red tuna and crab stick outside, topped with sweet chili, eel sauce and sesame seeds. (530cal) 12.95

LEGENDS ROLL
Light lane needs heavy metal. Soft shell crab tempura and crab stick inside, avocado outside, topped with mango jalapeño sashimi salad in sweet chili dressing and drizzled with eel sauce. (587cal) 14.95

METALHEAD ROLL
Enter battalion. Shrimp tempura and cream cheese inside, crab stick outside, topped with spicy mayo, eel sauce and crunchy flakes. (564cal) 12.95

PUNK ROCK ROLL
Shrimp tempura, spicy fried, cream cheese inside, seared tuna outside topped with strawberry, avocado jalapeño cucumber salad, sweet chili ponzu dressing, spicy mayo and eel sauce. So unique. So tasty. (770cal) 13.95



PYRO ROLL
Blow it up! Shrimp tempura inside, topped with baked krabmeat, spicy mayo, eel sauce, and crunchy flakes. (615cal) 12.95



REGGAE ROLL
Because it doesn't have to be rock. It can be jerk! Crab stick and Cajun seasoned crawfish inside, shrimp and avocado outside, with spicy mayo and sweet chili. (412cal) 12.95

SHARP DRESSED ROLL
Lobster tail tempura inside, crab stick outside, topped with baked crab stick, spicy mayo and eel sauce. Fancy. (612cal) 18.95

SUNSET STRIP ROLL
Shrimp tempura and cucumber inside, shrimp, crab stick and cucumber outside - Hollywood style. Topped with spicy mayo, eel sauce and crunchy flakes. (555cal) 12.95

SWEET HOME ALABAMA ROLL
(FRIED) A tribute to our first restaurant in Mobile. Smoked salmon, crab stick, cream cheese and avocado inside. Fully fried, topped with spicy mayo, eel sauce and crunchy flakes. (320cal) 12.95

THE EXPERIENCE ROLL
Shrimp tempura, cream cheese and cucumber inside, sliced mango outside topped with sweet chili and eel sauce. Psychedelic. (415cal) 12.95

THRILLER ROLL
(FRIED) Scary good. Shrimp tempura and cream cheese inside, fully fried, then topped with baked krabmeat, spicy mayo, eel sauce and crunchy flakes. (745cal) 12.95

TOUR BUS ROLL
(BAKED) Soft n' fast. Spicy tuna, crab stick, cream cheese inside, topped with seared red tuna, jalapeño, spicy mayo, sweet chili, eel sauce, wasabi, and crunchy flakes. Watch it baked. (670cal) 14.95

UNPLUGGED
Throw fabric out. Roll real. Rock, yeah! Soft shell crab tempura, cucumber, avocado, topped with crab stick and avocado wrapped in cucumber, drizzled with sweet chili ponzu, eel sauce and sesame seeds. Pure Rock. (373cal) 12.95

VELCRO PYGMIES ROLL
(FRIED) One of our favorite rock bands of all time! Shrimp, crab stick and cream cheese inside, fully fried, then topped with spicy mayo, eel sauce and crunchy flakes. (704cal) 12.95

VIP ROLL
(FRIED OR BAKED) Shrimp tempura, fried style cream cheese inside, fully fried OR baked with Cajun seasoned crawfish, baked krabmeat, jalapeño, spicy mayo, sweet chili, eel sauce and crunchy flakes on the back. (760cal / 805cal) 13.95



VOLCANO ROLL
California roll topped with baked krabmeat, spicy mayo, eel sauce, crunchy flakes and tobiko flakes. (745cal) 11.95

CLASSICS

SERVED WITH GINGER AND WASABI

SPICY CRAWFISH ROLL
Cajun seasoned crawfish inside, topped with spicy mayo. (320cal) 7.95

SPICY SHRIMP ROLL
Shrimp tempura, cucumber, cream cheese, avocado inside, topped with krab stick and eel sauce. (537cal) 7.95

SHRIMP TEMPURA ROLL
Shrimp tempura, cucumber, avocado inside, topped with eel sauce. (465cal) 6.95

CALIFORNIA ROLL
Crab stick, avocado, cucumber inside. (295cal) 6.95

RAINBOW ROLL
California roll inside, red tuna, fresh salmon, yellowtail and avocado outside, topped with sesame seeds. (576cal) 10.95

SPIDER ROLL
Soft shell crab tempura, cucumber, avocado, spring mix inside, topped with sweet chili and eel sauce. (604cal) 10.95

JAPANESE BAGEL ROLL
Smoked salmon and cream cheese inside. (340cal) 7.95

VEGGIE ROLL
Cucumber, avocado, spring mix inside. (253cal) 4.95

SALMON ROLL
(ORIGINAL OR FRIED) Fresh salmon inside, topped with spicy mayo and eel sauce. (614cal / 827cal) 7.95

SPICY TUNA ROLL
Chopped spicy red tuna inside, topped with spicy mayo. (323cal) 3.95

EEL ROLL
Baked eel and avocado inside, topped with eel sauce. (309cal) 7.95

RAW TRACKS

	NIGIRI (OR ROLLED 2 PC.	SASHIMI (NAKED 4 PC.
RED TUNA*	(90cal) 3.95	(80cal) 6.95
FRESH SALMON*	(82cal) 3.95	(90cal) 6.95
YELLOWTAIL*	(94cal) 3.95	(80cal) 6.95
SMOKED SALMON*	(94cal) 3.95	(80cal) 6.95
UNAGI (EEL)	(90cal) 3.95	(120cal) 6.95

AFTER PARTY

YOU'RE ON THE LIST. WE CHECKED.

CHEESECAKE
(ORIGINAL OR FRIED) Creamy slice of [illegible] cheesecake served with [illegible] and [illegible] topped with whipped cream and strawberries. Not so traditional? Select fully fried. (720cal / 1045cal) 8.95. Add a scoop of vanilla ice cream. (250cal) 2.50

HALL OF FAME BROWNIES
A towering stack of [illegible] fried brownie slices, [illegible] cream whipped cream, [illegible] and [illegible] sauce, and a cherry on top. (920cal) 6.95



Dine Out Loud

RNR IS THE ORIGINAL ROCK 'N' ROLL DINING EXPERIENCE FOUNDED ON GREAT FOOD, TRUE LOVE AND ROCK 'N' ROLL. THREE MUSICIANS SAID SCREW IT, LET'S DO THIS. THEY'VE SOLD MORE CHEESE AND RAMS THAN ROLL WHAT BEGAN WITH ONE MORE THAN 30 YEARS AGO. THE ONE AND ONLY INSPIRING ROCK 'N' ROLL LOVERS, LAUGH AND EAT RNR. WE'RE BOOKING FRANCHISE SALES PERFORMANCES FOR 2023. SEE YOU IN SEVEN SOUTHEAST STATES (AND COUNTING). FOR THOSE ABOUT TO CHEESE, WE SALUTE YOU.

PERFORMERS WANTED:
VISIT WWW.ROCKNROLLSUSHI.COM/OWNYOUROWN OR CALL 1 800 998 2361 FOR FRANCHISE OPPORTUNITIES

Reference to third parties made by name, trademark or otherwise does not constitute or imply affiliation or endorsement of any person or business affiliated by RNR Sushi & Roll Sushi. All third party trademarks and trade names are property of their respective owners.

'23 MAY 23 Liq. Lic. #1024

Beer

Budweiser	King of Beers	$3
Bud Light	Lightweight King	$3
Miller Lite	Featherweight King	$3
Michelob Ultra	Flyweight King	$3.5
HoneyBird *(Flyway)*	Honey Blonde Ale	$5
EarlyBird	IPA	$5
Sapporo	Japanese Lager	$4
Kirin	Japanese Lager	$4
White Claw	BlackCherry/Raspberry	$4

On Tap

Lagunitas	IPA	$6
Juicy Haze- *New Belguim*	IPA	$6
Oatmeal Stout - *Bike Rack*	Tart	$6.50
East Sixth Hustle	Blonde	$6
Bluewing- *Flyway*	Blueberry Wheat	$6
Hibiscus Cider	Cider	$6
Sapporo	Japanese Premium Lager	$6
The Hunter- *Lost Forty*	Oktoberfest	$6

ROCK N ROLL SUSHI

'23 MAY 23 LIQ. LIC. AM1024

Sake

Sho Chiku Bai	Small - $8	Large - $12
Ty Ku Silver	Small $10	Large - $14
Momo Kawa Organic	Small $11	Large - $16
Hana Awaka Sparkling Flower		Large - $13
Momo Kawa Silver	Small $10	Large - $14

Wine Me

		Glass	Bottle
Tercos	Malbec	$8	$28
Three Henry's	Pinot Noir	$8	$28
Pra Vinera	Cabernet Sauvignon	$9	$32
Milou	Rose	$8	$28
Raptor Ridge	Pinot Gris	$10	$32
Three Henry's	Chardonnay	$8	$28
Le Couer De La Reine	Sauvignon Blanc	$9	$28
Mercat Cava	Brut	$9	$32
Masottina	Prosecco-6.5oz bottle		$11

ROCK N ROLL SUSHI

'23 MAY 23 Liq. Lic. #1024

ROCK-TAILS

GEISHA GONE WILD J Rieger Vodka, Routin Blanc Vermouth, Bitter Truth Peach Bitters, matcha simple syrup, Lemon Juice , Shaken, Served Up - $8

TOKYO 75 J Rieger Gin, Giffard Ginger Liqueur, Mercat Cava Brut, lemon juice, Shaken & Served Up $8

DAWN PATROL Lunazul Blanco Tequila, OJ, Splash of Grenadine, Rocks $7

BUILT IN TANLINES Plantation OG Dark Rum, Giffard Pineapple Liqueur, Bitter Truth Peach Bitters, Lime Juice, Shaken & Served Up - $8

ROCK YOU LIKE A Plantation 3 Star Rum, Plantation OFTD Rum, Giffard Passion Fruit and Grenadine, Orange Juice, Lime Juice, Rocks - $9

THE ELDER Rocktown Vodka, Giffard Wild Elderflower Liqueur, Lime Juice, Shaken & Served Up or on the Rocks - you call it - $8

SMELLS LIKE ADULT SPIRITS Rocktown Vodka, J Rieger Gin, El Dorado 3 Rum, Giffard Triple Sec, Giffard Framboise, Lemon Juice, Soda, Rocks - $9

OLD FASHIONED ROCK N ROLL Rittenhouse Rye Whiskey 100, Bitter Truth Orange Bitters, Simple Syrup, Luxardo Cherry. Classic $11

LANDSLIDE Pinnacle Whipped Vodka, Kahlua, & Bailey's on the rocks $8

ROCK N COKE Rocktown Bourbon & Coke, squeeze of lime $8

ACE OF SPADES Shot of Jack and Bottle of Bud $8

MULES ON PARADE!

BACK IN THE USSR Rocktown Vodka, Lime Juice, Ginger Beer - $8

LA GRANGE Lunazul Blanco Tequila, Lime Juice, Ginger Beer - $8

GIMME THREE STEPS Old Grandad Bourbon, Lime Juice, Ginger Beer - $8

COLD GIN TIME AGAIN J Rieger MW Gin, Lime Juice, Ginger Beer - $8

RIDER ON THE STORM Plantantion OG Dark Rum, Lime Juice, Ginger Beer $8

ROCK N ROLL SUSHI

'23 MAY 23 Liq. Lic. #1024

Old Fashioned RocknRoll
In Mixing Glass
2.5 oz Rittenhouse Rye 100
.5 oz Simple Syrup
Dash Orange Bitters
Fill with ice and mix with spoon
Strain in Rocks Glass
Add 3 ice cubes, luxardo cherry, orange peel

The Elder
2 oz RockTown Vodka
.5 oz Elderflower Liqueur
.5 oz Simple Syrup
1 oz Lime Juice
Shake over ice
Serve in Martini Glass

Landslide
1 oz Pinnacle Whipped Vodka
1 oz Kahlua
1 oz Baileys
Mix over ice and pour into rocks glass

Dawn Patrol
2 oz Lunazul Tequila
Fill with OJ
Splash of Grenadine
Collins glass on the rocks

ROCK N ROLL SUSHI

CSR:
Amount:

'23 MAY 23 Liq. Lic. M10P4

AGENT/CONTROLLING PERSON QUESTIONNAIRE

DLLC USE ONLY

Job #: 246501
Date Accepted: 05-30-2023
CSR: SG

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

FP current
12-09-2021

License Number: SERIES 12

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → [X] Agent [ ] Controlling Person

2. Name: LEWKOWITZ (Last) ANDREA (First) DAHLMAN (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: ARIZONA

4. Place of birth: MANKATO (City) MN (State) USA (COUNTRY) Height: 5'8" Weight: 140 Eyes: HZL Hair: BLN

5. Name of current/most recent spouse: LEWKOWITZ (Last) HAROLD (First) JEROME (Middle) Birth Date: [redacted] (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes [X] No [ ] If yes, what is your date of residency? 04 1961

7. Daytime telephone number: (602) 200-7222 Email address: ANDREA@LEWKLAW.COM

8. Premises Name: ROCK N ROLL SUSHI Business Phone: PENDING

9. Premises Address: 9050 W. GLENDALE AVENUE, SUITE D (Street (do not use PO Box)) GLENDALE (City) AZ (State) MARICOPA (County) 85307 (Zip)

Individuals requiring ADA accommodations please call (602)542-2999

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
01/2004	CURRENT	ATTORNEY	LEWKOWITZ LAW OFFICE PLC
			2600 N. CENTRAL AVE. STE. 1775
			PHOENIX, AZ 85004

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years *A.R.S. §4-202(D)*

FROM Month/Year	To Month/Year	Street	City	State	Zip
02/1999	CURRENT	5745 N. 25th STREET, PHOENIX, AZ 85016			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12.	As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14**	Yes	☐	No	☒
13.	Have you attended a DLLC approved Basic Liquor Law Training Course within the past 3 years?	Yes	☐	No	☐
14.	Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years?	Yes	☐	No	☒
15.	Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202.4-210*	Yes	☐	No	☒
16.	Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation?	Yes	☐	No	☒
17.	Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes	☐	No	☒
18.	Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes	☐	No	☒

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) ANDREA DAHLMAN LEWKOWITZ hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: _____ Date: 05 18 2023

'23 MAY 23 Liqr. Lic. AM10:24

ALIEN STATUS
RESTAURANT/HOTEL/MOTEL

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I – APPLICANT INFORMATION

APPLICANT NAME (Print or type) ANDREA DAHLMAN LEWKOWITZ

SECTION II – CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? ☑ Yes ☐ No - If **yes**, indicate place of birth:

City MANKATO State MN COUNTRY USA

If you answered **Yes**, 1) Attach a legible copy of a document from the list below.

2) Name of document AZ DRIVERS LICENSE

If you answered **No**, you must complete Sections III

'23 MAY 23 Liqr. Lic. #10[illegible]

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after Jan. 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed***
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

'23 MAY 23 Liqr. Lic. #10824

SECTION III – QUALIFIED ALIEN DECLARATION

Applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

_____
Name of document provided

Qualified Alien Status (8 U.S.C.§§ 1621(a)(1).-1641(b) and (c))

- ☐ 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- ☐ 2. An alien who is granted asylum under Section 208 of the INA.
- ☐ 3. A refugee admitted to the United States under Section 207 of the INA.
- ☐ 4 An alien paroled into the United States for at least one year under Section 212(d)(5) of theINA.
- ☐ 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- ☐ 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- ☐ 7. An alien who is a Cuban/Haitian entrant.
- ☐ 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non-immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C § 1621(a)(3))

10. An alien paroled into the United States for less than one year under Section 212(a)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C)

11. A nonimmigrant whose visa for entry is related to employment in the United States, or

12. A citizen of a freely associated state if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 *et seq.*];

13. A foreign national not physically present in the United States.

14. ***Otherwise Lawfully Present***

15. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

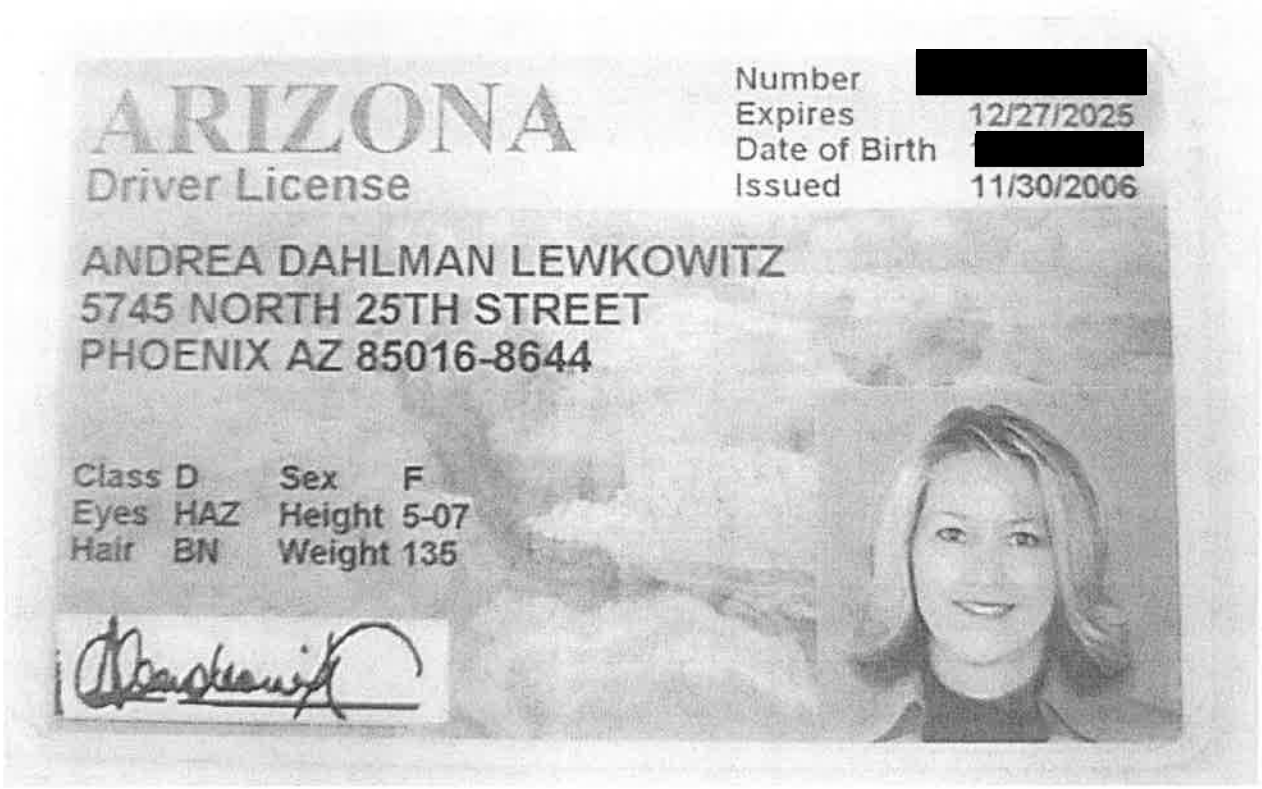
PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. §

ANDREA DAHLMAN LEWKOWITZ — Print Name

Signature

05/18/2023 — Date

'23 MAY 23 Liq. Lic. AM10:24



CSR:
Amount:

'23 MAY 23 Liq. Lic. #M10...

AGENT/CONTROLLING PERSON QUESTIONNAIRE

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

DLLC USE ONLY	
Job #:	2416501
Date Accepted:	05-30-2023
CSR:	SG

805-375

License Number: SERIES 12

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → ☐ Agent ☑ Controlling Person

2. Name: Jessen (Last) Andrew (First) Carl (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: FL

4. Place of birth: Bronxville, NY (City/State) USA (COUNTRY) Height: 6'4 Weight: 185 Eyes: Brown Hair: Brown

5. Name of current/most recent spouse: Jessen (Last) Terri (First) Lyn (Middle) Birth Date: [redacted] (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☐ No ☒ If yes, what is your date of residency? _____

7. Daytime telephone number: 239-877-1657 Email address: andrewjessen33@gmail.com

8. Premises Name: ROCK N ROLL SUSHI Business Phone: PENDING

9. Premises Address: 9950 W. GLENDALE AVENUE, SUITE D (Street (do not use PO Box)) GLENDALE (City) AZ (State) MARICOPA (County) 85307 (Zip)

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

*23 MAY 23 DAY. DC. AM10:25

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
3/2020	CURRENT	Retired	16269 Camden Lakes Circle, Naples, FL 34110
12/2007	2/2020	Self Employed	Tropical Smoothie of South West Florida, Inc. 16269 Camden Lakes Circle, Naples, FL 34110

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years *A.R.S. §4-202(D)*

FROM Month/Year	To Month/Year	Street	City	State	Zip
5/2015	CURRENT	16269 Camden Lakes Circle, Naples, FL 34110			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14** — Yes ☐ No ☑

13. Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years? — Yes ☐ No ☐

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? — Yes ☐ No ☑

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210* — Yes ☐ No ☑

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? — Yes ☐ No ☑

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Andrew Carl Jessen hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: _____ Date: 5/1/2023

'23 MAY 25 PM 2:25 AZDLLC

FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY	
Job #:	246501
Date Accepted:	05-30-2023
CSR:	SG

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.

2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.

3. Fill out the information in the boxes below. **Please print clearly**.

4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.

5. **Write applicants name on front of sealed envelope.**

PRINT the following information:

Date	Name of Applicant:
5/2/2023	Andrew Carl Jessen
Name of Fingerprint Technician: AARON KRZYSIK	
Fingerprint technician's Signature:	
Fingerprint technician's Agency/company Name: THE UPS STORE / STERLING IDENTITY	**Phone Number:** 239-455-6245
Type of Photo ID Provided (check one): ☒ Driver's License ☒ Passport ☐ Other (Please specify)	

Individuals requiring ADA accommodations please call (602)542-2999

CSR:
Amount:

'23 MAY 23 Liqr. Lic. AM10:24

AGENT/CONTROLLING PERSON QUESTIONNAIRE

DLLC USE ONLY	
Job #:	2416501
Date Accepted:	05-30-2023
CSR:	SG

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

805-375

License Number: SERIES 12

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → ☐ Agent ☑ Controlling Person

2. Name: Jessen Terri Lyn (Last / First / Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: FL

4. Place of birth: Plainfield NJ USA (City / State / COUNTRY) Height: 5'10 Weight: 160 Eyes: Blue Hair: Blonde

5. Name of current/most recent spouse: Jessen Andrew Carl (Last / First / Middle) Birth Date [redacted] (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☐ No ☒ If yes, what is your date of residency? _____

7. Daytime telephone number: 239-877-1656 Email address: terrijessen15@gmail.com

8. Premises Name: ROCK N ROLL SUSHI Business Phone: PENDING

9. Premises Address: 9950 W. GLENDALE AVENUE, SUITE D (Street (do not use PO Box)) GLENDALE (City) AZ (State) MARICOPA (County) 85307 (Zip)

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

'23 MAY 23 DIR. LIC. PM1024

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
3/2020	CURRENT	Retired	16269 Camden Lakes Circle, Naples, FL 34110
12/2007	2/2020	Self Employed	Tropical Smoothie of South West Florida, inc 16269 Camden Lakes Circle, Naples, FL 34110

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years *A.R.S. §4-202(D)*

FROM Month/Year	To Month/Year	Street	City	State	Zip
5/2015	CURRENT	16269 Camden Lakes Circle	Naples,	FL	34110

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12.	As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14**	Yes ☐	No	☑
13.	Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years?	Yes ☐	No	☑
14.	Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years?	Yes ☐	No	☑
15.	Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210*	Yes ☐	No	☑
16.	Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation?	Yes ☐	No	☑
17.	Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No	☑
18.	Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No	☑

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Terri L. Jessen hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: Terri Jessen Date: 5/1/2023

'23 MAY 25 PM 2:25 AZDLLC

FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY

Job #:	2416501
Date Accepted:	05-20-2023
CSR:	SG

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.

2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.

3. Fill out the information in the boxes below. **Please print clearly**.

4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.

5. **Write applicants name on front of sealed envelope.**

PRINT the following information:

Date 5/2/2023	**Name of Applicant:** Terri Lyn Jessen
Name of Fingerprint Technician: AARON KRZYSIK	
Fingerprint technician's Signature:	
Fingerprint technician's Agency/company Name: THE UPS STORE / STERLING IDENTITY	**Phone Number:** 239-455-6245
Type of Photo ID Provided (check one): ☒ Driver's License ☒ Passport ☐ Other (Please specify)	

Individuals requiring ADA accommodations please call (602)542-2999

CSR:
Amount:

'23 MAY 23 Liqr. Lic. #1025

AGENT/CONTROLLING PERSON QUESTIONNAIRE

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

DLLC USE ONLY	
Job #:	246501
Date Accepted:	05-30-2023
CSR:	SG

805-375

License Number: SERIES 12

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → ☐ Agent ☑ Controlling Person

2. Name: Lemieux (Last) Craig (First) Lawrence (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: FI

4. Place of birth: Flint (City) Michigan (State) USA (COUNTRY) Height: 5'6" Weight: 175 Eyes: Gr Hair: Bl

5. Name of current/most recent spouse: LeMieux (Last) Dianne (First) Helen (Middle) Birth Date [redacted] (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☐ No ☒ If yes, what is your date of residency? _____

7. Daytime telephone number: 810-691-9623 Email address: lemieuxdevelopment@gmail.com

8. Premises Name: ROCK N ROLL SUSHI Business Phone: PENDING

9. Premises Address: 9950 W. GLENDALE AVENUE, SUITE D (Street (do not use PO Box)) GLENDALE (City) AZ (State) AZ (County) 85307 (Zip)

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

'23 MAY 23 Liqr. Lic. AM10:25

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
01/04	CURRENT	Franchise Developer	Self Employed 15730 Willows Dr Spring Lake Mi 49456

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years *A.R.S. §4-202(D)*

FROM Month/Year	To Month/Year	Street City Siesta Key State Zip
1/20	CURRENT	4866 Commonwealth Dr Fl 34242
3/15	1/20	15730 Willows Dr Spring Lake Mi 49456

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12.	As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14**	Yes ☐	No	☑
13.	Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years?	Yes ☐	No	☐
14.	Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years?	Yes ☐	No	☑
15.	Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210*	Yes ☐	No	☑
16.	Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation?	Yes ☐	No	☑
17.	Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No	☑
18.	Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No	☑

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Craig L Lemieux hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: Craig L Lemieux Date: 05/02/23

'23 MAY 25 PM 2:26 AZDLLC

FINGERPRINT VERIFICATION FORM

DLLC USE ONLY
Job #: 246501
Date Accepted: 05-30-2023
CSR: SG

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint ~~card~~ ELECTRONIC prior to taking the fingerprints.
2. Request a valid, unexpired government-issued photo ID from the applicant **and** compare the physical descriptors on the applicant's photo ID to the applicant **and to** the information on the fingerprint card.
3. Fill out the information in the boxes below. **Please print clearly**.
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.
5. **Write applicants name on front of sealed envelope.**

PRINT the following information:

Date	**Name of Applicant:**
05/03/2023	CRAIG LAWRENCE LEMIEUX
Name of Fingerprint Technician: CHRISTOPHER P LESTER	
Fingerprint technician's Signature: Christopher P Lester	
Fingerprint technician's Agency/company Name: THE UPS STORE #6467	**Phone Number:** 941.882.3711
Type of Photo ID Provided (check one): ☒ **Driver's License** ☐ **Passport** ☐ **Other (Please specify)**	

CSR:
Amount:

'23 MAY 23 Liq. Lic. AM10:23

AGENT/CONTROLLING PERSON QUESTIONNAIRE

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

DLLC USE ONLY	
Job #:	746501
Date Accepted:	05-20-2023
CSR:	SS

805-375

License Number: SERIES 12

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → ☐ Agent ☑ Controlling Person

2. Name: LeMieux (Last) Dianne (First) Helen Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: Florida

4. Place of birth: Miami (City) Florida (State) USA (COUNTRY) Height: 5'6" Weight: 124 Eyes: Hazel Hair: Brown

5. Name of current/most recent spouse: LeMieux (Last) Craig (First) Lawrence (Middle) Birth Date [redacted] (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☐ No ☑ If yes, what is your date of residency? _____

7. Daytime telephone number: (810) 691-9625 Email address: dhlemieux27@gmail.com

8. Premises Name: ROCK N ROLL SUSHI Business Phone: PENDING

9. Premises Address: 9950 W. GLENDALE AVENUE, SUITE D (Street (do not use PO Box)) GLENDALE (City) AZ (State) MARICOPA (County) 85307 (Zip)

Individuals with disabilities may request ADA accommodations by calling (602)542-9999

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

'23 MAY 23 Liq. Lic. #M1024

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
01/2004	CURRENT	Franchise Developer	Self-employed
			15730 Willows Dr, Spring Lake, MI 49456

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years *A.R.S. §4-202(D)*

FROM Month/Year	To Month/Year	Street	City	State	Zip
01/2020	CURRENT	4866 Commonwealth Dr, Siesta Key, FL 34242			
03/2015	01/2020	15730 Willows Dr, Spring Lake, MI 49456			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12.	As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14**	Yes ☐	No	☑
13.	Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years?	Yes ☐	No	☐
14.	Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years?	Yes ☐	No	☑
15.	Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210*	Yes ☐	No	☑
16.	Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation?	Yes ☐	No	☑
17.	Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No	☑
18.	Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No	☑

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Dianne Helen LeMieux hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: Dianne H. LeMieux Date: 05/04/2023

1/17/2023

If you need reasonable accommodations please call (602) 542-5709

'23 MAY 25 PM 2:26 AZDLLC

FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY

Job #:	246501
Date Accepted:	05-30-2023
CSR:	SG

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.

2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.

3. Fill out the information in the boxes below. **Please print clearly**.

4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.

5. **Write applicants name on front of sealed envelope.**

PRINT the following information:

Date	Name of Applicant:
05/04/2023	Dianne Helen LeMieux
Name of Fingerprint Technician: Shylo Williams	
Fingerprint technician's Signature:	
Fingerprint technician's Agency/company Name: UPS Store	**Phone Number:** 616-399-6245
Type of Photo ID Provided (check one): ☑ Driver's License ☐ Passport ☑ Other (Please specify) Social Security Card	

Individuals requiring ADA accommodations please call (602)542-2999

CSR:
Amount:

'23 MAY 23 Liq. Lic. #M1024

AGENT/CONTROLLING PERSON QUESTIONNAIRE

DLLC USE ONLY	
Job #:	746501
Date Accepted:	05-30-2023
CSR:	SG

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

805-375

License Number: SERIES 12

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → ☐ Agent ☑ Controlling Person

2. Name: Kramolis (Last) Christopher (First) John (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: FL

4. Place of birth: Chicago. (City) IL. (State) USA (COUNTRY) Height: 6.0 Weight: 180 Eyes: BR Hair: Grey

5. Name of current/most recent spouse: Kramolis (Last) Shannon (First) Rene (Middle) Birth Date: [redacted] (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☐ No ☒ If yes, what is your date of residency? _____

7. Daytime telephone number: 5013520175 Email address: ckramolis@me.com

8. Premises Name: ROCK N ROLL SUSHI Business Phone: PENDING

9. Premises Address: 9950 W. GLENDALE AVENUE, SUITE D (Street (do not use PO Box)) GLENDALE (City) AZ (State) MARICOPA (County) 85307 (Zip)

Individuals requiring ADA accommodations please call (602)542-2999

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

'23 MAY 23 DLW: LIC. AM10:24

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
10/2020	CURRENT	CEO	RocknRoll Sushi Holdings LLC
			426 Flatwoods Forest Lp, Santa Rosa Beach,FL 32459
6/2003	Current	President	KRAM Marketing and Dev
			235 N. Bishop Rd.,Santa Rosa Beach, FL 32459

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years *A.R.S. §4-202(D)*

FROM Month/Year	To Month/Year	Street	City	State	Zip
1/2022	CURRENT	426 Flatwoods Forest Loop, Santa Rosa Beach		FL.	32459
1/2021	1/2022	98 Wilderness Way.	Santa Rosa Beach	FL.	32459
9/2017	1/2021	235 Bishop Rd.	Santa Rosa Beach	FL.	32459

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14** — Yes ☐ No ☑

13. Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years? — Yes ☐ No ☑

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? — Yes ☐ No ☑

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210* — Yes ☐ No ☑

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? — Yes ☐ No ☑

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Christopher Kramolis hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: _____ Date: 5/2/2023

Individuals requiring ADA accommodations please call (602)542-2999

FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY

Job #:	246501
Date Accepted:	05-30-2023
CSR:	SG

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.

2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.

3. Fill out the information in the boxes below. Please print clearly.

4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.

5. Write applicants name on front of sealed envelope.

PRINT the following information:

Date	Name of Applicant:
5/3/23	Christopher Kramolis

Name of Fingerprint Technician:
Julie V. Sutton

Fingerprint technician's Signature:
Julie V. Sutton #222

Fingerprint technician's Agency/company Name:	Phone Number:
Walton County Sheriff's Office	850 892-8111

Type of Photo ID Provided (check one):

☐ Driver's License ☑ Passport ☐ Other (Please specify)

Individuals requiring ADA accommodations please call (602)542-2999

CSR:
Amount:

'23 MAY 23 Liq. Lic. AM10:24

AGENT/CONTROLLING PERSON QUESTIONNAIRE

DLLC USE ONLY	
Job #:	2461501
Date Accepted:	05-30-2023
CSR:	SG

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

805-375

License Number: SERIES 12

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → ☐ Agent ☑ Controlling Person

2. Name: Palmateer (Last) Scott (First) William (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security # [redacted] Drivers License #: [redacted] State Issued: Arizona

4. Place of birth: Gary (City) Indiana (State) US (COUNTRY) Height: 5'9 Weight: 260 Eyes: Hazel Hair: Bald

5. Name of current/most recent spouse: Palmateer (Last) Fay (First) Jennifer (Middle) Birth Date [redacted] (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☒ No ☐ If yes, what is your date of residency? 1986

7. Daytime telephone number: 623-349-3985 Email address: palmateerscott@gmail.com

8. Premises Name: ROCK N ROLL SUSHI Business Phone: PENDING

9. Premises Address: 9950 W. GLENDALE AVENUE, SUITE D (Street (do not use PO Box)) GLENDALE (City) AZ (State) MARICOPA (County) 85307 (Zip)

Persons requiring ADA accommodations please call (602)542-2999

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list place of residence address.

'23 MAY 23 P4:[illegible]

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
6-15-2022	CURRENT	Operating Partner/Developer	Rock N Roll Sushi 9950 W. Glendale, AZ 85307
4-11-2011	6-14-2022	Operating Partner/Developer	Tropical Smoothie Cafe 13355 W. McDowell Rd, Goodyear, AZ 85395

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years *A.R.S. §4-202(D)*

FROM Month/Year	To Month/Year	Street	City	State	Zip
3-17-2013	CURRENT	1355 S. 186th Ave,	Goodyear,	AZ	85338

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12.	As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14**	Yes ☑	No ☐	
13.	Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years?	Yes ☐	No ☑	
14.	Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years?	Yes ☐	No ☑	
15.	Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210*	Yes ☐	No ☑	
16.	Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation?	Yes ☐	No ☑	
17.	Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No ☑	
18.	Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)*	Yes ☐	No ☑	

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Scott William Palmateer hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: [signature] Date: 05-01-2023

'23 MAY 25 PM 2:27 AZDLLC

FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY

Job #:	246501
Date Accepted:	05-30-2023
CSR:	SG

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.

2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.

3. Fill out the information in the boxes below. **Please print clearly**.

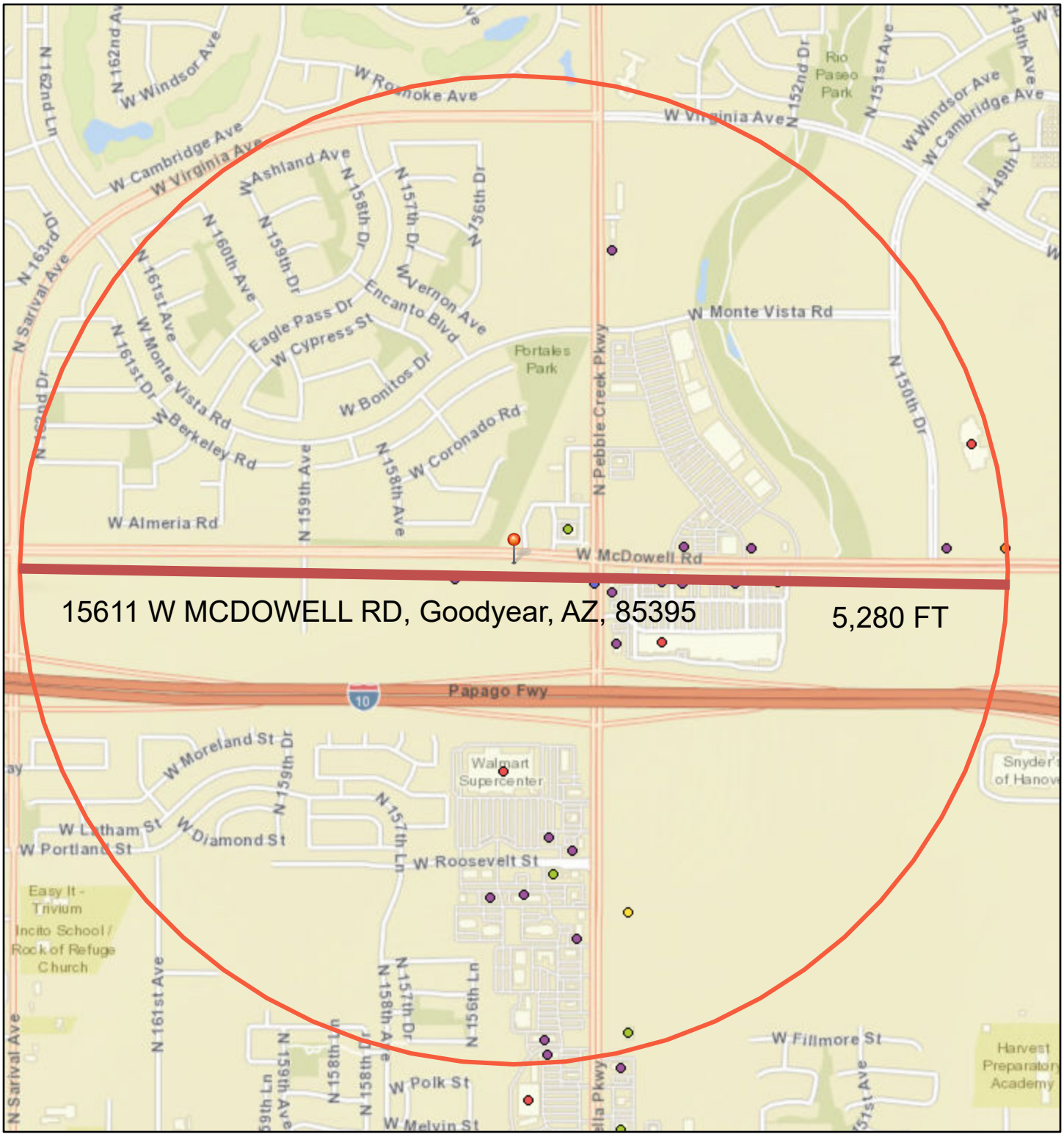
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.

PRINT the following information:

Date 5/12/23	**Name of Applicant:** Scott William Palmateer
Name of Fingerprint Technician: Kathy DeArda	
Fingerprint technician's Signature:	
Fingerprint technician's Agency/company Name: **Arizona Livescan Fingerprinting Network**	**Phone Number:** **(602) 246 - 3444**
Type of Photo ID Provided (check one): ☒ **Driver's License** ☐ **Passport** ☐ **Other (Please specify)**	

Individuals requiring ADA accommodations please call (602)542-2999

Liquor License Evaluation - Rock N Roll Sushi



6/9/2023, 11:33:00 AM

1:18,056

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

October 2022 Liquor Licenses

- Bar
- Beer and Wine Store
- Liquor Store
- Liquor Store Sampling Beer and Wine Store
- Microbrewery
- Restaurant
- Restaurant Growler
- Sampling

City of Goodyear, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, City of Goodyear

Clerk and Recorder
City of Goodyear

Liquor Licenses within One Mile – Rock N Roll Sushi

Applicant Address: 15611 W MCDOWELL RD, Goodyear, AZ, 85395

Business Name	Address	Distance from Applicant Address	License Series
Liquor Establishments			
BABBO ITALIAN EATERY	15705 W MCDOWELL RD	640.83 ft	12
WALGREENS #12334	1654 N PEBBLE CREEK PKWY	726.31 ft	10
CIRCLE K STORE #9528	1550 N PEBBLE CREEK PKWY	868.31 ft	9
RUBIOS FRESH MEXICAN GRILL #225	15479 W MCDOWELL RD	1,061.87 ft	12
AH-SO SUSHI & STEAK	15475 W MCDOWELL RD	1,347.76 ft	12
BARRO'S PIZZA	15475 W MCDOWELL RD	1,347.76 ft	12
OLIVE GARDEN ITALIAN RESTAURANT #1773	15411 W MCDOWELL RD	1,590.98 ft	12
BEVMO	15405 W MCDOWELL RD	1,755.68 ft	9
BEVMO	15405 W MCDOWELL RD	1,755.68 ft	09S
CANTINA GUEROS GOODYEAR	15375 W MCDOWELL RD	1,805.21 ft	12
ARRIBA MEXICAN GRILL	15370 W MCDOWELL RD	1,826.98 ft	12
WAL MART SUPERCENTER #5369	1100 N ESTRELLA PKWY	2,138.34 ft	9
WAL MART SUPERCENTER #5369	1100 N ESTRELLA PKWY	2,138.34 ft	09S
RED LOBSTER #6342	15311 W MCDOWELL RD	2,367.6 ft	12
OREGANO'S PIZZA BISTRO	15280 W MCDOWELL RD	2,544.01 ft	12
TEXAS RDHOUSE	15255 W MCDOWELL RD	2,819.6 ft	12
WOK WEI ASIAN CUISINE	15560 W ROOSEVELT ST	2,868.62 ft	12
ARIZONA PIZZA COMPANY	15530 W ROOSEVELT ST	3,057.5 ft	12
PIZZA HUT #27007	15557 W ROOSEVELT ST	3,270.22 ft	10
AUGIE'S SPORTS GRILL	15605 W ROOSEVELT ST	3,461 ft	12
SADDLE MOUNTAIN BREWING COMPANY	15651 W ROOSEVELT ST	3,500.34 ft	3

SADDLE MOUNTAIN BREWING COMPANY	15651 W ROOSEVELT ST	3,500.34 ft	12
AKAIHANA SUSHI & GRILL	2293 N PEBBLE CREEK PKWY	3,575.41 ft	12
ALDI #161	845 N ESTRELLA PKWY	3,848.48 ft	10
ALDI #161	845 N ESTRELLA PKWY	3,848.48 ft	10S
EL TATAKI SUSHI FUSION EXPRESS	790 N ESTRELLA PKWY	3,981.91 ft	12
CHEDDARS SCRATCH KITCHEN	15030 W MCDOWELL RD	4,628.17 ft	12
TACO REDEMPCION	560 N ESTRELLA PKWY	5,017.75 ft	12
HENRYS HAWAIIAN GRILL	560 N ESTRELLA PKWY	5,017.75 ft	12
HARKINS THEATRES AT ESTRELLA FALLS	15010 W MCDOWELL RD	5,066.95 ft	6
QUIKTRIP #1401	575 N ESTRELLA PKWY	5,085.88 ft	10
TAILGATERS SPORTS GRILL & IL PRIMO PIZZA & WINGS	530 N ESTRELLA PKWY	5,181.88 ft	12
BJ'S RESTAURANT & BREWHOUSE	14950 W MCDOWELL RD	5,251.73 ft	12
BJ'S RESTAURANT & BREWHOUSE	14950 W MCDOWELL RD	5,251.73 ft	12G

Series Legend:

Alternating Proprietorship (20)
Bar (6)
Beer & Wine Bar (7)
Beer & Wine Store (10)
Beer & Wine Store (10) with Sampling Privleges
Private Club (14)
Conveyance (8)
Craft Distiller (18)
Custom Crush (21)
Direct Shipment (17W)
Government (5)
Hotel (11)
Producer: In State (1)
Producer: Out of State (2)
Producer: Limited out of State (2L)
Producer: Out of State Winery (2W)
Producer: Out of State Microbrewery (2M)
Liquor Store (9)
Liquor Store (9) with Sampling Privleges
Microbrewery (3)
Restaurant (12)
Restaurant (12) with Growler Privileges
Special Event Contractor (SEC)
Wholesaler (4)
Winery (13)
Tasting Room (19)

ITEM #: 5.
DATE: 06/26/2023
AI #:1432

CITY COUNCIL ACTION REPORT

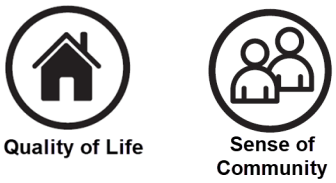
SUBJECT: FY2023-2024 COMMUNITY FUNDING RECOMMENDATIONS

STAFF PRESENTER(S): Christina Panaitescu, Grants & Neighborhood Services Supervisor

SUMMARY

Non-profits that provide human or social services to benefit Goodyear residents are eligible to apply for grants from the city. The Goodyear Community Funding Subcommittee has received and reviewed 37 applications and is recommending 22 to receive a total of $161,000 in funding from the $214,400 available for competitive award in FY2023-2024.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Approve the recommended allocations for FY2023-2024 Community Funding. (Christina Panaitescu, Grants & Neighborhood Services Supervisor)

FISCAL IMPACT

This year, we received 37 applications requesting a total of $400,300. The General Fund budget for the FY2023-2024 Community Funding program is $214,400. The subcommittee recommendation disperses a total of $161,000 to fund 22 of the applications.

BACKGROUND AND PREVIOUS ACTIONS

The city's Community Funding program was formalized by a 2001 council resolution. At that time, the following criteria was developed to guide the consideration for community funding support:

- Benefit to the community (current and historic)
- Community need
- Whether the service is already provided (i.e. avoid duplication)
- Geographic service area
- Methods of documenting the benefits to be provided in the community
- Clarity of the projects stated goals and objectives

- Longevity and reputation of the organization's service in the community
- Follow-up documentation provided for previous applications
- Ability to obtain funding from other sources
- Evidence of organization's tax-exempt status

At a 2021 work session, Council expressed an interest in supporting the priority areas identified in the Community & Neighborhood Services Master Plan, Phase I: Human Services.

Recommendations from the plan include:

- The establishment and/or expansion of:
  - Childcare services during non-traditional hours,
  - Mental health services that provide trauma-informed care,
  - Peer support groups,
  - Substance use and misuse education and services that provide trauma-informed care,
  - Tele-services or mobile-service delivery models, and
  - Transportation access during non-traditional transit hours.
- Nutritious and fresh food, clothing, shelter, and emergency financial assistance for Goodyear residents in crisis or facing instability.
- Container/Community gardens in low-to-moderate income areas.
- Transitional facilities for people fleeing or recovering from abuse.

City staff solicited proposals from non-profits, reviewed them for completeness and prepared them for review by the City Council subcommittee. The subcommittee met to discuss the applications on June 5 and their recommendations are being advanced for consideration and approval of the full City Council.

STAFF ANALYSIS

Applications were available on the city's website and emailed to past applicants, members of the Goodyear Faith & Community Roundtable and individuals who had contacted the city to request information about the grant opportunity on April 14. Information was also shared with local media contacts and an article was published in the May 3 West Valley View. A pre-application webinar was hosted on April 18, and a recording of the webinar remained on the website throughout the application period.

The application deadline was May 17.

On June 5, the Community Funding Subcommittee met to discuss the applications and established consensus on the following 22 funding recommendations totaling $161,000.

Organization *** Faith Based**	FY24 Recommendation
A New Leaf to support communications costs for the shelter program. This includes telephones, cell phones for staff, internet, and network connectivity.	$7,500
Agua Fria Food and Clothing Bank* to be used for the increased costs of goods and services, including labor costs.	$15,000

All Faith Community Services* to be divided up among staff salaries, mobile unit and facility usage cost, insurance, fuel, maintenance and improvements, materials and supplies, service delivery needs to those homebound and disabled, and for advertising and promotional tools.	$25,000
Area Agency on Aging, Region One to assist with purchasing meals, for city of Goodyear residents with limited access to nutritious food.	$15,000
AZ Community Impact to utilities, internet, rent, fuel and maintaining three warehouses and vehicles take a substantial amount of financial resources.	$10,000
Big Brothers Big Sisters of Central Arizona to pay for a portion of the salaries of staff members who provide direct services in the Goodyear Community-Based Mentoring Program.	$2,000
Boys & Girls Clubs of the Valley (BGCAZ) toward salaries and fringe benefit support for program staff who support, oversee, plan, organize and conduct the various programs and other staff members.	$8,000
Catitude Arts to be used for art supplies, stipends for art instructors and muralists, as well as, scholarships.	$3,000
Central Arizona Shelter Services, Inc. to support general operating costs for the expanding emergency shelter programs. General operating costs are spent on rent, utilities, and security costs.	$5,000
Community Legal Services, Inc. toward personnel salaries and benefits for legal services provided under this program, as well as, professional/contract services, education and training, and other overhead items.	$2,000
Helping Families In Need to mainly support a part-time community health worker needed to provide services in Goodyear.	$6,000
Hope Community Services Inc. (HCS) to cover the gap between the amount HCS receives in insurance reimbursement from AHCCCS and the true cost of care.	$10,000
Lutheran Social Services of the Southwest* to provide case management services to individuals experiencing homelessness in Goodyear.	$5,000
Mission of Mercy* to support Goodyear residents' medical care expenses, including medical staff, prescription medications, and medical supplies.	$3,000
Parents of Addicted Loved Ones (PAL)* to support a paid awareness campaign and related professional services fees to raise awareness of free peer support meetings, direct oversight of this project, family education seminar and for distributing and providing awareness materials, and participation in events within Goodyear.	$1,500
Sounds of Autism to provide virtual and mobile Life, Job and Safety Skill Training workshops, computers, computer equipment and computer training workshops (virtual and mobile) for our Adult Workforce Development Team, so they are able to work remotely or in person.	$8,500

Southwest Lending Closet to maintain operations of the Closet - purchase equipment and repair parts, utilities, occupancy, and office supplies.	$15,000
Southwest Valley Family YMCA to provide low- and/or fixed income children and families within Goodyear with financial assistance, access to childcare, early learning, and meal programs.	$5,000
Special Olympics Arizona, Inc. toward outreach to local delegations, regional competition expenses, and uniforms and sport equipment supporting the programming for local Goodyear delegations.	$5,000
Teen Lifeline to support prevention and intervention by operating a 24-hour free, confidential Crisis Hotline and texting line, Life Skills Development, and education through specific Prevention Education programs.	$5,000
WHAM Art Association for direct services –program management, printing, publicity, outreach to isolated veterans and the gas mileage associated with driving to Goodyear, art supplies, equipment, tools, lunches, and photography.	$3,000
Women 4 Women Tempe 100% of our funding will be used to buy feminine hygiene supplies.	$1,500
Total Requested	$161,000

A summary of all applications received has been attached for reference.

Attachments

FY24 Application Matrix

FY24 COMMUNITY FUNDING APPLICATION SUMMARY

Organization * Faith Based	FY24 Request	$53,400	FY23 Funded	FY23 Request	FY22 GYR residents served	New/expansion?	FY24 GYR residents served	Disconnected youth	Families with children	Low-income households	People experiencing/ recovered	People experiencing, elderly or disabled	Mental health concern	Substance misuse/ abuse	Other	Childcare services	Mental health services	Substance use, misuse	Substance use, misuse	Transportation access	Basic needs	Other	Delivery Model	Minimum Request
72 and You	$10,000	$0			0		2			👍			👍				👍	👍					Peer support groups Tele-services delivery model	$2,000
A New Leaf	$15,000	$7,500	$5,000	$15,000	87	New	12			👍		👍										👍		Trauma-informed care	ANY
Agua Fria Food and Clothing Bank*	$15,000	$15,000	$15,000	$15,000	3129*	Expansion	5000*			👍		👍										👍			ANY
ALL FAITH COMMUNITY SERVICES*	$25,000	$25,000	$25,000	$25,000	34419*	Expansion	35000*		👍	👍												👍			$15,000
Anti-Bullying Strategies and Certification	$30,000	$0			200		250			👍			👍				👍							Trauma-informed care	$5,000
Area Agency on Aging, Region One	$15,000	$15,000	$10,000	$15,000	30		10						👍									👍			$12,000
Arizona's Children Coalition	$10,000	$0			2	Expansion	25		👍	👍													Mental and physical health through sports and activities	Trauma-informed care	ANY
AZ Community Impact	$10,000	$10,000	$1,900	$50,000	894	Expansion	1200		👍	👍												👍			$1,000
Big Brothers Big Sisters of Central Arizona	$5,000	$2,000	$2,000	$5,000	15		12	👍								👍			👍					Trauma-informed care	ANY
Boys & Girls Clubs of the Valley (BGCAZ)	$15,000	$8,000	$8,000	$15,000	245		245	👍								👍						👍		Trauma-informed care	$13,500
Catitude Arts	$5,000	$3,000	$3,000	$5,000	1550	NewExpansion	1800*					👍											Art Education for diverse populations	Peer support groups	ANY
Central Arizona Shelter Services, Inc.	$10,000	$5,000	$5,000	$10,000	30	Expansion	35					👍										👍		Trauma-informed care	$5,000
Community Legal Services, Inc.	$11,000	$2,000			95	New	75			👍		👍											Civil Legal Aid		$7,500
Dress for Success Phoenix	$15,000	$0	$0	$7,500	40		100	👍		👍													Sustainable income	Peer support groups	$5,000
Forge Youth Mentoring*	$8,000	$0			0	Expansion	120	👍		👍							👍							Trauma-informed care	$4,000
G.A.S.K.I.N.S. Charity	$24,400	$0			0	New	10			👍		👍											Smart Technology Education		$3,500
Goodyear PebbleCreek Rotary Foundation	$5,000	$0			325	Expansion	450		👍	👍													education/literacy, youth development	Peer support groups	$2,500
Helping Children succeed in school	$3,000	$0			0	New	600*		👍	👍													School Supplies		$1,500
Helping Families In Need	$10,000	$6,000	$10,000	$10,000	637		600			👍			👍										Health Care	Tele-services delivery model	$8,000
Helping Others Together (HOT) Community Foundation	$2,000	$0			14		25		👍	👍												👍			ANY
Homeward Bound	$5,000	$0			8		20					👍										👍		Trauma-informed care	ANY
Hope Community Services Inc	$10,000	$10,000	$7,500	$10,000	152		170				👍		👍				👍							Trauma-informed care Tele-services delivery model	ANY
Lutheran Social Services of the Southwest*	$10,000	$5,000			22		20					👍										👍			$7,500
Mariah's Miracle	$15,000	$0			3	Expansion	20*								Children requiring therapy (PT, OT, Speech)								Providing children with equipment or therapy services that insurance would not otherwise provide.		$1,000
Meals of Joy (operated by SCOSIC)	$10,000	$0	$0	$5,000	36	Expansion	40					👍										👍			$5,000
Mission of Mercy*	$3,000	$3,000	$2,000	$3,000	100		40			👍												👍			ANY
Parents of Addicted Loved Ones (PAL)*	$12,500	$1,500	$0	$7,500	250*	Expansion	30500*							👍					👍					Peer support groups	ANY
Raising Special Kids	$10,000	$0			55		100								Families with children who have disabilities or special health care needs								Accessing information and support services for children with disabilities and special health care needs so children achieve their full potential.	Tele-services delivery model	$8,000
Sounds of Autism	$8,500	$8,500	$7,500	$10,000	18500	Expansion	15000		👍			👍					👍							Trauma-informed care	$7,500
Southwest Lending Closet	$15,000	$15,000	$15,000	$15,000	1033*		1000*								People with a short-term medical equipment need								Regional solution that results in increased access to work/school/etc. to Goodyear residents		ANY
Southwest Valley Family YMCA	$15,000	$5,000	$2,000	$5,000	293	Expansion	200		👍	👍						👍						👍			$2,500

FY24 COMMUNITY FUNDING APPLICATION SUMMARY

Organization * Faith Based	FY24 Request	$53,400	FY23 Funded	FY23 Request	FY22 GYR residents served	New/expansion?	FY24 GYR residents served	Disconnected youth	Families with children	Low-income household	People experiencing/ recovered	People experiencing, elderly or disabled	Mental health concern	Substance misuse/ abuse	Other	Childcare services	Mental health services	Substance use, misuse	Substance use, misuse	Transportation access	Basic needs	Other	Delivery Model	Minimum Request
Special Olympics Arizona, Inc.	$10,000	$5,000			449*	Expansion	200						👍										Expanding services available in Goodyear to meet the needs of minority populations, specifically those with disabilities. Fostering social cohesion in Goodyear	Peer support groups	$3,000
Teen Lifeline	$10,000	$5,000			1820		3182*	👍						👍										Peer support groups Tele-services delivery model	ANY
The Junkie Garage	$8,900	$0					200			👍			👍										donation based vehicle repairs		$300
The Salvation Army, a CA Corporation*	$4,000	$0			118*	Expansion	150*			👍		👍										👍			$2,000
WHAM Art Association	$7,000	$3,000			3	Expansion	30								Veterans								Veterans	Peer support groups	$5,500
Women 4 Women Tempe	$3,000	$1,500			1100*	Expansion	3000*			👍		👍											Basic needs: period supplies		ANY
Total Requested	**$400,300**			**$228,000**																					
Total Funded		**$161,000**	**$118,900**																						

ITEM #: 6.
DATE: 06/26/2023
AI #:1510

CITY COUNCIL ACTION REPORT

SUBJECT: SET THE PRIMARY AND SECONDARY PROPERTY TAX LEVIES FOR FY2024

STAFF PRESENTER(S): Ryan Bittle, Finance Manager - Budget

SUMMARY

Adopt the primary and secondary property tax levies for FY2024.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

ADOPT ORDINANCE NO. 2023-1573 LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF GOODYEAR, SUBJECT TO PRIMARY AND SECONDARY TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNTS ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET FOR THE PURPOSE OF PAYING FOR VARIOUS EXPENSES; TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUES; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING PRINCIPAL AND INTEREST UPON BONDED INDEBTEDNESS; ALL FOR FISCAL YEAR ENDING THE 30TH DAY OF JUNE 2024 AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE. (Ryan Bittle, Finance Manager - Budget)

FISCAL IMPACT

The primary and secondary property tax levies are a part of an overall finance strategy that provides funding for the city's budget. The adopted FY2024 Budget totals $806,949,000 dollars, of which $25,119,966 is funded by these property tax levies. Adopting these property tax levies is the final step in the process to establish the FY2024 budget. If approved, $13,923,866 will be generated from the primary property tax levy to support General Fund ongoing operations and $11,196,100 will be generated from the secondary property tax levy to pay debt service on voter approved General Obligation (G.O.) Bond debt.

BACKGROUND AND PREVIOUS ACTIONS

The FY2024 budget process began in calendar year 2022 and included departments submitting their initial list of new capital projects, preparing base budget estimates, preparing supplemental addition requests and updating existing CIP project costs and timelines as needed. All of these estimates and requests are reviewed by Budget and Research and with the executive team. In the case of capital projects; Engineering Project Management, Information Technology, and Procurement are highly involved in reviews to ensure that all elements of a project are captured within its scope/budget and that we have the organizational resources to deliver the projects proposed.

City Council was provided an initial General Fund five-year forecast in February 2023 as part of the City Council Retreat, which included risks and budget priorities. Those discussions and that presentation served as the basis for the recommended budget. The City Manager presented a sustainable recommended budget on April 17th, 2023, which focused on growth, continuing existing programs and services to a larger residential base, fair compensation for employees, meeting obligations, opening new capital facilities, and continuing the capital improvement program.

On May 22, 2023, City Council approved the only change to our financial policy, which was to increase our portion of construction sales tax treated as ongoing revenue from $6.1 million to $6.5 million. This policy calls for annual review and the $6.5 million was based on the average of the lowest five-years in the prior ten of General Fund construction sales tax collections.

Any subsequent changes from the City Manager's recommended budget work session were summarized as part of our Tentative budget presented to and adopted by Council on May 22, 2023. The approved tentative budget was published in the Southwest Valley Republic on May 26, and June 2, 2023, consistent with requirements of state law. Further, state required budget forms are posted on the website, where they must remain for five years, and are also available at the library and City Clerk's Office.

A public hearing was held on June 12, 2023 prior to final adoption of the FY2024 budget and for the Truth-In-Taxation requirements associated with the Primary Property Tax levy. On June 12, the City Council also adopted the Truth-In-Taxation increase of $258,247 that is included in the primary property tax levy presented for approval today.

STAFF ANALYSIS

The primary property tax levy for FY2024 of $13,923,866 is expected to create a primary property tax rate of $0.9617 per $100 of assessed valuation. As a part of the general fund revenue, the primary property tax levy supports general fund activities, including police and fire protection, operations and maintenance, and many other general governmental functions. This levy amount is consistent with Council adopted financial policy to maximize the primary property tax.The secondary property tax levy of $11,196,100 is expected to create a secondary property tax rate of $0.7733 per $100 of assessed valuation and will be used to fund the principal, interest, and redemption charges on voter-approved general obligation bonds.The FY2024 overall combined property tax rate of $1.7350 would equate to a city property tax payment of $173.50 for a home with an assessed value of $100,000. The median amount of property tax to be paid by a Goodyear homeowner will be $380.64.

	FY2023 Assessed Valuation	FY2023 Levy	FY2023 Rate*	FY2024 Assessed Valuation	FY2024 Levy	FY2024 Rate*
Primary	1,293,848,816	12,882,853	$ 0.9957	1,447,838,834	13,923,866	$ 0.9617
Secondary	1,293,848,816	9,565,400	$ 0.7393	1,447,838,834	11,196,100	$ 0.7733
Totals		**22,448,253**	**$ 1.7350**	**2,895,677,668**	**25,119,966**	**$ 1.7350**

Goodyear Property Tax - $100,000 home	**$ 173.50**
Goodyear Property Tax - $105,000 home (maximum 5% appreciation, $8.68 per $100,000 AV increase)	**$ 182.18**
Goodyear Property Tax - $219,387 Median Assessed Value for Goodyear Single Family Home:	**$ 380.64**

Attachments

Ordinance 2023-1573

ORDINANCE NO. 2023-1573

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF GOODYEAR, SUBJECT TO PRIMARY AND SECONDARY TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNTS ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET FOR THE PURPOSE OF PAYING FOR VARIOUS EXPENSES; TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUES; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING PRINCIPAL AND INTEREST UPON BONDED INDEBTEDNESS; ALL FOR FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2024 AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona adopted the fiscal year 2023-2024 final budget on June 12th, 2023; and

WHEREAS, the County of Maricopa is now the assessing and collecting authority for the City of Goodyear, the City Clerk is hereby directed to transmit a certified copy of this Ordinance to the Assessor and Board of Supervisors of Maricopa County, Arizona;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. PRIMARY PROPERTY TAX LEVY

There is hereby levied on each one hundred dollars ($100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Goodyear, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise the sum of thirteen million, nine hundred twenty-three thousand and eight hundred and sixty-six dollars ($13,923,866) for the City of Goodyear for the fiscal year ending June 30, 2024.

SECTION 2. SECONDARY PROPERTY TAX LEVY

There is hereby levied on each one hundred dollars ($100.00) of assessed value of all property, both real and personal, within the corporate limits of the City of Goodyear, except such property as may be by law exempt from taxation, a secondary property tax rate sufficient to raise the sum of eleven million, one hundred ninety-six thousand, and one hundred dollars ($11,196,100) for the City of Goodyear for the fiscal year ending June 30, 2024.

SECTION 3. No failure by the County Officials of Maricopa County, Arizona, to properly return the delinquent list and no irregularity in the assessment or omission in the same, or irregularity of any kind in any proceedings shall invalidate such proceedings or invalidate any title conveyed by any tax deed; nor shall any failure same, or irregularity of any kind in any proceedings shall invalidate such proceedings or invalidate any title conveyed by any tax deed; nor shall any failure Ordinance No. 2023-1573 Page 2 of 2 or neglect of any officer or officers to perform any of the duties assigned to him or to them on the day within time specified work an

invalidation of any proceedings or of any such deed or sale or affect the validity of the assessment and levy of taxes or of the judgment or sale by which the collection of the same may be enforced or in any manner affect the lien of the City upon such property for the delinquent taxes unpaid thereon, and no overcharge as to part of the taxes or of costs shall invalidate any proceedings for collection of taxes or the foreclosure, and all acts of officer de facto shall be valid as if performed by officers de jure.

SECTION 4. All ordinances and parts of ordinances in conflict are hereby repealed.

SECTION 5. RECORDATION

This Ordinance shall be recorded with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Joe Pizzillo, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

ITEM #: 7.
DATE: 06/26/2023
AI #:1526

CITY COUNCIL ACTION REPORT

SUBJECT: LIBRARY ASSISTANCE PROGRAM IGA WITH MARICOPA COUNTY LIBRARY

STAFF PRESENTER(S): Guylene Ozlanski, Arts and Culture Administrator

---

OTHER PRESENTER(S):

Jeremy Reeder, Maricopa County Library District Director

SUMMARY

Approve an Intergovernmental Agreement (IGA) with the Maricopa County Library District (MCLD) for acceptance of Library Assistance Program (LAP) funds for the Georgia T. Lord Library.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Approve an Intergovernmental Agreement with the Maricopa County Library District for acceptance of Library Assistance Program funds for the Georgia T. Lord Library. The IGA will cover the period of July 1, 2023, through June 30, 2028. (Guylene Ozlanski, Arts & Culture Administrator)

FISCAL IMPACT

The MCLD Board of Supervisors has provided a tentative budget of $3.7 million for the Library Assistance Program for FY2024. Upon execution of the IGA, Goodyear's allocation for FY2024 is as follows:

40% Assessed Value Allocation: $45,087
60% Cards Issued Allocation: $57,716
Goodyear's Total FY24 Allocation: $102,803

The Goodyear allocation will provide for materials, provision of Integrated Library System, materials sharing, access to digital resources, inter-system delivery service, and Summer

Reading Program resources. The Library Assistance Program funding will change annually based on the calculation formulas outlined above.

BACKGROUND AND PREVIOUS ACTIONS

On May 22, 2017, City Council approved an IGA with the MCLD to continue operating Goodyear's Library. Under this agreement, Goodyear provides the facility and facility maintenance and MCLD provides the staffing and operation. Goodyear reimburses MCLD on a monthly basis for actual operating costs plus 10% in overhead costs.

On May 14, 2018, City Council approved an IGA with MCLD to accept LAP funding. This IGA was in effect from July 1, 2018, through June 30, 2023.

On June 15, 2022, staff entered into the First Amendment to the IGA between MCLD and Goodyear for the operation of the Goodyear Library. This Amendment allows for the one (and only) extension of the 2017 operations agreement. This extended the Library Operations IGA through July 1, 2027.

STAFF ANALYSIS

The purpose of the Library Assistance Program is to increase and enhance material access for all Maricopa County residents. Each year, the MCLD Board of Supervisors allocates funding for the county-wide Library Assistance Program via the MCLD Tax Levy. Funding provided through this program is split between participating municipal libraries within Maricopa County annually.

Under this five-year IGA, MCLD will allot funding to Goodyear based on the percentage of the assessed valuation from the preceding February State Abstract and on the percentage of gross cards issued to Non-Residents of Goodyear that are entitled to the benefits of MCLD. The allotment will be calculated as follows:

> **Assessed Value Allocation (40% of Total)** – The sum total of primary net assessed value (Limited Property Value) for all participating municipal libraries will be calculated. Then, the percentage for each municipality will be calculated using the aforementioned total. Forty percent (40%) of the allocated budget for the Library Assistance Program will be multiplied by each municipal percentage to calculate the individual assessed value allocation.
>
> *For example: if MCLD budgets $1,000,000 for the Library Assistance Program, forty percent of that ($400,000) will be allocated based on assessed value percentage. If Goodyear has 10% of the total assessed value for all participating cities, their allocation based on assessed valuation would be $40,000.*
>
> **Cards Issued Allocation (60% of Total)** – Any resident of Maricopa County may obtain a free library card from a participating library upon presentation of current identification and proof of residence. Goodyear shall provide library services to persons who are Non-Residents of Goodyear, but reside within Maricopa County. The Allocation for each library system will be calculated by multiplying their percentage times 60% of the funding available for the Library Assistance Program.
>
> *For example: if MCLD budgets $1,000,000 for the Library Assistance Program, sixty percent of that ($600,000) will be allocated based on the card issued percentage. If*

Goodyear has 10% of the total cards issued, their allocation would be $60,000.

Execution of the Library Assistance Program IGA will allow Goodyear to increase and enhance material access for all Goodyear library users at no additional cost to the city.

Attachments

IGA with MCLD for Library Assistance Program

INTERGOVERNMENTAL AGREEMENT BETWEEN THE MARICOPA COUNTY LIBRARY DISTRICT AND CITY OF GOODYEAR FOR THE LIBRARY ASSISTANCE PROGRAM

Agenda # 1526
(*City of Goodyear)*

The governing bodies of the City of Goodyear (hereinafter "City") and the Maricopa County Library District (hereinafter "Library District") authorize and approve this Intergovernmental Agreement ("Agreement") to be effective on the 1st of July, 2023 for provision of certain library services and reimbursements.

WHEREAS A.R.S. 55 48-3901 and 11-903 allow a City to elect to become a part of, or participate in a county library district, which is a political taxing subdivision of this state for purposes of providing library services to district residents;

WHEREAS the City is a member of the Library District program and wishes to participate in the Library Assistance Program of the Library District;

WHEREAS, pursuant to A.R.S. 5 9-411 et seq., the City has established and provided for a City library and library facilities and services which are owned and funded by the City and its governing body;

WHEREAS, the Library District has established a Library Assistance Program for the benefit of its members in order to expand the availability of Library Services;

WHEREAS, the City and the Library District are authorized to act and enter into this intergovernmental agreement regarding the Library Assistance Program pursuant to A.R.S. 5 11-952; and

WHEREAS the City wishes to have its municipal library participate in and benefit from the Library Assistance Program through library materials assistance, provision of Integrated Library System, materials sharing, access to digital resources, inter-system delivery service and Summer Reading Program resources.

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, the parties agree as follows:

SECTION I - OBLIGATIONS OF THE CITY

1. Services Offered. The City shall provide the following library services to persons who are Non-Residents of that City but entitled to the benefits of the Library District (hereinafter referred to as "Non-Residents" to the same extent and pursuant to the same rules and regulations as the City provides these facilities and services to City residents. "Non Residents" as used in this Agreement means only those persons entitled to Library District benefits, and does not include other non-residents. The services include access to and use of City library facilities, materials and services.

SECTION II - OBLIGATIONS OF THE LIBRARY DISTRICT

1. Library Materials Assistance

    a. Allotment to City. The Library District shall make an allotment to the City based on the percentage of the assessed valuation from the preceding February State Abstract and on the percentage of gross cards issued to Non-Residents of the City that are entitled to the benefits of the Library District. This allotment will be a not to exceed amount at a library materials vendor that is on contract with the Library District. The allotment will be calculated as follows:

        i. Assessed Value Allocation (40% of Total) — The sum total of primary net assessed value for all participating municipal libraries will be calculated. Then, the percentage for each municipality will be calculated using the aforementioned total. Forty percent (40%) of the total allocated for the Library Assistance Program will be multiplied by each municipal percentage to find the individual assessed value allocation.

        ii. Cards Issued Allocation (60% of Total) — Each Library will submit to the Library District accounting and documentation as required in Section This will be submitted on or before January 31 of each year, for the CALENDAR YEAR. The submissions will be totaled and the percentage for each participating municipality will be calculated. The Allocation for each library system will be calculated by multiplying their percentage times 60% of the funding available for the Library Assistance Program.

SECTION III - OTHER TERMS AND CONDITIONS

1. Term. This Agreement shall terminate June 30, 2028, unless sooner terminated by the parties hereto and is renewable only upon written amendment executed by both parties.
2. Termination. Either party may terminate this Agreement upon 90 days' notice to the other party.
3. Severability and Savings. If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion without inequity to the party(ies). If any part of this Agreement is held to be invalid or unenforceable, such holding and any actions taken subsequent thereto shall not require a return or reimbursement, nor affect in any way, the receipt or expenditure by the City, of tax revenues paid or payable as of the date of such holding pursuant to this or any similar Agreement. The provision of this Agreement for payment of funds by the Library District shall be effective when funds are appropriated for purposes of this Agreement and are actually available for payment. The Library District shall be the sole judge and authority in determining the availability of funds under this Agreement and the Library District shall keep the City fully informed as to the availability of funds for its program.

4. Entire Agreement Supersedes Any Other. This Agreement comprises the entire agreement of the parties and supersedes any and all other agreements or understandings, oral and written, whether previous to the execution hereof or contemporaneous herewith.
5. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona and the laws, rules and regulations of the City and the Library District.
6. Cancellation. The parties hereto acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. 5 38-511.
7. E-Verify. The parties verify compliance with the requirements in A.R.S. 5 41-4401 and A.R.S. 5 23-214.
8. 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.
9. Records. The Library District will comply with A.R.S. 5 41-151.22 regarding the confidentiality of the user records it receives pursuant to this Agreement.
10. Boycott of Israel. Each party certifies that it is not currently engaged in, and for the duration of this Agreement agrees not to engage in, a boycott of Israel as defined in A.R.S. 5 35-393.
11. Uyghur Forced Labor Each Party warrants and certifies that for the duration of the Agreement that it will not use any contractors, subcontractors or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China. If a Party becomes aware during the term of the Agreement that any contractors, subcontractors or suppliers are not in compliance with this paragraph, the Party shall notify the other Party within five business days after becoming aware of the noncompliance. Upon failure of the Party to provide a written certification that the Party has remedied the noncompliance within one hundred eighty (180) days after notifying the other Party of its noncompliance, this Agreement shall terminate unless the Term of this Agreement shall end prior to said one hundred eighty (180) day period. A.R.S. § 35-394

IN WITNESS WHEREOF, the CITY OF GOODYEAR and the MARICOPA COUNTY LIBRARY DISTRICT have executed this Agreement effective on the date first above written.

CITY OF GOODYEAR	MARICOPA COUNTY LIBRARY DISTRICT
By:_____	By:_____
	Chairman, Board of Directors
City of Goodyear	Maricopa County Library District
ATTEST:	ATTEST:
By:_____	By:_____
City Clerk Date	Clerk of the Board Date

In accordance with A.RS, Section 11-952, the foregoing Agreement has been reviewed by the undersigned counsel who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona.

By:_____	By:_____
Attorney	Attorney
City of Goodyear	Maricopa County Library District

ITEM #: 8.
DATE: 06/26/2023
AI #:1545

CITY COUNCIL ACTION REPORT

SUBJECT: AUTHORIZATION OF EXPENDITURE OF CONSTRUCTION FUNDS FOR APPROVED CAPITAL IMPROVEMENT (CIP) PROJECT #42023 - BULLARD AVENUE WIDENING

STAFF PRESENTER(S): Allan Smolko, Senior Project Manager

SUMMARY

A request to authorize the expenditure of construction funds for the Bullard Avenue Widening Project.

STRATEGIC PLAN ALIGNMENT


Quality of Life


Fiscal Resource Management


Economic Vitality

RECOMMENDATION

Authorize the expenditure of funds for the Bullard Avenue Widening project in an amount not to exceed $1,333,837.50. (Allan Smolko, Senior Project Manager)

FISCAL IMPACT

The project is currently budgeted and programmed in the FY2023 Capital Improvement Program.

BACKGROUND AND PREVIOUS ACTIONS

This project was added to the FY2022-27 CIP with City Council action on 1/24/22, to establish funding to eliminate scalloped street development and improve transportation efficiencies. On June 12, 2023, Council approved the Development Agreement for Bullard Avenue Improvements with Squaw Peak Goodyear LLC, ensuring the city will receive the real property interest that are required to be dedicated to the city under Ordinance 2019-1422 and that are needed for the completion of the Bullard Avenue Widening Project. Additionally, on June 12, 2023, Council authorized the acceptance and execution of a Special Warranty Deed from Squaw Peak Goodyear LLC, conveying right-of-way to the City.

STAFF ANALYSIS

Staff initiated a contract via Job Order Contracting with the firm Talis Corporation to provide construction services for the Bullard Avenue Widening project (CIP Project # 42043). Staff completed negotiations of scope, schedule, and fee with Talis for use in the final contract. Improvements are for full southbound street improvements meeting city standards to include: asphalt travel lanes, curb, gutter, sidewalk, roadway markings, raised landscape medians and streetlights.

ITEM #: 9.
DATE: 06/26/2023
AI #:1550

CITY COUNCIL ACTION REPORT

SUBJECT: DECLARATION OF RIGHT-OF-WAY WITHIN A SECTION OF SOUTH 173RD AVENUE

STAFF PRESENTER(S): Kevin Spicer, Real Estate Services Specialist

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OTHER PRESENTER(S):

Logan Hopp, Senior Civil Engineer

SUMMARY

This Resolution declares a portion of city-owned property as right-of-way for a public street within a section of 173rd Avenue.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

ADOPT RESOLUTION NO. 2023-2325 DECLARING AS PUBLIC RIGHT-OF-WAY CITY-OWNED PROPERTY LOCATED WITHIN A SECTION OF THE SOUTH 173rd AVENUE ALIGNMENT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Kevin Spicer, Real Estate Services Specialist)

FISCAL IMPACT

There is no fiscal impact to the City for declaring a portion of its property as public right-of-way for FY24 or future years.

BACKGROUND AND PREVIOUS ACTIONS

City of Goodyear owns 5.74 acres of land (current parcel number 502-43-028M) currently used for the City of Goodyear Well 12 Tank and Booster Station. The owner/developer of Artesian Casitas is improving a section of the west-half of 173rd Avenue, the improvements include the construction of additional pavement, curb, gutter, sidewalk, drainage improvements, and pedestrian ramps. The construction of these improvements requires additional right-of-way from the owner of the Artesian Casitas and from the City.

STAFF ANALYSIS

Staff recommends the approval of Resolution 2023-2325 as it will allow for the completion of a section of 173rd Avenue, including improvements within the city-owned property that the city would otherwise have to construct.

Attachments

Resolution with Exhibit A

RESOLUTION NO. 2023-2325

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING AS PUBLIC RIGHT-OF-WAY CITY-OWNED PROPERTY LOCATED WITHIN A SECTION OF THE SOUTH 173rd AVENUE ALIGNMENT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the power vested in the City of Goodyear ("City") and by its Charter and pursuant to A.R.S. § 9-276, the Mayor and Council of the City of Goodyear have the power to establish, construct, improve, regulate vacate, modify roadways open to the public; and

WHEREAS, the City owns a certain parcel of real property consisting of approximately .0081 acres, generally located west of 173rd Avenue and approximately 325 feet south of W. Lower Buckeye Road ("City Property"); and

WHEREAS, 29SC Cotton Property, LLC a Delaware Limited Liability Company ("Developer") owns and is in the process of developing a residential development known as Artesian Casitas, which is generally located at the southwest corner of W. Lower Buckeye Road and 173rd Avenue along the western boundary of the City Property (the "Artesian Casitas Property"); and

WHEREAS, a portion of the City Property is located within a section of the 173rd Avenue alignment; and

WHEREAS in connection with the development of the Artesian Casitas Property, the Developer will be improving sections of the western half of 173rd Avenue, including the section of the 173rd Avenue alignment located within the City Property; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. FINDINGS

Subject to the conditions and requirements below, the Mayor and Council of the City of Goodyear find and determine that it is in the interest of the public health, safety, and welfare of the City to declare that real property, more particularly described and depicted in the Exhibit A attached hereto, and by reference, made a part hereof as a public street.

SECTION 2. DECLARATION OF RIGHT-OF-WAY.

The City of Goodyear, an Arizona municipal corporation, as owner of that real property more particularly described and depicted in Exhibit "A" attached hereto and by reference made a part hereof, hereby declares such property to be right-of-way for a public street and to be maintained by the City of Goodyear.

SECTION 3. RECORDATION

This City Clerk is hereby directed to record this Resolution with the Maricopa County Recorder's Office.

SECTION 4. EFFECTIVE DATE

This Resolution shall become effective upon its adoption by the Mayor and Council of the city of Goodyear, Maricopa County.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 2023.

_____
Joe Pizzillo, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

May 10, 2023
Project # 050908-02-001

EXHIBIT A

LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION

THAT PORTION OF LOT 1 OF “GOODYEAR SITE 12”, ACCORDING TO BOOK 1679 OF MAPS, PAGE 19, MARICOPA COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23;

THENCE NORTH 89°45'34" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1323.04 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23;

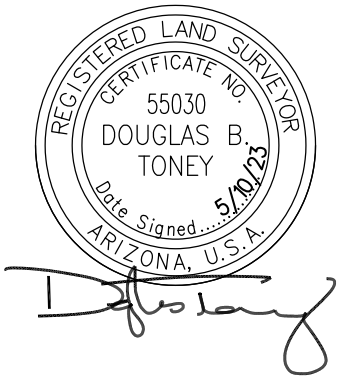
THENCE SOUTH 00°11'58" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 215.03 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 1, SAID POINT BEING THE **POINT OF BEGINNING** AND ALSO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, CONCAVE EASTERLY AND HAVING A RADIUS OF 540.00 FEET;

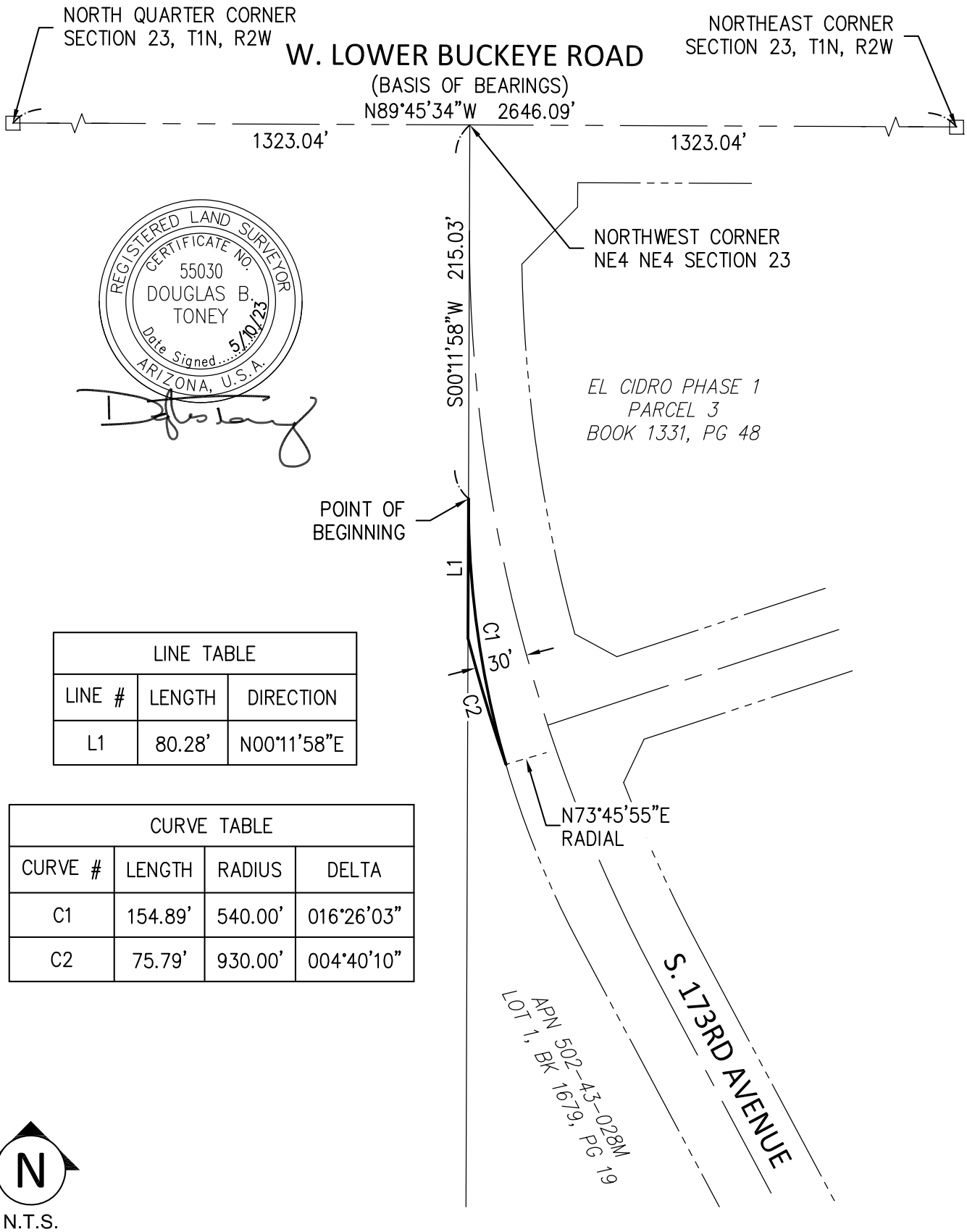
THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 1 AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°26'03", AN ARC DISTANCE OF 154.89 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 73°45’55” EAST, A RADIAL DISTANCE OF 930.00 FEET;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°40'10", AN ARC DISTANCE OF 75.79 FEET TO THE WEST LINE OF SAID LOT 1;

THENCE NORTH 00°11'58" EAST, ALONG SAID WEST LINE, A DISTANCE OF 80.28 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 354 SQUARE FEET OR 0.0081 ACRES, MORE OR LESS.





REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 5/10/23
ARIZONA, U.S.A.

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	80.28'	N00°11'58"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	154.89'	540.00'	016°26'03"
C2	75.79'	930.00'	004°40'10"

SHEET 1 OF 1

DATE: 5/10/23

EXHIBIT
RIGHT-OF-WAY DEDICATION

BY: DT | CHK: | QC:

BCG PROJECT NO: 050908-02 TASK: 001
CLIENT REF NO:

Bowman CONSULTING
1600 N Desert Drive, #210
Tempe, AZ 85288
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowman.com

ITEM #: 10.
DATE: 06/26/2023
AI #:1568

CITY COUNCIL ACTION REPORT

SUBJECT: APPROVE BUDGET AMENDMENTS & RELATED EXPENDITURE AUTHORITY

STAFF PRESENTER(S): Ryan Bittle, Finance Manager

SUMMARY

Approve budget amendments & related expenditure authority.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Approve budget amendments & related expenditure authority. (Ryan Bittle, Finance Manager)

FISCAL IMPACT

Fiscal impacts are outlined in the attached report. The citywide budget total remains unchanged within the Adopted State Expenditure Limitation. Budget.Expenditure authorization as required by Resolution 08-1255 for items over $500,000 is related to both the FY2023 and FY2024 budget as this item will have portions carry forward into the new fiscal year which begins on July 1, 2023.

BACKGROUND AND PREVIOUS ACTIONS

Budget amendments requiring City Council approval are presented, as necessary throughout the year. The FY2023 expenditure limitation budget was adopted on June 06, 2022.

STAFF ANALYSIS

Budget transfers are permitted by Arizona Revised Statute 42-17106(B), which provides authorization for cities and towns to exceed expenditures in a budget item after final adoption of a city/town budget by transferring appropriations between budget items. All budget transfers are completed within city policy established by Resolution 2020-2039. Review of budget transfers keeps the Council and general public informed about the city's current fiscal year revenues and expenditures.

