

ORIGINAL



0000041406

MEMORANDUM

30

TO: Docket Control

FROM: Ernest G. Johnson
Director
Utilities Division

Date: March 24, 2006

RE: STAFF REPORT FOR LITCHFIELD PARK SERVICE COMPANY -
APPLICATION FOR EXTENSION OF ITS EXISTING CERTIFICATE OF
CONVENIENCE AND NECESSITY (DOCKET NO. SW-01428A-06-0021)

Attached is the Staff Report for Litchfield Park Service Company's application for extension of its existing Certificate of Convenience and Necessity to provide wastewater utility service. Staff is recommending approval with conditions.

EGJ:BNC:red

Originator: Blessing Chukwu

Attachement: Original and thirteen copies

AZ CORP COMMISSION
DOCUMENT CONTROL

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Service List for: Litchfield Park Service Company
Docket No. SW-01428A-06-0021

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Arizona Corporation Commission
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Phoenix, Arizona 85007

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Chief, Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

STAFF REPORT
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION

LITCHFIELD PARK SERVICE COMPANY

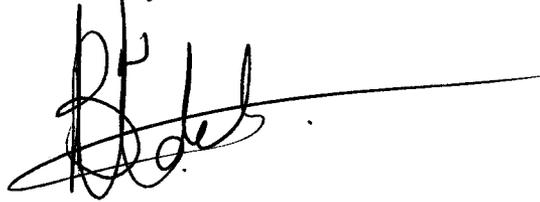
SW-01428A-06-0021

APPLICATION FOR EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE AND NECESSITY

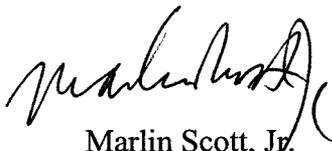
MARCH 24, 2006

STAFF ACKNOWLEDGMENT

The Staff Report for Litchfield Park Service Company (Docket No. SW-01428A-06-0021) was the responsibility of the Staff members signed below. Blessing Chukwu was responsible for the review and analysis of the Company's application. Marlin Scott, Jr. was responsible for the engineering and technical analysis.

A handwritten signature in black ink, appearing to be 'B. Chukwu', with a long horizontal line extending to the right.

Blessing Chukwu
Executive Consultant III

A handwritten signature in black ink, appearing to be 'Marlin Scott, Jr.', with a long horizontal line extending to the right.

Marlin Scott, Jr.
Utilities Engineer

**EXECUTIVE SUMMARY
LITCHFIELD PARK SERVICE COMPANY
DOCKET NO. SW-01428A-06-0021**

On January 13, 2006, Litchfield Park Service Company ("LPSCO" or "Company") filed an application with the Arizona Corporation Commission ("ACC" or "Commission") for an extension of its Certificate of Convenience and Necessity ("CC&N") to provide wastewater utility service in portions of Maricopa County, Arizona. On February 8, 2006, Staff filed a Sufficiency Letter indicating that the application had met the sufficiency requirements of Arizona Administrative Code. On February 23, 2006, the LPSCO filed an amended legal description.

LPSCO is an Arizona Corporation, in good standing with the Corporations Division, and engaged in providing water and wastewater utility services to customers in and around the City of Litchfield Park, and including parts of Goodyear, Avondale, and some unincorporated areas of Maricopa County. The original CC&N for the Company was granted by the Commission on January 14, 1955, in Decision Nos. 28660 and 28661 for water and wastewater, respectively. According to the Company's Annual Report for the year ending December 31, 2004, the Company provides water and wastewater utility services to approximately 11,902 and 11,817 customers in Arizona, respectively.

By this application, LPSCO is seeking Commission authority to add six parcels to its CC&N. The request will add approximately 1/4 square-mile to the Company's existing 20.0 square-miles of certificated area. LPSCO serves the City of Litchfield Park, City of Goodyear and the surrounding area in the West Valley, Maricopa County.

Based on Staff's review and analysis of the application, Staff believes that the existing 4.1 million gallon per day Wastewater Treatment Plant capacity is sufficient to serve the existing and proposed CC&N extension areas. LPSCO is in the process of expanding its Wastewater Treatment Plant from 4.1 to 8.2 million gallon per day. Staff also believes that the proposed plant facilities and their cost estimates totaling \$1,303,710 are reasonable. However, no "used and useful" determinations of the proposed plant items were made and no particular treatment should be inferred for rate making or rate base purposes.

