

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 21, 2006**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., June 21, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3 and Max W. Wilson, District 4. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager, Anne Longo, Assistant Chief Counsel, Civil Division. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

PERSONNEL AGENDA

Motion was made by Director Wilson, seconded by Director Brock, and unanimously carried (4-0-1) to approve the Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS

Motion was made by Director Wilson, seconded by Director Brock, and unanimously carried (4-0-1) 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)

75th Avenue Storm Drain/ Durango Regional Conveyance Corridor (Per Resolution 2002R012A)

Item A019.016-T2, Relocation Assistance Entitlements for APA Auto Body, LLC in the amount of \$80,000.00.

Property Management – Arizona Canal and Diversion Channel (Per Resolution FCD 1999R016)

Item T-19, T-21, T-25, T-27, T-28, T-29, T-34 to T-37, T-46, T-53; Non Exclusive Sewer Easement from the Flood Control District of Maricopa County to the City of Glendale for the sum of \$1,362.00.

Property Management – Laveen Area Conveyance Channel (Per Resolution FCD 1999R016)

Item A001.019, Easement from the Flood Control District of Maricopa County to Laveen Meadows Homeowners Association for the sum of \$5,779.00.

Property Management - Spookhill Floodway (Per Resolution FCD 1999R016)

Item SH-364, SH-367, SH-370-2; Drainage Easement from the Flood Control District of Maricopa County to Las Sendas Community Association, an Arizona nonprofit corporation for the sum of \$4,350.00.

FORMAL SESSION
June 21, 2006

PEDESTRIAN UNDERPASS

Motion was made by Director Wilson, seconded by Director Brock, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) Amendment No. 2 FCD 91011B to IGA FCD 91011 between the Flood Control District of Maricopa County and the City of Phoenix for the construction of one pedestrian underpass along the Arizona Canal Diversion Channel ACDC #118. IGA FCD 91011 was approved by the Board of Directors on June 21, 1993. There is no financial impact to the Flood Control District. All costs and associated activities are the responsibility of the city. (C6905065201)

ADMINISTRATIVE CORRECTION

Motion was made by Director Wilson, seconded by Director Brock, and unanimously carried (4-0-1) to amend the relevant lines of Agenda Item C6906072M00 to read as follows: "A funding provision for the proposed vehicle acquisition is contained within the District's FY 2006-07 Operating Budget". As approved, the agenda item reads as follows: "A funding provision for the proposed vehicle acquisition is contained within the District's FY 2005-06 Operating Budget". On April 19, 2006, the Board of Directors of the Flood Control District of Maricopa County approved Agenda Item C6906072M00, which authorized the district to purchase a 4x4 pick-up for use by its Regulatory Division. This vehicle purchase was an addition to the district's existing fleet. The agenda item stated that the purchase was to be consummated during the course of FY 2005-06 and that a funding provision for the purchase was contained within the District's FY 2005-06 Operating Budget. These statements were written in error. (C6906072M01) (ADM1917)

REAL PROPERTY FEE INTEREST RIGHTS

Motion was made by Director Wilson, seconded by Director Brock, and unanimously carried (4-0-1) to adopt Resolution FCD 2006R004, Transfer of Real Property from Maricopa County to the Flood Control District of Maricopa County, for approval and acceptance of certain real property fee interest rights from Maricopa County to the Flood Control District of Maricopa County, at no cost to the district. (Maricopa County Agenda Item C1806048000) (C6906083600) (ADM1903-001)

**RESOLUTION FCD 2006R004
TRANSFER OF REAL PROPERTY FROM
MARICOPA COUNTY TO THE
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**

The Flood Control District of Maricopa County (DISTRICT) was established in accordance with provisions of Arizona Revised Statutes Title 48, Chapter 21, which authorizes the Board of Directors of the District (BOARD) to accept real property into its ownership; and,

WHEREAS, Maricopa County (COUNTY) is desiring to relinquish and transfer real property designated as flood control drainage channels located within Sun City and Sun City Subdivisions, Maricopa County, Arizona (Sun City/Sun City West) from its ownership; and,

WHEREAS, the DISTRICT has the particular expertise, personnel, and required to operate and maintain flood control drainage channels; and,

WHEREAS, the DISTRICT has been operating and maintaining certain major concrete lined flood control drainage channels (hereinafter CHANNELS) located within Sun City/Sun City West subsequent to IGA # 90021b [recorded at 91-053580 on February 7, 1991, in the office of the County Recorder of Maricopa

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 21, 2006**

County, Arizona] and superseded by IGA FCD 1999A019 [recorded at 99-0869579 on September 17, 1999, in the office of the County Recorder of Maricopa County, Arizona]; and,

WHEREAS, the DISTRICT has been operating and maintaining, at its own expense, the CHANNELS located within Sun City/Sun City West owned by the COUNTY; and,

WHEREAS, the DISTRICT deems it to be in the best interest and benefit for itself to have fee ownership of the CHANNELS located within Sun City/Sun City West now owned by the COUNTY for its operation and maintenance of these CHANNELS; and,

WHEREAS, the specific real property to be transferred from the COUNTY to the DISTRICT is legally described on Exhibit "A", attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED the BOARD authorized and directed the Chief Engineer and General Manager of the DISTRICT to acquire, at no cost to the DISTRICT, the real property designated as the parcels on which the CHANNELS are located within Sun City and Sun City Subdivisions, Maricopa County, Arizona and as legally described on attached Exhibit "A" owned by the COUNTY, subject to the ratification and approval of this BOARD.

