

**RESOLUTION NO. 08-03**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ALLOWING THE EXPENDITURE OF TRANSPORTATION DEVELOPMENT IMPACT FEE FUNDS IN THE AMOUNT OF \$296,143.50 TO FUND THE CITY'S SHARE OF THE COSTS TO COMPLETE CERTAIN IMPROVEMENTS ON PORTER ROAD AT THE CASA GRANDE HIGHWAY.**

**WHEREAS**, on November 8, 2005 the City of Maricopa and Elliott Homes entered into a development agreement with Elliott Homes for the design and construction of certain improvements on porter Road at the Casa Grande Highway;

**WHEREAS**, that agreement called for both parties to pay one-half of the costs associated with those improvements; and

**WHEREAS**, in November 2007 the City of Maricopa accepted those improvements from Elliott Homes and is now in receipt of an invoice for one half of the total infrastructure costs of \$592,287; and

**WHEREAS**, the services will not be paid for from the general fund and need to be paid for from the Transportation Development Impact Fees for Fiscal Year 2008; and

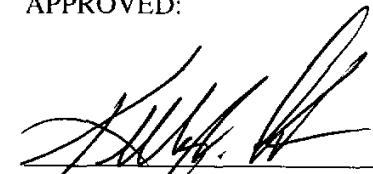
**WHEREAS**, Transportation Development Fees are available from Transportation Impact Fee #1 Fund 324 pursuant to Chapter 17 of the Maricopa City Code;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Maricopa, Arizona as follows:

Transportation Development impact fees in the amount of Two Hundred Ninety Six Thousand, One Hundred Forty Three Dollars and Fifty Cents (\$296,143.50) shall be appropriated from Transportation Impact Fee #1 Fund 324 to reimburse Elliott Homes for ½ the cost of the road improvements.

**PASSED AND ADOPTED BY THE Mayor and Council of the City of Maricopa, Arizona, this 15<sup>th</sup> day of January, 2008.**

APPROVED:

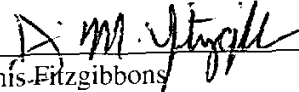
  
\_\_\_\_\_  
Kelly Anderson  
Mayor

ATTEST:



Vanessa Bueras, CMC  
City Clerk

APPROVED AS TO FORM:



Denis Fitzgibbons  
City Attorney



# Staff Report

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**To:** Kelly Anderson, Mayor; Honorable Members of the City Council

**From:** Roger Kolman, Finance Director

**Date:** 1/2/07

**RE:** Resolution to Expend Development Impact Fees

## REQUEST

Staff is requesting that Council approve a Resolution to expend transportation development impact fees in the amount of \$ 296,143.50.

## RECOMMENDATION

Staff recommends approval of the resolution.

## BACKGROUND

In November 2005, the City of Maricopa and Elliott Homes entered into a development agreement with Elliott Homes for the design and construction of certain improvements on Porter Road at the Casa Grande Highway. That agreement called for both parties to pay one-half of the costs associated with those improvements. In November 2007, the City of Maricopa accepted those improvements from Elliott Homes and is now in receipt of an invoice for one half of the total infrastructure costs of \$ 592,287.

Staff is requesting the use of transportation development impact fees to fund the City's share of the costs to complete these improvements in the amount of \$ 296,143.50.

# Elliott Homes

A Tradition of Quality Since 1914.

December 13, 2007

Roger Kolman  
CITY OF MARICOPA  
P.O. Box 610  
Maricopa, AZ 85239

Re: Santa Rosa Springs Porter Road Development Agreement

Dear Mr. Kolman,

The realignment and improvements to Porter Road at Santa Rosa Springs are complete and accepted by the City of Maricopa Engineering Department. In accordance with our Development Agreement, the City agrees to reimburse Elliott Homes for one half of the costs to design, construct and install the Porter Road Improvements. I respectfully submit this letter and supporting documentation to you as invoice for payment requested.

Please call me with any questions or concerns. Your prompt attention to this matter is greatly appreciated. I can be reached at 602-708-8886, if we can be of further assistance.