Staff recommends the Commission approve LPSCO's application for extension of its existing Certificate of Convenience and Necessity to provide wastewater service in Maricopa County subject to compliance with the following conditions:

1. To require LPSCO to charge its authorized rates and charges in the extension area.
2. To require LPSCO to not charge and/or collect the TPED fee from the developers.
3. To require LPSCO to file with Docket Control, as a compliance item in this docket, a copy of the ATC for the facilities needed to serve each of the parcels (except for Parcel 5) within one year of the effective date of an order in this proceeding.

4. To require LPSCO to file with Docket Control, as compliance items in this docket, a Notice of Filing indicating LPSCO has submitted to Docket Control copies of the APP and Section 208 Plan amendments that indicate approval of the expansion of the WWTP to 8.2 MGD, within one year of the effective date of an order in this proceeding.
5. To require LPSCO to file with Docket Control, as a compliance item in this docket, a copy of Maricopa County franchise agreement for the requested area within 365 days of the decision in this matter.

Staff further recommends that the Commission's Decision granting the requested CC&N extension be considered null and void, after due process, should the Company fail to meet the Condition Nos. 3, 4, and 5 listed above within the time specified.

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Introduction

On January 13, 2006, Litchfield Park Service Company ("LPSCO" or "Company") filed an application with the Arizona Corporation Commission ("ACC" or "Commission") for an extension of its Certificate of Convenience and Necessity ("CC&N") to provide wastewater utility service in portions of Maricopa County, Arizona.

On February 8, 2006, Staff filed a Sufficiency Letter indicating that the application had met the sufficiency requirements of A.A.C. R14-2-610.

On February 23, 2006, the LPSCO filed an amended legal description to clearly identify the "Point of Beginning" for Parcel 6.

Background

LPSCO is an Arizona Corporation, in good standing with the Corporations Division, and engaged in providing water and wastewater utility services to customers in and around the City of Litchfield Park, and including parts of Goodyear, Avondale, and some unincorporated areas of Maricopa County. The original CC&N for the Company was granted by the Commission in Decision Nos. 28660 (for water) and 28661 (for wastewater), issued on January 14, 1955. According to the Corporations Division's record, the Company became incorporated on September 21, 1954. According to the Company's Annual Report for the year ending December 31, 2004, the Company provides water and wastewater utility services to approximately 11,902 and 11,817 customers in Arizona, respectively.

LPSCO is a wholly-owned subsidiary of Algonquin Water Resources of America, Inc. ("Algonquin"), which is a wholly-owned subsidiary of Algonquin Power Income Fund. Algonquin's other subsidiaries that are certificated to provide water and/or wastewater utility services in Arizona includes: Bella Vista Water Company, Rio Rico Utilities, Inc., Black Mountain Sewer Company, and Gold Canyon Sewer Company. Altogether, Algonquin's subsidiaries provide water and wastewater utility services to approximately 49,000 customers in Arizona.

By this application, LPSCO is seeking Commission authority to add six parcels to its CC&N. The request will add approximately 1/4 square-mile to the Company's existing 20.0 square-miles of certificated area.

The Wastewater System

According to LPSCO's 2004 Annual Report, LPSCO has a 4.1 million gallon per day ("MGD") activated sludge wastewater treatment plant ("WWTP"), three lift stations, and 255.8 miles of force/collection mains serving 11,817 service laterals. Based on historical growth rates, it is anticipated that the existing service area could grow to approximately 19,000 laterals at the end of five years. In this application, LPSCO has predicted an additional 120 laterals for the

proposed CC&N extension at the end of five years, resulting in a projected total customer base of approximately 19,120 laterals at the end of five years. Based on the existing WWTP capacity, the system can serve approximately 12,810 service laterals.

LPSCO is proposing to extend its wastewater system to the 6 parcels by extension of its collection system using contributions in aid of construction. The proposed plant facilities and their associated costs to extend service to each parcel are as follows:

1. Parcel 1 – Bethany Estates North	\$ 375,960
a. Mains, manholes for 34 lots	
2. Parcel 2 – Bethany Estates South	\$ 129,119
a. Mains, manholes for 28 lots	
3. Parcel 3 – Falcon View	\$ 346,710
a. Mains, manholes for 64 lots	
4. Parcel 4 – Riverside Estates	\$ 334,352
a. Mains, manholes for 80 lots	
5. Parcel 5 – Dysart Village	\$ 109,700
a. Mains, manholes for 39 lots	
6. Parcel 6 – Dysart Crossing – Commercial	
a. Main for 1 tap (contribution)	\$ 3,285
b. Phase II – Casitas Bonitas Facilities – System Improvements, Developer’s pro-rata share	\$ 4,584

=====
Total: \$1,303,710

Carollo Engineers prepared a Hydraulic Model Analysis on August 22, 2005, entitled “Bethany Estates and Related Sewer Systems Model Analysis” for one of the developers, Maracay Homes. This analysis was to determine whether LPSCO’s existing mains can convey flows to the WWTP from the proposed developments. The analysis concluded that the existing mains could carry the additional flows from the new developments.