DATED this 21st day of June 2006

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT A
SUN CITY AND SUN CITY WEST LATERAL DRAINS**

Parcel No. 1

Tract "D", of Sun City Unit 37, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 173 of Maps, Page 39. [Assessor No.: 230-05-201B, 201C respectively]

Parcel No. 2

Tract "A", of Sun City Unit 57, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 191 of Maps, Page 14. [Assessor No.: 230-07-867]

Parcel No. 3

Tract "F", of Sun City Unit 15C, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 128 of Maps, Page 16. [Assessor No.: 200-58-760C]

Parcel No. 4

Tract "A", of Sun City Unit 15B, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 123 of Maps, Page 1 and 2. [Assessor No.: 200-86-333]

Parcel No. 5

Tract "A", of Sun City Industrial Park 1, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 109 of Maps, Page 38, except any part lying within Home Service Center {MCR 121/46}. [Assessor No.: 200-82-061D, 061F]

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 21, 2006**

Parcel No. 6

Tract "A", Home Service Center, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 121 of Maps, Page 46. [Assessor No.: 200-82-061E]

Parcel No. 7

Tract "A", "B", "C" and "D", of Sun City West Unit 9, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 203 of Maps, Page 37. [Assessor No.: 232-07-454A]

Parcel No. 8

Tract "C", "D", "E", "F", and "G", of Sun City West Unit 10, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 204 of Maps, Page 42. [Assessor No.: 232-08-681A]

Parcel No. 9

Tract "B" and "C" of Sun City West Unit 12, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 205 of Maps, Page 40. [Assessor No.: 232-05-817A]

Parcel No. 10

Tract "E" of Sun City West Unit 16, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 209 of Maps, Page 40. [Assessor No.: 232-09-282]

Parcel No. 11

Tract "B" and "C" of Sun City West Unit 25, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 298 of Maps, Page 34. [Assessor No.: 232-12-297, 298 respectively]

Parcel No. 12

Tract "J", "K" and "L" of Sun City West Unit 26, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 298 of Maps, Page 5. [Assessor No.: 232-12-426, 427, 428 respectively]

Parcel No. 13

That part of SUN CITY WEST COMMERCIAL CORE, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 216 of Maps, Page 33, described as follows:

Tract "B" AND

Tract "C" EXCEPT that part of Tract C described in instrument recorded March 30, 1987 in 87-189187, records of Maricopa County, Arizona, AND

That portion of Lot 53 described as follows:

Beginning at the Northwest corner of Lot 53 and the arc of a 1755.00 foot radius curve that is concave Northerly (radius bears North 5 degrees 27 minutes 35 seconds West); thence Easterly

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 21, 2006**

along the north line of said Lot 53, through a central angle of 0 degrees 19 minutes 35 seconds a distance of 10.00 feet; thence South 10 degrees 57 minutes 23 seconds East a distance of 211.35 feet to an angle point in the Westerly line of Lot 53; thence North 13 degrees 38 minutes 26 seconds West along the West line of Lot 53 a distance of 212.52 feet to the POINT OF BEGINNING. [Assessor No.: 232-12-056B]

Parcel No. 14

SUN CITY WEST UNIT 22, TRACT C the portion lying West in Section 34 according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 275 of Maps, Page 17. [Assessor No.: 232-15-925]

Parcel No. 15

TRACTS B, C, AND D of SUN CITY WEST UNIT 8, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 203 of Maps, Page 36. [Assessor No.: 232-06-481A]

Parcel No. 16

SUN CITY WEST UNIT 22, TRACT D the portion lying West in the North-West quarter of Section 34 according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 275 of Maps, Page 17. [Assessor No.: 232-15-927]

Parcel No. 17

TRACT E of SUN CITY WEST UNIT 22, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 275 of Maps, Page 17. [Assessor No.: 232-15-928]

Parcel No. 18

TRACT G of SUN CITY WEST UNIT 22, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 275 of Maps, Page 17. [Assessor No.: 232-15-930]

Parcel No. 19

TRACTS A AND B of SUN CITY WEST UNIT TEN-A according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 197 of Maps, Page 1. [Assessor No.: 230-09-398A]