Attachments

Budget Amendment Report

City Council - Budget Amendments Report - FY2023

Council Agenda Date: 6/26/2023

Date	Transfer Journal No.	Reason Needed	Amount	Ultimate Fund(s) Affected; Explanation	New Resource/ Revenue	No Ultimate Funding Change	General	Water Operating	Wastewater Operating	Other Operating Funds	Other Capital Funds
6/15/2023	2024-01-17	CIP Project 60080 Bullard Wash Conveyance: I-10 to Gila River has been completed for a total cost of $2,208,674.02 which is $2,561,325.98 below the total project budget of $4,770,000. This transfer allocates project savings for the purpose of removing overgrown vegetation in other publicly owned areas of the city such as the I-10 basins and various culverts throughout the city. These funds will be utilized to alleviate safety concerns related to the proper use and maintenance of these stormwater drainage facilities.	$2,500,000	General Fund		$2,500,000					

ITEM #: 11.
DATE: 06/26/2023
AI #:1570

CITY COUNCIL ACTION REPORT

SUBJECT: APPROVE EXPENDITURE UP TO $1,177,500 FOR CLEVELAND GUARDIANS COMPLEX IMPROVEMENTS

STAFF PRESENTER(S): Bruce Kessman, Deputy Director Ballpark

SUMMARY

Request approval of expenditure of FY24 funds for the Guardians Complex Retaining Wall Replacement and Drainage Repair (Project 50039) and the Guardians Maintenance Shop Break Room (Project 50040).

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Approve expenditure of $1,177,500 for Cleveland Guardians Complex improvements. (Bruce Kessman, Deputy Director Ballpark)

FISCAL IMPACT

The Guardians Complex Retaining Wall Replacement and Drainage Repair Project has been approved in the FY24 budget for the amount of $980,000. Willmeng Construction, Inc. has provided a quote of $866,714 to perform the necessary repairs as identified in Capital Improvement Project #50039. Due to the nature of repairs involving excavation and pouring of concrete, an additional $113,286 is being requested for the removal and replacement of the adjacent chain link fence, granite, sod, and warning track material.

The Guardians Maintenance Shop Break Room has been approved in the FY24 budget for the amount of $197,500. Willmeng Construction, Inc. has provided a quote of $159,695 to perform the design and construction of the break room as identified in Capital Improvement Project #50040. An additional $37,805 is being requested for the relocation of IT infrastructure and FFE.

BACKGROUND AND PREVIOUS ACTIONS

Per City of Goodyear Resolution 08-1255, all expenditures of budgeted funds in excess of $500,000 must obtain City Council approval. The city has developed and approved a Capital Improvement Program which was adopted on June 12, 2023, for FY24.

STAFF ANALYSIS

During a monthly facility inspection, the retaining walls were identified as potential hazards as the masonry block was chipping and visible cracks were observed. The walls have been monitored through monthly inspections and the cracks are becoming more defined and larger. There is not an exact timeframe which can be placed on complete failure, however, there is an opportunity to schedule the repairs with minimal impact to the operation and displacement of team workouts. If the necessary repairs are delayed, this could impact the Guardians daily workouts, lead to more costly repairs or displace team activities.

The Guardians Maintenance Shop does not have a dedicated air-conditioned break room for employees who report to this location. The current space that is being used is not fully separated from the rest of the maintenance shop and is currently being cooled by a swamp cooler. Due to the nature of the work that is being performed on a daily basis, it is necessary to provide the employees with a dedicated space.

ITEM #: 12.
DATE: 06/26/2023
AI #:1571

CITY COUNCIL ACTION REPORT

SUBJECT: GRANT OF AN ACCESS EASEMENT OVER CITY PROPERTY AT THE INTERSECTION OF W. KENDALL STREET AND SOUTH 173RD AVENUE

STAFF PRESENTER(S): Kevin Spicer, RWA-GN, Real Estate Specialist

---

OTHER PRESENTER(S):

Logan Hopp, Senior Civil Engineer

SUMMARY

The city is being asked to grant an access easement over a portion of city owned property to provide secondary access to a property being developed under the name Artesian Casitas at West Goodyear.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Approve the Artesian Casitas Access Easement between 29SC Cotton Property owner, LLC and the City of Goodyear granting an Easement over a portion of city owned property at the intersection of W. Kendall Street and South 173rd Avenue. (Kevin Spicer, RWA-GN, Real Estate Specialist)

FISCAL IMPACT

No fiscal analysis has been prepared for the impact of the granting of the easement, but any impact to the City for encumbering its property will be de minimis because of location of the easement and the configuration of the city's parcel.

BACKGROUND AND PREVIOUS ACTIONS

City of Goodyear owns 5.74 acres of land (502-43-028M) currently used for the City of Goodyear Well 12 Tank and Booster Station (the “City Parcel”). The property along the western boundary of the City Parcel is being developed under the name of Artesian Casitas at West Goodyear. The city’s development standards required a secondary point of access into the Artesian Casita development. The property owner has requested an access easement from the city over approximately 1,635 square feet of the City Parcel to allow the Artesian Casita development to be accessed at the intersection of 173rd Avenue and W. Kendall Street.

The location of the access easement is outside the fence of the water facilities constructed within the City Parcel and staff with the city’s utilities department have advised the granting of the easement will not conflict with its operations or needs with regards to the City Property. Moreover, because of the configuration of the City Parcel, the city cannot put the area in which the access easement is located to any other beneficial use. As part of the Artesian Casitas development, the owner/developer, at no cost to the city, will be constructing improvements to 173rd Avenue, including the installation of sidewalk improvements to the section of 173rd Avenue along the frontage of the City Parcel.

STAFF ANALYSIS

Staff is recommending granting an Access Easement to 29SC COTTON PROPERTY OWNER, LLC over a portion of the City Parcel. The granting of the easement will not impact the operations of the water facilities, and because of the location of the easement, the impact on the value of the City Parcel is de minimis. The grant of this easement will facilitate the development of Artesian Casitas at West Goodyear and the owner/developer of Artesian Casitas, at their sole cost and expense, will be installing infrastructure improvements along the section of 173rd Avenue adjacent to the City Parcel, which the city would otherwise have to install.

Attachments

Access Easement with Exhibits

When recorded return to:

City of Goodyear
City Clerk / KLS
1900 N. Civic Square
Goodyear, Arizona 85395
QS-84B

EXEMPT UNDER A.R.S. § 11-1134(A)(2)

ACCESS EASEMENT

This Access Easement (the "Agreement") is made and entered into this _____ day of _____, 2023 by and between **City of Goodyear, an Arizona municipal corporation** ("Grantor"), **29SC Cotton Property Owner, LLC, a Delaware limited liability company** ("Grantee "). (Collectively Grantor and Grantee are referred to as the "Parties")

RECITALS

WHEREAS, Grantor owns certain real property located in the City of Goodyear legally described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Burdened Property"); and

WHEREAS, Grantee owns certain real property located in the City of Goodyear legally described in Exhibit "B attached hereto and incorporated herein by this reference, which is being developed as a residential development (the "Benefitted Property"); and

WHEREAS, to provide two required points of access into and out of the Benefitted Property, Grantee requires access to and from South 173rd Avenue through a portion of the Burdened Property for vehicular and pedestrian access by owners of the Benefitted Property, their tenants, employees, contractors, agents, representatives, and invitees and by emergency service providers; and

WHEREAS, subject to the terms and conditions set forth herein, Grantor has agreed to provide an Access Easement over the portion of the Burdened Property legally described in Exhibit "C" attached hereto and incorporated herein by this reference (the "Easement Area").

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions set forth herein, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, the Parties agree as follows:

1. EASEMENT. Subject to the terms and conditions set forth herein, City of Goodyear, an Arizona municipal corporation ("Grantor") does hereby grant and convey to 29SC Cotton Property Owner, LLC, a Delaware limited liability company ("Grantee"), its successors and assigns, a perpetual, non-exclusive Access Easement upon, over, and across the Easement Area for the benefit of the owner(s) of the Benefitted Property for the following purposes: (i) to provide vehicular and pedestrian ingress and egress over, across and through the Easement Area by the owner(s) of the Benefitted Property, their tenants, employees, contractors, agents, representatives, and invitees ("Public Access") and by emergency service providers ("Emergency Services Access"); and (ii) to allow Grantee, its successors and assigns, to enter upon, construct, operate, maintain, repair and or replace Access Improvements (as described in Section 2 below) upon, over, and across the Easement Area. Grantee shall have all rights and privileges necessary or convenient for the full use and enjoyment of the easement, servitude and privileges herein granted for the purposes herein described. For purposes of this Access Easement, the reference to Grantee's successors and assigns means any person or entity that succeeds to or is assigned any interest in all or part of the Benefitted Property.

1.1. Easement Limitations. The easement granted herein is subordinate and subject to all requirements, conditions and limitations as stated in the Utility Easement granted to ARIZONA PUBLIC SERVICE COMPANY, an Arizona corporation recorded in the Official Records of Maricopa County, Arizona on October 10, 2019, at document 2019-0806095 and in the Public Utility and Sidewalk Easement granted to City of Goodyear, an Arizona municipal corporation recorded in the Official Records of Maricopa County, Arizona on July 10, 2019, at document 2019-0521045.

1.2. Grantor's Reservation. The easement conveyed herein is non-exclusive, and Grantor reserves for itself, its successors and assigns, all such rights and privileges in the Easement Area that are not inconsistent with the easement rights conveyed herein and that do not, modify, interfere with or endanger the Access Improvements constructed within the Easement Area including the right to grant additional non-exclusive easements within the Easement Area

2. RESPONSIBILITY FOR ACCESS IMPROVEMENTS. Grantee, its successors and assigns (as defined above), shall be responsible for constructing, maintaining, repairing and replacing Access Improvements within the Easement Area. Access Improvements shall be those improvements required to be constructed pursuant to applicable federal, state, and/or local laws, ordinances, policies, procedures or other requirements to provide Public Access and Emergency Service Access, including by way of example, but not limited to, the requirements in the City of Goodyear Engineering Design Standards and Policies Manual for improvements required for Emergency Services Access. Grantee, its successors and assigns, shall maintain, the Access Improvements in good working condition and shall repair and replace the Access Improvements as needed to have Access Improvements in good working condition and traversable at all times.

2.1. Grantor's Rights Regarding Access Improvements. Grantor shall not have any responsibility or liability for the construction, operation, maintenance, repair or replacement of the Access Improvements. Notwithstanding the foregoing, Grantor shall have the right, but not the obligation to maintain, repair, and/or replace the Access Improvements if Grantee fails to maintain the Access Improvements as required in Section 2 above. If Grantor exercises this right because of the failure of Grantee or its successors and assigns, to maintain, replace and/or repair the Access Improvements, Grantor shall be entitled to recover from Grantee, its successors and assigns the costs they incurred in maintaining, repairing, and/or replacing the Access Improvements and for all expenses, including, without limitation, reasonable attorney fees, incurred by the Grantor in recovering such costs.

3. SUCCESSORS AND ASSIGNS. For purposes of this Access Easement, the term successors and assigns means any person or entity that succeeds to or is assigned any interest in all or part of the Benefitted Property and any person or entity that succeeds to or is assigned any interest in all or part of the Easement Area.

4. COUNTERPARTS. This Access Easement may be executed in two or more counterparts, each of which shall be deemed an original and all of which taken together shall constitute one agreement binding on all signatories thereto.

5. COVENANT RUNNING WITH THE LAND. The Access Easement granted herein constitutes a covenant running with the land and is binding upon Grantee and all successors and assigns in interest or title to all or part of the Benefitted Property and is binding upon Grantor and successors and assigns in interest or title to all or part of the Easement Area.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2023.

Signatures, Acknowledgements and Exhibits Continued on the Following Pages

GRANTOR:

CITY OF GOODYEAR, an Arizona municipal corporation

By: _____
Wynette Reed

Its: _City Manager_____

State of Arizona)
)ss.
County of Maricopa)

The foregoing (Emergency Services Access Easement) was acknowledged before me this ___ day of _____, 2023 by _Wynette Reed_, as _City Manager_ of the CITY OF GOODYEAR, an Arizona municipal corporation, on behalf of said corporation.

_____
Notary Public

Signatures, Acknowledgements and Exhibits Continued on the Following Pages

GRANTEE:

ACCEPTED by the **29SC Cotton Property Owner, LLC, a Delaware limited liability company**, this 15 day of JUNE, 2023.

By: Cotton Commons JV, LLC, a Delaware limited liability company
Its: Member

By: 29SC GP Cotton, LLC, a Delaware limited liability company
Its: Operating Member

By: 29SC Development Company, LLC, a Delaware limited liability company
Its: Member

By: _____
Name: John Kitson
Its: Authorized Representative

State of ILLINOIS)
)ss.
County of COOK)

The foregoing (Access Easement) was acknowledged before me this 15th day of JUNE, 2023 by John Kitson, as Authorized Representative of 29SC Cotton Property Owner, LLC, a Delaware limited liability company, on behalf of said corporation.

_____
Notary Public

Exhibit(s) on Following Page(s)

OFFICIAL SEAL
DANIEL PAZDA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 05/25/2027

EXHIBIT "A"

BURDENED PROPERTY

MINOR LAND DIVISION
"GOODYEAR SITE 12"

A REPLAT OF TRACT "F" OF EL CIDRO PHASE 1 PARCEL 3 RECORDED IN BOOK 1331, PAGE 48, MARICOPA COUNTY RECORDS AND A PORTION OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

OWNERS STATEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

THE CITY OF GOODYEAR, AN ARIZONA MUNICIPAL CORPORATION, AS OWNER HAS SUBDIVIDED UNDER THE NAME OF GOODYEAR SITE 12, A MINOR LAND DIVISION, THAT CERTAIN PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA AS SHOWN PLATTED HEREIN AND HEREBY PUBLISHES THIS MINOR LAND DIVISION AS AND FOR SAID MINOR LAND DIVISION FOR GOODYEAR SITE 12 AND HEREBY DECLARED THAT SAID MINOR LAND DIVISION SETS FORTH THE LOCATION AND GIVES DIMENSION OF THE LOT, EASEMENTS AND RIGHT OF WAY CONSTITUTING SAME AND THAT EACH LOT, EASEMENT AND RIGHT OF WAY SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN EACH RESPECTIVELY ON SAID MINOR LAND DIVISION.

CITY OF GOODYEAR, AN ARIZONA MUNICIPAL CORPORATION, INCLUDING ITS SUCCESSORS AND ASSIGNS, AS OWNER, HEREBY DECLARES EXCLUSIVE PUBLIC UTILITY EASEMENTS (PUE) IN THE LOT AS SHOWN ON SAID MINOR LAND DIVISION AND INCLUDED IN THE ABOVE DESCRIBED PREMISES, SUCH PUBLIC UTILITY EASEMENTS ARE FOR THE PURPOSES OF: INSTALLING, OPERATING, MAINTAINING, REPLACING, AND/OR REPAIRING PUBLIC UTILITIES IN, OVER, ABOVE AND UNDER THE PUBLIC UTILITY EASEMENT AREAS BY THE CITY OF GOODYEAR AND ITS PERMITTEES; PROVIDING ACCESS FOR THE PURPOSES SET FORTH HEREIN; AND FOR PEDESTRIAN TRAVEL BY THE GENERAL PUBLIC OVER AND PUBLIC SIDEWALKS INSTALLED WITHIN THE PUBLIC UTILITY EASEMENT AREAS, IT IS THE EXPRESS INTENT OF THE CITY OF GOODYEAR THAT THIS EASEMENT NOT BE EXTINGUISHED BY, MERGED INTO, MODIFIED, OR OTHERWISE DEEMED AFFECTED BY REASON OF THE CITY OF GOODYEARS OWNERSHIP OF THE UNDERLYING FEE PROPERTY INTEREST.

THE CITY OF GOODYEAR, A MUNICIPAL CORPORATION

BY: Joe Pizzillo

ITS MAYOR: Joe Pizzillo DATE: 6-24-2022

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20220531000 06/27/2022 04:00
BOOK 1679 PAGE 19
ELECTRONIC RECORDING

GOODYEARSITE12-3-1-1-M-
Hoyp

ACKNOWLEDGMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS, THE 24th, DAY OF June, 2022. BEFORE ME THE UNDERSIGNED PERSONALLY APPEARED Joe Pizzillo, Mayor, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FORGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

BY: Darcie McCracken 6.24.22
NOTARY PUBLIC:

January 3, 2025 ~~2022~~
MY COMMISSION EXPIRES:

DARCIE MCCRACKEN
Notary Public - State of Arizona
MARICOPA COUNTY
Commission # 592972
Expires January 3, 2025

LOT 1 LEGAL DESCRIPTION

A PARCEL OF LAND AS CONVEYED TO CITY OF GOODYEAR, BY DEED OF RECORD IN INSTRUMENT NUMBER 1991-0008611, MARICOPA COUNTY RECORDS (MCR) AND INSTRUMENT 2017-0662232 (MCR), LYING WITHIN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND BEING MORE REDUNDANTLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, (2" MARICOPA COUNTY ALUMINUM CAP IN PAVEMENT) FROM WHICH POINT THE NORTHEAST CORNER THEREOF (MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE), BEARS S89°45'34"E 2646.09 FEET;

THENCE S89°45'34"E, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1323.05 FEET;

THENCE S00°11'58"W A DISTANCE OF 215.03 FEET TO THE POINT OF BEGINNING AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT FROM WHICH POINT THE RADIUS POINT BEARS S89°48'02"E;

THENCE 266.60 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS 540.00 FEET, THROUGH A CENTRAL ANGLE OF 28°17'12" AND A CHORD BEARING S13°56'38"E;

THENCE S28°05'14"E A DISTANCE OF 712.04 FEET, TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

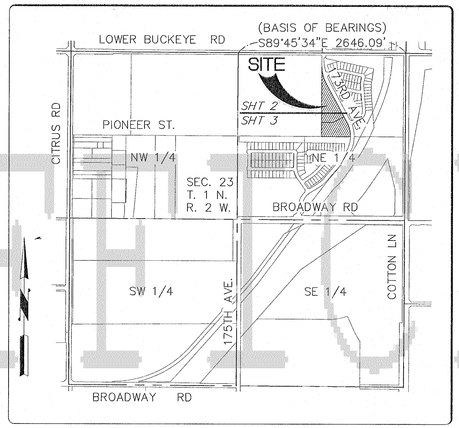
THENCE 233.67 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 470.00 FEET, THROUGH A CENTRAL ANGLE OF 28°29'08" AND A CHORD BEARING S13°50'42"E;

THENCE N89°44'24"W A DISTANCE OF 458.03 FEET;

THENCE N00°11'58"E A DISTANCE OF 1106.78 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 5.7430 ACRES OF LAND (250,166.99 S.F.), MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

THE BASIS OF BEARINGS FOR THIS SURVEY IS S89°45'34"E FOR THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA & SALT RIVER MERIDIAN AS SHOWN ON THE FINAL PLAT FOR EL CIDRO – PHASE 1 PARCEL 3, RECORDED IN BOOK 1331, PAGE 48, MARICOPA COUNTY RECORDS.



VICINITY MAP

NTS

PARENT PARCEL LEGAL DESCRIPTIONS

WARRANTY DEED INSTRUMENT NO. 1991-0003611:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23;

THENCE N89°45'21"W, ALONG THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 1323.12 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;

THENCE S00°12'13"W, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, 215.03 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING TANGENT CURVE OF 540.00 FOOT RADIUS CONCAVE NORTHEASTERLY;

THENCE, SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°17'12", A DISTANCE OF 266.60 FEET;

THENCE S28°04'58"E, 608.72 FEET;

THENCE S61°55'02"W, 194.23 FEET;

THENCE, N89°47'47"W, 181.90 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;

THENCE N00°12'13"E, ALONG SAID WEST LINE, 883.97 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 3.257 ACRES, MORE OR LESS

AND;

TRACT "F" OF EL CIDRO PHASE 1, PARCEL E, RECORDED IN BOOK 1331, PAGE 48, MARICOPA COUNTY RECORDS.

LEGEND

= SECTION CORNER, MONUMENT NOTED
= QUARTER CORNER, MONUMENT NOTED
= SET 1/2" REBAR WITH CAP STAMPED RPA PLS 57280 UNLESS NOTED OTHERWISE
PUE = PUBLIC UTILITY EASEMENT
R/W = RIGHT-OF-WAY
MCR = MARICOPA COUNTY RECORDS
= EASEMENT (TYPE SHOWN)
= BOUNDARY LINE
= LOT, PARCEL & TRACT LINE
= CENTERLINE

OWNER

CITY OF GOODYEAR
190 N. LITCHFIELD PARK RD.
GOODYEAR, ARIZONA 85338

PREPARED BY

RITOCH-POWELL & ASSOCIATES
5727 NORTH 7TH STREET
PHOENIX, ARIZONA 85014
SUITE 120
PHONE: 602-263-1177
FAX: 602-277-6286
CONTACTS: MARK R. SANDWICK, PLS
PHIL KAMINSKY

CERTIFICATE OF LAND SURVEYOR

I, MARK R. SANDWICK, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT THE SURVEY SHOWN HEREON WAS COMPLETED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF FEBRUARY, 2022 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE MONUMENTS SHOWN ACTUALLY EXIST.

PROFESSIONAL LAND SURVEYOR

2/4/2022
DATE

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
57280
MARK R.
SANDWICK
Date Signed 4/12
ARIZONA, U.S.A.

NOTES

1.) ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND EXCEPT 69KV AND LARGER POWER LINES.

2.) STRUCTURES AND LANDSCAPING WITHIN VISIBILITY EASEMENTS WILL BE LIMITED TO GROUND COVER, FLOWERS AND GRANITE LESS THAN 2 FEET (MATURE) IN HEIGHT AND/OR TREES WITH BRANCHES LESS THAN 6 FEET ABOVE GROUND. TREES SHALL NOT BE PLACED LESS THAN 8 FEET APART.

3.) NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED WITHIN PUE EXCEPT UTILITIES, WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING, ASPHALT OR CONCRETE PAVING, GOODYEAR SHALL NOT BE REQUIRED TO REPLACE ANY CONSTRUCTION, PAVING OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION HOWEVER, DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION, THE CITY OF GOODYEAR WILL USE REASONABLE CARE AND CONSIDERATION OF EXISTING LANDSCAPING. IT IS FURTHER UNDERSTOOD THAT ALL PERSONS OTHER THAN THE CITY OF GOODYEAR SHALL BE REQUIRED TO REPLACE ANY OBSTRUCTIONS, PAVING OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION.

4.) THE CITY OF GOODYEAR IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS OR PRIVATE FACILITIES AND LANDSCAPED AREAS WITHIN THIS DEVELOPMENT.

5.) THIS DEVELOPMENT IS ADJACENT TO AGRICULTURAL USES AND MAY THEREFORE BE SUBJECT TO NOISE, DUST AND ODORS ASSOCIATED WITH THEIR USE.

6.) THIS DEVELOPMENT IS SUBJECT TO ATTENDANT NOISE, VIBRATIONS, DUST AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY OVER FLIGHTS AND BY THE OPERATION OF AIRCRAFT LANDING AT OR TAKING OFF FROM PHOENIX-GOODYEAR AIRPORT AND LUKE AIR FORCE BASE. EACH LOT PURCHASER SHALL SIGN A SEPARATE STATEMENT ACKNOWLEDGING RECEIPT OF THIS DISCLOSURE.

7.) LOT 1 WILL NOT BE A PART OF AN HOMEOWNERS ASSOCIATION.

BASIS OF BEARINGS

FOR THIS PROJECT IS S89°45'34"E FOR THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA & SALT RIVER MERIDIAN AS SHOWN ON THE FINAL PLAT FOR EL CIDRO – PHASE 1 PARCEL 3, RECORDED IN BOOK 1331, PAGE 48, MARICOPA COUNTY RECORDS.

APPROVALS

THIS MINOR LAND DIVISION HAS BEEN REVIEWED AND FOUND TO BE IN COMPLIANCE WITH THE CITY OF GOODYEAR ENGINEERING DESIGN STANDARDS AND POLICY MANUAL AND ALL CITY ENGINEERING REQUIREMENTS.

BY: FOR SUMEET MOHAN, CITY ENGINEER 6/22/22 DATE

THIS MINOR LAND DIVISION HAS BEEN REVIEWED AND FOUND TO MEET ALL CITY REQUIREMENTS, CONFORMS TO GOOD PLANNING POLICIES, AND ALL NEW LOTS CREATED ARE SUITABLE FOR THE PURPOSES FOR WHICH THEY ARE DIVIDED

BY: Christopher D. Baker 6.22.22
CHRISTOPHER BAKER, DEVELOPMENT SERVICES DEPARTMENT DIRECTOR DATE

APPROVED BY THE COUNCIL OF THE CITY OF GOODYEAR, ARIZONA ON THIS 23RD DAY OF MAY, 2022.

BY: Joe Pizzillo 6-24-2022
~~GEORGIA LORD~~ MAYOR DATE
Joe Pizzillo

ATTEST: Darcie McCracken 6.24.2022
DARCIE MCCRACKEN, CITY CLERK DATE

CITY OF GOODYEAR, ARIZONA INCORPORATED 1946

APPROVED BY THE CITY ENGINEER OF THE CITY OF GOODYEAR, ARIZONA

BY: FOR SUMEET MOHAN, CITY ENGINEER 6/22/22 DATE

SHEET INDEX

SHEET 1 .....COVER SHEET
SHEET 2 .....FINAL PLAT
SHEET 3 .....FINAL PLAT

AREA

ORIGINAL TANK SITE PER 91-0008611 = 3.257 AC
TRACT F OF BK. 1331, PG. 48 MCR = 2.486 AC
TOTAL= 5.7430 ACRES
NEW LOT 1 AREA = 250,166.99 SQ.FT.
(5.7430 ACRES)

OWNER/ MAINTENANCE

LOT 1 OWNER – CITY OF GOODYEAR
LOT 1 MAINTENANCE – CITY OF GOODYEAR

RPA RITOCH-POWELL & Associates
602-263-1177
WWW.RPAENG.COM

NO.	BY	DATE	REVISION	APPR.	DATE

GOODYEAR SITE 12

MINOR LAND DIVISION

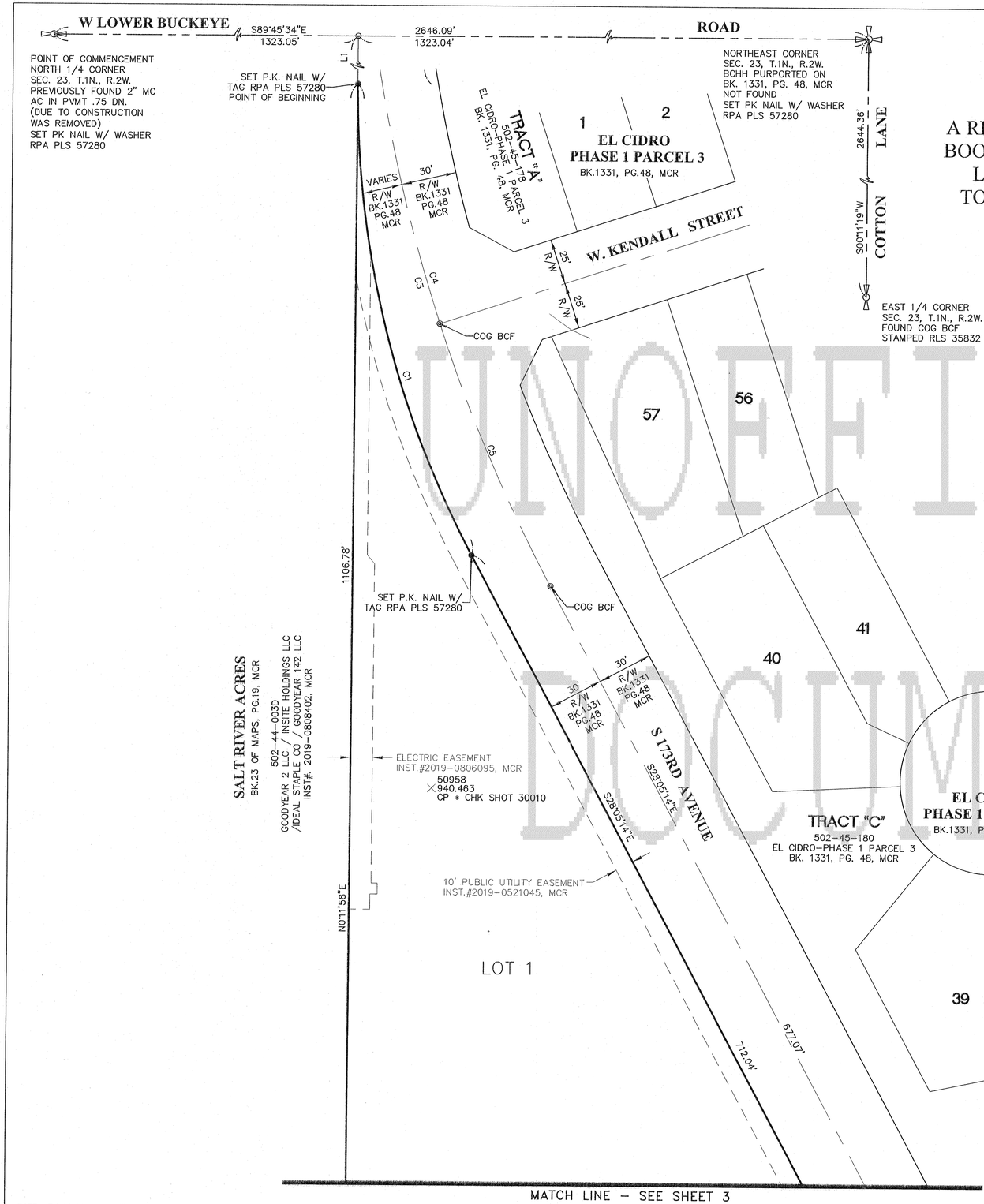
DESIGNED:	DRAWN:	CHECKED:	DWG. NO.	SHEET NO.	TOTAL SHEETS
TAR	PHK	TAR	SRVY1	1 OF	3
DATE: 2/4/22	DATE: 2/4/22	DATE: 2/4/22			

DATE: Feb 04, 2022 FILE: J:\2020 Jobs\220005 - Goodyear Site 12 Final Plat-MLD\Survey\DGN-DWG Files\PLAT\220005 - GOODYEAR SITE 12 - FINAL PLAT - GROUND - V4.dwg

UNOFFICIAL DOCUMENT

MINOR LAND DIVISION
"GOODYEAR SITE 12"

A REPLAT OF TRACT "F" OF EL CIDRO PHASE 1 PARCEL 3 RECORDED IN BOOK 1331, PAGE 48, MARICOPA COUNTY RECORDS AND A PORTION OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20220531000 06/27/2022 04:00
BOOK 1679 PAGE 19
ELECTRONIC RECORDING

GOODYEARSITE12-3-1-1-M-
Hoyp

TABLES

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BRG
C1	28°17'12"	540.00'	266.60'	263.90'	S13°56'38"E
C2	28°29'08"	470.00'	233.67'	231.27'	S13°50'42"E
C3	28°17'12"	900.00'	444.33'	439.83'	S13°56'38"E
C4	18°24'07"	900.00'	289.06'	287.82'	S09°00'06"E
C5	09°53'05"	900.00'	155.27'	155.08'	S23°08'41"E
C6	28°28'38"	500.00'	248.51'	245.96'	S13°50'55"E
C7	03°38'01"	500.00'	31.37'	31.70'	S26°16'14"E
C8	24°50'37"	500.00'	216.80'	215.11'	S12°01'55"E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°11'58"W	215.03'
L2	N89°44'24"W	30.00'

LEGEND

- SECTION CORNER
- QUARTER SECTION CORNER
- FOUND BRASS CAP FLUSH
- SET 1/2" REBAR WITH CAP STAMPED RPA PLS 57280 UNLESS NOTED OTHERWISE

N

0 15' 30' 60'

SCALE: 1" = 30'

UNOFFICIAL DOCUMENT

REGISTERED LAND SURVEYOR
57280
MARK R. SANDWICK
Date Signed 2/4/22
ARIZONA, U.S.A.

RITOCH-POWELL & Associates
602-263-1177
WWW.RPAENG.COM

NO.	BY	DATE	REVISION	APPR.	DATE
.					
.					
.					

GOODYEAR SITE 12

MINOR LAND DIVISION

DESIGNED:	DRAWN:	CHECKED:	DWG. NO.	SHEET NO.	TOTAL SHEETS
TAR	PHK	TAR	SRVY1	2 OF	3
DATE: 2/4/22	DATE: 2/4/22	DATE: 2/4/22			

DATE: Feb 04, 2022 FILE: J:\2020 Jobs\220005 - Goodyear Site 12 Final Plat-MLD\Survey\DGN-DWG Files\PLAT\220005 - GOODYEAR SITE 12 - FINAL PLAT - GROUND - V4.dwg

MINOR LAND DIVISION
"GOODYEAR SITE 12"

A REPLAT OF TRACT "F" OF EL CIDRO PHASE 1 PARCEL 3 RECORDED IN BOOK 1331, PAGE 48, MARICOPA COUNTY RECORDS AND A PORTION OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

UNOFFICIAL DOCUMENT

MATCH LINE – SEE SHEET 2

1106.78'

N0°11'58"E

SALT RIVER ACRES
BK.23 OF MAPS, PG.19, MCR

502-44-003D
GOODYEAR 2 LLC / INSITE HOLDINGS LLC
/DEAL STAPLE CO / GOODYEAR 142 LLC
INST#. 2019-0808402, MCR

LOT 1

S28°05'14"E

S28°05'14"E

677.07'

712.04'

S 173RD AVENUE

10' PUBLIC UTILITY EASEMENT
INST.#2019-0521045, MCR

30' R/W BK.1331 PG.48 MCR

30' R/W BK.1331 PG.48 MCR

10' PUBLIC UTILITY EASEMENT
DECLARED HEREON

SET P.K. NAIL W/
TAG RPA PLS 57280

C7

COG BCF

C6

10' PUBLIC UTILITY EASEMENT
DECLARED HEREON

C5

C8

C2

30' R/W BK.1331 PG.48 MCR

30' R/W BK.1331 PG.48 MCR

TEMPORARY TAIL WATER
PUMP EASEMENT
INST.#2017-0713633, MCR

PRIVATE STORM SEWER
EASEMENT PER
INST.# 22-0445568 MCR

N89°44'24"W

458.03'

L2

EL CIDRO - PHASE 1 PARCEL 2
BK.1332, PG.15, MCR

TRACT "B"
502-45-220
EL CIDRO HOMEOWNERS ASSOCIATION
INST#. 2018-0895834, MCR

ITEM #10 REFERENCING
EXHIBIT B NO 6
100' ELECTRIC TRANSMISSION
LINE EASEMENT
BK. 68 OF MISC. PG. 92, MCR

TRACT "C"
502-45-180
EL CIDRO-PHASE 1 PARCEL 3
BK. 1331, PG. 48, MCR

29

30

MIAMI STREET

25' R/W

25' R/W

27

28

TRACT "B"
502-45-179
EL CIDRO-PHASE 1 PARCEL 3
BK. 1331, PG. 48, MCR

LEGEND

- SECTION CORNER
- QUARTER SECTION CORNER
- FOUND BRASS CAP FLUSH
- SET 1/2" REBAR WITH CAP STAMPED RPA PLS 57280 UNLESS NOTED OTHERWISE

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20220531000 06/27/2022 04:00
BOOK 1679 PAGE 19
ELECTRONIC RECORDING

GOODYEARSITE12-3-1-1-M-
Hoyp

N

0 15' 30' 60'

SCALE: 1" = 30'

RITOCH-POWELL & Associates
602-263-1177
WWW.RPAENG.COM

NO.	BY	DATE	REVISION	APPR.	DATE
1	TAR	2/4/22	ADDED PRIVATE DRAINAGE EASEMENT	TAR	2/4/22

GOODYEAR SITE 12

MINOR LAND DIVISION

DESIGNED:	DRAWN:	CHECKED:	DWG. NO.	SHEET NO.	TOTAL SHEETS
TAR	PHK	TAR	SRVY1	3	3
DATE: 2/4/22	DATE: 2/4/22	DATE: 2/4/22			

REGISTERED LAND SURVEYOR
57280
MARK R. SANDWICK
2/4/22
Date Signed
ARIZONA, U.S.A.

DATE: Feb 04, 2022 FILE: J:\2020 Jobs\220005 - Goodyear Site 12 Final Plat-MLD\Survey\DGN-DWG Files\PLAT\220005 - GOODYEAR SITE 12 - FINAL PLAT - GROUND - V4.dwg

EXHIBIT "B"

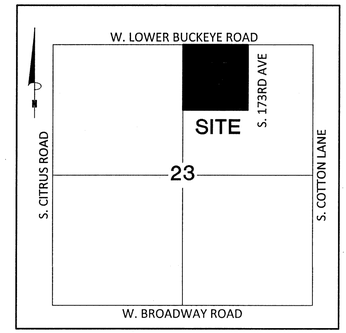
BENEFITTED PROPERTY

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20220867133 12/01/2022 10:30
BOOK 1707 PAGE 43
ELECTRONIC RECORDING

ARTESIANCASITAS-2-1-1-M-
Garciac

A MINOR LAND DIVISION OF COTTON COMMONS

LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



VICINITY MAP
N.T.S.

OWNER STATEMENT

STATE OF ILLINOIS } S.S.
COUNTY OF COOK }

KNOW ALL MEN BY THESE PRESENTS:

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS MINOR LAND DIVISION OF "COTTON COMMONS", BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND HEREBY DECLARES THAT SAID MINOR LAND DIVISION SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS CONSTITUTING THE SAME, AND THAT EACH LOT SHALL BE KNOWN BY THE NAME THAT IS GIVEN TO EACH RESPECTIVELY ON SAID MINOR LAND DIVISION.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED:

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: JOHN KITSON

ITS: AUTHORIZED REPRESENTATIVE

ACKNOWLEDGMENT

STATE OF ILLINOIS } S.S.
COUNTY OF COOK }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 14 DAY OF November 2022 BY JOHN KITSON AS AUTHORIZED REPRESENTATIVE OF 29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY.

NOTARY PUBLIC

John Lauder
OFFICIAL SEAL
JOHN LAUDER
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 3/24/2025
Commission expires 3/24/2025

BASIS OF BEARINGS

SOUTH 89°45'34" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ACCORDING TO BOOK 1331 OF MAPS, PAGE 47, M.C.R.

NOTES

1. THE TITLE DOCUMENTS FOR THE SURVEYED PROPERTY HEREIN DESCRIBED WERE PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER NO. Z2032523-001-MB1-MB2, EFFECTIVE DATE: MARCH 5, 2020.
2. PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN HEREON OR NOT.
3. ALL DIMENSIONS SHOWN HEREON ARE MEASURED AND RECORD UNLESS OTHERWISE NOTED.
4. THE LOCATION OF UNDERGROUND UTILITIES AS DEPICTED HEREON IS BASED ON RECORD INFORMATION PROVIDED TO THE SURVEYOR BY LOCAL AGENCIES OF JURISDICTION AND ON RECOVERABLE FIELD LOCATED SURFACE FEATURES OF THOSE UTILITIES AND SHOULD BE CONSIDERED APPROXIMATE AND POSSIBLY INCOMPLETE. NO EXCAVATIONS WERE MADE TO LOCATE BURIED UTILITIES DURING THE PROGRESS OF OR FOR THE PURPOSE OF THIS SURVEY.
5. ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C2145M, DATED SEPTEMBER 19, 2020 THIS PROPERTY IS LOCATED IN FLOOD ZONE "X": AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

HOA NOTE

THERE IS NO EXISTING HOA FOR ANY PROPERTIES COMPRISING COTTON COMMONS. THERE WILL NOT BE A NEW HOA CREATED FOR ANY PROPERTIES COMPRISING COTTON COMMONS.

PARENT PARCEL LEGAL DESCRIPTION

LOTS 25, 26, 27 AND 28, OF SALT RIVER ACRES, ACCORDING TO BOOK 23 OF MAPS, PAGE 19, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, ALSO KNOWN AS THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

NEW LEGAL DESCRIPTION - LOT 1

THAT PORTION OF LOTS 25, 26 AND 27, OF SALT RIVER ACRES, ACCORDING TO BOOK 23 OF MAPS, PAGE 19, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, ALSO KNOWN AS THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 25;

THENCE SOUTH 89°45'34" EAST, ALONG THE NORTH LINE OF SAID LOTS 25, 26 AND 27, A DISTANCE OF 661.57 FEET;

THENCE SOUTH 00°14'26" WEST, A DISTANCE OF 381.54 FEET;

THENCE SOUTH 89°47'26" EAST, A DISTANCE OF 42.85 FEET;

THENCE SOUTH 00°11'52" WEST, A DISTANCE OF 907.09 FEET TO THE SOUTH LINE OF SAID LOTS 25, 26 AND 27;

THENCE NORTH 89°44'24" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 704.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 25;

THENCE NORTH 00°12'45" EAST, ALONG THE WEST LINE OF SAID LOT 25, A DISTANCE OF 1288.36 FEET TO THE POINT OF BEGINNING.

NEW LEGAL DESCRIPTION - LOT 2

THAT PORTION OF LOTS 26, 27 AND 28, OF SALT RIVER ACRES, ACCORDING TO BOOK 23 OF MAPS, PAGE 19, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, ALSO KNOWN AS THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 28;

THENCE SOUTH 00°11'58" WEST, ALONG THE EAST LINE OF SAID LOT 28, A DISTANCE OF 1288.81 FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE NORTH 89°44'24" WEST, ALONG THE SOUTH LINE OF SAID LOTS 26, 27 AND 28, A DISTANCE OF 618.88 FEET;

THENCE NORTH 00°11'52" EAST, A DISTANCE OF 907.09 FEET;

THENCE NORTH 89°47'26" WEST, A DISTANCE OF 42.85 FEET;

THENCE NORTH 00°14'26" EAST, A DISTANCE OF 381.54 FEET TO THE NORTH LINE OF SAID LOTS 26, 27 AND 28;

THENCE SOUTH 89°45'34" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 661.49 FEET TO THE TO THE POINT OF BEGINNING.

SHEET INDEX

1 COVER, NOTES, SITE DATA, DEDICATION
BASIS OF BEARINGS, CERTIFICATION, APPROVALS
LEGAL DESCRIPTIONS
2 PLAN SHEET

SITE DATA

APNs:	502-44-003D
AREA:	1,705,058 SQ. FT. OR 39.1427 ACRES
OWNER:	29SC COTTON PROPERTY OWNER LLC
MAINTENANCE RESPONSIBILTY:	THE OWNER OF EACH LOT

OWNER

29SC COTTON PROPERTY OWNER LLC
20 N WACKER DRIVE #2050
CHICAGO, IL 60606
PHONE: (312) 548-8589
CONTACT: JEFF CURRAN
jcurran@29sc.com

SURVEYOR

BOWMAN CONSULTING GROUP, LTD.
1600 N DESERT DRIVE, #210
TEMPE, AZ 85288
PHONE: (480) 629-8830
CONTACT: DOUG TONEY
dtoney@bowman.com

AREA

LOT 1	891,179 SQ. FT. OR 20.4587 ACRES
LOT 2	813,878 SQ. FT. OR 18.6841 ACRES
TOTAL	1,705,058 SQ. FT. OR 39.1427 ACRES

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND MINOR LAND DIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF MAY 2022, THAT THIS PLAT IS CORRECT AND ACCURATE, THAT THE MONUMENTS DESCRIBED HEREIN HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

9/15/22
DOUGLAS B. TONEY DATE
REGISTERED LAND SURVEYOR NO. 55030
BOWMAN CONSULTING
1600 N DESERT DRIVE, SUITE 210
TEMPE, ARIZONA 85288
dtoney@bowman.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 9/15/22
ARIZONA, U.S.A.

APPROVALS

THIS MINOR LAND DIVISION HAS BEEN REVIEWED FOR COMPLIANCE WITH THE CITY OF GOODYEAR ENGINEERING DESIGN STANDARDS AND POLICY MANUAL.

BY _____ 12.1.22
for CITY ENGINEER (SUMEET MOHAN) DATE

BY _____ 12.1.22
DEVELOPMENT SERVICES DIRECTOR (CHRISTOPHER BAKER) DATE

UNOFFICIAL DOCUMENT

Bowman CONSULTING
Bowman Consulting Group, Ltd.
1600 N Desert Drive, #210
Tempe, AZ 85288
Phone (480) 629-8830
Fax (480) 629-8841
www.bowman.com

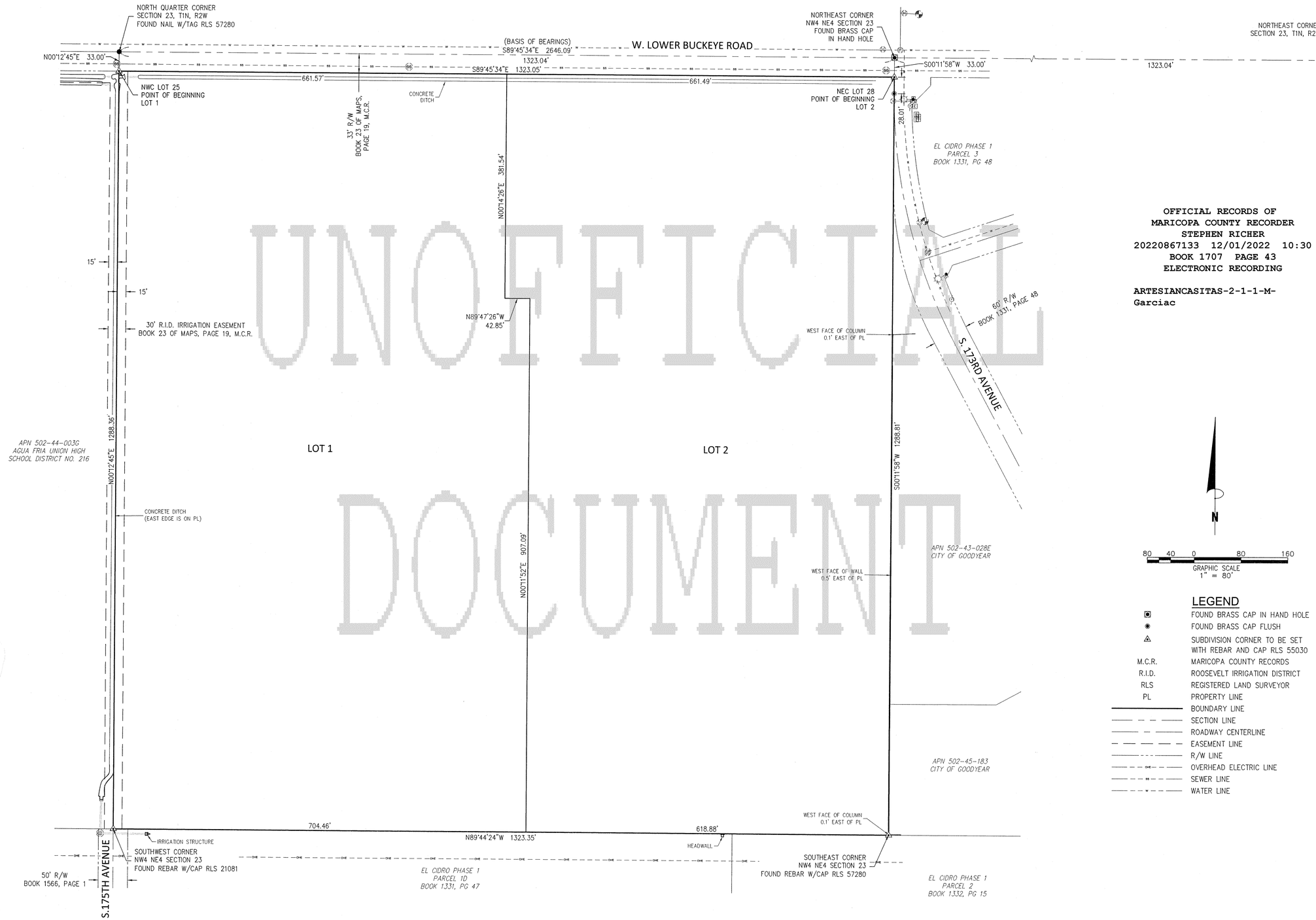
A MINOR LAND DIVISION OF
COTTON COMMONS
GOODYEAR, ARIZONA

DATE	REVISION

© Bowman Consulting Group, Ltd.

DATE: 9/15/22
PROJ NO: 050908-02
TASK NUM: 001
DRAWN BY: DT
CHECKED:
QUALITY:
CLIENT NO:
SCALE N.T.S.

File: V:\050908 - The Residences at Cotton Commons\050908-02-001 (SW) - Cotton Commons - East\Survey_DWG\050908-02 MLD.dwg Plotted: Oct 07, 2022



UNOFFICIAL
DOCUMENT

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20220867133 12/01/2022 10:30
BOOK 1707 PAGE 43
ELECTRONIC RECORDING

ARTESIANCASITAS-2-1-1-M-
Garciac

LEGEND

◉	FOUND BRASS CAP IN HAND HOLE
●	FOUND BRASS CAP FLUSH
◬	SUBDIVISION CORNER TO BE SET WITH REBAR AND CAP RLS 55030
M.C.R.	MARICOPA COUNTY RECORDS
R.I.D.	ROOSEVELT IRRIGATION DISTRICT
RLS	REGISTERED LAND SURVEYOR
PL	PROPERTY LINE
	BOUNDARY LINE
	SECTION LINE
	ROADWAY CENTERLINE
	EASEMENT LINE
	R/W LINE
OHE	OVERHEAD ELECTRIC LINE
SS	SEWER LINE
W	WATER LINE

Bowman CONSULTING
Bowman Consulting Group, Ltd.
1600 N Desert Drive, #210
Tempe, AZ 85288
Phone (480) 629-8830
Fax (480) 629-8841
www.bowman.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
9/15/22
United States
ARIZONA, U.S.A.

A MINOR LAND DIVISION OF COTTON COMMONS GOODYEAR, ARIZONA

REVISION	DATE

© Bowman Consulting Group, Ltd.

DATE: 9/15/22
PROJ NO: 050908-02
TASK NUM: 001
DRAWN BY: DT
CHECKED:
QUALITY:
CLIENT NO:
SCALE
1" = 80'

File: V:\050908 - The Residences at Cotton Common\050908-02-001 (SUR) - Cotton Commons - East\Survey_DWG\050908-02 MLD.dwg Plotted: Oct 07, 2022

EXHIBIT "C"

EASEMENT AREA

Bowman
CONSULTING

May 10, 2023
Project # 050908-02-001

LEGAL DESCRIPTION
ACCESS EASEMENT

THAT PORTION OF LOT 1 OF "GOODYEAR SITE 12", ACCORDING TO BOOK 1679 OF MAPS, PAGE 19, MARICOPA COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23;

THENCE NORTH 89°45'34" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1323.04 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE SOUTH 00°11'58" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 295.31 FEET TO THE **POINT OF BEGINNING** AND ALSO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 75°36'25" EAST, A RADIAL DISTANCE OF 930.00 FEET;

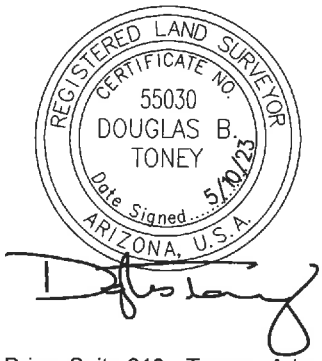
THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°40'10", AN ARC DISTANCE OF 75.79 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE EASTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 73°45'55" EAST, A RADIAL DISTANCE OF 540.00 FEET;

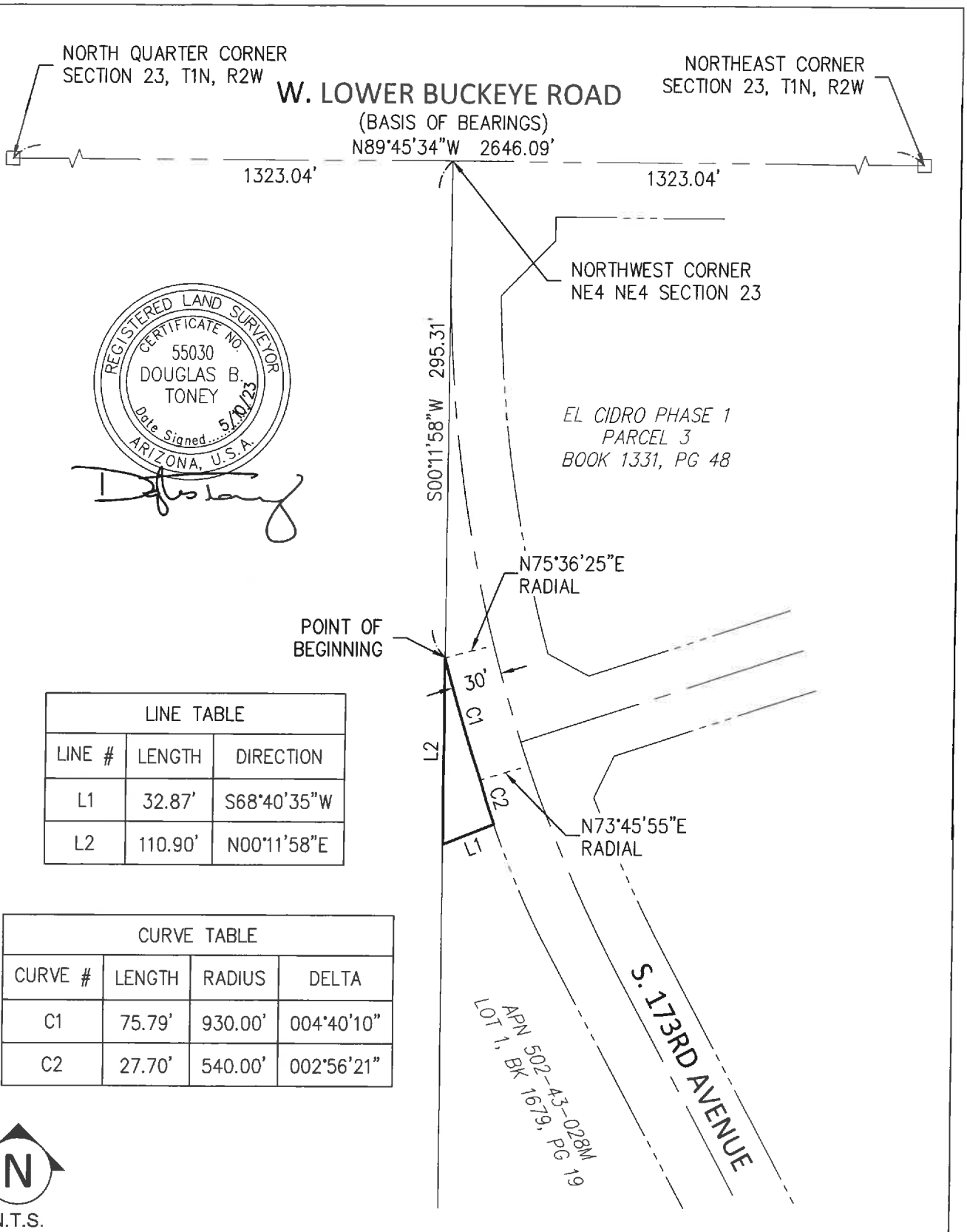
THENCE SOUTHERLY ALONG SAID EAST LINE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°56'21", AN ARC DISTANCE OF 27.70 FEET TO A POINT;

THENCE SOUTH 68°40'35" WEST, A DISTANCE OF 32.87 FEET TO THE WEST LINE OF SAID LOT 1;

THENCE NORTH 00°11'58" EAST, ALONG SAID WEST LINE, A DISTANCE OF 110.90 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1,635 SQUARE FEET OR 0.0375 ACRES, MORE OR LESS.





LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	32.87'	S68°40'35"W
L2	110.90'	N00°11'58"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	75.79'	930.00'	004°40'10"
C2	27.70'	540.00'	002°56'21"

N

N.T.S.

SHEET 1 OF 1

DATE: 5/10/23

EXHIBIT
ACCESS EASEMENT

BY: DT | CHK: | QC:

BCG PROJECT NO: 050908-02 TASK: 001
CLIENT REF NO:

Bowman CONSULTING
1600 N Desert Drive, #210
Tempe, AZ 85288
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowman.com

ITEM #: 13.
DATE: 06/26/2023
AI #:1551

CITY COUNCIL ACTION REPORT

SUBJECT: RE-PLAT OF ARTESIAN CASITAS AT WEST GOODYEAR

STAFF PRESENTER(S): Marty Crossland, Interim Deputy Director of Development Engineering

---

OTHER PRESENTER(S):

Jeff Curran, Senior Vice President - 29th Street Capital

SUMMARY

A Re-Plat of the Minor Land Division of Artesian Casitas at West Goodyear subdividing approximately 39 acres at the southeast corner of Lower Buckeye Road and 173rd Avenue into 2 lots, and dedicating public streets and easements.

STRATEGIC PLAN ALIGNMENT

Quality of Life

Economic Vitality

RECOMMENDATION

Approve the Re-Plat of Artesian Casitas at West Goodyear subdividing approximately 39 acres at the southeast corner of Lower Buckeye Road and 173rd Avenue (the “Property’) into two (2) and dedicating public streets and easements, subject to stipulations. (Marty Crossland, Deputy Director of Engineering Development)

STIPULATIONS

1. All technical corrections to this re-plat required by the City Engineer or designee shall be made prior to the recordation of the Final Plat;
2. Prior to recordation of the Re-Plat of Artesian Casitas at West Goodyear, Owner shall submit an updated title report for the property and shall modify this plat to reflect the current ownership and current lender including on the re-plat a Lender Consent and Subordination in a form approved by the City Attorney or his/her designee for all lenders with a security interest in the property being platted herein.
3. Prior to recordation of the Re-Plat of Artesian Casitas at West Goodyer, Owner shall provide documentation acceptable to the City Attorney or his/her designee demonstrating that the party executing the final plat is authorized to do so.

4. Prior to recordation of the Re-Plat of Artesian Casitas at West Goodyear, Owner shall insert Owner shall have obtained an access easement across the city-owned property to the east of the Property, which shall be recorded with the Maricopa County Recorder's Office and the recording information shall be inserted into the replat.
5. Prior to recordation of the first final plat subdividing all or part of the Property or the issuance of any permit for work within the Property, whichever is earlier, a reimbursement in the amount of $39,666.00 for the reimbursements owed per the Cost Recovery Resolution – Water Delivery Lines for water delivery lines A ($12,035.00) and B ($27,631.00) shall be paid to the City. No permits shall be issued for any construction work within the Property until the payments referred to herein have been paid to the City.
6. Prior to recordation of the first final plat subdividing all or part of the Property or the issuance of any permit for work within the Property, whichever is earlier, a reimbursement in the amount of $135,759.00 for the reimbursements owed per the Cost Recovery Resolution – Wastewater Trunk Lines for wastewater trunk lines B ($71,509.00) E ($27,735.55) and F ($36,514.43) shall be paid to the City. No permits shall be issued for any construction work within the Property until the payments referred to herein have been paid to the City
7. Owner is responsible for a proportionate share of the costs of a full traffic signal (all four legs) at the intersections identified below. Owner shall make an in-lieu payment for the cost of traffic signals infrastructure at intersections adjacent to the Property. The in-lieu payment shall be based on the actual cost of the traffic signal if it has been constructed or if the payment is required before the signal is constructed it shall be based on the estimated cost of the traffic signal as determined by the City Engineer or designee. The Property Owner's traffic signal obligations include:
• 25% of the cost of the full traffic signal (all four legs) at W. Lower Buckeye Road and S. 173rd Avenue. The in-lieu payment for this signal shall be paid prior to or concurrent with the recordation of the Re-Plat of Artesian Casitas at West Goodyear or prior to the issuance of any permits for construction work within the Property, whichever is earlier; and
• 25% of the cost of the full traffic signal (all four legs) at W. Lower Buckeye Road and S. 175th Avenue. The in-lieu payment for this signal shall be paid prior to or concurrent with the recordation of the Re-Plat of Artesian Casitas at West Goodyear or prior to the issuance of any permits for construction work within the Property, whichever is earlier; and
8. Property Owner shall remit to the City an in-lieu payment for one-half the cost of a full median and full-median landscaping, for Lower Buckeye Road. The in-lieu payment for the median and landscaping shall be based on the actual cost of the improvements if previously completed by others or based on the estimated cost of the improvements as determined by the City Engineer or designee. The in-lieu payments referred to herein shall be made prior to or concurrent with recordation of the Re-Plat of Artesian Casitas at West Goodyear or prior to the issuance of any permits for construction work within the Property.
9. Prior to the City's acceptance of the 175th Avenue Improvements, property owner shall terminate the existing Roosevelt Irrigation Easement (Bk 23 of Maps, Page 19 M.C.R.).

FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

BACKGROUND AND PREVIOUS ACTIONS

The eastern 19.18 acre Property was rezoned from R1-6 (Single Family Residential) to MF-12 (Multifamily), and the western 20.95 acre Property was rezoned from R1-6 (Single Family Residential) to MF-24 (Multifamily) by Ordinance 2021-1508 adopted on September 27, 2021 and recorded on September 28, 2021, with Maricopa County Recorder at instrument number 20211046691. A Minor Land Division of Artesian Casitas at West Goodyear was administratively approved and recorded in Book 1707 of Maps, Page 43 of Maricopa County Records subdividing the Property into two lots. The re-plat is being processed to provide the dedications of the rights-of-way and easement required for the development of the property.

STAFF ANALYSIS

The proposed subdivision is consistent with the General Plan and will not adversely impact the surrounding area. Further, the proposed subdivision is consistent with the technical requirements of the city's subdivision regulations and engineering standards, and provides for the orderly development of the property by identifying the required infrastructure needed to serve the development.

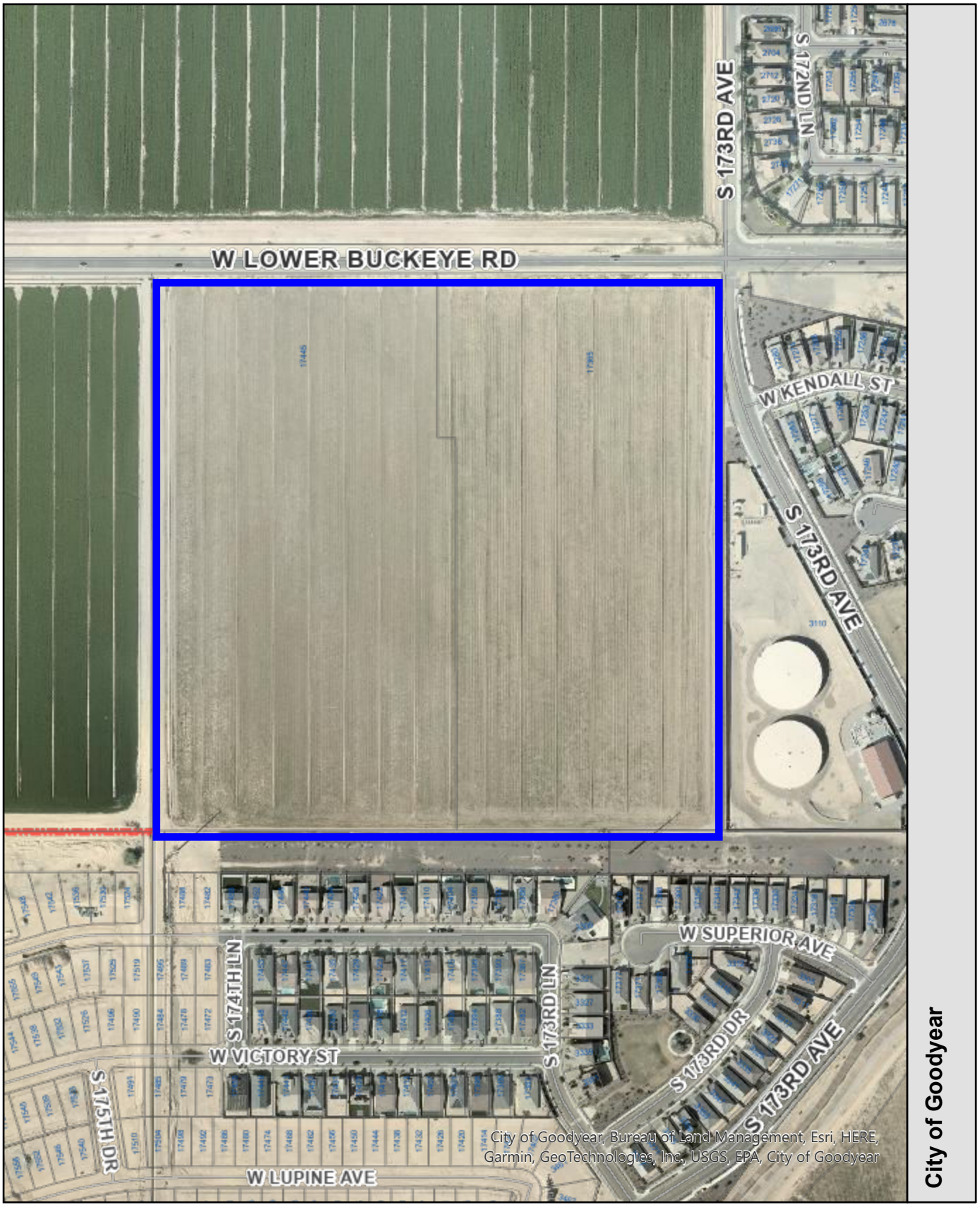
Attachments

Aerial Photo

Re-Plat

Name of Map: City of Goodyear

Description: Artesian Casitas at West Goodyear



RE-PLAT OF
ARTESIAN CASITAS AT WEST GOODYEAR

BEING A RE-PLAT OF A MINOR LAND DIVISION OF ARTESIAN CASITAS AT WEST GOODYEAR, BOOK 1707 OF MAPS, PAGE 43, MARICOPA COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEDICATION

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS:
THAT 29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "ARTESIAN CASITAS AT WEST GOODYEAR", BEING A RE-PLAT OF A MINOR LAND DIVISION OF ARTESIAN CASITAS AT WEST GOODYEAR, BOOK 1707 OF MAPS, PAGE 43, MARICOPA COUNTY RECORDS, AND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN PLATTED HEREIN AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "ARTESIAN CASITAS AT WEST GOODYEAR" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS AND EASEMENTS CONSTITUTING THE SAME. EACH LOT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATES, GRANTS AND CONVEYS TO THE CITY OF GOODYEAR, IN FEE, THE STREETS DESIGNATED AS "R/W DEDICATED HEREIN" SHOWN ON THIS PLAT AND INCLUDED IN THE PREMISES DESCRIBED HEREIN.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR (THE "CITY") FOR USE BY THE CITY AND ITS PERMITTEES NON-EXCLUSIVE PUBLIC UTILITY EASEMENTS WITHIN, ON, ACROSS, OVER AND UNDER THOSE AREAS WITHIN LOTS DESIGNATED AS "PUE" AS SHOWN ON THIS PLAT AND INCLUDED IN THE PREMISES DESCRIBED HEREIN (THE "PUBLIC UTILITY EASEMENT AREAS"). SUCH PUBLIC UTILITY EASEMENTS ARE FOR THE PURPOSES OF: ENTERING UPON, CONSTRUCTING, INSTALLING, OPERATING, INSPECTING, MAINTAINING, REPLACING AND/OR REPAIRING PUBLIC UTILITY IMPROVEMENTS WITHIN, ON, OVER, ACROSS, ABOVE, AND UNDER THE PUBLIC UTILITY EASEMENT AREAS BY THE CITY AND ITS PERMITTEES; ENTERING UPON, CONSTRUCTING, INSTALLING, OPERATING, MAINTAINING, INSPECTING, MODIFYING, REMOVING, REPAIRING AND/OR REPLACING PUBLIC SIDEWALKS OVER AND ABOVE THE PUBLIC UTILITY EASEMENT AREAS BY THE CITY AND ITS PERMITTEES; AND FOR PEDESTRIAN TRAVEL BY THE GENERAL PUBLIC OVER ANY PUBLIC SIDEWALKS INSTALLED WITHIN THE PUBLIC UTILITY EASEMENT AREAS. THE PUBLIC UTILITY EASEMENTS DEDICATED HEREIN RUN WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE PUBLIC UTILITY EASEMENT AREAS.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR (THE "CITY") SIDEWALK EASEMENTS ON, OVER AND ACROSS THOSE AREAS WITHIN LOTS DESIGNATED AS "SWE" AS SHOWN ON THIS PLAT AND INCLUDED IN THE PREMISES DESCRIBED HEREIN (THE "SIDEWALK EASEMENT AREAS"). SUCH SIDEWALK EASEMENTS ARE FOR THE PURPOSES OF: INSTALLING, OPERATING, MAINTAINING, REPLACING AND/OR REPAIRING PUBLIC SIDEWALKS BY THE CITY OF GOODYEAR AND ITS PERMITTEES; PROVIDING ACCESS FOR THE PURPOSES SET FORTH HEREIN; AND FOR PEDESTRIAN TRAVEL BY THE GENERAL PUBLIC OVER ANY PUBLIC SIDEWALKS INSTALLED WITHIN THE SIDEWALK EASEMENT AREAS. THE SIDEWALK EASEMENTS DEDICATED HEREON RUN WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE SIDEWALK EASEMENT AREAS.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR (THE "CITY") FOR USE BY THE CITY AND ITS PERMITTEES EXCLUSIVE WATER METER EASEMENTS WITHIN, UPON, OVER, ACROSS, ABOVE AND UNDER THOSE AREAS WITHIN LOTS DESIGNATED AS "WME" AS SHOWN ON THIS PLAT AND INCLUDED IN THE PREMISES DESCRIBED HEREIN (THE "WATER METER EASEMENT AREAS"). SUCH WATER METER EASEMENTS ARE FOR THE PURPOSES OF: ENTERING UPON, CONSTRUCTING, INSTALLING, OPERATING, MAINTAINING, INSPECTING, MODIFYING, REPAIRING AND/OR REPLACING WATER METERS, APPURTENANCES, UNDERGROUND WATER LINES THAT WILL BE OWNED BY THE CITY OR ITS ASSIGNEES, (THE "WATER METER FACILITIES") WITHIN, UPON, OVER, ACROSS, ABOVE, AND UNDER THE WATER METER EASEMENT AREAS. NO UNDERGROUND IMPROVEMENTS OTHER THAN WATER FACILITIES SHALL BE CONSTRUCTED WITHIN THE WATER METER EASEMENT AREAS EXCEPT UPON THE WRITTEN CONSENT OF THE CITY. NO BUILDING, STRUCTURE, OR WELL SHALL BE ERECTED, CONSTRUCTED, OR DRILLED WITHIN THE WATER EASEMENT AREAS. THE WATER METER EASEMENTS DEDICATED HEREIN RUN WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE WATER METER EASEMENT AREAS.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR NON-EXCLUSIVE ACCESS EASEMENTS ON, OVER, ACROSS, ABOVE AND THROUGH ALL AREAS WITHIN LOTS DESIGNATED AS "SHARED ACCESS EASEMENT DEDICATED HEREON" AS SHOWN ON THIS PLAT AND INCLUDED WITHIN THE PREMISES DESCRIBED HEREIN (THE ACCESS EASEMENT AREAS"). THE ACCESS EASEMENTS DEDICATED HEREIN ARE FOR USE BY THE CITY OF GOODYEAR AND OTHER ENTITIES FOR THE PURPOSES PROVIDED HEREIN. THE PURPOSE OF THE EASEMENTS IS TO: (I) PROVIDE ACCESS FOR EMERGENCY SERVICES PROVIDERS, INCLUDING THE CITY OF GOODYEAR, TO RESPOND TO CALLS FOR EMERGENCY SERVICES, (II), PROVIDE ACCESS FOR GOVERNMENT SERVICE PROVIDERS, INCLUDING THE CITY OF GOODYEAR, TO PROVIDE GOVERNMENTAL SERVICES; AND (III) TO ALLOW THE CITY OF GOODYEAR INCLUDING ITS CONTRACTORS THE RIGHT, BUT NOT THE OBLIGATION, TO CONSTRUCT, MAINTAIN, REPAIR AND/OR REPLACE IMPROVEMENTS WITHIN THE ACCESS EASEMENT AREAS AS NEEDED TO PROVIDE ACCESS FOR EMERGENCY AND GOVERNMENT SERVICE PROVIDERS. OWNER SHALL CONSTRUCT IMPROVEMENTS WITHIN THE ACCESS EASEMENT AREAS IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND/OR LOCAL LAWS, ORDINANCES, POLICIES, PROCEDURES OR OTHER REQUIREMENTS APPLICABLE TO EMERGENCY ACCESS WAYS IN EFFECT AT THE TIME OF THE CONSTRUCTION OF THE EMERGENCY ACCESS IMPROVEMENTS, INCLUDING BY WAY OF EXAMPLE, BUT NOT LIMITED TO, THE REQUIREMENTS IN THE CITY OF GOODYEAR ENGINEERING DESIGN STANDARDS AND POLICIES MANUALS FOR IMPROVEMENTS NEEDED FOR EMERGENCY ACCESS (THE "EMERGENCY ACCESS ROAD"). OWNER SHALL MAINTAIN, THE EMERGENCY ACCESS ROAD IN GOOD WORKING CONDITION AND SHALL REPAIR AND REPLACE THE EMERGENCY ACCESS ROAD AS NEEDED TO HAVE AN EMERGENCY ACCESS ROAD IN GOOD WORKING CONDITION. IF OWNER FAILS TO MAINTAIN THE ACCESS FACILITIES AS REQUIRED HEREIN, THE CITY SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MAINTAIN, INSPECT, REPAIR, AND/OR REMOVE AND REPLACE THE ACCESS FACILITIES CONSISTENT WITH THE APPROVED PLANS, AND OWNER SHALL REIMBURSE THE CITY FOR THE COSTS THE CITY INCURS IN DOING SO. THE ACCESS EASEMENTS DEDICATED HEREIN RUNS WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE ACCESS EASEMENT AREAS.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR (THE "CITY") NON-EXCLUSIVE DRAINAGE EASEMENTS WITHIN, UPON, OVER, ACROSS, ABOVE, AND UNDER THOSE AREAS WITHIN LOTS DESIGNATED AS "DRAINAGE EASEMENT DEDICATED HEREIN" AS SHOWN ON THIS PLAT AND INCLUDED IN THE PREMISES DESCRIBED HEREIN (THE "DRAINAGE EASEMENT AREAS") FOR THE FOLLOWING PURPOSES: THE CONVEYANCE, RETENTION, STORAGE AND DISPOSAL OF STORM-WATER FLOWS IDENTIFIED IN THE GRADING AND DRAINAGE IMPROVEMENT PLANS FOR THE PREMISES DESCRIBED HEREIN APPROVED BY THE GOODYEAR CITY ENGINEER OR HIS/HER DESIGNEE (THE "APPROVED GRADING AND DRAINAGE PLANS") AND FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE REPAIR AND REPLACEMENT OF DRAINAGE IMPROVEMENTS SUCH AS SCUPPERS, STORM DRAINS, PIPES, DRY WELLS, HEAD WALLS, RETENTION BASINS AND THE LIKE INCLUDED IN THE APPROVED GRADING AND DRAINAGE PLANS (THE "DRAINAGE FACILITIES"). OWNER, AT OWNER'S EXPENSE, SHALL BE RESPONSIBLE FOR OPERATING, CONSTRUCTING AND INSTALLING THE DRAINAGE FACILITIES; MAINTAINING THE DRAINAGE FACILITIES IN GOOD CONDITION; REPLACING AND REPAIRING THE DRAINAGE FACILITIES AS NEEDED TO MAINTAIN THEIR CARRYING AND STORAGE CAPACITY; PREVENTING EROSION; PREVENTING REFUSE, DEBRIS, SEDIMENT, VEGETATION OR OTHER OBSTRUCTIONS FROM ACCUMULATING IN THE DRAINAGE FACILITIES (COLLECTIVELY THE "MAINTENANCE WORK"). THE CITY IS NOT OBLIGATED TO PERFORM THE MAINTENANCE WORK, BUT IF THE CITY ENGINEER, THE CITY DIRECTOR OF PUBLIC WORKS AND/OR ANY OF THEIR RESPECTIVE DESIGNEES DETERMINES THAT OWNER HAS FAILED TO PERFORM THE MAINTENANCE WORK, THE CITY MAY UNDERTAKE SUCH MAINTENANCE WORK AT OWNER'S EXPENSE. OWNER SHALL REIMBURSE THE CITY FOR ALL COSTS THE CITY INCURS IN PERFORMING ANY MAINTENANCE WORK, AND OWNER SHALL INDEMNIFY, DEFEND AND HOLD THE CITY HARMLESS AGAINST ALL CLAIMS ARISING FROM OR RELATED TO OWNER'S FAILURE TO PERFORM THE MAINTENANCE WORK AS AND WHEN REQUIRED HEREIN. THE DRAINAGE EASEMENTS DEDICATED HEREIN RUN WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE DRAINAGE EASEMENT AREAS.

GRANTOR HEREBY GRANTS FOR THE BENEFIT OF LOTS 1 AND 2, A PERMANENT AND PERPETUAL NON-EXCLUSIVE EASEMENT OVER AND ACROSS THE SHARED ACCESS EASEMENT AREA, DEPICTED IN LOTS 1 AND 2, FOR CONTINUOUS AND UNINTERRUPTED USE IN ORDER TO PROVIDE LOTS 1 AND 2 WITH ACCESS, INGRESS AND EGRESS TO AND FROM THE ADJACENT PUBLIC ROADWAY.

GRANTOR HEREBY GRANTS FOR THE BENEFIT OF LOT 1, A PERMANENT AND PERPETUAL EASEMENT OVER, ACROSS AND UNDER THE PARKING AND LANDSCAPE EASEMENT AREA, DEPICTED IN LOT 2, FOR CONTINUOUS AND UNINTERRUPTED USE IN ORDER TO UTILIZE, INSTALL, MAINTAIN OR REPAIR PARKING SPACES AND LANDSCAPING FOR THE BENEFIT LOT 1.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED.

29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ILLINOIS }
} S.S.
COUNTY OF COOK }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2023 BY _____
AS _____ OF 29SC COTTON PROPERTY OWNER LLC, A DELAWARE LIMITED LIABILITY COMPANY.

_____
NOTARY PUBLIC

NOTES

1. THIS DEVELOPMENT IS WITHIN THE SERVICE AREA OF THE CITY OF GOODYEAR WHICH HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO A.R.S. 45-576 SUBSECTION B. THE CITY OF GOODYEAR'S ASSURED WATER SUPPLY DESIGNATION IS SUPPORTED IN PART BY THE CITY'S MEMBERSHIP IN THE CENTRAL ARIZONA GROUNDWATER REPLENISHMENT DISTRICT (CAGRD). PROPERTY WITHIN THIS DEVELOPMENT MAY BE ASSESSED A FEE BASED ON ITS PRO RATA SHARE OF THE CITY'S COST FOR CAGRD PARTICIPATION.

2. NO STRUCTURES OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN OR OVER THE UTILITY EASEMENTS EXCEPT: UTILITIES, ASPHALT PAVING, GRASS, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING. THE CITY OF GOODYEAR SHALL NOT BE REQUIRED TO REPLACE OR PROVIDE REIMBURSEMENT FOR THE COST OF REPLACING ANY OBSTRUCTIONS, PAVING OR PLANTING THAT IS REMOVED DURING THE COURSE OF MAINTAINING, CONSTRUCTING OR RECONSTRUCTING UTILITY FACILITIES.

3. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION SHALL BE PLANTED NOR WILL BE ALLOWED TO GROW WITHIN, ON OR OVER ANY DRAINAGE EASEMENT WHICH WOULD OBSTRUCT OR DIVERT THE FLOW OF STORM WATER. THE CITY MAY, IF IT SO DESIRES, CONSTRUCT OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER THE LAND OF THE DRAINAGE EASEMENT.

4. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OF-WAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURBS, GUTTERS, SIDEWALKS, RAMPS, DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STREET STRIPING.
   A) THE OWNER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO-YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   B) DURING THE MAINTENANCE AND WARRANTY PERIOD, THE OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL IMPROVEMENTS. ANY DAMAGED IMPROVEMENT SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE OWNER'S EXPENSE.
   C) MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF A SEALANT ON ALL CRACKS AND JOINTS, AND APPLICATION OF A SEALANT OVER ALL ASPHALT PAVEMENTS.
   D) AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.
   E) IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR WARRANTY PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.

5. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OF-WAY, AND STREET CENTER MEDIAN LANDSCAPING.
   A) THE OWNER SHALL MAINTAIN AND WARRANTY ALL PLANTED AREAS INCLUDING IRRIGATION SYSTEMS FOR A PERIOD OF TWO-YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   B) DURING THE MAINTENANCE AND WARRANTY PERIOD, THE OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTING AND OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE OWNER'S EXPENSE.
   C) MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE GOOD NORMAL GROWTH.
   D) IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.

6. STRUCTURES WITHIN SIGHT VISIBILITY TRIANGLES WILL BE LIMITED TO A HEIGHT OF THREE (3) FEET; LANDSCAPING WITHIN SIGHT VISIBILITY TRIANGLES WILL BE LIMITED TO GROUND COVER, FLOWERS AND GRANITE LESS THAN TWO (2) FEET (MATURE) IN HEIGHT AND/OR TREES WITH BRANCHES NOT LESS THAN SEVEN (7) FEET ABOVE THE GROUND. TREES SHALL NOT BE PLACED LESS THAN EIGHT (8) FEET APART.

7. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE AND REPAIR OF ALL FACILITIES ASSOCIATED WITH STORMWATER MANAGEMENT ON A PROPERTY.

8. THIS PARCEL IS SUBJECT TO ATTENDANT NOISE, VIBRATIONS, DUST, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY OVERFLIGHTS AND BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM PHOENIX-GOODYEAR AIRPORT AND LUKE AIR FORCE BASE. THE OWNER DOES RELEASE AND DISCHARGE THE CITY OF GOODYEAR FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR FUTURE DAMAGES AND COMPLAINTS OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE FROM THE OPERATION OF SUCH AIRCRAFT NEAR AND OVER THE AREA.

9. THIS DEVELOPMENT IS ADJACENT TO AGRICULTURAL USES AND IS THEREFORE SUBJECT TO NOISE, DUST AND ODORS ASSOCIATED WITH SUCH A USE.

10. ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND, EXCLUDING POWER LINES 69 KV AND LARGER.

11. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR WITH CAP, TAG OR OTHER MONUMENTATION AS DESCRIBED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.

12. THE CITY OF GOODYEAR IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES, OR LANDSCAPED AREAS WITHIN THIS DEVELOPMENT.

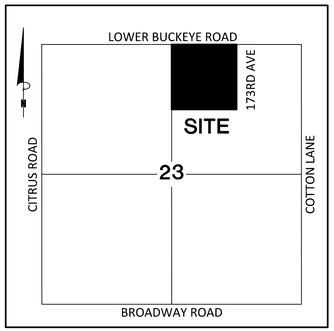
13. MAINTENANCE OF EASEMENTS THAT LIE WITHIN THE BOUNDARIES OF A SUBDIVISION LOT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

HOA NOTE

THERE IS NO EXISTING HOA FOR ANY PROPERTIES COMPRISING ARTESIAN CASITAS AT WEST GOODYEAR. THERE WILL NOT BE A NEW HOA CREATED FOR ANY PROPERTIES COMPRISING ARTESIAN CASITAS AT WEST GOODYEAR.

UTILITIES

WATER	CITY OF GOODYEAR
SEWER	CITY OF GOODYEAR
GAS	SOUTHWEST GAS
ELECTRIC	ARIZONA PUBLIC SERVICE
TELEPHONE	CENTURY LINK / COX
REFUSE	CITY OF GOODYEAR
CABLE TV	CENTURY LINK / COX



VICINITY MAP

N.T.S.

OWNER

29SC COTTON PROPERTY OWNER LLC
20 N WACKER DRIVE #4120
CHICAGO, IL 60606
PHONE: (872) 256-9597
CONTACT: JEFF CURRAN
jcurran@29sc.com

ENGINEER

BOWMAN
6751 N. SUNSET BLVD #325
GLENDALE, AZ 85305
PHONE: (480) 559-8360
CONTACT: CHUK GIDEON
cgideon@bowman.com

SURVEYOR

BOWMAN
1600 N DESERT DRIVE, #210
TEMPE, AZ 85288
PHONE: (480) 629-8830
CONTACT: DOUG TONEY
dtoney@bowman.com

SHEET INDEX

1 COVER, DEDICATION, SITE DATA, CERTIFICATION, NOTES, LEGAL DESCRIPTION
2 FINAL PLAT PLAN SHEET

SITE DATA

ZONING	R1-6
NUMBER OF LOTS	2
GROSS AREA	1,705,058 SQ.FT. OR 39.1427 ACRES, MORE OR LESS
NET AREA	1,628,831 SQ.FT. OR 37.3928 ACRES, MORE OR LESS

LEGAL DESCRIPTION

LOTS 1 AND 2 OF A MINOR LAND DIVISION OF ARTESIAN CASITAS AT WEST GOODYEAR, ACCORDING TO BOOK 1707 OF MAPS, PAGE 43, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA.

BASIS OF BEARINGS

SOUTH 89°45'34" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ACCORDING TO BOOK 1331 OF MAPS, PAGE 47, M.C.R.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS PLAT IS CORRECT AND ACCURATE AND THE MONUMENTS DESCRIBED HEREIN HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

_____ 6/5/23
DOUGLAS B. TONEY
REGISTERED LAND SURVEYOR NO. 55030
BOWMAN
1600 N DESERT DRIVE, #210
TEMPE, AZ 85288

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
Date Signed 6/5/23
ARIZONA, U.S.A.

FINAL PLAT APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, THIS _____ DAY OF _____, 2023.

BY: _____ ATTEST: _____
JOE PIZZILLO – MAYOR DARCIE McCRACKEN – CITY CLERK

APPROVED BY THE CITY ENGINEER OF THE CITY OF GOODYEAR, ARIZONA, THIS _____ DAY OF _____, 2023

BY: _____
SUMEET MOHAN – CITY ENGINEER

Bowman CONSULTING
Bowman Consulting Group, Ltd.
1600 N Desert Drive, #210
Tempe, AZ 85288
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowman.com

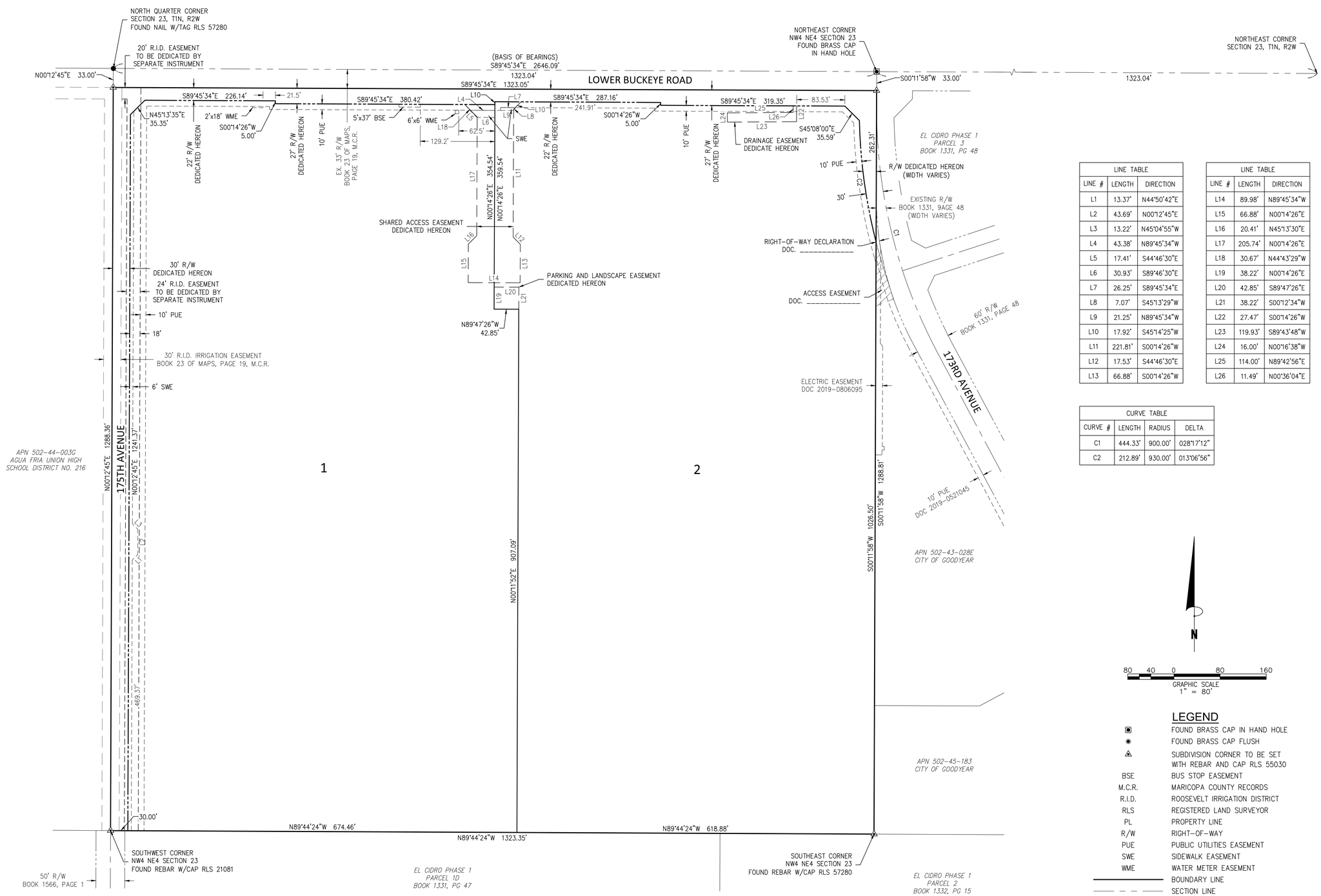
RE-PLAT OF
ARTESIAN CASITAS AT WEST GOODYEAR
GOODYEAR, ARIZONA

REVISION	DATE

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DATE: 6/5/23
PROJ NO: 050908-02
TASK NUM: 001
DRAWN BY: DT
CHECKED:
QUALITY:
CLIENT NO:
SCALE N.T.S.