Staff concludes that the existing 4.1 MGD WWTP capacity is sufficient to serve the existing customers and proposed CC&N extension areas. LPSCO is in the process of expanding its WWTP from 4.1 to 8.2 MGD. The WWTP expansion is being addressed in another pending LPSCO CC&N extension filing under Docket No. SW-01428A-05-0022. Staff also concludes that the proposed plant facilities and their cost estimates totaling \$1,303,710 are reasonable. However, no “used and useful” determinations of the proposed plant items were made and no particular treatment should be inferred for rate making or rate base purposes.

Arizona Department of Environmental Quality (“ADEQ”) Compliance

ADEQ and Maricopa County Environmental Services Department (“MCESD”) regulate the wastewater system under Inventory #100310 and have indicated the facility is in compliance with ADEQ regulations.

The MCESD Certificate of Approval to Construct (“ATC”) for facilities needed to serve the requested areas have not been submitted to Staff by LPSCO, except for Parcel 5 – Dysart Village. Therefore, Staff recommends that LPSCO be required to file with Docket Control, as a compliance item in this docket, a copy of the ATC for the facilities needed to serve each of the parcels (except for Parcel 5) within one year of the effective date of an order in this proceeding.

LPSCO was issued a signed Aquifer Protection Permit (“APP”), dated October 11, 2001, for its 4.1 MGD WWTP and is in the process of preparing an amendment for expansion of its WWTP from 4.1 to 8.2 MGD which was noted in another LPSCO’s extension filing, Docket No. SW-01428A-05-0022. Since an APP and the Section 208 Plan amendments represent fundamental authority for the designation of a wastewater service area and a wastewater provider, Staff recommends that LPSCO file with Docket Control, as compliance items in this docket, a Notice of Filing indicating LPSCO has submitted to Docket Control copies of the APP and Section 208 Plan amendments that indicate approval of the expansion of the WWTP to 8.2 MGD, within one year of the effective date of an order in this proceeding.

ACC Compliance

According to the Utilities Division Compliance Section, LPSCO has no outstanding ACC compliance issues.

Treatment Plant and Effluent Disposal (“TPED”) Facility Fee

In LPSCO’s last rate proceeding and Decision No. 65436, issued on December 9, 2002; LPSCO was not approved for a wastewater hook-up fee and was further ordered to remove Section K – Off-Site Facilities Hook-Up Fee – Wastewater, as found on Sheet Nos. 21 through 23 in Attachment C to the Settlement Agreement. The proposed hook-up fee in Section K showed a \$1,500 per service connection or Residential Equivalent Unit (“REU”). The REU used was 320 gallons per day. The Decision further ordered LPSCO to file tariffs for hook-up fees for both water and wastewater connections for Commission consideration and possible approval.

In the Application, LPSCO submitted a copy of the Wastewater Facilities Agreement (“Agreement”) which it had entered into with each of the developers for construction of plant facilities. In the Agreements, LPSCO requires the developers to pay a TPED facility fee in the amount of \$1,500 per Equivalent Dwelling Unit (“EDU”). The TPED fee will be used to fund the future expansion (reserve capacity) of LPSCO’s Palm Valley Water Reclamation Facility and is a non-refundable advance in aid of construction. The Agreements show the cost of the TPED fee as \$4.69 per gallon per day (“GPD”) for the average residential unit demand of 320 GPD,

equaling \$1,500 per EDU. It appears the TPED fee numbers and its calculations are the same numbers that were used in the calculation of the non-approved hook-up fee in Decision No. 65436.

Staff considered this TPED fee to be a hook-up fee ("HUF") and since LPSCO does not have an approved HUF tariff for wastewater, this TPED fee should not be charged and/or collected from the developers. If LPSCO wishes to implement the TPED fee, LPSCO should submit a request to the Commission for review and approval of this charge as a hook-up fee as ordered in Decision No. 65436.

Proposed Rates

LPSCO has proposed to provide water utility service to the extension area under its authorized rates and charges.

