

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
April 9, 2008**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., April 9, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

FCD-1. MINUTES

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve minutes of meeting held June 20, 2007, September 19, 2007, October 31, 2007, December 19, 2007 and January 2, 2008.

FCD-2. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

Laveen Area Conveyance Channel (Per Resolution 2000R011)

Item #: A001.058 – Warranty Deed – 104-84-011H - from The Flood Control District of Maricopa County to Merced Herrera and Matilde Herrera – for the sum of \$32,715.00.

Laveen Area Conveyance Channel (Per Resolution 2000R011)

Item #: A001.058 – Purchase Agreement and Escrow Instructions – 104-84-011H - Merced Herrera and Matilde Herrera.

Hermosa Vista/Hawes Road Storm Drain and Basin (Per Resolution FCD 2002R008)

Item #: FA029.006 – Permanent Drainage Easement and Agreement for Flood Control Purposes – 219-31-277A (a portion of) – from the Flood Control District of Maricopa County to Madrid Community Association – for the sum of \$1,713.00.

Hermosa Vista/Hawes Road Storm Drain and Basin (Per Resolution FCD 2002R008)

Item #: FA029.006 – Purchase Agreement and Escrow Instructions – 219-31-277A (a portion of) – Madrid Community Association.

Hermosa Vista/Hawes Road Storm Drain and Basin (Per Resolution FCD 2002R008)

Item #: FA029.006 – Non-Exclusive Ingress and Egress Easement and Agreement – 219-31-277A (a portion of) – from the Flood Control District of Maricopa County to Madrid Community Association – for the sum of \$1.00.

Hermosa Vista/Hawes Road Storm Drain and Basin (Per Resolution FCD 2002R008)

Item #: FA029.010 – Temporary Construction Easement and Agreement for Flood Control Purposes – 219-25-085 (a portion of) – from the Flood Control District of Maricopa County to Ric L. Bronson and Angela A. Middleton – for the sum of \$650.00.

FORMAL SESSION
April 9, 2008

Hermosa Vista/Hawes Road Storm Drain and Basin (Per Resolution FCD 2002R008)

Item #: FA029.010 – Purchase Agreement and Escrow Instructions – 219-25-085 (a portion of) – Ric L. Bronson and Angela A. Middleton.

Wickenburg Downtown Flooding Hazard Mitigation (Per Resolution FCD 2005R008)

Item #: FA027.030-FE – Flowage Easement and Agreement for Flood Control Purposes – 505-15-023 – from the Flood Control District to Eve K. LeClair, Trustee of the Leo A. LeClair and Eve K. LeClair Revocable Trust – for the sum of \$4,500.00.

Wickenburg Downtown Flooding Hazard Mitigation (Per Resolution FCD 2005R008)

Item #: FA027.030-FE – Purchase Agreement and Escrow Instructions – 505-15-023 – Eve K. LeClair, Trustee of the Leo A. LeClair and Eve K. LeClair Revocable Trust.

Floodprone Properties Acquisition Project (Per Resolution FCD 2007R008)

Item #: 346.07.39 – Warranty Deed – 401-28-004B – from the Flood Control District to Robert Henry Parker and Isla Bernice Parker, Trustees of the Parker Revocable Living Trust – for the sum of \$360,000.00.

Floodprone Properties Acquisition Project (Per Resolution FCD 2007R008)

Item #: 346.07.39 – Purchase Agreement and Escrow Instructions – 401-28-004B – Robert Henry Parker and Isla Bernice Parker, Trustees of the Parker Revocable Living Trust.

FCD-3. AGREEMENT FOR CONSTRUCTION OF THE OLIVE AVENUE BOX CULVERT ACROSS THE BNSF RAILWAY COMPANY

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to approve General Agreement Number FCD 2008G001 between the Flood Control District of Maricopa County and the Burlington Northern Santa Fe (BNSF) Railway Company for the construction of the Olive Avenue Box Culvert across the BNSF Railway Company right-of-way at Olive Avenue and Reems Road as part of the Reems Road Channel and Basin Project (Project) (#470). The District agrees to pay the BNSF Railway Company for work estimated to be \$32,175.00. (C6908046M00)

FLOOD CONTROL SUPPLEMENTAL

SF-1. SETTLEMENT IN TRANSWESTERN PIPELINE COMPANY V. FLOOD CONTROL DISTRICT

~ Chairman Kunasek recused himself from this item because of a conflict of interest and handed the gavel to Vice Chairman Wilson ~

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (4-0-0-1) to authorize settlement in Transwestern v. Maricopa County, CV-07--2333-PHX-Authorization to settle the Transwestern Pipeline Company v. Flood Control District of Maricopa County, CV-07-2332-PHX-JWS (consolidated) for total compensation of \$3,250,000 to be paid to the Flood Control District, as discussed in Executive Session on April 7, 2008. (C6908054M00) (ADM1900-004)

~ Chairman Kunasek received the gavel from Vice Chairman Wilson ~

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
April 9, 2008**

SF-2. COUNTER-CLAIM IN DREISESZUN, ET AL., V. VULCAN MATERIALS AND FLOOD CONTROL DISTRICT

Motion was made by Director Wilcox, seconded by Director Stapley, and unanimously carried (5-0) to authorize counsel for the Flood Control District of Maricopa County (District) to pursue a counter-claim against Plaintiffs in Dreiseszun, et al., v. Vulcan Materials and Flood Control District of Maricopa County (Superior Court CV2002-014968) for the establishment and operation of the illegal landfill, and to seek an award of attorney fees and court costs, as well as any fines or other penalties provided by law. This matter was discussed in Executive Session on April 7, 2008. (C6908053M00) (ADM1900-004)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board