File: V:\050908 - The Residences at Cotton Common\050908-02-001 (SUE) - Cotton Commons - East\Survey_DWG\050908-02 Plat.dwg Plotted: Jun 05, 2023



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	13.37'	N44°50'42"E
L2	43.69'	N00°12'45"E
L3	13.22'	N45°04'55"W
L4	43.38'	N89°45'34"W
L5	17.41'	S44°46'30"E
L6	30.93'	S89°46'30"E
L7	26.25'	S89°45'34"E
L8	7.07'	S45°13'29"W
L9	21.25'	N89°45'34"W
L10	17.92'	S45°14'25"W
L11	221.81'	S00°14'26"W
L12	17.53'	S44°46'30"E
L13	66.88'	S00°14'26"W

LINE TABLE		
LINE #	LENGTH	DIRECTION
L14	89.98'	N89°45'34"W
L15	66.88'	N00°14'26"E
L16	20.41'	N45°13'30"E
L17	205.74'	N00°14'26"E
L18	30.67'	N44°43'29"W
L19	38.22'	N00°14'26"E
L20	42.85'	S89°47'26"E
L21	38.22'	S00°12'34"W
L22	27.47'	S00°14'26"W
L23	119.93'	S89°43'48"W
L24	16.00'	N00°16'38"W
L25	114.00'	N89°42'56"E
L26	11.49'	N00°36'04"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	444.33'	900.00'	028°17'12"
C2	212.89'	930.00'	013°06'56"

80 40 0 80 160
GRAPHIC SCALE
1" = 80'

LEGEND

◉	FOUND BRASS CAP IN HAND HOLE
●	FOUND BRASS CAP FLUSH
▲	SUBDIVISION CORNER TO BE SET WITH REBAR AND CAP RLS 55030
BSE	BUS STOP EASEMENT
M.C.R.	MARICOPA COUNTY RECORDS
R.I.D.	ROOSEVELT IRRIGATION DISTRICT
RLS	REGISTERED LAND SURVEYOR
PL	PROPERTY LINE
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITIES EASEMENT
SWE	SIDEWALK EASEMENT
WME	WATER METER EASEMENT
———	BOUNDARY LINE
——— – – ———	SECTION LINE
——— – ———	ROADWAY CENTERLINE
– — — — –	EASEMENT LINE
——— - - ———	R/W LINE

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REGISTERED LAND SURVEYOR
CERTIFICATE NO.
55030
DOUGLAS B.
TONEY
State Signed 6/5/23
ARIZONA U.S.A.

RE-PLAT OF ARTESIAN CASITAS AT WEST GOODYEAR GOODYEAR, ARIZONA

DATE	REVISION

© Bowman Consulting Group, Ltd.

DATE: 6/5/23
PROJ NO: 050908-02
TASK NUM: 001
DRAWN BY: DT
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QUALITY:
CLIENT NO:
SCALE
1" = 80'

File: V:\050908 - The Residences at Cotton Commons\050908-02-001 (SUB) - Cotton Commons - East\Survey_DWG\050908-02 Plat.dwg Plotted: Jun 05, 2023

ITEM #: 14.
DATE: 06/26/2023
AI #:1548

CITY COUNCIL ACTION REPORT

SUBJECT: FOURTH AMENDMENT TO THE INFRASTRUCTURE DEVELOPMENT AGREEMENT FOR PROJECT 10-11

STAFF PRESENTER(S): Sarah Chilton, Deputy City Attorney and Andy Granger, Deputy City Manager

SUMMARY

The Fourth amendment to the Infrastructure Development Agreement for Project 10-11 amends terms of the existing agreement to amend requirements for the issuance of building permits for future buildings and for the issuance of any certificate of occupancy for the third structure on Microsoft's PHX 10-11 Site and provides terms for Microsoft's acquisition of the City Booster Station Site that is surrounded by Microsoft's property.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

ADOPT RESOLUTION NO. 2023-2323 APPROVING THE FOURTH AMENDMENT TO THE INFRASTRUCTURE DEVELOPMENT AGREEMENT FOR PROJECT 10-11; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE FOURTH AMENDMENT; PROVIDING AUTHORIZATION FOR FUTURE ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (Sarah Chilton, Deputy City Attorney and Andy Granger, Deputy City Manager)

FISCAL IMPACT

The continued development of the PHX 10-11 Site will have an ongoing fiscal impact on the city. The Fourth Amendment to the Infrastructure Development Agreement for Project 10-11 will result in a $9,000,000 contribution toward the costs of the city's water treatment facility for the capacity that Microsoft's operations will require, which amount will be reduced by the amount of the water development impact fees that Microsoft paid that included the city's water treatment facility. The continued development of the PHX 10-11 site will generate one-time revenues for the city through construction sales tax and development impact fees for the additional data centers and public infrastructure Microsoft will be constructing. Longer-term

fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, and state-shared revenues.

BACKGROUND AND PREVIOUS ACTIONS

In 2018, Microsoft acquired approximately 279 acres, generally located between the north side of Broadway Road and the south side of MC-85 and extending from east of Bullard Avenue to west of Litchfield Road (the "PHX 10-11 Site"). Since this acquisition, Council has considered and taken numerous actions to facilitate the development of the PHX 10-11 Site, including the adoption of the Infrastructure Development Agreement for Project 10-11 (the PHX 10-11 IDA") and three amendments thereto. Among other things, the PHX 10-11 IDA and the amendments thereto identified Microsoft's obligations regarding the design and construction of on-site and off-site water and wastewater infrastructure and payments Microsoft was required to make towards the costs of water and wastewater treatment facilities.

STAFF ANALYSIS

Under the terms of the Infrastructure Development Agreement for Project 10-11 (the "PHX 10-11 IDA"), Microsoft is responsible for the design and construction of all infrastructure, within the boundaries of the PHX 10-11 Site and outside the boundaries of the PHX 10-11 Site as reasonably determined by the City to be both in accordance with the duly-adopted Development Regulations and needed to support the development of the PHX 10-11 Site and to allow the City to provide City services to the PHX 10-11 Site. The identification of the public infrastructure needed was to be guided by engineering studies paid for by Microsoft.

The third amendment to the PHX 10-11 IDA approved by the City Council on March 6, 2023, was the most recent amendment that addressed infrastructure requirements and financial contributions Microsoft was required to make for the City to provide services to the PHX 10-11 Site. However, the third amendment required the submittal of an updated engineering study because of a change in direction regarding Microsoft's operations, and the city's desire to have confirmation by a professional engineer of the specific infrastructure required based on the change in Microsoft's operations.

In the third amendment, Microsoft, agreed that only the first three structures on the PHX 10-11 Site would be water cooled; all additional buildings constructed on site are to be air cooled. The third amendment included terms that had to be satisfied before a building permit would be issued for the third structure on the Property (PHX 12); before a certificate of occupancy could be issued for the PHX 12; and before building permits for any additional structures on the Property. It also amended the requirements that had to be satisfied before a certificate of occupancy could be issued for the second structure on the Property (PHX 11). The following is a summary of those terms.

Microsoft had to satisfy the following before a building permit would be issued for PHX 12:

· Microsoft had to make a $36 million in-lieu payment towards the cost of an expansion of the wastewater treatment plant for the treatment capacity that will be needed to treat all discharges (industrial discharges and domestic sewage) generated by the operations on the PHX 10-11 Site at full build-out.
· Microsoft had to deposit $5 million with the city as financial assurance toward the cost of the dedicated discharge line and any additional water lines Microsoft has to construct.
· Microsoft had to deposit $800,000 with the city, which the city is to use to pay for the services

of a person the city will retain to serve as the city's designated representative to coordinate and facilitate the development of the PHX 10-11 Site and the PHX 70 Site

All of the foregoing payments have been remitted to the city.

Microsoft had to satisfy the following before any type of certificate of occupancy for PHX-12 would be issued:

· The submittal of an updated engineering study that identified water infrastructure and wastewater infrastructure, including infrastructure for industrial discharges that would be required to serve the Property at full build-out in light of Microsoft's agreement that all but the first three structures on the Property would be air cooled rather than water cooled.
· The completion of the infrastructure identified within the updated engineering study.
· The completion of certain berming and landscaping mitigation measures that are to be installed pursuant to the requirements of the PAD zoning for the Property.

Microsoft had to satisfy the following before building permits for future buildings on the PHX 10-11 Site:

· The PHX 10-11 IDA being amended to identify all water and wastewater infrastructure, including infrastructure for industrial discharges, that would be required to serve the buildings for which permits were sought.
· The completion of all of the requirements that had to be satisfied before any type of certificate of occupancy would be issued for PHX 12 (the requirements set forth above).

Microsoft has submitted an updated engineering study that identifies the water demands for the Property at full build-out on an annualized basis, the peak water demands, and the wastewater demands. The updated engineering study identifies the water infrastructure, wastewater infrastructure, including infrastructure needed for the delivery and storage of industrial discharges at full build-out and that is consistent with the parameters in the third amendment.

Recently, representatives of Microsoft approached city staff about the possibility of relocating existing water facilities (potable storage reservoir capable of storing 750,000 gallons, booster pump(s), hydropneumatics tank and water lines) that are located on a small tract that is less than a quarter of an acre (30,851 square feet) (the "Booster Station Site"). This site is surrounded by property owned by Microsoft. Under the proposed transaction, Microsoft would pay the city the costs of developing replacement facilities that would be located on an existing city site. The amount paid would be based on an Engineer's Estimate provided by Microsoft and agreed to by the City and Microsoft. Following the city's receipt of the payment, the city would quit claim the city's interest in the parcel and all improvements owned by the City within the parcel to Microsoft. Microsoft would then be responsible for removing all of the equipment on the property. The transaction is at the discretion of Microsoft, which will need to conduct its due diligence on the site before determining whether to proceed with the acquisition.

Microsoft desires to amend the Agreement, to (i) confirm that no additional water supplies are necessary to provide water services to the Property over and above Owner's Type 1 Industrial Water Right of 362.60 acre feet annually; (ii) the amount of the Water Resources Fee Owner is required to pay if additional water supplies are required; (iii) identify the Additional Necessary Utility Infrastructure Improvements Owner is required to purchase and/or design and construct for the City to provide water and wastewater services to the Property and the timing for the

payments and/or construction of the same, (iv) modify the terms in the Agreement regarding the issuance of building permits for future phases of development after the Phase One Development, the Phase Two Development and the Phase Three Development; (v) modify the terms in the Agreement regarding the issuance of temporary certificates of occupancy, certificates of completions and certificates of occupancy for future phases of development; and (vi) provide terms for the City to convey its interest in the Booster Station Site and the improvements it owns to Microsoft.

The fourth amendment to the PHX 10-11 IDA modifies the terms of the PHX 10-11 IDA as amended as follows:

· The fourth amendment identifies the water infrastructure and wastewater infrastructure, including the infrastructure needed for the storage and disposal of industrial discharges from Microsoft's operations needed for the City to serve the PHX 10-11 at build-out.
· A contribution of $9,000,000 towards the cost of the city's water treatment plant ("Water Production In-Lieu Payment"), which will be reduced by the amount of water development impact fees previously collected, is required to be made prior to the issuance of any future building permits and prior to any type of certificate of occupancy is issued for PHX 12.
· Subject to the payment of the Water Production In-Lieu Payment, building permits for future buildings to be issued without having to satisfy the requirements for obtaining a certificate of occupancy for PHX 12, including the requirement that all of the infrastructure identified in the updated engineering study be completed. Because the future buildings will be air-cooled, the completion of these infrastructure improvements is not necessary to support the future buildings.
· Because the determination of the required infrastructure and financial contributions are based on certain assumptions, there are provisions that if the assumptions were inconsistent with Microsoft's actual operations, Microsoft will be responsible for constructing any additional infrastructure improvements required to support the actual operations, to make additional financial contributions for the cost of the city's wastewater treatment facilities and the cost of the city's water treatment facilities should Microsoft's actual demands exceed the demands reflected in the most recent engineering study and to make a Water Resource Fee payment should the actual water demands exceed 362.20 acre feet a year on an annualized basis.
· Provides terms for Microsoft's acquisition of the city's existing Booster Station Site

The terms of the proposed amendment are consistent with the general intent of the infrastructure development for Project 10-11 which requires Microsoft to construct infrastructure improvements needed for the city to provide utility services to the property. Accordingly, staff supports its adoption.

Attachments

Resolution with Exhibit 1

RESOLUTION NO. 2023-2323

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING THE FOURTH AMENDMENT TO THE INFRASTRUCTURE DEVELOPMENT AGREEMENT FOR PROJECT 10-11; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE FOURTH AMENDMENT; PROVIDING AUTHORIZATION FOR FUTURE ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2018, Microsoft acquired approximately 279 acres of real property within the City of Goodyear generally located between the north side of Broadway Road and the south side of MC-85 and extending from east of Bullard Avenue to west of Litchfield Road that it is developing under the name Project 10-11 (the "Property");

WHEREAS, Microsoft is responsible for the design and construction of all public infrastructure, within the boundaries of the Property and outside the boundaries of the Property as reasonably determined by the city to be both in accordance with the duly-adopted Development Regulations and engineering studies needed to support the development of the Property and to allow the city to provide city services to the Property;

WHEREAS, Microsoft's plans for development of the Property have changed over time and instead of treating industrial discharges so it could be used as a raw water source for potable water production, Microsoft's plans call for the distribution of industrial discharges to the city's 157th Avenue Wastewater Treatment Plant for treatment;

WHEREAS, Microsoft and the city entered into that certain Infrastructure Development Agreement for Project 10-11 recorded on June 27, 2019 in the official records of Maricopa County, Arizona at recording number 2019-0486224 (hereinafter referred to as the "PHX 10-11 IDA"), which addressed certain requirements regarding the development of the Property, including requirements for infrastructure that were to be completed before any certificate of completion and/or certificate of occupancy would be issued for the First Phase Development being constructed on the Property (the "Phase One Improvements") and operational requirements regarding the level of Total Dissolved Solids ("TDS") that could be delivered to the city's 157th Wastewater Treatment Plant;

WHEREAS, Microsoft and the city entered into that certain First Amendment to Infrastructure Development Agreement for Project 10-11 recorded on July 14, 2020, in the official records of Maricopa County, Arizona at recording number 20200625939 (hereinafter referred to as the "First Amendment"), which modified the requirements for obtaining certificates of occupancies or completion for the Phase One Improvements; and

WHEREAS, Microsoft and the city entered into that certain Second Amendment to Infrastructure Development Agreement for Project 10-11 recorded on April 27, 2021, in the official records of Maricopa County, Arizona at recording number 2021-10468656 (hereinafter referred to as the "Second Amendment"), which provided a temporary solution for the development of the Phase Two Development (PHX 11) by identifying infrastructure requirements, operational requirements and timing for the completion of such infrastructure;

WHEREAS, Microsoft and the city entered into that certain Third Amendment to Infrastructure Development Agreement for Project 10-11 recorded on March 8, 2023, in the official records of Maricopa County, Arizona at recording number 2023-0116402 (hereinafter referred to as the "Third Amendment"), which: set forth the conditions required for the issuance of a permanent

certificate of occupancy for PHX 11, a building permit for PHX12 a certificate of completion, temporary certificate of occupancy and permanent certificate occupancy for PHX 12, and building permits for future buildings; provided a temporary infrastructure solution and temporary conditions for operations that allow for the continued development and operation of the PHX 10-11 Site until the city's 157th Avenue Wastewater Treatment Plant has been expanded; and imposed permanent operational requirements once the city's 157th Avenue Wastewater Treatment Plant has been expanded;

WHEREAS, the Fourth Amendment to Infrastructure Development Agreement for Project 10-11 Microsoft desires to amend the Agreement, to (i) confirm that no additional water supplies are necessary to provide water services to the Property over and above Owner's Type 1 Industrial Water Right of 362.60 acre feet annually; (ii) the amount of the Water Resources Fee Owner is required to pay if additional water supplies are required; (iii) identify the Additional Necessary Utility Infrastructure Improvements Owner is required to purchase and/or design and construct for the City to provide water and wastewater services to the Property and the timing for the payments and/or construction of the same, (iv) modify the terms in the Agreement regarding the issuance of building permits for future buildings phases of development after the Phase One Development, the Phase Two Development and the Phase Three Development; (v) modify the terms in the Agreement regarding the issuance of temporary certificates of occupancy, certificates of completions and certificates of occupancy for future phases of development; and (vi) provide terms for the City to convey its interest in the Booster Station Site and the improvements it owns to Microsoft;

WHEREAS, the city acknowledges the development of the Property is consistent with the city's general plan; and

WHEREAS, Microsoft and the city intend this Fourth Amendment to be a Development Agreement within the meaning of A.R.S. § 9-500.05 that binds Microsoft and all future owners of all or any portion of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the City of Goodyear find the approval of the Fourth Amendment to the Infrastructure Development Agreement for Project 10-11 by and between Microsoft Corporation, a Washington corporation, and the City of Goodyear, an Arizona municipal corporation, a copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference, to be in the best interest of the City of Goodyear, and hereby approve the Fourth Amendment to the Infrastructure Development Agreement for Project 10-11.

SECTION 2. The City Manager or her designee is hereby authorized and directed to execute the Fourth Amendment to the Infrastructure Development Agreement for Project 10-11.

SECTION 3. The City Manager or her designee is hereby authorized and directed to take any and all actions and to execute all the documents necessary to carry out the intent of this Resolution and the terms of the Fourth Amendment of the Infrastructure Development Agreement for Project 10-11 (the "Fourth Amendment"), including

the conveyance of the city's Booster Site pursuant to the terms of the Fourth Amendment.

SECTION 4. The Fourth Amendment to the Infrastructure Development Agreement for Project 10-11, attached hereto as Exhibit 1, shall be recorded with the Maricopa County Recorder's Office.

SECTION 5. Unless referred to the voter as provided by law, Resolution 2023-2323 shall be effective thirty (30) days after its adoption by the Mayor and Council of the City of Goodyear.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 2023.

_____
Joe Pizzillo, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

EXHIBIT ‘1’

FOURTH AMENDMENT TO THE INFRASTRUCTURE DEVELOPMENT AGREEMENT
FOR PROJECT 10-11

WHEN RECORDED, RETURN TO:

City of Goodyear, Arizona
Office of the City Clerk
190 N. Litchfield Road
Goodyear, Arizona 85338

FOURTH AMENDMENT TO INFRASTRUCTURE DEVELOPMENT AGREEMENT FOR PROJECT 10-11

This Fourth Amendment to Infrastructure Development Agreement for PHX 10-11 (the "Fourth Amendment") is entered into by and between Microsoft Corporation, a Washington corporation ("Owner") and the City of Goodyear, an Arizona municipal corporation (the "City").

RECITALS

A. WHEREAS Owner owns certain real property within the City of Goodyear generally located between the north side of Broadway Road and the south side of MC-85 and extending from east of Bullard Avenue to west of Litchfield Road, as legally described in Exhibit 1 attached hereto and incorporated herein by this reference.

B. WHEREAS, Owner is developing the Property under the name PHX 10-11.

C. WHEREAS, Owner is responsible for the design and construction of all infrastructure, within the boundaries of the Property and outside the boundaries of the Property as reasonably determined by the City to be both in accordance with the duly-adopted Development Regulations and needed to support the development of the Property and to allow the City to provide City services to the Property.

D. WHEREAS, Owner has been developing the Property in phases, and anticipates that when fully developed the Property will consist of three (3) buildings that will use direct evaporative cooling (water cooled) and additional buildings that will utilize air-cooled chillers (non-water cooled).

E. WHEREAS, the first phase of the development of the Property consisted of the construction of one building that is approximately 290,000 square feet; and the second phase of the development of the Property consists of the construction of a second building that is approximately 250,000 square feet; and the third phase of the development of the Property shall consist of one building that is approximately 250,000 square feet.

F. WHEREAS, Owner and the City entered into that certain Infrastructure Development Agreement for Project 10-11 recorded on June 27, 2019 in the official records of Maricopa County, Arizona at recording number 2019-0486224 (hereinafter referred to as the "PHX 10-11 IDA"), which addressed certain requirements regarding the development of the Property, including requirements for infrastructure that was to be completed before any certificate

of completion and/or certificate of occupancy would be issued for the first building being constructed on the Property, and that certain First Amendment to Infrastructure Development Agreement for Project 10-11 recorded on July 14, 2020, in the official records of Maricopa County, Arizona at recording number 20200625939 (hereinafter referred to as the "First Amendment"), which addressed the timing of certain portions of the Phase One Improvements by Owner and the completion of the Raw Water Line by the City, and that certain Second Amendment to Infrastructure Development Agreement for Project 10-11 recorded on April 27, 2021, in the official records of Maricopa County, Arizona at recording number 20210468656 (hereinafter referred to as the "Second Amendment"), and that certain Third Amendment to Infrastructure Development Agreement for Project 10-11 recorded on March 8, 2023, in the official records of Maricopa County, Arizona at recording number 20230116402 (hereinafter referred to as the "Third Amendment"), which addressed the conditions for issuance of building permits for the Phase Three Development. Together, the PHX 10-11 IDA, the First Amendment, the Second Amendment, and the Third Amendment are referred to herein as the "Agreement."

G. WHEREAS, in the PHX 10-11 IDA, the City agreed to supply up to 1 MGD (million gallons per day) of potable water to the Property pursuant to the terms of the Agreement, and the Parties were to enter into an agreement that provided the terms for the City's commitment to serve additional potable water supplies to the Property, including Owner's responsibility for paying a Water Resource Fee and Owner's responsibility for the costs of water and production infrastructure capacity needed to serve more than 1 MGD of potable water to the Property.

H. WHEREAS, Owner has a Type 1 Industrial Water Right in the amount of 362.60 acre feet annually that is the source of the water supply being used by the City to supply potable water to the Property, which, according to the Updated Carollo Study attached hereto as Exhibit 2 is sufficient to serve the water demands for the Property at Full-Build-Out based on assumptions provided by Owner regarding full-build-out and Owner's operations, including assumptions regarding Owner's operations and the number of times the water delivered to the Property can be recycled.

I. WHEREAS, under the terms of the Agreement, future building permits to be issued on the Property following the issuance of the building permits for the Phase Three Development can only be issued after (1) the City identifies the Additional Necessary Utility Infrastructure Improvements required for the City to provide water and wastewater services to the structures for which building permits are being sought; (2) City and Owner have entered into an amendment to the Agreement or a new agreement (i) addresses any additional water supplies necessary to serve the buildings on the Property over and above the 1 MGD on an annualized basis and any Water Resources Fee applicable to the same, (ii) identifies the Additional Necessary Utility Infrastructure Improvements Owner is required to purchase and/or design and construct for the City to provide water and wastewater services, including the disposal of industrial discharge, to the structures for which building permits are being sought; and (3) Owner has satisfied all of the requirements for a permanent certificate of occupancy for the Phase Three Development.

J. WHEREAS, all of the payments Owner was required to make under the terms of the Third Amendment, (an in-lieu payment for wastewater capacity (6.3.3 of the Agreement), a deposit to financial assure the construction of certain required infrastructure (6.3.4 of the

Agreement) and a deposit for the cost of the services of a Designated Representative (6.3.5 of the Agreement)) have been paid to the City.

K. WHEREAS, Owner has provided an Updated Carollo Study, which is attached hereto as Exhibit 2 and which is comprised of a Technical Memorandum dated June 21, 2023 prepared by Brown and Caldwell and the attachments thereto, which includes Attachment A – the Infrastructure Evaluation to Provide Potable Water, Wastewater and RO Concentrate Services to Microsoft PHX 10-19 Data Centers dated September 2022 prepared by Carollo upon which the Brown and Caldwell Technical Memorandum relied and Attachment B – the PHX09 Evaporation Pond IFP Design Package Exhibit, that identifies the additional public and private utility infrastructure improvements required for the City to provide water and wastewater services at Full-Build-Out.

L. WHEREAS, based on information provided by Owner, the Updated Carollo Study attached hereto as Exhibit 2 shows that the annual water demand on the Property will not exceed 362.60 acre feet annually, which is the amount of Owner's Type 1 Industrial Water Right and thus Owner is not required to remit a Water Resource Fee as a condition of receiving a certificate of completion, a temporary certificate of occupancy or a permanent certificate of occupancy for the Phase Three Development.

M. WHEREAS, although Owner's Type 1 Industrial Water Right provides an adequate water supply to serve the Property on an annualized basis assuming the assumptions relied upon in the Updated Carollo Study are accurate, the delivery of the water supply is not steady and, based upon the Updated Carollo Study, the water demand during the summer months can be as much as 1.6 MGD per day, which requires more water and production infrastructure capacity than is required for the 1 MGD the city committed to supplying.

N. WHEREAS, Owner has not satisfied all of the requirements for a permanent certificate of occupancy for the Phase Three Development, which is a requirement for the issuance of building permits following the issuance of a building permit for the Phase Three Development.

O. WHEREAS, the City owns the Booster Station Site (defined below), which is surrounded by the Property and upon which the City operates a water facility that includes a 750,000 gallon potable storage reservoir, booster pumps, a hydropneumatic tank, water lines, and ancillary equipment.

P. WHEREAS, a monitor well that is associated with the Phoenix Goodyear Airport South ("PGAS") Superfund cleanup is located within the Booster Station Site. The City's position is that the right to locate the well on the Booster Station Site terminates when the City no longer owns the Booster Station Site.

Q. WHEREAS, to facilitate the build-out of the Property, Owner has asked the City to convey its interest in the Property and the equipment thereon to Microsoft, which the City is willing to do subject to the terms set forth below.

R. WHEREAS, the Owner desires to amend the Agreement, to (i) confirm whether any additional water supplies are necessary to provide water services to the Property over and above Owner's Type 1 Industrial Water Right of 362.60 acre feet annually; (ii) the amount of the Water Resources Fee Owner is required to pay if additional water supplies are required; (iii) identify the Additional Necessary Utility Infrastructure Improvements Owner is required to purchase and/or design and construct for the City to provide water and wastewater services to the Property and the timing for the payments and/or construction of the same, (iv) modify the terms in the Agreement regarding the issuance of building permits for future phases of development after the Phase One Development, the Phase Two Development and the Phase Three Development; (v) modify the terms in the Agreement regarding the issuance of temporary certificates of occupancy, certificates of completions and certificates of occupancy for future phases of development after the Phase One Development, the Phase Two Development and the Phase Three Development; and (vi) provide terms for the City to convey its interest in the Booster Station Site and the improvements it owns thereon to Owner.

S. WHEREAS, the City acknowledges the development of the Property is consistent with the City's general plan.

T. WHEREAS, Owner and the City intend this Fourth Amendment to be a Development Agreement within the meaning of A.R.S. § 9-500.05 that binds Owner and all future owners of all or any portion of the Property.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual obligations contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **INCORPORATION OF RECITALS**. The Parties hereby adopt and incorporate, as if fully set forth herein, the Recitals stated above.

2. **DEFINED TERMS**. All capitalized terms used but not defined in this Fourth Amendment shall have the meanings ascribed to such terms in the Agreement.

3. **EFFECTIVE DATE**. The execution of this Fourth Amendment by the Parties and approval of this Fourth Amendment by Resolution of the Goodyear City Council are conditions precedent to this Fourth Amendment becoming effective. This Fourth Amendment shall take effect upon the later of dates each of the following conditions precedent have occurred: (i) the full execution of this Fourth Amendment by the Parties and (ii) the date the Resolution approving this Fourth Amendment becomes effective, such later date hereafter defined as the "Fourth Amendment Effective Date."

4. **AMENDMENT TO SECTION 2.** Section 2 of the Agreement is hereby amended to amend and add definitions to Section 2 of the Agreement as follows:

The following definitions in Section 2 of the Agreement are amended to read as follows:

2.11 "Full Build-Out" means ten buildings on the Property with no more than three (3) buildings that will use direct evaporative cooling (water cooled) and with all other buildings on the Property using air-cooled chillers (non-water cooled).

2.12 "Necessary Utility Infrastructure Improvements" means the infrastructure improvements required to be installed under applicable Development Regulations, and the additional On-Site and Off-Site water, wastewater, and industrial discharge infrastructure improvements as reasonably determined by the City based on the results of the Carollo Study and Updated Carollo Study as being needed to allow the City to provide water and wastewater services, including the disposal of industrial discharges to the Property at various phases of build-out and at Full Build-Out, including infrastructure improvements required to comply with terms of the Agreement. Owner acknowledges that the utility infrastructure improvements identified in the Carollo Study and Updated Carollo Study and the various payment obligations in the Agreement are based on certain assumptions and information provided by Owner. Owner agrees that if any of the assumptions change and/or if the information is inaccurate and the amount of the water required to serve the Property and the amount of wastewater, including CWD being generated from the operations on the Property, is in excess of the amounts reflected in the Updated Carollo Study attached hereto, then Owner shall provide, at Owner's sole cost and expanse, an Updated Carollo Study that identifies any additional Necessary Utility Infrastructure Improvements required for the City to provide water and wastewater services to the Property at Full-Build-Out that is based on Owner's actual operations and accurate assumptions and Owner shall be responsible for designing and constructing such additional Necessary Utility Infrastructure Improvements.

2.28 "Dedicated Discharge Line" means a transmission line, which will be owned and operated by the City, from the Property to a discharge point near the 157th Ave. WWTP, as approved by the City Engineer or designee, that will accept and delivery all CWD generated by the operations within the Property at Full Build-Out, which, according to the Updated Carollo Study attached hereto as Exhibit 2 is an approximate 12,725 LF (2.41 miles) 12-inch DIP or HDPE CWD/ROC pressure pipeline to be installed along Broadway Road from the onsite pump station that is to be constructed to the WRF Headworks at the 157th Ave. WWTP.

The following definitions are added to Section 2 of the Agreement:

2.34 Booster Station Site means that certain real property legally described as Tract A of Final Plat for PHX 10-11 Phase 1 according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 1481 of Maps, Page 17.

2.35 GYTR Monitoring Well is the monitoring and appurtenant equipment installed within the Booster Station Site pursuant to the Environmental Access and Remediated

Groundwater Reuse Agreement dated March 31, 2014, by and between the City of Goodyear and Goodyear Tire & Rubber Company.

2.35. "Water Production In-Lieu Payment" means the payment required for a contribution towards the cost of water and production infrastructure needed to serve development within the Property in excess of 1 million gallons per day.

5. <u>AMENDMENT TO SECTION 19 (FUTURE WATER SUPPLIES).</u> Section 19 of the Agreement is amended to Add Section 19.1 as follows:

19.1 Owner has provided an Updated Carollo Study, a copy of which is attached hereto, that quantifies, on an annual basis, the potable water supply that is required to serve the Property at Full-Build-Out. The Updated Carollo Study was based on information provided by Owner concerning Full-Build-Out and Owner's operations, including the number of times potable water delivered to the Property can be recycled for cooling purposes before being discharged to the City's 157th Ave. WWTP with a maximum TDS limit of 1400 mg/L or twice the level of TDS in the water delivered to the Property. According to the Updated Carollo Study, the annualized potable water demand will not exceed Owner's Type 1 Industrial Water Right of 362.60 acre feet annually. If the annual water supply required to serve the Property at Full-Build- does not exceed Owner's Type 1 Industrial Water Right, the City agrees that no additional Water Resource Fee is owed. If the annual water supply required to serve the Property at Full-Build-Out Owner shall be responsible for paying Water Resource Fee for the water supply required to serve the property in excess of the Owner's Type 1 Industrial Water Right of 362.60 acre feet annually.

6. <u>AMENDMENT TO SECTION 6.3 (Phase Three Development)</u>. Section 6.3 of the Agreement is amended as follows:

6.1. Section 6.3.4 is deleted in its entirety and replaced with the following:

6.3.4 Prior to the issuance of a building permit for the Phase Three Development, Owner shall deposit with the City a cash deposit of $5,000,000 for the estimated costs of the Dedicated Discharge Line Pump Station, and water lines needed to deliver the maximum peak daily water supply needed for all development within the Property at Full Build-Out (the "Financial Assurance Deposit'). The Parties shall establish an escrow funded by the deposits paid to the City and any additional amounts needed to make up the difference between the engineer's estimate of the improvements and the deposits, which are to be funded by the Owner. The escrow shall allow Owner, subject to the approval of the City Engineer or designee, to draw upon the funds to pay for the construction of such improvements or, if the City undertakes the construction of such improvements, the City to draw upon the funds to pay for the construction of such

improvements. The escrow shall require that the amount of the escrow be at least 110% of the costs of the improvements and Owner shall be responsible for remitting to the Escrow Agent all funds needed to comply with this requirement.

6.2. Section 6.3.8 is deleted in its entirety and replaced with the following:

6.3.8 Owner shall complete the construction of the water related infrastructure improvements identified in the Updated Carollo Study attached hereto as Exhibit 2 as being needed to deliver the maximum peak daily water supply for all development within the Property at Full Build-Out to the Property, which incudes, but is not limited to the following:

- 16-inch DIP water main extension along Broadway Road from Estrella Parkway to Bullard Road (approximately 5,280 LF (1 mile)); and
- 16-inch DIP water main extension along Litchfield Road from MC 85 to El Cielo (approximately 750 LF)

No certificate of completion, temporary certificate of occupancy or permanent certificate of occupancy shall be issued for the Phase Three Development until all of the water related infrastructure improvements identified in the Updated Carollo Study have been completed and, if public infrastructure, accepted by the City Engineer or designee, subject to completion of the two-year warranty period. Notwithstanding the foregoing, if during the design of the foregoing, Owner determines that alternative water infrastructure improvements are required because of some unforeseen condition or because of a change in Owner's plans for the development of the Property, Owner shall, at Owner's sole cost and expense, be required to provide the City with an updated engineering study that identifies the alternative water infrastructure improvements needed for the City to provide water services to the Property at Full-Build-Out. If such updated engineering study, as approved by the City, determines alternative water infrastructure improvements are required, Owner shall, at Owner's sole cost and expense design and construct the alternative water infrastructure improvements identified in such updated engineering study, as approved by the City. No amendment to the Agreement shall be required to identify the alternative water infrastructure obligations, however, the City shall be entitled to withhold a certificate of completion, a temporary certificate of occupancy and a permanent

certificate of occupancy for the Phase Three Development until the alternative water infrastructure obligations have been completed.

6.3. Section 6.3.11 is deleted in its entirety and replaced with the following:

6.3.11 Owner shall complete the construction of the wastewater related infrastructure improvements identified in the Updated Carollo Study attached hereto as Exhibit 2, as being needed to deliver the maximum peak daily wastewater discharges, including CWD, for all development within the Property at Full Build-Out to the Property, which incudes, but is not limited to the following:

- Dedicated Discharge Line
- A pump station on the Property with two 10-horsepower pumps, which will be owned and maintained by Owner
- Flow Meter and Sampling Station
- On-Site Storage Facilities as reflected in the Evaporation Pond IFP Design Package Exhibit attached as Attachment B to the Updated Carollo Study attached hereto as Exhibit 2 that are needed:
  - to store CWD that will be generated by all development within the Property if the Dedicated Discharge Line is not completed by August 31, 2024; and
  - to store CWD that will be generated by all development within the Property in excess of 500,000 gpd until the WWTP Expansion has been completed; and
  - to store CWD that will be generated by all development with the Property as needed to maintain an overall CWD/ROC TDS concentration in the CWD delivered to the 157th Avenue Wastewater Treatment Plant of no more than 2,853 mg/L.
- new conveyance piping design and construction as required to switch the CWD/ROC from the existing discharge point (city sanitary sewer) to the new on-site CWD/ROC pump station which will feed the new dedicated CWD/ROC line. The design and permitting of the pump station and the associated piping changes will occur in the future and will be subject to the typical City of Goodyear plan review and approval process.

No certificate of completion, temporary certificate of occupancy or permanent certificate of occupancy shall be issued for the Phase Three Development until all of the wastewater related infrastructure improvements identified herein and in the Updated Carollo Study attached hereto as Exhibit 2 have been completed and, if public infrastructure, accepted by the City Engineer or designee, subject to completion of the two-year warranty period. Notwithstanding the

foregoing, if during the design of the foregoing, Owner determines that alternative wastewater and/or industrial discharge infrastructure improvements are required because of some unforeseen condition or because of a change in Owner's plans for the development of the Property, Owner shall, at Owner's sole cost and expense, be required to provide the City with an updated engineering study that identifies the alternative wastewater and/or industrial discharge infrastructure improvements needed for the City to provide wastewater services to the Property at Full-Build-Out. If such updated engineering study, as approved by the City, determines alternative wastewater and/or industrial discharge infrastructure improvements are required Owner shall, at Owner's sole cost and expense design and construct the alternative wastewater and/or industrial discharge improvements identified in such updated engineering study, as approved by the City. No amendment to the Agreement shall be required to identify the alternative wastewater and/or industrial discharge infrastructure obligations, however, the City shall be entitled to withhold a certificate of completion, a temporary certificate of occupancy and a permanent certificate of occupancy for the Phase Three Development until the alternative wastewater and/or industrial discharge infrastructure improvements have been completed.

6.4. Section 6.3.14 is hereby added as follows:

6.3.14. Upon receipt of the Water Production In-Lieu Payment of $9,000,000 discussed herein, City shall provide water supply, production, operation and maintenance services to the Property and use of such City well infrastructure on behalf of Owner to as is needed for Owner to receive up to 1.6 MGD of potable water during peak water demands as identified in the Updated Carollo Study. Prior to issuance of a certificate of completion, a temporary certificate of occupancy or a permanent certificate of occupancy for the Phase Three Development Owner shall have remitted to the City a Water Production In-Lieu Payment of $9,000,000, which, pursuant to Section 19 of the Agreement, represents Owner's proportionate share of the cost of the infrastructure needed to produce 600,000 gallons per day (.6 MGD) of potable water in excess of the 1 MGD of potable water that the City is committed to serving the Property. The City shall not charge water development impact fees following the City's receipt of the in-lieu payment described herein, the City

shall reimburse Owner water development impact fees collected for development within the Property.

6.5. Section 6.5 is hereby added to this Agreement as follows:

6.5 No certificate of completion, temporary certificate of occupancy or permanent certificate of occupancy shall be issued for the Phase Three Development until all of the infrastructure required to be constructed pursuant to applicable Development Regulations and the Necessary Utility Infrastructure Improvements, including those specifically identified herein, have been completed and, if public infrastructure, accepted by the City Engineer or designee subject to completion of the two-year warranty period.

6.6. Section 6.6 is hereby added to this Agreement as follows:

6.6 Nothing in this Fourth Amendment is intended to alter Owner's Obligations to either design and construct, at Owner's sole cost, all Necessary Utility Infrastructure Improvements or, if required by the City Engineer or designee, make an in-lieu payment for the cost of such Necessary Utility Infrastructure Improvements. The water, wastewater and industrial discharge infrastructure improvements that have been identified in this Fourth Amendment as being required for the City to provide water and wastewater services to the Property at Full-Build-Out, are the water, wastewater and industrial discharge infrastructure improvements identified in the Updated Carollo Study attached hereto as Exhibit 2, the determinations of which are based on assumptions and information providing by Owner. If any of the assumptions and information Owner provided that were used in the preparation of the Updated Carollo Study turn out to be inaccurate, Owner shall, at Owner's sole cost and expense, be required to provide the City with an updated engineering study that identifies the water, wastewater and industrial discharge infrastructure improvements needed for the City to provide water and wastewater services to the Property at Full-Build-Out based on Owner's actual operations and on accurate information. If such updated engineering study, as approved by the City, determines additional water, wastewater and/or industrial discharge infrastructure improvements are required; and/or service to the Property requires more than Owner's Type 1 Industrial Water Right of 362.60 acre feet annually, Owner shall, at Owner's sole cost and expense: (i) design and construct the additional water, wastewater and/or industrial discharge improvements identified in such updated engineering study, including additional on-site retention facilities, if needed, so that no more than 500,000 gpd of CWD is delivered to the 157th

Ave. WWTP until the expansion of that facility has been completed and (ii) pay the City a Water Resources Fee if the annual demand for potable water to the Property exceeds 362.60 acre feet annually; (iii) pay a Water Production In-Lieu Fee if the Peak Demand for water exceeds 1.6 MGD; and (iv) and pay an in-lieu payment for wastewater treatment capacity if the Peak Demand for wastewater exceeds 1.2 MGD (collectively the "Modified Infrastructure Obligations"). No amendment to the Agreement shall be required to identify the Modified Infrastructure Obligations, however, the City shall be entitled to withhold certificates of occupancies for buildings on the Property other than the Phase One Development and the Phase Two Development the Phase Three Development until the Modified Infrastructure Obligations have been completed.

7. **AMENDMENT TO SECTION 16.2**. Section 16.2 of the Agreement is hereby deleted in its entirety and replaced with the following:

16.2 No building permits, shall be issued for future buildings on the Property following the issuance of a building permit for the Phase Three Development until the City has received the Water Production In-Lieu Payment of $9,000,000 and until Owner has complied with all Development Regulations applicable to the issuance of building permits for such future building(s).

8. **BOOSTER STATION SITE**. With respect to the Booster Station Site, the Parties Agree as follows:

8.1. From and after the Fourth Amendment Effective Date Owner shall have the right to enter upon Booster Station Site and to complete Owner's due diligence related to the acquisition of the same. Owner shall provide not less than twenty-four (24) hours' advance notice to City (telephonic or email notice acceptable) prior to such entry. Owner, in its sole discretion, may elect to acquire the Booster Station Site from the City by providing written notice of such election to the City, which notice shall specify the date of closing as agreed upon by the Parties. If Owner has elected to acquire the Booster Station Site, prior to the closing date for the same, Owner shall pay the City the cost the City incurs in designing and constructing a replacement water facility that includes a potable storage reservoir capable of storing at least 750,000 gallons, booster pump(s), hydropneumatics tank, water lines connecting the Booster Station facilities to the City's existing water lines, and ancillary equipment as needed to for the water facility to function (the "Booster Station Payment"). The payment required herein shall be based on an Engineer's Estimate provided to the City by Owner and agreed upon by the Parties. If the actual cost of the water facility is less than or more than the Booster Station Payment, a reconciliation shall be performed with the City refunding any overpayment and Owner reimbursing the city for any shortfall in the payment.

8.2. Upon receipt of the Booster Station Payment, the City shall convey the Booster Station Site and all improvements located on the site owned by the City to Owner on an

AS-IS BASIS by Quit Claim Deed. Owner acknowledges that the GYTR Monitoring Well is located on the Booster Station Site. The Quit Claim Deed will expressly exclude the GYTR Monitoring Well.

8.3. Following receipt of the Booster Station Payment, the City will develop a replacement water facility that includes a potable storage reservoir capable of storing at least 750,000 gallons, booster pump(s), hydropneumatics tank, water lines connecting the Booster Station facilities consistent with the engineering plans upon which the Engineer's Estimate was based. The replacement water facility shall be located on City property within the same pressure zone as the Booster Station Site.

8.4. Following the City's conveyance of the Booster Station Site and all of the improvements owned by the City located on the Booster Station Site, Owner shall, at Owner's sole cost and expense: (i) disconnect and abandon, pursuant to the City's requirements for abandoning existing water lines, all city owned water lines located on the Booster Station Site from any other City owned water lines; and (ii) remove and dispose of all of the improvements on the Booster Station Site acquired by Owner.

8.5. Following the City's conveyance of the Booster Station Site and all of the improvements owned by the City located on the Booster Station Site, Owner on behalf of itself and its Successor's and Assigns hereby expressly agrees to waive, release, and discharge, and agrees to indemnify, defend, and hold harmless the City from and against any and all claims, costs, expenses, damages, lawsuits, arbitration proceedings, judgements, arbitration awards, losses, or liabilities (including reasonable attorneys fees and costs) (collectively, "Claims") whether now existing or hereafter arising from or related to or alleged to arise from or related to the conveyance of the Booster Station Site to Owner by the City in an "As-Is" condition, including, but not limited to Claims arising from or related to or alleged to arise from or related to the condition of the Booster Station Site, the disconnecting and abandonment of existing water lines located on the Booster Station Site, the removal and disposal of all of the improvements on the Booster Station Site acquired by Owner, and/or the existence of the GYTR monitor well on the Booster Station Site.

GENERAL TERMS

9. <u>ENTIRE AGREEMENT</u>. This Fourth Amendment and the exhibit(s) referred to herein and attached hereto, along with the unchanged provisions in the Agreement constitute the sole and entire agreement between the Parties with respect to the matters covered herein and supersede any prior or contemporaneous agreements, understandings or undertakings, written or oral, by or between the Parties, and/or by or between any of the Parties and any third parties. This Fourth Amendment shall be deemed to amend and supersede the Agreement with respect to all terms, provisions and changes set forth in this Fourth Amendment. To the extent of any conflict between this Fourth Amendment and the Agreement, this Fourth Amendment shall control. Except as amended by this Fourth Amendment, all terms, provisions and conditions of the Agreement shall remain in full force and effect.

10. AMENDMENTS. The Agreement and this Fourth Amendment thereto, may not be changed modified or rescinded except in writing as agreed to and signed by the Parties hereto and approved by a Resolution of the Mayor and Council of the City of Goodyear.

11. SECTION HEADINGS. The section headings contained in this Fourth Amendment are for convenience in reference only and are not intended to define or limit the scope of any provision of this Fourth Amendment.

12. FAIR INTERPRETATION. The terms and provisions of this Fourth Amendment represent the result of negotiations between the Parties, each of which has had the opportunity to consult with counsel of their own choosing and/or has been represented by counsel of their own choosing, and none of whom has acted under any duress or compulsion, whether economic or otherwise. Consequently, the Parties agree the terms and provisions of this Fourth Amendment shall be construed according to their usual and customary meanings, and the Parties each hereby waive the application of any rule of law (common law or otherwise) that ambiguous or conflicting terms be resolved against the Party who prepared, or whose attorney prepared, the executed Agreement or any earlier draft of same. The terms of this Section 24 shall survive the expiration or earlier termination of the Agreement.

13. REPRESENTATIONS AND WARRANTIES OF OWNER. As of the date of the execution of this Fourth Amendment, Owner represents and warrants the following:

13.1. OWNERSHIP. Owner is the owner of the Property and has the full right and authority to submit its interest in the Property to the obligations hereunder. Owner holds title free and clear of all monetary liens other than liens for taxes not yet due and payable.

13.2. AUTHORIZATION. Owner is qualified to do business in Arizona and in good standing; Owner (including the person signing for Owner) has the authority and the right to enter into this Fourth Amendment as authorized by Owner, and Owner is not prohibited from executing this Fourth Amendment by any law, rule, regulation, instrument, agreement, order or judgment.

13.3. DUE DILIGENCE. Owner reviewed this Fourth Amendment and reached its own conclusions as to the binding and enforceable nature thereof and all of the provisions contained therein, and has not relied on any representations or warranties of City other than those expressly provided in this Fourth Amendment.

14. REPRESENTATIONS AND WARRANTIES OF CITY. As of the Fourth Amendment Effective Date of this Agreement, the City represents and warrants the following:

14.1. APPROVAL. City has approved this Fourth Amendment at a duly held and noticed public meeting by its Mayor and City Council, at which a quorum was duly present, and has authorized the execution hereof.

14.2. AUTHORIZATION. City agrees that the persons executing this Fourth Amendment on behalf of City have been duly authorized to do so, and City is not prohibited from

executing this Fourth Amendment by any law, rule, regulation, instrument, agreement, order or judgment.

15. **COUNTERPARTS**. This Fourth Amendment may be executed in two or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one agreement, binding on the Parties. Further this Fourth Amendment may be executed and delivered by electronic transmission. A manually signed copy of this Fourth Amendment delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Fourth Amendment provided however, Owner shall deliver an original to the City for recordation by the City in the Official Records of Maricopa County.

16. **PAGE NUMBERING**. The page numbering of this document is exclusive of the Exhibits attached hereto.

IN WITNESS WHEREOF and agreeing to be bound by the terms of this Fourth Amendment to Infrastructure Development Agreement for PHX 10-11 the City and Owner have caused this Fourth Amendment to Infrastructure Development Agreement for PHX 10-11, to be executed by their duly appointed representatives.

Signatures, Acknowledgments and Exhibits on Following Pages

OWNER:

Microsoft Corporation,
a Washington corporation

By: _____

Name: _____

Its: _____

State of _____)
) ss.
County of _____)

The Fourth Amendment to Infrastructure Development Agreement for PHX 10-11 by and between Microsoft Corporation, a Washington corporation and the City of Goodyear, an Arizona municipal corporation was acknowledged before me this_____day of_____, 2023, by_____, the_____ _____of Microsoft Corporation, a Washington corporation, and who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the and acknowledged to me that he being authorized to do so, executed the foregoing instrument for the purposes therein contained on behalf of Microsoft Corporation, a Washington corporation.

_____
Notary Public

Signatures, Acknowledgments and Exhibits Continued on Following Pages

CITY:

CITY OF GOODYEAR, an Arizona municipal corporation

By: _____ Wynette Reed
Its: City Manager

STATE OF ARIZONA)
) ss.
County of Maricopa)

The Fourth Amendment to Infrastructure Development Agreement for PHX 10-11 by and between Microsoft Corporation, a Washington corporation and the City of Goodyear, an Arizona municipal corporation was acknowledged before me this_____day of _____, 2023, by Wynette Reed, the City Manager of the CITY OF GOODYEAR, an Arizona municipal corporation, for and on behalf thereof.

_____
Notary Public

Attest:

_____
Darcie McCracken, City Clerk

Approved as to Form:

_____
Roric Massey, City Attorney

Exhibits on Following Pages

EXHIBIT 1

A PORTION OF LAND LOCATED WITHIN THE FINAL PLAT OF "AIRPORT COMMERCENTER SUBDIVISION NO. 4", ACCORDING TO BOOK 286 OF MAPS, PAGE 20, RECORDS OF MARICOPA COUNTY, ARIZONA, TOGETHER WITH ALL THAT PORTION OF LAND LOCATED WITHIN THE FINAL PLAT OF "AIRPORT COMMERCENTER SUBDIVISION NO. 2", ACCORDING TO BOOK 259 OF MAPS, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF BROADWAY ROAD ALSO BEING THE SOUTHEAST CORNER OF SAID SUBDIVISION "AIRPORT COMMERCENTER SUBDIVISION NO. 4";

THENCE NORTH 89°53'31" WEST, 1350.40 FEET ALONG SAID RIGHT-OF-WAY LINE;

THENCE NORTH 89°52'29" WEST, 1350.12 FEET CONTINUING ALONG SAID RIGHT-OF-WAY LINE;

THENCE NORTH 00°01'11" WEST, 1270.64 FEET DEPARTING FROM SAID RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID SUBDIVISION "AIRPORT COMMERCENTER SUBDIVISION NO. 2";

THENCE CONTINUING NORTH 00°01'11" WEST, 1309.25 FEET ALONG THE WEST LINE OF AFOREMENTIONED SUBDIVISION;

THENCE SOUTH 89°35'43" EAST, 30.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF LA COMETA;

THENCE ALONG SAID RIGHT-OF-WAY LINE FOR FOLLOWING SEVEN (7) CALLS;

THENCE NORTH 00°06'22" WEST, 242.70 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 710.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°03'44", AN ARC LENGTH OF 322.96 FEET;

THENCE NORTH 25°57'22" EAST, 100.62 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 550.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°19'41", AN ARC LENGTH OF 444.72 FEET;

THENCE NORTH 55°55'59" EAST, 10.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE WHOSE CENTER RADIUS BEARS SOUTH 69°22'44" WEST, 560.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°25'22", AN ARC LENGTH OF 131.19 FEET;

THENCE NORTH 34°02'38" WEST, 80.00 FEET TO THE NORTHWEST CORNER OF AFOREMENTIONED SUBDIVISION LOCATED ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF MC 85;

THENCE NORTH 55°57'22" EAST, 2389.65 FEET ALONG SAID SOUTHEASTERLY LINE TO THE MOST NORTHERLY LINE OF AFOREMENTIONED SUBDIVISION;

EXHIBIT 1

THENCE SOUTH 89°10’28” EAST, 573.62 FEET ALONG SAID NORTHERLY LINE TO THE NORTHEAST CORNER OF AFOREMENTIONED SUBDIVISION;

THENCE SOUTH 00°52’11” EAST, 2614.19 FEET ALONG THE EAST LINE OF AFOREMENTIONED SUBDIVISION;

THENCE SOUTH 00°51’06” EAST, 1143.51 FEET CONTINUING ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF AFOREMENTIONED SUBDIVISION ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION “AIRPORT COMMERCENTER SUBDIVISION NO. 4”;

THENCE SOUTH 00°51’06” EAST, 1423.35 FEET ALONG THE EAST LINE OF AFOREMENTIONED SUBDIVISION TO THE **POINT OF BEGINNING.**

EXCEPT “TRACT A” OF SAID SUBDIVISION “AIRPORT COMMERCENTER SUBDIVISION NO. 2”.

DESCRIBED AREA ABOVE CONTAINS 12,216,780 SQUARE FEET OR 281.459 ACRES MORE OR LESS.

RYAN D. GILBERT, RLS
GILBERT LAND SURVEYING
4361 S SQUIRES LANE
GILBERT, AZ 85297
480-275-8020
PROJECT NO. 180201-LX2



EXHIBIT 2

Technical Memorandum

2N Central Avenue, Suite 1600
Phoenix, AZ 85004

T: 602-567-4000

Prepared for: Microsoft

Project Title: PHX10 Campus LD Support Services

Project No.: 159303

Technical Memorandum

Subject: Water Main Extensions and Cooling Water Discharge Pipeline Sizing Study

Date: June 21, 2023

To: Avery Africa, Microsoft Land Development Manager

From: Carla De Las Casas, PhD, Project Oversight

Copy to: Brendan Gallagher, AMERS West Regional Lead

Prepared by: _____
Samuel Malinowski, Infrastructure Engineer, Brown and Caldwell

_____
Carla De Las Casas, PhD, Project Oversight, Brown and Caldwell

Reviewed by: _____
John Malone, PE, Project Manager, Brown and Caldwell

Registered Professional Engineer (Civil)
CERTIFICATE NO.
29221
JOHN GILBERT
MALONE, II
Date Signed....06/21/2023
ARIZONA, U.S.A.

Limitations:

This document was prepared solely for Microsoft in accordance with professional standards at the time the services were performed and in accordance with the contract between Microsoft and Brown and Caldwell dated 02/14/2022. This document is governed by the specific scope of work authorized by Microsoft; it is not intended to be relied upon by any other party except for regulatory authorities contemplated by the scope of work. We have relied on information or instructions provided by Microsoft and other parties and, unless otherwise expressly indicated, have made no independent investigation as to the validity, completeness, or accuracy of such information.

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Executive Summary

This Technical Memorandum (TM) summarizes the required pipeline sizes for Microsoft's (MSFT)'s offsite water main extensions and the dedicated clear water discharge (CWD) pipeline to serve the PHX10 campus. This TM summarizes the conceptual design of the offsite conveyance system, including updated pipeline sizes, preliminary pipeline routing, schedule and permitting requirements. MSFT and the City of Goodyear (City) are currently collaborating on the next steps for delivery of this project.

Section 1: Background

MSFT's PHX10 data center campus is located south of the Phoenix Goodyear Airport in the City of Goodyear, Arizona. The PHX10 campus will utilize potable water for cooling via air handling units (AHUs) for PHX10-12; subsequent buildings will be air cooled. Potable water is partially treated by MSFT's potable water reverse osmosis (RO) facility onsite and stored in product water storage tanks prior to delivery to the AHUs that cool the data centers. The resulting clear water discharge (CWD) is concentrated makeup water from the AHUs. The CWD blowdown and RO concentrate (ROC) will be blended prior to discharge to a new dedicated on-site pump station that will convey blended CWD/ROC to the City's 157th Avenue Water Reclamation Plant (GWRP). The on-site facilities, including the pump station, will be designed, and constructed by MSFT and hence excluded from the Infrastructure Development Agreement (IDA) with the City.

Brown and Caldwell (BC) is currently designing water main extensions to serve the PHX10 campus. MSFT has also retained Skanska/BC to design and construct a new dedicated pipeline that will convey CWD/ROC from the PHX10 campus to the City's GWRP. The sanitary waste from the PHX10 campus will continue to be discharged to the existing sanitary sewer.

The water main extensions as well as the new CWD/ROC pipeline sizes were documented in the Final Carollo Study titled *Infrastructure Evaluation to Provide Potable Water, Wastewater and RO Concentrate Services to the Microsoft PhX10-19 Data Centers* dated September 2022 (Carollo, 2022). Since the completion of the final Carollo study (Attachment A), flow projections have changed. In accordance with the third Amendment to the IDA, this TM documents the engineering verification of the pipe sizes to meet updated flow projections.

This TM summarizes the following tasks:

- Preliminary Pipeline Routing for Water Main Extensions and CWD Force Main
- Conceptual Design
- Preliminary Schedule Development

Section 2: Design Basis

MSFT uses the City's potable water for cooling, fire flow, and domestic uses. This section summarizes the most recent demand for City water by MSFT and corresponding discharge flows to inform the basis of design for the conveyance systems.

2.1 PHX10 Campus Expansion

Currently, the campus has two buildings (PHX10 and PHX11) in operation with plans for expansion. At full buildout, the campus will consist of ten data centers (PHX10-19). The PHX10 campus will utilize potable water for cooling via AHUs for the first three buildings (PHX10-12); the subsequent buildings will be air cooled. PHX12 is scheduled to be operational in October 2024.

2.2 Potable Water Demands

City potable water is used for seasonal cooling between April and October, with peak demands during the summer (see Figure 1). MSFT's 2027 projected cooling water demands are 1.6 million gallons per day (mgd) peak day. Total monthly demands (gallons per month) for cooling are summarized in Table 1. The projected average monthly demand for July is approximately 613,000 gallons per day (gpd) (19 million gallons/31 days).

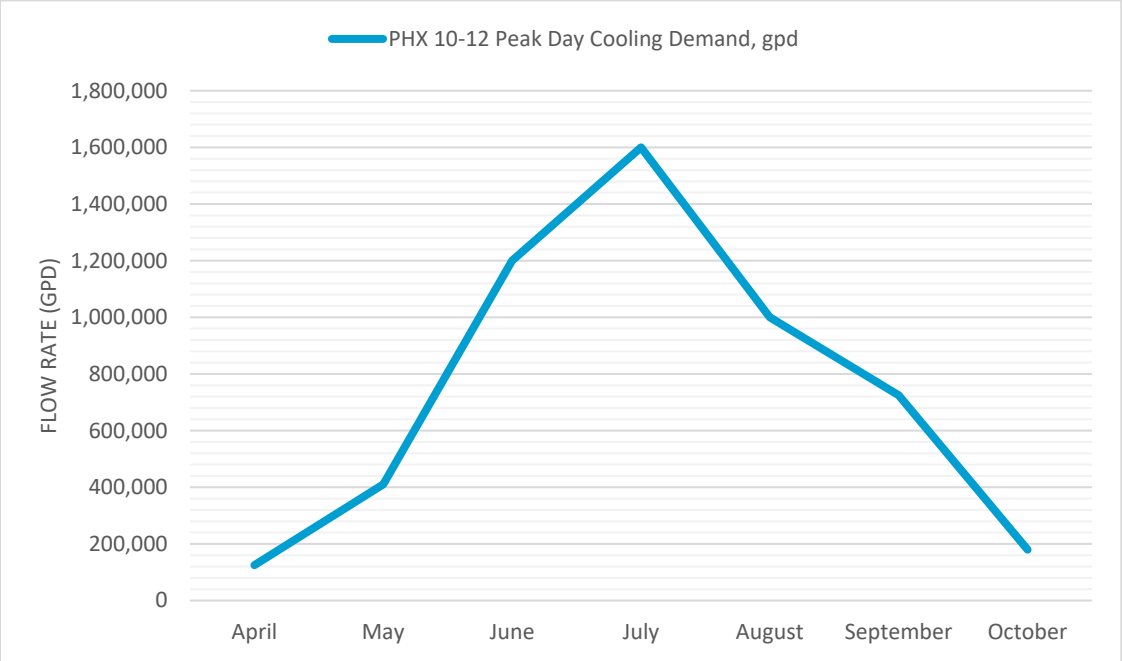


Figure 1. PHX10 Campus Peak Day Monthly Demand for Cooling

No water is used for cooling from November through February.

Table 1. PHX10 Campus Monthly Demand for Cooling (Gallons per Month)

April	May	June	July	August	September	October
600,000	3,000,000	14,000,000	19,000,000	13,000,000	5,200,000	1,400,000

Table 2 summarizes the peak instantaneous potable water demand for cooling, domestic uses, and fire flow. The fire suppression system accounts for 2,000 gallons per minutes (gpm) for fire flow for a single fire event at any given building. It is worth noting that the makeup water demands for cooling have decreased, reflecting the use of potable water for cooling for three buildings instead of five (as previously planned).

Table 2. PHX10 Campus Total Potable Water Demand	
Parameter	**Maximum Flow, gpm**
RO Facility (PHX10-12) and Instrument Flow	1,200
PHX10-19 Campus Domestic Demand	96.5
Fire Suppression System Demand	2,000
Total Potable Water Demand	**3,297**

a. Source: MSFT's Design Engineer (Jacobs, 2023).

The revised peak instantaneous potable water demand is 3,297 gpm which is lower than the demand modeled by Carollo (i.e., 6,599 gpm in Scenario 5 in the 2021 Final Draft Report) due to the reduced number of buildings utilizing water for cooling and the revised maximum fire suppression system demand.

2.3 Discharge to Existing Sanitary Sewer

Sanitary waste from all campus buildings (i.e., RO building and PHX10-19) and instrument drains will be discharged to the existing sanitary sewer. The peak instantaneous flow to the sanitary sewer is approximately 109 gpm (Jacobs, 2023).

2.4 Discharge to Dedicated CWD/ROC Conveyance System

Per the third Amendment to the IDA between the City and MSFT, a new dedicated CWD/ROC conveyance system will be designed and constructed by MSFT to meet the following conditions:

- Maximum CWD/RO to City water total dissolved solids (TDS) ratio of 2 or less
- Maximum allowable flow of 1.2 mgd

This section summarizes the basis of the design for the dedicated CWD/ROC conveyance system for the ultimate condition. Use of the onsite evaporation ponds to provide interim on-site storage of CWD/ROC is also discussed.

2.4.1 Discharge Flows

Table 3 summarizes total discharge flows for the new dedicated CWD/ROC conveyance system as provided by MSFT's Design Engineer (Jacobs, 2023). The discharge flows are based on PHX10-12 operating at full load and two cycles of concentration (CoCs). The CoC assumption was selected to minimize CWD/ROC discharge flows while maintaining a CWD/ROC to City water TDS ratio of 2 or less per the third Amendment to the IDA.

Table 3. PHX10 Campus CWD/ROC Conveyance System [a]	
Parameter	**Maximum Flow, gpm**
ROC (PHX10-12)	129 [b]
CWD (PHX10-12)	1,070
RO Flush (one train)	160
Total CWD/ROC Flow	**1,359**

a. Source: MSFT's Design Engineer (Jacobs, 2023).

b. Assumes PHX11-12 ROC discharge, while PHX10 RO is flushing.

MSFT plans to have the new dedicated CWD/ROC pipeline installed before the 2024 cooling season with discharge flows limited to 500,000 gpd until the 157th Avenue GWRP expansion is complete in 2026. Once complete, MSFT will be able to discharge up to 1.2 mgd per the third Amendment to the IDA.

Figure 2 shows modeled PHX10-12 peak day CWD flows at buildout (2027). As shown in Figure 2 and Table 4, peak day and max monthly PHX10-12 CWD flows will occur in July. Based on modeled flows, the following conditions are anticipated:

- Peak day flow = 880,000 gpd
- Peak month (July), average day = 345,200 gpd
- Annual average daily flow = 148,600 gpd (assumes 214 operating days during cooling season [Apr-Oct])

As shown, peak day CWD flows are anticipated to be well below the maximum discharge limit per the third Amendment to the IDA (1.2 mgd).

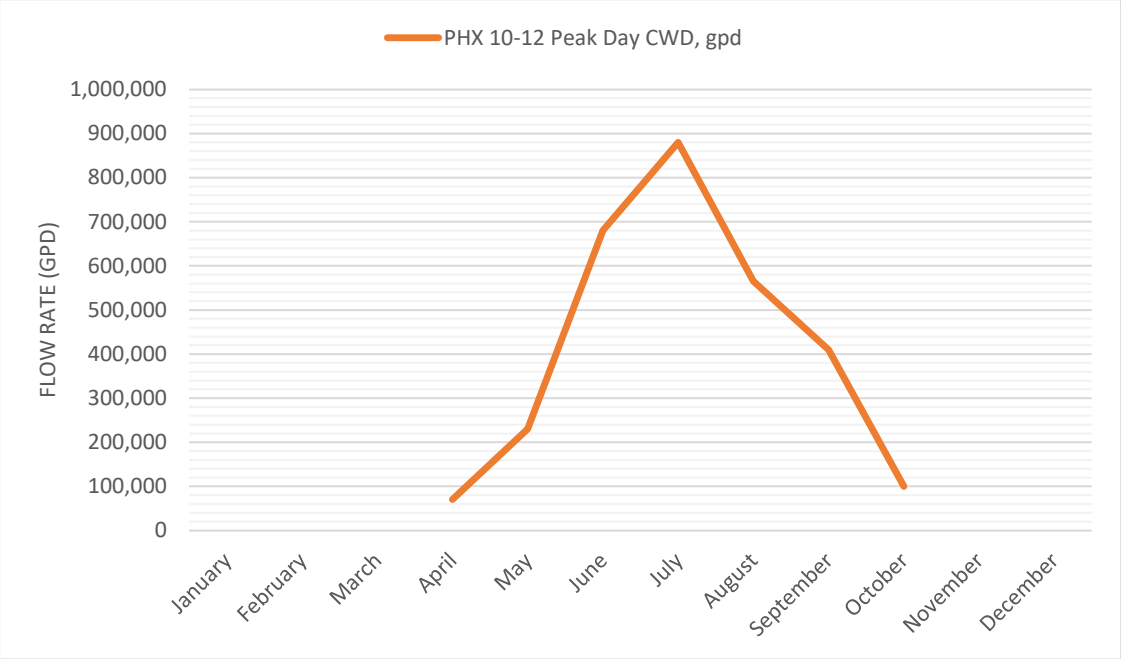


Figure 2. PHX10 CWD Peak Day Flows

Table 4. PHX10-12 Monthly CWD Flows (Gallons per Month)

April	May	June	July	August	September	October
335,000	1,700,000	7,900,000	10,700,000	7,400,000	3,000,000	770,000

2.4.2 Materials of Construction

The proposed basis of design pipe material is ductile iron pipe (DIP). Pipe material deviations from ductile iron will require City approval. Other materials, such as high-density polyethylene (HDPE), may have a shorter lead time and hence are a benefit to the overall project schedule. Alternative materials will be discussed with the City during the due diligence meeting.

2.4.3 Interim Evaporation Ponds

Pursuant to the third Amendment of the IDA, MSFT is proceeding with the design, permitting and construction of onsite evaporation ponds. Per the third Amendment of the IDA, the pond design and construction shall comply with all applicable development regulations and the Wildlife Hazard Management Plan for PHX12-14 Data Center Evaporation Ponds (November 2022). The onsite evaporation ponds are planned to be completed prior to August 31, 2024, coinciding with the anticipated completion of the dedicated CWD/ROC discharge pipeline. The evaporation pond issued for permit (IFP) design package (Engineering Permit 23-0355 EVAP PONDS –See Exhibit in Attachment B) is currently under City review.

The purpose of the evaporation ponds is to provide interim onsite storage of CWD/ROC if needed under the following scenarios:

2.4.3.1 Prior to completion of the MSFT dedicated CWD/ROC pipeline

- If delivery of the dedicated MSFT CWD/ROC pipeline is delayed beyond August 31, 2024. In this scenario, the evaporation ponds would be used to store all CWD/ROC generated at the site until the dedicated CWD/ROC line is completed and commissioned. This will allow MSFT to divert CWD away from the City's sanitary sewer system until the dedicated CWD/ROC pipeline is operational.

2.4.3.2 After completion of the MSFT dedicated CWD/ROC pipeline

- If diversion of ROC to the ponds becomes necessary to maintain an overall CWD/ROC TDS concentration of no more than 2,853 milligrams per liter (mg/L). In this scenario, if the incoming City potable water has elevated TDS for an extended period, temporary diversion of ROC to the evaporation ponds will allow MSFT operational flexibility to control the CWD/ROC TDS discharged to the City to not exceed 2,853 mg/L.
- If diversion of CWD/ROC is necessary to maintain the peak day CWD/ROC discharge to the dedicated CWD/ROC pipeline to no more than 500,000 gpd. In this scenario any CWD/ROC discharge in excess of 500,000 gpd would be temporarily diverted to the evaporation ponds, until the end of the day at which time discharge to the dedicated CWD/ROC pipeline would resume.

Section 3: Conceptual Design

3.1 Water Main Extensions

MSFT's peak instantaneous potable water demands were previously evaluated by Carollo to verify that the City's water delivery system could meet the required demands. Carollo had determined that the potable water system required upgrades in two locations to provide adequate flow and pressure. The two proposed improvements are:

- One-mile-long 16-inch diameter pipe along Broadway Road between Estrella Parkway and Bullard Avenue
- 750-foot long-16-inch diameter pipe along Litchfield Road between El Cielo and Main Street (MC85)

Since the water demands have decreased, the proposed 16-inch water main extensions are conservatively sized. Figure 3 shows the alignment of the water main extensions, currently under design.

Per the terms of the recently executed third Amendment to the IDA between MSFT and the City, the water main extensions need to be in service before October 2024 to allow service to PHX12 and other downstream customers.

3.2 CWD/ROC Conveyance System

This section summarizes the conceptual design of the new dedicated CWD/ROC conveyance system required to convey the CWD/ROC to the City's GRWP. An AFT Fathom model was developed to simulate the CWD/ROC conveyance system and to determine pump sizing and pipe diameter. The system was modeled with the following assumptions:

- Maximum CWD/ROC flow rate of 1,359 gpm
- 25-foot-deep wet well with an average water level 6 feet above the pump inlet
- CWD/ROC discharge connection at the City's GWRP at 5 feet below ground level, using Google Earth elevation profiles for ground level elevations
- Pipe material is class 52 cement-mortar-lined DIP
- 70 percent overall pump efficiency
- Friction loss design factor of 1.2

3.2.1 Pump Station and Onsite Piping

The new onsite pump station will be approximately 26ft by 17ft and 25 ft deep. Two (one active + one standby) 10-horsepower (hp) pumps will be installed with variable frequency drives to accommodate flow variations. A flow meter and sampling station will be installed at the onsite pump station to allow monitoring of the CWD/ROC conveyed to the City's GRWP.

In addition to the pump station, new onsite conveyance piping will be designed and constructed to allow MSFT to convey CWD/ROC from the existing discharge point (City sanitary sewer) to the new onsite CWD/ROC pump station which will feed the new dedicated CWD/ROC pipeline. The design and permitting of the new onsite pump station and associated piping changes will occur in the future and will be subject to the typical City plan review and approval process.

3.2.2 Pipeline Alignment

The proposed CWD/ROC pipeline is approximately 2.41 miles long. A nominal pipeline size of 12 inches was selected to convey PHX10-12 CWD/ROC maximum flows (at build-out, three buildings). The pipe size was selected to maintain velocities between 3 feet per second (ft/s) and 8 ft/s at a flow rate of 1,359 gpm.

Figure 3 shows the CWD/ROC pipeline alignment. The pipe will be cement-mortar-lined DIP, unless the City approves other materials like HDPE.

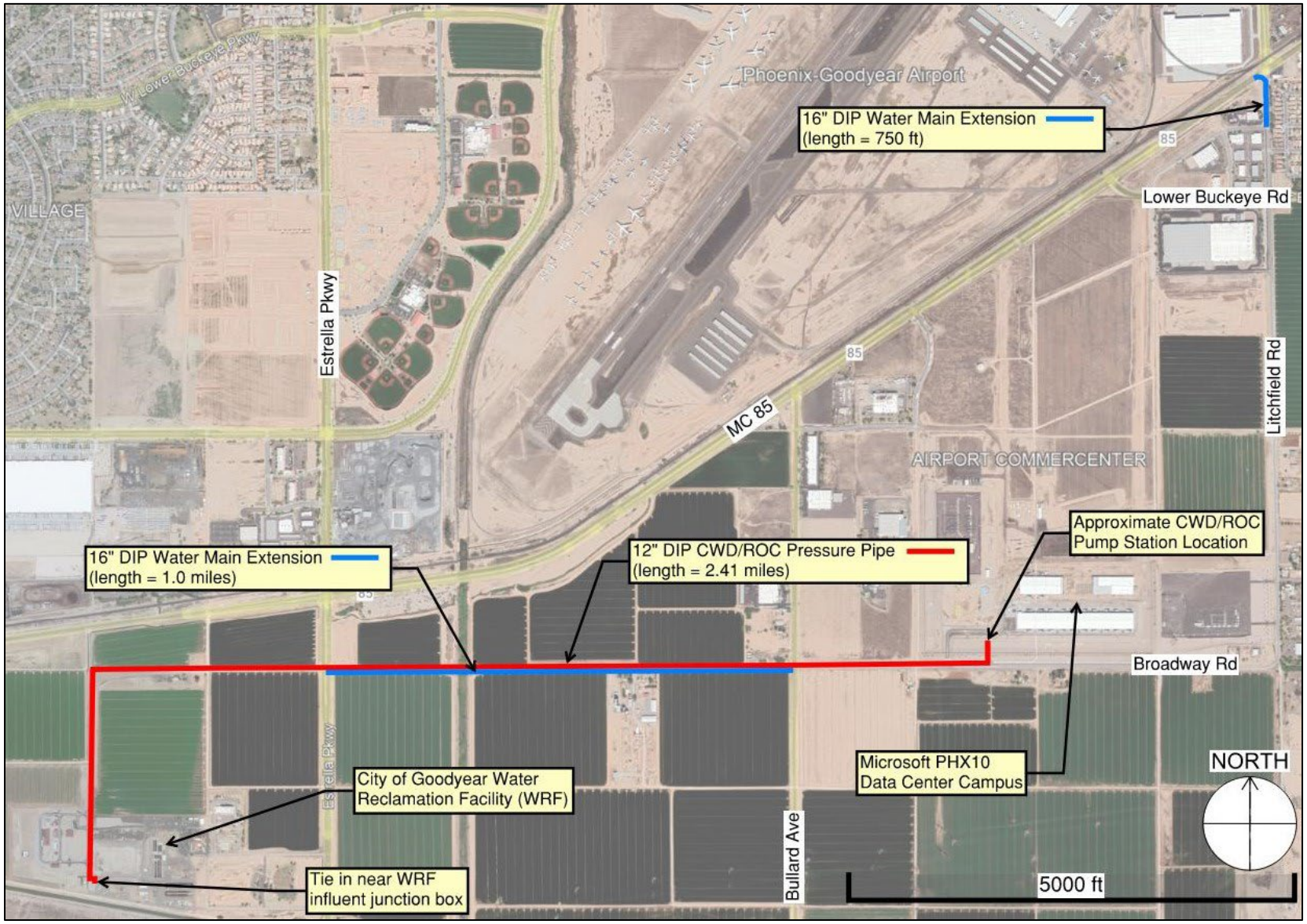


Figure 3. Proposed Pipeline Alignments

The water main extensions are currently under design.

Section 4: Schedule

MSFT will be responsible for the design and construction of the proposed projects. The water main extensions are currently under design (~50-percent completed), with anticipated completion by July 2023 (pending MSFT and City approvals). MSFT intends to sole source the construction of the water main extensions.

Given the schedule drivers, MSFT will use a design-build approach for the CWD/ROC conveyance system. Table 5 shows the preliminary schedule for design-build delivery of the offsite conveyance system. The schedule assumes notice to proceed on May 8, 2023 and expedited permits. MSFT is currently evaluating opportunities to allow for completion prior to the MSFT 2024 cooling season, including early material procurement. Alternative materials, such as HDPE, have shorter procurement timelines that can benefit the overall project schedule.

Table 5. Preliminary CWD/ROC Pipeline Design-Build Timeline

Phase	Duration	Dates
Pipeline Conceptual Design	2 weeks	5/15/23-5/26/23
COG Final Approval of TM	1 day	5/26/23
Survey, Geotech, Utility Location	2 months	5/15/23-7/25/23
Due Diligence Meeting (COG)	1 day	5/22/23
60% Design for Procurement	2 months	6/13/23-8/1/23
Pre-application Meeting (COG)	1 day	8/9/23
Pipeline Detailed Design	1 month	8/1/23-9/7/23
Pipeline Material Procurement and Delivery	5 months	8/10/23-1/4/24
Expedited Permits (MCESD ATC Permit and City Plan Review)	3 months	9/8/23-12/4/23
Construction	5 months	1/5/24-5/24/24
Total	13 months	5/8/23-5/24/24

Section 5: Cost Estimate

In accordance with the third Amendment of the IDA, the Owner (MSFT) shall obtain an engineer cost estimate to construct the water main extensions and the dedicated CWD/ROC conveyance system prior to the issuance of any permits for construction. Upon approval of the engineer's estimate by the City Engineer or designee, the Parties shall update the amount of the escrow funded deposits as per the IDA.

An engineer cost estimate will be developed for the water main extensions and the dedicated CWD/RO conveyance system after 60% design is complete.

Section 6: Permitting

The pre- and post-construction permitting requirements for the proposed CWD pipeline route are summarized in this section. Since this project is within the City, coordination with the City for information will be required. The only permits required are the Maricopa County Environmental Services Department (MCESD) Approval to Construct (ATC) and City of Goodyear Permit. Given project scope, no permits from Maricopa County Department of Transportation, Section 404 Permit, or Floodplain Use Permits are required.

6.1 MCESD Approval-to-Construct (ATC) Permit

A certificate of ATC from MCESD must be obtained prior to starting construction of the pipeline(s). The CWD/ROC pipeline appears to fall under the category of wastewater/effluent disposal systems in MCESD's ATC application instructions. MCESD will want to see evidence of appropriate permitting for the discharge. During a pre-application meeting, MCESD will provide guidance on how far along the discharge permitting needs to be before they will issue the ATC.

6.2 City of Goodyear Permit

Plans will be submitted to the City for a Civil Engineering Plan review and permit. The plan review will include a Utility Design Report and Pipeline Plans.

Section 7: Next Steps

MSFT and the City are currently collaborating on next steps for delivery of this project. Pending final approvals, MSFT may decide to proceed at risk to advance schedule.

Attachment A: Final Carollo Study



City of Goodyear

INFRASTRUCTURE EVALUATION TO PROVIDE POTABLE WATER, WASTEWATER, AND RO CONCENTRATE SERVICES TO THE MICROSOFT PHX 10 – 19 DATA CENTERS

FINAL | September 2022

carollo

City of Goodyear

Infrastructure Evaluation to Provide Potable Water, Wastewater, and RO Concentrate Services to the Microsoft PHX 10 – 19 Data Centers

FINAL | September 2022



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Abbreviations

$/lf	cost per linear foot
AACEI	Association for the Advancement of Cost Engineers International
Carollo	Carollo Engineers, Inc.
City	City of Goodyear
d/D	depth to diameter
DC	data center
ENR CCI	Engineering News-Record Construction Cost Index
ft/sec	feet per second
gpm	gallons per minute
GWRF	Goodyear 157th Avenue Water Reclamation Facility
in	inch/inches
IWMP	Integrated Water Master Plan
MG	million gallons
mgd	million gallons per day
psi	pounds per square inch
RO	reverse osmosis
SWTP	surface water treatment plant
TDS	total dissolved solids
WRF	water reclamation facility

Section 1

INTRODUCTION

The City of Goodyear (City) will be providing potable water , collecting wastewater , and taking reverse osmosis (RO) concentrate from Microsoft's PHX 10 – 19 data centers, located south of the Phoenix Goodyear Airport, north of Broadway Road, and between Estrella Parkway and Litchfield Road. These data centers require potable water for cooling towers that return clear water that has elevated TDS levels that need to be managed. The PHX 10 data center is currently operating, PHX 11 is under construction, and the City is working with Microsoft to establish a development agreement for the construction of PHX 12. Subsequent data centers will be added as demand for the data centers increases. The City retained Carollo Engineers, Inc. (Carollo) to evaluate the water delivery, wastewater collection, and RO concentrate collection infrastructure requirements for water related services provided to Microsoft. This study identifies the infrastructure needed for all ten data center buildings. Recommendations from this study will be useful to prepare development agreements between the City and Microsoft.

This study builds upon the following previous studies:

1. Phoenix 10 Water and Wastewater Capacity Evaluation, May 2019.
2. Water and Wastewater Capacity Evaluation for PHX 11, October 2020.
3. Microsoft Phoenix Area Water Study, November 2020.
4. Infrastructure Evaluation to Provide Water and Clear Water services to the Microsoft 10 – 14 Data Centers, Draft, September 2021

Since the completion of those studies, flow projections have changed and the City's role in providing water related services to Microsoft has been clarified, creating the need for an updated evaluation. This study identifies the infrastructure that will be required and when the infrastructure needs to be in place relative to the data center buildings to be constructed.

This study included evaluations of the following based on updated flow projections:

- Potable water delivery infrastructure requirements for peak hour and fire flow conditions.
- Wastewater collection system capacity for the wastewater and RO concentrate that could be conveyed to the City's collection system.
- RO concentrate conveyance requirements to the Goodyear 157th Avenue Water Reclamation Plant (GWRF) or the City's brine management solution.

This report is organized into the following sections:

- Section 2: Potable Water, Sanitary Sewer, and RO Concentrate Flows (as provided by Microsoft).
- Section 3: Water System Hydraulic Evaluations
- Section 4: Sanitary Sewer Hydraulic Evaluation
- Section 5: RO Concentrate Conveyance and Management
- Section 6: Pipeline Project Cost Estimates

Section 2

POTABLE WATER, SANITARY SEWER, AND RO CONCENTRATE FLOWS

Microsoft uses the City's potable water for cooling, fire flow, and domestic use. Table 1 was provided by Microsoft for the water demands that are required both for peak hour plus fire flow (Condition A) and peak hour flow (Condition B) conditions. Peak hour flow conditions are the highest flows that Microsoft expects to require, typically during hot summer days. Condition A and B flows are cumulative by data center building.

Table 1 Peak Water Usage Flows by Individual Data Center Building

	PHX 10 (gpm)	PHX 11 (gpm)	PHX 12 (gpm)	PHX 13 (gpm)	PHX 14 (gpm)	PHX 15 (gpm)	PHX 16 (gpm)	PHX 17 (gpm)	PHX 18 (gpm)	PHX 19 (gpm)
Peak Potable Water Usage for RO and Data Center (DC)	340	337	320	313	305	321	299	293	287	282
Peak Potable Water Usage for Fire Suppression	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500
Condition A: Cumulative Peak Hour Water Consumption During a Fire Event	3,840	4,177	4,498	4,811	5,117	5,438	5,737	6,030	6,318	6,599
Condition B: Cumulative Peak Hour Water Consumption During Typical Operation	340	677	998	1,311	1,617	1,938	2,237	2,530	2,818	3,099

Notes:

(1) PHX 10 & 11 peak hour water supply flows reflect operation of these two data centers only. Flows will decrease as additional data centers come on line and air handling unit blowdown from the additional data centers are recycled. Likewise, for PHX 12 and PHX 13. For the purposes of this table, a 2% water reduction was assumed for PHX 15 – 19 to account for the recycle impact.

Abbreviation:

gpm = gallons per minute

Table 2 presents the wastewater flows provided by Microsoft and include information on the on-site flows in addition to the flows delivered offsite. Wastewater flows include sanitary flows, clear water discharge from cooling towers, and RO concentrate. Depending on the processes occurring at the Microsoft site, the wastewater flows could be any combination of the three types of wastewater flow. The table shows cumulative flows by data center building and which flows are delivered to the wastewater collection system, on-site brine ponds, and an RO concentrate pipeline, depending on the phase of development. The flows in Table 2 are used in this analysis. One difference between Table 2 and actual operation is that the City of Goodyear is expecting PHX 11 RO concentrate and clear water flows that initially go to the wastewater collection system will eventually be delivered to an on-site RO system. This change will recover capacity in the collection system pipes for future development, as well as to reduce the total dissolved solids (TDS) loading at the Goodyear Water Reclamation Facility.

Wastewater discharge flows in Table 2 are presented for two different operating conditions at the Microsoft site, referred to as Condition 1 and Condition 2. These operating conditions are specific to the processes at the Microsoft site and do not affect this study other than the magnitude of the wastewater and RO concentrate flows leaving the site. The hydraulic capacity evaluations are based on the highest flow condition shown in the Table.

Table 2 Peak Wastewater Discharge Flows

	PHX 10 (gpm)	PHX 11 (gpm)	PHX 12 (gpm)	PHX 13 (gpm)	PHX 14 (gpm)	PHX 15 (gpm)	PHX 16 (gpm)	PHX 17 (gpm)	PHX 18 (gpm)	PHX 19 (gpm)
DC Peak Hourly Clear Water Discharge (from typical AHU blowdown) - Condition 2	116	125	125	125	125	125	125	125	125	125
RO Peak Concentrate Flow (from the RO trains) - Condition 2	43	47	47	47	47	47	47	47	47	47
DC Peak Sanitary Flow (from wastelines) - Condition 1 & 2	9	9	9	9	9	9	9	9	9	9
DC Peak Sanitary Flow (from AHU sump dump) - Condition 1	136	136	136	136	136	136	136	136	136	136
RO Sanitary Flow (from wastelines) - Condition 1 & 2	15	0	0	0	0	15	0	0	0	0
RO flush (from RO train) - Condition 1	160	0	0	0	0	160	0	0	0	0
RO Spent Cleaning Solution - Condition 2	40	0	0	0	0	40	0	0	0	0
Condition 1: Cumulative Peak Flow for Air Handling Unit Sump Dump										
Cumulative Peak Flow to the Wastewater Collection System (from RO flush)	320	513	522	532	541	246	256	265	275	284
Condition 2: Cumulative Hourly Peak Flow for Typical Operation										
Cumulative Peak Flow to the Wastewater Collection System (from typical AHU blowdown and waste lines)	223	405	414	424	433	246	256	265	275	284
RO Concentrate Flows										
Cumulative Peak Flow to Evaporation Ponds	0	0	47	94	141	0	0	0	0	0
Cumulative Peak Flow to the FUTURE Goodyear Water Campus Brine Solution	0	0	0	0	0	278	325	372	419	466

Legend:

Yellow	Flow/discharge directed to off-site wastewater collection system
Green	Flow/discharge directed to on-site RO facility
Blue	Flow/discharge directed to on-site evaporation ponds
Gray	Flow/discharge directed to FUTURE off-site brine facility
Red Line	Transition from on-site evaporation ponds to off-site brine facility

Notes:

(1) At the transition from on-site evaporation ponds to off-site brine facility the following happens:
   A. PHX 10 and PHX 11 air handling unit blowdown and air handling unit sump dump flows are re-directed from the sanitary sewer to the clear water discharge holding tank and recycled to the RO system.
   B. PHX 10 and PHX 11 RO concentrate flows are re-directed from the sanitary sewer to the brine solution.