Franchise

Every applicant for a CC&N and/or CC&N extension is required to submit to the Commission evidence showing that the applicant has received the required consent, franchise or permit from the proper authority, pursuant to ARS 40-282.B. If the applicant operates in an unincorporated area, the company has to obtain the franchise from the County. If the applicant operates in an incorporated area of the County, the applicant has to obtain the franchise from the City/Town.

The extension area is located in an unincorporated area of Maricopa County. As such, Staff recommends that the Company be required to file with Docket Control, as a compliance item in this docket, a copy of Maricopa County franchise agreement for the requested area within 365 days of the decision in this matter.

Recommendations

Staff recommends the Commission approve LPSCO's application for extension of its existing Certificate of Convenience and Necessity to provide wastewater service in Maricopa County subject to compliance with the following conditions:

1. To require LPSCO to charge its authorized rates and charges in the extension area.
2. To require LPSCO to not charge and/or collect the TPED fee from the developers.
3. To require LPSCO to file with Docket Control, as a compliance item in this docket, a copy of the ATC for the facilities needed to serve each of the parcels (except for Parcel 5) within one year of the effective date of an order in this proceeding.

4. To require LPSCO to file with Docket Control, as compliance items in this docket, a Notice of Filing indicating LPSCO has submitted to Docket Control copies of the APP and Section 208 Plan amendments that indicate approval of the expansion of the WWTP to 8.2 MGD, within one year of the effective date of an order in this proceeding.
5. To require LPSCO to file with Docket Control, as a compliance item in this docket, a copy of Maricopa County franchise agreement for the requested area within 365 days of the decision in this matter.

Staff further recommends that the Commission's Decision granting the requested CC&N extension be considered null and void, after due process, should the Company fail to meet the Condition Nos. 3, 4, and 5 listed above within the time specified.

MEMORANDUM

DATE: March 21, 2006

TO: Blessing Chukwu
Executive Consultant III

FROM: Marlin Scott, Jr. 
Utilities Engineer

RE: Litchfield Park Service Company – Wastewater Division
Docket No. SW-01428A-06-0021 (CC&N Extension)

Introduction

Litchfield Park Service Company – Wastewater Division (“LPSCo”) has applied to extend its Certificate of Convenience and Necessity (“CC&N”) for its wastewater system. The requested areas, composed of 6 parcels, will add approximately 1/4 square-mile to LPSCo’s existing 20.0 square-miles of certificated area. LPSCo serves the City of Litchfield Park, City of Goodyear and the surrounding area in the West Valley, Maricopa County.

Capacity

Existing Utility Plant

According to LPSCo’s 2004 Annual Report, LPSCo has a 4.1 million gallon per day (“MGD”) activated sludge wastewater treatment plant (“WWTP”), three lift stations and 255.8 miles of force/collection mains serving 11,817 service laterals. Based on historical growth rates, it is anticipated that the existing service area could grow to approximately 19,000 laterals at the end of five years. In this application, LPSCo has predicted an additional 120 laterals for the proposed CC&N extension at the end of five years, resulting in a projected total customer base of approximately 19,120 laterals at the end of five years. Based on the existing WWTP capacity, the system can serve approximately 12,810 service laterals.

Proposed Plant Facilities

LPSCo is proposing to extend its wastewater system for the 6 parcels by extension of its collection system using contributions in aid of construction. The proposed plant facilities and their associated costs to extend service to each parcel are as follows:

1. Parcel 1 – Bethany Estates North	\$ 375,960
a. Mains, manholes for 34 lots	
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a. Mains, manholes for 28 lots	
3. Parcel 3 – Falcon View	\$ 346,710
a. Mains, manholes for 64 lots	
4. Parcel 4 – Riverside Estates	\$ 334,352
a. Mains, manholes for 80 lots	
5. Parcel 5 – Dysart Village	\$ 109,700
a. Mains, manholes for 39 lots	
6. Parcel 6 – Dysart Crossing – Commercial	
a. Main for 1 tap (contribution)	\$ 3,285
b. Phase II – Casitas Bonitas Facilities – System Improvements, Developer’s pro-rata share	\$ 4,584

Total: \$1,303,710

Hydraulic Model Analysis

Carollo Engineers prepared a hydraulic model analysis on August 22, 2005, entitled “Bethany Estates and Related Sewer Systems Model Analysis” for one of the developers, Maracay Homes. This analysis was to determine whether LPSCo’s existing mains can convey flows to the WWTP from the proposed developments. The analysis concluded that the existing mains could carry the additional flows from the new developments.