Parcel No. 20

TRACT E of SUN CITY WEST UNIT 37 according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 173 of Maps, Page 39. [Assessor No.: 230-05-201B]

Parcel No. 21

SUN CITY WEST UNIT 22, TRACT C the portion lying West in the Southwest quarter of Section 35 according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 275 of Maps, Page 17. [Assessor No.: 232-15-924]

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 21, 2006**

Parcel No. 22

SUN CITY WEST UNIT 22, TRACT D the portion lying West in the South half of Section 34 according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 275 of Maps, Page 17. [Assessor No.: 232-15-926]

Parcel No. 23

TRACTS A and B of SUN CITY WEST UNIT 3, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 199 of Maps, Page 17. [Assessor No. 232-02-730A]

Parcel No. 24

TRACT G of SUN CITY WEST UNIT 14A, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 274 of Maps, Page 27. [Assessor No. 232-15-225]

Parcel No. 25

TRACT L of SUN CITY WEST UNIT 22, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 275 of Maps, Page 17. [Assessor No. 232-15-936]

Parcel No. 26

TRACT B of SUN CITY WEST UNIT 53 Buffer, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 374 of Maps, Page 48. Except all minerals as reserved by the State of Arizona in Patent recorded August 22, 1986 in Instrument 86-449412 [Assessor No. 232-26-990]

Parcel No. 27

TRACT D of SUN CITY WEST UNIT 54, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 372 of Maps, Page 45. [Assessor No. 232-26-885]

Parcel No. 28

TRACT A of SUN CITY WEST UNIT 55, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 374 of Maps, Page 12. Except all minerals as reserved by the State of Arizona in Patent recorded August 22, 1986 in Instrument 86-449412 [Assessor No. 232-26-988]

Parcel No. 29

TRACT A of SUN CITY WEST UNIT 55A, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 384 of Maps, Page 22. [Assessor No. 232-31-161]

Parcel No. 30

TRACT A of SUN CITY WEST UNIT 56, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 374 of Maps, Page 47. Except all minerals as reserved by the State of Arizona in Patent recorded August 22, 1986 in Instrument 86-449412 [Assessor No. 232-27-076]

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 21, 2006**

Parcel No. 31

TRACT D of SUN CITY WEST UNIT 57, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 384 of Maps, Page 19. [Assessor No. 232-30-517]

Parcel No. 32

TRACT F of SUN CITY WEST UNIT 57, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 384 of Maps, Page 19. [Assessor No. 232-30-519]

Parcel No. 33

TRACT A of SUN CITY WEST UNIT 58, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 384 of Maps, Page 21. Except all minerals, oil and gas and other hydrocarbon substances below a depth of 100 feet below the surface of said land as reserved by Instrument recorded in Book 412 of Deeds page 558 [Assessor No. 232-30-938]

Parcel No. 34

TRACT A of SUN CITY WEST UNIT 58A, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 403 of Maps, Page 20. Except all minerals, oil and gas and other hydrocarbon substances below a depth of 100 feet below the surface of said land as reserved by Instrument recorded in Book 412 of Deeds page 558 [Assessor No. 232-31-344]

REVENUE AND EXPENDITURE ADJUSTMENTS

Motion was made by Director Wilson, seconded by Director Brock, and unanimously carried (4-0-1) to approve the Flood Control District of Maricopa County FY 2005-06 revenue and expenditure adjustments as follows:

- o Decrease Flood Control District, Dept. (690), Operating Fund (991) revenue budget of \$8,007,524.
- o Decrease Flood Control District, Dept (690), Operating Fund (991) expenditure budget of \$6,642,000.
- o Decrease Flood Control District, Dept. (690), Capital Projects Fund (990) revenue budget of \$6,642,000.
- o Increase Flood Control District, Dept. (690), Elimination Fund (900) revenue and expenditures budgets of \$6,642,000. (C6906085M00) (ADM1900-003)

ADJUSTMENTS TO CIP EXPENDITURE BUDGET

Motion was made by Director Wilson, seconded by Director Brock, and unanimously carried (4-0-1) to approve adjustments to the current FY 2005-06 Capital Improvements Program (CIP) expenditure budget of the Flood Control District of Maricopa County, Department (690), Fund (990). The requested adjustments are the result of changes in the land acquisition and construction schedules of several of the district's major capital projects. The adjustments have been planned to achieve maximum utilization of the district's resources in furtherance of the capital program. The requested adjustments are as follows:

- o Project 480, adjustment increase in the amount of \$1,050,000
- o Project 420, adjustment increase in the amount of \$300,000

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

**FORMAL SESSION
June 21, 2006**

- o Project 470, adjustment decrease in the amount of \$1,350,000

The net requested budget adjustment is zero. (C6906087M00) (ADM1900-003)

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board