Section 3

WATER SYSTEM HYDRAULIC EVALUATIONS

3.1 Goodyear Water System Description

The City of Goodyear's potable water system north of the Gila River (Zone 1) is comprised of five groundwater production sites, a surface water treatment plant, three storage and booster pump station sites, and a water distribution system that includes 16-inch piping along most mile streets. A portion of the water distribution system south of the Gila River (Zone 2) receives water from the water production sources in the north, but otherwise the southern part of the water system is not affected by this study. Table 3 lists the firm pumping capacities of the water production and storage and booster pump station sites. Site 8 is particularly significant for this study because this storage tank is located adjacent to the Microsoft site. Site 8 has 0.75 million gallons (MG) of storage that is useful to provide water in the event of a fire or peak demand. Figure 1 presents the water system north of the Gila River.

Table 3 Firm Capacity of the City of Goodyear's Water Production and Booster Pump Station Sites in Pressure Zone 1

City of Goodyear Sites	Firm Capacity (gpm)
Site 03 (Water Production)	500
Site 07 (Storage and Booster)	1,000
Site 08 (Storage and Booster)	500
Site 10 (Storage and Booster)	500
Site 11 (Water Production)	5,950
Site 12 (Water Production)	4,750
Site 18 (Water Production)	5,240
Site 21 (Water Production)	6,700
SWTP (Water Production)	9,600

Notes:
(1) SWTP firm capacity is the water treatment capacity.

3.2 Water System Performance Criteria

The City's ability to meet the potable water supply requirements for the PHX Sites was evaluated using the InfoWater Pro software program using the City's water distribution system hydraulic model.

The City's performance criteria used to evaluate the acceptability of proposed infrastructure and described herein are taken from the City of Goodyear 2016 Integrated Water Master Plan (2016 IWMP).

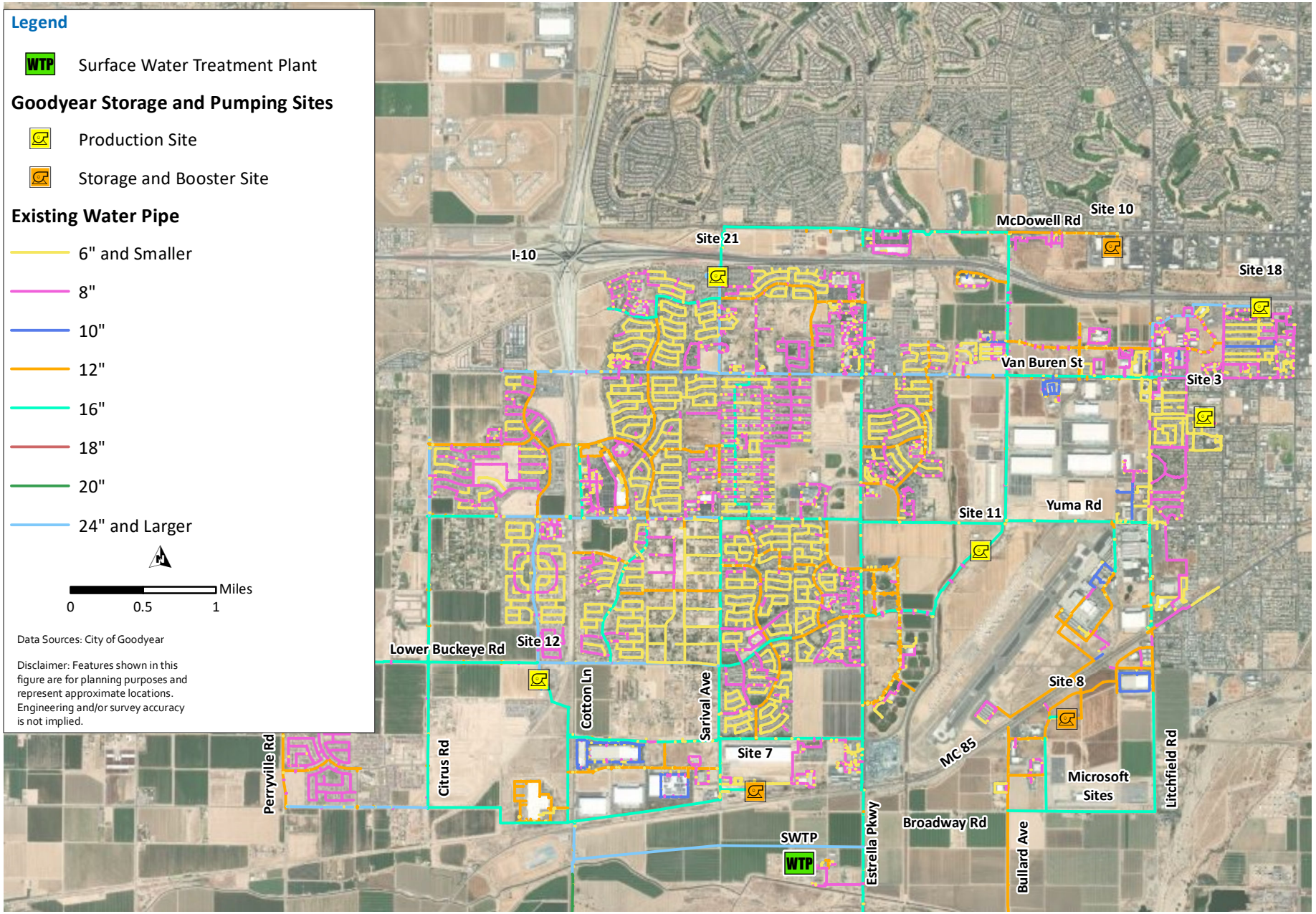


Figure 1 City of Goodyear Water Distribution System North of the Gila River

The water system performance criteria that apply to this study include:

1. The minimum pressure for daily operation with peak hour demands is 40 pounds per square inch (psi).
2. The minimum required system pressure during maximum day demand plus fire flow conditions is 20 psi.
3. The maximum water velocity for daily operation is 5 feet per second (ft/sec).
4. The maximum water velocity during a fire flow event is 10 ft/sec.
5. The required fire flow for the Phoenix 10 – 19 data center buildings is 3,500 gpm for four hours.
6. The water distribution system should be looped so that the demands and fire flows can be supplied from more than one location if one of the supplies is closed off.

The City requires water and sewer piping to be constructed along the frontage of the development property such that water users on both sides of the street have a place to tie into the water and sewer systems.

3.3 Hydraulic Model Simulations

Eight hydraulic model scenarios were created to analyze the City's ability to deliver and meet potable water demands to Microsoft's PHX Sites 10 – 19. The demands for these scenarios are taken from Table 1. Condition A as shown in Table 1 is a fire flow condition. Condition B is without a fire flow. These scenarios are described below:

- **Scenario 1 –** Estimated 2025 peak hour City demands, peak hour flows to PHX Sites, no fire flow (Condition B)
- **Scenario 2 –** Estimated 2025 maximum day City demands, peak hour flows to PHX Sites, and 3,500 gpm fire flow to PHX Sites (Condition A)
- **Scenario 3 –** Estimated 2025 maximum day City demands, peak hour flows to PHX Sites, and 3,500 gpm fire flow to PHX Sites, Goodyear Site 8 pump station off (Condition A)
- **Scenario 4 –** Estimated 2025 maximum day City demands, peak hour flows to PHX Sites, 3,500 gpm fire flow to PHX Sites, and Goodyear Sites 7 and 10 pump stations off (Condition A)
- **Scenario 5 –** Estimated 2025 maximum day City demands, peak hour flows to PHX Sites, 3,500 gpm fire flow to PHX Sites, and Goodyear Sites 7, 8, and 10 pump stations are off (Condition A)
- **Scenario 6** – Estimated 2025 maximum day City demands, peak hour flows to PHX Sites, 3,500 gpm fire flow to PHX Sites, Goodyear Sites 7 and 10 pump stations are off and Goodyear Site 11 is at 80 percent of firm capacity (Condition A)
- **Scenario 7 –** Estimated 2025 maximum day City demands, peak hour flows to PHX Sites, 3,500 gpm fire flow to PHX Sites, Goodyear Sites 7 and 10 pump stations are off, with Goodyear Site 18 at 80 percent of firm capacity (Condition A)
- **Scenario 8 –** Estimated 2025 maximum day City demands, peak hour flows to PHX Sites, 3,500 gpm fire flow to PHX Sites, Goodyear Sites 7 and 10 pump stations are off, with Goodyear Site 21 at 80 percent of firm capacity (Condition A)

The purpose of scenarios 1 and 2 is to evaluate the potable water system when each pump station can operate up to the firm capacity of the station if needed. In these scenarios, the City's infrastructure is operating with all water production facilities online and pumping up to the firm capacity.

The purpose of Scenarios 3 – 8 is to evaluate the ability of the potable water system to deliver to the PHX Sites when one or more storage and booster pump station sites are offline, and when selected water production facilities are operating at 80 percent capacity. The purpose of these simulations is to determine if the required flows can be provided even when water supply conditions are not ideal. In each scenario, the City's water production facilities were modeled to deliver up to the firm capacity of the site (except where specifically noted otherwise in Scenarios 6, 7, and 8). Sites 7, 8, and 10 were chosen to be turned off in some scenarios as these are older, smaller pump stations that function only to supply peak demands. Sites 11, 18, and 21 are larger well production sites and were tested at a reduced capacity in some simulations to analyze the impact a pump failure could have on the ability of the water system to supply water at desired pressures. For all simulations, the City's new SWTP was operated at 80 percent of the water production capacity (8 million gallons per day [mgd]) or less.

3.4 Water System Hydraulic Analysis

Scenarios 1 – 8 were simulated with the incremental flows associated with the number of data center buildings that are online. The demands for Microsoft are listed in Table 1. Table 4 shows the predicted pressures at the Microsoft delivery point for each phase of the PHX data centers. Pipe and hydrant friction losses that are on the Microsoft site are not included in the model; a desirable outcome for this analysis is to identify the infrastructure improvements that are needed before pressures drop to the minimum values in the performance criteria.

In Table 4, the predicted pressures at the PHX Site delivery point (elevation = 940 ft.) are provided as each additional data center comes online. In the table, model results are shown with the demands for PHX 10, PHX 10 – 11, and PHX 10 – 12. The low pressures for most scenarios with the demands associated with PHX 10 – 12 showed that the City would need to construct two pipeline segments before PHX 13 comes online. These two pipelines will complete the 16-inch pipe loop from Estrella Parkway, along Broadway Road, north along Litchfield Road to MC85. These pipelines will help convey flows from the City's new Surface Water Treatment Plant (SWTP) to the PHX Sites. Table 4 shows a dramatic increase in pressure for all scenarios beginning with the PHX 10 – 13 flows because the two pipes are included in the model. These two pipes are described below:

- New one-mile long, 16-inch diameter pipe along Broadway Road between Estrella Parkway and Bullard Avenue.
- New 750-foot long, 16-inch diameter pipe along Litchfield Road between El Cielo and Main Street.

Table 4 Modeled Pressures with each Combination of Microsoft Data Centers Operating

Scenario	Pressure Before New Pipelines (psi)			Pressure After New Pipelines Installed (psi)						
PHX Data Centers Online	10	10 – 11	10 – 12	10 – 13	10 – 14	10 – 15	10 – 16	10 – 17	10 – 18	10 – 19
Scenario 1	71	68	64	74	73	71	70	69	67	66
Scenario 2	50	45	39	72	71	69	68	66	65	63
Scenario 3	37	30	23	70	68	67	65	63	61	60
Scenario 4	50	44	38	72	70	69	67	66	64	63
Scenario 5	36	29	22	69	68	66	65	63	61	59
Scenario 6	49	43	38	71	70	69	67	65	64	62
Scenario 7	50	44	38	72	70	69	67	66	64	62
Scenario 8	49	44	38	71	70	69	67	65	64	62

Legend:

Orange	Pressure Before New Pipelines
Green	Pressure After New Pipelines Installed

Figure 2 shows the location of these two recommended pipes.

As anticipated, the 3,500 gpm fire flow condition places the greatest demand on the City's water production and delivery system because Scenarios 2 – 8 with fire flows have lower pressures than Scenario 1, which does not have a fire flow.

In Scenarios 3 and 5, the predicted pressures are barely above the minimum pressure criteria before the losses that would occur in the pipelines onsite. Scenarios 3 and 5 are the scenarios in which the City's Pump Station 8 is not operating. Therefore, Pump Station 8 needs to remain operational to provide adequate fire flow protection. Due to the critical nature of this pump station, an on-site generator is recommended so that the pump station can operate even when the power is out.

Appendix A contains maps and tables illustrating the results of the model simulations.

3.5 Water Supply Conclusion and Recommendations

1. The City's potable water system and delivery infrastructure is adequate to meet the potable water requirements for the PHX Sites 10 – 12.
2. Goodyear's Water Production Site 8 should remain online to provide required fire flows through buildout of all data centers. An on-site generator is recommended so that the pump station will operate even during a power outage.
3. Goodyear's Water Production Sites 7 and 10 do not need to operate to meet water delivery requirements to the Microsoft Sites through buildout of all data centers.
4. Two new 16-inch diameter pipes, as described below, need to be constructed before PHX Site 13 comes online. These pipes help convey water from the City's SWTP more directly to the Microsoft Sites and improve looping in the distribution system.
   a. One-mile long, 16-inch diameter pipe along Broadway Road between Estrella Parkway and Bullard Avenue
   b. 750-foot long, 16-inch diameter pipe along Litchfield Road between El Cielo and Main Street

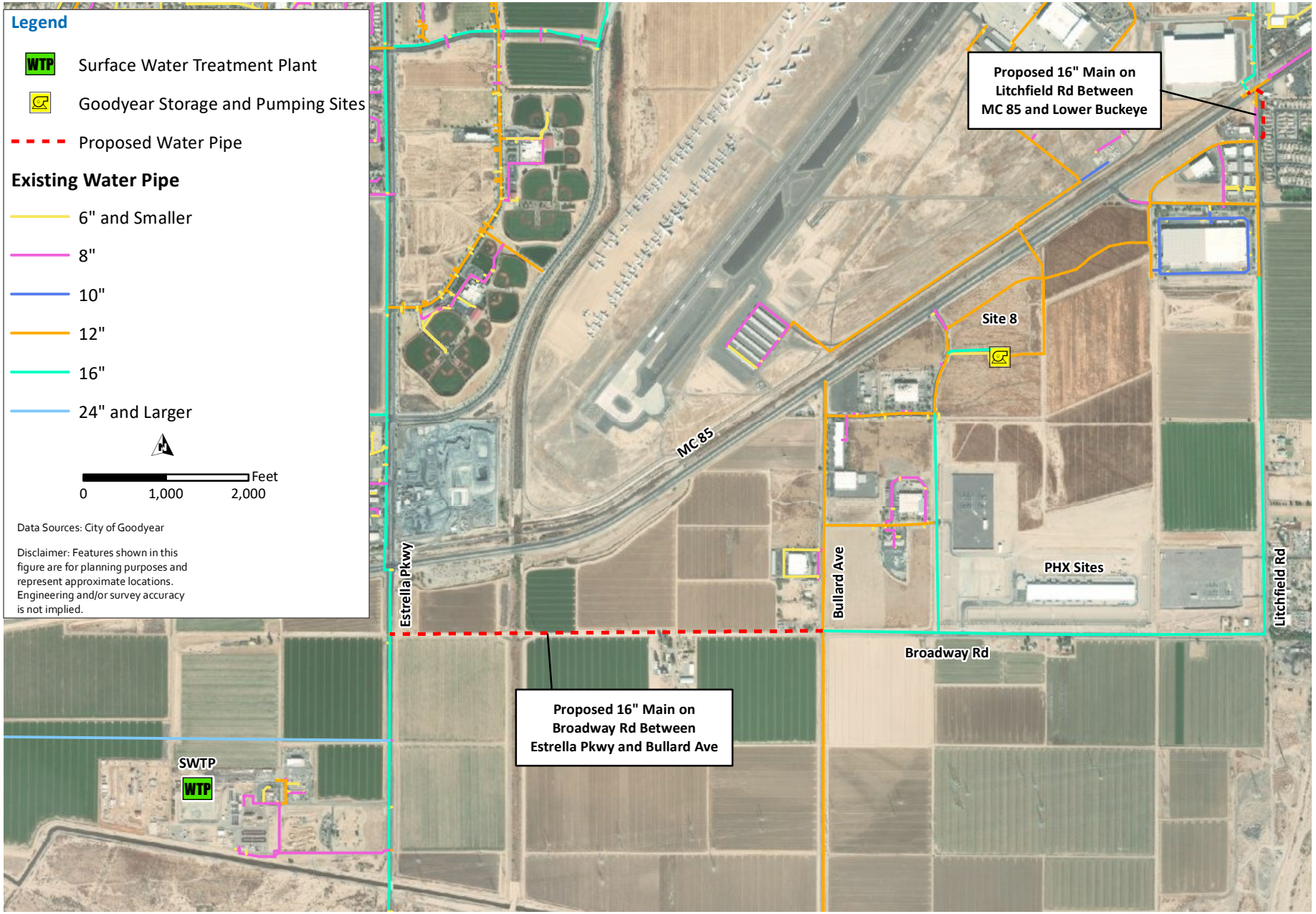


Figure 2 2022 Water Distribution System with Recommended Pipelines

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Section 4

SANITARY SEWER HYDRAULIC EVALUATION

4.1 Goodyear Wastewater System Description

The Goodyear wastewater collection system north of the Gila River collects and conveys wastewater to the Goodyear Water Reclamation Facility (WRF) on 157th Avenue. The Microsoft PHX 10 – 19 site is located east and slightly north of the WRF along Broadway Road. A 15-inch wastewater pipe in Broadway Road collects wastewater from the Microsoft site. Figure 3 shows the location of the Microsoft site in relation to the Goodyear WRF.

4.2 Performance Criteria

The City's performance criteria used to evaluate the acceptability of proposed infrastructure and described herein are taken from the City of Goodyear 2016 Integrated Water Master Plan (2016 IWMP). The model simulations included the 2025 projected wastewater flows established in the 2017 Integrated Water Master Plan.

1. The maximum flow depth to pipe diameter (d/D) ratio for wet weather flow conditions is 0.65 for new pipes twelve inches in diameter or greater.
2. The maximum d/D for existing pipes before upsizing is 0.9.
3. The Manning's n for friction loss calculations is 0.013
4. The wet weather factor applied to peak hour flows is 1.4.

4.3 Collection System Hydraulic Analysis

The capacity in the City's collection system was evaluated using the City's collection system model in the InfoSewer wastewater collection system modeling software.

Table 2 contains the anticipated cumulative sanitary and RO concentrate flows that are expected from the Microsoft site for each of the PHX 10 – 19 data centers. Table 2 also shows where the various wastewater flow components described herein are delivered as each data center building is added. All the PHX 10 flows currently discharge into the City's collection system. PHX 11 flows also discharge into the collection system initially. The City will require Microsoft to take the RO concentrate and clear water flows to an onsite RO system in the future to preserve capacity in the collection system for future customers that locate along Broadway Road. Beginning with PHX 12, RO concentrate will be directed to brine bonds for evaporation until the City's brine solution is in place. The brine solution is expected before the PHX 15 data center is constructed, at which time the RO concentrate will be delivered into a brine line that takes the RO concentrate to the City's water campus where the brine solution will be located.

The highest planned flowrate discharged to the wastewater collection system is 541 gpm when the PHX 14 data center is online. Once the City's brine solution online with PHX 15, then flows into the collection system will decrease. The hydraulic model shows that the collection system can convey up to 567 gpm. Therefore, the collection system has the capacity to convey the wastewater flows for these two data centers.

4.4 Wastewater Collection System Conclusions and Recommendations

1. The 15-inch sewer pipeline located in Broadway Road, downstream from the Microsoft site can convey up to 567 gpm. This capacity is more than the 541 gpm that is planned for this sewer pipe so the collection system has sufficient capacity for flows in the near term.
2. The City wants to reserve capacity in the Broadway Road sewer pipeline for future development along Broadway Road, as master planned for this area. Therefore, the City is expecting that at some time, the clear water and RO concentrate from PHX 11 will be delivered to an onsite RO system or brine ponds to reduce the flows that will go into the City's wastewater collection system.

Appendix B contains a map illustrating the model results of the collection system capacity evaluation.

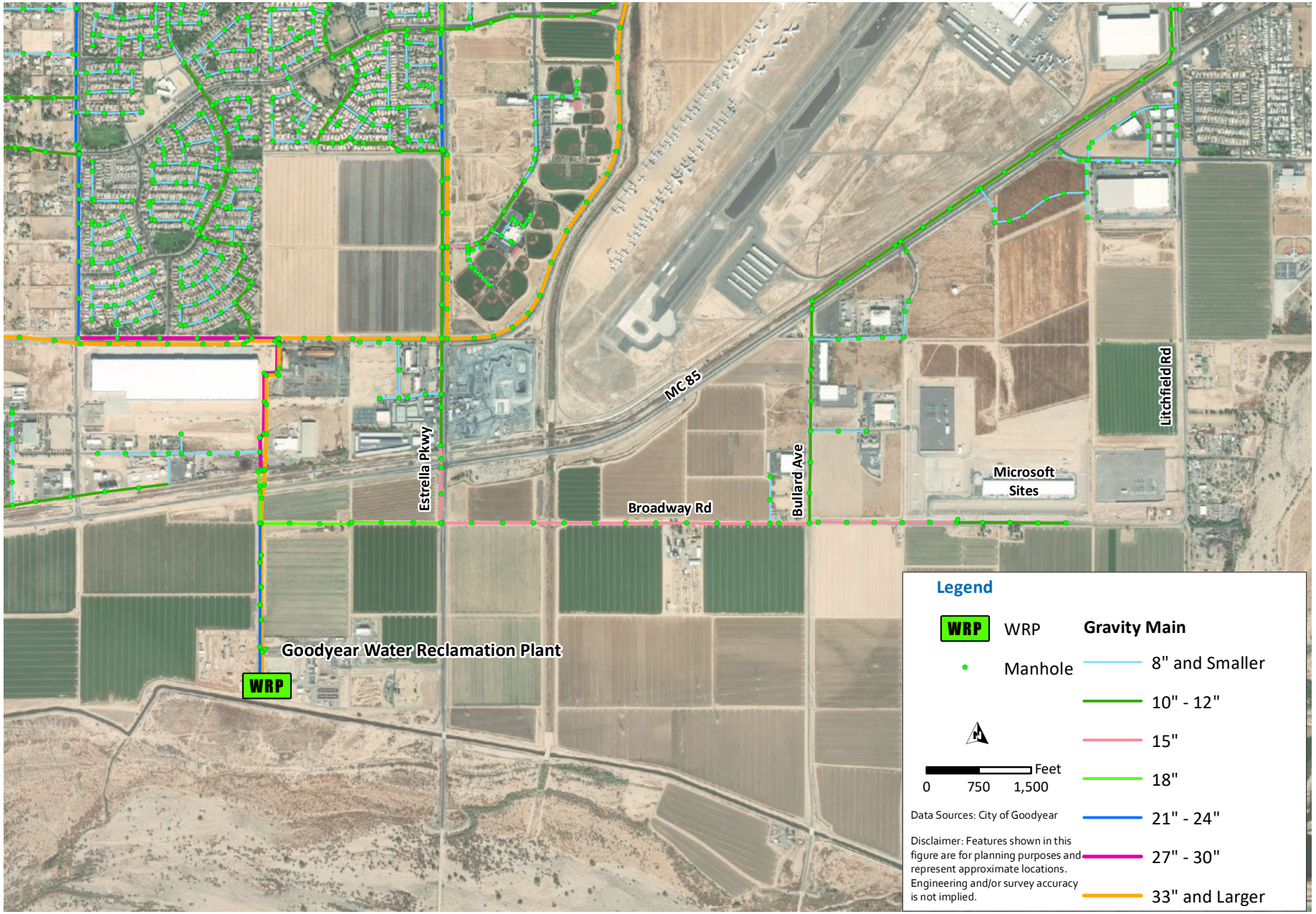


Figure 3 Goodyear Wastewater Collection System Near the Microsoft Site

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Section 5

RO CONCENTRATE CONVEYANCE AND MANAGEMENT

5.1 City of Goodyear's Brine Management System

The City is developing a brine management solution that will be located at the City's Water Campus. For this study, the brine management solution is assumed to be fully operational before the PHX Site 15 is constructed. Once online, RO concentrate from all PHX Sites can be conveyed to the City's brine management solution. Brine will be conveyed via pump station and dedicated pipeline between the Microsoft site and the City's Water Campus.

5.2 Performance Criteria

The following criteria was used to size the RO concentrate pump station and pipeline:

1. The maximum velocity in the pipe is 5 ft/sec.
2. The pump station should be sized with an instantaneous peaking factor of 2.

5.3 RO Concentrate Hydraulic Analysis

RO concentrate will need to be conveyed from the PHX Sites to the City's new brine management system. The projected peak flow from the PHX sites to the City's new brine management system is 466 gpm when PHX 10 – 19 are in operation. With an estimated instantaneous peaking factor of 2 for conservancy, a 950 gpm pump station would be required. An 8-inch diameter pipeline satisfies the City's pipe velocity criteria. If the clear water discharge from PHX 11 also needed to go into the brine line then the projected flow would be 591 gpm. With a peaking factor of 2, a 1,200 gpm pump station would be required, and a 10-inch pipeline would be required. The larger pump station and pipeline will be recommended.

The pipeline will be approximately 1.4 miles long and run along Broadway Road and tie into the planned Goodyear Site 11 brine pipe at Broadway Road and Estrella Parkway. The pump station and pipeline should be in place in time for PHX 15 to begin operating to convey the RO concentrate as shown in Table 2. It may be the most economical to construct this pipeline at the same time that the 16-inch potable water pipeline is constructed along Broadway Road, which would be in time for PHX 13. Figure 4 shows the proposed pipeline and pump station in relation to the PHX Sites and City's planned brine management solution. The pump station would be located on the Microsoft site, and as such would be constructed by Microsoft. The pipeline would be located in the Broadway Road right of way so the City would be responsible for the pipeline.

5.4 RO Concentrate Conclusions and Recommendations

1. A pump station with a capacity of 1,200 gpm is recommended to pump RO concentrate beginning with the operation of PHX 15. This pump station would be located on the Microsoft site and therefore the City would not be responsible for the pump station.
2. A 10-inch RO concentrate pipeline is recommended between the Microsoft site and the connection to the Site 11 brine line in Estrella Parkway.

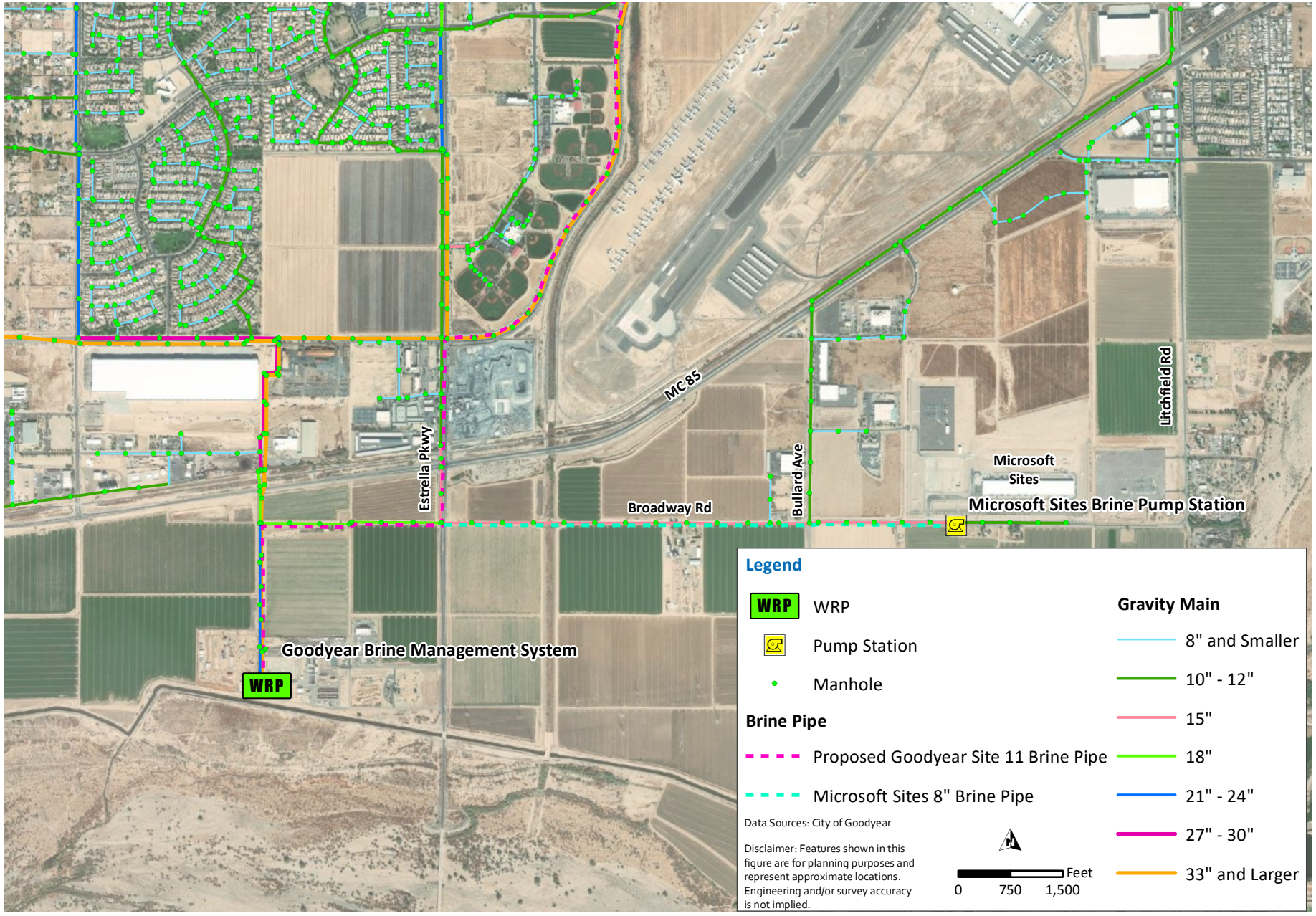


Figure 4 Proposed Pump Station and Force Main to Convey RO Concentrate

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Section 6

PIPELINE PROJECT COST ESTIMATES

Unit construction costs have been developed for the capital improvements recommended herein. This cost estimate was prepared in accordance with the guidelines of the Association for the Advancement of Cost Engineers International (AACEI) for a Class 5 estimate. According to the definitions of AACEI, the Class 5 estimate is defined as:

> "CLASS 5 ESTIMATE. Generally prepared based on very limited information, where little more than proposed plant type, its location, and the capacity are known. Strategic planning purposes, such as but not limited to, market studies, assessment of viability, evaluation of alternative schemes, project screening, location and evaluation of resource needs and budgeting, long range capital planning, etc. Some examples of estimating methods used would be estimating methods such as cost/capacity curves and factors, scale up factors, parametric and modeling techniques. Typically, very little time is expended in the development of this estimate. The typical expected accuracy range for this class estimate is -20 percent to -50 percent on the low side and +30 percent to +100 percent on the high side."

Unit construction costs are based on information from Engineering News-Record Construction Cost Index (ENR CCI) data, R.S. Means, and other unit cost sources including bid tabs and other infrastructure cost information. Based on this approach, the unit construction cost for the pipelines to be constructed is shown in Table 5. The current, 2022 bidding environment is difficult, so the unit construction costs have been given an additional contingency multiplier of 1.3 to reflect these conditions.

Table 5 Pipeline Unit Construction Costs

Pipeline Diameter (in)	Unit Construction Cost ($)	Unit Construction Cost with 30% Contingency ($)
16	412	535
8	279	363

Pipeline unit construction costs are multiplied by the pipeline length to obtain a construction cost, which is the estimated cost to paid to a contractor. The project cost is obtained by multiplying the construction cost by a multiplier of 1.4 to include design, construction management, and a project contingency. The Project Cost is the cost that should be budgeted in a Capital Improvement Program. Table 6 presents the planning level cost estimate for the water supply pipelines. Table 7 presents the planning level cost of the RO concentrate pipeline.

Table 6 Water Supply Project Cost Estimates

Infrastructure Type	Infrastructure Description	Diameter/ Size, in, gpm, MG	Length, ft. or Number	Unit Construction Cost ($)	Construction Cost ($)	Project Cost ($)
Pipe	16-Inch Pipe on Broadway Rd from Estrella Pkwy to Bullard Drive	16	5,280	535	2,825,000	3,955,000
Pipe	16-Inch Pipe on Litchfield Rd from El Cielo to Main St	16	750	535	401,000	561,000
Electric Generator	Electric Generator for Pump Station 8			200,000	200,000	280,000
					Total Water Project Cost	4,796,000

Abbreviations:
gpm = gallons per minute; MG = million gallons

Table 7 RO Concentrate Pipeline Project Cost Estimate

Infrastructure Type	Infrastructure Description	Diameter/ Size, in, gpm, MG	Length, ft. or Number	Unit Construction Cost ($)	Construction Cost ($)	Project Cost ($)
Pipe	Pressurized Pipeline from PHX Sites to Broadway Rd & Estrella Pkwy	10	7,400	452	3,345,000	4,683,000

Appendix A

PHX 10 – 19 WATER DISTRIBUTION SYSTEM AND COLLECTION SYSTEM MODEL RESULTS

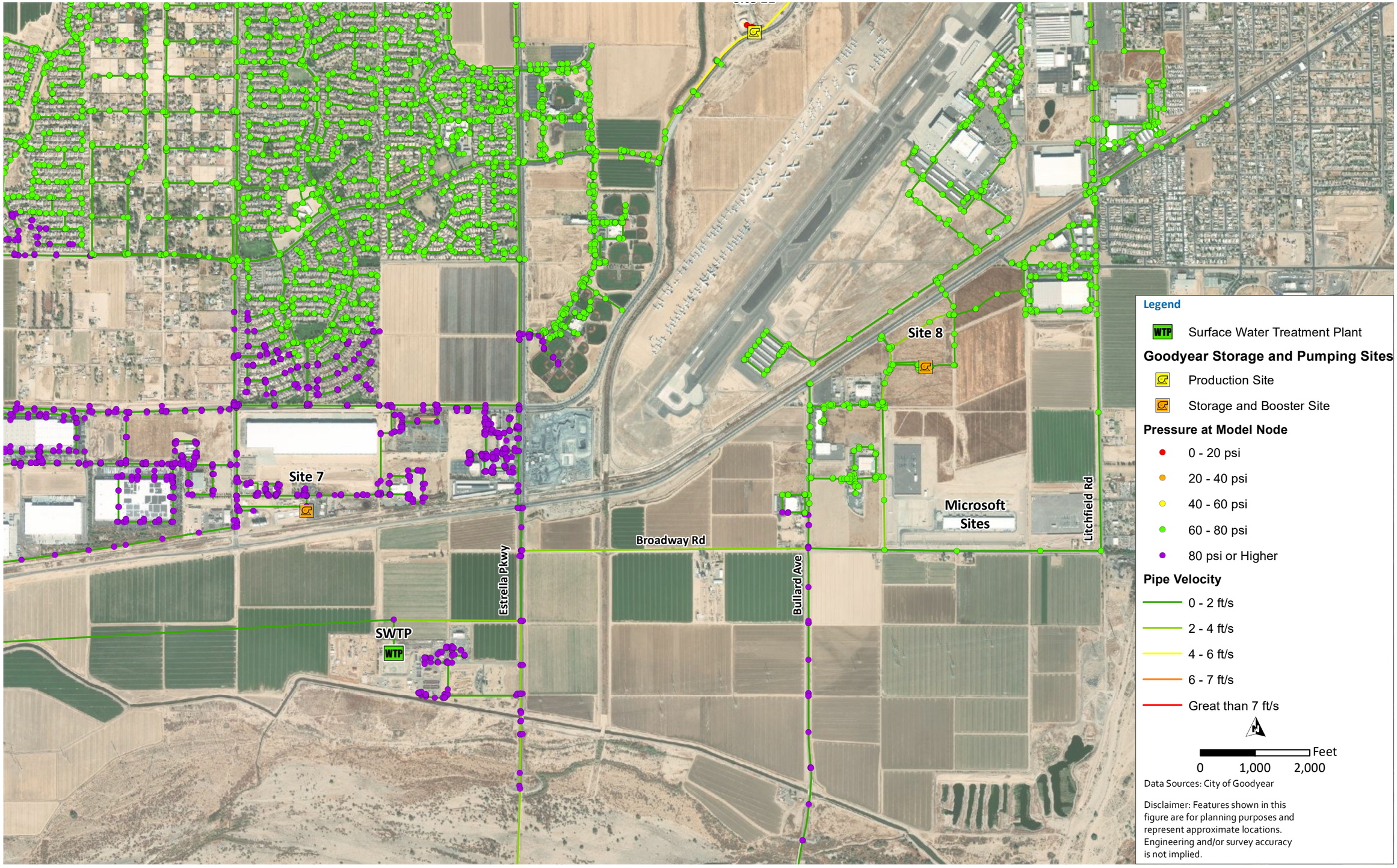


Figure A.1 Goodyear Water Model Results - Scenario 1 PHX 10 — 19

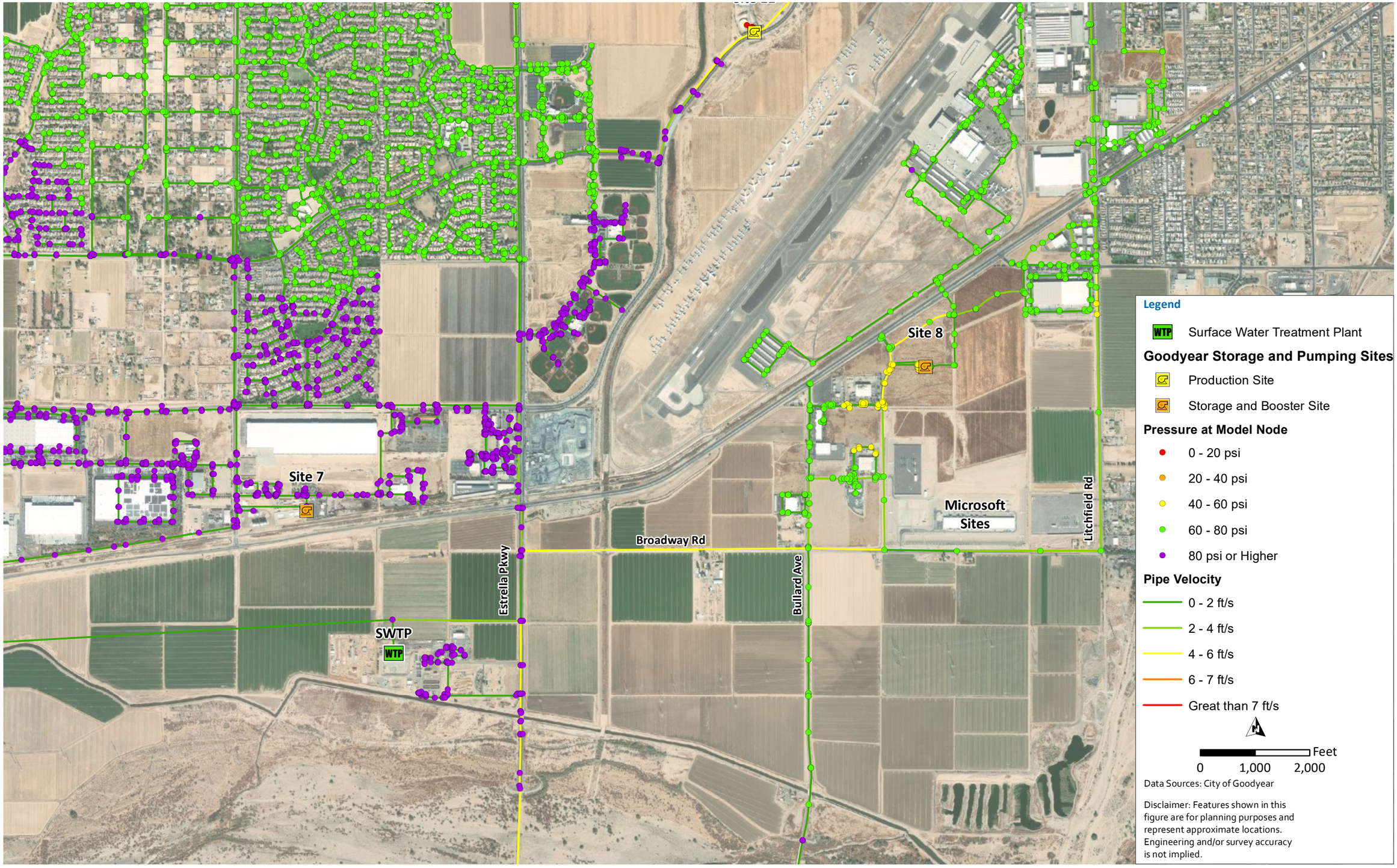


Figure A.2 Goodyear Water Model Results - Scenario 2 PHX 10 — 19

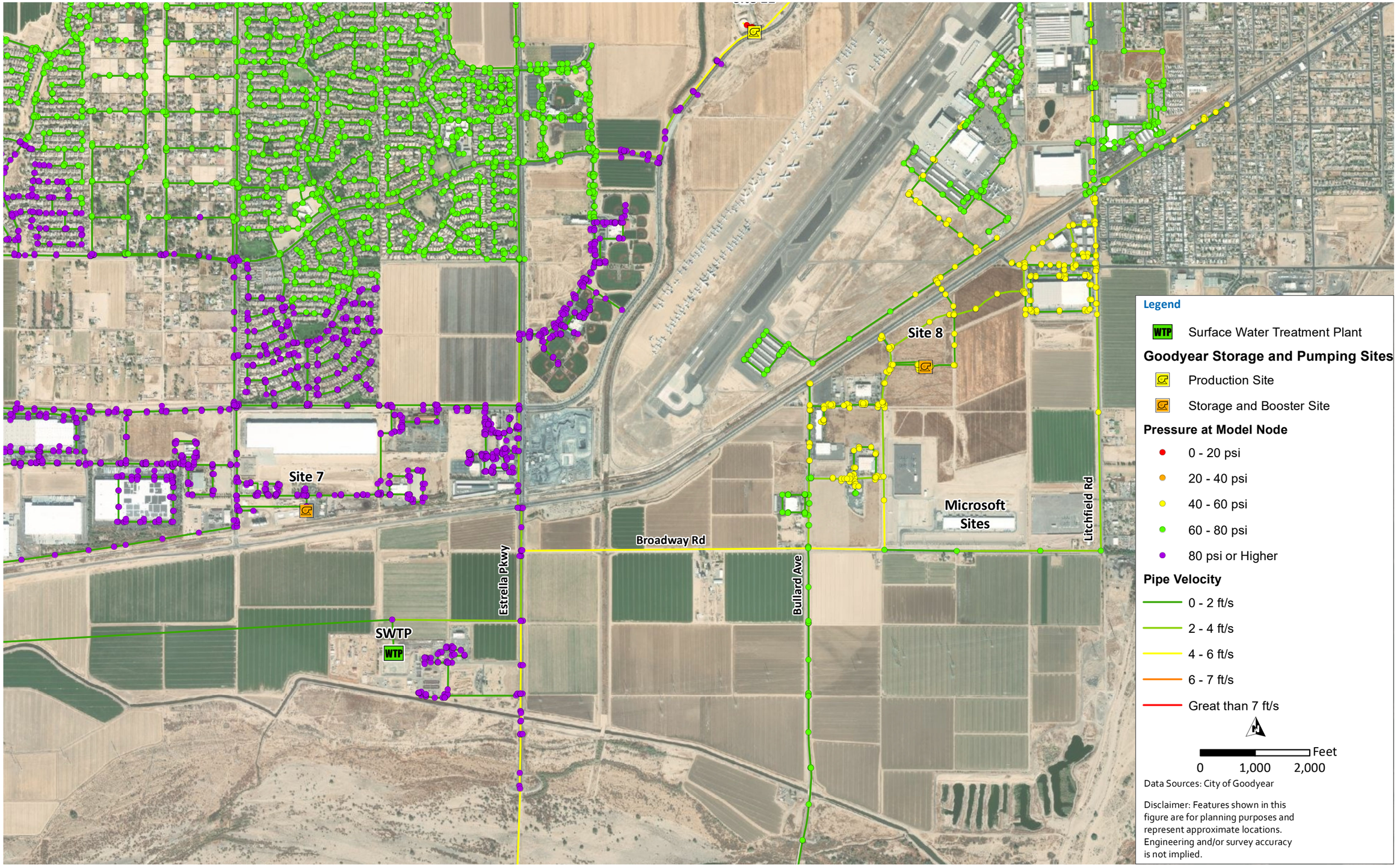


Figure A.3 Goodyear Water Model Results - Scenario 3 PHX 10 — 19

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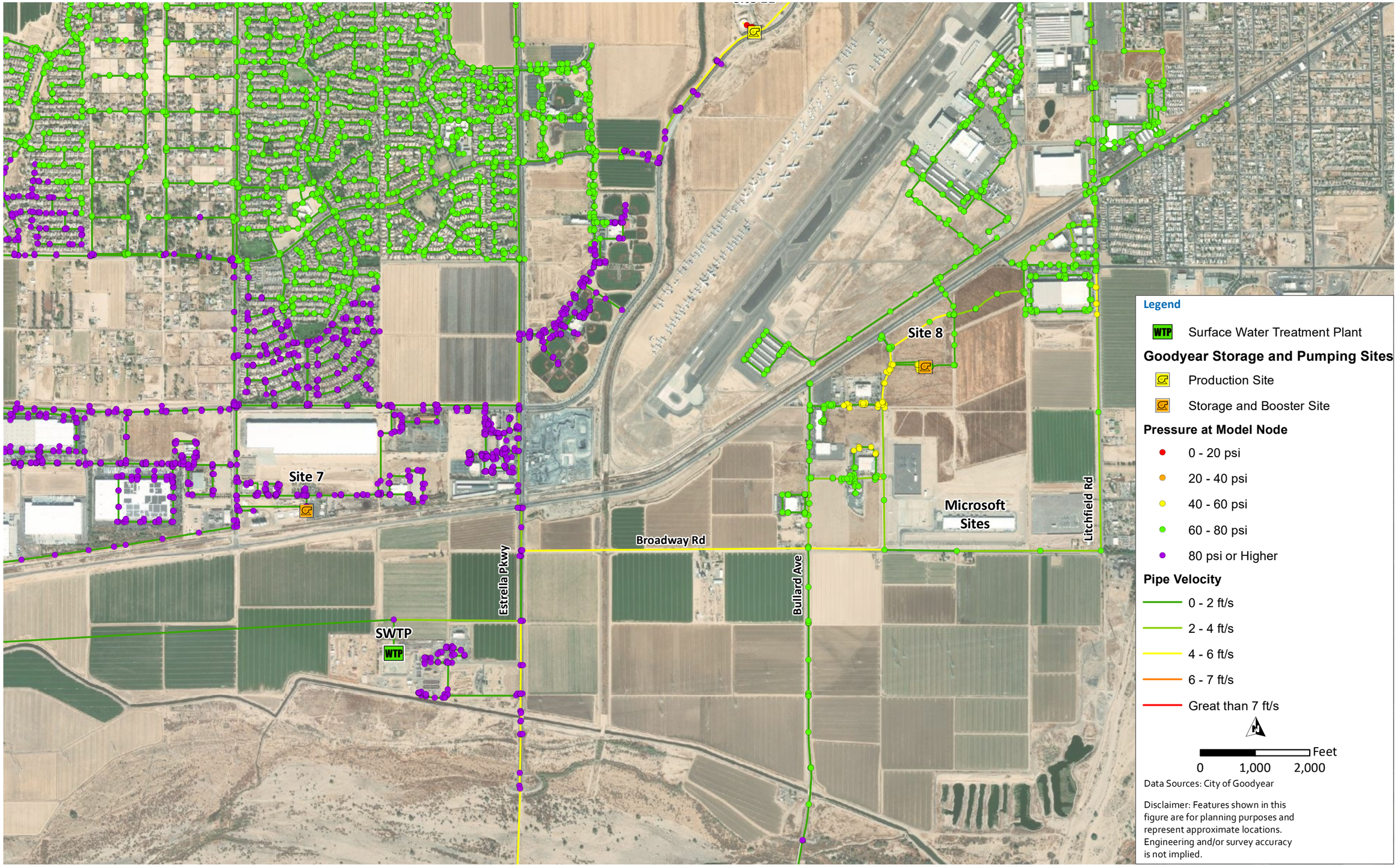


Figure A.4 Goodyear Water Model Results - Scenario 4 PHX 10 — 19

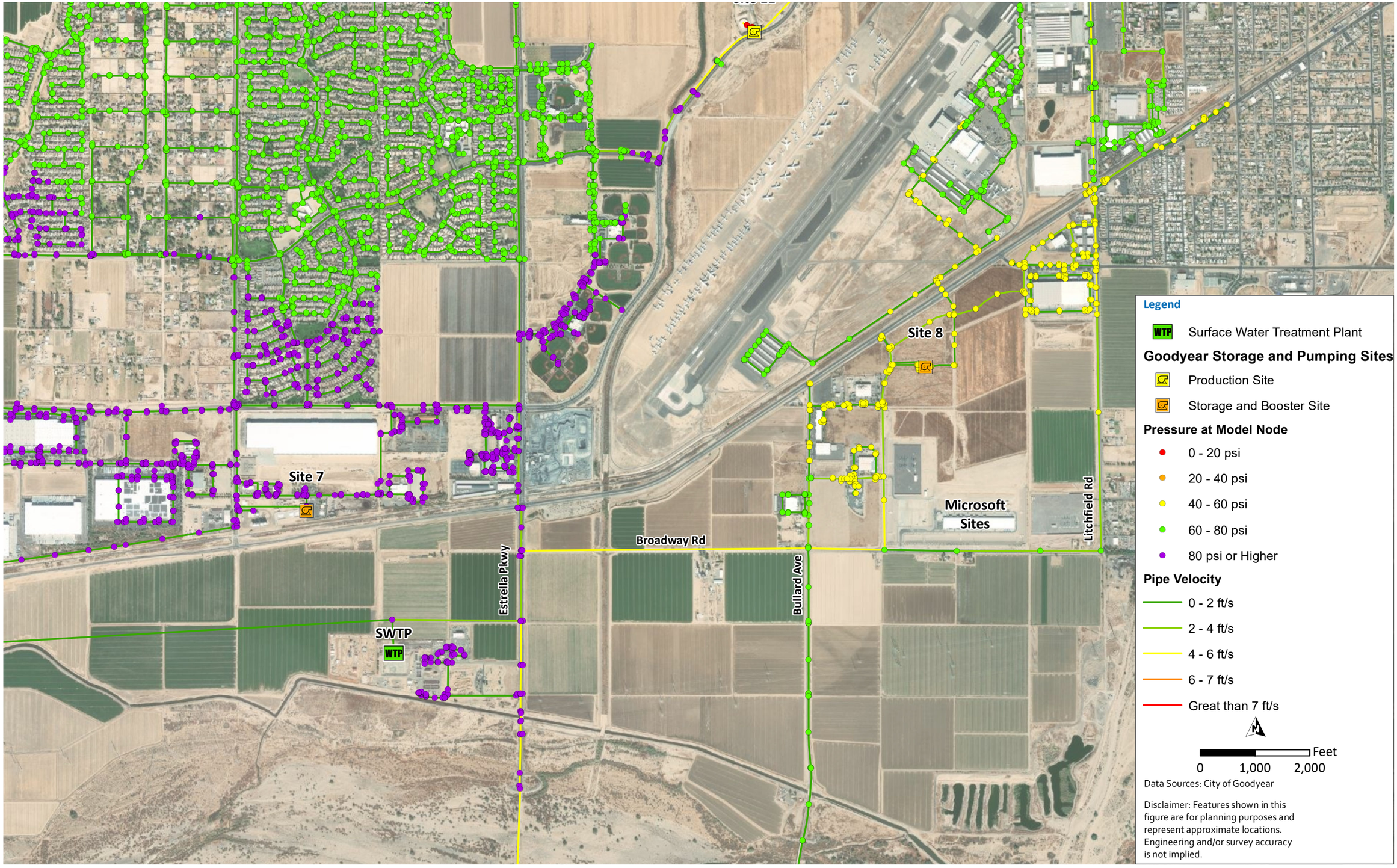


Figure A.5 Goodyear Water Model Results - Scenario 5 PHX 10 — 19

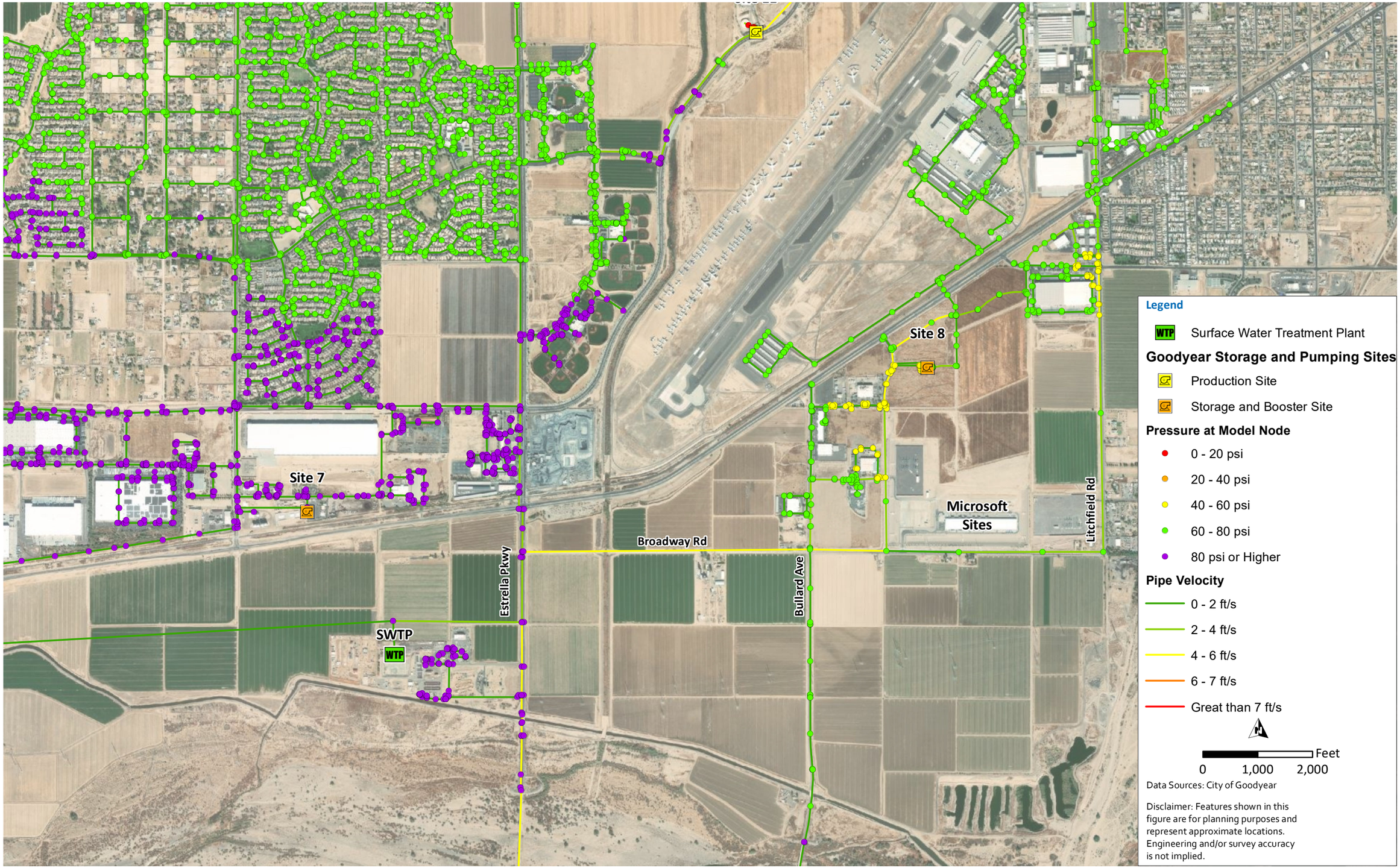


Figure A.6 Goodyear Water Model Results - Scenario 6 PHX 10 — 19

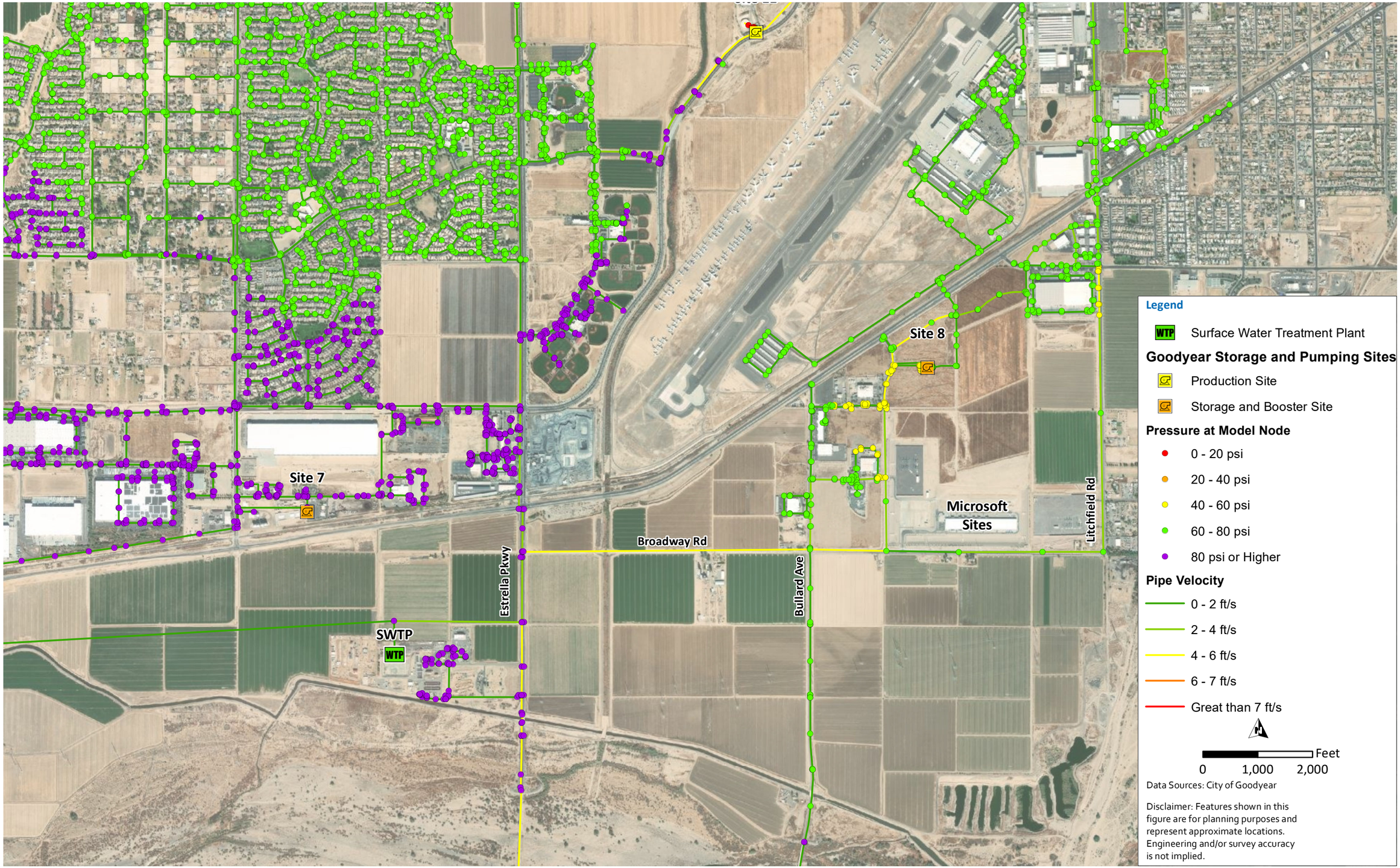


Figure A.7 Goodyear Water Model Results - Scenario 7 PHX PHX 10 — 19

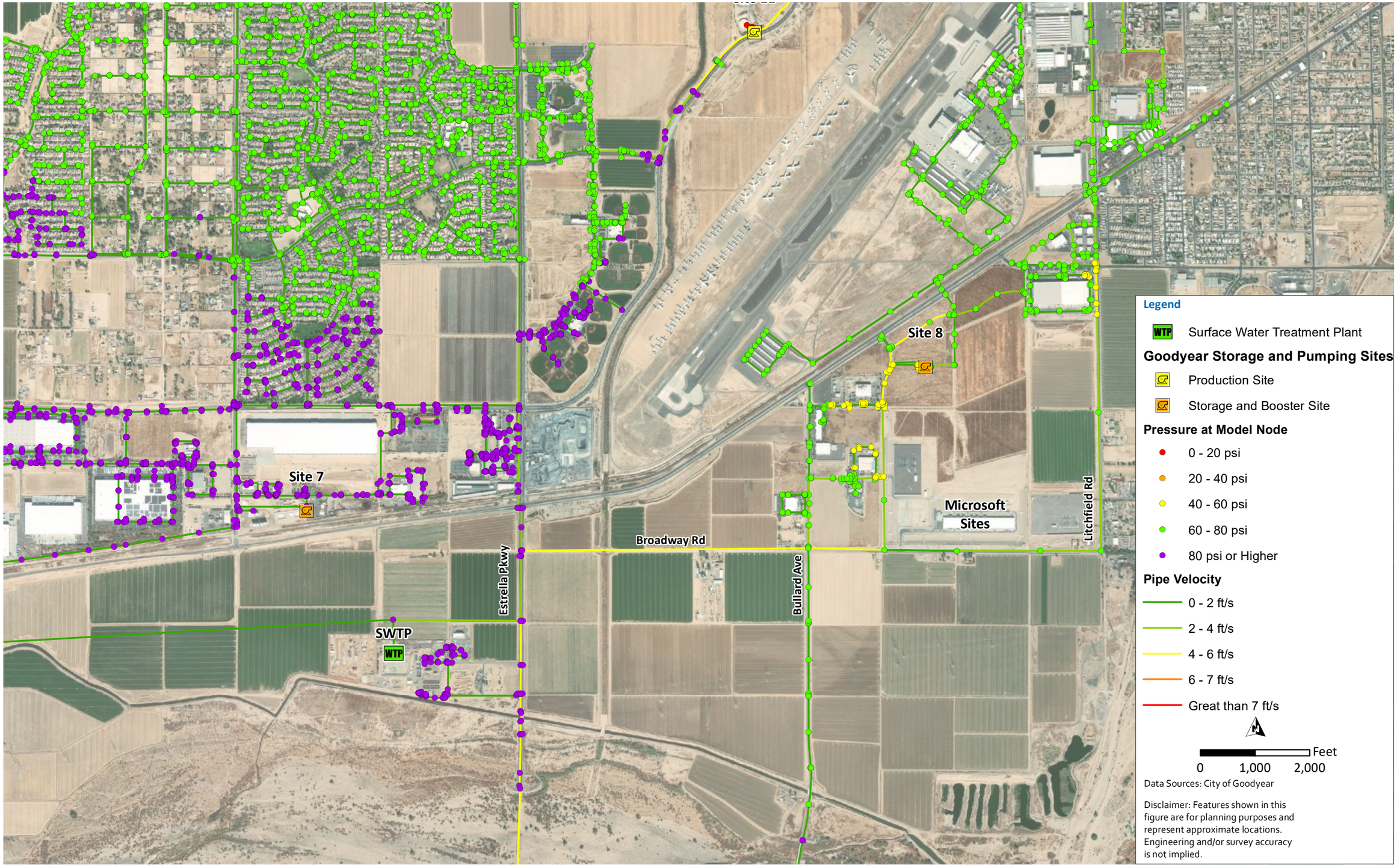


Figure A.8 Goodyear Water Model Results - Scenario 8 PHX 10 — 19

Table A.1 Goodyear Water Production Site Flows for All PHX 10 – 19 Scenarios

City of Goodyear Production Site	Scenario 1 (gpm)	Scenario 2 (gpm)	Scenario 3 (gpm)	Scenario 4 (gpm)	Scenario 5 (gpm)	Scenario 6 (gpm)	Scenario 7 (gpm)	Scenario 8 (gpm)
Site 03	258	143	174	171	199	195	202	201
Site 07	1,115	1,089	1,091	-	-	-	-	-
Site 08	685	723	-	726	-	730	728	729
Site 10	699	668	670	-	-	-	-	-
Site 11	6,289	5,858	5,909	5,950	6,000	5,024	5,991	6,055
Site 12	1,739	571	670	928	1,002	1,109	1,002	1,148
Site 18	4,339	3,883	3,921	3,975	4,015	4,044	3,580	4,079
Site 21	7,084	6,508	6,544	6,670	6,706	6,757	6,723	5,590
SWTP	7,619	4,683	5,110	5,696	6,157	6,247	5,886	6,306

Appendix B

PHX 10 – 19 WASTEWATER COLLECTION SYSTEM FIGURE

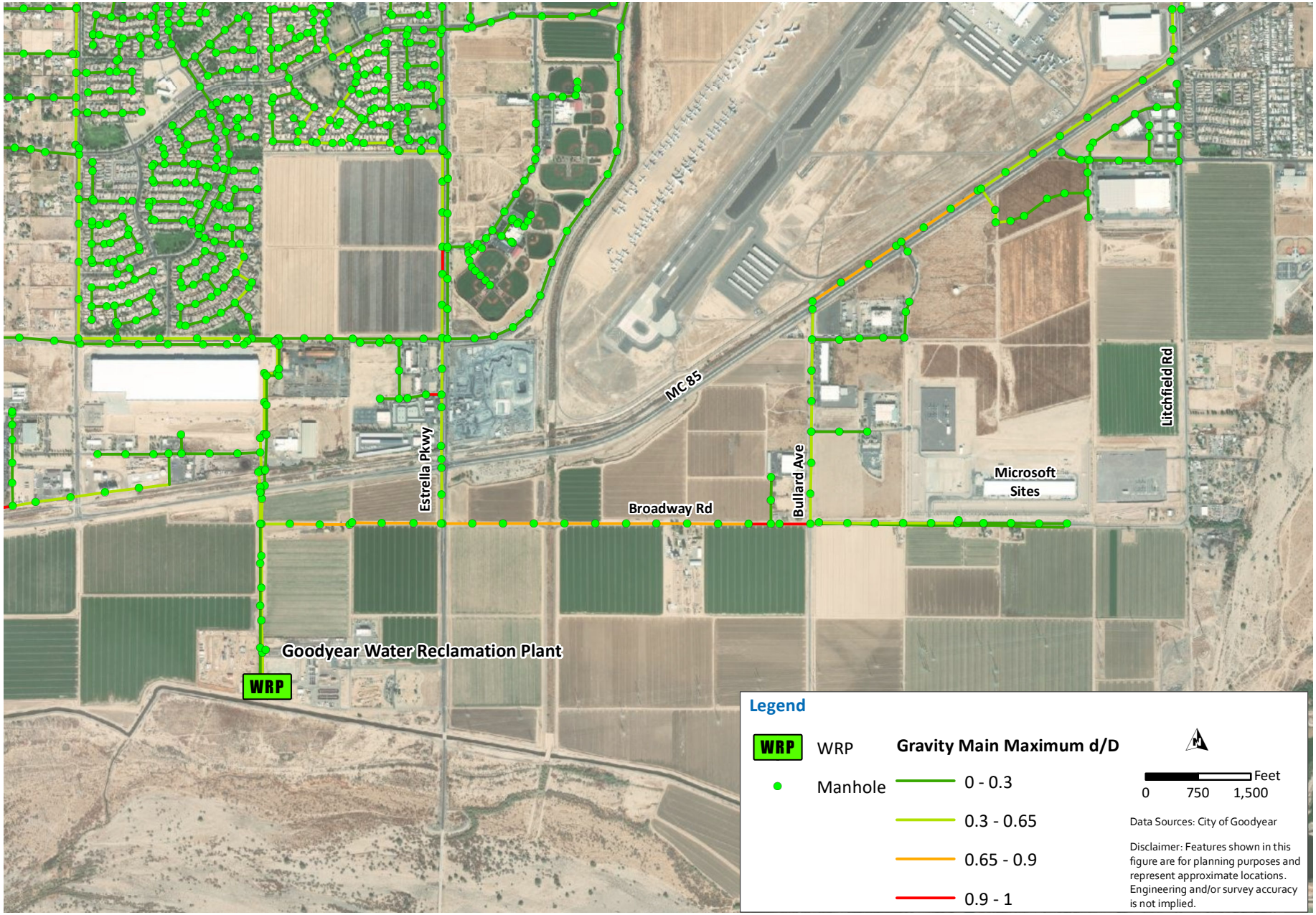


Figure B.1 Goodyear Wastewater Collection System Maximum d/D

Attachment B: PHX09 Evaporation Pond IFP Design Package Exhibit

EP-82-01 EVAPORATION POND

APN:500-07-039E
SUN LIFE ASSURANCE COMPANY OF CANADA
DOC. NO. 09-0646139
ZONE: I-1

APN:500-07-037Q
SUN LIFE ASSURANCE COMPANY OF CANADA
DOC. NO. 06-1675251
ZONE: I-1

EP-86-01 EVAPORATION POND

APN:500-07-037K
SUN LIFE ASSURANCE COMPANY OF CANADA
DOC. NO. 06-1675251
ZONE: I-1

W LOWER BUCKEYE RD

S EL CIELO

C-D-02

C-D-03

RO CONCENTRATE DISCHARGE PIPELINE FROM PHX09 REVERSE OSMOSIS BUILDING TO PONDS

APN:500-07-989
MICROSOFT CORPORATION
MCR#:1481-17
ZONE: PAD

RID TURNOUT
1 1/2-14N

RID LATERAL
1 1/2

RID TURNOUT
1 1/2-15S

C-D-04

C-D-05

PHX14

PHX13

PHX12

PHX11

PHX10

S 143RD AVE

EP-83-01 EVAPORATION POND

APN:500-07-988
MICROSOFT CORPORATION
MCR#:1481-17
ZONE: C-2

EP-85-01 EVAPORATION POND

RID TURNOUT
1 1/2-17S

EP-84-01 EVAPORATION POND

RID TURNOUT
1 1/2-17E

RID TURNOUT
1 1/2-17W

RID TURNOUT
1 1/2-16W

APN:500-07-984
MICROSOFT CORPORATION
ZONE: PAD

APN:500-07-985
ARIZONA PUBLIC SERVICE COMPANY
MCR#:1481-17
ZONE: PAD

W BROADWAY RD

MC 85

APN:500-07-006G
CITY OF PHOENIX
ZONE: AG

S LA COMETA

W ELSOL

PHX09
RO BUILDING

APN:500-07-135A
GOODYEAR AIRPARK I LLC
MCR#:287-01
ZONE: PAD

APN:500-07-136
LA COMETA PROPERTIES INC
MCR#:287-01
ZONE: PAD

APN:500-07-139
GOODYEAR STORAGE PARTNERS LLC
MCR#:287-01
ZONE: PAD

APN:500-07-133A
GTX TRANSPORT LLC
MCR#:286-20
ZONE: I-2

APN:500-07-133C
GOODYEAR INDUSTRIAL CENTER LLC
MCR#:286-20
ZONE: I-2

APN:500-07-987
MICROSOFT CORPORATION
MCR#:1481-17
ZONE: I-2

APN:500-07-137
LA COMETA PROPERTIES INC
MCR#:287-01
ZONE: PAD

EXISTING SUBSTATION

APN:500-07-144
DEL MONTE FRESH PRODUCE N A INC.
MCR#:287-01
ZONE: PAD

APN:500-07-133B
RUDOLFO BROS INVESTMENTS LLC
MCR#:286-20
ZONE: I-2

APN:500-07-986
MICROSOFT CORPORATION
MCR#:1481-17
ZONE: I-1

RO CONCENTRATE DISCHARGE PIPELINE FROM PHX09 REVERSE OSMOSIS BUILDING TO PONDS

NORTH

SCALE IN FEET

0 100 200

Contact Arizona 811 at least two full working days before you begin excavation

ARIZONA811

Call 811 or click Arizona811.com

Jacobs
2020 SW Fourth Avenue, Suite 300,
Portland, OR, 97201

CEC
Civil & Environmental Consultants, Inc.
11811 N. Tatum Blvd., Suite 3057 · Phoenix, AZ 85028
Ph: 602.760.2324 · 877.231.2324 · Fax: 602.760.2330
www.cecinc.com

Microsoft

PHX09 PERMANENT RO

14250 W BROADWAY ROAD
GOODYEAR, AZ 85338

Design Team

Design	L.REFORMA
Drawn	L.REFORMA
Checked	M.JACKSON
Jacobs Project No.	D3127002
M.S. Project No.	P.14503

Approvals

CUSTOMER	Brian Minatelli — Date
OPERATIONS	
Microsoft Mechanical Engineer	Samantha Biscottini — Date
Microsoft Cable Engineer	Carlos Ellarmo
Microsoft Electrical Engineer	Jeremy Taylor
Engineering Manager	Adam McKnight
Security Manager	Paul Mackie
CSA	Dan Schaeffer & Sandra Suskic
PROJECT MANAGEMENT	
Project Planner	Cory Murman — Date
Project Manager	
Senior Project Manager	
Development Manager	
Quality Control Reviewer	
Quality Control FF&E	

Revisions

No.	Date	Description
0	08/18/2022	PKG03 - ISSUED FOR PERMIT

Registration

REGISTERED PROFESSIONAL ENGINEER (CIVIL) CERTIFICATE NO. 38775 MIKE A. JACKSON Date Signed 08/18/22 ARIZONA, U.S.A.

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Sheet Title/Number

OVERALL GRADING PLAN

PHX09-C-D-01

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ITEM #: 17.
DATE: 06/26/2023
AI #:1569

CITY COUNCIL ACTION REPORT

SUBJECT: DEVELOPMENT IMPACT FEE AUDIT

STAFF PRESENTER(S): Jared Askelson, Deputy Finance Director

OTHER PRESENTER(S):

Celina Morris, Finance Manager-Financial Services

SUMMARY

The City Council will hold a public hearing to receive the biennial certified audit of the city's land use assumptions, infrastructure improvements plan, and development fees for the period July 1, 2020 through June 30, 2022.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Accept the Development Impact Fee Audit. (Jared Askelson, Deputy Finance Director).

FISCAL IMPACT

There is no fiscal impact to the city for receiving the report.

BACKGROUND AND PREVIOUS ACTIONS

In accordance with Arizona Revised Statute 9-463.05, a biennial certified audit of the city's land use assumptions, infrastructure improvements plan, and development fees was conducted by HintonBurdick CPAs & Advisors, for the period July 1, 2020-June 30, 2022.

The engagement included performing procedures regarding the proper receipt and use of development fees relating to the City's Land Use Assumptions and Infrastructure Improvement Plan (IIP), as adopted in 2018 and 2019, for the City's biennial period ending June 30, 2022. The procedures included reviewing 1) the progress of the infrastructure improvements plan, 2) the collection and expenditure of development impact fees for each project in the plan, 3) evaluating any inequities in implementing the plan or imposing the development impact, 4) confirming that the one percent (1%) excess construction sales tax collected was transferred

to the appropriate Impact Fee Fund in accordance with ARS 9-463-05(B)(12), and 5) that the Annual Report included the information as required by ARS 9-463-05(N).

STAFF ANALYSIS

This is considered to be a "clean" audit as there were no exceptions noted in any of the five categories required by state statute and included in the engagement.

Attachments

Biennial Certification of Land Use Assumptions, Infrastructure Improvement Plan, and Development Impact Fee for the Period July 1, 2020 through June 30, 2022

Presentation

City of Goodyear, Arizona

Report on Applying Agreed-Upon Procedures

Biennial Certification of Land Use Assumptions, Infrastructure Improvement Plan and Development Impact Fees

For the Period July 1, 2020 through June 30, 2022

HINTON BURDICK
CPAs & ADVISORS

Independent Accountant's Report
on Applying Agreed-Upon Procedures

Honorable Mayor and Council
Doug Sandstrom, Finance Director
City of Goodyear
1900 North Civic Square
Goodyear, Arizona 85395

We have performed the procedures enumerated below, for the City of Goodyear, Arizona (the City) on the proper receipt and use of development fees relating to the City's Land Use Assumptions and Infrastructure Improvement Plan (IIP), as adopted in 2018 and 2019, for the City's biennial period ending June 30, 2022. The City's management is responsible for the proper receipt and use of development fees relating to the City's Land Use Assumptions and Infrastructure Improvement Plan (IIP), as adopted in 2018 and 2019.

The sufficiency of these procedures is solely the responsibility of the City which has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of assisting with consideration of the proper receipt and use of development fees for the biennial period ending June 30, 2022. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

1. The progress of the infrastructure improvements plan:

    a. Compare revenue projections as reported in the Infrastructure Improvement Plan (IIP) to actual results of the biennial period revenues and review capital projects in process for inclusion in the IIP projects list.

        - No exceptions were noted

    b. Obtained City-prepared report (see Appendix A) documenting the progress of each project identified in the Infrastructure Improvement Plans (IIP) and agreed, for the biennial period, to the underlying accounting records.

        - No exceptions were noted

2. The collection and expenditures of development impact fees for each project in the plan:

    a. Selected a sample of 51 building permits issued and determined fees were charged in accordance with authorized fee schedules and that each permit holder was charged the same rate as other equivalent permit holders.

        - No exceptions were noted

b. Selected a sample of 51 expenditures and determined the expenditure was associated with an approved project in the City's IIP.

- No exceptions were noted

3. Evaluating any inequities in implementing the plan or imposing the development impact fee:

   a. Recalculated fees and compared to published rates to determine each developer/unit was charged the same rate as other equivalent developers/units for the sample mentioned in step 2.a. above.

   - No exceptions were noted

   b. Reviewed sample noted in 2.a and equivalent developer/unit amounts to determine there were no instances in which the City waived development impact fees, except as allowed for under A.R.S. 9-499.10(B) and A.R.S. 9-500.18.

   - No exceptions were noted

4. Determined the 1 percent excess construction sales tax collected was transferred to the appropriate Impact Fee Fund in accordance with A.R.S. 9-463-05B(12).

   - No exceptions were noted

5. Determined the annual report included the information as required by A.R.S. 9-463-05N.

   - No exceptions were noted

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the Arizona Revised Statutes section 463.05. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the proper receipt and use of development fees relating to the City's Land Use Assumptions and Infrastructure Improvement Plan (IIP), as adopted in 2018 and 2019, for the City's biennial period ending June 30, 2022. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the City's management, and is not intended to be and should not be used by anyone other than the specified party.

HintonBurdick
Gilbert, Arizona
March 20, 2023

Project Name	*FY18 EOY Balances* Allocation to LUA Growth	FY19 & FY20 Impact Fees	*FY20 EOY Balances* Remaining	*FY22 BOY Balances* Beginning Balance	FY21 & FY22 Impact Fees	FY22 Adjustments	Remaining
Fire North							
4 Fire Apparatus	3,060,000.00		3,060,000.00	3,060,000.00			3,060,000.00
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Future North Fire Station	6,270,000.00		6,270,000.00	6,270,000.00			6,270,000.00
West Goodyear Fire Station	6,105,000.00	158,730.07	5,946,269.93	5,946,269.93	362,736.13		5,583,533.80
Fire North Total	**15,485,000.00**	**158,730.07**	**15,326,269.93**	**15,326,269.93**	**362,736.13**		**14,963,533.80**
Fire South							
Fire Apparatus (2.5)	2,191,000.00		2,191,000.00	2,191,000.00			2,191,000.00
EMR Fire Station 186	7,505,100.00	2,524,138.00	4,980,962.00	4,980,962.00	5,121,400.09		(140,438.09)
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Fire South Total	**9,746,100.00**	**2,524,138.00**	**7,221,962.00**	**7,221,962.00**	**5,121,400.09**		**2,100,561.91**
Parks and Recreation North							
Central Goodyear Park (30 Acres)	10,041,000.00	6,529,792.00	3,511,208.00	3,511,208.00	11,851,330.78	*	(8,340,122.78)
Central Goodyear Park Financing Costs	4,689,000.00		4,689,000.00	4,689,000.00		*	4,689,000.00
Community Park #2	1,675,000.00		1,675,000.00	1,675,000.00			1,675,000.00
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Parks and Recreation North Total	**16,455,000.00**	**6,529,792.00**	**9,925,208.00**	**9,925,208.00**	**11,851,330.78**		**(1,926,122.78)**
Parks and Recreation South							
Foothills Community Phase II (17 Acres)	10,659,000.00		10,659,000.00	10,659,000.00			10,659,000.00
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Newland Reimbursement EMR Park	2,547,000.00	1,094,595.00	1,452,405.00	1,452,405.00	1,435,274.00		17,131.00
Parks and Recreation South Total	**13,256,000.00**	**1,094,595.00**	**12,161,405.00**	**12,161,405.00**	**1,435,274.00**		**10,726,131.00**
Police							
36 Police Vehicles	2,072,000.00		2,072,000.00	2,072,000.00	820,590.05		1,251,409.95
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Future Police Facilities Expansion	4,230,000.00		4,230,000.00	4,230,000.00			4,230,000.00
Police Building Phase 2 (8700 SF)	6,387,000.00		6,387,000.00	6,387,000.00			6,387,000.00
Police Telecom Building	1,787,500.00		1,787,500.00	1,787,500.00			1,787,500.00
Radio Tower Expansion	4,919,000.00		4,919,000.00	4,919,000.00			4,919,000.00
Police Total	**19,445,500.00**	**-**	**19,445,500.00**	**19,445,500.00**	**820,590.05**		**18,624,909.95**
Streets North							
Citrus Rd (Full City Cross Section), I-10 (End ADOT Impr.) to Thomas Road	17,440,000.00		17,440,000.00	17,440,000.00			17,440,000.00
Estrella Parkway (Outside Northbound Lane), MC85 to Elwood Street	609,000.00		609,000.00	609,000.00			609,000.00
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
I-1 Pebble Creek Parkway and Interstate 10 Intersection	2,882,000.00		2,882,000.00	2,882,000.00	391,794.35		2,490,205.65
I-5 Lower Buckeye Road and Sarival Avenue Intersection	756,750.00		756,750.00	756,750.00			756,750.00
McDowell Road and Citrus Road Intersection	2,919,000.00		2,919,000.00	2,919,000.00	150,457.04		2,768,542.96
R-4 Yuma Road, Canyon Trails to Sarival Avenue	4,235,000.00		4,235,000.00	4,235,000.00	146,134.83		4,088,865.17
Sarival Avenue (West Half), Yuma Rd to Elwood Street	10,858,000.00		10,858,000.00	10,858,000.00			10,858,000.00
Streets North Total	**39,749,750.00**	**-**	**39,749,750.00**	**39,749,750.00**	**688,386.22**		**39,061,363.78**

Streets South							
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
I-8 Estrella Parkway and Cotton Lane Intersection	7,481,000.00		7,481,000.00	7,481,000.00			7,481,000.00
R-2 Estrella Parkway, Vineyard Avenue to MC85	14,329,000.00		14,329,000.00	14,329,000.00	321,876.53		14,007,123.47
R-2 Financing Costs	5,924,000.00		5,924,000.00	5,924,000.00			5,924,000.00
Streets South Total	**27,784,000.00**	**-**	**27,784,000.00**	**27,784,000.00**	**321,876.53**		**27,462,123.47**
Wastewater North							
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Goodyear GWRF Expansion 6 to 8 MGD	9,580,864.00		9,580,864.00	9,580,864.00			9,580,864.00
Goodyear WRF Expansion 4 to 6 MGD	14,546,136.00	4,540,587.00	10,005,549.00	10,005,549.00			10,005,549.00
WIFA Debt Service	4,951,100.00	1,924,928.00	3,026,172.00	3,026,172.00			3,026,172.00
WPA 2 New 12 In Sewer (5,090 LF) Bullard Avenue from Van Buren to Yuma	1,300,000.00		1,300,000.00	1,300,000.00			1,300,000.00
Wastewater North Total	**30,428,100.00**	**6,465,515.00**	**23,962,585.00**	**23,962,585.00**	**-**		**23,962,585.00**
Wastewater South							
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Odor Control Improvements	1,294,500.00		1,294,500.00	1,294,500.00			1,294,500.00
Rainbow Valley WRF Reimbursements	3,708,457.00	1,339,411.00	2,369,046.00	2,369,046.00	1,875,628.00		493,418.00
Rainbow Valley WRF Expansion	10,595,200.00		10,595,200.00	10,595,200.00			10,595,200.00
Wastewater South Total	**15,648,157.00**	**1,339,411.00**	**14,308,746.00**	**14,308,746.00**	**1,875,628.00**		**12,433,118.00**
Water North							
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
GRIC Lease Payments	5,862,000.00	324,235.00	5,537,765.00	5,537,765.00			5,537,765.00
Oversizing Lines	1,600,000.00		1,600,000.00	1,600,000.00			1,600,000.00
Site #12 Increase Booster Capacity	2,200,000.00	1,205,684.00	994,316.00	994,316.00			994,316.00
Surface Water Project Principal and Interest	49,747,000.00	35,239,160.45	14,507,839.55	14,507,839.55	-	(35,239,160.45) **	49,747,000.00
WPA 2- New 16-in water main (5,280 LF) Litchfield Road from Yuma Rd to Van Buren St	1,700,000.00		1,700,000.00	1,700,000.00	1,834,099.80		(134,099.80)
WPA 2- New 16-in water main (650 LF) Lithcfield Road from EL Cielo Street to MC85	200,000.00		200,000.00	200,000.00			200,000.00
Water North Total	**61,359,000.00**	**36,769,079.45**	**24,589,920.55**	**24,589,920.55**	**1,834,099.80**		**57,994,981.20**
Water South							
1.5 MGD Reservoir Project	4,600,000.00		4,600,000.00	4,600,000.00			4,600,000.00
Future LUA IIP Updates and Audits	50,000.00		50,000.00	50,000.00			50,000.00
Northern Solutions Reimbursement	13,929,000.00	5,205,403.00	8,723,597.00	8,723,597.00	8,600,155.00		123,442.00
Rainbow Valley Water Campus Booster	1,141,000.00		1,141,000.00	1,141,000.00			1,141,000.00
Surface Water Project Principal and Interest	27,425,000.00		27,425,000.00	27,425,000.00	-		27,425,000.00
Water South Total	**47,145,000.00**	**5,205,403.00**	**41,939,597.00**	**41,939,597.00**	**8,600,155.00**		**33,339,442.00**

**The City of Goodyear 2018 DIF Study – Land Use Assumptions and IIP plan assumed financing using a 20-year term and 5% interest rate and loan costs of 1.5%. Future interest payments were net present valued assuming a 5% discount rate. The amount shown of $4,689,000 includes net present value of future interest payments and loan costs. However, the City opted not pursue debt and funded 100% of the project with impact fees. Thus, there are were no interest payments or loan costs*

***Costs in prior years were costs associated with the surface water project. The City had designated other funding sources to cover these project costs, so an adjustment is being made to this schedule to show the remaining amounts of allocated finance costs to be covered by development fees in future years.*



City of Goodyear

Development Impact Fee Audit

Regular City Council Meeting
June 26, 2023

Development Impact Fee Audit

- Required by state law
- Biennial audit
- July 1, 2020-June 30, 2022
- Heinfeld, Meech & Company

Development Impact Fee Audit

- Progress on the Infrastructure Improvement Plan
- Collection and expenditure of fees
- Evaluate inequities in plan or fees
- Construction sales tax applied appropriately
- Annual Report is in compliance

Audit Findings

- No exceptions were noted in any category

Development Impact Fee Audit

- Public hearing
  - Open
  - Presentation
  - Receive public comment
  - Close
- Accept Development Impact Fee Audit

ITEM #: 18.
DATE: 06/26/2023
AI #:1443

CITY COUNCIL ACTION REPORT

SUBJECT: USE PERMIT FOR A CONVENIENCE USE AT THE SOUTHEAST CORNER OF SARIVAL AND YUMA, WITHIN PUEBLO VERDE COMMERCIAL

STAFF PRESENTER(S): Christian M. Williams, Principal Planner

SUMMARY

This is a Public Hearing for and consideration of a Use Permit request for a convenience use proposed at the southeast corner of Sarival Avenue and Yuma Road, within Pueblo Verde Commercial.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

Approve the request for a Use Permit for a convenience use for a drive-through restaurant on an approximately 1.28-acre portion legally described in that certain document titled Site Plan for McDonald's (the "Property") of a larger 3.16-acre property zoned Planned Area Development (PAD) with an underlying zoning of C-1 (Neighborhood Commercial) located at the southeast corner of Sarival Avenue and Yuma Road, within the Pueblo Verde PAD, subject to stipulations. (Christian M. Williams, Principal Planner)

STIPULATIONS

The approval of the Use Permit is subject to the following conditions and stipulations:

1. The Site Plan for McDonald's and the supporting submittal documents including the McDonald's Building Elevations and McDonald's Landscape Plans, attached hereto are not approved and are conceptual until approved. (The Site Plan for McDonald's attached hereto is hereinafter referred to as the "Conceptual McDonald's Site Plan") All future development on the Property is subject to final site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation; and

2. The Property shall be developed in substantial conformance with the Conceptual McDonald's Site Plan, the McDonald's Building Elevations attached hereon, and the Landscape Plans attached hereto, none of which have received final approval; and

3. Mitigation measures shall be implemented to mitigate escape of odors generated by the operations of the restaurant to nearby residential developments. Prior to approval of building permits for the Property, the applicant/franchisee shall provide an odor mitigation plan to the City of Goodyear that specifies the range of odor mitigation practices to be used onsite to control odor-emitting activities, sources, and locations. The plan shall be submitted with the building plans and require approval from the Development Services Director, or designee. Such mitigation measures are subject to the approval of the Development Services Director or his designee and shall include, at a minimum:
A. An exhaust scrubbing device, such as the AirMaid Corona Glass Cell or similar device, shall be installed to mitigate odor impact to nearby residential developments. Such installation shall be reviewed and approved as part the building permit review; and

No Building Permit shall be issued for the restaurant on the Property until the mitigation plan has been submitted and approved by the Development Services Director or his designee and no Certificate of Completion or Certificate of Occupancy for the restaurant be issued for any building on the Property until the improvements identified in the mitigation plan have been completed. The failure to maintain all approved mitigation measures in good working order shall be a violation of the terms of the Use Permit and unless timely corrected is grounds for the termination of the Use Permit; and

4. The development of the Property shall conform to the standards designated for Lighting Zone 2 as established in Article 10, Outdoor Lighting Standards, of the City of Goodyear Zoning Ordinance; and

5. The maintenance average luminance over the entire parking lot shall be no greater than 3.3-foot candles. Building mounted lighting shall include "house-side-shields and cutoffs to reduce hot spots. Light trespass shall not exceed 0.8 vertical foot candles at all residential property lines and will be measured at six feet (6') above grade, with the light meter aimed at 90 degrees above nadir and perpendicular into the site. Light poles adjacent to residential lots shall be a maximum of 18 feet, including concrete base(s). Final photometric plans shall be reviewed and approved by Development Services staff in an effort to minimize light trespass into residential neighborhoods prior to the issuance of a building permit; and

6. All site lighting (building, parking, or security) shall be directed down with sharp cut-off directional lighting fixtures. All lighting on the site shall be dimmed to 50% between 10 p.m. and 6 a.m. No wall mounted lights, on the south side of the building, may be placed higher than 8 feet above the building foundation. All under-canopy lights shall be screened by the canopy edge, such that the light source is not visible from the east property line; and

7. Noise from speakers for drive-through facilities located on the Property shall not be audible within any residentially zoned property. Sound shall be mitigated using volume control, sound attenuation walls, landscaping, or other measures acceptable to the Zoning Administrator or designee; and

8. A six foot (6') tall decorative CMU wall, similar to the one shown on the Conceptual McDonald's Site Plan attached hereto, shall be constructed on the south side of the

drive-through lane to block noise from the speakers and vehicles; and

9. The drive-through speaker box canopy shall be designed to match the aesthetics of the building and trellis architecture as well as colors;

10. The base of all sign boards and menu boards shall not contain single poles but shall be designed in a decorative manner in accordance with the Article 7, Sign Regulations, of the City of Goodyear Zoning Ordinance; and

11. The configuration and location of the proposed drive-through lanes and pick-up window and resultant traffic patterns shall be developed in substantial conformance with the Conceptual McDonald's Site Plan attached hereto. An amendment to the Use Permit shall be required if the Zoning Administrator determines that the site plan submitted for approval is not in substantial conformance with the Conceptual McDonald's Site Plan attached hereto; and

12. In no instance shall queued vehicles obstruct designated fire lanes or public streets. Any observed obstruction by city staff shall be immediately remediated by the owner/operator and owner/operator shall prepare a traffic management plan to prevent future obstructions, which shall be completed and submitted to the Fire Chief and Director of Engineering or their respective designees within 30 days of staff's notification to the owner or operator that staff had observed the obstruction of designated fire lanes and/or public streets. Said plan shall require approval from the Fire Chief and Engineering Director, or designees. The owner/operator shall comply with all requirements in the approved traffic management plan. The failure to comply with the requirements set forth herein can result in the termination of this use permit if an approved traffic management plan is not in place and implemented in a timely fashion following city staff's notification that such a traffic management plan is required. Repeated observations of obstructions to designated fire lanes and/or public streets can result in the termination of the use permit; and

13. No signage is approved as part of this Use Permit. All signage proposed on the Property shall require separate submittal and review of sign permits, and shall comply with the City of Goodyear Zoning Ordinance and the following:
A. Internally illuminated signage shall not be placed on the south side of any building on the Property. External illumination is permitted as long as the light source is fully shielded and not visible from adjoining properties or public ways.