Conclusion

Staff concludes that the existing 4.1 MGD WWTP capacity is sufficient to serve the existing and proposed CC&N extension areas. LPSCo is also in the process of expanding its WWTP from 4.1 to 8.2 MGD that is being addressed in another pending LPSCo CC&N extension filing under Docket No. SW-01428A-05-0022.

Staff concludes that the proposed plant facilities and their cost estimates totaling \$1,303,710 are reasonable. However, no “used and useful” determinations of the proposed plant items were made and no particular treatment should be inferred for rate making or rate base purposes.

Arizona Department of Environmental Quality ("ADEQ") Compliance

Compliance Status

ADEQ and Maricopa County Environmental Services Department ("MCESD") regulate the wastewater system under Inventory #100310 and have indicated the facility is in compliance with ADEQ regulations.

Certificate of Approval to Construct

The MCESD Certificate of Approval to Construct ("ATC") for facilities needed to serve the requested areas have not been submitted to Staff by LPSCo, with the exception of Parcel 5 – Dysart Village. Staff recommends that LPSCo be required to file with Docket Control, as a compliance item in this docket, a copy of the ATC for facilities needed to service each of the parcels (except for Parcel 5) within one year of the effective date of an order in this proceeding approving the extension.

Aquifer Protection Permit ("APP") and Section 208 Plan Amendment

LPSCo was issued a signed APP, dated October 11, 2001, for its 4.1 MGD WWTP and is in the process of preparing an amendment for expansion of its WWTP from 4.1 to 8.2 MGD which was noted in another LPSCo extension filing, Docket No. SW-01428A-05-0022. Since an APP and the Section 208 Plan amendments represent fundamental authority for the designation of a wastewater service area and a wastewater provider, Staff recommends that LPSCo file with Docket Control, as compliance items in this docket within one year after a decision is issued in this proceeding, a Notice of Filing indicating LPSCo has submitted to Docket Control copies of the APP and Section 208 Plan amendments that indicates approval of the expansion of the WWTP to 8.2 MGD.

Arizona Corporation Commission Compliance

A check with the Utilities Division Compliance Section showed no outstanding Commission compliance issues for LPSCo.

Treatment Plant and Effluent Disposal Facility Fee

Discussion

Within the application, LPSCo submitted a copy of a Master Utility Agreement for Wastewater Facilities ("Agreement") for construction of plant facilities. In the Agreement, LPSCo requires the developer to pay a Treatment Plant and Effluent Disposal ("TPED") facility fee in the amount of \$1,500 per Equivalent Dwelling Unit ("EDU"). The TPED fee will be used to fund the future expansion of LPSCo's Palm Valley Water Reclamation Facility and represents a non-refundable advance in aid of construction.

In LPSCo's last rate proceeding and Decision No. 65436 (dated December 9, 2002); LPSCo was not approved for a wastewater hook-up fee and was further ordered to remove Section K – Off-Site Facilities Hook-Up Fee – Wastewater, as found on Sheet Nos. 21 through 23 on Attachment C to the Settlement Agreement. The proposed hook-up fee in Section K showed a \$1,500 per service connection or Residential Equivalent Unit ("REU"). The REU used was 320 gallons per day. The Decision further ordered LPSCo to file tariffs for hook-up fees for both water and wastewater connections for Commission consideration and possible approval.

In this CC&N extension proceeding, the Agreement shows the cost of the TPED fee is \$4.69 per gallon per day ("GPD") for the average residential unit demand of 320 GPD, (referred to as the EDU), equaling \$1,500 per EDU. It appears the TPED fee numbers and its calculation are the same numbers used in calculating the non-approved hook-up fee in Decision No. 65436.

Conclusion

The TPED fee will be used to fund the future expansion (reserve capacity) of LPSCo's Palm Valley Water Reclamation Facility. Since LPSCo does not have an approved TPED fee tariff for wastewater, this TPED fee should not be charged and/or collected from the developers.

Staff considers the TPED fee a hook-up fee. If LPSCo wishes to implement the TPED fee, LPSCo should submit a request to the Commission for review and approval of this charge as a hook-up fee as ordered in Decision No. 65436.

Summary

Conclusions

- A. Staff concludes that the existing 4.1 MGD WWTP capacity is sufficient to serve the existing customers and proposed CC&N extension areas. LPSCo is also in the process of expanding its WWTP from 4.1 to 8.2 MGD that is being addressed in another pending LPSCo CC&N extension filing under Docket No. SW-01428A-05-0022.
- B. Staff concludes that the proposed plant facilities and their cost estimates totaling \$1,303,710 are reasonable. However, no "used and useful" determinations of the proposed plant items were made and no particular treatment should be inferred for rate making or rate base purposes.
- C. ADEQ and MCESD regulate the wastewater system under Inventory #100310 and have indicated the facility is in compliance with ADEQ regulations.