Sincerely,

ELLIOTT HOMES



Jeff Klem  
Assistant Vice President

<b>Santa Rosa Springs Offsite Porter Rd &amp; Maricopa-Casa Grande Hwy</b>			<b>Date:</b>	<b>12/14/2007</b>
<b>City of Maricopa</b>			<b>Invoice:</b>	<b>#12-07</b>
<b>Paving Concrete Quantities relating to the Development Agreement with the City of Maricopa</b>				
<b>Description:</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>
Earthwork	10,885	SY	\$3.50	\$38,097.50
Pavement to be Constructed as min 4" A.C. (c-3/4) on 21" A.B.C.	6220	CY	\$24.50	\$152,390.00
Pavement to be Constructed as min 2" A.C. (c-3/4) on 9" A.B.C.	2087	CY	\$12.50	\$26,087.50
Construct Thickened Edge of Pavement per M.A.G. Std. Det. 201-Type "A"	2645	LF	\$1.75	\$4,628.75
Construct 6" Vertical Curb & Gutter per M.A.G. Std. Det 220, Type "A"	1615	LF	\$7.25	\$11,708.75
Depressed Lip	1500	LF	\$7.25	\$10,875.00
Construct Ribbon Curb Per M.A.G. Std. Det. 220, Type "B"	90	LF	\$16.00	\$1,440.00
Construct Curb Termination per M.A.G. Std. Det. 222	7	EA	\$60.00	\$420.00
Construct 5' Concrete Sidewalk per M.A.G. Std. Det. 230	1450	SF	\$2.00	\$2,900.00
Construct 5' Concrete Sidewalk per M.A.G. Std. Det. 230	6885	SF	\$2.15	\$14,802.75
Construct Sidewalk Ram per M.A.G. Std. Det. 231, Type "A"	2	EA	\$300.00	\$600.00
Construct 5-10'X4' Box Culvert per A.D.O.T. Std. Det. B-02.50	1	EA	\$270,255.00	\$270,255.00
Headwalls per M.A.G. Std. Det. 501-1 Type "U" 36" pipe	2	EA	\$2,725.00	\$5,450.00
Install Rip-Rap D50=9", 18" Thick, L=8'	350	SF	\$7.50	\$2,625.00
Install Rip-Rap D50=12", 30" Thick, L=30'	4400	SF	\$8.25	\$36,300.00
Adjust Manhole, Type A, Frame and Cover per M.A.G. Std. Det. 420 and 422	1	EA	\$273.00	\$273.00
Install Traffic Barricade per M.A.G. Std. Det. 130-B	100	LF	\$39.00	\$3,900.00
Install Survey Monument Type A per M.A.G. Std. Det. 120-1	2	EA	\$236.00	\$472.00
Install Survey Monument Type B per M.A.G. Std. Det. 120-2	6	EA	\$78.75	\$472.50
Install Fire Hydrant Markers	2	EA	\$15.75	\$31.50
Re-lower Manhole	1	EA	\$367.75	\$367.75
Install Concrete Catch Basin per M.A.G. Std. Det. 533-1 Wing Length 3' LT and RT	1	EA	\$2,350.00	\$2,350.00
Headwalls per M.A.G. Std. Det. 501-1 Type "U" 18" pipe and Trash Rack / Access Barrier per M.A.G. Std. Det. 502-1	1	EA	\$1,950.00	\$1,950.00
Install Concrete Scupper per M.A.G. Std. Det. 206-1 and 206-2	1	EA	\$2,200.00	\$2,200.00
Install upper spillway DET 206	260	EA	\$6.50	\$1,690.00
Pavement Striping				\$0.00
Development Agreement 50/50 Porter Road Improvement Responsibility; Elliott Homes and the City of Maricopa.			<b>Total:</b>	<b>\$592,287.00</b>
<b>City of Maricopa 50% of Commitment</b>			<b>Total:</b>	<b>\$296,143.50</b>
<b>PLEASE REMIT PAYMENT TO:</b> <b>ELLIOTT HOMES</b> <b>1400 E. SOUTHERN AVE, SUITE 720</b> <b>TEMPE, AZ 85282</b> <b>ATTENTION: JEFF KLEM</b>				



Distribution	Provisional	Final
Karen Wonders		
Debra Fink		
Public Works		
Builder		

## Final Walk Through Punch List Acceptance

Date: 7 November 2007

Builder/Developer: Elliott Homes

Subdivision: Santa Rosa Springs

Parcel/Phase: Porter Road Infrastructure

### 1. PROVISIONAL ACCEPTANCE

This certifies that the Builder/Developer has completed most of the corrections noted on the Final Walk Through and that all Public Safety issues have been satisfactorily completed.