14. Hours of operation shall be between the hours of 5 a.m. to 12 a.m. Product or service deliveries associated with the restaurant shall be prohibited between the hours of 10:00 p.m. and 6 a.m.; and

15. Any trees damaged or removed, due to the construction of a deceleration lane along Sarival Avenue, shall be replaced with 36-inch box trees. The replacement trees and any irrigation modifications associated with such tree replacements shall be the sole cost of the owner/developer and shall be coordinated with the Glenmont Estates (Pueblo Verde residential) Homeowners Association; and

16. Any bushes or shrubs damaged or removed, due to the construction of a deceleration lane along Sarival Avenue, shall be replaced with like material, with shrubs having a minimum size of five gallons. The replacement bushes and shrubs and any irrigation modifications associated with such bush and shrub replacements shall be the sole cost of the owner/developer and shall be coordinated with the Glenmont Estates (Pueblo Verde

residential) Homeowners Association;

17. Prior to the issuance of a certificate of completion, temporary certificate of occupancy, and/or permanent certificate of occupancy, the median located within Yuma Road, that is located east of Sarival Avenue and the eastern boundary of Lot 2 of A Minor Land Division Map of Tract YY Per Final Plat of Pueblo Verde Book according to the plat of record in the office of the County Recorder of Maricopa County, Arizona recorded in Book 1686 of Maps Page 50 shall be fully landscaped in accordance with the requirements for median landscaping in the City of Goodyear Engineering Design Standards and Policies; and

18. All temporary retention basins along the frontage of the Sarival Avenue and Yuma Road right-of-way shall be temporarily covered with decomposed granite; and

19. The owner/developer shall submit a Comprehensive Sign Package for the commercial parcel prior to approval of a site plan for the Property; and

20. Prior to issuance of the first construction permit for any work within the Property, the city shall be provided, at no cost to the city, an Emergency Access Easement to be dedicated by separate instrument or as a part of a Final Plat. The easement shall be in a form provided by the City Attorney or his designee, shall be recorded in the official records of the Maricopa County Recorder, and the recording information inserted in the Final Plat or Minor Land Division prior to recordation of the Final Plat or Minor Land Division; and

21. Prior to issuance of the first construction permit for any work within the Property, the city shall be provided, at no cost to the city, a Water Meter Easement to be dedicated by separate instrument or as a part of a Final Plat. The easement shall be in a form provided by the City Attorney or his designee, shall be recorded in the official records of the Maricopa County Recorder, and the recording information inserted in the Final Plat or Minor Land Division prior to recordation of the Final Plat or Minor Land Division; and

22. Prior to issuance of the first construction permit for any work within the Property, the city shall be provided, at no cost to the city, Temporary Drainage Easements, as identified on the approved site plan for the Property, to be dedicated by separate instrument. The easement shall be in a form provided by the City Attorney or his designee, shall be recorded in the official records of the Maricopa County Recorder, and the recording information inserted in the Final Plat or Minor Land Division prior to recordation of the Final Plat or Minor Land Division; and

23. Prior to the issuance of a Certificate of Completion, Temporary Certificate of Occupancy of Certificate of Occupancy for any structure within the Property, a dedicated right turn deceleration lane in conformance with City Standard Detail G-3230 shall be constructed on Sarival Avenue providing access into the Property from the driveway as reflected on the Conceptual McDonald's Site Plan. The City shall be provided, at no cost to the City, the right of way or an easement needed to accommodate the right turn deceleration lane. If the property needed for the deceleration lane is conveyed to the City in fee, it shall be lien free and free of all encumbrances unless agreed to by the City. If an easement is provided for the deceleration lane, the easement shall be in a form provided by the City and the easement shall be conveyed lien free and free of all encumbrances unless agreed to by the City. It shall be the responsibility of the owner/developer to coordinate with Pueblo Verde Community Association to acquire the necessary right of way or easements for the deceleration lane. If the City is not provided the right-of-way or an easement for the deceleration lane, the

Conceptual McDonald's Site Plan shall be modified and the driveway relocated to a location where owner/developer can provide right-of-way or an easement for a deceleration lane to the relocated driveway or access from the driveway to Sarival will be limited to egress only, that is, there will be no entry into the Property from Sarival; and

24. Owner/developer shall complete the construction of all improvements for the half-street improvements for the east half of the section of Sarival Avenue along the frontage of the Property required for a Minor Arterial as set forth in the City of Goodyear Engineering Design Standards in effect when the improvements are constructed by installing landscaping within the right-of-way as required in the City of Goodyear Engineering Standards (the Sarival Road Improvements") The Sarival Road Improvement shall be completed prior to the issuance of any Certificate of Completion or Certificate of Occupancy for the Restaurant; and

25. Owner/developer shall complete the construction of all improvements for the half-street improvements for the south half of the section of West Yuma Road along adjacent to the frontage of the Property required for a Scenic Arterial as set forth in the City of Goodyear Engineering Design Standards in effect when the improvements are constructed by installing landscaping within the right-of-way as required in the City of Goodyear Engineering Standards (the Yuma Road Improvements") The Yuma Road Improvement shall be completed prior to the issuance of any Certificate of Completion or Certificate of Occupancy for the Restaurant; and

26. The Property Owner shall dedicate prior to the issuance of the first construction permit, unless dedicated or in the process of being dedicated by others through separate instruments or a final plat process, at no cost to the city, all rights-of-way and/or easements that are: (i) needed for the construction of infrastructure improvements required for the city to provide water and wastewater services to the Property; (ii) required to be dedicated under any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the city of Goodyear subdivision regulations, Building Codes and Regulations, and the City of Goodyear's Engineering Design Standards and Policies; (iii) required for the construction of improvements for which Owner is responsible for constructing or for which Owner is responsible for making in-lieu payments; (iv) required for the construction of the infrastructure improvements to be constructed pursuant to the stipulations herein; and (v) required for public infrastructure improvements Owner is required to construct pursuant to any applicable law, code, ordinance, rule, regulations, standards, guidelines governing the development of the Property including, but not limited to the City of Goodyear subdivision regulations, Building Codes and Regulations, and the city of Goodyear's Engineering Design Standards and Policies.

FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

BACKGROUND AND PREVIOUS ACTIONS

The subject property is located at the southeast corner of Sarival Avenue and Yuma Road in the Pueblo Verde Planned Area Development. The C-1 (Neighborhood Commercial) zoning was approved on November 8, 2004 with Ordinance No. 04-921. The C-1 Neighborhood Commercial land use designation establishes convenience uses (drive-through) as a use that requires approval of a Use Permit.

STAFF ANALYSIS

Current Policy:

A Use Permit requires review by the Planning and Zoning Commission and approval by the City Council following required public hearings. The process for the review of a Use Permit is set forth in section 1-3-2 of the Goodyear Zoning Ordinance and in the City of Goodyear Administrative Process Manual.

Details of the Request:

The applicant is requesting a Use Permit for a convenience use (drive-through restaurant) on a vacant parcel within the Pueblo Verde Commercial site. As previously noted, the Property is designated for neighborhood commercial use and will be developed in accordance with the PAD's design guidelines and city's C-1 (Neighborhood Commercial) zoning district. As required in the C-1 (Neighborhood Commercial) zoning district, a restaurant with a drive-through must obtain approval of a Use Permit prior to development.

The applicant submitted their application for a Use Permit prior to the city's new drive-thru standards being approved on June 27, 2022. The text amendment became effective on July 27, 2022. However, two drive-through lanes with queuing that meets the city's new requirements of at least six (6) stacking spaces from the drive through entry to the first stop (i.e. menu/order board) and at least four (4) stacking spaces from the menu board to the first product pick-up window has been voluntarily provided.

The proposed convenience use will be a McDonald's drive-through restaurant. As shown on the preliminary site plan submitted with the Use Permit, the restaurant will consist of a single-story (24' 4'' tall), approximately 4,000 square-foot building.

The site will include a double lane drive-through, with three windows for payment and pick up. Parking for the proposed convenience use will be provided onsite in conformance with city standards. The site will contain a driveway which connects to the previously approved Pueblo Verde storage which is actively under development.

Section 1-3-2 (Use Permits) of the Zoning Ordinance requires that the Planning and Zoning Commission and City Council determine that the proposed use meets the following findings prior to granting a Use Permit:

1. The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;

The proposed use, as described in the materials provided with the Use Permit and as stipulated herein, should not generate excessive traffic, odors, noise or light to the detriment of the surrounding area. Traffic impacts have been reviewed and determined to be in conformance with the roadway capacity and improvements for this area. The drive-through

lanes and queue have been internalized to the Property and should not detrimentally affect surrounding properties or public streets. Two drive-through lanes with queuing that meets the city's new requirements of at least six stacking spaces have been provided. Stipulations have been including requiring speakers to not be audible to residential property and lighting to be shielded per city of Goodyear lighting standards. Signage facing east is also restricted by stipulation to prevent light pollution overnight.

2. The proposed use is reasonably compatible with uses permitted in the surrounding area;

The proposed use would be located within an undeveloped parcel subject to the city's C-1 (Neighborhood Commercial) zoning regulations, which is intended for similar commercial uses. The Property is located at the southeast corner of Sarival Avenue and Yuma Road and is between 150' and 210' from the residential development to the south. Within this separation distance are a vacant pad site and a portion of the approved Pueblo Verde Storage development that are also subject to the city's C-1 (Neighborhood Commercial) zoning regulations. As such, the Property is not directly adjacent to any existing residential development, but rather is buffered from the residential by future commercial development. At this time, there are currently no plans for the vacant pad sites. Additionally, a 6' tall decorative CMU will be installed along the southern edge of the drive-through lane to further buffer existing residential from the drive-through use.

The architecture of the building will match the themes established within this portion of Goodyear and substantially match the colors, materials and roofline of the storage building currently under construction. Additionally, the building will include agrarian elements such as trellis shade coverings and picket fencing.

The Property is located along a major arterial road abutting commercial to the northwest, south and east and is approximately one mile east of the future Arizona State Route 303 Loop and a future interchange with Yuma Road.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance provides the following additional evaluation criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site:

1. Adequacy of the parcel size and configuration to provide for proper access and internal circulation.

The 1.28-acre parcel is of sufficient size and configuration to accommodate the proposed restaurant with drive-through. The proposed access and internal traffic circulation pattern have been designed to be connected and cohesive with future pad sites and users within the Pueblo Verde commercial center. Queuing space for the drive-through meets city's new standards and, pursuant to the traffic study, can be accommodated onsite without adversely impacting any public streets or adjacent land uses.

2. Compatibility of the proposed hours of operation with adjacent residential areas.

Hours of operation shall be restricted to 5 a.m. to 12 a.m. Product or service deliveries (including trash removal) associated with the restaurant shall be prohibited between the hours of 10:00 p.m. and 6 a.m. Staff supports these time restrictions as the Pueblo Verde PAD and Ordinance require limitations on hours of operations for commercial uses within the PADs commercial site. Staff has also included stipulations to address noise and light impacts.

3. Required traffic mitigation measures, if any.

A traffic study was submitted with the application for Use Permit. All intersections are expected to continue to operate at an adequate level of services with the proposed uses and the traffic study for the site was approved by the Engineering Department. The Sarival Avenue and Yuma Road intersection is currently signalized.

Ingress/egress is provided from both Sarival Avenue and Yuma Road. The driveway off of Yuma Road will be left in, right in and right out. The access off of Sarival Avenue will be right in and right out. Currently, along Sarival Avenue and Yuma Road, the half-street improvements are completed with the exception of deceleration lanes and landscaping.

4. Other concerns, which may place the advisability of the proposed convenience use in question.

As described in more detail later in this report, staff did receive neighborhood opposition to this request. In response, additional stipulations of approval are recommended to promote greater compatibility between the proposed use and nearby neighborhood.

Fire Department:
Emergency response times and distances are provided below:

Nearest Goodyear Fire Station	Shortest path		2nd Nearest Goodyear Fire Station	Shortest path	
	Mins	Miles		Mins	Miles
Fire Station #184	.73	.36	Fire Station #181	7.42	3.71

Public Participation and Planning and Zoning Commission Meeting:
An in-person Neighborhood Meeting was conducted for this proposal and Notice of the Neighborhood Meeting was provided to property owners within 500 feet of the property on January 5, 2023; signs advertising the Neighborhood Meeting were placed on the site on January 10, 2023. The neighborhood meeting took place on January 25, 2023. More than 30 residents were in attendance at the meeting; most residents reside within Glenmont Estates (Pueblo Verde residential) with a few residing in Wildflower Ranch.

Residents expressed several concerns at the meeting including: the proximity of the speaker box to their homes and the speaker box facing south towards their homes, idling cars and the noise of car music in proximity to their homes, property values, potential for trash and roof rats (rodents), the potential for children to fall into their backyards and become injured causing insurance liability and increased insurance rates (due to children potentially sitting on top of the HOA wall while consuming their McDonalds meals), the potential for damage to their HOA/private yard wall (due to children sitting on top of their private HOA/private yard wall), traffic and the existing intersection and roadways of Yuma Road and Sarival Avenue, the potential for homelessness and the restaurant acting as a regional draw, their desire to have sit down restaurants and not a drive-through operation, and the status of their commercial corner as neighborhood commercial. At the conclusion of the Neighborhood Meeting, at least 23 of the 30 sign in lines were marked by residents/households to indicate their opposition to the Use Permit.

A public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on June 14, 2023 appeared in the Arizona Republic Southwest Valley Edition May 26, 2023; postcards were mailed to adjoining owners on April 21, 2023; and signs were posted on the site on April 26, 2023.

The Planning and Zoning Commission considered this item at their regular meeting of June 14, 2023. Upon conclusion of the staff presentation, three resident expressed concerns for the Use Permit, in particularly the impacts of a drive-through restaurant at this location, one member of the community spoke in favor of the Use Permit and three other speaker cards were submitted in opposition to the Use Permit but did not wish to speak. At the conclusion of the Public Hearing, Commissioners voted (3-2) to forward a recommendation of approval to the City Council.

Staff Findings:

Staff finds that the proposed Use Permit for a convenience use (McDonald's drive-through), subject to the conditions and stipulations set forth above, meets the Zoning Ordinance requirements for convenience uses, will not be materially detrimental to adjacent properties and will be compatible with the surrounding area. Staff is recommending approval of the Use Permit subject to the conditions and stipulations set forth above.

Attachments

Aerial Exhibit
Project Narrative
Site Plan for McDonalds (not approved)
McDonalds Building Elevations (not approved)
McDonalds Landscape Plans (not approved)
Staff Presentation
Applicant Presentation

Aerial Exhibit
22-300-000
Mcdonals Pueblo Verde



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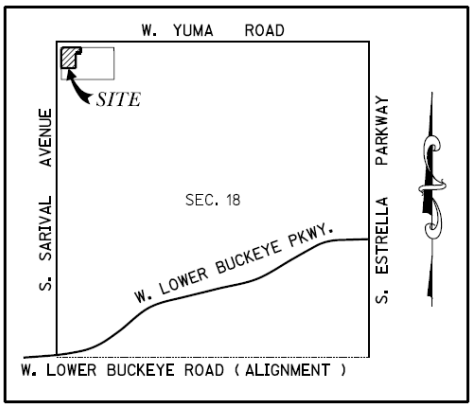
March 06, 2023

McDonald's Yuma & Sarival

Use Permit & Site Plan Project Narrative
Project Number: 22-30000002

Site Information

Location:	Southeast Corner of Yuma Road and Sarival Avenue
Gross Site Area:	2.16 acres (94,116 s.f.)
Net Site Area:	1.28 acres (55,667 s.f.)
Zoning:	Neighborhood Commercial (C-1) PAD
Zoning History:	Ordinance 04-921



VICINITY MAP
N.T.S.

Introduction

This narrative accompanies a request by SEC Yuma and Sarival LLC for a Site Plan and Use Permit to allow the development of a McDonald's restaurant and drive-through on approximately 2.16 gross acres located on the southeast corner of Yuma Road and Sarival Avenue. The property is part of a larger commercial corner that is currently zoned Neighborhood Commercial (C-1) within the Pueblo Verde PAD, approved on November 8, 2004. A recent Site Plan and Special Use Permit for a self-storage was approved for the eastern 3.8 gross acres, leaving the intervening property available for future development.

Use Permit

Neighborhood Commercial (C-1) zoning district is "intended to provide limited retailing, generally on small parcels, serving nearby residential neighborhoods." The C-1 District allows Restaurants as a Principal Permitted Use, however, Section 3-3-2 requires drive-through facilities located within 500 feet of a residential zone to first obtain a Use Permit before Site Plan approval can be granted. Section 1-3-2 of the Goodyear Zoning Ordinance establishes performance criteria to be met by proposals seeking a Use Permit. Additionally, Section 4-2-2 provides for additional criteria for Convenience Uses such as the proposed drive-through. The following narrative and analysis are intended to assist Staff and City leadership in their review and support of this proposal.

March 06, 2023

Use Permit Criteria

1. *"Will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare."*

   The overall 5.8-acre commercial property located at the southeast corner of Yuma Road and Sarival Avenue was part of the Pueblo Verde PAD, a 156-acre mixed-used planned community comprised of up to 406 homes. Approved on November 8, 2004, this property contemplated the demand for appropriately scaled commercial uses in the area. The C-1 Neighborhood Commercial zoning district encourages uses that are designed to serve, and be compatible with, nearby residential neighborhoods. There is demand for restaurant uses in the area with limited opportunities for additional commercial development at this intersection. Currently, there are only four restaurants in the area, and all of which are located on the northwest corner of Yuma Road and Sarival Avenue in the Sarival Marketplace shopping center. Considering the large number of homes in the area and the limited dining opportunities in the immediate area, this restaurant, and the proposed drive-through, will increase the number of dining options also improve overall convenience for residents.

   As was noted, a self-storage facility is under construction at the east end of this commercial property. This use serves two functions with relation to this proposal. First, it established the design theme for the property to which this proposed McDonalds building and site will adhere. Second, the self-storage use will act as a physical buffer from the homes located to the south and east of the site as storage buildings will be located between the proposed McDonalds and most of the residential back yards. Additionally, the location of this use, at the northwest corner of the commercial property, not only serves the business, but also maximizes the separation from the few homes not buffered by the self-storage. Of note is the separation between the nearest residential lot and the drive-through point-of-order, is approximately 150'.

2. *"That the proposed use is reasonably compatible with uses permitted in the surrounding area."*

   The General Plan designation and current C-1 zoning allow neighborhood-scale commercial uses, such as restaurants, retail, and personal services and is located at the intersection of Yuma Road and Sarival Avenue, both considered arterial roadways within that plan. The proposed convenience restaurant, with the requested drive-through via this Use Permit, will fit with other future retail uses on the property and in the immediate area of these heavily traveled roadways that connect Goodyear residents with their homes, shopping, services, and employment. At the northwest corner of the Sarival and Yuma intersection is a shopping center with multiple convenience food restaurants, including a Burger King with a drive-through, as well as bank drive-through and a gas station.

   Noise Mitigation

   A common concern with drive-through uses is the volume of any speakers or intercom systems associated with the menu board and placing orders. With the proposed McDonald's, these concerns will be mitigated through equipment selection which

includes Automatic Volume Control (AVC) to adjust to ambient conditions as well as operations.

From an operational standpoint, for efficiency in operations, this McDonalds employs a digital display at the point of order. When a customer places the order, the employee can simply ask "is your order correct on the screen" as opposed to reading back the entire order, which significantly reduces the speaker use.

When the speaker is used, the use of the AVC system reduces the decibel volume of the speaker which then allows the sound level at a distance to fall well below ambient conditions. The sound transmission data for the proposed AVC speaker system, compared to a standard speaker, is provided in the table below illustrating that at only a distance of 16 feet, the speaker sound is calculated to be 36 decibels. For comparison, it is suggested that the sound volume in a quiet library is typically around 40 decibels with an average bedroom at night suggested to be around 30 decibels. The residential is about 150' from the proposed speakers, and as calculated, sound from the AVC controlled speaker will fall well below those levels at the property line.

Speaker / Sound Transmission Information with 45 decibel ambient sound noise

Distance From Speaker	Decibels of Standard Speaker	Decibels with AVC
1'	84	60
2'	78	54
4'	72	48
8'	66	42
16'	60	36

In order to avoid any perceived sound transmissions from reaching the residential to our south, we have included a solid 6' tall CMU wall along the entire south side of the drive-through, thereby eliminating any potential for direct sound transmission from the drive-through operations, no matter what volume level, from reaching the residential.

Odor Mitigation

While not technically subject to this Use Permit request for a drive-through, we heard from our residential neighbors that they had a concern for odors that could emanate from the restaurant. As such, we have agreed to add an exhaust scrubbing device as part of an odor mitigation plan submitted to the City of Goodyear. Outside below-grade grease interceptors are monitored and maintained per County and State guidelines; and the trash enclosure area is cleaned several times a day. McDonald's operation standards are rigorously enforced making sure that the site is cleaned frequently, and trash containers are emptied regularly.

Light Pollution Mitigation

Also not specifically part of the drive-through request, as part of the overall development of the commercial property for a restaurant, McDonalds is committed to eliminating light trespass into the adjacent residential. All outdoor illumination, specifically pole mounted

parking lot lights, will be directed down with a sharp cut-off. All lighting shall be dimmed to 50% between 10:00pm and 6:00am.

Convenience Use Specific Criteria

1. *"Adequacy of the parcel size and configuration to provide proper access and internal circulation."*

   The McDonald's is part of an overall 3.8 acre commercial property. The eastern portion has been approved for a self-storage facility which shares vehicular access points with the McDonalds and other future commercial space. The site plan for the McDonald's provides for proper access and all internal circulation. Queuing space for the drive-through meets city standards and pursuant to the traffic study, can be accommodated onsite without adversely impacting any public streets or adjacent land uses.

2. *"Compatibility of proposed hours of operation with adjacent residential areas."*

   Per the Pueblo Verde PAD which zoned the subject property as well as the adjacent homes, it is stipulated that "Future users upon the commercial parcel shall be prohibited from conducting business as a 24-hour operation." The hours of operation for McDonalds will be 5:00am to Midnight in compliance with this requirement. Also, product or service deliveries associated with the commercial parcel will be prohibited between the hours of 10:00pm and 6:00am as required in the PAD Zoning.

   We heard a concern form neighbors during the outreach process that delivery trucks may arrive earlier than 6:00am and simply remain idling in the parking lot causing excess noise. The applicant will ensure that any trucks arriving outside of delivery hours will not be permitted to idle and create unnecessary noise.

3. *"Required traffic and access mitigation measures" including segregation of queuing lanes, vehicle access and pedestrian circulation areas.*

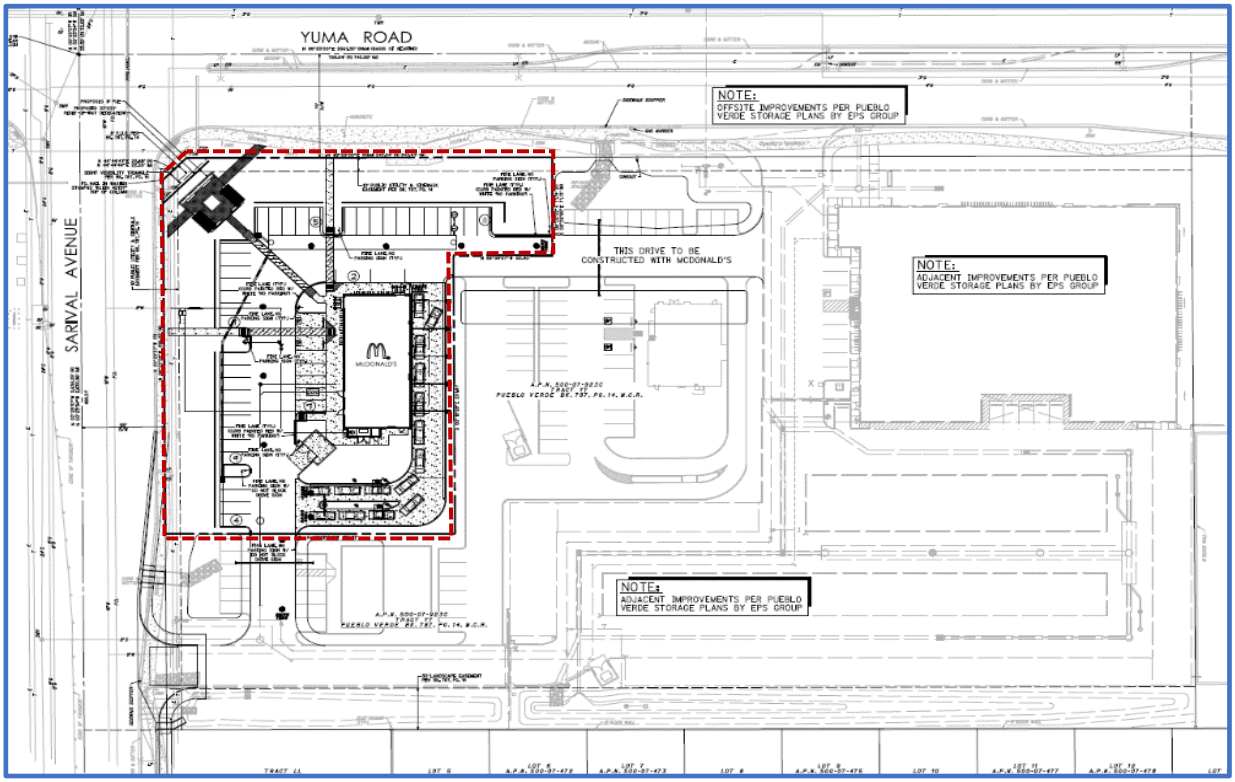
   Access to this site is from Yuma Road and/or Sarival Avenue and circulation for this use and the other commercial uses on the property will be entirely within the commercial center with no immediate impacts on the surrounding neighborhood. As part of the Use Permit request, a traffic study was submitted that confirms that all intersections are expected to continue to operate at an adequate level of services.

   The design of the drive-through meets all the current vehicle stacking and maneuvering requirements as recently amended by the City of Goodyear

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Site Plan

In addition to the request to approve the Use Permit for a restaurant drive-through, this request is accompanied by a request to approve a Site Plan, which requires the review of the building location, appearance, site landscaping, and site civil design. Included in this application are the necessary plans and exhibits with the required details for each discipline to review. The proposed restaurant is located on the westernmost portion of the commercial center.



Access to the property will be from Yuma Road and from Sarival Avenue via shared driveways for the overall center. To ensure adequate vehicular movement and emergency service vehicle access, all internal driveways will be 30' wide. Parking has been calculated to require 40 spaces; however, 45 spaces will be provided. Additionally, there will be two initial queuing points and menu boards. These queues are designed to merge into a single queue before the three service windows. It total, there will be 253' of drive-through queuing, though it should be noted that the drive-through lane beyond the menu board will be 22' feet wide to allow for a bypass option or additional two-lane queueing should an unplanned need arise. The standards of the drive-through lane exceed those recently adopted by the City of Goodyear.

At just over 4,500 square feet in area and 24'-4" in height, this building is of comparable size and scale with the surrounding development, which is, in part, the underlying intent of the C-1 Neighborhood Commercial zoning district. The site has also been designed to maximize function and separation from the nearby residential neighborhood to help achieve the cohesive mixed-use development originally envisioned by the Pueblo Verde PAD.

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Building Design

In terms of building design, this plan incorporates key elements, including colors and materials, established through the approval of the adjacent self-storage facility illustrated below.

City of Goodyear Approved 05/05/21 19-60000006 - PUEBLO VERDE STORAGE V9.1



NORTHWEST PERSEPECTIVE (RENTAL OFFICE)



NORTHEAST PERSEPECTIVE

The design of the McDonald's will be contemporary with strong horizontal lines and parapets of varied heights. The finish will be predominantly smooth stucco that is enhanced with brick and stone veneers. Steel accents, such as canopies and wall panels will be used for shade and shadow effects and overall visual interest. Lastly, the dining area will receive plenty of natural light through the use of large windows on the north and west elevations.

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North Elevation



West Elevation



East Elevation

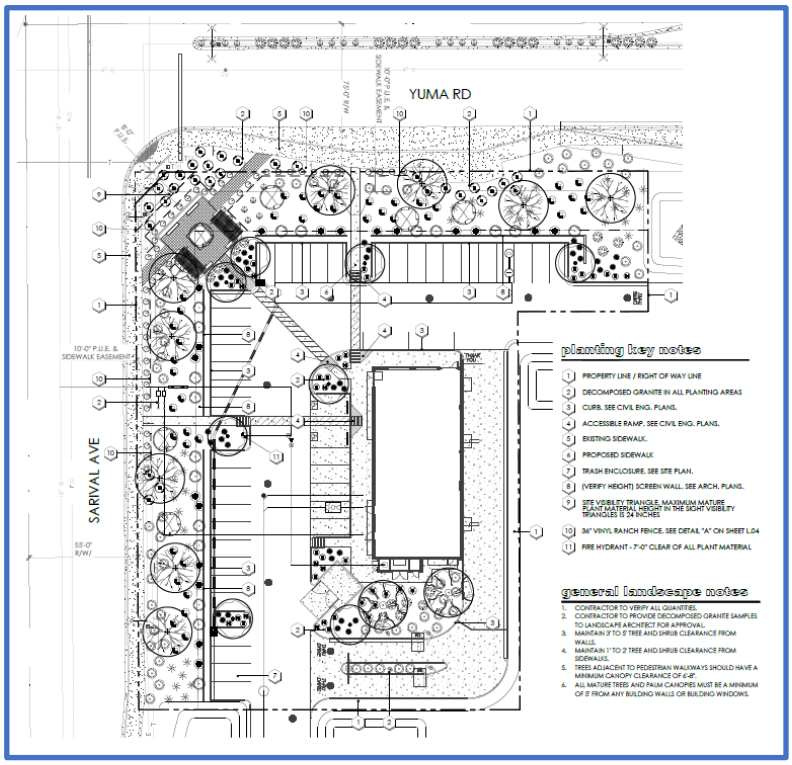


South Elevation

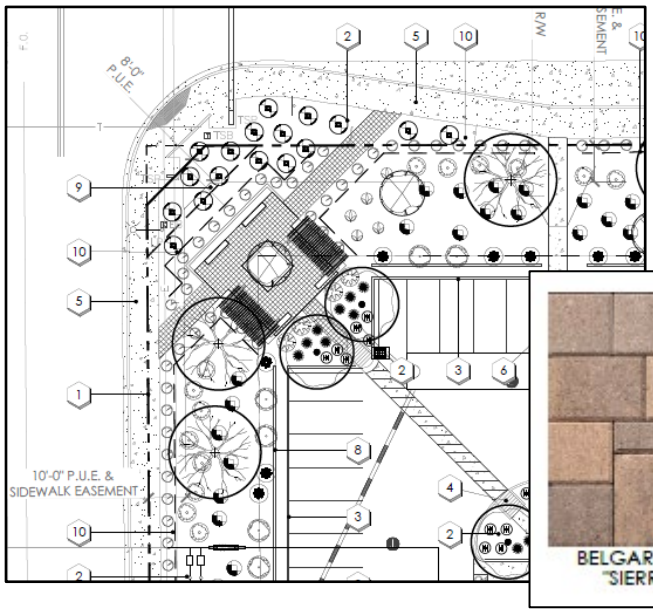
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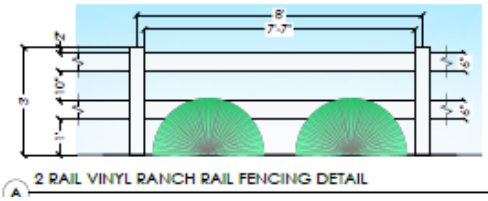
Landscape Plan

To soften the crisp architectural lines found throughout the commercial center, a landscape palette of colorful groundcovers, trees, and shrubbery will be installed. Plantings such as Mesquite, Tipu, and Texas Mountain Laurel trees will complement the Bougainvillea, Yuccas, and Lantana. Landscape materials will be planted in a manner that provides shade and color while still allowing safe and effective visibility into the site.

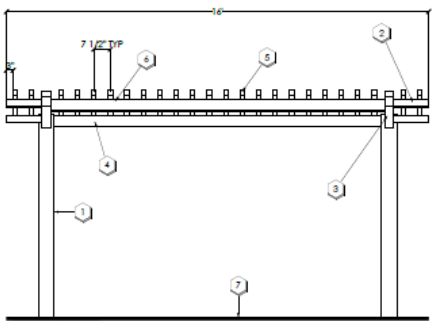


At the immediate intersection corner of Sarival Avenue and Yuma Road, a brick paver patio with seating and a trellis for shade will be provided as an enhancement to the corner and a welcome addition for pedestrians visiting the commercial property. Decorative white 2 rail fence is used as an accent along the frontage to match that of the adjacent developments.









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Phasing

The building, landscaping, and site improvements will be built in one phase and are expected to begin as soon as permits are available. A summary of the required and proposed development standards below.

Development Standards

	C-1 District	Proposed Development
Minimum Net Site Area	10,000 s.f.	55,667 s.f.
Minimum Lot Width	150’	243’
Maximum Building Height	30’	24’-4”
Maximum Building Coverage	50%	≈ 8.1%
Minimum Building Setbacks		
Front / Street Side	30’	98’
Side (Internal Side)	20’	24’
Rear	20’	69’

SITE PLAN NOTES:

1. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OFWAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURB, GUTTER, SIDEWALKS, RAMPS, DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STRIPING. LANDSCAPE RESPONSIBILITIES ARE IDENTIFIED UNDER SEPARATE NOTE:

a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION OF ALL IMPROVEMENTS. ANY DAMAGED IMPROVEMENTS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
c. MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF SEALANT IN ALL PAVEMENT CRACKS AND JOINTS, AND APPLICATION OF SEALANT OVER ALL ASPHALT PAVEMENTS.
d. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.
e. IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.

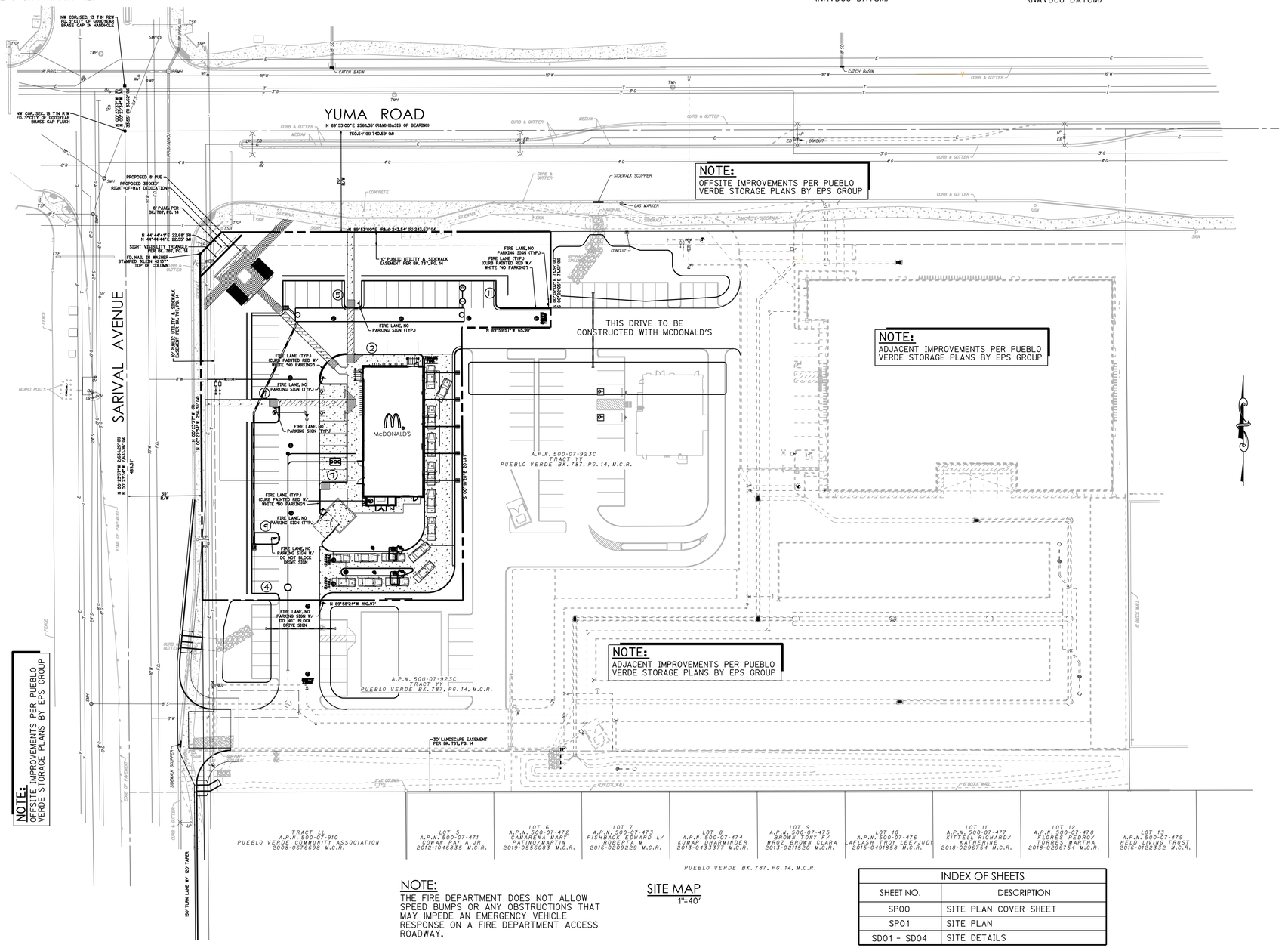
2. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OFWAY, AND STREET CENTER MEDIAN LANDSCAPING:

a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL LANDSCAPE IMPROVEMENTS, INCLUDING PLANTED AREAS AND IRRIGATION SYSTEMS, FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTING AND/OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
c. MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE NORMAL HEALTHY GROWTH.
d. WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND HAS OBTAINED AN APPROXIMATE HEIGHT OF 3 INCHES, MOWING SHALL BEGIN IMMEDIATELY TO ACHIEVE A TURF HEIGHT OF 2 INCHES; THE TURF SHALL BE MOWED THEREAFTER TO SAFELY MAINTAIN THE 2-INCH HEIGHT.
e. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL TURF AREAS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.
f. IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.

SITE PLAN FOR McDONALD'S

SEC S. SARIVAL AVE. & W. YUMA RD. GOODYEAR, ARIZONA 85338

LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

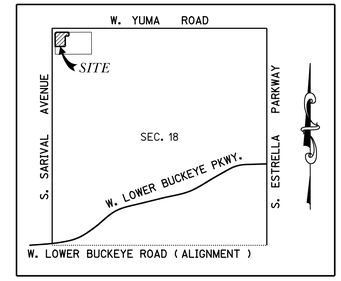


NOTE:
THE FIRE DEPARTMENT DOES NOT ALLOW SPEED BUMPS OR ANY OBSTRUCTIONS THAT MAY IMPEDE AN EMERGENCY VEHICLE RESPONSE ON A FIRE DEPARTMENT ACCESS ROADWAY.

SITE MAP
1"=40'

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
SP00	SITE PLAN COVER SHEET
SP01	SITE PLAN
SD01 - SD04	SITE DETAILS



VICINITY MAP
N.T.S.

BENCHMARK:

COGBM PT. G316
3" C.O.G. BRASS CAP IN THE SOUTH HANDHOLE, LOCATED ON CENTERLINE OF SARIVAL AVE, 1/2 MILE NORTH OF LOWER BUCKEYE ROAD

ELEVATION = 959.58
(NAVD88 DATUM)

COGBM PT. G325
3" MARICOPA COUNTY BRASS CAP IN NORTH HANDHOLE, LOCATED AT INTERSECTION OF SARIVAL AVE & YUMA ROAD

ELEVATION = 973.08
(NAVD88 DATUM)

SCOPE OF WORK:
A NEW 4,534 SF McDONALD'S RESTAURANT WITH ASSOCIATED PARKING, DRIVE AISLES, AND OPEN SPACE.

A SEPERATE GRADING AND DRAINAGE PLAN WILL BE REQUIRED.

A SEPERATE LANDSCAPE PLAN WILL BE REQUIRED.

APN NUMBER:
PORTION OF APN 500-07-923C

ZONING:
PAD

ADDRESS:
SEC S. SARIVAL AVE. & W. YUMA RD.
GOODYEAR, ARIZONA 85338

GROSS AREA: 94,116 S.F. OR 2.161 AC.
NET AREA: 55,667 S.F. OR 1.278 AC.

OWNER/DEVELOPER:
McDONALD'S USA, LLC.
4643 SOUTH ULSTER ST, SUITE 1300
DENVER, CO 80237

CONTACT: SCOTT AUDSLEY
PHONE: (480) 341-5344
EMAIL: SCOTT.AUDSLEY@US.MCD.COM

ARCHITECT:
KDF ARCHITECTURAL GROUP, LLC
1747 E. MORTEN AVENUE, SUITE 111
PHOENIX, AZ 85020

CONTACT: DAN FILUK
PHONE: (602) 234-1868
EMAIL: DFILUK@KDF-ARCHITECTS.COM

ENGINEER:
3 ENGINEERING
6370 E. THOMAS ROAD, SUITE 200
SCOTTSDALE, ARIZONA 85251

CONTACT: DAN G. MANN, P.E.
PHONE: (602) 334-4387
EMAIL: DAN@3ENGINEERING.COM

SURVEYOR:
ATLAS GEOSPATIAL
2191 EL CAMINO REAL, SUITE 208L
OCEANSIDE, CA 92054

CONTACT: JOHN BRANHAM
PHONE: (661) 340-7123
EMAIL: JFBRANHAM@ATLASGEOSPATIAL.COM

LEGAL DESCRIPTION:
A PORTION OF TRACT YY, PUEBLO VERDE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 787 OF MAPS, PAGE 14 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "YY"; THENCE NORTH 00 DEGREES 23 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT "YY" A DISTANCE OF 147.18 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 23 MINUTES 37 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 251.25 FEET; THENCE NORTH 44 DEGREES 44 MINUTES 41 SECONDS EAST A DISTANCE OF 22.68 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "YY"; THENCE NORTH 89 DEGREES 53 MINUTES 00 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 243.54 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 05 SECONDS EAST A DISTANCE OF 71.13 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 68.90 FEET; THENCE SOUTH 00 DEGREES 18MINUTES 31 SECONDS EAST A DISTANCE OF 196.81 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 27 SECONDS WEST A DISTANCE OF 189.99 FEET TO THE POINT OF BEGINNING.

UTILITY SERVICE PROVIDERS:

UTILITY	PROVIDER
WATER	CITY OF GOODYEAR
SEWER	CITY OF GOODYEAR
STORM DRAIN	CITY OF GOODYEAR
ELECTRIC	ARIZONA PUBLIC SERVICE (APS)
TELEPHONE	CENTURY LINK
NATURAL GAS	SOUTHWEST GAS
CABLE TV	COX

PARKING CALCULATIONS:
INDOOR DINING & SEATING AREA: 1/50 SF -> 1,200/50 = 24
KITCHEN & EMPLOYEE SERVICE AREAS: 1/150 SF -> 2,295/150 = 16
TOTAL REQUIRED: 40 SPACES
TOTAL PROVIDED ON SITE: 45 SPACES

BUILDING AREA:
4,534 S.F.

Contact Arizona 811 at least two full working days before you begin excavation. Arizona811.com Call 811 or click Arizona811.com

SNORKAR

McDONALD'S
SEC S. SARIVAL AVE. & W. YUMA RD., GOODYEAR, ARIZONA 85338
SITE PLAN

Registered Professional Engineer (Civil) CERTIFICATE NO. 46857 DANIEL G. MANN 1/17/23 Date Signed ARIZONA, U.S.A.

3engineering civil engineering planning surveying

COPYRIGHT 2023 3 ENGINEERING, LLC

ENGINEER: D. MANN | DESIGNER: D. MANN | CAD TECH: A. BROWN

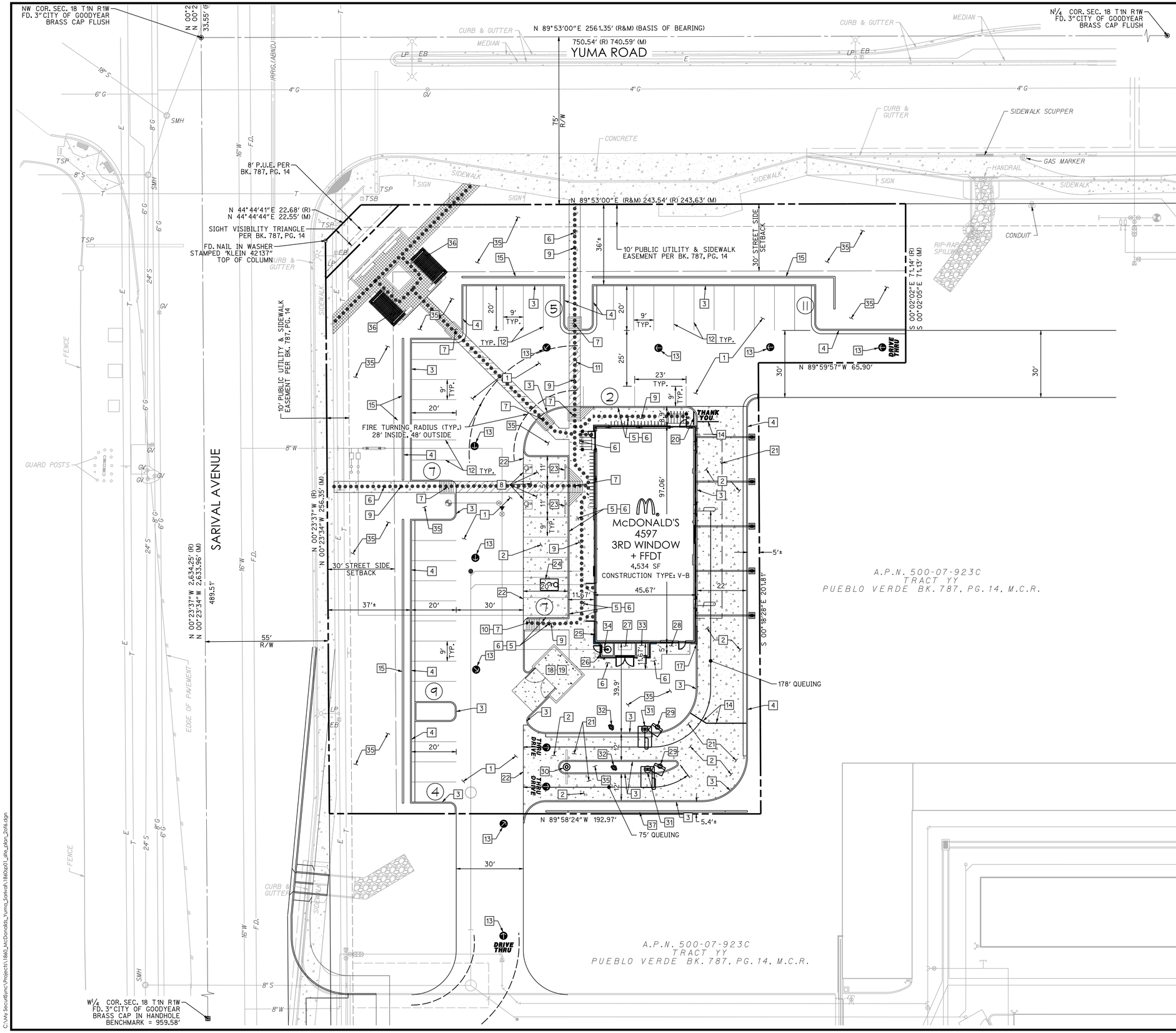
3 ENGINEERING, LLC
6370 E. THOMAS ROAD SUITE # 200
SCOTTSDALE, ARIZONA 85251
PHONE: (602) 334-4387
FAX: (602) 490-3230
WWW.3ENGINEERING.COM

DATE: 01/27/23

PROJECT NO. 1860

SHEET NO. SP00 1 of 6

C:\My Secure Sync\Projects\1860_McDonalds_Yuma_Sarival\1860sp00_site_plan_cover_1of6.dgn



KEY NOTES:

1. ASPHALT PAVEMENT - SEE CIVIL PLANS - INSTALL PER MCDONALD'S SPECIFICATIONS PAVEMENT TO SUPPORT A MINIMUM OF 75,000 POUNDS
2. 6" THICK CONCRETE PAVEMENT W/ 8" THICKENED EDGES OVER 4" A.B.C. OVER 12" PREPARED SUBGRADE WITH FIBER MESH REINFORCING WITH EXPANSION JOINTS PER PLAN. SEE CIVIL FOR MORE INFO.
3. 6" SINGLE CURB PER M.A.G. STD. DTL. 222 TYPE "A"
4. 6" VERTICAL CURB & GUTTER PER M.A.G. STD. DTL. 220
5. MONOLITHIC CURB AND SIDEWALK. SEE CIVIL PLANS
6. 4" THICK GREY CONCRETE SIDEWALK WITH CONTROL JOINTS PER PLAN. CONSTRUCT PER C.O.P. STD. DTL. P-1230. MAXIMUM SPACING BETWEEN JOINTS TO BE 8'-0" SEE DETAIL 7 ON SD2 - PER ADA ALL GAPS SHALL BE 1*2" MAX. WIDE AND 1*4" MAX. DEEP - SEE CIVIL FOR MORE INFO.
7. ACCESSIBLE RAMP PER ADA. SEE CIVIL PLANS
8. ACCESSIBLE PARKING SIGNING AND STRIPING PER DETAIL 1 ON SD4. NOTE: LONGITUDINAL OR TRANSVERSE PAVEMENT SLOPES AT PARKING STALL SHALL BE LESS THAN OR EQUAL TO 2% IN ALL DIRECTIONS
9. ACCESSIBLE ROUTE - 1:50 (2%) MAXIMUM CROSS SLOPE AND 1:20 (5%) MAXIMUM LONGITUDINAL SLOPE
10. DELIVERY RAMP PER ADA. SEE CIVIL PLANS
11. 4" WIDE WHITE PAINTED STRIPING AT 45° AT 2'-0" O.C. FOR ACCESSIBLE ROUTE IDENTIFICATION. MUST MEET ADA STANDARDS - 1:50 (2%) MAXIMUM CROSS SLOPE AND 1:20 (5%) MAXIMUM LONGITUDINAL SLOPE
12. 4" WIDE WHITE PAINTED PARKING STRIPE
13. PAINTED "DRIVE-THRU" ARROW. VERIFY WITH OWNER/OPERATOR - TYP.
14. PAINTED MCDONALD'S STRIPING. VERIFY TYPE & LOCATION WITH OWNER/OPERATOR - TYP.
15. 3'-4" CMU SCREEN WALL PER PER DETAIL 8 & 9 ON SD1
16. LIGHT POLE FIXTURE @ 21'-0" HIGH - SEE ELECTRIC FOR MORE INFORMATION PER DETAIL 11 & 12 ON SD1
17. 6" DIA. BY 5'-0" HIGH CONCRETE BOLLARD - SEE DETAIL 1 ON SD1
18. TRASH REFUSE ENCLOSURE PER 6 ON SD1
19. PROVIDE POWER AND WATER TO TRASH ENCLOSURE SEE ELECTRICAL & PLUMBING PLANS
20. 6'-0" LONG X 3'-6" HIGH GUARD RAIL PER DETAIL 4 ON SD2
21. DRIVE-THRU AREA PER DETAIL 3 ON SD3
22. JOINT PER DETAIL 10 ON SHEET SD1
23. PRECAST BUMPER CURB DETAIL (WHEEL STOPS). SEE CIVIL PLANS
24. GREASE INTERCEPTOR - SEE PLUMBING PLANS FOR ADDITIONAL INFO.
25. HOSE BIB - 2 AT BUILDING, 1 AT TRASH ENCLOSURE - SEE PLUMBING PLANS FOR ADDITIONAL INFO.
26. FIRE DEPARTMENT APPROVED KNOX BOX PER FIRE DEPARTMENT STANDARDS
27. SERVICE ENTRANCE SECTION (S.E.S.) ON CONCRETE PAD - SEE ELECTRICAL PLANS FOR ADDITIONAL INFO.
28. GAS METER LOCATION - SEE PLUMBING PLANS FOR ADDITIONAL INFO. & LOCATION
29. MENU BOARD SHOWN FOR REFERENCE ONLY - UNDER SEPERATE PERMIT
30. DOUBLE GATEWAY SHOWN FOR REFERENCE ONLY - UNDER SEPERTE PERMIT
31. AUGER "MCDONALD'S ORDER HERE" DT CANOPY/SPEAKER FOUNDATION TIGHT AGAINST BACK OF CURB. SEE MANUFACTURER/LOCAL SPECIFICATIONS FOR DETAILS. SHOWN FOR REFERENCE ONLY UNDER SEPERTE PERMIT
32. PRE-BROWSE BOARD SHOWN FOR REFERENCE ONLY - UNDER SEPERTE PERMIT
33. CO2 TANK LOCATION, VERIFY WITH OWNER/OPERATOR - TYP.
34. FIRE RISER LOCATION
35. LANDSCAPE AREA - SEE CIVIL AND LANDSCAPE PLANS
36. COVERED SEATING AREA - SEE LANDCAPE PLANS FOR DETAILS
37. 6'-0" CMU SCREEN WALL, STEPPING DOWN TO 3'-0" FOR THE LAST 10' ON EACH END, PER DETAIL 8 ON SD1

NOTE:

THE FIRE DEPARTMENT DOES NOT ALLOW SPEED BUMPS OR ANY OBSTRUCTIONS THAT MAY IMPEDE AN EMERGENCY VEHICLE RESPONSE ON A FIRE DEPARTMENT ACCESS ROADWAY.

Contact Arizona 811 at least two full working days before you begin excavation.
Call 811 or click Arizona811.com

SNOW3A38

McDONALD'S

SEC S. SARIVAL AVE. & W. YUMA RD., GOODYEAR, ARIZONA 85338

SITE PLAN

Registered Professional Engineer
CERTIFICATE NO.
46857
DANIEL G. MANN
2/13/23
Date Signed
ARIZONA, U.S.A.

3engineering
civil engineering
planning
surveying
ENGINEER: D. MANN
DESIGNER: D. MANN
CADTECH: A. BROWN

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3 ENGINEERING, LLC
6370 E. THOMAS ROAD
SUITE # 200
SCOTTSDALE, ARIZONA 85251
PHONE: (602) 334-4387
FAX: (602) 490-3230
WWW.3ENGINEERING.COM

DATE: 02/13/23

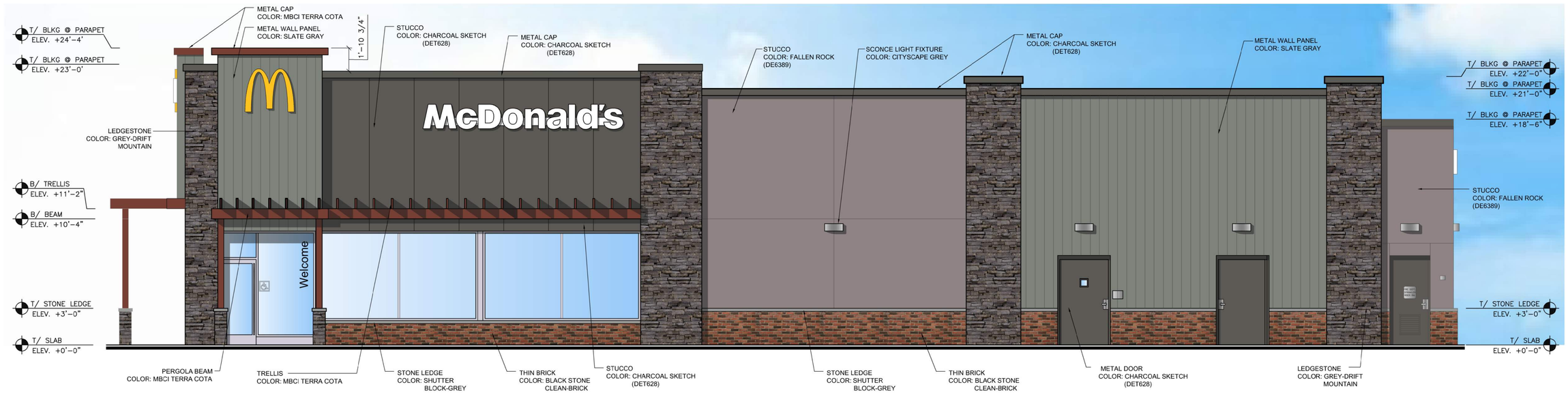
PROJECT NO.
1860

SHEET NO.
SP02
2 of 6

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1 A2.0 FRONT ELEVATION – NORTH
1/4" = 1'-0"



2 A2.0 NON-DRIVE-THRU ELEVATION –WEST
1/4" = 1'-0"

McDonald's©

BUILDING ELEVATIONS - 1 of 2

W. YUMA RD & S. SARIVAL AVE. -SEC, GOODYEAR, AZ 85338

L/C: 002-1059

KDF ARCHITECTURAL GROUP, LLC

1747 E. Morten Avenue
Suite 111
Phoenix, AZ 85020
O: 602.234.1868
F: 602.234.1413

KDF PROJECT no.21017
DATE: 10-17-22



1 / A2.1 DRIVE THRU ELEVATION – EAST
1/4" = 1'-0"



2 / A2.1 REAR ELEVATION – SOUTH
1/4" = 1'-0"

McDonald's©

BUILDING ELEVATIONS - 2 of 2

W. YUMA RD & S. SARIVAL AVE. -SEC, GOODYEAR, AZ 85338

L/C: 002-1059

KDF ARCHITECTURAL GROUP, LLC

1747 E. Morten Avenue
Suite 111
Phoenix, AZ 85020
O: 602.234.1868
F: 602.234.1413

KDF PROJECT no.21017
DATE: 10-17-22

MCDONALDS - YUMA RD & SARIVAL AVE

project consultants

owner:

MCDONALD'S USA, LLC.
18565 JAMBOREE ROAD #850
IRVINE, CA. 92612
CONTACT: SCOTT AUDSLEY
PHONE: 480.341.5344
EMAIL:Scott.Audsley@us.mcd.com

landscape architecture:

DESIGN ETHIC, LLC
7525 EAST 6TH AVENUE
SCOTTSDALE, ARIZONA 85251
CONTACT: BRANDON PAUL
PHONE: 480.225.7077
EMAIL:bpaul@designethic.net

civil engineering:

3 ENGINEERING
6370 EAST THOMAS ROAD
SCOTTSDALE , ARIZONA 85251
CONTACT: DANIEL MANN
PHONE: 602.334.4387
EMAIL:dan@3engineering.com

site data:

ZONING:	PAD
NET SITE AREA:	138,003 S.F. / 3.17 AC

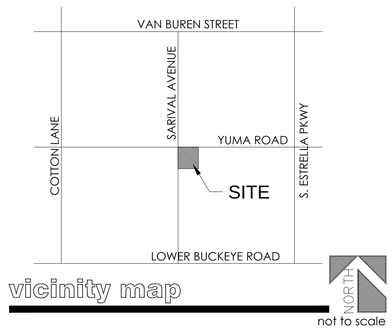
landscape plan approved city of goodyear

HTE NO.

APPROVAL BY: DATE

CONSTRUCTION AND INSTALLATION SHALL BE IN ACCORDANCE WITH THIS PLAN AND ANY AND ALL DEVIATION WILL REQUIRE RE-APPROVAL. LANDSCAPE INSTALLATION TO BE APPROVED BY CITY OF GOODYEAR INSPECTION SERVICES BEFORE CERT. OF OCCUPANCY IS ISSUED.

* THERE WILL BE NO IRRIGATION MAINLINE INSTALLATION OR MAINLINE TRENCHING WITHIN THE PROJECT'S ADJACENT RIGHT OF WAY.



vicinity map

not to scale

city of goodyear general notes for construction

A. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
B. ALL CONSTRUCTION SHALL CONFORM TO THE CITY EDS&PM, CITY STANDARD DETAILS, AND CURRENT MAG UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION.
C. THIS SET OF PLANS HAS BEEN REVIEWED FOR COMPLIANCE WITH CITY REQUIREMENTS PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS.HOWEVER, SUCH REVIEW SHALL NOT PREVENT THE CITY FROM REQUIRING CORRECTION OF ERRORS IN PLANS FOUND TO BE IN VIOLATION OF ANY LAW OR ORDINANCE.
D. THE CITY DOES NOT WARRANT ANY QUANTITIES SHOWN ON THESE PLANS.
E. THE CITY APPROVAL IS FOR GENERAL LAYOUT IN THE RIGHT-OF-WAY THIS APPROVAL IS VALID FOR A PERIOD OF ONE YEAR. CONSTRUCTION PERMITS SHALL BE OBTAINED DURING THIS PERIOD OR THE PLANS SHALL BE RESUBMITTED FOR REVIEW AND APPROVAL.
F. AN APPROVED SET OF PLANS SHALL BE AVAILABLE ON THE JOB SITE AT ALL TIMES.
G. THE CITY CONSTRUCTION INSPECTOR SHALL BE NOTIFIED 48 HOURS PRIOR TO ANY CONSTRUCTION WORK AND INSPECTIONS (623-882-7979).CONSTRUCTION WORK CONCEALED WITHOUT INSPECTION BY THE CITY CONSTRUCTION INSPECTOR SHALL BE SUBJECT TO EXPOSURE AT THE CONTRACTOR'S EXPENSE.
H. ANY WORK PERFORMED WITHOUT THE APPROVAL OF THE CITY ENGINEER, OR DESIGNEE, AND ANY WORK/MATERIAL NOT IN CONFORMANCE WITH CITY ENGINEERING STANDARDS IS SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
I. RIGHT-OF-WAY IMPROVEMENTS SHALL NOT BE ACCEPTED UNTIL "ASBUILT" PLANS HAVE BEEN SUBMITTED AND APPROVED BY THE CITY. (SEE AS-BUILT REQUIREMENTS)
J. THE DEVELOPER IS RESPONSIBLE FOR THE REMOVAL OR RELOCATION OF ALL OBSTRUCTIONS WITHIN THE RIGHT-OF-WAY PRIOR TO STARTING NEW CONSTRUCTION.
K. THE DEVELOPER IS RESPONSIBLE FOR ARRANGING THE RELOCATION AND ASSOCIATED COSTS OF ALL UTILITIES. A UTILITY RELOCATION SCHEDULE SHALL BE SUBMITTED PRIOR TO THE ISSUANCE OF PERMITS.
L. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING OR DEDICATING ALL REQUIRED RIGHTS-OF-WAY AND EASEMENTS TO THE CITY PRIOR TO ISSUANCE OF PERMITS.
M. THE CONTRACTOR SHALL CONTACT BLUE STAKE (602-263-1100) AT LEAST 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL LOCATE ALL CONFLICTS PRIOR TO CONSTRUCTION.
N. THE CONTRACTOR SHALL BARRICADE CONSTRUCITON SITES AT ALL TIMES PER THE CITY OF PHOENIX TRAFFIC BARRICADE MANUAL. A TRAFFIC CONTROL PLAN SHALL BE SUBMITTED TO THE CITY FOR APPROVAL IN ADVANCE OF CONSTRUCTION.
O. POTABLE WATER IS NOT AVAILABLE FOR CONSTRUCTION USE OTHER THAN THE FILLING AND TESTING OF NEW LINES. THE UNLAWFUL REMOVAL OF WATER FROM A FIRE HYDRANT OR ANY OTHER SOURCE IS A VIOLATION OF THE MUNICIPAL CODE, PUNISHABLE BY FINE AND/OR IMPRISONMENT. PRIOR TO MOVING OR DESTROYING PROTECTED NATIVE PLANT SPECIES, THE CONTRACTOR SHALL FILE A FORMAL NOTICE OF INTENT WITH THE ARIZONA DEPARTMENT OF AGRICULTURE (602-542-6408).
P. THE CONTRACTOR SHALL COMPLY WITH THE ENVIRONMENTAL PROTECTION AGENCY NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER REQUIREMENTS ESTABLISHED FOR CONSTRUCTION SITES. ADEQ GENERAL PERMIT FOR DISCHARGE FROM CONSTRUCTION ACTIVITIES, AND THE CITY OF GOODYEAR STORM WATER MANAGEMENT PLAN. NO PERSON SHALL USE ANY MECHANICAL EQUIPMENT FOR LAND LEVELING OR CLEARING, ROAD CONSTRUCTION, TRENCHING, EXCAVATING, DEMOLITION, NOR ENGAGE IN ANY EARTHMOVING ACTIVITY WITHOUT FIRST OBTAINING A PERMIT FROM THE MARICOPA COUNTY AIR QUALITY DEPARTMENT (602-506-0666), 1001 N. CENTRAL AVENUE, SUITE 150, PHOENIX, AZ 85003. (THIS NOTICE IS ISSUED PURSUANT TO A.R.S. 36-779.07, NOTICE OF BUILDING AGENCIES.)
Q. THESE PLANS REFLECT CONDITONS AS THEY EXIST AT THE TIME OF IF EXISTING CONDITIONS HAVE CHANGED BY THE TIME OF CONSTRUCTION THE CONTRACTOR SHALL NOTIFY THE CITY AND THESE PLANS MAY HAVE TO BE AMENDED PRIOR TO PROCEED IN WITH CONSTRUCTION ACTIVITIES.

city of goodyear general notes for landscaping

A. ALL ALL LANDSCAPE IMPROVEMENTS WITHIN THE STREET RIGHTS-OF-WAY OF LOWER BUCKEYE ROAD AND 161ST LANE AND ALL LANDSCAPE WITHIN THE TRACTS CONTAINED WITHIN THIS SUBDIVISION AS IDENTIFIED ON THESE CONSTRUCTION PLANS SHALL BE MAINTAINED BY THE SANCTUARY AT SARIVAL VILLAGE HOMEOWNERS ASSOCIATION.
B. ALL GENERAL CONSTRUCTION NOTES SHALL APPLY.
C. ALL SIGNS, MONUMENT WALLS AND SITE LIGHTING REQUIRE SEPARATE BUILDING APPROVAL.
D. ALL FIRE HYDRANTS SHALL REQUIRE A 7-FOOT CLEARANCE IN ALL DIRECTIONS TO ANY NEW OR EXISTING LANDSCAPE.
E. SUBSTITUTIONS IN TYPE, AND/OR DEVIATIONS IN SIZE OR QUANTITY FROM THE APPROVED LANDSCAPE OR IRRIGATION PLANS SHALL NOT BE PERMITTED WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF GOODYEAR. (CONTACT THE CITY LANDSCAPE TECHNICIAN REGARDING ALL PLANTING AND IRRIGATION SUBSTITUTIONS AT 623-882-7979.)
F. ALL PLANT MATERIAL LOCATED IN THE PUBLIC RIGHTS-OF-WAY OR CITY OF GOODYEAR MAINTAINED AREAS SHALL BE IN COMPLIANCE WITH THE DEPARTMENT OF WATER RESOURCES LOW WATER USE PLANT LIST FOR THE PHOENIX ACTIVE MANAGEMENT AREA.
G. ALL PLANT MATERIAL AND SPECIFICATIONS SHALL CONFORM TO THE ARIZONA NURSERYMAN ASSOCIATION CURRENT STANDARDS.
H. THE CONTRACTOR IS TO ENSURE A ONE-FOOT CLEARANCE BETWEEN THE SIDEWALK AND MATURE TREE CANOPY.
I. PLANT LEGEND PROVIDED FOR CONTRACTOR'S CONVENIENCE. CONSTRUCTION PLANS TAKE PRECEDENCE.
J. A 10-FOOT CLEARANCE SHALL BE MAINTAINED BETWEEN A TREE TRUNK AND A UTILITY LINE.
K. ALL EXISTING LANDSCAPE AND IRRIGATION SYSTEMS THAT ARE DESIGNATED TO REMAIN ON THE APPROVED LANDSCAPE PLANS SHALL NOT BE DAMAGED OR DESTROYED DURING CONSTRUCTION. ANY DAMAGE THAT DOES OCCUR DURING CONSTRUCTION SHALL BE REPLACED IN KIND BY THE CONTRACTOR.
L. SIDEWALK AND PAVING CONSTRUCTION THAT ARE PART OF THE LANDSCAPE IMPROVEMENTS SHALL BE IN COMPLIANCE WITH ALL ONSITE PAVING AND SHALL MEET DESIGN AND CONSTRUCTION REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA).
M. PRIOR TO ACCEPTANCE OF ANY BACKFLOW DEVICE, EACH DEVICE SHALL BE TESTED BY A STATE CERTIFIED TESTER AND THE RESULTS PROVIDED TO THE CITY.
N. UTILITY BOXES, METERS AND VAULTS SHALL BE LOCATED IN THEROW AND WILL NOT BE PERMITTED IN ANY STREET MEDIAN.
O. "AS-BUILT" DRAWINGS, CERTIFIED BY THE DEVELOPER'S LANDSCAPE ARCHITECT, SHALL BE SUBMITTED AND APPROVED PRIOR TO ISSUANCE OF A BUILDING "CERTIFICATE OF OCCUPANCY."
P. LANDSCAPED AREAS THAT WILL BE MAINTAINED BY CITY PARKS DEPARTMENT SHALL BE CLEARLY IDENTIFIED ON THESE PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS.

1. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL PLANTED AREAS INCLUDING IRRIGATION SYSTEMS FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
2. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTINGS AND OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
3. MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE GOOD NORMAL GROWTH.
4. WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND AN APPROXIMATE HEIGHT OF 3 INCHES, MOWING SHALL BEGIN IMMEDIATELY AND REDUCE IN SAFE INCREMENTS TO A HEIGHT OF 2 INCHES AND SHALL BE MAINTAINED THEREAFTER AT THE HEIGHT OF 2 INCHES.
5. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL TURF AREAS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.
6. IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL ALL UNACCEPTABLE PLANTINGS ARE REPLACED OR REPAIRED AND THE LANDSCAPING MEETS CITY APPROVAL.
7. AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OF-WAY, AND STREET CENTER MEDIAN LANDSCAPING.

AS-BUILT CERTIFICATION

I HEREBY CERTIFY THAT THE "AS-BUILT" INFORMATION SHOWN HEREON WAS OBTAINED UNDER MY DIRECT SUPERVISION AND IS CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME: DATE: (SEAL)

DESIGN ETHIC
LANDSCAPE ARCHITECTURE
FORGING NEW ENVIRONMENTS
7525 EAST 6TH AVENUE SCOTTSDALE, ARIZONA 85251
480.225.7077

REGISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO. 57185
BRANDON PAUL
DATE SIGNED 04-17-23
ARIZONA, U.S.A.
EXPIRES 03/31/2025

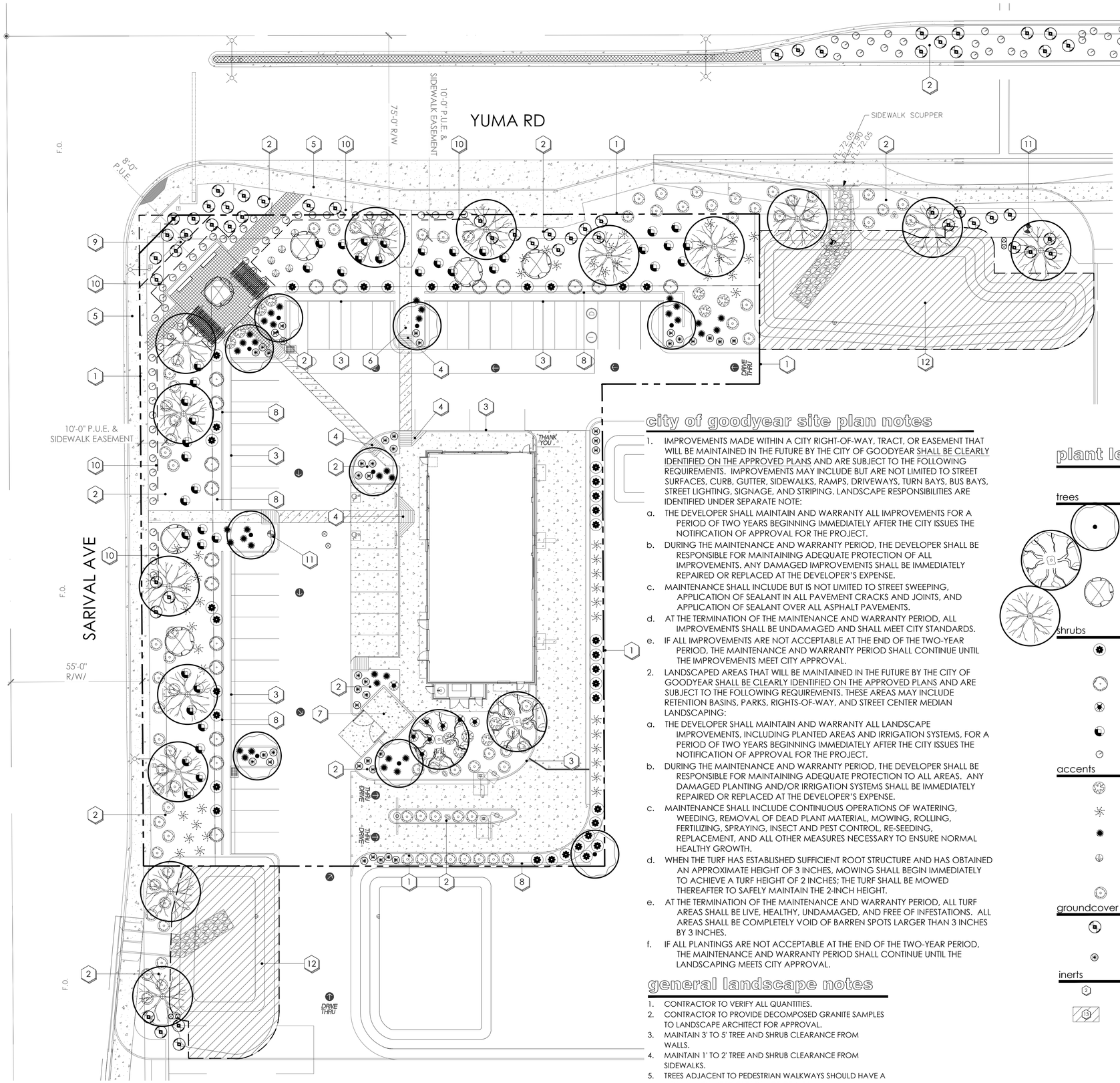
Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

PROJECT:
MCDONALDS
YUMA RD & SARIVAL AVE
GOODYEAR, AZ 85338

SHEET TITLE:
COVER SHEETS & NOTES

JOB NO: 21-107
DATE:
DRAWN BY: B. PAUL
SUBMITTED: 04.17.2023
REVISED:

SHEET
L.01 of L.04



city of goodyear site plan notes

1. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OF-WAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURB, GUTTER, SIDEWALKS, RAMPS, DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STRIPING. LANDSCAPE RESPONSIBILITIES ARE IDENTIFIED UNDER SEPARATE NOTE:
   a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION OF ALL IMPROVEMENTS. ANY DAMAGED IMPROVEMENTS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
   c. MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF SEALANT IN ALL PAVEMENT CRACKS AND JOINTS, AND APPLICATION OF SEALANT OVER ALL ASPHALT PAVEMENTS.
   d. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.
   e. IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.
2. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OF-WAY, AND STREET CENTER MEDIAN LANDSCAPING:
   a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL LANDSCAPE IMPROVEMENTS, INCLUDING PLANTED AREAS AND IRRIGATION SYSTEMS, FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTING AND/OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
   c. MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE NORMAL HEALTHY GROWTH.
   d. WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND HAS OBTAINED AN APPROXIMATE HEIGHT OF 3 INCHES, MOWING SHALL BEGIN IMMEDIATELY TO ACHIEVE A TURF HEIGHT OF 2 INCHES; THE TURF SHALL BE MOWED THEREAFTER TO SAFELY MAINTAIN THE 2-INCH HEIGHT.
   e. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL TURF AREAS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.
   f. IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.

general landscape notes

1. CONTRACTOR TO VERIFY ALL QUANTITIES.
2. CONTRACTOR TO PROVIDE DECOMPOSED GRANITE SAMPLES TO LANDSCAPE ARCHITECT FOR APPROVAL.
3. MAINTAIN 3' TO 5' TREE AND SHRUB CLEARANCE FROM WALLS.
4. MAINTAIN 1' TO 2' TREE AND SHRUB CLEARANCE FROM SIDEWALKS.
5. TREES ADJACENT TO PEDESTRIAN WALKWAYS SHOULD HAVE A MINIMUM CANOPY CLEARANCE OF 6'-8".
6. ALL MATURE TREES AND PALM CANOPIES MUST BE A MINIMUM OF 5' FROM ANY BUILDING WALLS OR BUILDING WINDOWS.

planting key notes

1. PROPERTY LINE / RIGHT OF WAY LINE
2. DECOMPOSED GRANITE IN ALL PLANTING AREAS
3. CURB. SEE CIVIL ENG. PLANS.
4. ACCESSIBLE RAMP. SEE CIVIL ENG. PLANS.
5. EXISTING SIDEWALK.
6. PROPOSED SIDEWALK
7. TRASH ENCLOSURE. SEE SITE PLAN.
8. (VERIFY HEIGHT) SCREEN WALL. SEE ARCH. PLANS.
9. SITE VISIBILITY TRIANGLE. MAXIMUM MATURE PLANT MATERIAL HEIGHT IN THE SIGHT VISIBILITY TRIANGLES IS 24 INCHES
10. 36" VINYL RANCH FENCE. SEE DETAIL "A" ON SHEET L.04
11. FIRE HYDRANT - 7'-0" CLEAR OF ALL PLANT MATERIAL
12. DECOMPOSED GRANITE TO BE INSTALLED AT TEMPORARY RETENTION BASINS.

plant legend

	botanical name common name	emitters	size	qty	comments
trees					
	PARKINSONIA X. 'DESERT MUSEUM' DESERT MUSEUM	(5 @ 1.0 GPH)	24" BOX	9	5.0H., 3.0W., 1.0CAL. STAKE IN PLACE
	PROSOPIS SEEDLESS HYBRID 'AZT™' 'AZT™' SEEDLESS HYBRID MESQUITE	(5 @ 1.0 GPH)	24" BOX	2	5.0H., 6.0W., 1.25CAL. STAKE IN PLACE
	SOPHORA SECUNDIFLORA TEXAS MOUNTAIN LAUREL	(5 @ 1.0 GPH)	24" BOX	6	3.0H., 2.0W., 0.75CAL. STAKE IN PLACE
	TIPU TREE TIPUANA TIPU	(5 @ 1.0 GPH)	24" BOX	14	7.0H., 3.0W., 1.0CAL. STAKE IN PLACE
shrubs					
	BOUGAINVILLEA X BUTTIANA 'ORANGE KING' 'ORANGE KING BOUGAINVILLEA	(1 @ 1.0 GPH)	5 GAL.	35	
	BOUGAINVILLEA 'ROYAL PURPLE' ROYAL PURPLE BOUGAINVILLEA	(1 @ 1.0 GPH)	5 GAL.	18	
	CALLIANDRA CALIFORNICA BAJA FAIRY DUSTER	(1 @ 1.0 GPH)	5 GAL.	8	
	EREMOPHILA SP. VALENTINE	(1 @ 1.0 GPH)	5 GAL.	43	
	LEUCOPHYLLUM CANDIDUM THUNDER CLOUD	(1 @ 1.0 GPH)	5 GAL.	78	
accents					
	DASYLIRION WHEELERI DESERT SPOON	(1 @ 1.0 GPH)	5 GAL.	13	
	HESPERALOE FUNIFERA GIANT HESPERALOE	(1 @ 1.0 GPH)	5 GAL.	47	
	HESPERALOE PARVIFLORA RED YUCCA	(1 @ 1.0 GPH)	5 GAL.	37	
	HESPERALOE PARVIFLORA 'YELLOW' YELLOW YUCCA	(1 @ 1.0 GPH)	5 GAL.	5	
	MUHLENBERGIA RIGENS DEER GRASS	(1 @ 1.0 GPH)	5 GAL.	88	
groundcover					
	EREMOPHILA GLABRA 'MIGNEW GOLD'. OUTBACK SUNRISE EMU	(1 @ 1.0 GPH)	5 GAL.	61	
	LANTANA 'NEW GOLD' NEW GOLD LANTANA	(1 @ 1.0 GPH)	1 GAL.	43	
inerts					
2	3/4" MINUS DECOMPOSED GRANITE TABLE MESA BROWN		3/4"	- S.F.	2" MINIMUM IN ALL PLANTERS
13	3/4" MINUS DECOMPOSED GRANITE TABLE MESA BROWN		3/4"	- S.F.	2" MINIMUM IN TEMPORARY BASINS

DESIGN ETHIC
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REGISTERED LANDSCAPE ARCHITECT
CERTIFICATE NO. 57576
BRADLEY D. BEAUCHAMP
DATE SIGNED 12-19-23
ARIZONA, U.S.A.
EXPIRES 03/31/2025

NORTH
0' 20' 40' 60'
SCALE: 1" = 20'-0"

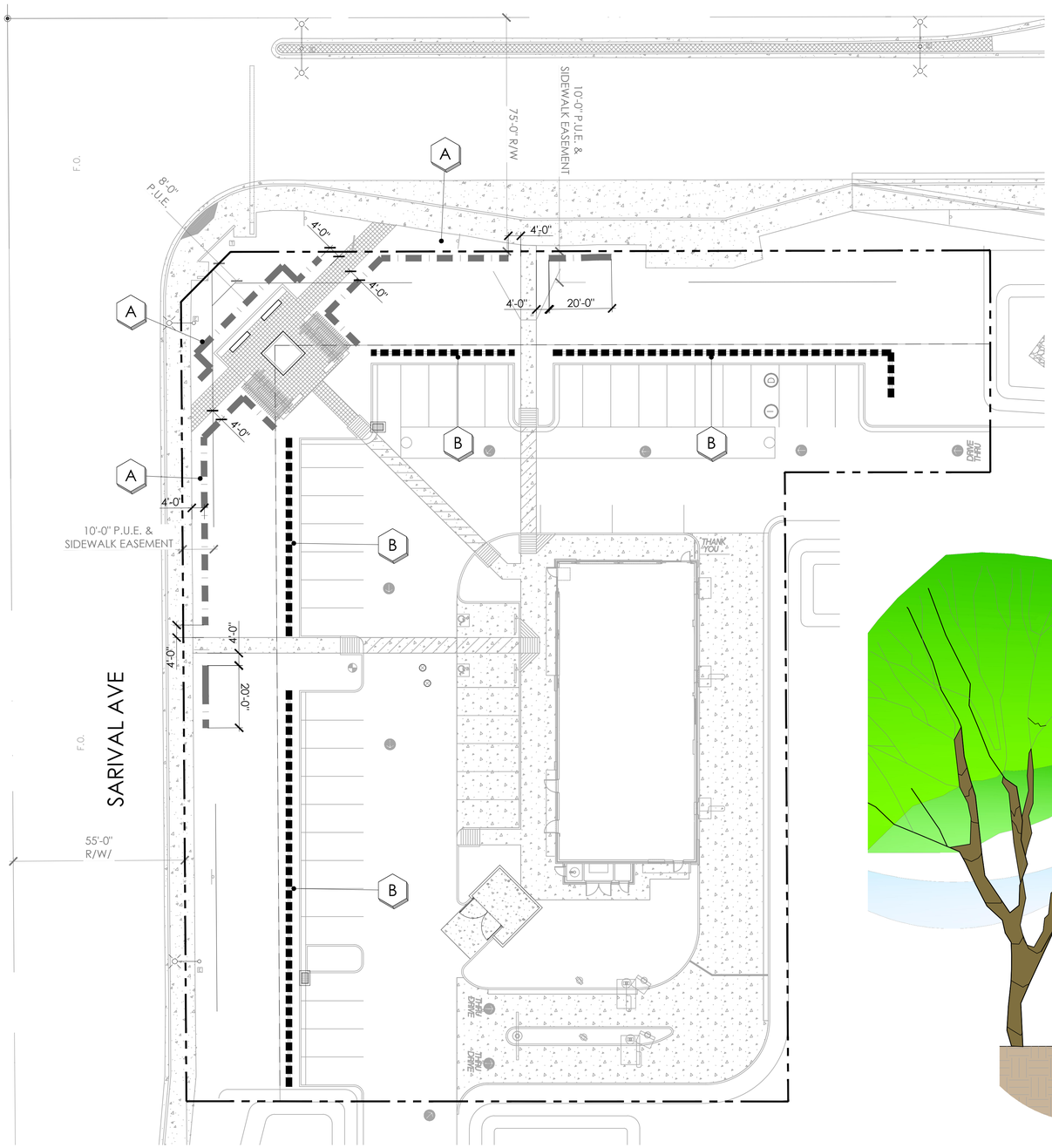
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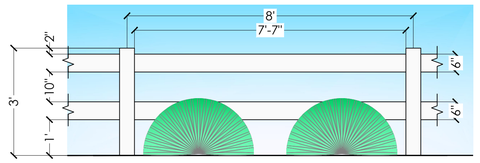
PROJECT:
MCDONALDS
YUMA RD & SARIVAL AVE
GOODYEAR, AZ 85338

SHEET TITLE:
PLANTING PLAN

JOB NO: 21-107
DATE:
DRAWN BY: B. PAUL
SUBMITTED: 04.17.2023
REVISED:

SHEET
L.02 of L.04





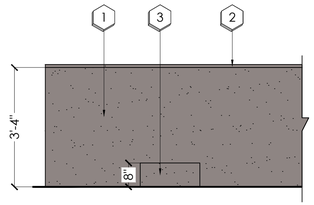
A 2 RAIL VINYL RANCH RAIL FENCING DETAIL

SCALE: 1/2" =1'-0"

NOTE: INSTALL PER MANUFACTURER'S SPECIFICATIONS. THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

key notes

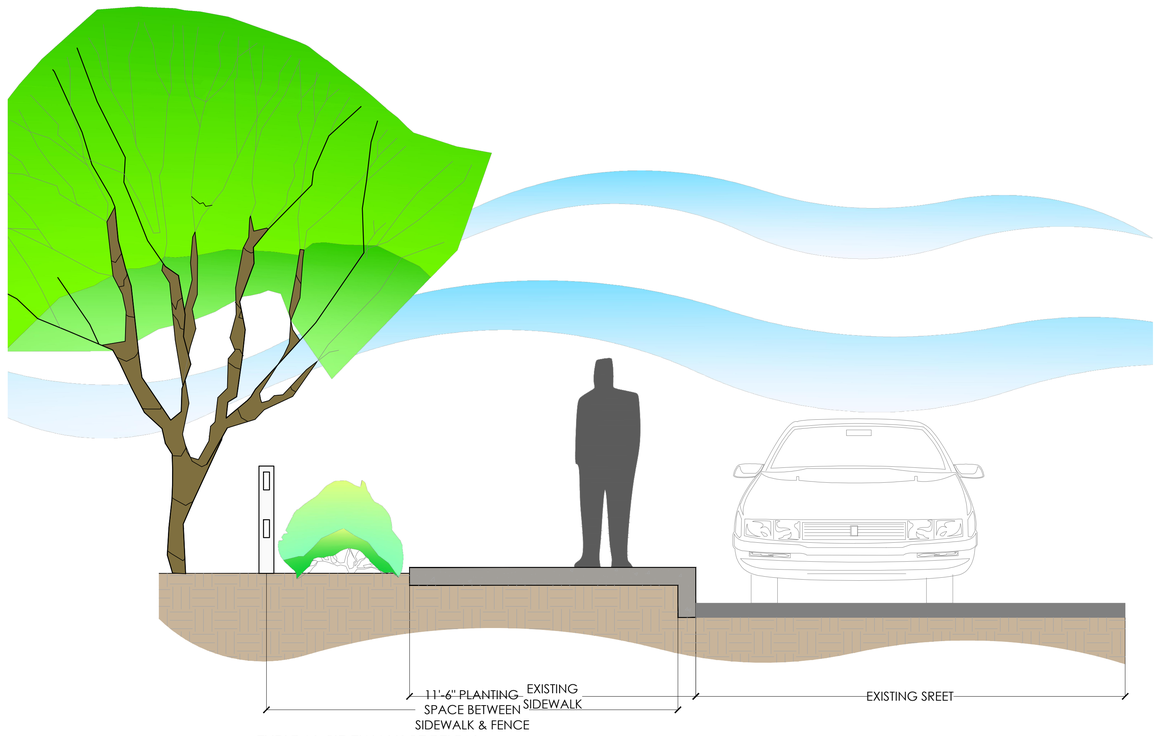
1. 8" X 8" X 16" CMU BLOCK. STUCCO & PAINT DUNN EDWARDS - DE6389 FALLEN ROCK
2. ROUNDED MUD CAP
3. PROVIDE GUTTER OPENING AT GUTTER WHER OCCURS; SEE CIVIL PLAN



B 40" SCREEN WALL

SCALE: 1/2" = 1'-0"

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.