- D. A check with the Utilities Division Compliance Section showed no outstanding Commission compliance issues for LPSCo.

Recommendations

1. Staff recommends that LPSCo be required to file with Docket Control, as a compliance item in this docket, a copy of the ATC for facilities needed to service each of the parcels (except for Parcel 5) within one year of the effective date of an order in this proceeding approving the extension.
2. Staff recommends that LPSCo file with Docket Control, as compliance items in this docket within one year after a decision is issued in this proceeding, a Notice of Filing indicating LPSCo has submitted to Docket Control copies of the APP and Section 208 Plan amendments that indicates approval of the expansion of the WWTP to 8.2 MGD.
3. The TPED fee will be used to fund the future expansion (reserve capacity) of LPSCo's Palm Valley Water Reclamation Facility. Since LPSCo does not have an approved TPED fee tariff for wastewater, this TPED fee should not be charged and/or collected from the developers.

Staff considers the TPED fee a hook-up fee. If LPSCo wishes to implement the TPED fee, Staff recommends that LPSCo submit a request to the Commission for review and approval of this charge as a hook-up fee as ordered in Decision No. 65436.

MEMORANDUM

TO: Blessing Chukwu
Executive Consultant III
Utilities Division

FROM: Barb Wells *bw*
Information Technology Specialist
Utilities Division

THRU: Del Smith *DS*
Engineering Supervisor
Utilities Division

DATE: March 1, 2006

RE: **LITCHFIELD PARK SERVICE COMPANY (DOCKET NO. SW-01428A-06-0021)**
AMENDED LEGAL DESCRIPTION

The area requested by Litchfield Park for an extension for sewer has been plotted using an amended legal description for Parcel 6, which has been docketed. This legal description (along with the original descriptions for Parcels 1-5) is attached and should be used in place of the original description submitted with the application.

Also attached is a copy of the map for your files.

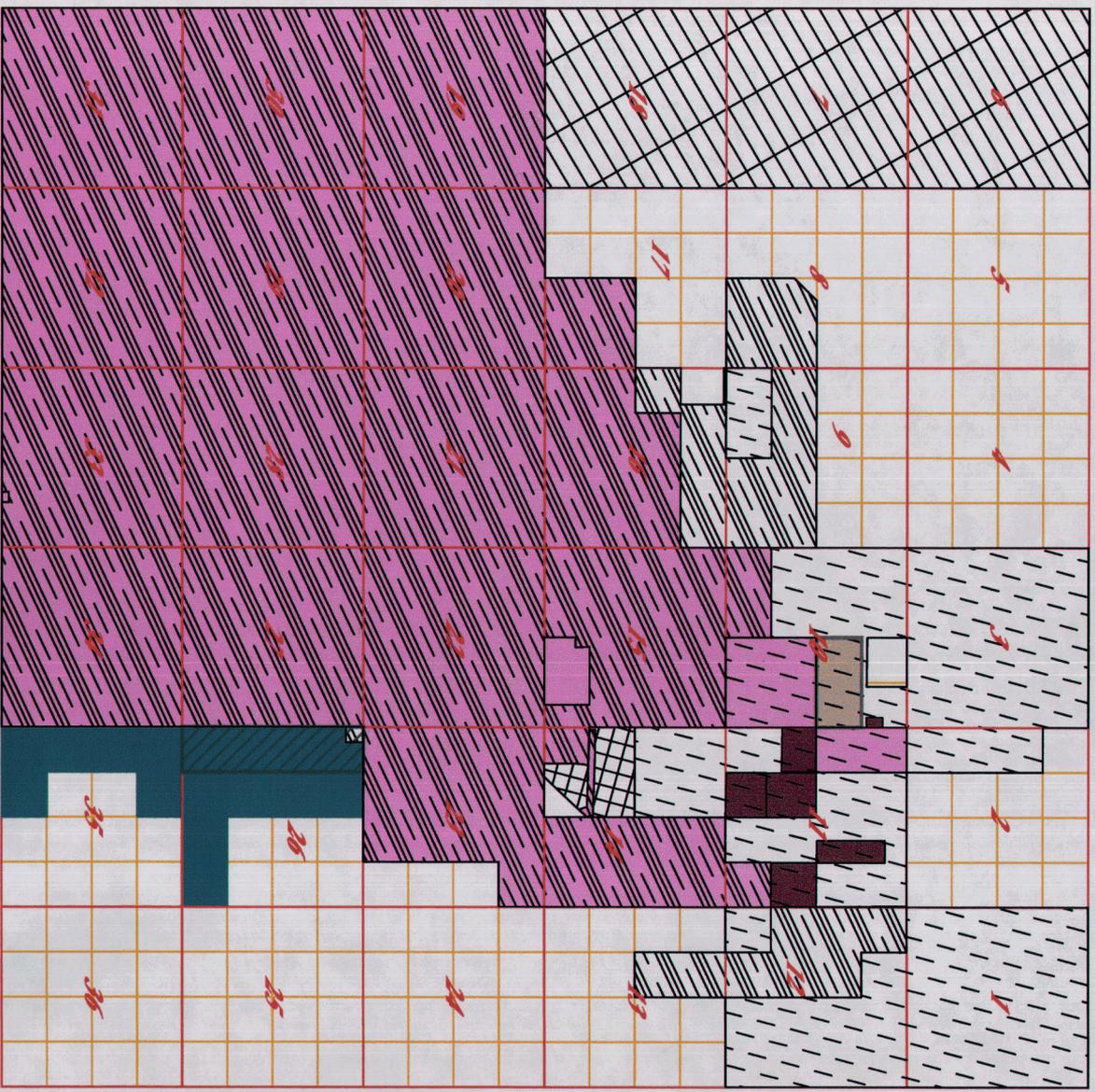
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Attachments