The City of Maricopa will allow "Provisional Acceptance", allowing the Builder/Developer to build and close houses and the City will issue Certificates of Occupancy for a period of 30-Days. The Builder/Developer shall complete those remaining items within 30-days of the date of this acceptance or this Provisional Acceptance shall be revoked.

Provisional shall mean minor items, not relating to Public Health and Safety, which are not completed, through no fault of the Developer/Builder. I.E.: Backordered landscape material, inclement weather or other minor deficiencies.

Remaining Items (to be completed within 30-days) By: \_\_\_\_\_

- |          |          |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

\_\_\_\_\_  
Engineering/Public Works Inspector

\_\_\_\_\_  
Date



### 2. FINAL ACCEPTANCE

This certifies that the Final Punch List Items have been completed and Subdivision/Development Improvements are ready to be accepted by the City of Maricopa

*[Signature]*  
Engineering/Public Works Inspector

7 NOV 07  
Date

## EXHIBIT "B"

### PORTER ROAD IMPROVEMENTS

The Porter Road Re-alignment and construction will consist of approximately 925 feet of Urban Minor Arterial Road. The right of way dedication will be 110 feet, with 56 feet of pavement section (28 feet back of curb to back of curb in each direction with a 13 foot landscaped median).

Five (5) foot sidewalks will be constructed in both directions. A 5 barrel (4' x 10' - 102' in length) Box Culvert will be constructed to pass the 100-year storm event without *overtopping* along the south Railroad right of way. A 36 inch concrete pipe will be installed to allow drainage along the north side of the Railroad. A guardrail will be constructed over the Box Culvert for safety considerations. Turning lanes will be constructed at the entrance to Santa Rosa Drive and for access to the property to the east of Porter Road. An emergency access point has been provided. The Pavement section will consist of 4 inches of asphalt on 4 inches of gravel and 12 inches of lime treated subgrade.

The existing Railroad crossing will be completely removed, re-designed and re-constructed with the proposed re-alignment.

**UNCONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT**

(Pursuant to A.R.S. Section 33-1008)

Project: **SANTA ROSA SPRINGS INFRASTRUCTUR**

Job No.: **3064**

The undersigned has been paid in full for all labor, services, equipment or materials furnished to the  
jobsite or to ELLIOTT HOMES, INC.  
on the job of ELLIOTT HOMES, INC.  
located at SWC MARICOPA CASA GRANDE HWY & PORTER RD - CITY OF MARICOPA, ARIZONA

and does hereby waive and release any right to Mechanic's Lien, any state or federal statutory bond right, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to claim or payment rights for persons in the undersigned's position, except for disputed claims for extra work in the amount of \$ \*\*0.00\*\*.

The undersigned warrants that he either has already paid or will use the monies he receives from this final payment to promptly pay in full all of his laborers, subcontractors, materialmen and suppliers for all work, materials, equipment or services provided for or to the above referenced project.

Dated: 12/04/07

TEMCON CONCRETE CONSTRUCTION CO.

By: \_\_\_\_\_

*Steve D. Lee*

(Signature)

Controller

\_\_\_\_\_  
(Title)

**NOTICE: THIS DOCUMENT WAIVES RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.**



**UNCONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT**

Project Santa Rosa IFR

Job No: 3343

The undersigned has been paid in full for all labor, services, equipment, or material furnished to the jobsite for

Elliott Homes  
(Person With Whom Undersigned Contracted)

Elliott Homes  
(Owner)

Located at Porter Rd & Maricopa Casa Grande Hwy  
(Job Description)

and does hereby waive and release any right to mechanic's lien, any state or federal statutory bond right, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to claim or payment rights for persons in the undersigned's position, except for disputed claims for extra work in the amount of \$ -0-

The undersigned warrants that he either has already paid or will use the monies he receives from this final payment to promptly pay in full all of his laborers, subcontractors, materialmen and supplier for all work, materials, equipment or services provided for or to the above referenced project.

Date: 12/4/07

Markham Contracting Co., Inc.  
(Company Name)

By: [Signature]

Title: Vice President

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*Waiver of Lien in accordance with A.R.S. 33-1008.*

"UnConFinal"