C TYPICAL SIDEWALK SECTION

SCALE: 1/2" =1'-0"

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

wall key notes

- A — 36" HEIGHT 2-RAIL RANCH STYLE VINYL FENCING OR APPROVED EQUAL SEE SHEET L.03, DETAIL 'A'. 281 L.F.
- B — 3'-4" HIGH SCREEN WALL SEE SITE PLAN

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REGISTERED LANDSCAPE ARCHITECT — CERTIFICATE NO. 61201 — STATE OF ARIZONA — ARIZONA, U.S.A. — EXPIRES 03/31/25

NORTH

0' 20' 40' 60'

SCALE: 1" = 20'-0"

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PROJECT:

MCDONALDS
YUMA RD & SARIVAL AVE
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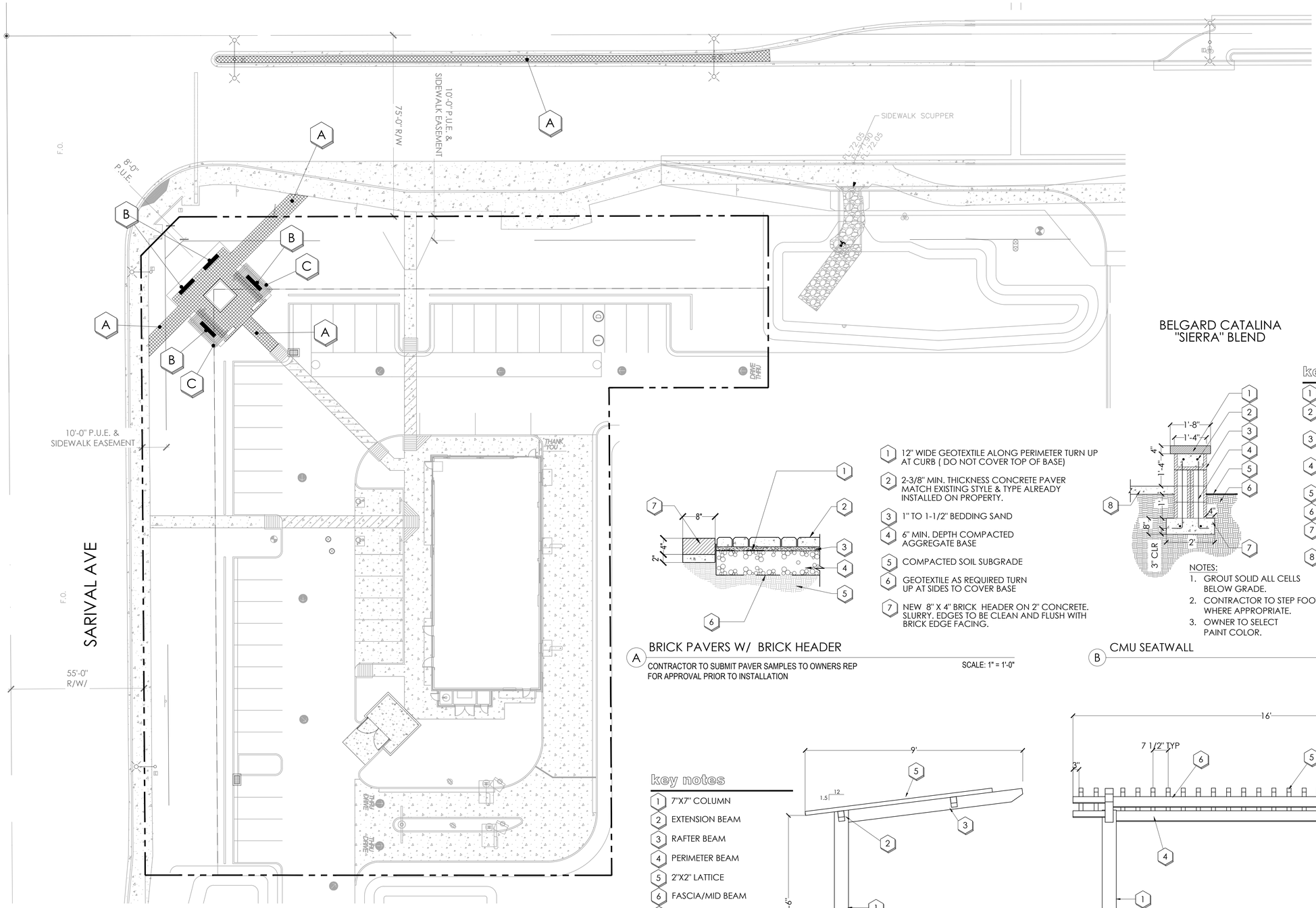
SHEET TITLE:

HARDSCAPE PLAN

JOB NO:	21-107
DATE:	
DRAWN BY:	B. PAUL
SUBMITTED:	04.17.2023
REVISED:	

SHEET

L.03 of L.04



hardscape legend

		material color/style	qty	details
hardscape				
	A	CONCRETE PAVERS BELGARD CATALINA STONE "SIERRA"	7,745 S.F.	SHEET L.04 DETAIL "A"
	B	8' LENGTH CMU SEAT WALL	4	SHEET L.04 DETAIL "B"
	C	CLASSIC RECREATION "MARANA" TRELLIS	2	SHEET L.04 DETAIL "C"

1. 12" WIDE GEOTEXTILE ALONG PERIMETER TURN UP AT CURB (DO NOT COVER TOP OF BASE)
2. 2-3/8" MIN. THICKNESS CONCRETE PAVER MATCH EXISTING STYLE & TYPE ALREADY INSTALLED ON PROPERTY.
3. 1" TO 1-1/2" BEDDING SAND
4. 6" MIN. DEPTH COMPACTED AGGREGATE BASE
5. COMPACTED SOIL SUBGRADE
6. GEOTEXTILE AS REQUIRED TURN UP AT SIDES TO COVER BASE
7. NEW 8" X 4" BRICK HEADER ON 2' CONCRETE. SLURRY. EDGES TO BE CLEAN AND FLUSH WITH BRICK EDGE FACING.

A BRICK PAVERS W/ BRICK HEADER

CONTRACTOR TO SUBMIT PAVER SAMPLES TO OWNERS REP FOR APPROVAL PRIOR TO INSTALLATION

SCALE: 1" = 1'-0"

BELGARD CATALINA "SIERRA" BLEND

key notes

1. 4" CMU CAP
2. #4 CONT. IN GROUTED BOND BEAM BLOCK
3. 8"X8"X16" CMU BLOCK PAINT & STUCCO FINISH
4. #4 @ 32" O.C. IN GROUTED CELLS
5. FINISH GRADE
6. COMPACTED SUBGRADE
7. #4 CONT. IN 2800 P.S.I. CONC. FOOTING
8. FINISH GRADE (ADJACENT CONC. IF APPLICABLE)

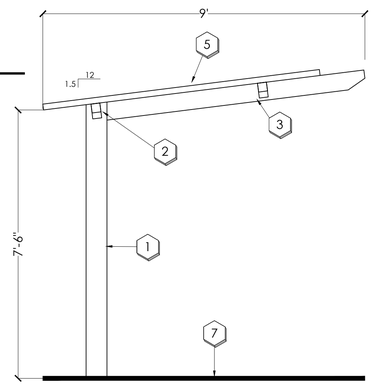
NOTES:
1. GROUT SOLID ALL CELLS BELOW GRADE.
2. CONTRACTOR TO STEP FOOTING WHERE APPROPRIATE.
3. OWNER TO SELECT PAINT COLOR.

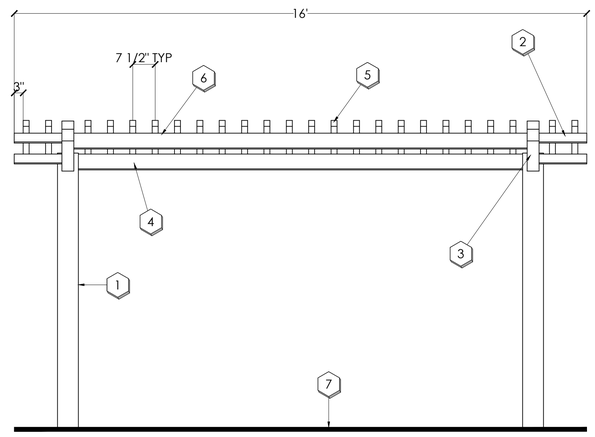
B CMU SEATWALL

SCALE: 1/2" =1'-0"

key notes

1. 7"X7" COLUMN
2. EXTENSION BEAM
3. RAFTER BEAM
4. PERIMETER BEAM
5. 2"X2" LATTICE
6. FASCIA/MID BEAM
7. FINISH GRADE





C CLASSIC RECREATION "MARANA" TRELLIS

NOTE: INSTALL PER MANUFACTURER'S SPECIFICATIONS. THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

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NORTH
0' 20' 40' 60'
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REVISED:

SHEET
L.04 of L.04

Convenience Use within Pueblo Verde Commercial Use Permit (Drive-Thru)

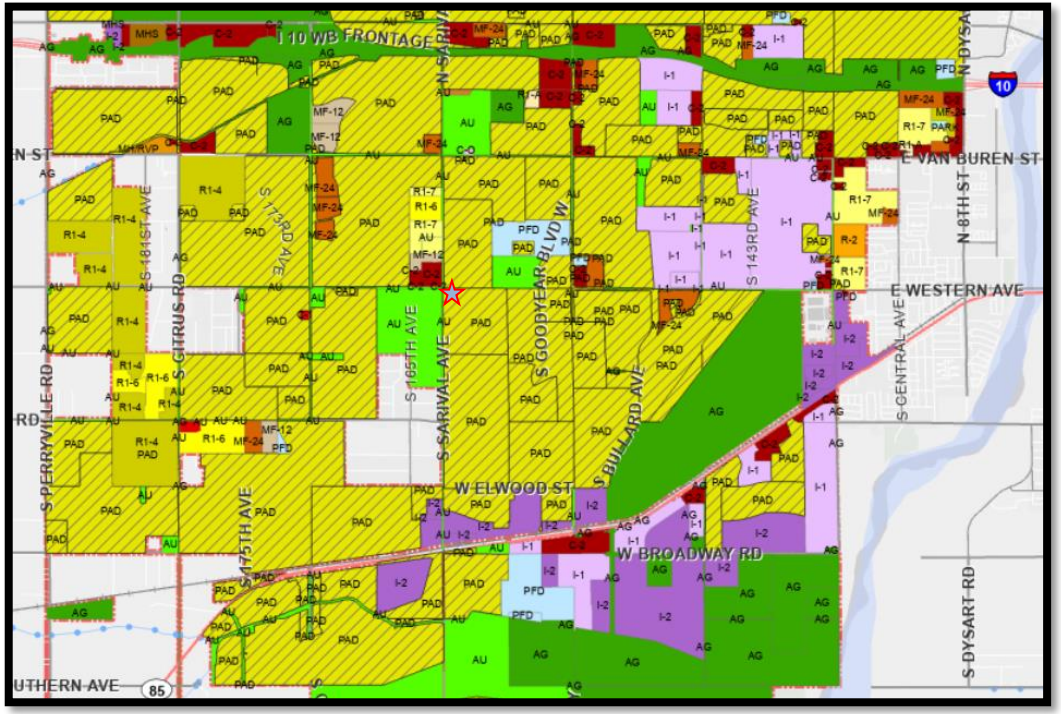
City Council Meeting
June 26, 2023



Location

CENTRAL GOODYEAR

- PUEBLO VERDE (Glenmont Estates)
  - Southeast corner of Sarival and Yuma
  - 1.2-acres
  - Zoned PAD as a part of Pueblo Verde (Neighborhood Commercial)



Specific Location

ZOOMED IN

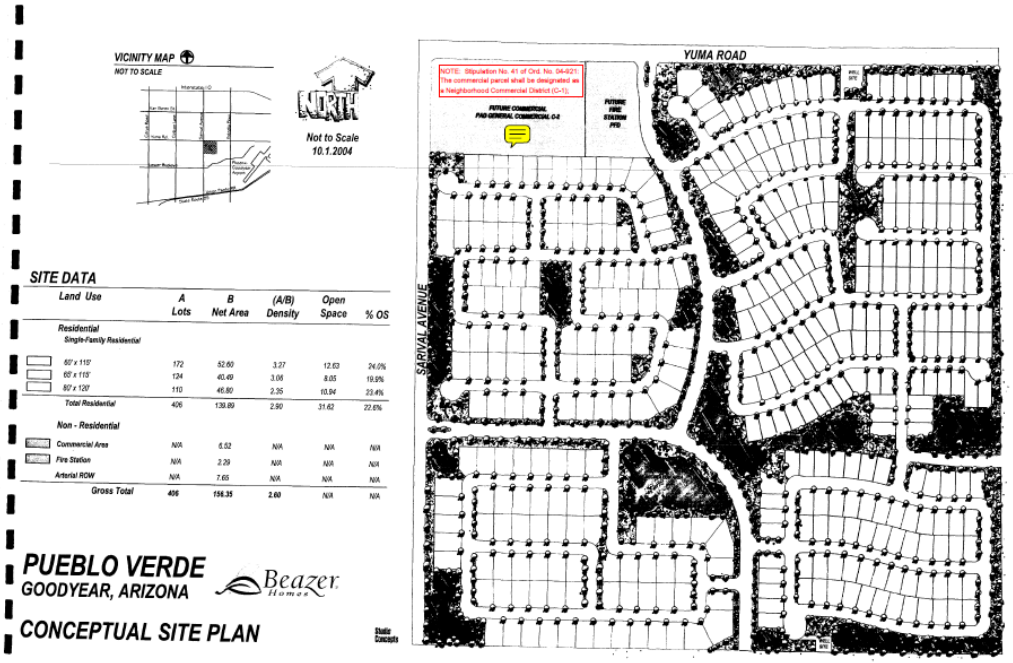
- North
  - Yuma Road and Wildflower Ranch
- South
  - Vacant Commercial Lot and Glenmont Estates neighborhood
- East
  - Vacant Commercial Lot, Pueblo Verde Storage and Fire Station 184
- West
  - Sarival Ave and Vanderbilt Farms (Sarival Gardens)



Zoning History

PUEBLO VERDE (GLENMONT ESTATES)

- Rezoned to PAD in November 2004
- Particular site zoned C-1 (Neighborhood Commercial) via Ordinance stipulation



Proposal

CONVENIENCE USE DRIVE-THROUGH

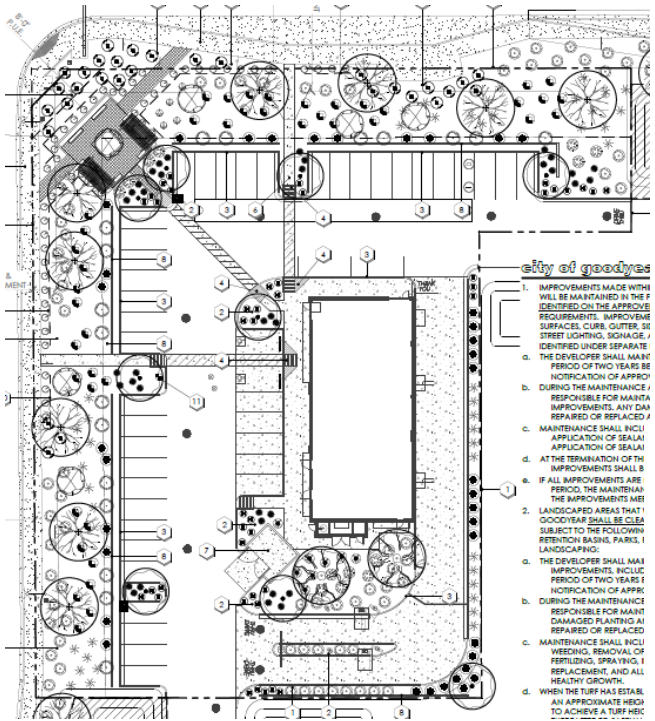
- 4,534 Square feet
- 45 Parking Spaces
- Drive-Through



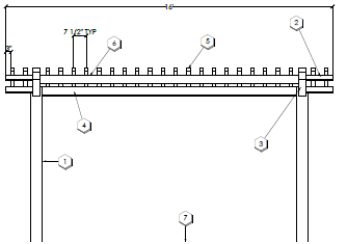
North Elevation

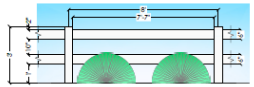


West Elevation

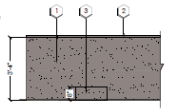


North ^





2 RAIL VINYL RANCH RAIL FENCING DETAIL

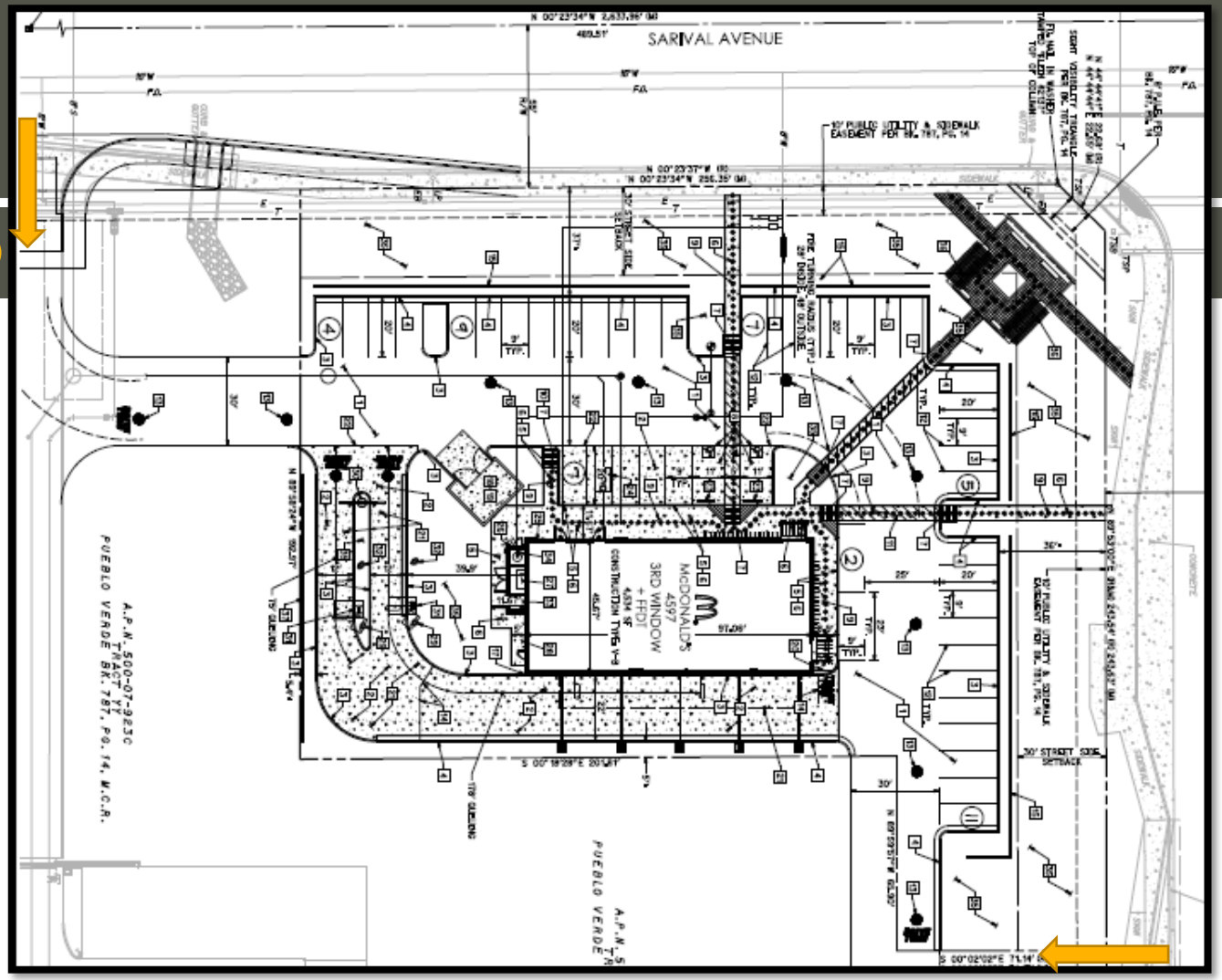


40' SCREEN WALL

Proposal

SITE PLAN ENLARGED

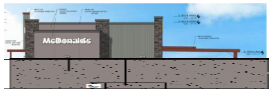
- North is Right >



Proposal

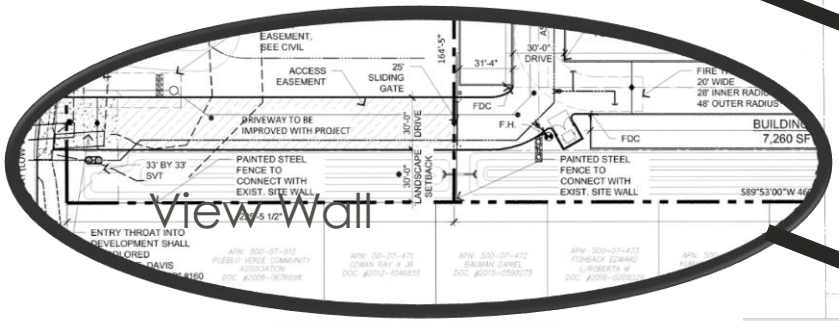
THE SITE IF APPROVED

- North is ^

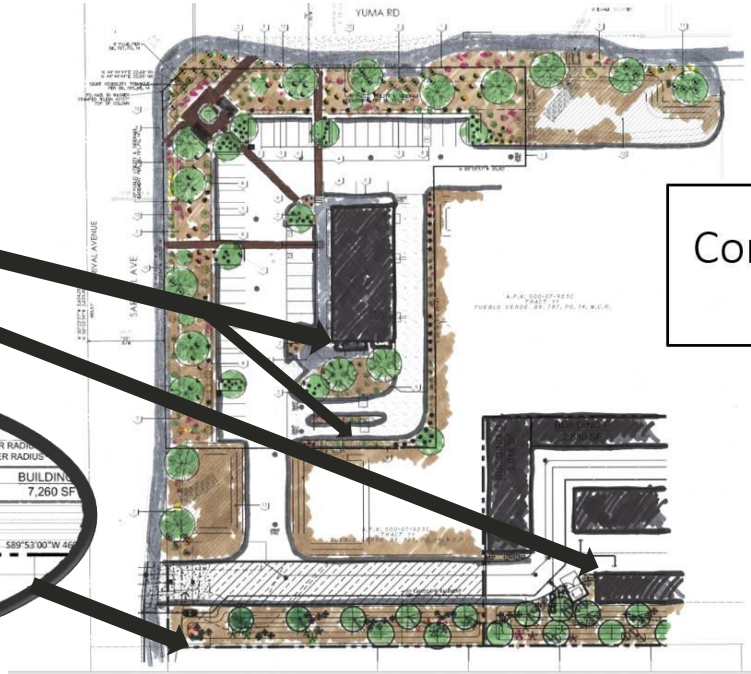


South Elevation and Screen Wall





View Wall



Composite Landscape

McDonalds and Self-Storage

OUTREACH AND PUBLIC HEARING

NEIGHBORHOOD MEETING, PLANNING AND ZONING COMMISSION

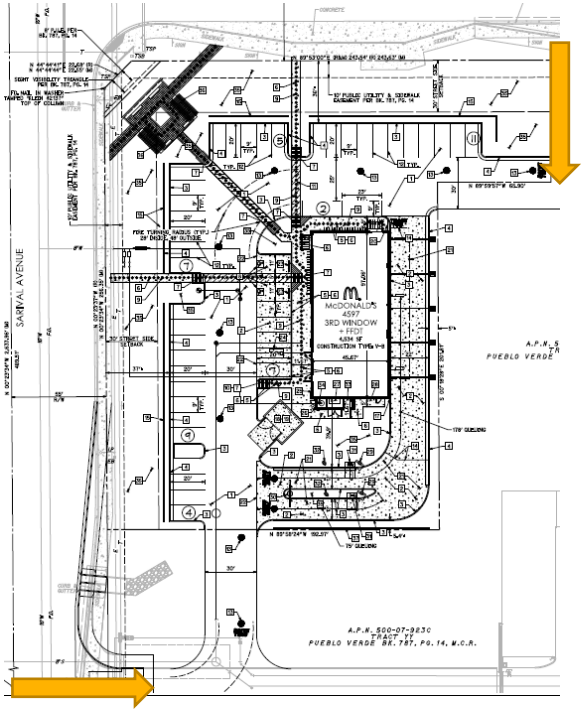
- Neighborhood Meeting
- Proposed Stipulations
  - Hours of Operation
  - Odor Mitigation
  - Lighting
  - Wall along south side of drive-through lane
  - Speaker Noise
  - Signage
  - Landscaping
  - Street Improvements
- Planning and Zoning Commission Recommendation



East Elevation



South Elevation



Recommendation

APPROVE SUBJECT TO STIPULATIONS

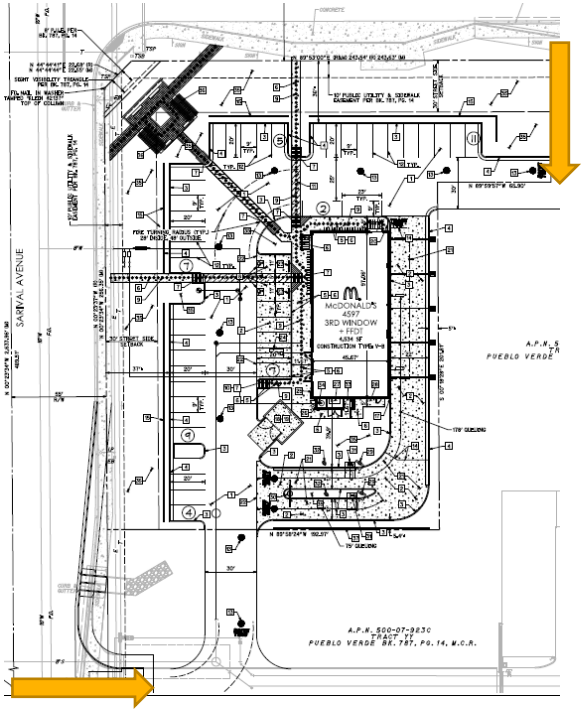
- Recommend Approval of Use Permit:
  - Subject to Stipulations
    - Odor Mitigation
    - Lighting
    - Wall along south side of drive-through lane
    - Speaker Noise
    - Signage
    - Hours of Operation
    - Landscaping
    - Street Improvements



East Elevation



South Elevation




CITY OF
Goodyear

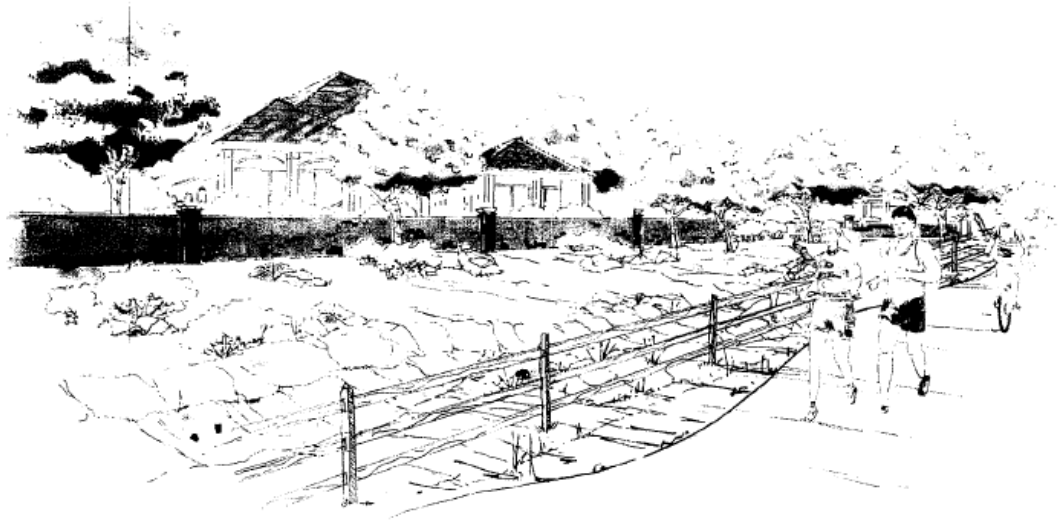
Pueblo Verde PAD

Beazer Homes

Pueblo Verde
Beazer Homes

SEC Sarival Avenue and Yuma Road

FINAL
PLANNED AREA DEVELOPMENT
(PAD)
October 04, 2004

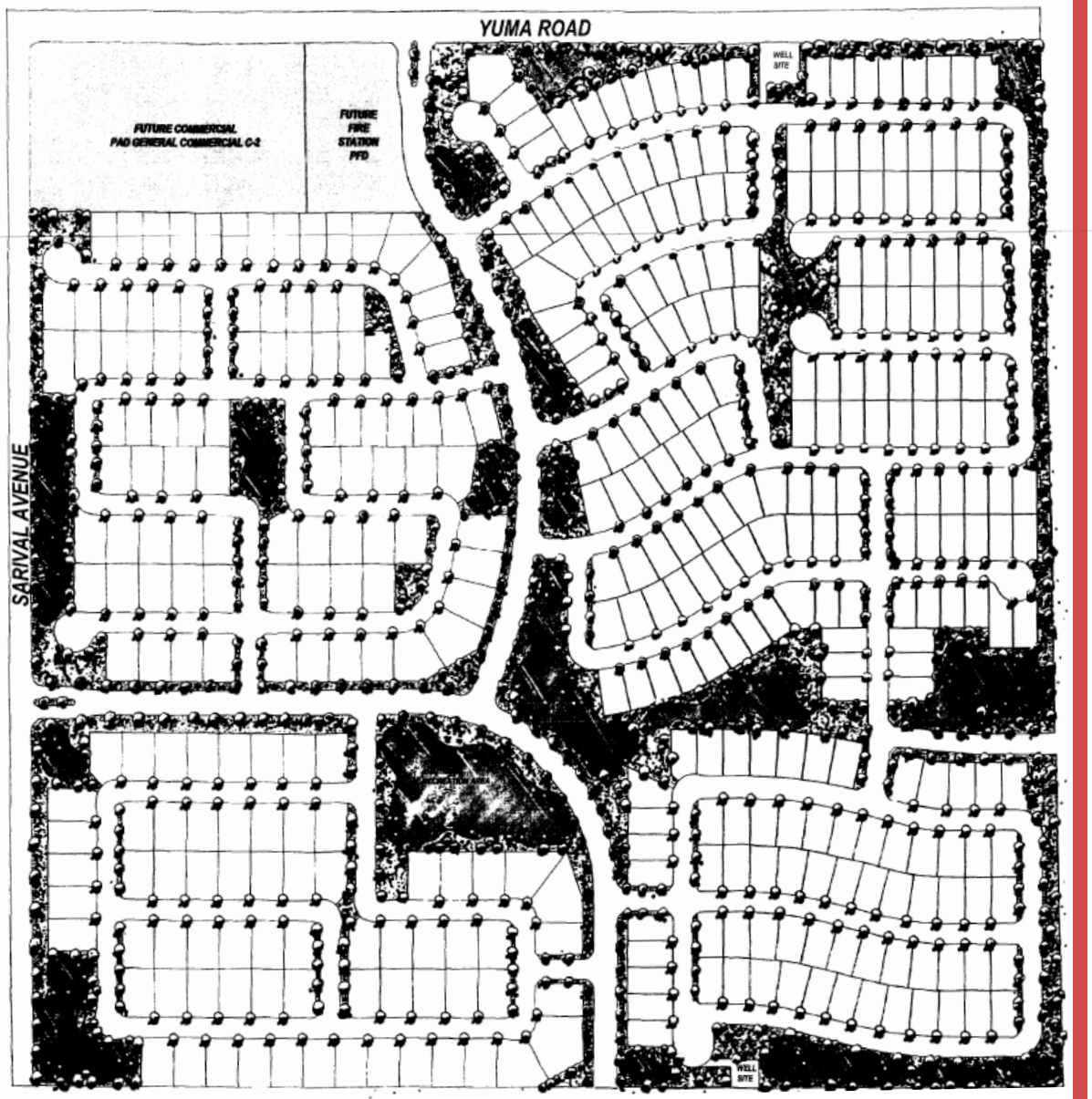


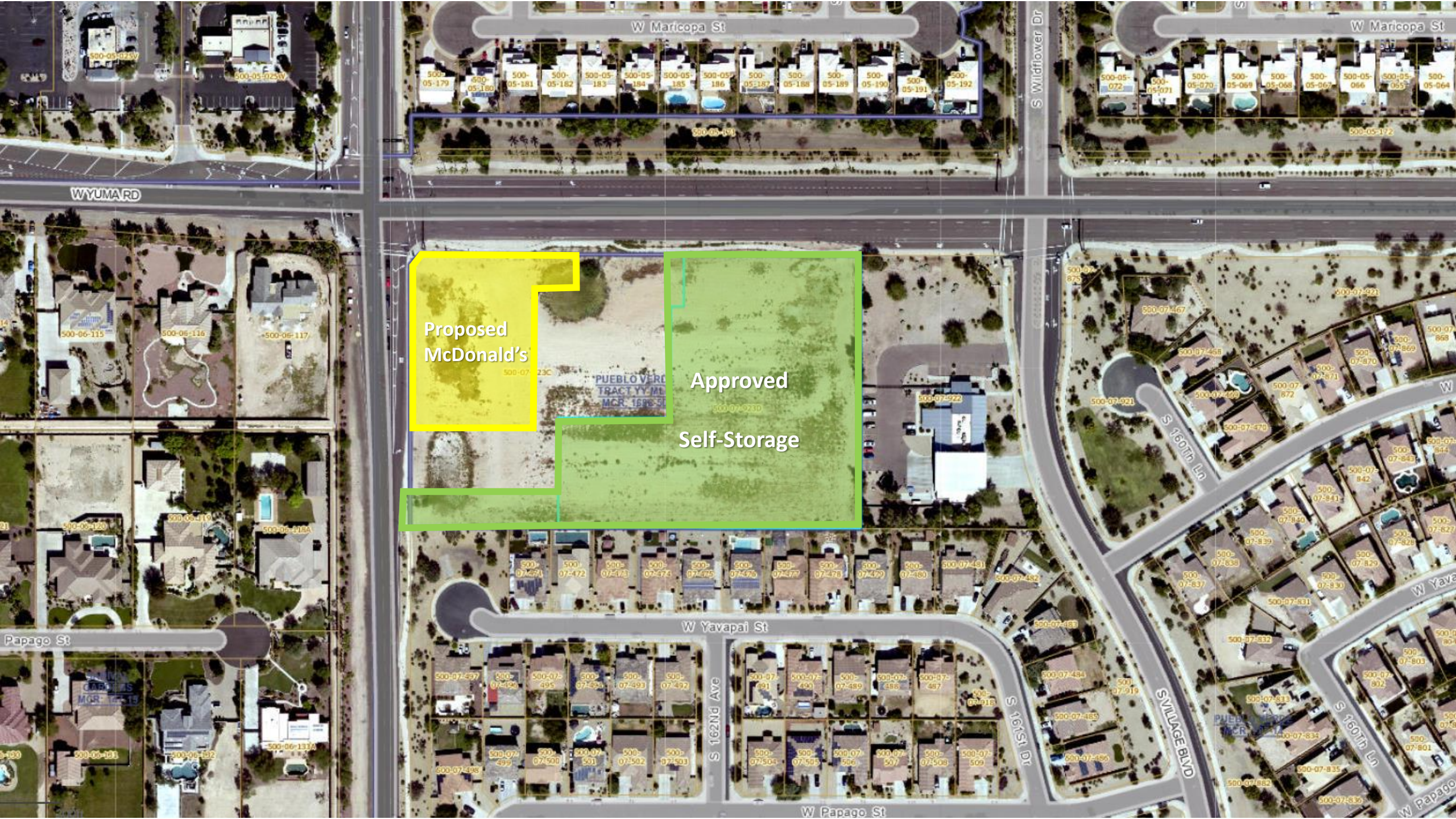
PUEBLO VERDE
GOODYEAR, ARIZONA

Beazer Homes

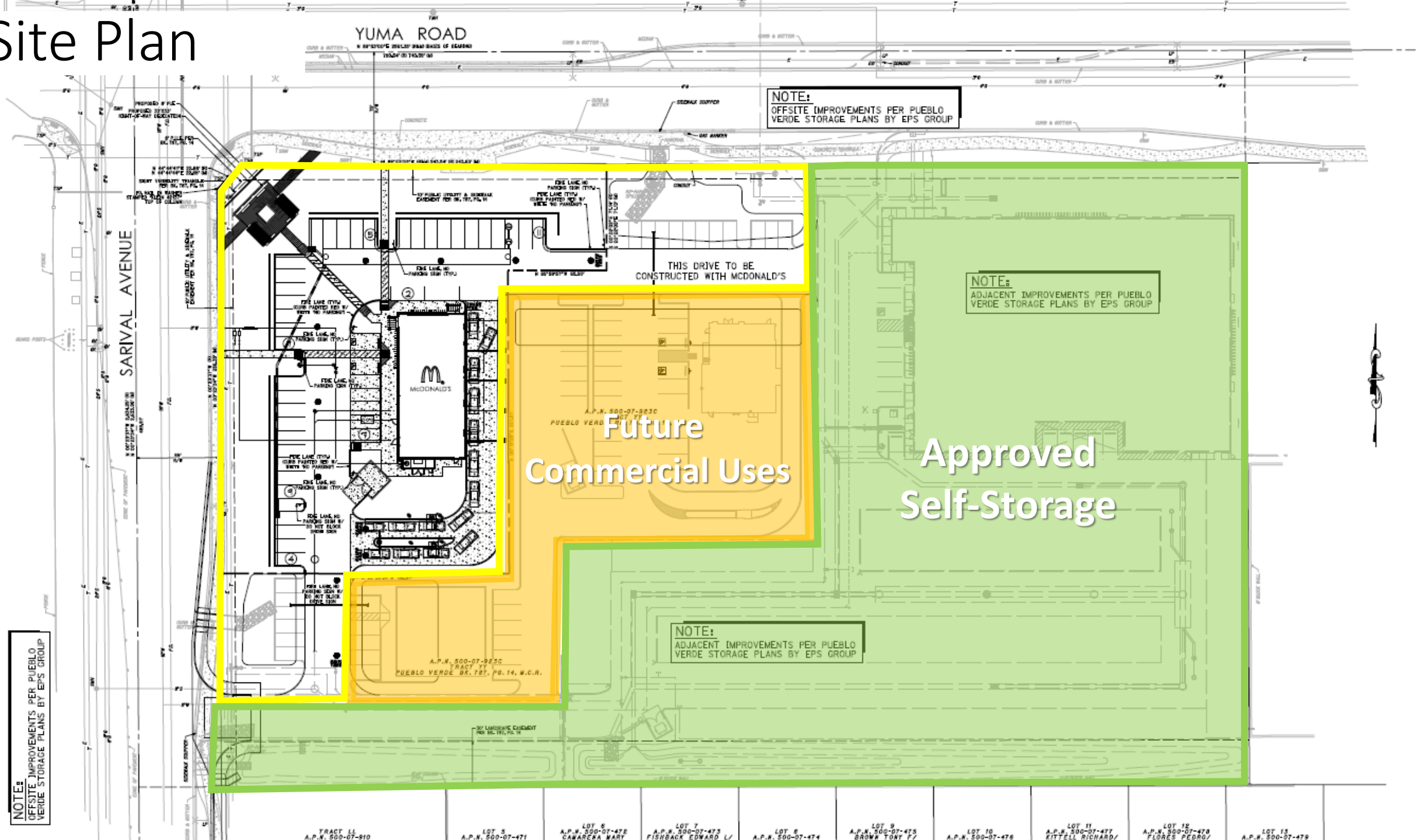
CONCEPTUAL SITE PLAN

Studio Concepts



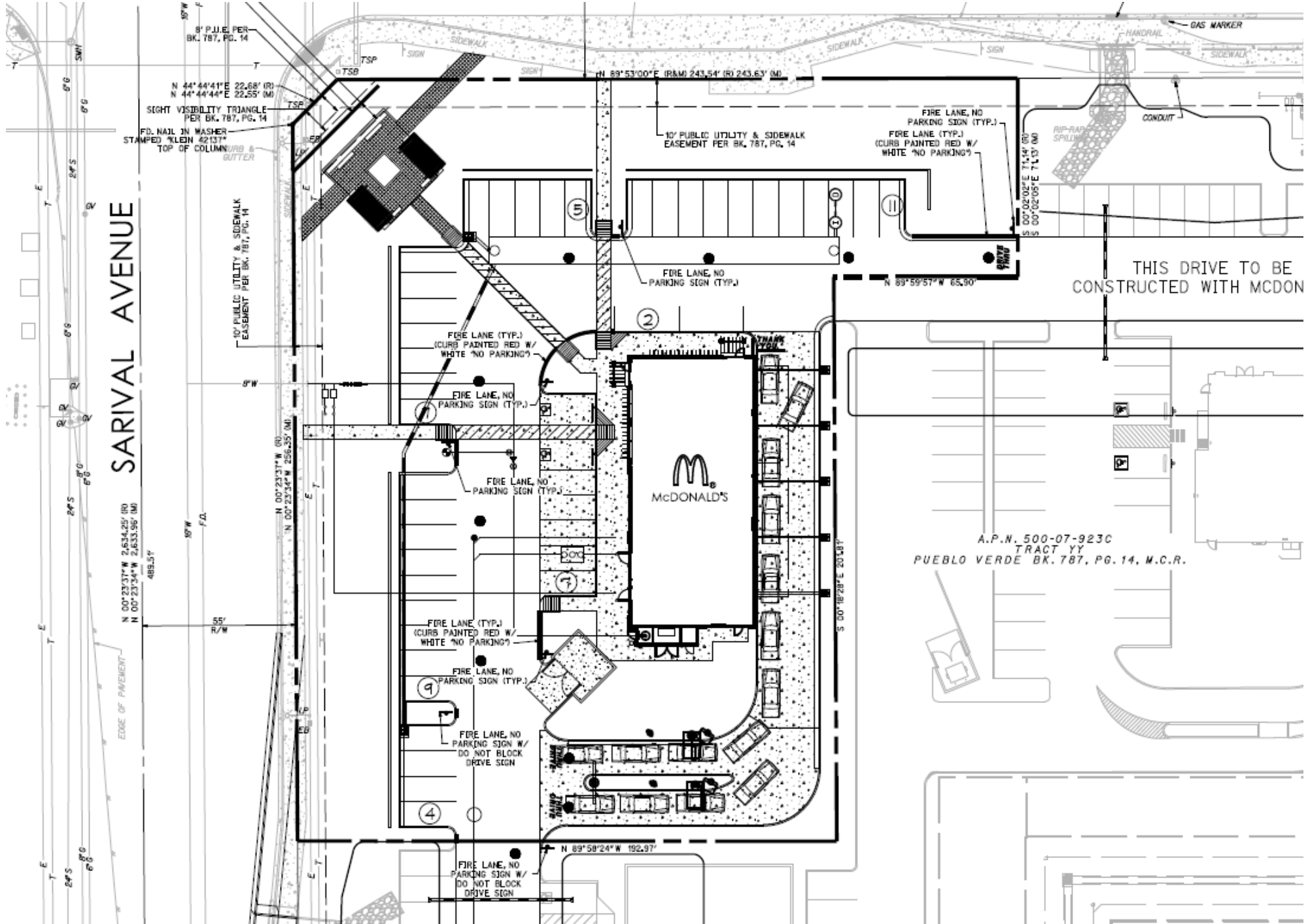

Proposed
McDonald's
Approved
Self-Storage
W Maricopa St
W Maricopa St
W YUMA RD
S Wildflower Dr
W Yavapai St
W Papago St
Papago St
S 162Nd Ave
S 161St Dr
S 160Th Ln
S VILLAGE BLVD

Site Plan


YUMA ROAD
SARIVAL AVENUE
NOTE:
OFFSITE IMPROVEMENTS PER PUEBLO VERDE STORAGE PLANS BY EPS GROUP
THIS DRIVE TO BE CONSTRUCTED WITH MCDONALD'S
McDONALD'S
Future Commercial Uses
Approved Self-Storage
NOTE:
ADJACENT IMPROVEMENTS PER PUEBLO VERDE STORAGE PLANS BY EPS GROUP
NOTE:
ADJACENT IMPROVEMENTS PER PUEBLO VERDE STORAGE PLANS BY EPS GROUP
NOTE:
OFFSITE IMPROVEMENTS PER PUEBLO VERDE STORAGE PLANS BY EPS GROUP

Site Plan

- Detail



Elevations –

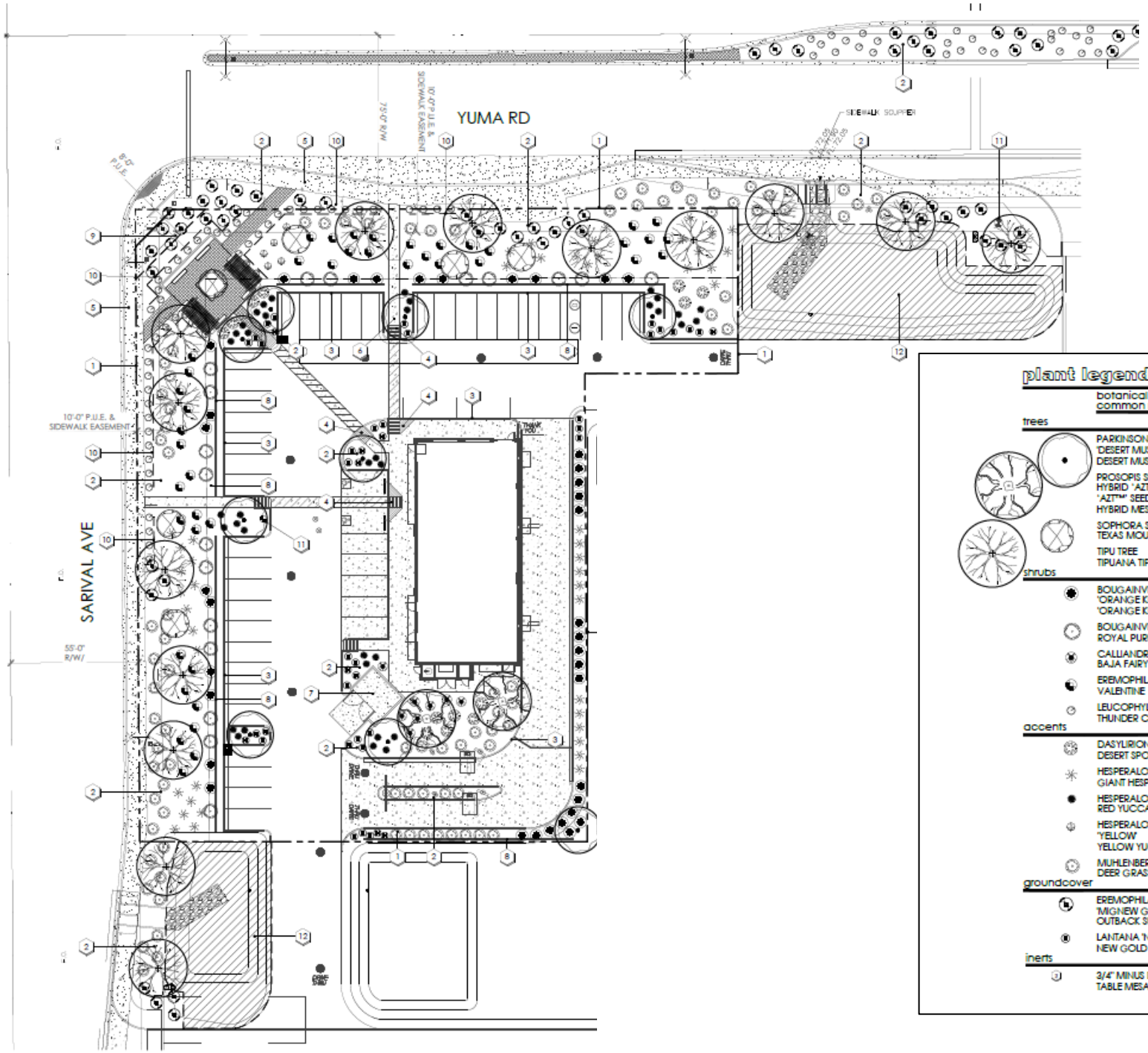
North and West



East and South

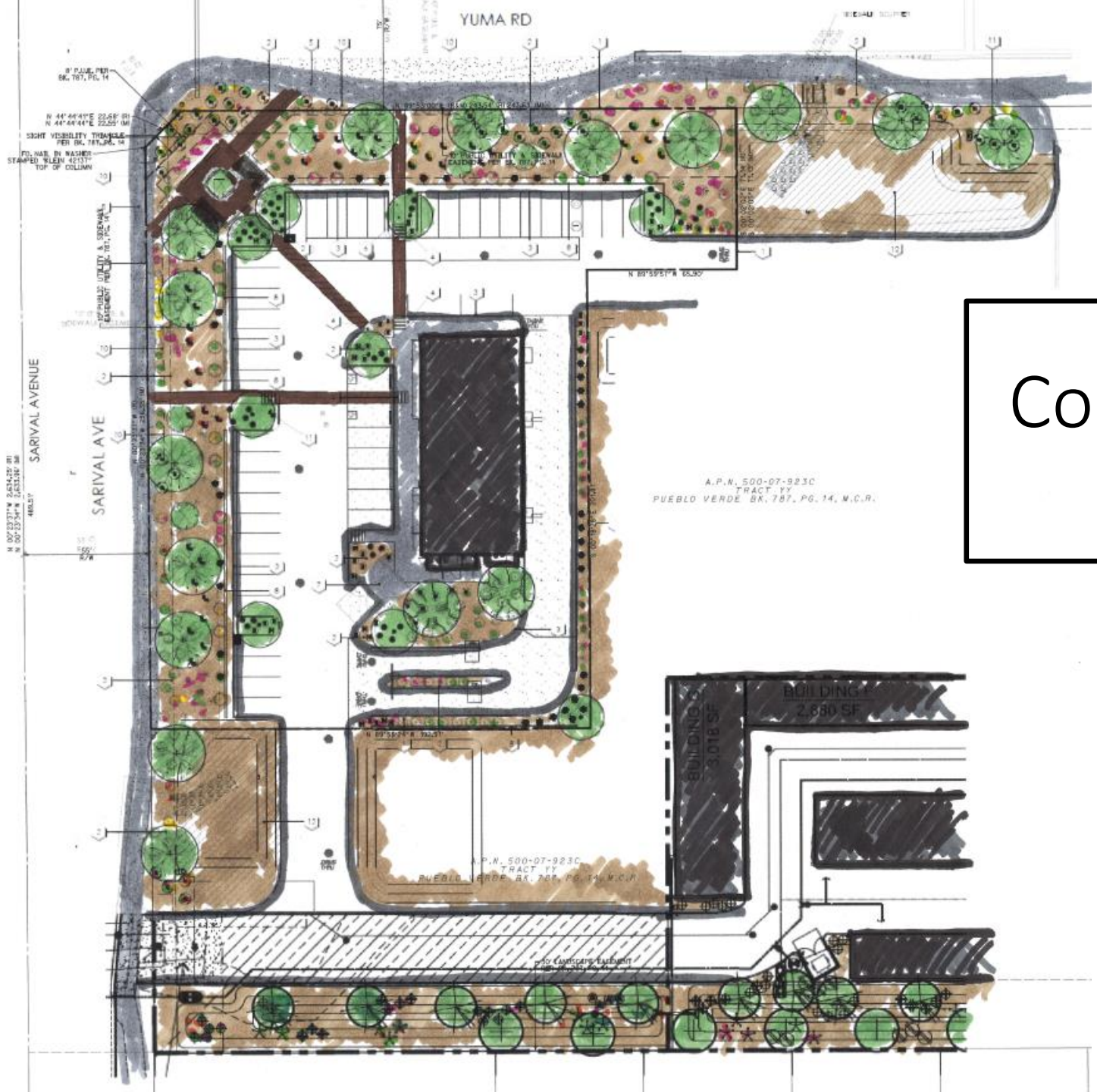


Landscape



plant legend

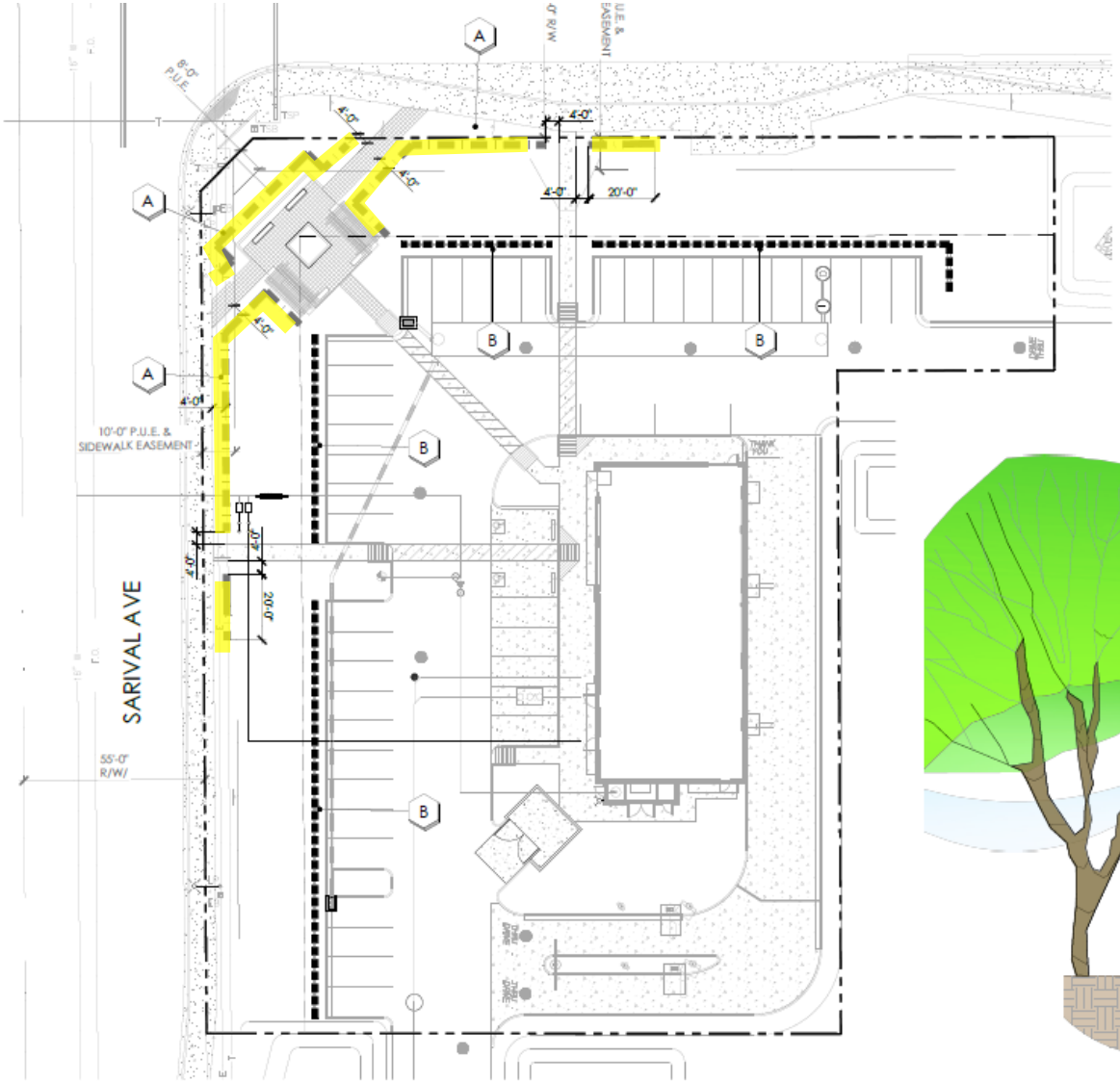
	botanical name common name	emitters	size	qty	comments
trees					
	PARKINSONIA X. 'DESERT MUSEUM' DESERT MUSEUM	(5 @ 1.0 GPH)	24" BOX	8	5.0H., 3.0W., 1.0CAL. STAKE IN PLACE
	PROSOPIS SEEDLESS HYBRID 'AZT™' 'AZT™' SEEDLESS HYBRID MESQUITE	(5 @ 1.0 GPH)	24" BOX	2	5.0H., 6.0W., 1.25CAL. STAKE IN PLACE
	SOPHORA SECUNDIFLORA TEXAS MOUNTAIN LAUREL	(5 @ 1.0 GPH)	24" BOX	6	3.0H., 2.0W., 0.75CAL. STAKE IN PLACE
	TIPU TREE TIPUANA TIPU	(5 @ 1.0 GPH)	24" BOX	9	7.0H., 3.0W., 1.0CAL. STAKE IN PLACE
shrubs					
	BOUGAINVILLEA X BUTTIANA 'ORANGE KING' 'ORANGE KING BOUGAINVILLEA	(1 @ 1.0 GPH)	5 GAL.	18	
	BOUGAINVILLEA 'ROYAL PURPLE' ROYAL PURPLE BOUGAINVILLEA	(1 @ 1.0 GPH)	5 GAL.	18	
	CALLIANDRA CALIFORNICA BAJA FAIRY DUSTER	(1 @ 1.0 GPH)	5 GAL.	8	
	EREMOPHILA SP. VALENTINE	(1 @ 1.0 GPH)	5 GAL.	43	
	LEUCOPHYLLUM CANDIDUM THUNDER CLOUD	(1 @ 1.0 GPH)	5 GAL.	52	
accents					
	DASYLIRION WHEELERI DESERT SPOON	(1 @ 1.0 GPH)	5 GAL.	29	
	HESPERALOE FUNIFERA GIANT HESPERALOE	(1 @ 1.0 GPH)	5 GAL.	35	
	HESPERALOE PARVIFLORA RED YUCCA	(1 @ 1.0 GPH)	5 GAL.	37	
	HESPERALOE PARVIFLORA 'YELLOW' YELLOW YUCCA	(1 @ 1.0 GPH)	5 GAL.	21	
	MUHLENBERGIA RIGENS DEER GRASS	(1 @ 1.0 GPH)	5 GAL.	60	
groundcover					
	EREMOPHILA GLABRA 'MIGNEW GOLD'. OUTBACK SUNRISE EMU	(1 @ 1.0 GPH)	5 GAL.	30	
	LANTANA 'NEW GOLD' NEW GOLD LANTANA	(1 @ 1.0 GPH)	1 GAL.	35	
inerts					
	3/4" MINUS DECOMPOSED GRANITE TABLE MESA BROWN		3/4"	- S.F.	2" MINIMUM IN ALL PLANTERS



Composite Landscape

McDonalds and Self-Storage

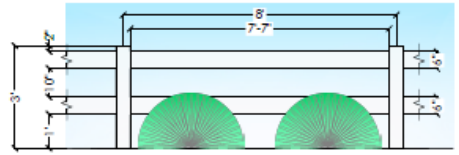
Landscape – Two Rail Fence



wall key notes

A 36" HEIGHT 2-RAIL RANCH STYLE VINYL FENCING OR APPROVED EQUAL SEE SHEET L03, DETAIL 'A'. 281 L.F.

B 3' HIGH SCREEN WALL SEE SITE PLAN



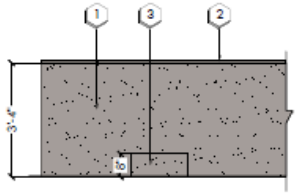
A 2 RAIL VINYL RANCH RAIL FENCING DETAIL

SCALE: 1/2" =1'-0"

NOTE: INSTALL PER MANUFACTURER'S SPECIFICATIONS. THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

key notes

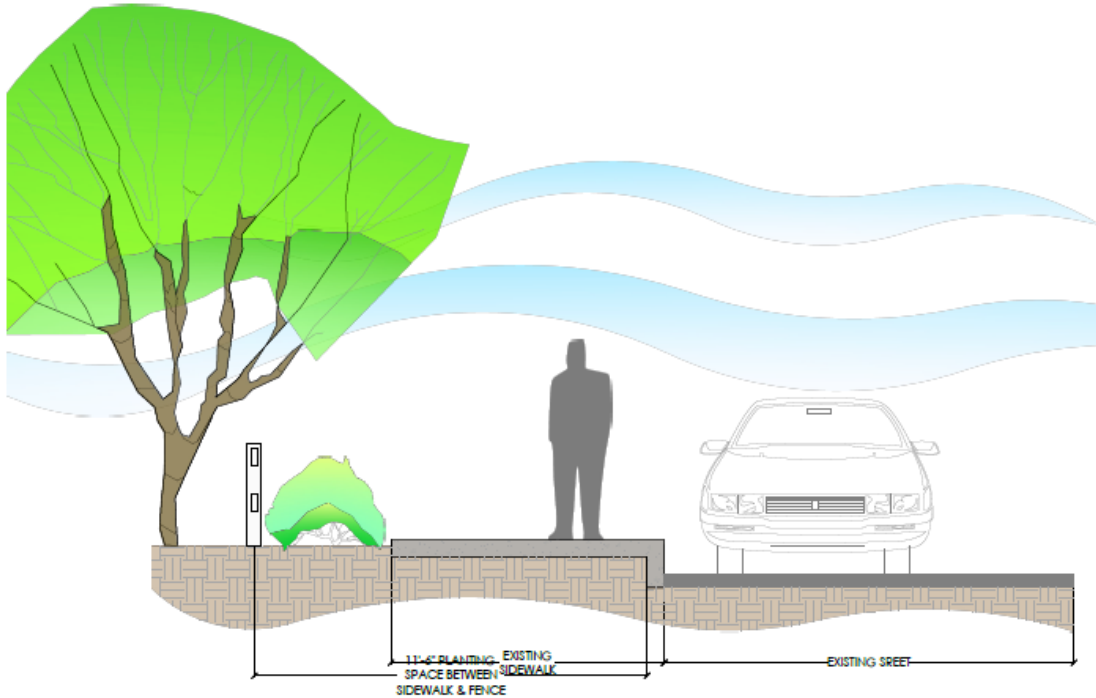
1. 8" X 8" X 16" CMU BLOCK. STUCCO & PAINT DUNN EDWARDS - DE6389 FALLEN ROCK
2. ROUNDED MUD CAP
3. PROVIDE GUTTER OPENING AT GUTTER WHER OCCURS; SEE CIVIL PLAN



B 32" PATIO WALL / WITH 2' X 2' PILASTER

SCALE: 1/2" = 1'-0"

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

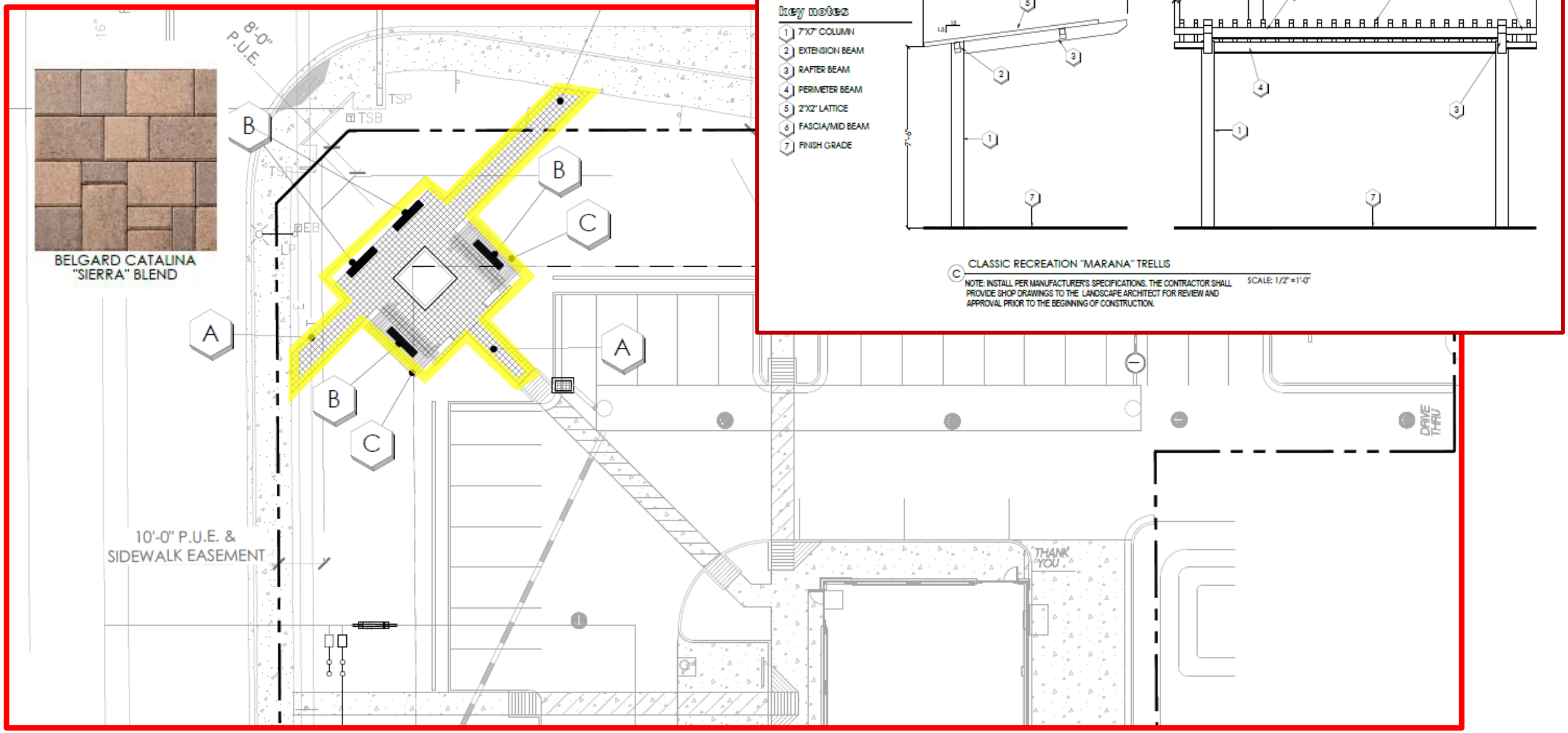


C TYPICAL SIDEWALK SECTION

SCALE: 1/2" =1'-0"

NOTE: THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

Landscape – Seating Area



PAINT COLOR.

B CMU SEATWALL

SCALE: 1/2" = 1'-0"

key notes

1. 7"X7" COLUMN
2. EXTENSION BEAM
3. RAFTER BEAM
4. PERIMETER BEAM
5. 2"X2" LATTICE
6. FASCIA/MID BEAM
7. FINISH GRADE

7 1/2" TYP

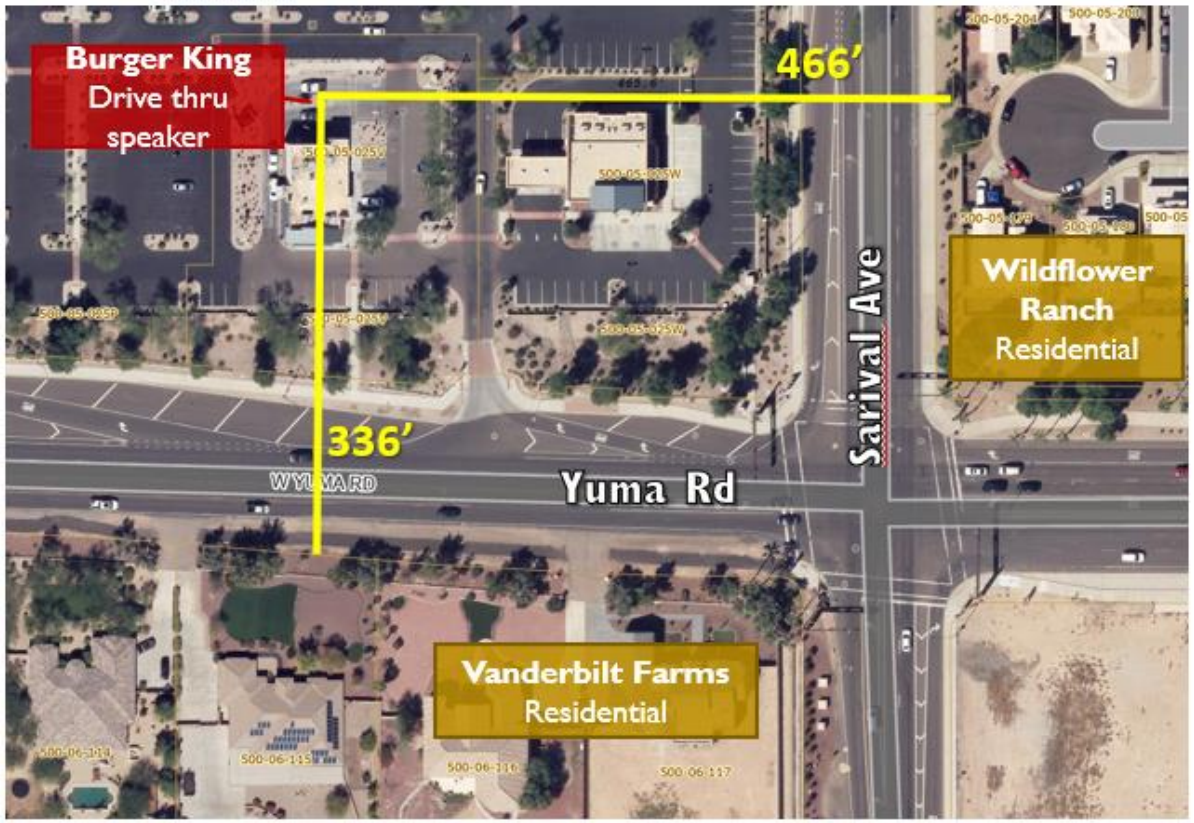
C CLASSIC RECREATION "MARANA" TRELLIS

SCALE: 1/2" = 1'-0"

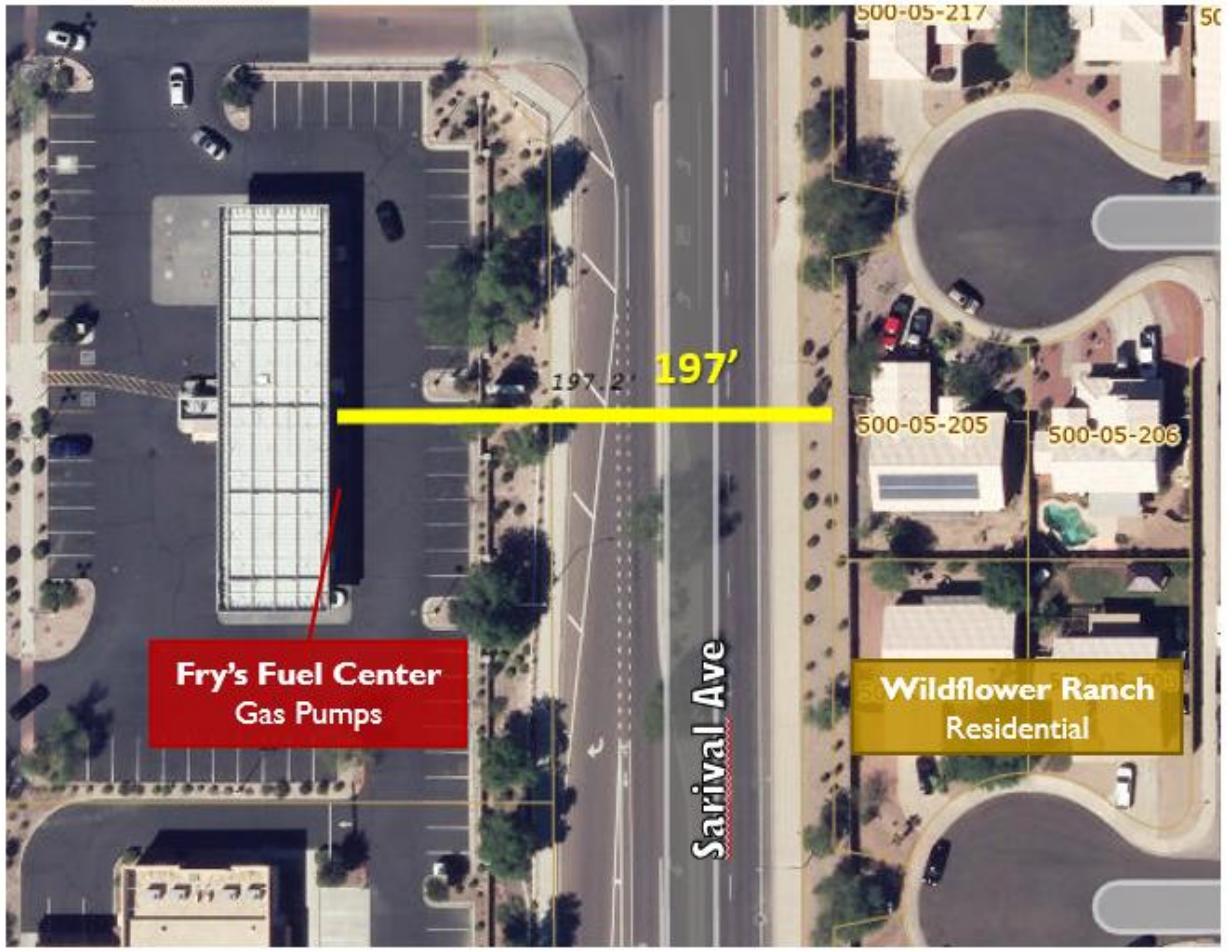
NOTE: INSTALL PER MANUFACTURER'S SPECIFICATIONS. THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS TO THE LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION.