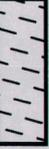
cc: Docket Control
Mr. Richard Sallquist
Ms. Deb Person (Hand Carried)
File

COUNTY: Maricopa

RANGE 1 West



TOWNSHIP 2 North

-  W-1997 (2)
Adaman Mutual Water Company
-  W-1427 (4)
Litchfield Park Service Company
-  Sewer SW-1428 (4)
Litchfield Park Service Company
-  W-2076 (1)
Tierra Buena Water Company
-  W-1412 (1)
Valley Utilities Water Company, Inc.
-  Sewer (1)
Casitas Bonitas Wastewater Improvement District (Nonjurisdictional)
-  C-0001 (3)
City of Avondale (Nonjurisdictional)
-  Sewer
-  (1)
Litchfield Park Service Company
Docket No. SW-01428A-06-0021
Application for Extension for Sewer

LEGAL DESCRIPTION

That portion of the East half of the Southwest quarter of Section 11, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Center of said Section 11;
THENCE South 00°01'43" East, along the East line of said quarter, a distance of 1450.82 feet;
THENCE South 89°58'09" West, a distance of 1301.90 feet to the West line of said East half;
THENCE North 00°02'38" West, along said line, a distance of 1470.76 feet to the North line of said quarter;
THENCE South 89°09'12" East, along said line, a distance of 1302.45 feet to the POINT OF BEGINNING.

Said parcel containing 43.67 acres gross.



Parcel 1

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 11, FROM WHICH THE SOUTHWEST CORNER THEREOF BEARS NORTH 89 DEGREES 01 MINUTES 47 SECONDS WEST, A DISTANCE OF 2603.69 FEET, AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 01 MINUTES 47 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1301.79 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 38 SECONDS WEST, A DISTANCE OF 1157.29 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 9 SECONDS EAST, A DISTANCE OF 1301.90 FEET TO A POINT ON THE NORTH SOUTH MID SECTION LINE OF SAID SECTION 11; THENCE SOUTH 0 DEGREES 01 MINUTES 43 SECONDS EAST, A DISTANCE OF 1180.04 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,521,306 SQUARE FEET (34.924 ACRES) GROSS AREA.

LEGAL DESCRIPTION

That portion of the Northeast quarter of Section 11, Township 2 North, Range 1 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;

THENCE North 89°18'03" West, along the North line of said Section, a distance of 1303.39 feet to the Northeast corner of the West half of said Northeast quarter;

THENCE South 00°01'27" East, along the East line of said West half, a distance of 658.54 feet to the POINT OF BEGINNING;

THENCE continuing South 00°01'27" East, along said East line, a distance of 1975.62 feet to a point on the South line of said quarter;

THENCE North 89°10'20" West, along said South line, a distance of 651.16 feet to a point on the West line of the East half of said West half;

THENCE North 00°02'10" West, along said West line, a distance of 1974.53 feet;

THENCE South 89°16'08" East, a distance of 651.56 feet to the POINT OF BEGINNING.

Said parcel containing 29.53 acres gross.



Parcel 3

RIVERSIDE ESTATES

LEGAL DESCRIPTION

That portion of The Southeast Quarter of Section 11, Township 2 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at the East Quarter Corner of said Section 11 said point being the.

TRUE POINT OF BEGINNING;

Thence South 00 degrees 00 minutes 32 seconds East along the East line of said Section 11 a distance of 1318.56 feet;

Thence North 89 degrees 06 minutes 15 seconds West a distance of 1301.91 feet;

Thence North 00 degrees 01 minutes 39 seconds West a distance of 1317.01 feet to a point on the East-West Midsection line of said Section 11;

Thence South 89 degrees 10 minutes 20 seconds East along said Midsection line a distance of 1302.32 feet;

to the **POINT OF BEGINNING.**

The above described parcel contains 1,715,709.41Sq. Ft. (39.39 acres) more or less.

Prepared by: CMX, L.L.C.
Project No. 7038
April 28, 2004

Parcel 4

DYSART VILLAGE
LEGAL DESCRIPTION

PORTION OF THE SW ¼ OF SECTION 11, T 2N, R 1 W OF THE G&SRB&M, MARICOPA COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ¼ CORNER OF SAID SECTION 11

RUN: S 89° 05' 41" E ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 11 A DISTANCE OF 1302.50 FEET TO THE NE CORNER OF THE NW ¼ OF THE SAID SECTION 11

RUN: S 0° 00' 54" W A DISTANCE OF 985.53 FEET TO THE SE CORNER OF THE N ½ OF THE S ½ OF THE NW ¼ OF THE SW ¼ OF SAID SECTION 11

RUN: N 89° 02' 59" W A DISTANCE OF 1302.36 FEET TO THE SW CORNER OF THE N ½ OF THE S ½ OF THE NW ¼ OF THE SW ¼ OF SAID SECTION 11

RUN: N 0° 00' 19" E ALONG THE WEST BOUNDARY OF SAID SECTION 11 A DISTANCE OF 984.50 FEET TO THE POINT OF BEGINNING.

SITE INFO:

PROJECT NAME:

DYSART CROSSINGS

PROJECT ADDRESS:

NOT YET ASSIGNED

PARCEL NUMBER:

#501-57-006-H

LEGAL DESCRIPTION:

THE EAST 300 FEET OF THE NORTH 464 FEET OF THAT PART OF THE NORTHEAST QUARTER OF SECTION TEN (10), TOWNSHIP TWO (2) NORTH, RANGE ONE (1) WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 0 DEGREES 01 MINUTES 45 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 708.00 FEET, TO A POINT FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 10 BEARS SOUTH 0 DEGREES 01 MINUTES 45 SECONDS WEST A DISTANCE OF 1,917.52 FEET; THE POINT OF BEGINNING.

THENCE NORTH 89 DEGREES 10 MINUTES 45 SECONDS WEST, A DISTANCE OF 905.16 FEET;

THENCE SOUTH 0 DEGREES 01 MINUTES 45 SECONDS WEST, A DISTANCE OF 441.93 FEET TO A POINT ON THE NORTH LINE OF RANCHOS DE LOMA UNIT ONE, AS RECORDED IN BOOK 106 OF MAPS, PAGE 39 OF MARICOPA COUNTY, RECORDS, SAID POINT BEING THE CENTERLINE OF 132ND AVENUE;

THENCE SOUTH 89 DEGREES 10 MINUTES 45 SECOND EAST, A DISTANCE OF 25 FEET TO A CORNER OF SAID RANCHOS DE LOMA UNIT ONE;

THENCE SOUTH 0 DEGREES 01 MINUTE 45 SECONDS WEST, A DISTANCE OF 205.60 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 89 DEGREES 03 MINUTES 55 SECONDS, A RADIUS OF 15.25 FEET, A DISTANCE OF 23.70 FEET;

THENCE SOUTH 89 DEGREES 02 MINUTES 10 SECONDS EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF OCOTILLO ROAD AS SHOWN ON THE PLAT OF SAID RANCHOS DE LOMA, A DISTANCE OF 865.19 FEET;

THENCE NORTH 0 DEGREES 01 MINUTES 45 SECONDS EAST PARALLEL TO AND 55.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 664.72 FEET TO THE POINT OF BEGINNING.

Parcel 6

Revised 2/22/06