Example Separations

NWC Sarival Ave and Yuma Rd

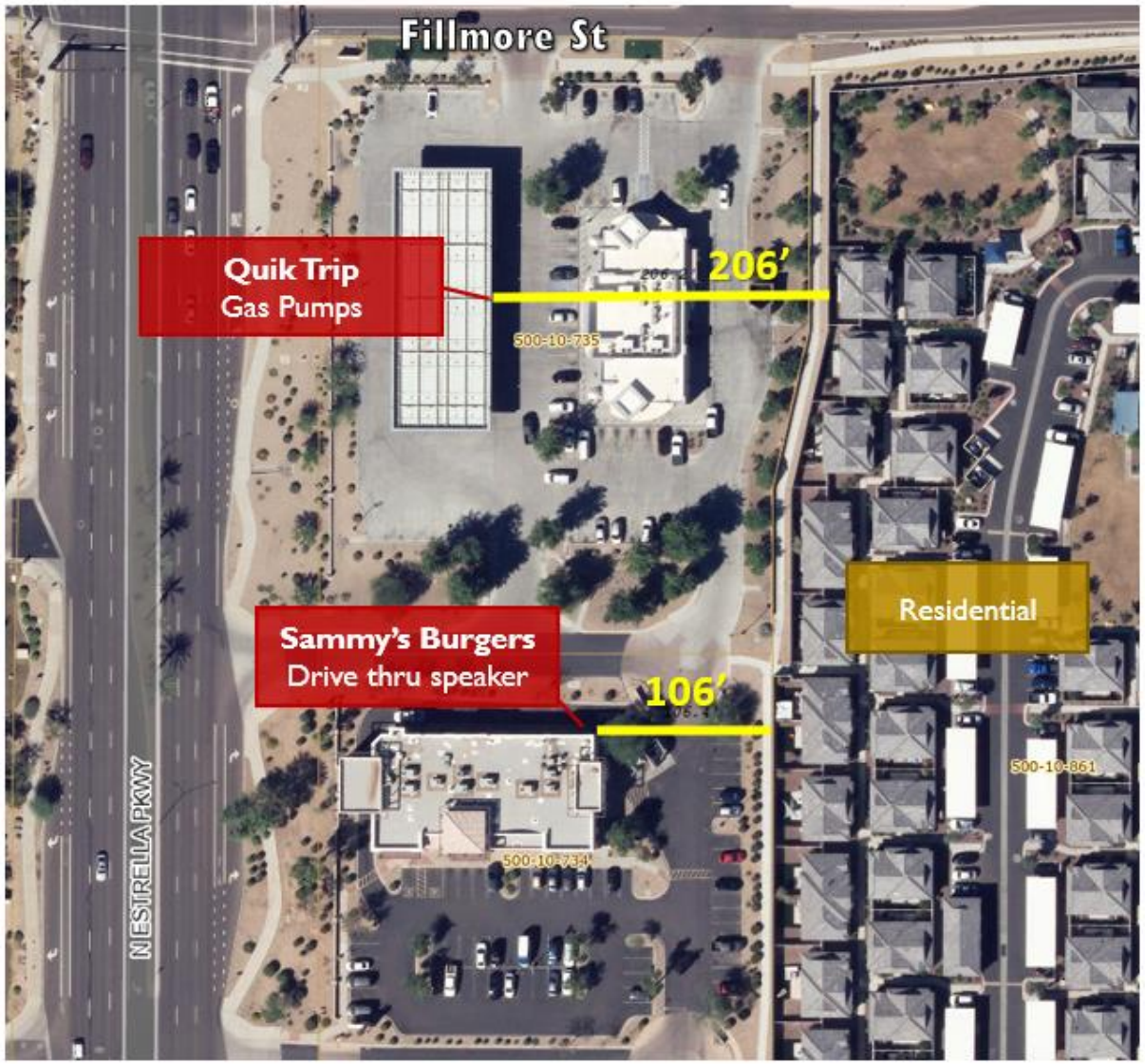


NWC Sarival Ave and Yuma Rd

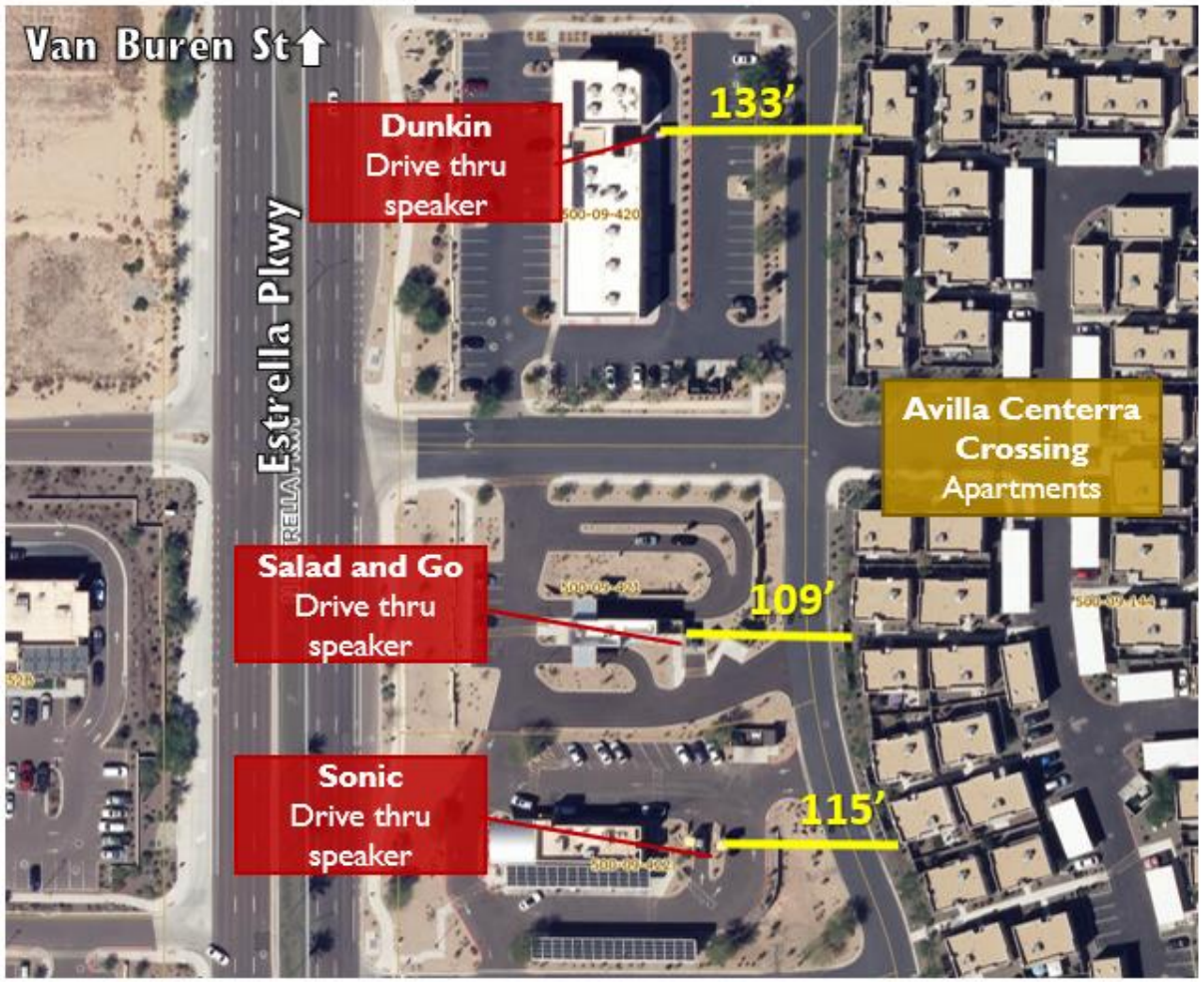


Example Separations

Estrella Pkwy between Van Buren St and Fillmore St

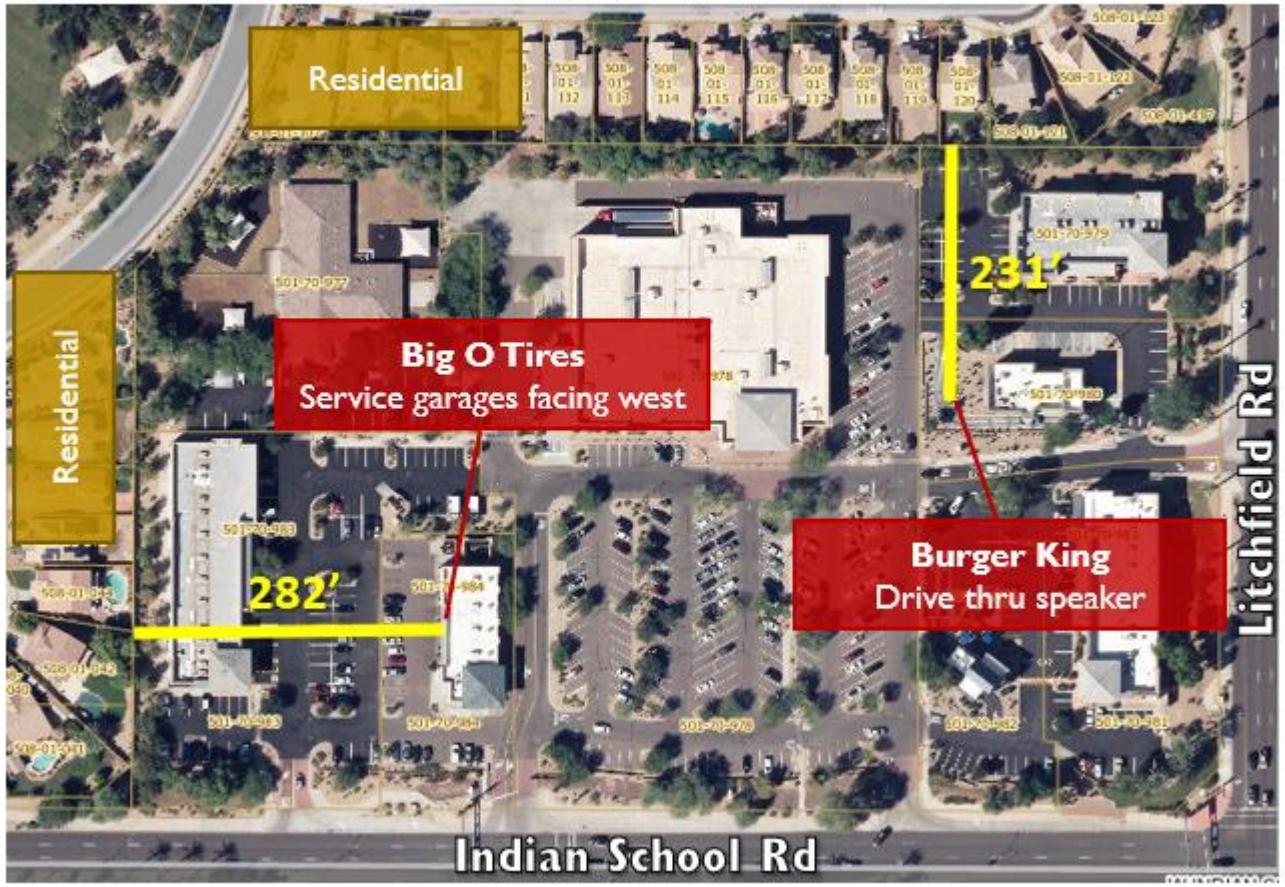


SSEC Estrella Pkwy and VanBuren St



Example Separations

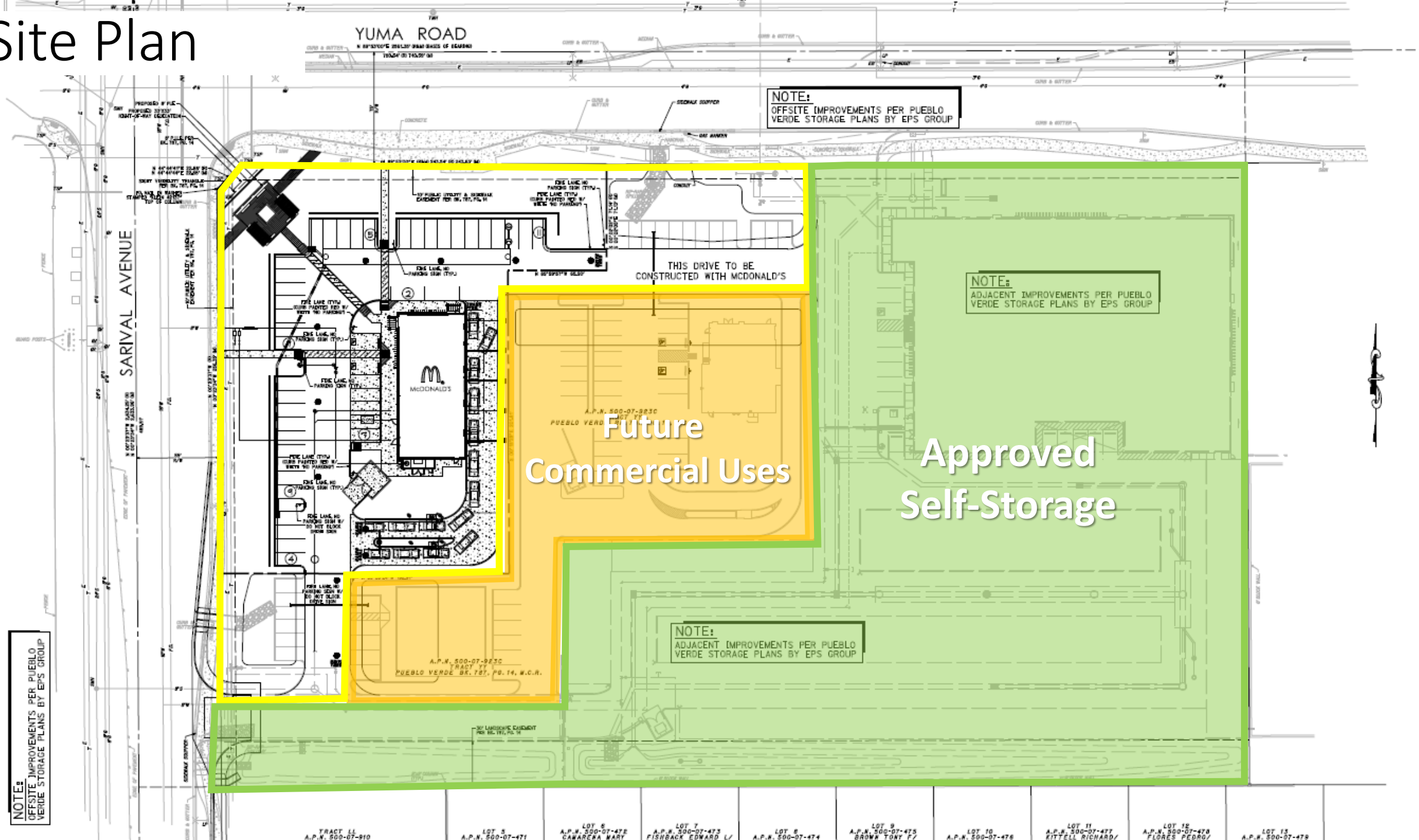
NWC Litchfield Rd and Indian School Rd



SWC Litchfield Rd and Indian School Rd



Site Plan


YUMA ROAD
SARIVAL AVENUE
NOTE:
OFFSITE IMPROVEMENTS PER PUEBLO VERDE STORAGE PLANS BY EPS GROUP
THIS DRIVE TO BE CONSTRUCTED WITH MCDONALD'S
McDONALD'S
Future Commercial Uses
Approved Self-Storage
NOTE:
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NOTE:
ADJACENT IMPROVEMENTS PER PUEBLO VERDE STORAGE PLANS BY EPS GROUP
NOTE:
OFFSITE IMPROVEMENTS PER PUEBLO VERDE STORAGE PLANS BY EPS GROUP

ITEM #: 19.
DATE: 06/26/2023
AI #:1562

CITY COUNCIL ACTION REPORT

SUBJECT: USE PERMIT FOR A CONVENIENCE USE (CIRCLE K CONVENIENCE STORE WITH A GAS STATION)

STAFF PRESENTER(S): Katie Wilken, Deputy Director of Planning, DSD

OTHER PRESENTER(S):
Michael Scarbrough, Land Development Consultants

SUMMARY

A Use Permit request for a Convenience Use (Circle K convenience store with a gas station) proposed on an approximately 1.9-acre parcel located at the southeast corner of West Indian School Road and North 166th Avenue. The property is zoned Planned Area Development with underlying C-2 (General Commercial) designation, within the PV303 Planned Area Developed (PAD).

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

This is a continuation of the public hearing that was opened previously on April 24, 2023.

Approve the Use Permit request for a Convenience Use (Circle K convenience store with a gas station) on Parcels 4 and 5 of the final plat of the PV303 East II Phase 1 recorded on February 16, 2018 in the official records of Maricopa County at Book 1370 of Maps Page 10 (Instrument 20180122777) (the “Property”) subject to stipulations. (Katie Wilken, Deputy Director of Planning, DSD)

STIPULATIONS

1. All future development on Parcel 4 and 5 of the final plat of the PV303 East II Phase 1 recorded on February 16, 2018 in the official records of Maricopa County at Book 1370 of Maps Page 10 (Instrument 20180122777) (the "Property") will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;

2. The convenience use permitted herein shall be developed in conformance with the attached Circle K Site Plan, the Circle K Landscape Plans, the Circle K Conceptual Building Elevations – Color, and the Circle K Conceptual Fuel Canopy Elevations – Color attached hereto. Any changes to the improvements, as shown on the attached plans, may require an amendment to the use permit as determined by the Development Services Director or designee;

3. No high-speed diesel fueling facilities shall be constructed on site and the only diesel fueling allowed on the Property shall be for cars, light trucks and recreational vehicles;

4. Except for handicap spaces, which shall comply with applicable Development Regulations, parking spaces shall be no more than 9.5-feet by 20-feet;

5. No certificate of completion or certificate of occupancy shall be issued for any structure within the Property until the full south half-street improvements for the section of Indian School Road along the frontage of the Property have been completed, which includes, but is not limited to, the construction of street frontage landscape and landscape irrigation;

6. No building permits shall be issued for development of the convenience use permitted herein until a replat is recorded that creates one lot for the approximate 1.9 acre parcel upon which the convenience use is to be developed;

7. Signage is not approved with the approval of this Use Permit. All signage on the Property shall comply with Article 7 (Sign Regulations) of the City of Goodyear Zoning Ordinance;

8. The Property shall conform to the standards designated for Lighting Zone 2 as established in Article 10, Outdoor Lighting Standards, of the City of Goodyear Zoning Ordinance; and

9. In addition to compliance with the stipulations and conditions of approval set forth herein, the development of the Property shall comply with the Goodyear Zoning Ordinance, the city of Goodyear subdivision regulations, the city of Goodyear's Engineering Design Standards and Policies, except as modified by the City Engineer, the Maricopa County Association of Governments standards for public works construction, and all other federal, state and locals laws, ordinances, rules, regulations, standards, and policies applicable to the development of the Property.

FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any

areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

BACKGROUND AND PREVIOUS ACTIONS

The subject property has been designated by the General Plan to be either industrial or commercial since at least 1998. The 1998-2003 General Plan designated the property with a Commercial land use. The 2003-2013 General Plan designated the property with a Light Industrial use. The 2014-current General Plan has the subject property as developing with a Business and Commerce land use designation, which allows for both typical commercial development and limited industrial type facilities.

The subject property is located within the PV303 Planned Area Development and has an underlying C-2 (General Commercial) designation. The original PAD zoning was approved by City Council on January 14, 2008, with adoption of Ordinance No. 07-1097. The PAD was last amended on June 27, 2018 with the adoption of Ordinance 2018-1391. However, the 2018 PAD amendment did not impact the subject property, but other properties within the PAD.

A Master Site Plan for the Triangle at PV303 was administratively approved by staff on February 24, 2023.

A replat of a portion of the Final Plat of PV303 East II Phase 1 encompassing the Property is in review. The replat will the reconfigure boundaries for Parcels 4, 5, 6, and 7 of the Final Plat of PV303 East II Phase 1 into 5 total lots. The PV303 East II Phase 1 was approved by City Council on November 20, 2017. If the replat is approved, the subject property will be located wholly on Lot 1 of the newly created plat.

This Planning and Zoning Commission considered this item at their regular meeting held on April 12, 2023. Commissioners voted unanimously (6-0) to forward a recommendation of approval to the City Council as originally presented to the Planning and Zoning Commission.

STAFF ANALYSIS

Current Policy

A Use Permit requires review by the Planning and Zoning Commission and approval by the City Council following required public hearings. The process for the review of a Use Permit is set forth in section 1-3-2 of the Goodyear Zoning Ordinance and in the City of Goodyear Administrative Process Manual.

Details of the Request

The applicant is requesting approval of a Use Permit to facilitate the development of a Circle K convenience store with a gas station on a property within the PV303 PAD with underlying C-2 (General Commercial) zoning. The property is located at the southeast corner of North 166th Avenue and West Indian School Road and is within a commercial center known as The Triangle at PV303.

The revised Circle K Site Plan includes an approximately 5,200 square-foot convenience store with a 4,608 square-foot fuel canopy area, providing 7 gasoline and 2 diesel fueling stations. The applicant will be providing a trellis and outdoor patio tables on the northwest side of the proposed building for customers. The property will be accessible from N 166 th Avenue and W Indian School Road. On-site parking, as reflected in the Site Plan, conforms with applicable city standards.

As shown on the proposed building elevations submitted with the Use Permit, the design for the building will utilize the materials and colors approved for the Triangle at PV303 Master Site Plan.

At the time of the Planning and Zoning public hearing on April 12th, the applicant was also proposing a 1,680 square-foot diesel canopy area and seven semi-truck parking spaces. On

June 6th, the applicant removed the high-speed diesel fueling offering south of the proposed convenience store from the project and the seven semi-truck parking spaces. This reduced the Use Permit project area from 4.3 acres to 1.9 acres and now proposes convenience store with associated fueling pumps adjacent to Indian School Road.

Evaluation Criteria
Section 1-3-2 (Use Permits) of the Zoning Ordinance requires that the Planning and Zoning Commission and City Council determine that the proposed use meets the following findings prior to granting a Use Permit:

1. The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;
As described in the materials provided with the use permit, the proposed use should not generate excessive odors, noise or light to the detriment of the surrounding area. Traffic impacts have been reviewed and determined to be in conformance with the roadway capacity and improvements for this area. The nearest residence is approximately 700 feet east of the subject property. Within those ±700 feet there is a now vacant parcel, RV parking and future pickleball courts for the Pebblecreek community. Given the large separation, it is anticipated that the operation of the Convenience Use, including the proposed 24-hour operation of the use, will not have any detrimental effect on this residential development.

2. The proposed use is reasonably compatible with uses permitted in the surrounding area;
The proposed use is located within a commercial center intended for similar commercial uses. City Council approved a Use Permit for a Filiberto's drive-through restaurant at the commercial center on April 26, 2021. In addition, staff approved a master site plan for the commercial center in February of this year. Furthermore, the proposed use is located within close proximity to the W Indian School Road and Arizona State Route 303 Loop access ramps. As such, the proposed use will be compatible with the existing and planned uses in the surrounding area in terms of hours of operation, traffic generation, and intensity (noise, light, etc.). The nearest residential development to the Property is PebbleCreek, which is to the east of the Circle K Property. The Circle K property line is located ±700 feet to the west of the PebbleCreek community. An existing RV parking lot is located between the Circle K Property and the closest residential lot within PebbleCreek and this area has been approved for the development of pickleball courts. Given the property's proximity to a freeway and the large separations from the residential uses, the proposed Convenience Use is appropriate for the property.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance provides the following additional evaluation criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site:

1. Adequacy of the parcel size and configuration to provide for proper access and internal circulation.
The approximately 1.9-acre parcel is of sufficient size and configuration to accommodate the proposed convenience store and fueling stations. The proposed access and internal traffic circulation pattern have been designed to be consistent with the Master Site Plan.

2. Compatibility of the proposed hours of operation with adjacent residential areas.
Circle K is proposing 24 hours operations, seven days a week. Given the proposed use's location within a proposed commercial center and the large separation (±700 feet) to residential neighborhoods, staff does not recommend any restrictions on hours of operation.

Given the location of the project with the approved master site plan, there will also be additional future commercial uses providing additional buffers and buildings between residential and this convenience use.

3. Required traffic mitigation measures, if any.
A traffic study was submitted with the application for Use Permit. The traffic study for the site has been approved by the Engineering Department. Ingress/egress will be provided from N 166th Avenue and W Indian School Road. The development will have right-in, right-out access off of W Indian School Road and a full-access drive on N 166th Avenue. There is an existing traffic light at the intersection of W Indian School Road and N 166th Avenue.
Off-site street and access improvements adjacent to the commercial center will be completed by the master developer as approved within the Master Site Plan.

4. Other concerns, which may place the advisability of the proposed convenience use in question.
Staff has found no additional concerns with the development of a Convenience Use on the Property.

Luke Air Force Base
The subject property is located within the 65 DNL zone of Luke Air Force Base. Luke Air Force Base was contacted about this project and advised there were no objection to the proposed development as the base operations will not be adversely impacted by this development.

Fire Department:
Emergency response times and distances are provided below:

Nearest Fire Station	Shortest path		Longest path			2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles			Mins	Miles	Mins	Miles
#185	3.01	1.50	3.01	1.50		#183	7.31	3.66	7.31	3.66

Public Participation:
In accordance with the city's Citizen Review Ordinance, an alternative notification process was used for the use permit request. A formal citizen review meeting was not involved; however, a notice was mailed to all property owners within 500 feet of the Property. From this notification, staff received an email from a resident inquiring about the truck fueling station and expressed concerns that the proposal was for a truck stop. Staff responded to the inquiry and clarified the proposal does not include a truck car wash, showers, a lounge or similar amenities typically provided at a truck stop. The applicant also reached out to the resident.
Notice for the public hearings before the Planning and Zoning Commission and City Council on April 12 and April 24, respectively, included the following: a notice mailed to surrounding property owners; a sign posted on the property; and a legal notice published in the Arizona Republic, Southwest Edition on March 24, 2023. The Planning and Zoning Commission considered this item at their regular meeting on April 12, 2023.
After finalization of Planning and Zoning Commission staff report, staff received two emails. The first email was from the executive director of Refinery Christian Church, who expressed concern over the existing truck traffic on 166th Avenue. Semi-trucks have been entering 166th Avenue in error and using the church property to turn around. The executive director of Refinery Christian Church expressed concerned with the proposed use exacerbating the issue. The second email staff received was from a Pebblecreek resident expressing concern with potential noise from semi-trucks traveling into the Pebblecreek neighborhood and requested that a 10-foot tall sound wall be constructed between the Circle K and Pebblecreek property. The e-mails were mentioned during staff's presentation at the April 12th Planning

and Zoning Commission meeting.

Upon conclusion of the staff presentation at the April 12th Planning and Zoning Commission public hearing, commissioners asked staff if they had received any concerns on lighting. Staff responded that they did not receive any concerns specific to lighting, however, the applicant is subject to lighting standards established in the Zoning Ordinance and standards require full-cut-off lighting. The commissioners also asked staff about the zoning and future use of the land between the Property and the residential homes. Staff advised that the zoning is PAD and a portion of the property is currently being used for RV Parking and a permit has been approved for the development of pickleball courts within another portion of the property. Following staff's presentation, the applicant's representative addressed the concerns that had been raised by the residents and the Refinery Christian Church director.

Although not a condition created by the proposed Circle K, the applicant noted that trucks turning onto 166th Avenue in error would have the opportunity to turn around within Circle K property before reaching the church, and that the existence of the Circle K could actually mitigate the use of church property when semi-trucks turn onto 166th Avenue in error. In addressing the concern about an increase in truck traffic onto 166th Avenue, the applicant stated that they expected only 25% of the traffic entering into the Circle K to enter from 166th Avenue and that Circle K would be providing directional signage at all entrances to the Circle K that will guide all traffic north to Indian School Road. The applicant's representative stated that Circle K did not intend to allow overnight parking on the site, and it's not to be developed with the amenities typical of truck stops such as lounges and showers. The limited number of parking spaces provided that could accommodate semi-trucks with trailers (7) are intended to allow semi-truck drivers to park and get a snack or food from Circle K or one of the adjacent restaurants that will be developed adjacent to the Circle K Property. The applicant's representative stated that the applicant did not believe a sound wall was necessary because of the distance between the Circle K Property and the nearest residential neighborhood (PebbleCreek). Following the applicant's presentation, the commission asked the applicant's representative about the noise that occurs after air brakes are released. The applicant's representative indicated that this noise depends on the load that the truck is carrying and that is not consistent.

At the conclusion of staff and applicant presentations, Commissioners unanimously voted (6-0) to forward a recommendation of approval to the City Council in the form originally presented to the Commission. There was no public opposition to the item voiced at the hearing.

After the staff report was finalized for the April 24th public hearing, staff received emails from three additional residents expressing concern with noise, lighting, trucks idling, and overnight truck parking. In response, the applicant requested to continue the April 24th public hearing, to May 22nd, to address resident concerns.

To address resident concerns, the applicant scheduled a neighborhood meeting at the Pebblecreek community's Eagle's Nest Clubhouse at 6:30 p.m. on Wednesday, May 17th. The meeting was attended by over 200 Pebblecreek residents. At the meeting, the applicant representatives provided a presentation that explained their project and showed the site plan, landscape plans, and elevations of the building. They also explained that this site, although proposed to provide high speed diesel fueling is not a truck stop. It was explained that the diesel fueling location was approximately 200' from the property line with PebbleCreek. After the presentation, the applicant responded to resident's questions and concerns.

The residents expressed concerns with the proximity of the convenience store and gas station, specifically the diesel fueling and semi-truck parking, to the Pebblecreek community and the pickleball complex under construction. Residents voiced their concerns regarding noise, light, and air pollution, loss of property values, and traffic. Residents expressed confusion with the proposal as they believed the Property to be in a residential area, not

having a commercial zoning. City staff clarified this information for the residents during the meeting, stating the property has been zoned commercial for years. Residents also expressed concerns with the negative effects diesel fumes would have on their health and mentioned that many of their spouses and neighbors' health conditions would worsen with the proposed convenience store and gas station use with proposed 24-hour operations behind their community. The residents indicated that exercising in the pickleball courts under construction would become harmful from breathing fumes from the diesel fueling and semi-trucks. Additionally, Pebblecreek residents believed the Circle K proposal to be a truck stop. Circle K representatives attempted to explain that the project did not propose any showers, lounges or similar services typically provided in truck stops and that the seven semi-truck parking spaces proposed were intended to allow truck drivers to grab food from the convenience store after fueling, before continuing their route, but not to remain on the property overnight. The applicant indicated that the property would be posted with "no idling" and "no overnight parking" signs. Residents asked what mechanism Circle K had to ensure the signs would be respected. Circle K responded they did have mechanism to ensure no overnight parking occurred on-site.

Moreover, residents indicated that they feared an increase in crime, drug use, prostitution, and homelessness in the area with the Circle K near their neighborhood. A resident asked Circle K about their loss prevention and security system and if the proposed store would have security guards on-site. The applicant's representative indicated no security would be posted on the property until an incident occurred. Residents expressed frustration at this response and a resident stated Circle K was proposing to be reactive instead of proactive to ease their concerns. In addition, a resident mentioned a study conducted by Arizona State University regarding crime in convenience stores. It was mentioned that the study showed that Circle K is the convenience store with the highest rates of crime occurring in their premises compared to other convenience store corporations. The applicant representatives indicated that the study had been rescinded since released because it did not consider that Circle K files police reports for anything that happens in their property including Order of Protections being served to patrons at the stores by police, while other convenience stores companies do not have the same reporting practices. Many of the residents in the meeting objected to the Circle K's provision of diesel fueling and semi-truck parking and others objected to the project in its entirety.

In order to give the applicant time to respond to the feedback given during the May 17th neighborhood meeting, the Circle K Use Permit public hearing was continued from the May 22nd City Council meeting to the June 26th meeting. At the May 22nd City Council meeting, three residents spoke in opposition of the Use Permit and presented a petition in opposition of the project containing 1,029 signatures. Since the April 24th public hearing continuance, City Council and staff have received over 350 emails from residents in opposition of the Circle K Use Permit, including the Pebblecreek Homeowners Association, and 15 emails in favor of the project.

Residents in opposition of the project objected the project due to the proximity to Pebblecreek community and pickleball sports complex and potential negative impact on their health. Concerns mentioned in the emails include diesel fumes exposure, semi-trucks idling, traffic, overnight parking, increased noise, diesel odor, air pollution, light pollution, 24-hour operations, environmental impacts including contamination of groundwater, increased crime, decreased property values, and decreased quality of life. Residents expressed they believe Circle K is providing a truck stop and that it should be located elsewhere in the city. Residents also mentioned they did not believe the applicant had satisfied the Use Permit requirements established in the Zoning Ordinance. The majority of the emails center on the potential negative health impact the diesel fumes will have on residents' health, especially those that play golf and pickleball in the area, as well as the 24-hour operations of the convenience use

with diesel fueling and semi-truck parking.
Residents that emailed the city in support of the Circle K Use Permit, expressed that they believed a gas station is needed in the area and that they have RVs and would benefit from diesel fueling nearby. A resident believed that the noise impact would be minimal because they experience noise from the jets flying to and from Luke Air Force Base near the neighborhood. Residents stated they support new business and revenue for the city.
On June 6th, the applicant revised their proposal and removed the diesel fueling offering including the semi-truck parking from their Use Permit application. Due to this change, the applicant scheduled a second neighborhood meeting to be held, after the finalization of this staff report, on Thursday, June 22nd at the Pebblecreek community, Eagle's Nest Clubhouse at 6:00pm. Following the revised Use Permit proposal, staff sent out notices to property owners within 500 feet notifying them of the revisions to the Use Permit and confirming the June 26th City Council public hearing date. Staff also sent out a mass email to all residents that emailed staff and City Council, it included 362 unique email addresses, notifying them of the revisions to the Use Permit. Staff received 13 emails thanking staff for the update, 22 emails of support with the revised proposal, 2 emails in support from residents that supported the project with diesel fueling as well, and 13 emails of opposition regardless of the revisions made to the Use Permit. Staff also received 4 emails asking staff for information about the Use Permit process if Circle K wanted to propose the diesel fueling and semi-truck offering again. The June 26th City Council staff report will be finalized prior to the second neighborhood meeting on June 22nd, however, staff will present the outcomes of the neighborhood meeting at the June 26th Council meeting.

STAFF FINDINGS:
As outlined herein, staff finds the proposed request for Use Permit to not be materially detrimental to persons residing or working in the vicinity adjacent to the Property, to the neighborhood, or to the public welfare and that the proposed use is reasonably compatible with uses permitted in the surrounding area. Staff further finds the request for Use Permit will meet the additional evaluation criteria for convenience uses as established in Section 4-2-2 of the Zoning Ordinance.

Attachments

Aerial Photo
Preliminary Site Plan
Conceptual Landscape Plan
Conceptual Building and Canopy Elevations
The Triangle Master Site Plan
Staff Presentation
Applicant Presentation

Circle K at The Triangle
South of W Indian School Road
East of N 166th Avenue

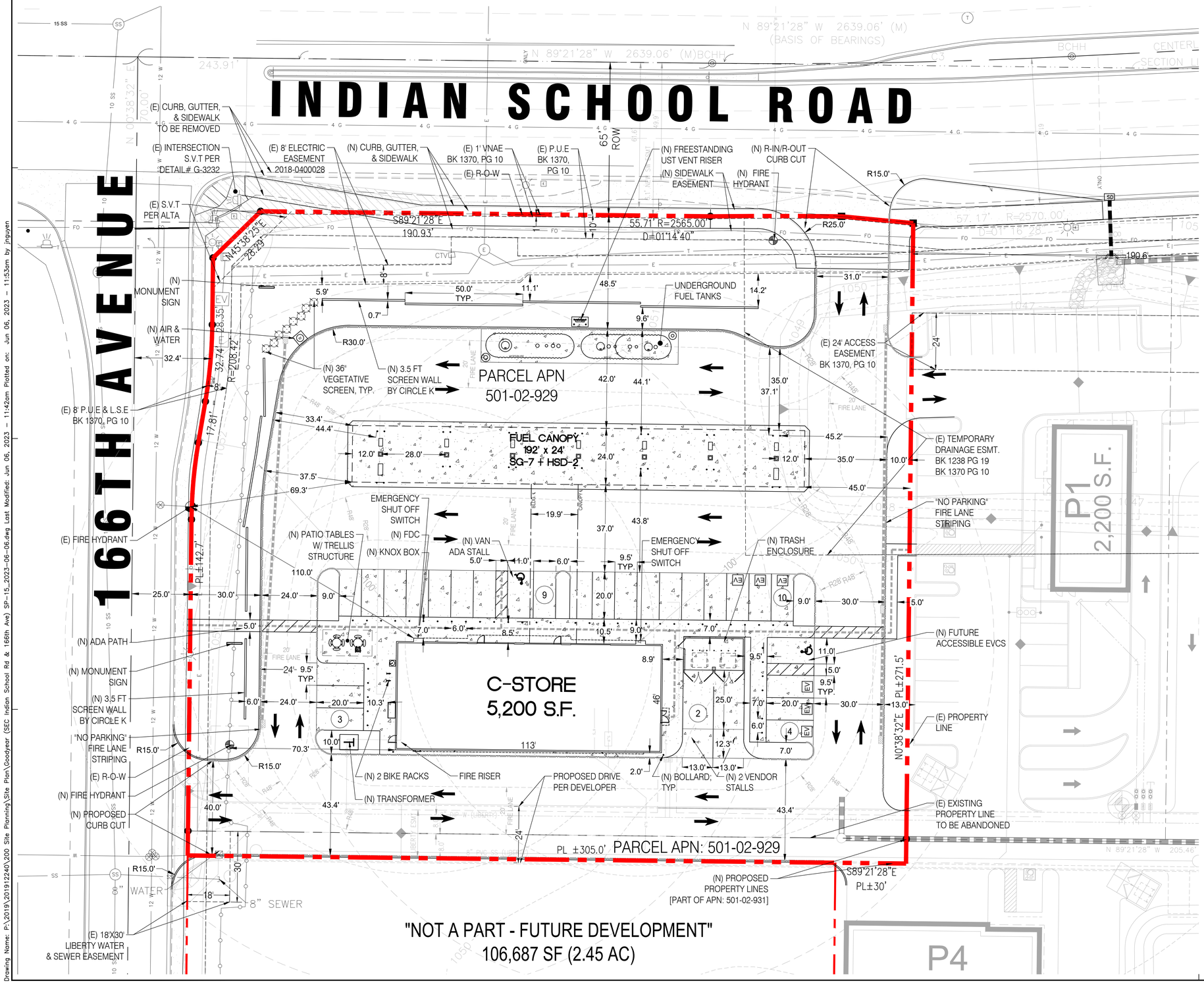


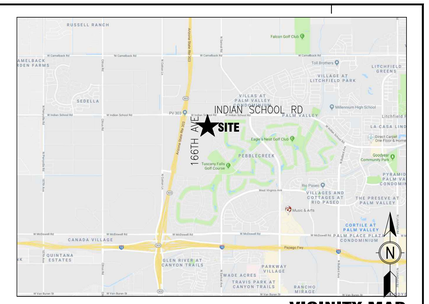
Circle K at The Triangle - Use Permit 21-300-00011

CIRCLE K STORE
SITE PLAN

SEC INDIAN SCHOOL ROAD & 166TH AVENUE, GOODYEAR, AZ

OF PARCEL 4, PV303 EAST II PHASE I, ACCORDING TO BOOK 1370 OF MAPS, PAGE 10, LOCATED IN A PORTION OF THE N.E 1/4 OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.





VICINITY MAP

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CIRCLE K STORES INC.
1120 WEST WARNER ROAD
TEMPE, ARIZONA 85284

OWNER REPRESENTATIVE:
LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. TATUM BLVD. #1051
PHOENIX, ARIZONA 85028
PHONE: (602) 850-8101
FAX: (602) 997-9807
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ENGINEER:
3240 E. UNION HILLS DR. #113
PHOENIX, ARIZONA 85050
PHONE: (602) 757-8016
CONTACT: STEVE BOWSER

PROJECT INFORMATION

PROJECT NAME:	CIRCLE K CONVENIENCE STORE
PROJECT ADDRESS:	SEC INDIAN SCHOOL RD & 166TH AVE, GOODYEAR, AZ
PROJECT DESCRIPTION:	PROPOSAL FOR A NEW CONVENIENCE STORE WITH ASSOCIATED FUEL SALES CONSISTING OF A 5,200 S.F. CONVENIENCE STORE, A FUEL CANOPY WITH 7 FUEL PUMPS AND 2 HIGH SPEED DIESEL PUMPS.

ZONING INFORMATION

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BLDG HEIGHT PROVIDED:	23'-8"

SETBACKS:

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SIDE:	0'	REAR:	0'

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FUEL CANOPY AREA	4,608 SF
CIRCLE K SITE COVERAGE (BASED ON 9,808 SF BLDG AREA PLUS CANOPY AREA AND ±1.896 AC OF NET SITE AREA)	±11.9% (5,173 SF/AC)

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3. ADDITIONAL ACCESSIBILITY REQUIREMENTS TO BE VERIFIED WITH JURISDICTION.

SCALE 1"=20'
0 20' 40'

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03/01/21	PREP SP–10
08/03/21	PREP SP–11
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06/06/23	REV SP–15

PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE
DOUG S. COUPER
PROJECT MANAGER
DC
QUALITY CONTROL
DRAWN BY
JN
PROJECT NAME

CIRCLE K STORES INC.
GOODYEAR, ARIZONA
SEC INDIAN SCHOOL ROAD & 166TH AVENUE

LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. TATUM BLVD. #1051
PHOENIX, AZ 85028

CIRCLE K STORES INC.

PROJECT NUMBER
20191224.0
SHEET TITLE
SITE PLAN

SHEET NUMBER
CSP 15.0W

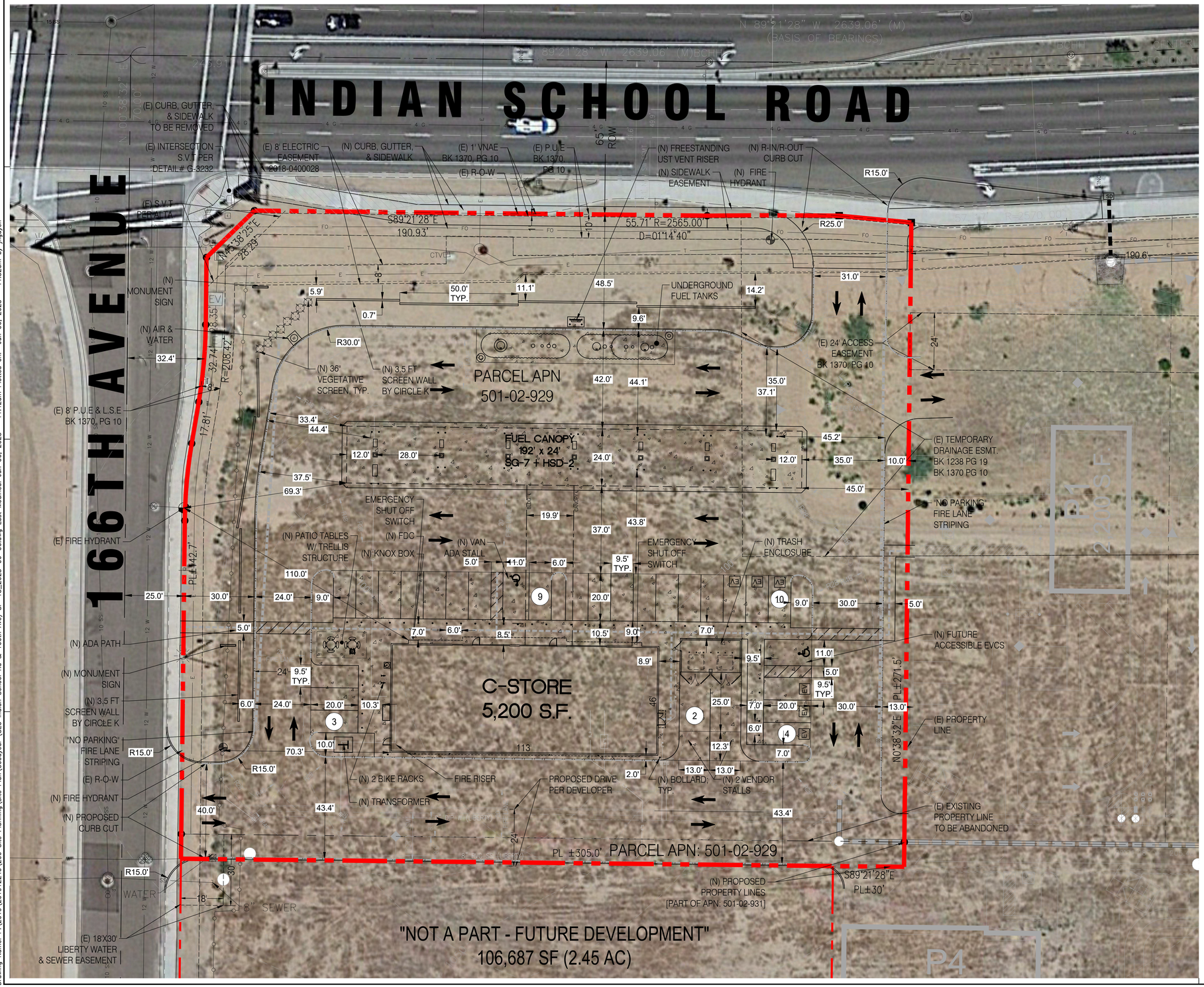
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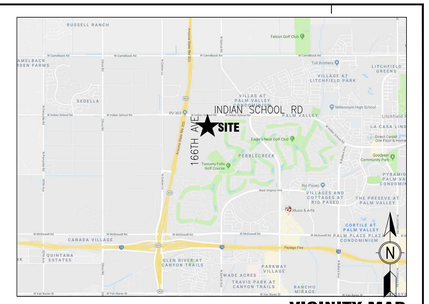
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Plotted on: Jun 06, 2023 – 11:42am

CIRCLE K STORE
SITE PLAN

SEC INDIAN SCHOOL ROAD & 166TH AVENUE, GOODYEAR, AZ

OF PARCEL 4, PV303 EAST II PHASE I, ACCORDING TO BOOK 1370 OF MAPS, PAGE 10, LOCATED IN A PORTION OF THE N.E 1/4 OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.





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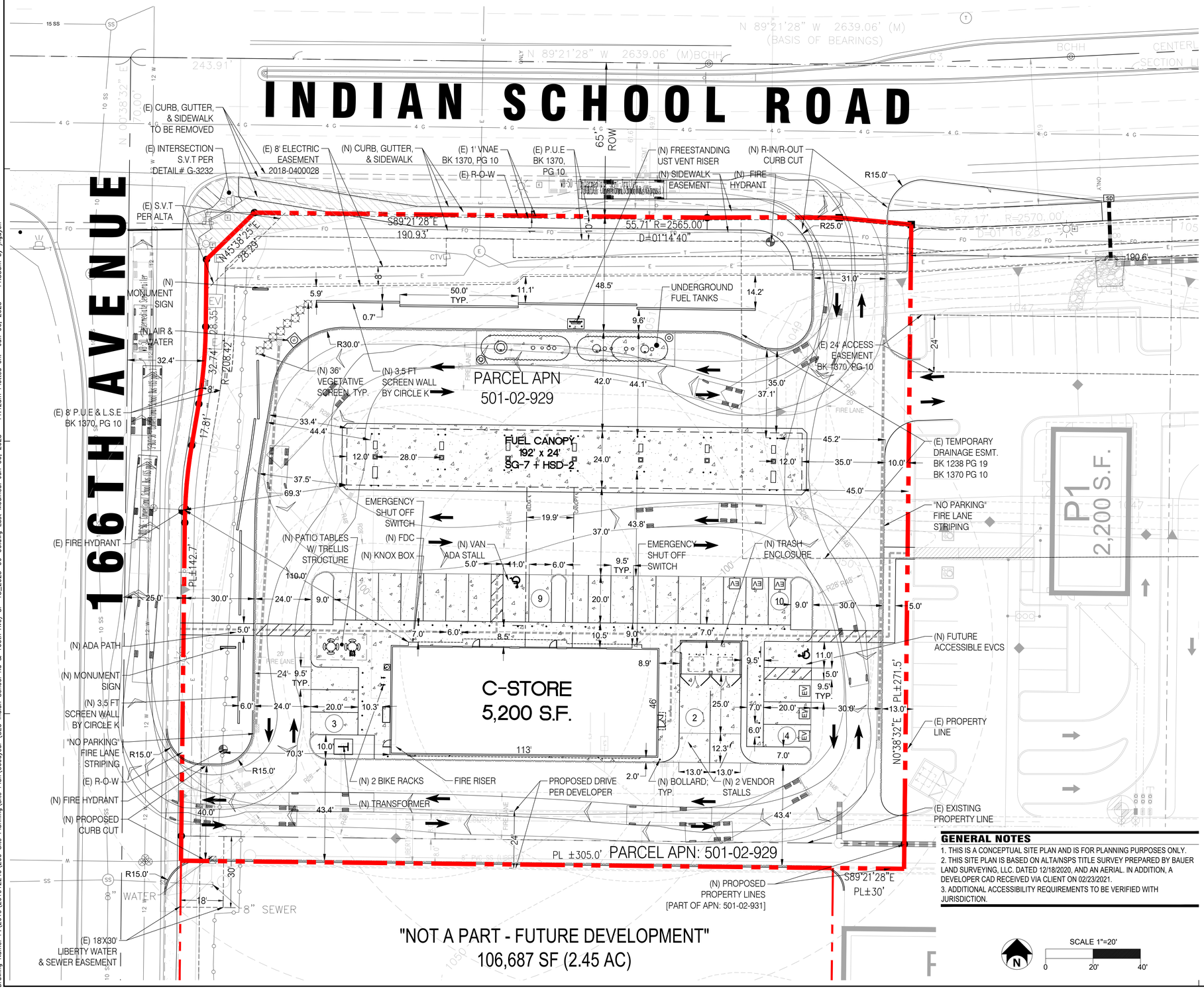
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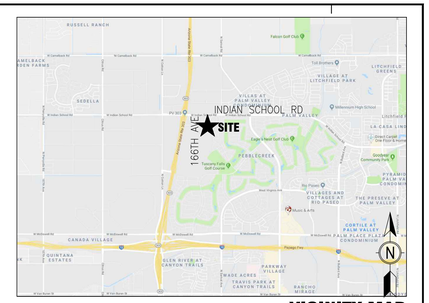


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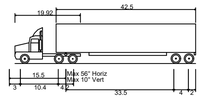
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FUTURE DEVELOPMENT AREA:	±2.447 AC (±106,587 SF)
TOTAL GROSS SITE AREA:	±4.343 AC (±189,201 SF)

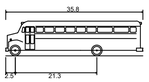
BUILDING AREA

CONVENIENCE STORE BLDG AREA	5,200 SF
FUEL CANOPY AREA	4,608 SF
CIRCLE K SITE COVERAGE (BASED ON 9,808 SF BLDG AREA PLUS CANOPY AREA AND ±1.896 AC OF NET SITE AREA)	±11.9% (5,173 SF/AC)

PARKING REQUIREMENTS

CIRCLE K PARKING REQUIRED	
SERVICE STATION: 1 SP/300 SF	17 SP
CIRCLE K PARKING PROVIDED	
STANDARD PARKING SPACES	24 SP
ACCESSIBLE PARKING SPACES	1+2 SP
TOTAL CIRCLE K PARKING PROVIDED	26 SP
FUEL PUMP SPACES	18 SP
TOTAL CIRCLE K PARKING + FUEL PUMP SPACES	44 SP
BICYCLE PARKING PROVIDED	4 SP
VENDOR PARKING PROVIDED	2 SP





30 Executive Park
Suite 100
Irvine, CA 92614
t: 949 296 0450

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ISSUE/REVISION RECORD

DATE	DESCRIPTION
08/24/20	PREP SP–3
08/31/20	PREP SP–4
12/31/20	PREP SP–5
01/14/21	PREP SP–6
01/22/21	PREP SP–7
02/02/21	PREP SP–8
02/26/21	PREP SP–9
03/01/21	PREP SP–10
08/03/21	PREP SP–11
02/22/22	PREP SP–12
03/11/22	PREP SP–13
10/31/22	PREP SP–14
11/15/22	REV SP–14
05/17/23	AERIAL + PICKLEBALL EXHIBIT
05/25/23	PREP SP–15
06/06/23	REV SP–15

PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE
DOUG S. COUPER
PROJECT MANAGER
DC
QUALITY CONTROL
DRAWN BY
JN

PROJECT NAME
CIRCLE K STORES INC.
GOODYEAR, ARIZONA
SEC INDIAN SCHOOL ROAD & 166TH AVENUE

LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. TATUM BLVD., #1051
PHOENIX, AZ 85028

CIRCLE K STORES INC.

PROJECT NUMBER
20191224.0
SHEET TITLE
SITE PLAN

SHEET NUMBER
CSP 15.0T

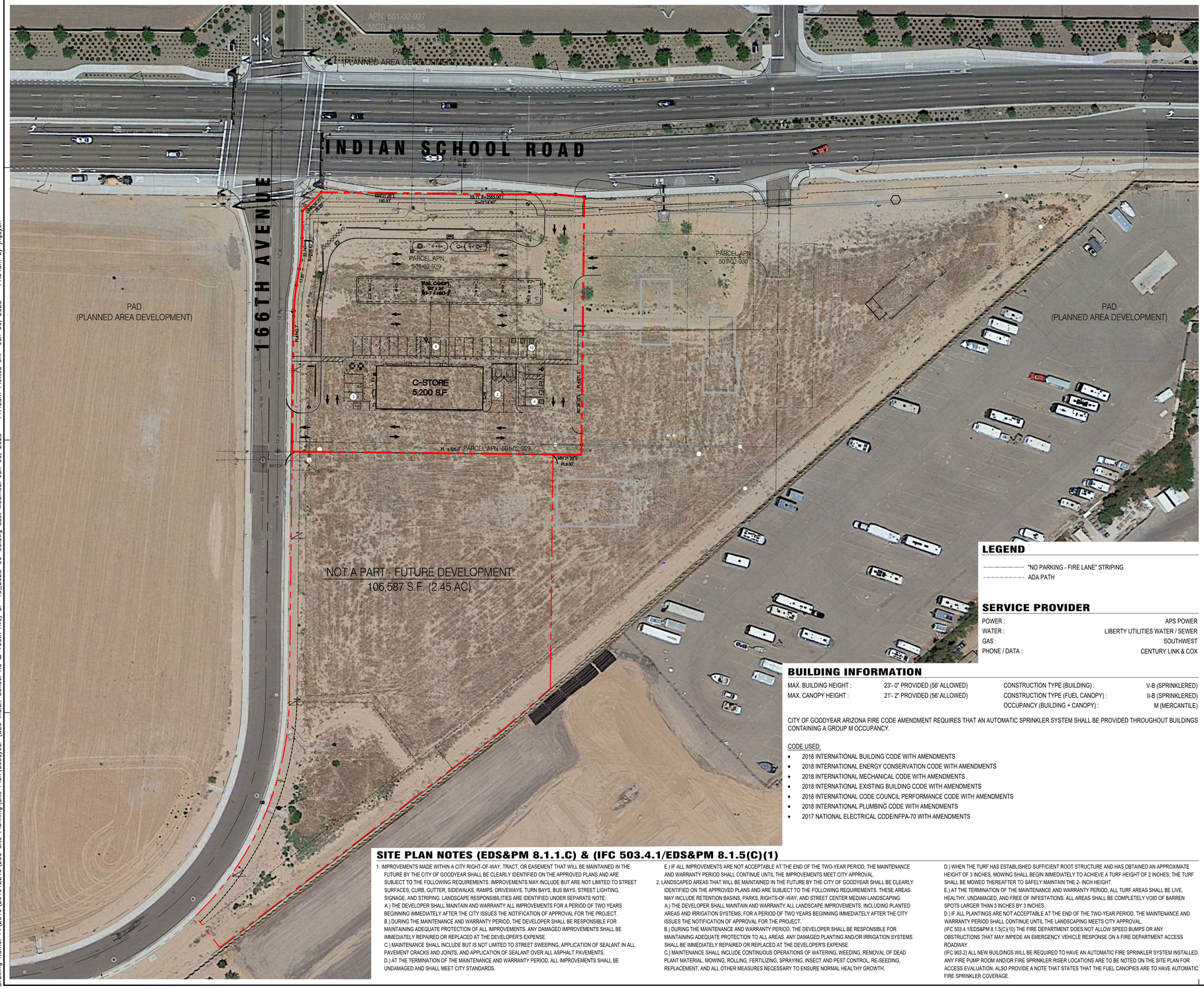
NOT ISSUED FOR CONSTRUCTION

Drawing Name: P:\2019\20191224O\200 Site Planning\Site Plan\Goodyear (SEC Indian School Rd & 166th Ave) SP–15_2023–06–06.dwg Last Modified: Jun 06, 2023 – 11:53am by jnguyen
Plotted on: Jun 06, 2023 – 11:42am

CIRCLE K STORE
SITE PLAN

SEC INDIAN SCHOOL ROAD & 166TH AVENUE, GOODYEAR, AZ

OF PARCEL 4, PV303 EAST II PHASE I, ACCORDING TO BOOK 1370 OF MAPS, PAGE 10, LOCATED IN A PORTION OF THE N.E 1/4 OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



LEGEND

- "NO PARKING - FIRE LANE" STRIPING
- ADA PATH

SERVICE PROVIDER

POWER :	APS POWER
WATER :	LIBERTY UTILITIES WATER / SEWER
GAS :	SOUTHWEST
PHONE / DATA :	CENTURY LINK & COX

BUILDING INFORMATION

MAX. BUILDING HEIGHT :	23'- 0" PROVIDED (56' ALLOWED)	CONSTRUCTION TYPE (BUILDING) :	V-B (SPRINKLERED)
MAX. CANOPY HEIGHT :	21'- 2" PROVIDED (56' ALLOWED)	CONSTRUCTION TYPE (FUEL CANOPY) :	II-B (SPRINKLERED)
		OCCUPANCY (BUILDING + CANOPY) :	M (MERCANTILE)

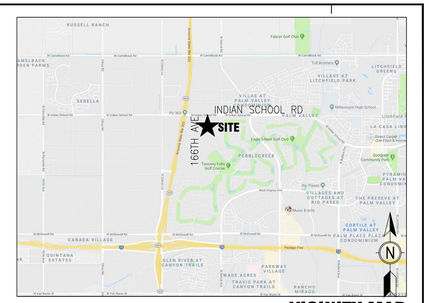
CITY OF GOODYEAR ARIZONA FIRE CODE AMENDMENT REQUIRES THAT AN AUTOMATIC SPRINKLER SYSTEM SHALL BE PROVIDED THROUGHOUT BUILDINGS CONTAINING A GROUP M OCCUPANCY.

CODE USED:

- 2018 INTERNATIONAL BUILDING CODE WITH AMENDMENTS
- 2018 INTERNATIONAL ENERGY CONSERVATION CODE WITH AMENDMENTS
- 2018 INTERNATIONAL MECHANICAL CODE WITH AMENDMENTS
- 2018 INTERNATIONAL EXISTING BUILDING CODE WITH AMENDMENTS
- 2018 INTERNATIONAL CODE COUNCIL PERFORMANCE CODE WITH AMENDMENTS
- 2018 INTERNATIONAL PLUMBING CODE WITH AMENDMENTS
- 2017 NATIONAL ELECTRICAL CODE/NFPA-70 WITH AMENDMENTS

SITE PLAN NOTES (EDS&PM 8.1.1.C) & (IFC 503.4.1/EDS&PM 8.1.5(C)(1)

1. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OF-WAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURB, GUTTER, SIDEWALKS, RAMPS, DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STRIPING. LANDSCAPE RESPONSIBILITIES ARE IDENTIFIED UNDER SEPARATE NOTE:
   A.) THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   B.) DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION OF ALL IMPROVEMENTS. ANY DAMAGED IMPROVEMENTS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
   C.) MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF SEALANT IN ALL PAVEMENT CRACKS AND JOINTS, AND APPLICATION OF SEALANT OVER ALL ASPHALT PAVEMENTS.
   D.) AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.
   E.) IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.
2. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OF-WAY, AND STREET CENTER MEDIAN LANDSCAPING:
   A.) THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL LANDSCAPE IMPROVEMENTS, INCLUDING PLANTED AREAS AND IRRIGATION SYSTEMS, FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   B.) DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTING AND/OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
   C.) MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE NORMAL HEALTHY GROWTH.
   D.) WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND HAS OBTAINED AN APPROXIMATE HEIGHT OF 3 INCHES, MOWING SHALL BEGIN IMMEDIATELY TO ACHIEVE A TURF HEIGHT OF 2 INCHES; THE TURF SHALL BE MOWED THEREAFTER TO SAFELY MAINTAIN THE 2- INCH HEIGHT.
   E.) AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL TURF AREAS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.
   D.) IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.
(IFC 503.4.1/EDS&PM 8.1.5(C)(10) THE FIRE DEPARTMENT DOES NOT ALLOW SPEED BUMPS OR ANY OBSTRUCTIONS THAT MAY IMPEDE AN EMERGENCY VEHICLE RESPONSE ON A FIRE DEPARTMENT ACCESS ROADWAY.
(IFC 903.2) ALL NEW BUILDINGS WILL BE REQUIRED TO HAVE AN AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED. ANY FIRE PUMP ROOM AND/OR FIRE SPRINKLER RISER LOCATIONS ARE TO BE NOTED ON THE SITE PLAN FOR ACCESS EVALUATION. ALSO PROVIDE A NOTE THAT STATES THAT THE FUEL CANOPIES ARE TO HAVE AUTOMATIC FIRE SPRINKLER COVERAGE.



VICINITY MAP

OWNER:

CIRCLE K STORES INC.
1120 WEST WARNER ROAD
TEMPE, ARIZONA 85284

OWNER REPRESENTATIVE:

LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. TATUM BLVD. #1051
PHOENIX, ARIZONA 85028
PHONE: (602) 850-8101
FAX: (602) 997-9807
CONTACT: MIKE SCARBROUGH

ARCHITECT :

GREENBERG FARROW
30 EXECUTIVE PARK, SUITE 100
IRVINE, CA 92614
PHONE: (949) 296-0450
FAX: (949) 296-0479
CONTACT: DOUG COUPER

SURVEYOR:

23025 N. 15TH AVE #208
PHOENIX, ARIZONA 85050
PHONE: (602) 499-4104
CONTACT: JEFFREY BAUER

ENGINEER:

3240 E. UNION HILLS DR. #113
PHOENIX, ARIZONA 85050
PHONE: (602) 757-8016
CONTACT: STEVE BOWSER

PROJECT INFORMATION

PROJECT NAME:	CIRCLE K CONVENIENCE STORE
PROJECT ADDRESS:	SEC INDIAN SCHOOL RD & 166TH AVE, GOODYEAR, AZ
PROJECT DESCRIPTION:	PROPOSAL FOR A NEW CONVENIENCE STORE WITH ASSOCIATED FUEL SALES CONSISTING OF A 5,200 S.F. CONVENIENCE STORE, A FUEL CANOPY WITH 7 FUEL PUMPS AND 2 HIGH SPEED DIESEL PUMPS.

ZONING INFORMATION

JURISDICTION:	CITY OF GOODYEAR, AZ
EXISTING ZONING:	PAD (PLANNED AREA DEVELOPMENT) UNDERLYING C-2 (GENERAL COMMERCIAL)
PROPOSING ZONING:	PAD (PLANNED AREA DEVELOPMENT) UNDERLYING C-2 (GENERAL COMMERCIAL)
EXISTING LIGHT ZONE:	ZONE 2: MEDIUM AMBIENT LIGHT AREAS URBAN RESIDENTIAL AREAS MIXED WITH LIGHT COMMERCIAL
MAX. BLDG HEIGHT ALLOWED:	56'
BLDG HEIGHT PROVIDED:	23'-8"

SETBACKS:

FRONT:	30'	STREET:	30'
SIDE:	0'	REAR:	0'

SITE DATA

PARCEL:	APN: 501-02-929, PART OF APN:501-02-931
CIRCLE K SITE AREA (APN 501-02-929):	±1.823 AC (± 79,426 SF)
ADDITIONAL SITE AREA (PORTION OF 501-02-931):	±0.073 AC (± 3,188 SF)
TOTAL CIRCLE K NET SITE AREA:	±1.896 AC (± 82,614 SF)
FUTURE DEVELOPMENT AREA:	±2.447 AC (±106,587 SF)
TOTAL GROSS SITE AREA:	±4.343 AC (±189,201 SF)

BUILDING AREA

CONVENIENCE STORE BLDG AREA	5,200 SF
FUEL CANOPY AREA	4,608 SF
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PARKING REQUIREMENTS

CIRCLE K PARKING REQUIRED	
SERVICE STATION: 1 SP/300 SF	17 SP
CIRCLE K PARKING PROVIDED	
STANDARD PARKING SPACES	24 SP
ACCESSIBLE PARKING SPACES	1+2 SP
TOTAL CIRCLE K PARKING PROVIDED	26 SP
FUEL PUMP SPACES	18 SP
TOTAL CIRCLE K PARKING + FUEL PUMP SPACES	44 SP
BICYCLE PARKING PROVIDED	4 SP
VENDOR PARKING PROVIDED	2 SP

GENERAL NOTES

1. THIS IS A CONCEPTUAL SITE PLAN AND IS FOR PLANNING PURPOSES ONLY.
2. THIS SITE PLAN IS BASED ON ALTA/NSPS TITLE SURVEY PREPARED BY BAUER LAND SURVEYING, LLC. DATED 12/18/2020, AND AN AERIAL. IN ADDITION, A DEVELOPER CAD RECEIVED VIA CLIENT ON 02/23/2021.
3. ADDITIONAL ACCESSIBILITY REQUIREMENTS TO BE VERIFIED WITH JURISDICTION.

SCALE 1"=50'
0 50' 100'

GF
30 Executive Park
Suite 100
Irvine, CA 92614
t: 949 296 0450

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11/15/22	REV SP–14
05/17/23	AERIAL + PICKLEBALL EXHIBIT
05/25/23	PREP SP–15
06/06/23	REV SP–15

PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE
DOUG S. COUPER
PROJECT MANAGER
DC
QUALITY CONTROL
DRAWN BY
JN
PROJECT NAME

CIRCLE K STORES INC.
GOODYEAR, ARIZONA
SEC INDIAN SCHOOL ROAD & 166TH AVENUE

LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. TATUM BLVD., #1051
PHOENIX, AZ 85028

CIRCLE K STORES INC.

PROJECT NUMBER
20191224.0
SHEET TITLE

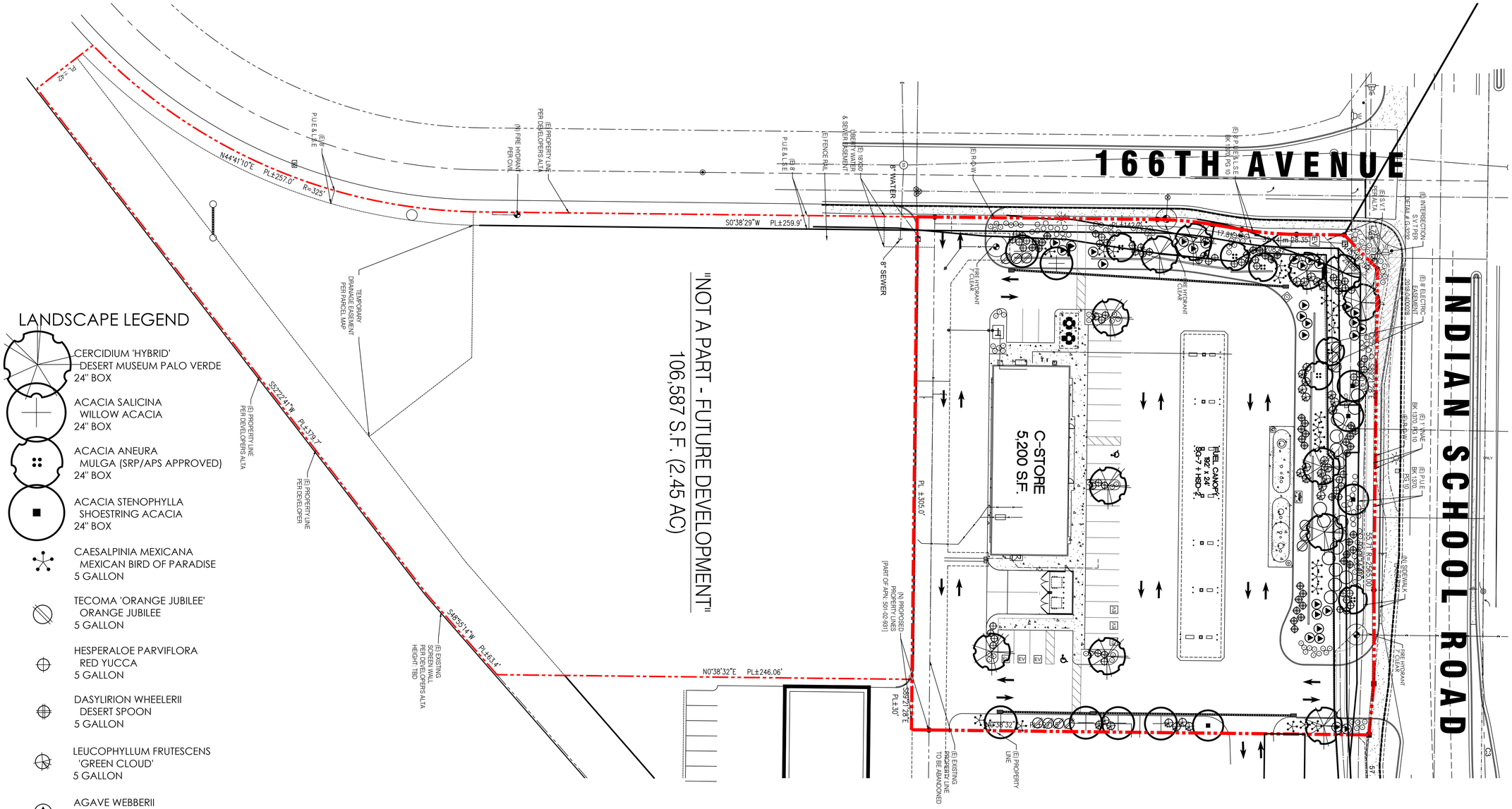
SITE PLAN

SHEET NUMBER

SHEET 1 OF 1

NOT ISSUED FOR CONSTRUCTION

Drawing Name: P:_2019_201912240\200 Site Planning\Site Plan\Goodyear (SEC Indian School Rd & 166th Ave) SP–15_2023–06–06.dwg Last Modified: Jun 06, 2023 – 11:42am Plotted on: Jun 06, 2023 – 11:54am by jnguyen



LANDSCAPE LEGEND

- CERCIDIUM 'HYBRID' DESERT MUSEUM PALO VERDE 24" BOX
- ACACIA SALICINA WILLOW ACACIA 24" BOX
- ACACIA ANEURA MULGA (SRP/APS APPROVED) 24" BOX
- ACACIA STENOPHYLLA SHOESTRING ACACIA 24" BOX
- CAESALPINIA MEXICANA MEXICAN BIRD OF PARADISE 5 GALLON
- TECOMA 'ORANGE JUBILEE' ORANGE JUBILEE 5 GALLON
- HESPERALOE PARVIFLORA RED YUCCA 5 GALLON
- DASYLIRION WHEELERII DESERT SPOON 5 GALLON
- LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD' 5 GALLON
- AGAVE WEBBERII WEBBER'S AGAVE 5 GALLON
- LANTANA MONTEVIDENSIS 'GOLD MOUND' 1 GALLON
- LANTANA MONTEVIDENSIS TRAILING PURPLE 1 GALLON
- ACACIA REDOLENS 'DESERT CARPET' tm 1 GALLON

3/4" SCREENED SADDLEBACK BROWN DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS

LANDSCAPE DATA:

SITE AREA:	82,597 SQ.FT.
LANDSCAPE AREA:	27,437 SQ.FT. (33%)
PERCENT LANDSCAPE COVERAGE:	14,542 SQ.FT. (53%)

PLANT MATERIAL SHOWN ON THIS PLAN WILL BE INSTALLED BY CIRCLE K

LANDSCAPE PLAN
0 15 30 60
SCALE: 1" = 30'-0"

T.J. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING
10450 N. 74th Street , Suite 120
Scottsdale, Arizona 85258
P.(602)265-0320
EMAIL: timmcqueen@tjmla.net

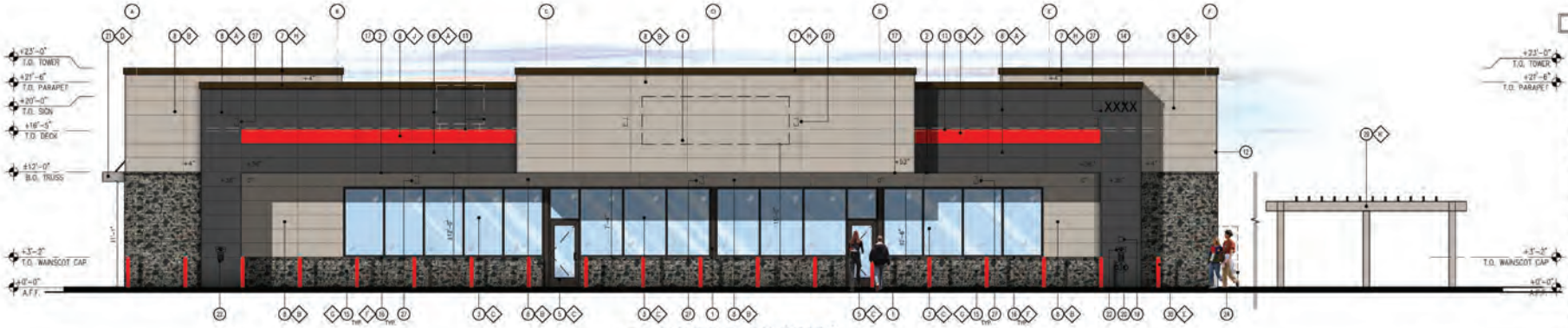
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CIRCLE K
GOODYEAR ARIZONA
SEC INDIAN SCHOOL ROAD
AND
166TH AVENUE

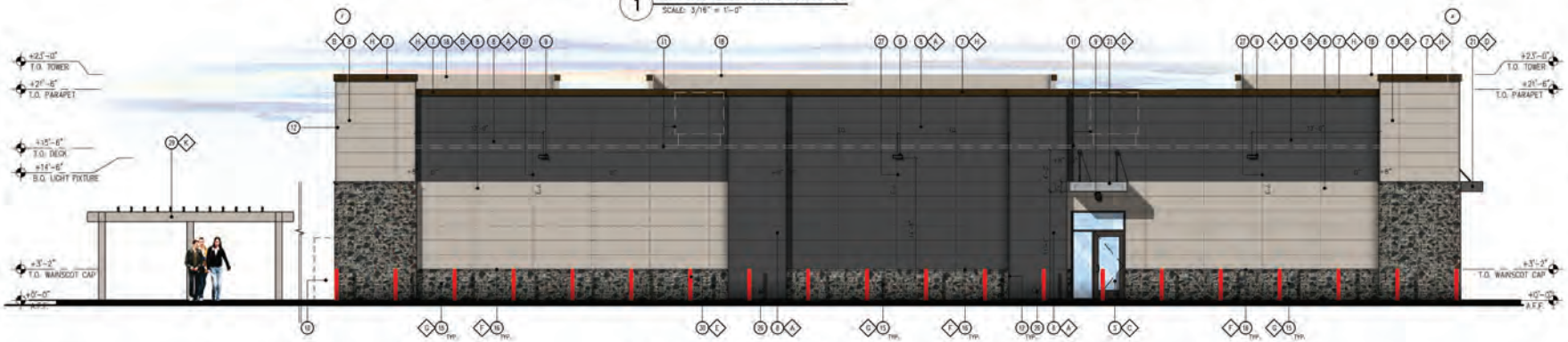
NUMBER	REVISION	DATE

27166 TIMOTHY J. McQUEEN — Date Signed 06.06.23 — ARIZONA U.S.A. — EXPIRES 06/30/2024

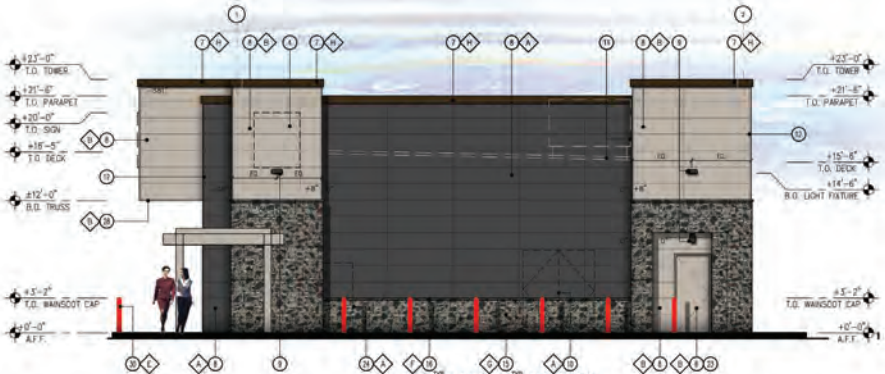
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ISSUE DATE: 06.06.23
DRAWN BY: STAFF
CHECKED BY: TJM
PROJECT No.: 21193
SHEET: La.01



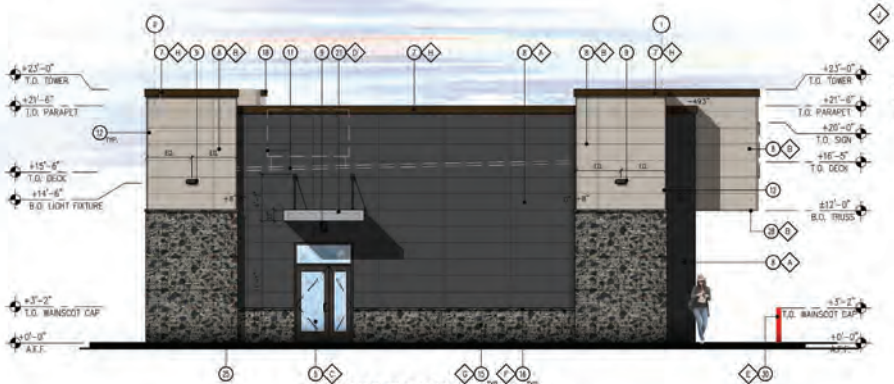
1 **FRONT ELEVATION (NORTH)**
SCALE: 3/16" = 1'-0"



2 **BACK ELEVATION (SOUTH)**
SCALE: 3/16" = 1'-0"



3 **SIDE ELEVATION (WEST)**
SCALE: 3/16" = 1'-0"



4 **SIDE ELEVATION (EAST)**
SCALE: 3/16" = 1'-0"

KEY NOTES

1. STEEL COLUMN WRAP WITH BREAK METAL
2. LINE OF CANOPY / SOFFIT
3. DARK BRONZE ANODIZED WINDOW FRAME W/ 1INM TINTED GLASS PER SOLARBAN SOLARCRAFT SPECS
4. POTENTIAL SIGN LOCATION (UNDER SEPARATE PERMIT)
5. DARK BRONZE ANODIZED DOOR W/ GRAY TINTED GLASS STOREFRONT SYSTEM
6. SERVICE DOOR, PAINT TO MATCH SURROUNDING WALL
7. PRE-FINISHED METAL COPING
8. INDIANA FIBER CEMENT WALL PANEL SYSTEM
9. WALL MOUNTED LIGHT FIXTURE, COLOR: BRONZE
10. ICE PANEL LOCATION
11. ROOF LINE AND PARAPET LIMITS
12. 6-1/2" STAINLESS STEEL CORNER KEY EDGE, TYP. TO ALL CORNERS
13. DOWNSPOUT
14. ADDRESSING LOCATION: 16" TALL x 3" WIDE (STROKES) BLACK NUMBERS.
15. CMU BY ECHELON MASONRY
16. CMU CAP BY ECHELON MASONRY
17. FRP BUCKET DRIP CAP
18. PARAPET WALL BEYOND
19. EXCESS KEY-BOX AT 6'-0" AFF
20. FIRE DEPARTMENT CONNECTOR
21. ALUMINUM AWNING WITH SUPPORT RODS ABOVE THE SIDE ENTRY DOOR BY CIRCLE K VENDOR. PROVIDE BLOCKING IN EXTERIOR WALL FOR AWNING AND SUPPORTS.
22. EMERGENCY FUEL SHUT-OFF SWITCH
23. INSULATED METAL DOOR
24. CO2 TANK WITH METAL ENCLOSURE/ CORRAL
25. EXTERIOR FINISH TO EXTEND ABOVE SIDEWALK/CURB
26. ROOF DRAIN TO OVERFLOW
27. CONTROL/EXPANSION JOINT "E.J." LOCATION
28. HARDIESOFFIT FIBER CEMENT PANELS
29. COVERED SHADE STRUCTURE, SEE SHEET A-4
30. GUARD POST

FINISH SCHEDULE

A – **INDIANA TUFF BLOCK – COLOR TO MATCH BLACK TIC DB3537
B – **INDIANA TUFF BLOCK – COLOR TO MATCH DRIFTING SEC770
C – 1" INSULATED, DOUBLE PANED SOLARBAN GLASS
D – *CASTLEROCK DS3573
E – RED POST GUARD PLASTIC SLEEVE
F – CMU CAP BY ECHELON MASONRY
G – ***LEXINGTON GRAY, TRENDSTONE
H – *METAL BY BERRIDAN WINDOWS – DARK BRONZE(USE FOR PRE-FINISHED METAL COPING)
I – CIRCLE K ORANGE (PMS 144
J – **INDIANA TUFF BLOCK – COLOR TO MATCH IBM 4081
K – COLOR TO MATCH DRIFTING SEC770

* USE SHERWIN WILLIAMS MANUFACTURER ONLY
** COLOR TO BE PRE-CHOSEN TO ENSURE AVAILABILITY AT TIME OF CONSTRUCTION
*** PURCHASED BY CIRCLE K/INSTALLED BY G.C. G.C. TO COORDINATE WITH CK PM AND OWNER'S REP

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CIRCLE K STORES INC.
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LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. Tatum Blvd. Ste. 1051
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f: (602) 997-9807

PROFESSIONAL SEAL

CIRCLE K
SEC INDIAN SCHOOL RD & 166TH AVENUE
GOODYEAR, ARIZONA
20191224.0

CONCEPTUAL BUILDING ELEVATIONS - COLOR
SCALE: AS NOTED

2 of 2

2/22/2022

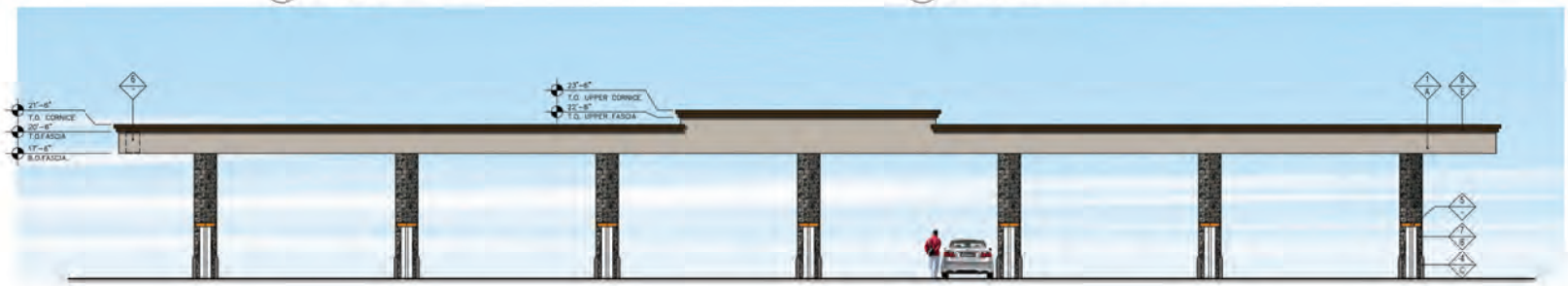


3 "SIDE" ELEVATION (WEST)
SCALE: 1/8" = 1'-0"

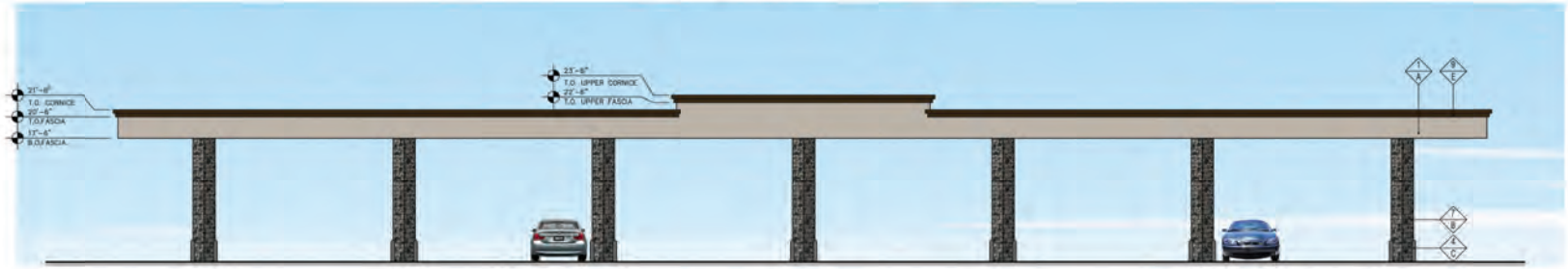
4 "SIDE" ELEVATION (EAST)
SCALE: 1/8" = 1'-0"

FINISH SCHEDULE	
▲	FINISH MATERIAL
1	ACM PANEL
2	NOT USED
3	NOT USED
4	5' Ø BOLLARD, 7.5" HIGH
5	FUEL PUMP
6	POTENTIAL SIGN LOCATION (UNDER SEPARATE PERMIT)
7	4X8X15 CMU VENEER, SPLIT FACE, GROUTED TO MATCH DARK COLOR
8	NOT USED
9	CORNICE MOULDING WITH METAL FLASHING
▼	FINISH COLOR
A	DRIFTING DEC720
B	CMU BY ECHELON MASONRY - HUNTINGTON GRAY TRENDSTONE
C	PVC BOLLARD SLEEVE "DARK GRAY"
D	NOT USED
E	DARK BRONZE

Notes
1. Colors shown on these elevations are for illustrative purposes only. For substantiation, refer to manufacturer's samples.
2. The fascia panels are pre-finished by signage vendor.
3. All signs require a separate submittal.
4. All lighting on canopy to be flush mounted with fascia.
5. Ensure Canopies do not have lighted bands.



2 "FRONT" ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"



1 "REAR" ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"

GF
30 Executive Park
Suite 100
Irvine, CA 92614
t: 949.296.0450

CIRCLE K STORES INC.
1120 W. Warner Road
Tempe, Arizona 85284
t: (602) 728-4850
f: (602) 307-4850

LAND DEVELOPMENT CONSULTANTS, LLC
11811 N. Tatum Blvd. Ste. 1051
Phoenix, Arizona 85028
t: (602) 850-8101
f: (602) 997-9807

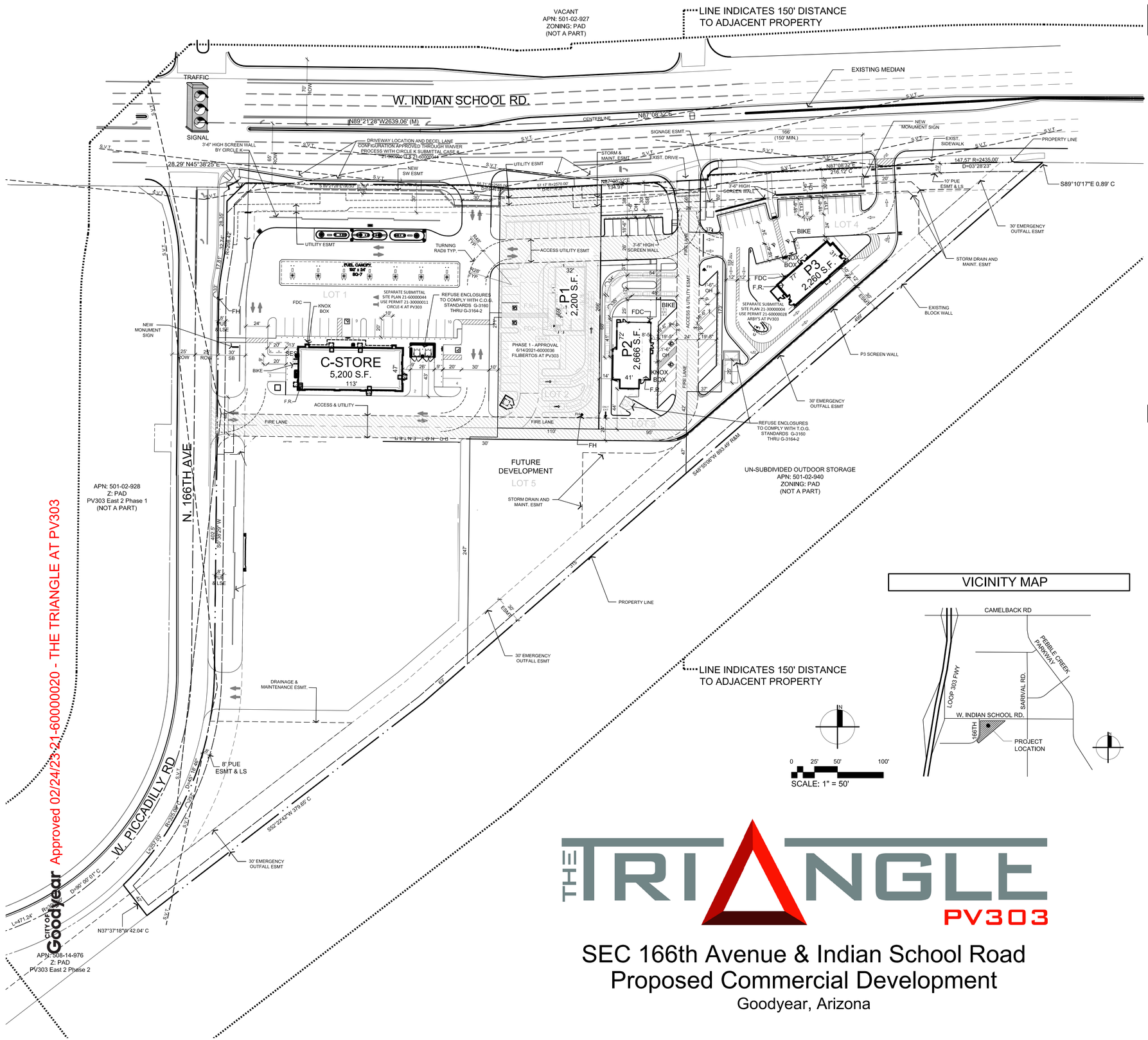
PROFESSIONAL SEAL

CIRCLE K
SEC INDIAN SCHOOL RD & 166TH AVENUE
GOODYEAR, ARIZONA
20191224.0

CONCEPTUAL FUEL CANOPY ELEVATIONS - COLOR
SCALE: AS NOTED
2 of 2

2/22/2022

CITY OF Goodyear Approved 02/24/23 21-60000020 - THE TRIANGLE AT PV303



LINE INDICATES 150' DISTANCE
TO ADJACENT PROPERTY

VICINITY MAP

THE TRIANGLE PV303

SEC 166th Avenue & Indian School Road
Proposed Commercial Development
Goodyear, Arizona

CITY OF GOODYEAR SITE PLAN NOTES (EDS&PM 8.1.1.C)

1. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OF-WAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURB, GUTTER, SIDEWALKS, RAMPS DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STRIPING.
LANDSCAPE RESPONSIBILITIES ARE IDENTIFIED UNDER SEPARATE NOTE:
a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION OF ALL IMPROVEMENTS, ANY DAMAGED IMPROVEMENTS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
c. MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF SEALANT IN ALL PAVEMENT CRACKS AND JOINTS, AND APPLICATION OF SEALANT OVER ALL ASPHALT PAVEMENTS.
d. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.
e. IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.
2. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OF-WAY, AND STREET CENTER MEDIAN LANDSCAPING:
City of Goodyear, Arizona Engineering Design Standards and Policies Manual
Chapter 8 – Site Development 2017 Page 3 of 11
a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL LANDSCAPE IMPROVEMENTS, INCLUDING PLANTED AREAS AND IRRIGATION SYSTEMS, FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS, ANY DAMAGED PLANTING AND/OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
c. MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE NORMAL HEALTHY GROWTH.
d. WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND HAS OBTAINED AN APPROXIMATE HEIGHT OF 3 INCHES, MOWING SHALL BEGIN IMMEDIATELY TO ACHIEVE A TURF HEIGHT OF 2 INCHES; THE TURF SHALL BE MOWED THEREAFTER TO SAFELY MAINTAIN THE 2-INCH HEIGHT.
e. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL TURF AREAS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.
f. IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.

SITE PLAN GENERAL NOTES

1. ALL DRIVE-THRU USERS WILL REQUIRE A SEPARATE USE PERMIT APPROVAL.
2. THE TRIANGLE IS LOCATED WITHIN LIGHTING ZONE 2.
3. THE MINIMUM FIRE HYDRANT FIRE FLOW REQUIREMENTS FOR THIS PROPOSED PROJECT WILL BE THREE THOUSAND FIVE HUNDRED (3,500) GPM FOR TWO (2) HOURS. THE WATER SUPPLY SERVING THIS AREA WILL BE REQUIRED TO SUPPORT THIS AMOUNT, PLUS THE FIRE SPRINKLER AND STANDPIPE SYSTEM DEMAND, AND BE PART OF A LOOPED SYSTEM. THE AMOUNT CAN BE INCREASED BASED ON FINAL BUILDING SIZE, STORAGE METHODS, COMMODITIES, ETC. FLOW TESTING WILL BE REQUIRED TO DEMONSTRATE MEETING THIS REQUIREMENT.
4. WHEN THE SIZE OF A SINGLE BUILDING OR THE TOTAL SQUARE FOOTAGE OF MULTIPLE BUILDINGS EXCEED SIXTY-TWO THOUSAND (62,000) SQUARE FEET, A SECOND, SUFFICIENTLY SEPARATED ACCESS ROAD FOR THE DEVELOPMENT IS REQUIRED. THE ACCESS ROADS NEED TO BE SEPARATED BY A DISTANCE OF AT LEAST 1/2 OF THE DIAGONAL DISTANCE OF THE AREA SERVED. OSBORN ROAD WILL NEED TO BE COMPLETED BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED ON THE BUILDING.
5. FIRE HYDRANTS ARE REQUIRED TO BE PLACED SO THAT ALL EXTERIOR PORTIONS OF THE STRUCTURES ARE WITHIN FOUR HUNDRED (400) FEET HOSE LAY DISTANCE TO A FIRE HYDRANT. THE MAXIMUM DISTANCE BETWEEN FIRE HYDRANTS IS TO BE THREE HUNDRED (300) FEET. FIRE HYDRANTS WILL NEED TO BE SHOWN ON THE SITE PLAN FOR EVALUATION.
6. DRIVE AISLES WHERE FIRE HYDRANTS ARE LOCATED ARE REQUIRED TO BE A MINIMUM OF TWENTY-SIX (26) FEET WIDE. PROVIDE DIMENSIONS ON THE SITE PLAN IN ORDER TO VERIFY MEETING THIS REQUIREMENT.
7. FIRE APPARATUS MOVEMENT IS TO BE SHOWN ON THE SITE PLAN TO SHOW THAT FIRE APPARATUS WILL NOT IMPACT PARKED VEHICLES OR CURBING WHILE MANEUVERING. THE TURNING RADIUS IS TWENTY-EIGHT (28) FOOT INSIDE AND FORTY-EIGHT (48) FOOT OUTSIDE.
8. FIRE LANES ARE REQUIRED TO BE IDENTIFIED AND PROPERLY MARKED. THE SITE PLAN WILL NEED TO IDENTIFY THE FIRE LANES AND HOW THEY ARE TO BE MARKED USING SIGNAGE OR, IF APPROVED, RED PAINTED CURBING WITH WHITE LETTERING. SIGNAGE IS TO BE INSTALLED AT THE BEGINNING AND END OF EACH FIRE LANE WITH SIGNS SPACE NOT MORE THAN ONE HUNDRED (100) FEET APART.
9. ANY GATES INSTALLED ACROSS A FIRE APPARATUS ACCESS ROAD WILL REQUIRE A SEPARATE SUBMITTAL AND PERMIT. PROVIDE A NOTE ON THE SITE PLAN FOR ANY GATES, THAT SEPARATE PERMITS ARE REQUIRED. AUTOMATIC GATES WILL REQUIRE A TRAFFIC PRE- EMPTION DEVICE (OPTICOM) AND A KNOX KEY SWITCH FOR EMERGENCY OPERATION AT EACH LOCATION. THE TRAFFIC PRE- EMPTION DEVICE IS TO BE LOCATED SO THAT IT CAN "SEE" THE APPROACHING FIRE APPARATUS AND SIGNAL THE GATE TO OPEN. THE KNOX KEY SWITCH IS TO BE MOUNTED ON A PEDESTAL APPROXIMATELY SIXTY-SIX (66) INCHES ABOVE GRADE, A MINIMUM OF TEN (10) FEET FROM THE GATE, AND ON THE DRIVER'S SIDE IN ORDER FOR THE DRIVER TO OPERATE THE SWITCH WITHOUT DISMOUNTING THE FIRE APPARATUS.
10. AN ELEVATION PLAN FOR THE STRUCTURE IS TO SHOW THE PROPOSED LOCATION OF THE BUILDING ADDRESS ON THE APPROACH SIDE OF THE BUILDING, ALONG WITH THE SIZE OF THE NUMBERS FOR EVALUATION. THE MINIMUM SIZE NUMBERS ARE TO BE TWELVE (12) INCHES HIGH WITH A TWO (2) INCH STROKE, MUST BE OF A CONTRASTING COLOR, AND MOUNTED HIGH ON THE BUILDING TO BE VISIBLE FROM THE STREET. BUILDINGS LOCATED FURTHER THAT SEVENTY-FIVE (75) FEET FROM STREET WILL REQUIRE LARGER NUMBERS. MULTIPLE ADDRESS LOCATIONS MAY BE REQUIRED ON SOME BUILDINGS.
11. ALL BUILDINGS WILL BE REQUIRED TO HAVE AN AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED. NOTE THE FIRE SPRINKLER RISER LOCATIONS ON THE SITE PLAN IN ORDER TO EVALUATE ACCESS.
12. THE SITE PLAN IS TO SHOW THE LOCATION OF THE FIRE DEPARTMENT CONNECTIONS (FDC) FOR EVALUATION. THE FDC IS TO BE LOCATED ON THE APPROACH SIDE OF THE BUILDING AND WITHIN ONE HUNDRED FIFTY (150) FEET OF A FIRE HYDRANT.
13. KNOX BOXES ARE REQUIRED AT THE FRONT ENTRANCE OF ALL BUILDINGS AND AT ANY FIRE SPRINKLER RISER ROOM. KNOX BOXES WILL ALSO BE REQUIRED AT ANY DOOR TO AN INTERIOR ROOF ACCESS, ELECTRICAL ROOM, OR HAZARDOUS AREA. ADDITIONAL KNOX BOXES WILL BE REQUIRED FOR LARGE OR COMPLEX BUILDINGS.
14. ALL BUILDINGS ARE REQUIRED TO BE EVALUATED FOR EMERGENCY RESPONDER RADIO COVERAGE (ERRC) INSIDE THE BUILDING. AN ERRC SYSTEM MAY BE REQUIRED FOR BUILDINGS THAT DO NOT PROVIDE MINIMUM COVERAGE, AS SHOWN BY CERTIFIED TESTING. PROVIDE A NOTE ON THE SITE PLAN THAT AN ERRC SYSTEM MAY BE REQUIRED FOR THE BUILDING AND THAT ON-SITE, CERTIFIED TESTING IS REQUIRED WHEN CONSTRUCTION HAS BEEN COMPLETED BEFORE FINAL APPROVAL FOR A CERTIFICATE OF OCCUPANCY CAN BE PROVIDED. SHOULD TESTING SHOW THAT AN ERRC IS REQUIRED, FINAL APPROVAL FOR THE CERTIFICATE OF OCCUPANCY WILL NOT BE PROVIDED UNTIL THE SYSTEM IS INSTALLED, TESTED, AND APPROVED. SEPARATE SUBMITTALS AND PERMITTING IS REQUIRED FOR AN ERRC SYSTEM.
15. WHERE BUILDINGS ARE TOO LARGE TO MAINTAIN THE ONE HUNDRED FIFTY (150) FOOT HOSE LAY REQUIREMENT INSIDE A BUILDING, A CLASS 1 WET STANDPIPE SYSTEM MAY BE REQUIRED INSIDE THE BUILDING TO SUPPLEMENT INTERIOR COVERAGE TO SUPPORT SEARCH/RESCUE AND SUPPRESSION OPERATIONS. THE STANDPIPE SYSTEM IS TO BE PART OF THE AUTOMATIC FIRE SPRINKLER SYSTEM DESIGN. PROVIDE A NOTE ON THE SITE PLAN THAT CLASS 1 STANDPIPES, THAT ARE PART OF THE AUTOMATIC FIRE SPRINKLER SYSTEM, MAY BE REQUIRED TO BE INSTALLED INSIDE THE BUILDING.

PROJECT DATA

PROJECT TEAM

DEVELOPER:
INDIAN SCHOOL 166TH LLC.
7209 E. MCDONALD DR.
UNIT 47
SCOTTSDALE, ARIZONA 85250
PH: 602-390-6838
CONTACT: T.A. SHOVER
EMAIL: Tashover@cox.net

ARCHITECT:
BUTLER DESIGN GROUP
5017 E WASHINGTON ST.
SUITE 107
PHOENIX, AZ 85034
PH: 602-957-1800
CONTACT: RICK BUTLER
E-MAIL: RButler@butlerdesigngroup.com

LANDSCAPE:
LASKIN & ASSOCIATES
67 E. WELDON AVE.
SUITE 230
PHOENIX, ARIZONA 85012
PH: (602) 840-7771
CONTACT: HARDY LASKIN
E-MAIL: Hardy@laskindesign.com

CIVIL:
ATWELL, LLC.
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PH: 480-218-8831
CONTACT:CASEY PENNINGTON
E-MAIL:cpennington@atwell-group.com

QUARTER SECTIONS:

A PORTION OF THE NORTH HALF OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA.

BENCHMARK

CITY OF GOODYEAR BRASS CAP, IN MANHOLE LOCATED AT THE INTERSECTION OF SARIVAL AVENUE AND CAMELBACK ROAD, ALSO BEING THE NORTHEAST CORNER OF SECTION 24,T2N,R2W. CITY OF GOODYEAR BM#G3703.
ELEVATION= 1062.85 FEET NAVD 88 DATUM (HELD)
ELEVATION= 1061.12 FEET NAVD 29 DATUM (HELD)
SECONDARY BENCHMARK:
CITY OF GOODYEAR BRASS CAP IN MANHOLE LOCATED AT THE INTERSECTION OF INDIAN SCHOOL ROAD AND COTTON LANE, ALSO BEING THE NORTHEAST CORNER OF SECTION 24, T2N, R2W, CITY OF GOODYEAR BM#G3704
ELEVATION= 1066.99 FEET NAVD 88 DATUM

SITE DATA

ZONING:	PV 303 PAD
APN#(s):	501-02-929, 501-02-930, 501-02-931, 501-02-932
PUC:	0022
SECTION:	25
TOWNSHIP:	2N
RANGE:	2W
LIGHTING ZONE:	2
TOTAL NET SITE AREA:	341,879 S.F. (7.8 AC.)

BUILDING DATA

TOTAL BUILDING AREA:	16,934 S.F.
COVERAGE (50% MAX):	16,934 S.F. / 341,879 S.F. = 5%
MAX. BUILDING HEIGHT:	56'-0" FT

PARKING DATA

RETAIL (C-STORE): 1 SPACE PER 300 SF (5,200/300)	17 SPACES
RESTAURANT; 1 PER 50 SF/INDOOR DINNING, (7,126*.35/50)	49 SPACES
RESTAURANT; 1 PER 150 SF/KITCHEN/SERV. (7,126*.65/150)	31 SPACES
TOTAL PARKING REQUIRED:	97 SPACES
TOTAL PARKING PROVIDED:	98 SPACES
ADA PARKING REQUIRED:	4 SPACES
ADA PARKING PROVIDED:	9 SPACES
BICYCLE PARKING REQUIRED:	11 SPACES
BICYCLE PARKING PROVIDED:	11 SPACES

SITE ABBREVIATIONS

AC = ACRE
AVG. = AVERAGE
BIKE = BIKE PARKING
CONC. = CONCRETE
DG = DECOMPOSED GRANITE
D.I.D. = DRIVE IN DOOR
DS = DOWN SPOUT
D/W = DRIVE WAY
FDC = FIRE DEPARTMENT CONNECTION
FH = FIRE HYDRANT
FS = FIRE LANE SIGNAGE 100' MAX
H. = HIGH
LN. = LINE
LS = LANDSCAPE
LS / RTN. = LANDSCAPE AND RETENTION
O.H. = OVERHANG (PARKING)
O.H.D. = OVERHEAD DOOR
MIN. = MINIMUM
ROW = RIGHT OF WAY
RTN = RETENTION
S.F. = SQUARE FEET
SP = SPACE
SW = SIDEWALK
TYP. = TYPICAL
V.T. = VISIBILITY TRIANGLE
W/ = WITH
W.T. = WATER LINE
W.L.E = WATER LINE EASEMENT
WP = WALL PACK
XFRM = TRANSFORMER

SITE LEGEND

FH – FIRE HYDRANT
FDC – FIRE DEPARTMENT CONNECTION
R30 TYP. / R45 TYP. – FIRE TURNING RADIUS, TYP ALL

NOTE:
ALL LIGHTING SHALL BE SCREENED IN A DOWNWARD DIRECTION AND DIRECTED AWAY FROM ADJACENT PROPERTIES AND STREETS

SITE LEGEND

- PROPERTY / RIGHT OF WAY (ROW) LINE
- PUE EASEMENT
- DEVELOPMENT EASEMENTS
- LANDSCAPE SETBACK
- ROAD CENTERLINE
- 150' ADJACENT PROPERTY DISTANCE
- PHASE 1 - APPROVAL 6/14/2021-6000036 FILIBERTOS AT PV303

SEPARATE SUBMITTALS:
- SITE PLAN 21-60000044 USE PERMIT 21-30000011 CIRCLE-K AT PV303
- SEPARATE SUBMITTAL- SITE PLAN 21-30000004 USE PERMIT 21-60000028 ARBY'S AT PV303

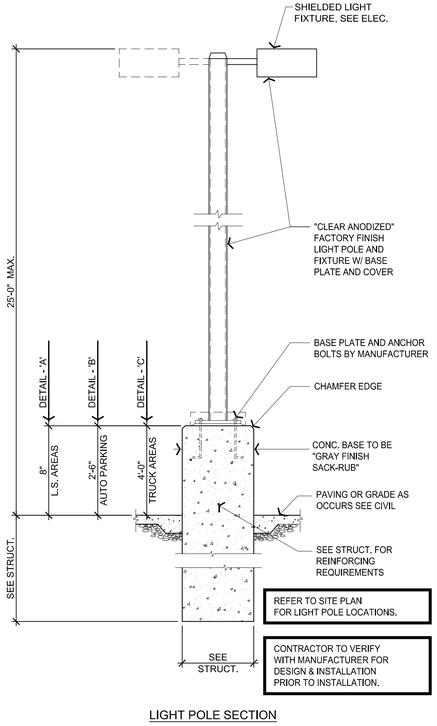
01-11-2023
19123-ST20

REGISTERED ARCHITECT – CERTIFICATE NO. 22417 – RICHARD R. BUTLER – Date Signed 01-11-2023 – ARIZONA, U.S.A.

Butler Design Group, Inc
architects & planners

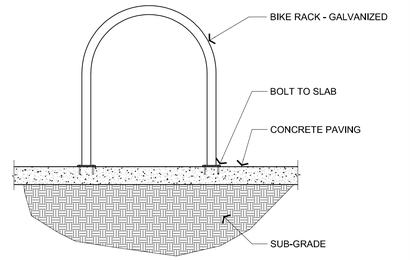
CITY OF Goodyear Approved 02/24/23 21-60000020 - THE TRIANGLE AT PV303

CITY OF Goodyear Approved 02/24/23 21-60000020 - THE TRIANGLE AT PV303

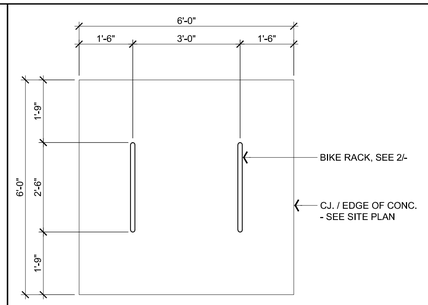


LIGHT POLE SECTION

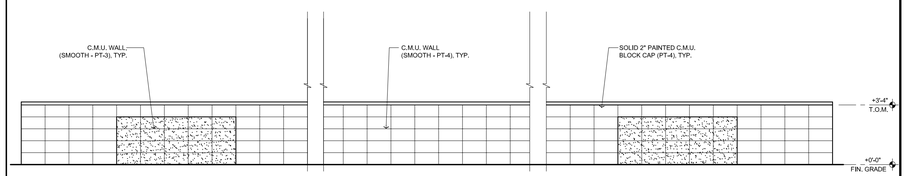
1 LIGHT POLE DETAIL
SCALE: 1/2" = 1'-0"



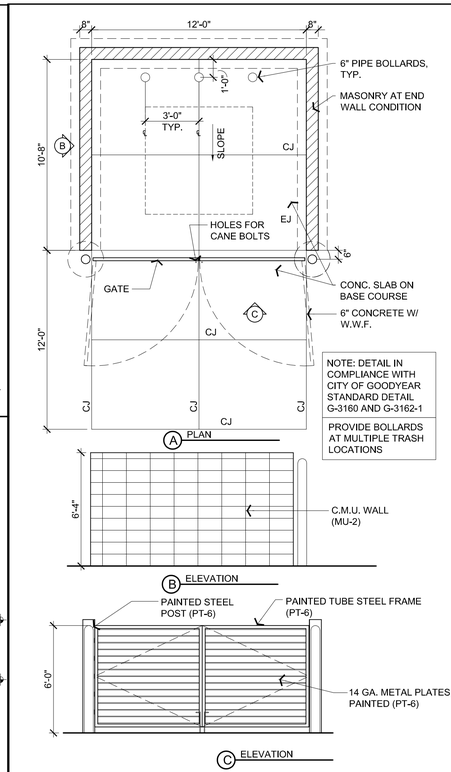
2 BICYCLE RACK SECTION
SCALE: 3/4"=1'-0"



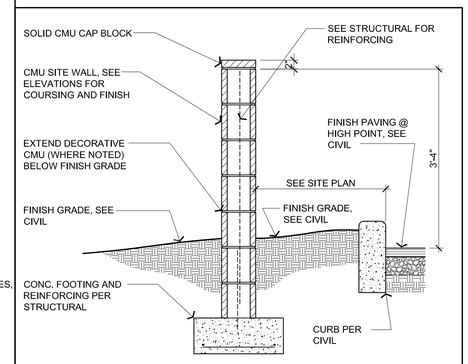
3 BICYCLE RACK PLAN
SCALE: 1/2" = 1'-0"



4 3'-6" HIGH C.M.U. SCREEN WALL ELEV.
SCALE: 1/4" = 1'-0"



5 SINGLE/MULTIPLE TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"



6 PARKING SCREEN WALL SECTION
SCALE: 3/4" = 1'-0"

THE TRIANGLE PV303

SEC 166th Avenue & Indian School Road
Proposed Commercial Development
Goodyear, Arizona

02-23-2022
19123-EX03-Site Detail Sheet

EX03
SITE DETAILS

Butler Design Group, Inc
architects & planners

CITY OF Goodyear Approved 02/24/23 21-60000020 - THE TRIANGLE AT PV303

CITY OF Goodyear Approved 02/24/23 21-60000020 - THE TRIANGLE AT PV303

CITY OF Goodyear Approved 02/24/23 21-60000020 - THE TRIANGLE AT PV303

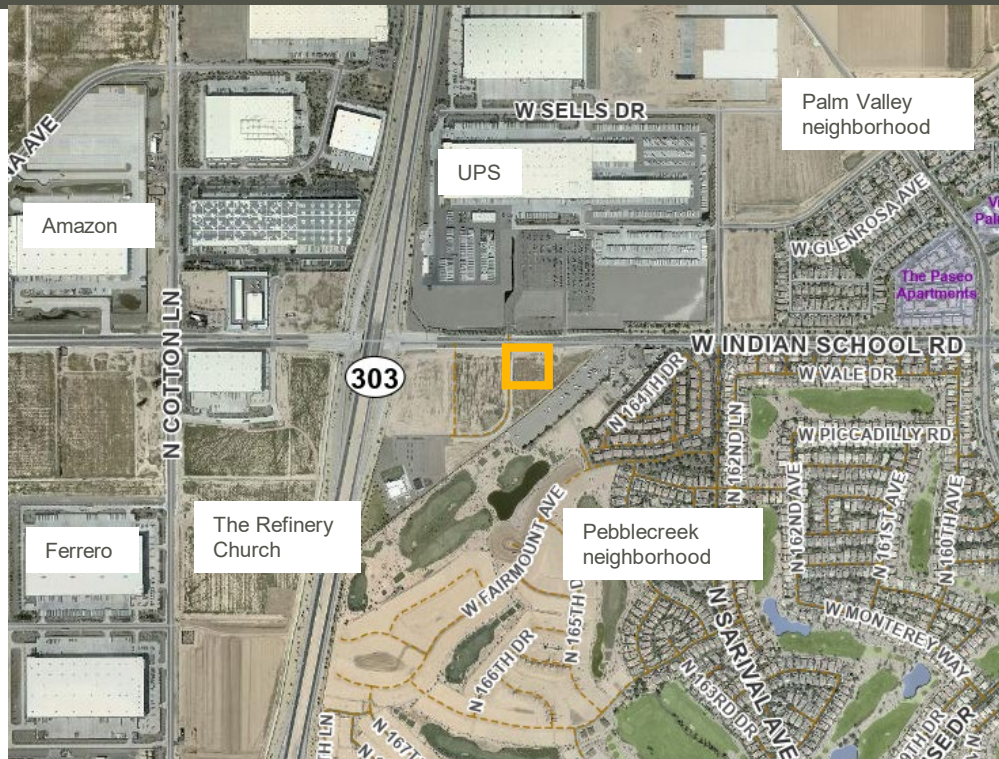
Circle K at The Triangle

Use Permit

Location

SEC OF W INDIAN SCHOOL ROAD AND N 166TH AVENUE

- Zoned PAD (Planned Area Development), underlying C-2 (General Commercial)

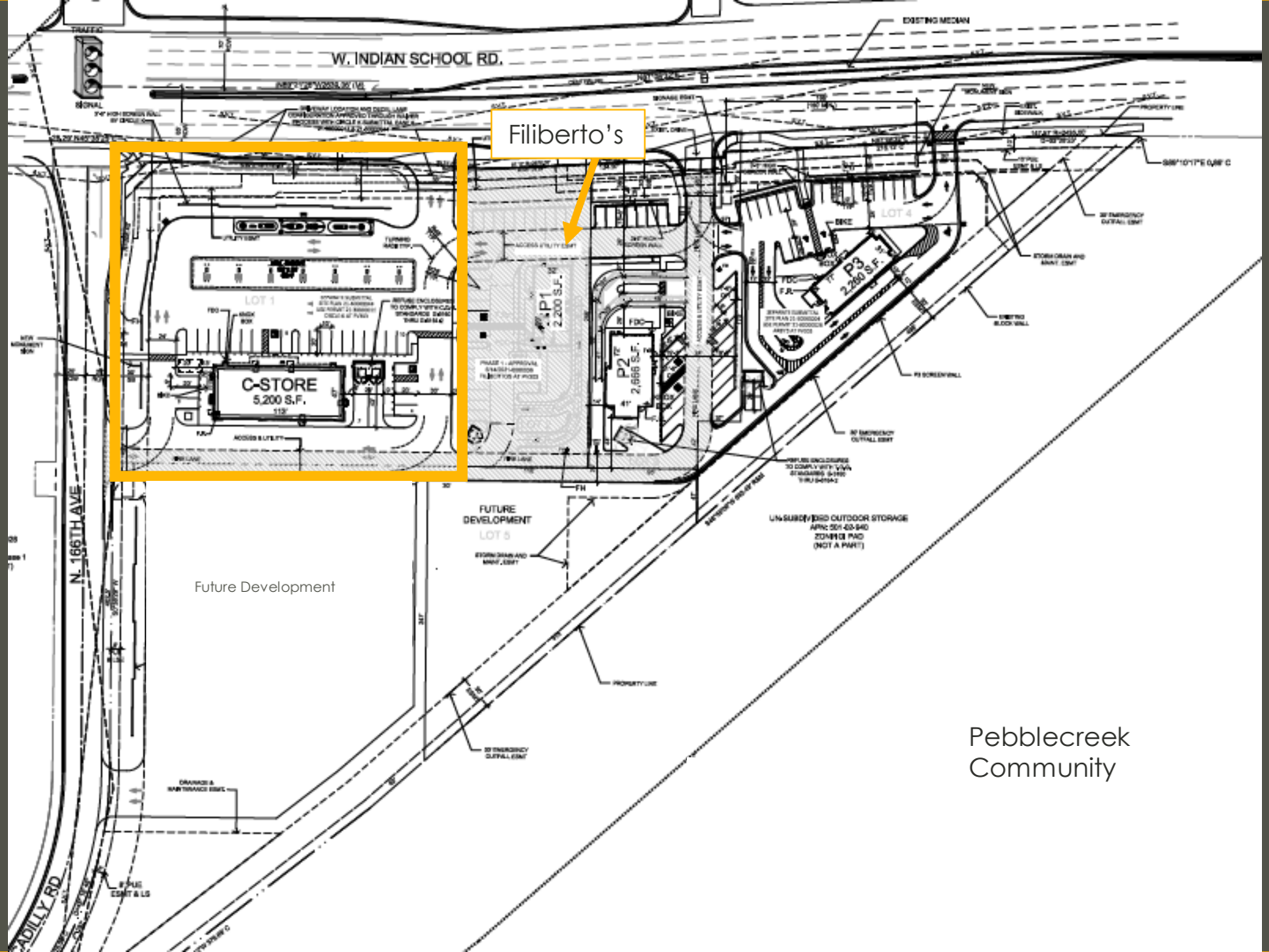


Location

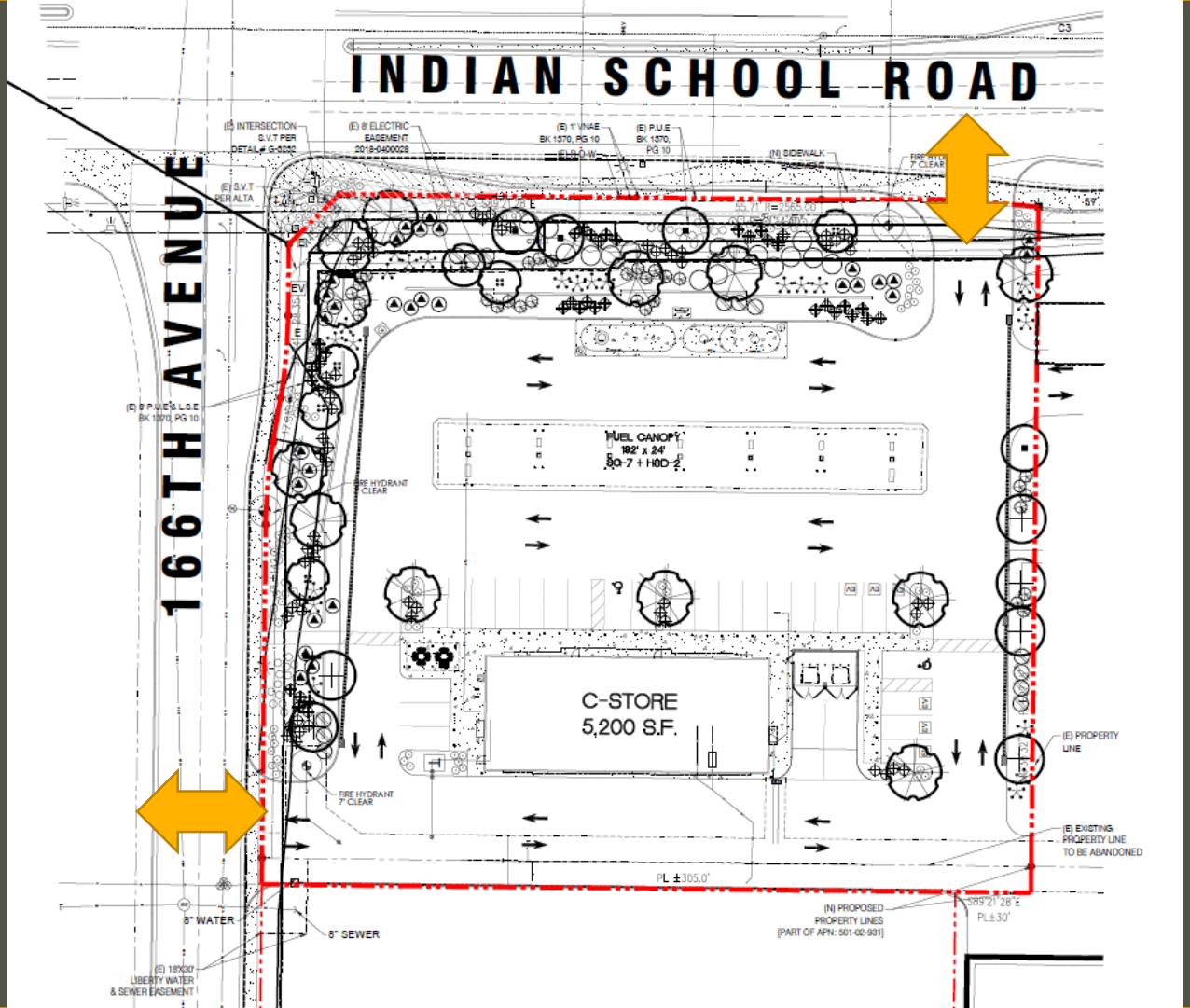
SEC OF W INDIAN SCHOOL ROAD AND N 166TH AVENUE

- Appx. 1.9-acre site



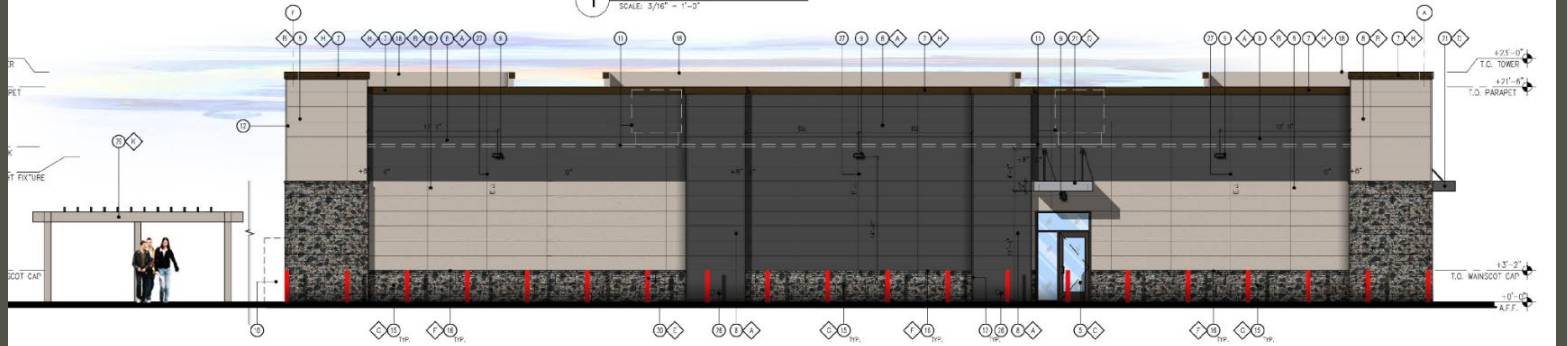

W. INDIAN SCHOOL RD.
Filiberto's
C-STORE
5,200 S.F.
LOT 1
P1
2,200 S.F.
P2
2,666 S.F.
P3
2,266 S.F.
LOT 4
FUTURE
DEVELOPMENT
LOT 5
Future Development
N. 166TH AVE
Pebblecreek
Community


INDIAN SCHOOL ROAD
166TH AVENUE
±864 feet
±824 feet
±340 feet

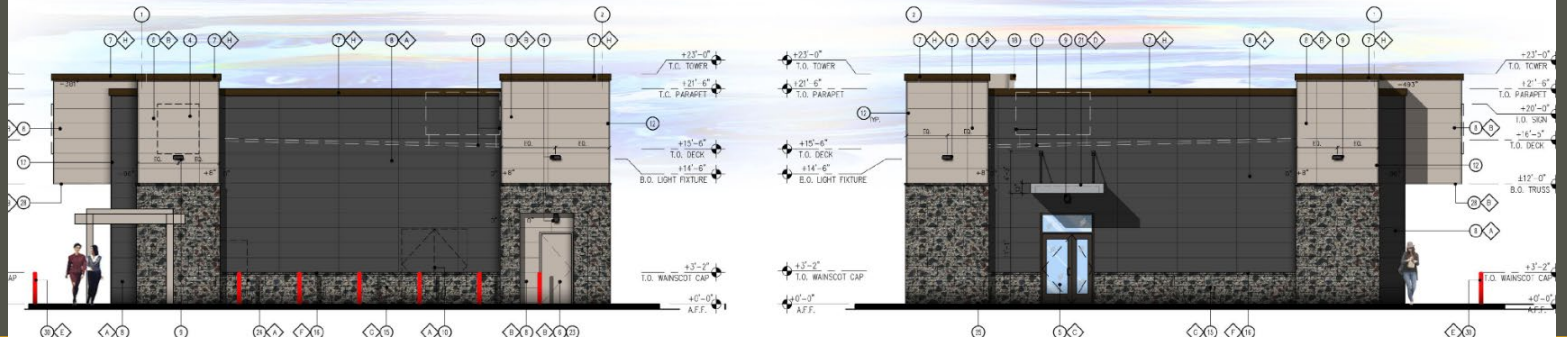

INDIAN SCHOOL ROAD
166TH AVENUE
(E) INTERSECTION D.V.T PER DETAIL # G-5220
(E) 8' ELECTRIC EASEMENT 2018-0400028
(E) 1' VNAE BK 1370, PG 10
(E) P.U.E BK 1370, PG 10
(N) SIDEWALK
(E) S.V.T PER ALTA
(E) 8' P.U.E & L.S.E BK 1370, PG 10
FUEL CANOPY 192' x 24' SO-7 + H8D-2
FIRE HYDRANT CLEAR
C-STORE 5,200 S.F.
FIRE HYDRANT 7' CLEAR
(E) PROPERTY LINE
(E) EXISTING PROPERTY LINE TO BE ABANDONED
PL ±305.0'
8" WATER
8" SEWER
(E) 18'X30' LIBERTY WATER & SEWER EASEMENT
(N) PROPOSED PROPERTY LINES (PART OF APN: 501-02-931)
S89°21'28"E
PL±30'

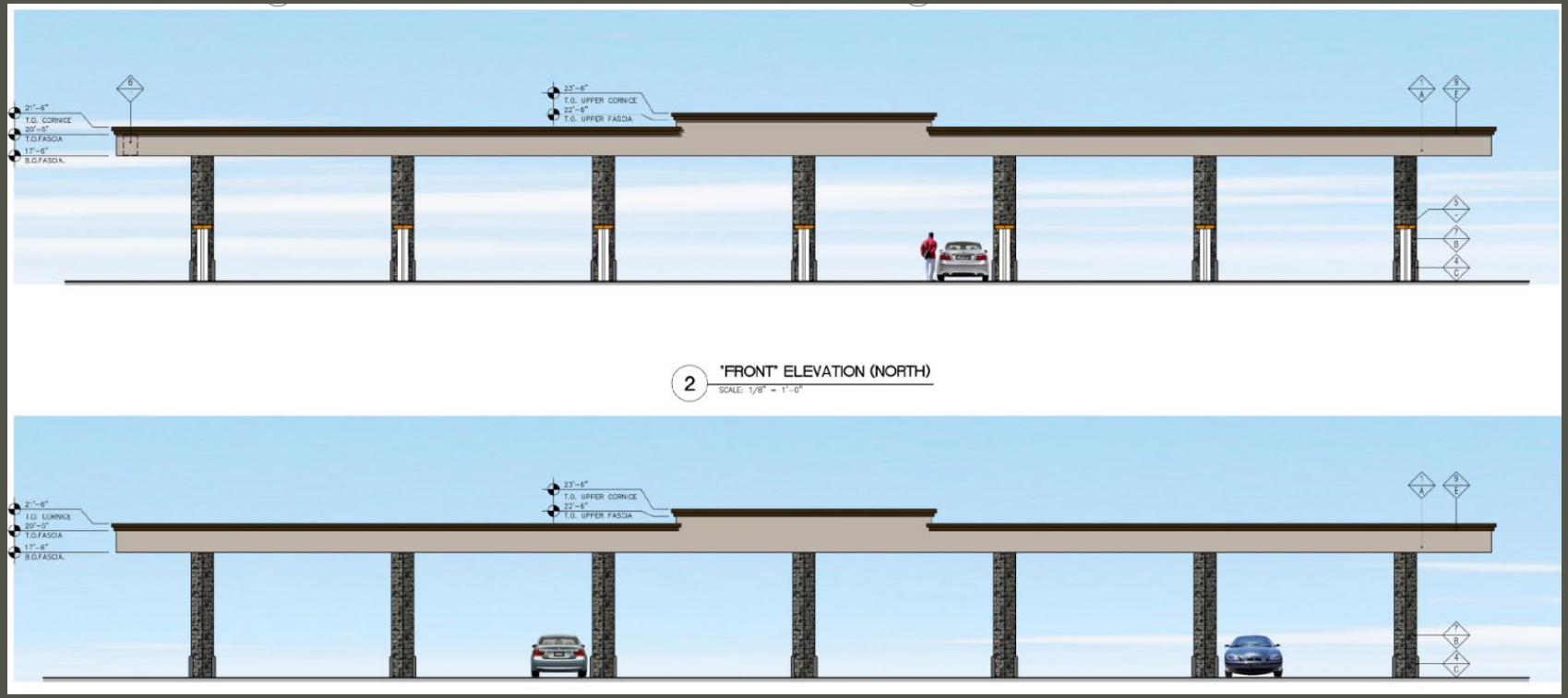


1 FRONT ELEVATION (NORTH)
SCALE: 3/16" = 1'-0"



2 BACK ELEVATION (SOUTH)
SCALE: 3/16" = 1'-0"





2 'FRONT' ELEVATION (NORTH)

SCALE: 1/8" = 1'-0"

Use Permit evaluation criteria

ZONING ORDINANCE SECTION 1-3-2

1. The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare
2. The proposed use is reasonably compatible with uses permitted in the surrounding area

Convenience Use evaluation criteria

ZONING ORDINANCE SECTION 4-2-2

1. Adequacy of the parcel size and configuration to provide for proper access and internal circulation
2. Compatibility of proposed hours of operation with adjacent residential areas
3. Required traffic and access mitigation measures
4. Other concerns which may place the advisability of the proposed convenience use in question

Public Participation

CITIZEN REVIEW AND PUBLIC HEARINGS

- Citizen Review and Public Hearing processes were followed

- April 12th – Planning and Zoning Commission
- May 17th – applicant led neighborhood meeting
- May 22nd – petition in opposition with 1,029 signatures
- Emails
  - Opposition – 350
  - Support – 15
- June 6th – diesel fueling and semi-truck parking removed from application
- June 22nd – second applicant led neighborhood meeting

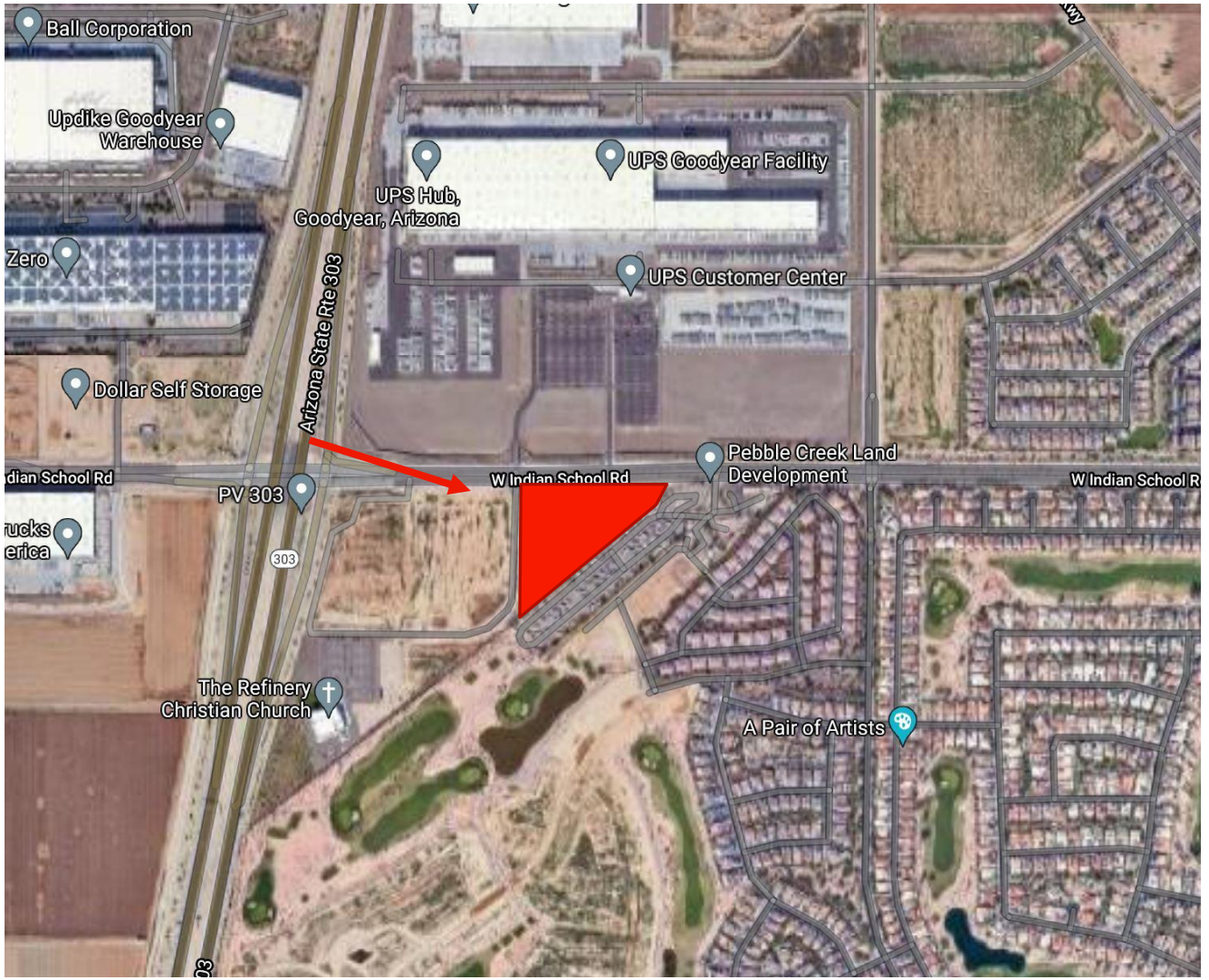
Recommendation

RECOMMEND APPROVAL SUBJECT TO STAFF STIPULATIONS

- Application complies with city requirements
- Planning and Zoning Commission recommended approval




CITY OF
Goodyear

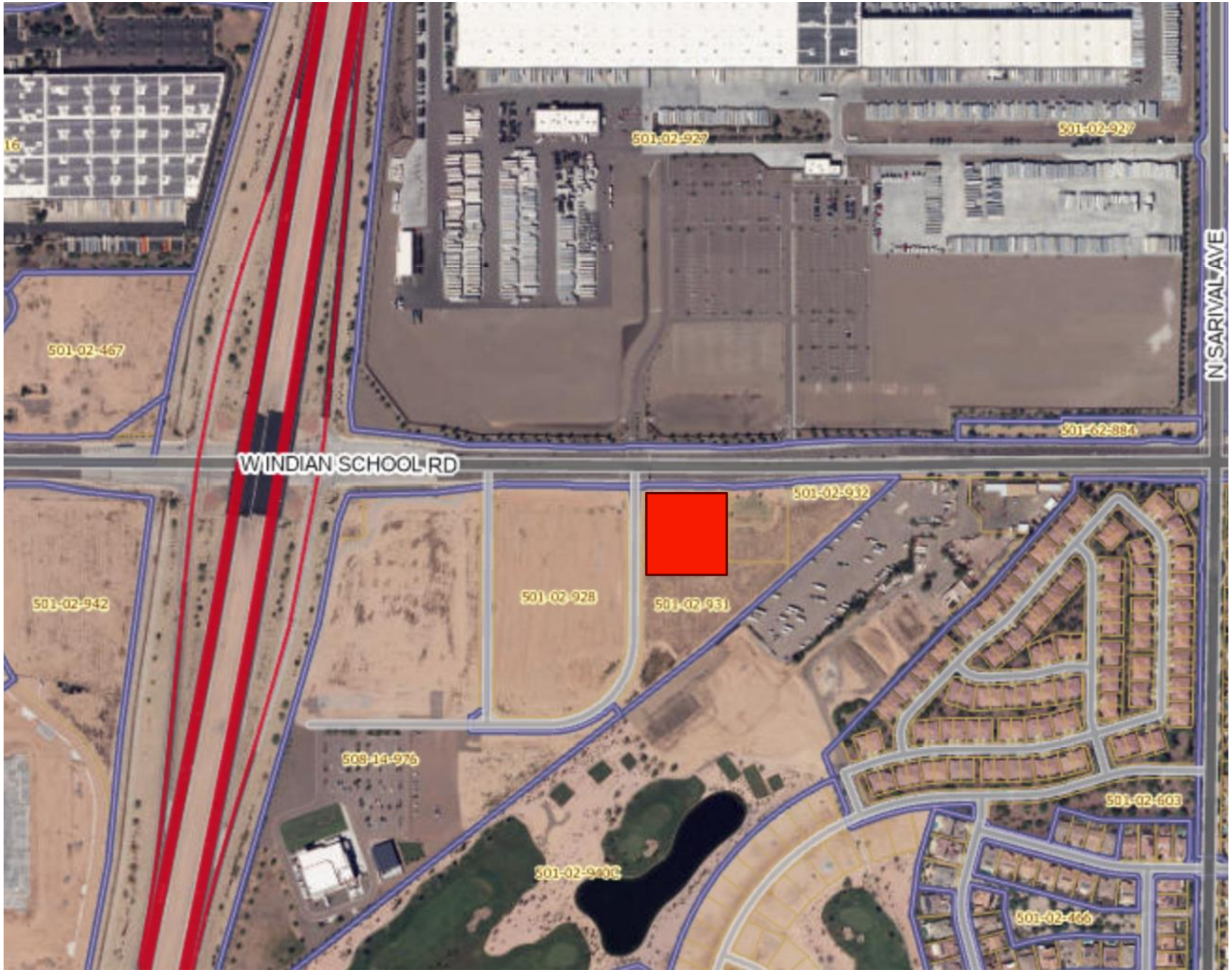


CIRCLE K @ The Triangle at PV303

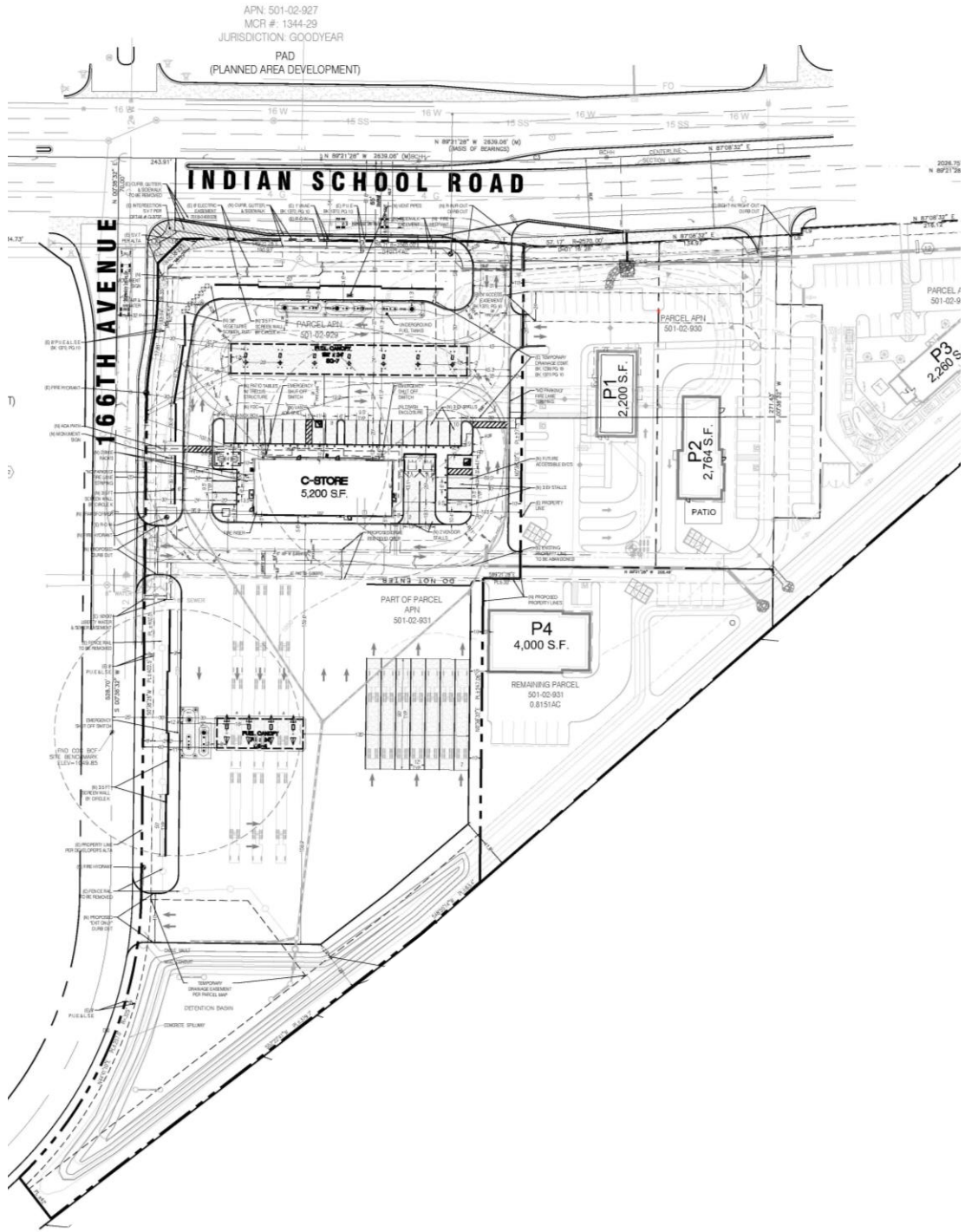
Convenience Store with Fuel Station

Request for Conditional Use Permit


501-02-927
501-02-927
501-02-467
N SARIVAL AVE
501-62-384
W INDIAN SCHOOL RD
501-02-932
501-02-929
501-02-942
501-02-928
501-02-931
508-14-976
501-02-603
501-02-940C
501-02-466



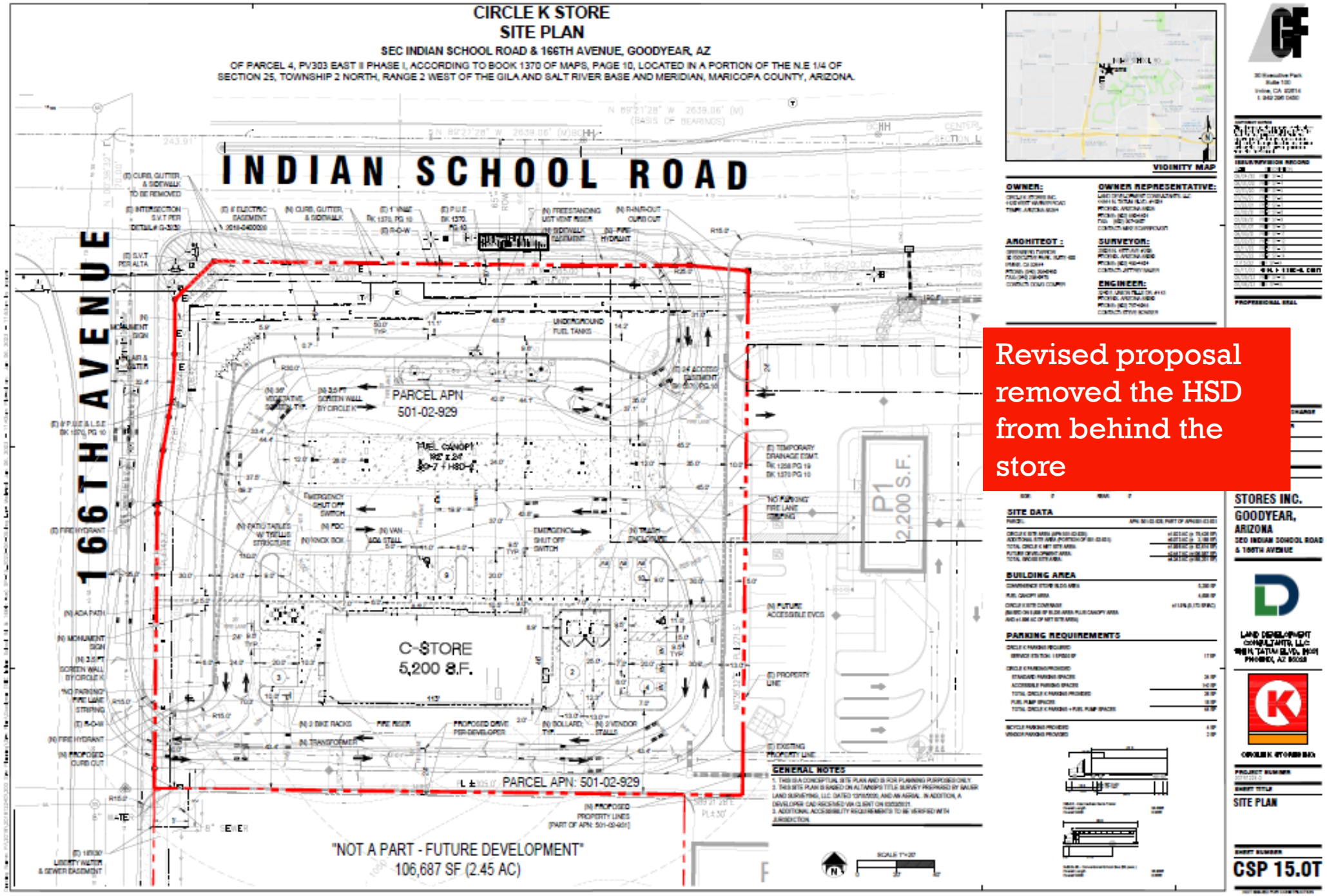
Circle K will be developing a portion of the parcel on the southeast corner of the intersection.

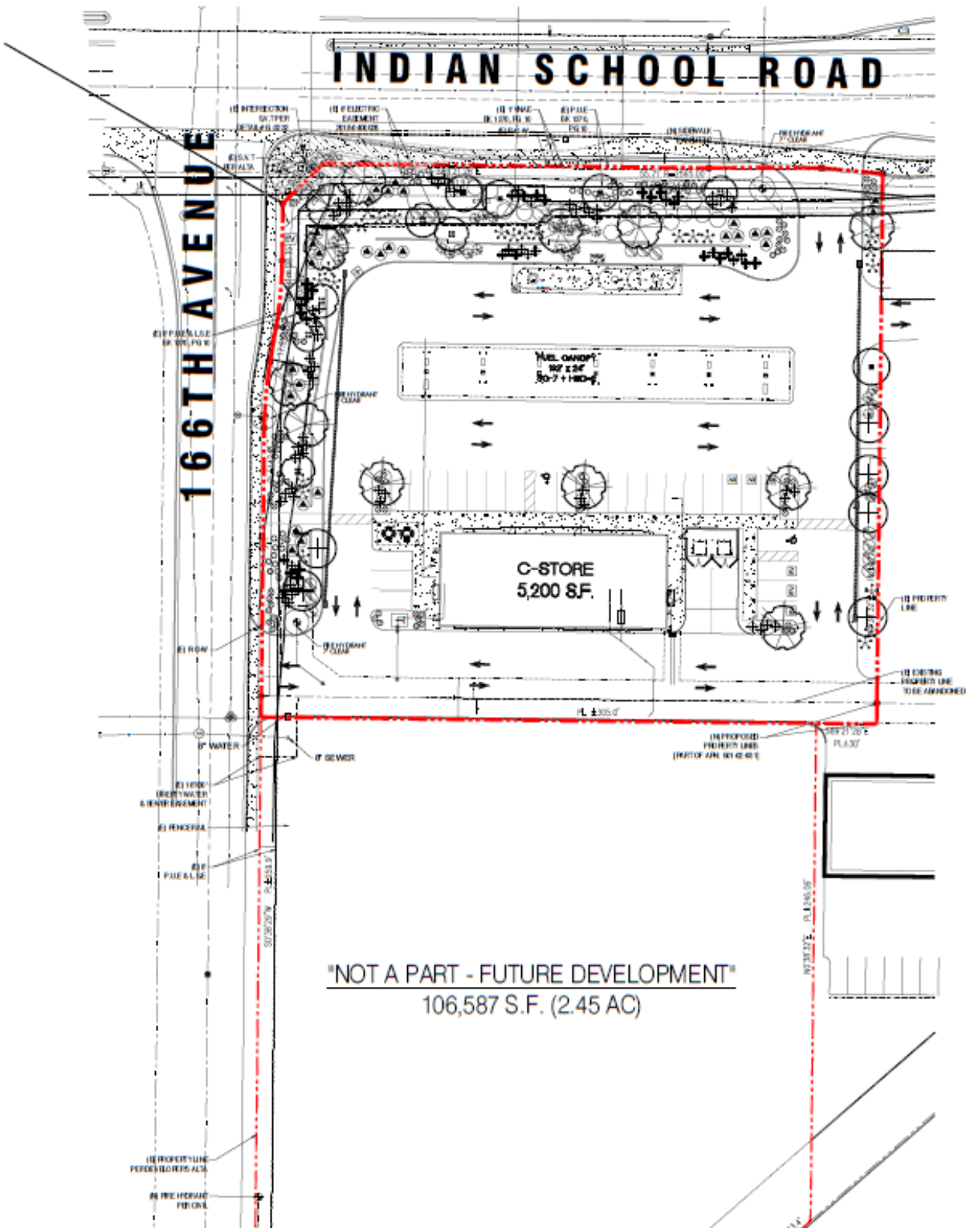


Circle K's original proposal – included HSD behind the store

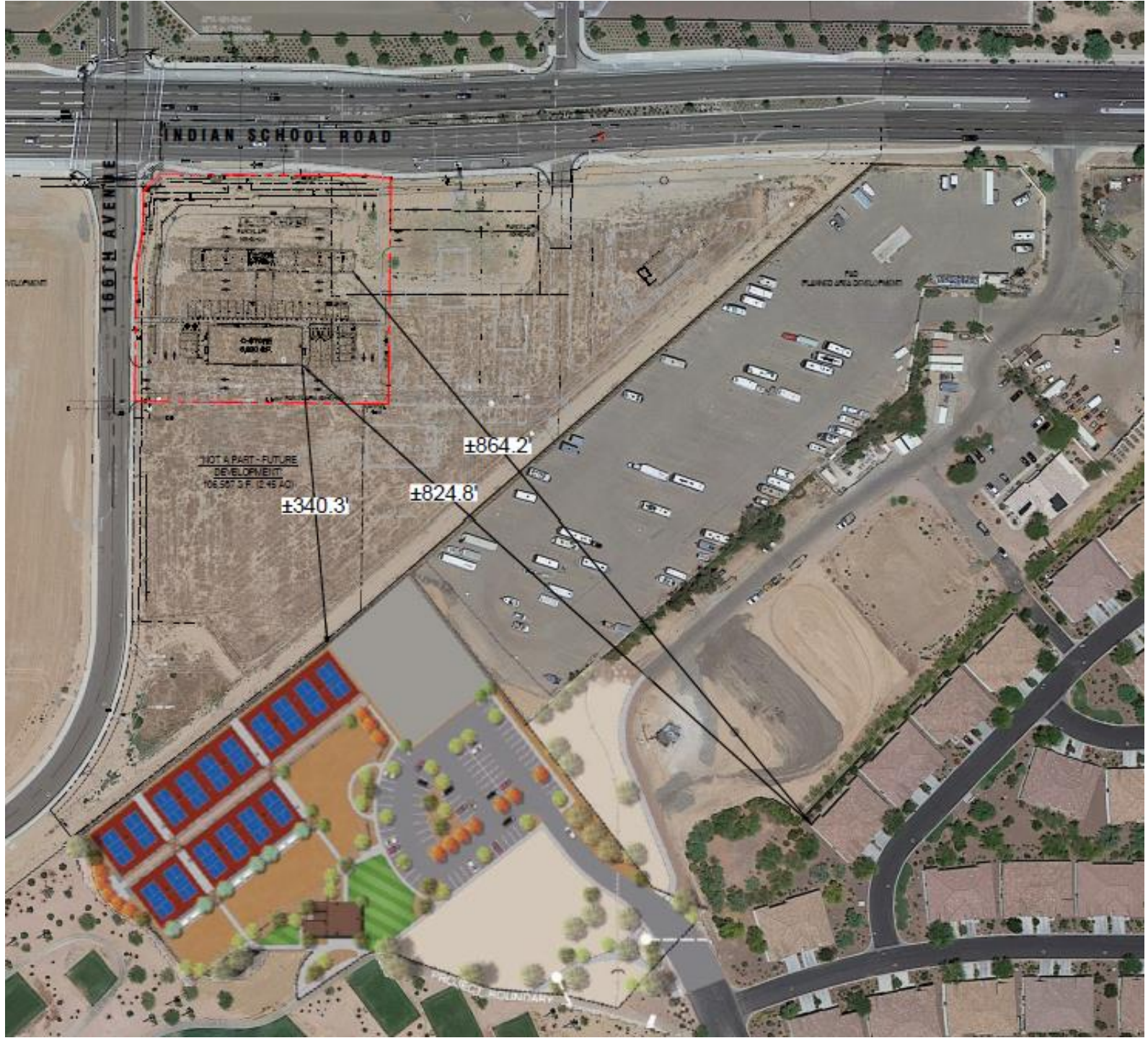


Circle K's original proposal – included HSD behind the store


CIRCLE K STORE
SITE PLAN
SEC INDIAN SCHOOL ROAD & 166TH AVENUE, GOODYEAR, AZ
OF PARCEL 4, PV303 EAST II PHASE I, ACCORDING TO BOOK 1370 OF MAPS, PAGE 10, LOCATED IN A PORTION OF THE N.E 1/4 OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.
INDIAN SCHOOL ROAD
166TH AVENUE
PARCEL APN 501-02-929
C-STORE 5,200 S.F.
FUEL CANOPY 102' x 24'
P1 2,200 S.F.
PARCEL APN: 501-02-929
"NOT A PART - FUTURE DEVELOPMENT"
106,687 SF (2.45 AC)
VICINITY MAP
OWNER:
OWNER REPRESENTATIVE:
ARCHITECT :
SURVEYOR:
ENGINEER:
SITE DATA
BUILDING AREA
PARKING REQUIREMENTS
GENERAL NOTES
Revised proposal removed the HSD from behind the store
STORES INC.
GOODYEAR, ARIZONA
SEC INDIAN SCHOOL ROAD & 166TH AVENUE
SITE PLAN
CSP 15.0T

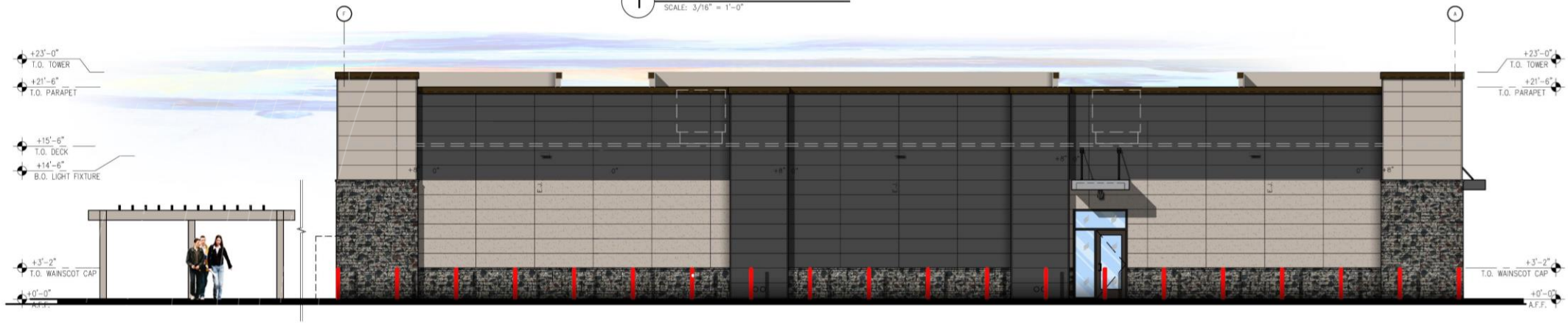


PLANT MATERIAL SHOWN ON THIS PLAN WILL BE INSTALLED BY CIRCLE K

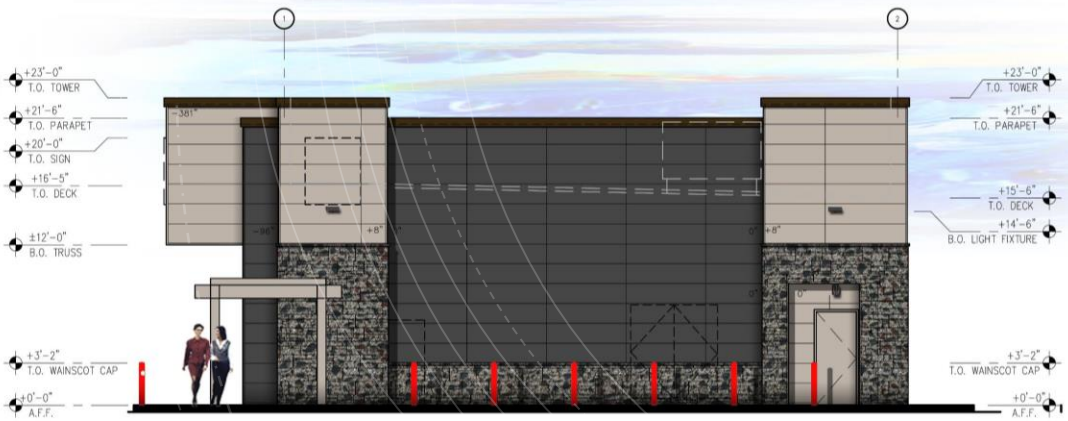

INDIAN SCHOOL ROAD
166TH AVENUE
NOT A PART - FUTURE DEVELOPMENT
±864.2'
±824.8'
±340.3'



1 **FRONT ELEVATION (NORTH)**
SCALE: 3/16" = 1'-0"



2 **BACK ELEVATION (SOUTH)**
SCALE: 3/16" = 1'-0"

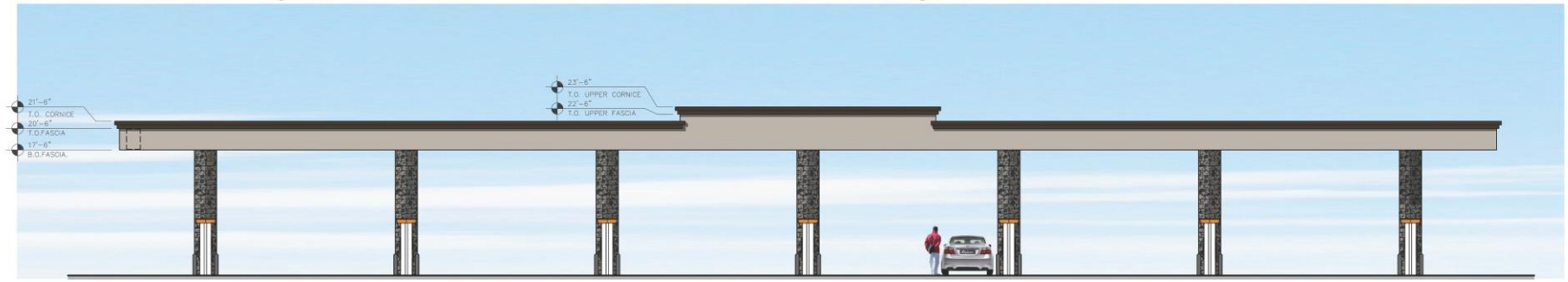




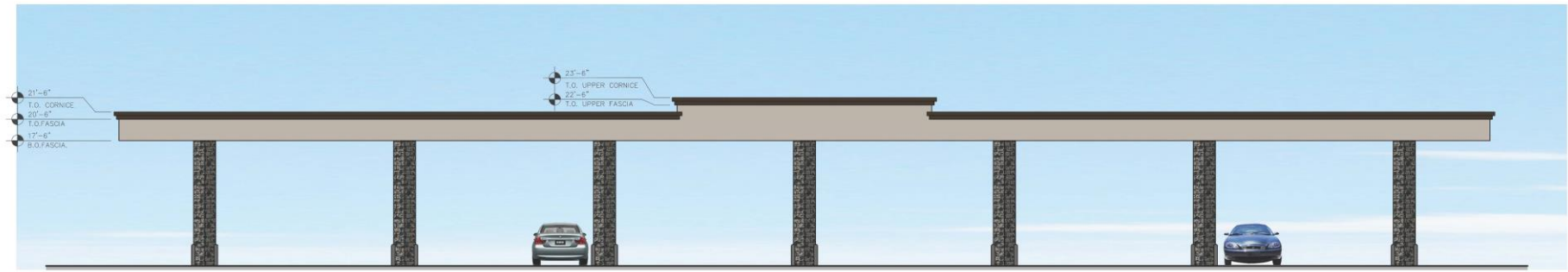


3 "SIDE" ELEVATION (WEST)
SCALE: 1/8" = 1'-0"

4 "SIDE" ELEVATION (EAST)
SCALE: 1/8" = 1'-0"



2 "FRONT" ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"



1 "REAR" ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"

ITEM #: 20.
DATE: 06/26/2023
AI #:1523

CITY COUNCIL ACTION REPORT

SUBJECT: ADOPTION OF RESOLUTION AND BY-LAWS FOR ESTABLISHMENT OF CITIZEN WATER ADVISORY COMMITTEE

STAFF PRESENTER(S): Barbara Chappell, Water Services Director

SUMMARY

The Goodyear 2025 General Plan contains the City's vision for growth through buildout and contains an approach to achieve this vision through established community goals, objectives, and policies. The demand for water will greatly increase as Goodyear continues to grow. The City continuously works to ensure a safe and reliable water supply that meets both current and future demands. The establishment of a Citizen Water Advisory Committee is to gather public input and recommendations regarding water resource planning, water and wastewater system planning, conservation, and water and wastewater rates and fees.

STRATEGIC PLAN ALIGNMENT



RECOMMENDATION

ADOPT RESOLUTION NO. 2023-2312 ESTABLISHING A CITIZEN WATER ADVISORY COMMITTEE; ADOPTING BY-LAWS FOR THE CITIZEN WATER ADVISORY COMMITTEE; AUTHORIZING STAFF TO TAKE ALL ACTIONS NECESSARY TO CARRY OUT THE INTENT OF THE RESOLUTION AND BY-LAWS; AND ESTABLISHING AN EFFECTIVE DATE. (Barbara Chappell, Water Services Director)

FISCAL IMPACT

There is no direct budget impact associated with the adoption of this Resolution.

BACKGROUND AND PREVIOUS ACTIONS

The City of Goodyear's Water Services Department is committed to providing safe and reliable water service to its customers. The City currently has 23,334 water meters, serving a total population of more than 63,000 residents in the City's utility service area. In 2016, the Department completed an Integrated Water Master Plan that defined actions and infrastructure required for the City to develop the water resources to meet the future growth of the City. The Department has recently initiated updates to the current (2016) Integrated Water Master Plan.

Goodyear relies on water supplies from 3 primary sources to manage its water portfolio: the Colorado River, groundwater, and reclaimed water. A historic drought, hotter and drier climate, and an over-allocation of the Colorado River system have led to the dire situation in the Colorado River on which the city depends as a main source of water. In addition, as dependence on groundwater supplies increases amongst all of the Phoenix-valley cities, off-setting groundwater withdrawals by recharging effluent into the aquifer has become increasingly important for the protecting the health of the aquifer.

Goodyear is continuously adapting and evolving its water resources management in response to such challenges. As the City continues to grow and thrive, it must strategically plan, manage, and invest in water resources, infrastructure, and conservation efforts. The City believes that public involvement is critical for success in achieving long-term goals associated with the reliability and resiliency of Goodyear's water and wastewater systems.

STAFF ANALYSIS

The citizen-led water committee will evaluate the City's water resources portfolio, capital needs of the water and wastewater systems as it impacts the city's water supply, water conservation, and water and wastewater rate and fee structure and make recommendations to City staff and Council.

Under the proposed by-laws, the Citizen Water Advisory Committee will consist of 7 members and two alternates. As an alternate, members would be entitled to participate in the Committee discussions but not vote. To ensure that the Citizen Water Advisory Committee reflects Goodyear Water Services customers, the proposed by-laws require members of the Committee consist primarily Goodyear residents living within the City of Goodyear utility service area and the non-residents that may be appointed have an interest in property or a business located within the Goodyear utility service area.

Attachments

Resolution

Presentation

ByLaws

RESOLUTION NO. 2023-2312

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, ESTABLISHING A CITIZEN WATER ADVISORY COMMITTEE; ADOPTING BY-LAWS FOR THE CITIZEN WATER ADVISORY COMMITTEE; AUTHORIZING STAFF TO TAKE ALL ACTIONS NECESSARY TO CARRY OUT THE INTENT OF THE RESOLUTION AND BY-LAWS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2014, the Goodyear City Council adopted Resolution 2014-1612, which established the Goodyear Water Planning Committee as an ad hoc committee primarily focused on providing advice regarding a pending fee study for water and wastewater rates; and

WHEREAS, by the terms of Resolution 2014-1612, the Goodyear Water Planning Committee ceased to exist upon the adoption of water and sewer rates, which rates were adopted on October 26, 2015 by Resolution 2015-1718; and

WHEREAS, emerging challenges in the management of the city's water portfolio, including conditions on the Colorado River Basin and groundwater pumping limitations, require strategic planning for long-term reliability and resiliency of water supplies; and

WHEREAS, management of water resources for efficiency in current use and future demands, is essential to sustain water supplies, infrastructure, and the city's economic vitality; and

WHEREAS, costs to acquire new water resources and to construct water infrastructure and wastewater infrastructure that has an impact on the city's water supply are increasing locally and nationwide; and

WHEREAS, the City seeks public input on issues related to water supplies, the operation of the city's water system, the operation of the city's wastewater system as it impacts the city's water supply, the impacts of growth on both systems, and the related financial implications; and

WHEREAS, the City puts a high value on public participation; and

WHEREAS, the establishment of a standing committee comprised primarily of Goodyear residents living within the City's utility service area will provide public input into the city's future water needs and facilitate the development of water resource planning, water system planning, conservation, and water rates and fees that reflect the values and priorities of the residents of Goodyear; and

WHEREAS, pursuant to Goodyear City Code § 2-4-11, the Goodyear City Council is empowered to create boards, committees and commission it deems necessary that are to exist at the pleasure of the council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. GOODYEAR CITIZEN WATER ADVISORY COMMITTEE

A committee to be known as the Citizen Water Advisory Committee is hereby established to advise City staff and to make recommendations to the Council on matters related to future water needs, water and wastewater system operations as such operations impact the city's water supply, water conservation, and rates and fees. The Citizen Water Advisory Committee shall be a standing committee until such time as the Goodyear City Council terminates it.

SECTION 2. BY-LAWS

The Mayor and City Council of the City of Goodyear hereby approve and adopt that certain document titled "City of Goodyear Citizen Water Advisory Committee By-Laws," a copy of which is attached hereto (the "Citizen Water Advisory Committee By-Laws"), which shall govern the operations of the Citizen Water Advisory Committee.

SECTION 3. CITY MANAGER ACTION

The City Manager and/or appropriate City staff are hereby authorized to take all actions on behalf of the City as may be necessary to carry out the intent of this Resolution and the City of Goodyear Citizen Water Advisory Committee By- Laws.

SECTION 4. EFFECTIVE DATE

This Resolution shall become effective as prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Joe Pizzillo, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney





Agenda Item 2023-1523
Establish Citizen Water Advisory Committee

CITY OF Goodyear

Purpose

Public involvement is critical for success in achieving long-term goals associated with the reliability and resiliency of Goodyear's water and wastewater systems



Citizen Water Advisory Committee

PROPOSED MEMBERSHIP

- Registered voter, resident of Goodyear 1+ years, and non-conflict with requirements
- Standing committee comprised of up to seven (7) members and two (2) alternates including:
  - ✓ Majority Goodyear water/sewer service area residents
  - ✓ Up to three (3) non-residents who own, operate or represent a corporate or public entity within service area or own property in service area
- Staggered two-year terms

Citizen Water Advisory Committee

GOALS AND OBJECTIVES

- Evaluate the City's water resources portfolio and explore strategies to expand and diversify
- Review capital needs of the water and wastewater systems
- Develop and recommend policies, procedures, and programs that promote water conservation
- Review Department's Capital Improvement and Operation & Maintenance programs
- Review water and wastewater rate and fee structure

Citizen Water Advisory Committee

PROPOSED SCHEDULE

Council Action	June
Recruitment & Selection	July-September
Commissioning by Council	October
First Meeting	November

CITY OF GOODYEAR
Citizens Water Advisory Committee
BY-LAWS

Article I – Name

The Citizens Water Advisory Committee herein after referred to as the "Committee", is an advisory committee of the Goodyear City Council established by Resolution No. 2023-2312.

Article II – Term of the Committee

The Committee is an advisory committee and shall be in existence until terminated by the City Council.

Article III – Powers and Duties

The purpose of the Committee is to advise the City Council on matters relating to water resource planning, water and wastewater system planning, water use and conservation, water and wastewater rates and fees, with its primary functions including:

A. Review the City's long-term water resource needs and the capital needs of the City's water system and wastewater system, utilizing City staff and other resources, and provide feedback to staff;

B. Develop and recommend policies, procedures and programs that promote water conservation practices within the City that the Committee deems appropriate and responsible;

C. Annually review the Department's 5-10 year Capital Improvement Program, its 5-10 year Operations and Maintenance needs, and associated revenue requirements of the City's water and wastewater systems;

D. Review and recommend to the City Council water and wastewater rate and fee adjustments that are just and reasonable, consistent with adopted Mayor and City Council plans and policies on a 2-5 year cycle;

E. Explore strategies to expand and diversify the City's water resource portfolio;

F. Review and make recommendations on policies affecting those water and wastewater issues the Committee deems appropriate

Article IV – Membership

Section 1: Number of Members.

Number of Members. No more than 7 members shall be appointed to the Committee. All appointed members shall be voting members. In addition, a first alternate and a second alternate may be appointed to the Committee. Alternates may participate in all discussion of the Committee but shall not be voting members unless they are appointed to fill a vacancy.

Section 2: Terms of Office. Except for the appointment of the initial members to the Committee, Committee members shall be appointed for a two-year term and may be reappointed for one additional two-year term. At least 50% of the initial members appointed shall be appointed for a two-year term and may be reappointed for one additional two-year term and the remainder of the members shall be appointed for a three-year term and may be reappointed for one additional two-year term.

Section 3: Selection. All members of the Committee shall be appointed by the City Council. Public notice of all Committee openings will be given by the Goodyear City Clerk. Candidates shall submit a completed application to the Goodyear City Clerk in order to be considered for appointment. Qualified candidates may be interviewed by the Council Subcommittee for Boards, Commissions and Committee Appointments.

Section 4: Composition. The Committee shall consist of members who meet the qualifications set forth in Section 5 below and the composition of the Committee shall meet the following requirements:

A. To the extent possible, reflect the geographic distribution and demographic characteristics of the population of Goodyear; and

Section 5. Qualifications. Members shall meet the following minimum qualifications upon appointment to the Committee. Committee members shall:

A. be eighteen years of age or older; and

B. be a Goodyear resident for at least one year living within the City of Goodyear's water and wastewater service area, except that up to three of the Committee members may be non-residents who meet one of the following criteria:

a. own and operate, or represent a corporate entity that owns and operates, a business located within the City of Goodyear's water and wastewater service area; or

b. own property, or represent a corporate entity that owns property, within the City of Goodyear's water and wastewater service area;

and

C. be registered to vote in Arizona unless the member is a representative of a corporate entity permitted by Section 5(B) above; and

D. not be an employee of the City, member of the City Council, or an immediate family member of such persons; and

E. not be voting members on more than two boards, commissions or committees of the City (with the exception of members of the PIC/IDA Boards).

Section 6: Officers. The Committee shall include the following officers:

A. Chair. The Members shall select from amongst themselves a Chair at the first meeting of the members of the Committee. The Chair shall be a Goodyear resident. Unless the Chair resigns, becomes incapacitated, is removed, no longer meets the qualifications for members, and/or is unable to perform the duties of the office, the member selected as the Chair shall serve as Chair for the duration of the member's tenure on the Committee. In the event the Chair's term of office expires, or the Chair resigns, becomes incapacitated, is removed from the Committee, no longer meets the qualifications for membership on the Committee and/or is unable to perform the duties of the office, the Members shall select another member of the Committee as Chair. The duties of the Chair shall include:

a. approve a regular meeting schedule provided by City staff; and

b. determining the agenda for meetings after consultation with City staff designated by the Council to assist the Committee with its work; and

c. presiding over Committee meetings, including deciding upon all points of order and/or procedure; and

d. reviewing with department staff the agenda items for future Committee meetings; and

e. considering other such matters and concerns of the Committee as set forth in these By-Laws or as otherwise directed by the City Council.

B. Vice-Chair. The Members shall select a Vice-Chair at the time of the first meeting of the members of the Committee. The Vice-Chair shall be a Goodyear resident. Unless the Vice-Chair resigns, becomes incapacitated, is removed, no longer meets the qualifications for members, and/or is unable to perform the duties of the office, the member selected as the Chair, the member selected as the Vice Chair shall serve as the Vice-Chair for the duration of the member's tenure on the Committee. In the event the Vice-Chair's term of office expires, or the Vice-Chair resigns, becomes incapacitated, is removed from the Committee, no longer meets the qualifications for membership on the Committee and/or is unable to perform the duties of the office, the members shall appoint another member of the Committee as Vice-Chair. In addition to such other duties, if any, as may evolve upon the Vice-Chair by virtue of the office, or as assigned by the Chair, the Vice-Chair shall preside over meeting of the Committee and shall perform the duties of the Chair in the absence of the Chair.

C. Temporary Chair. In the absence of the Chair and Vice-Chair, the Committee shall appoint a member of the Committee to serve as Chair for the meeting by majority vote.

D. Secretary. The City of Goodyear Director of Water Services or his/her designee (the "Water Services Director") shall appoint a staff member of the Water Services Department to serve as Secretary and staff to the Committee. The duties of the Secretary shall include:

a. preparing agendas for each meeting of the Committee that includes the various matters of business to be considered; and

b. ensuring that copies of agendas are duly posted in accordance with Arizona's open meeting laws, as they may be amended from time to time; and

c. taking all minutes of all meetings of the Committee, which minutes shall be in summary form; and

d. except for documents maintained by the City Clerk, maintaining all records and documentation of the Committee; and

e. advising on matters of parliamentary procedures when such issues arise during meetings of the Committee.

E. Legal Representation. The City Attorney, or designee, shall provide legal representation and advice to the Committee as necessary.

Section 7: Staff. Water Services Director or designee, may designate additional City staff and/or outside consultants to assist the Committee in its work.

Section 8: Vacancies. A vacancy on the Committee shall be deemed to have occurred upon the following events: member's incapacitation or resignation; removal of a member by City Council; and/or member's circumstances change so he/she no longer meets the qualifications for membership (for example, a member who met the residency requirements at the time of appointment, moves outside the City; a non-resident member who was appointed because he or she owned property within the City, but sells the property etc.). In the event of vacancies, the first alternate shall assume the first vacant position and the second alternate shall assume the second vacant position. Upon any alternate assuming a vacant position on the Committee, the City Clerk shall pursue the appointment of replacement alternate in accordance with the selection process described in Section 3 and the Citizen Appointment Process adopted by City Council on August 29, 2022. If no alternate members approved by Council are available to fill the vacancy, the City Clerk shall pursue the appointment of a new member in accordance with the selection process pursuant to the selection process described in Section 3 and the Citizen Appointment process adopted by City Council on August 29, 2022

Section 9: Attendance Policy. Two successive unexcused or unexplained absences or four total absences (excused or otherwise) by a member of the Committee from any regular or special meeting shall be grounds for removal of a member by the City Council without the necessity of a hearing or notice. The Chair shall notify City Council in writing of such a situation and action, if pursued, shall be taken at a City Council meeting. Such action shall be final.

Section 10: Quorum. A majority of the voting members of the Committee shall constitute a quorum for transacting business at a meeting. In the absence of a quorum, the Committee is prohibited from discussing or taking any action on any items from the agenda and the meeting shall be rescheduled. In the event a quorum is lost after a meeting begins, no further discussions or actions shall be taken on any items from the agenda once the quorum is lost and the meeting shall be continued or rescheduled. A majority vote is required for the adoption or passage of any action or recommendation.

Section 11: Meetings.

A. The Committee working in conjunction with City staff shall establish a meeting schedule with no fewer than 6 meetings per year. The meeting schedule may be amended to add additional meetings as needed. Notices of meetings shall be duly posted in accordance

with State Law and City Ordinances. In the event a regular meeting is cancelled, notice of such cancelation shall be duly posted in accordance with State Law and City Ordinances.

B. Meetings of the Committee shall be open to the public and the minutes of the meetings and other official actions shall be filed in the office of the City Clerk as a public record. For any matter under consideration, any person may submit written comments and, if attending in person, may speak to the issue upon being recognized by the Chair and stating his or her name, the names of any persons or entity on whose behalf he or she is appearing, and whether he or she or the person or entity on whose behalf he or she is appearing owns property within the City of Goodyear's water and/or wastewater service area. The Chair may institute time limits for speakers in the interest of meeting management.

C. Meetings shall, to the extent not in conflict with these By-Laws, be conducted according to the latest edition of Roberts Rules of Order, except that the Chair shall be permitted to vote on any motion.

D. If the Chair desires to make or second a motion, the Chair must first temporarily relinquish the presiding chair, until the vote on the motion has been taken or until disposition on the motion has been otherwise completed.

Section 12: Order of Business:

A. The Chair shall call the meeting to order and minutes shall record the members present or absent. The Chair may call each matter of business in the order of the approved agenda.

B. To the extent not in conflict with these By-Laws, the Chair shall conduct all meetings generally in accordance with Robert's Rules of Order and may invoke such rules when making formal recommendations.

C. All meetings of the Committee may be recorded by an electronic device. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, at his or her own expense, may do so, provided that he or she consults the Secretary to arrange facilities for such recording prior to the commencement of the meeting, and such recording will not otherwise disrupt the proceedings.

Section 13: Voting and Recommendations.

A. Any formal recommendations to be forwarded to the City Council for review or approval shall require a majority vote of a quorum of the Committee. Each member attending shall be entitled to one vote.

B. Voting shall be done by voice vote. If the results of a voice vote are not readily discernable by the Secretary, a roll call vote shall be taken. Any member of the Committee may call for a roll call vote in lieu of a voice vote.

C. A member shall disqualify himself or herself and abstain from voting whenever he or she has, or may have, a conflict of interest in a case under consideration, as described and provided by the Arizona Revised Statutes (ARS §38-501, et, seq.) and the Goodyear City Code.

D. Proxy voting shall not be permitted. Telephonic or other virtual participation may be permitted at the discretion of the Chair provided there is technology available to allow the public participation by telephone or other virtual means (i.e. a speaker phone is available).

Article V – Sub-Committees

The Committee shall be not be authorized to establish sub-committees.

Article VI – Official Records

The official records of the Committee shall include these By-Laws and any amendments thereto; agendas of the Committee; and minutes of meetings of the Committee. The official records of the Committee shall be deposited with the City Clerk and shall be available for public inspection during regular office hours.

Article VII – Amendments

These By-Laws may be amended by a majority vote of the City Council. The Committee may request an amendment to the By-Laws by a three-fourths majority vote of the members present at any meeting of the Committee at which a quorum is present provided such amendment(s) is proposed at a preceding meeting, or is submitted in writing at a prior regular meeting of the Committee and is recorded in the minutes of such meeting. Such amendment(s) shall be subject to ratification by a majority vote of the City Council, and if so approved, shall become effective at the next regular meeting of the Committee after ratification.

ARTICLE VIII -- Miscellaneous

Section 1: Open Meetings. The Committee shall comply with the requirements of Arizona's Open Meeting Laws, A.R.S. §§ 38-431 et. seq. Except for

Executive Sessions authorized A.R.S. § 38-431.03, all meetings of the Committee shall be open to the public.

Section 2: Public Records. The Committee shall comply with the requirements of Arizona's Public Records Laws, A.R.S. §§ 39-101 et. seq.

Section 3: Conflict of Interest. Any member of the Committee who has a substantial interest, as defined in A.R.S. § 38-502 in the outcome of any matter brought before them shall publically disclose that interest before the matter is discussed and shall refrain from voting or in any way participating in that matter. The meeting minutes shall reflect the member's disclosure of the substantial interest and the nature of the substantial interest.

Section 4: City Ethic's Policy. All members of the Committee shall read, sign, and adhere to the City Ethics Policy.

Section 5: Resignation and Removal. Members of the Committee may resign at any time by delivering written notice of such resignation to the Chair. Committee members, including alternates, may be removed with or without cause by a majority vote of the City Council.

Section 6: Agenda Items. Staff may, at the direction of Council, place items on a Committee agenda for discussion and determination.