



0000092191

# SOUTHWESTERN

## Power Group II, LLC

An Energy Company - Alliance Builder

ORIGINAL

RECEIVED

7008 DEC 31 P 12: 51

AZ CORP COMMISSION  
DOCKET CONTROL

Docket No. L-00000BB-01-0118-00000

December 28, 2008

Mr. Ernest Johnson  
Director  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Arizona Corporation Commission

**DOCKETED**

DEC 31 2008

Subject: Bowie Power Station, L.L.C. 2008 Self-Certification Letter  
(Decision Nos. 64625, 64626, 69339 and 70588)

DOCKETED BY	
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Dear Mr. Johnson:

Pursuant to Condition No. 24 of Decision No. 64625 and Condition No. 11 of Decision No. 64626, Bowie Power Station, L.L.C. ("Bowie") submits this Letter of Self-Certification ("Letter") for the year 2008.

Bowie received an extension of both Certificates of Environmental Compatibility ("CEC" or "CECs") granted in Decision Nos. 64625 and 64626, on February 20, 2007 in Decision No. 69339. This Decision extended both of Bowie's CECs through December 31, 2010.

In addition, Bowie received approval of the Arizona Corporation Commission ("Commission") for an amendment to Decision No. 64626 that adjusted the alignment of Bowie's interconnecting double-circuit 345 kV transmission line. This amendment brought the project's transmission line placement into compliance with the Arizona State Land Department. The nature of this amendment is set forth in Decision No. 70588, dated November 6, 2008. In filing this Letter with the Commission, Bowie certifies compliance with all the Conditions imposed by Decision Nos. 64625, 64626 and 69339.

**Condition No. 2A of Decision No. 64625 provides that Bowie will:**

*“Donate to Bowie Fire District (“Fire District”) as a capital outlay to enable it to acquire, through purchase or lease, an additional emergency service vehicle, with the manner of acquisition to be determined by the Fire District. In addition, funds will be provided to assist the Fire District to train its personnel and/or volunteers in emergency response and the handling of hazardous materials.”*

Bowie formally submitted a letter of compliance of this CEC requirement to the Commission on June 3, 2008 (Attachment 1). This filing included five enclosures to document Bowie’s compliance with Condition No. 2A of Decision No. 64625. These include:

- 1) Arizona Department of Transportation (“ADOT”) Certificate of Title for a Ford E-One Pumper Fire Engine, VIN # 1FDYD80U2GVA48276, purchased by Bowie and donated to the Fire District on April 15, 2008.
- 2) A Resolution issued by the Governing Board of the Fire District on April 26, 2008 which documented the Fire District’s receipt of the Fire Engine title.
- 3) Bowie’s payment history for a visible emissions training course to enhance the emergency response skills of all five Fire District personnel and volunteers.
- 4) A Resolution sent from the Fire District’s Governing Board to Southwestern Power Group on May 1, 2008 confirming the participation of five Bowie residents in the visible emissions training course.
- 5) Visible Emissions Evaluation Certificates issued by the course moderator, Clark Koontz.

**Condition No. 2E of Decision No. 64625 provides that Bowie will:**

*“Make arrangements with Cochise County to address and resolve traffic control problems and concerns, including consideration of paving roads, adding traffic lights and/or staggering Project construction work shift changes.”*

Bowie received Resolution 08-110 from the Cochise County Board of Supervisors on September 9, 2008 (Attachment 2). This Resolution authorizes the acquisition of right-of-way for an approximately one-mile portion of Central Avenue, which is located adjacent to the project site. The Resolution additionally authorizes altering the county highway width of Central Avenue. Bowie will acquire this portion of Central Avenue in fee and dedicate it to Cochise County.

Bowie contracted SouthWest Traffic Engineering to perform the *Bowie Power Station Traffic Impact Analysis* ("Analysis"). The Analysis was requested by ADOT to evaluate possible traffic impacts the project might impose on Business Route 10/Central Avenue, Central Avenue/Fan Road, and the East and West Bowie Traffic Interchanges. Attachment 3 is the Executive Summary for the Analysis.

Bowie currently anticipates the first phase of the power plant, nominally 500 megawatts, will achieve commercial operation by the third quarter of 2010.

Bowie has remained fully compliant with all Conditions throughout 2008 with respect to both CECs as originally granted and thereafter extended and amended. As the project's activity increases, Bowie will continue to remain in compliance with the Conditions that are the subject of Decision Nos. 64625, 64626, 69339 and 70588.

Please direct any questions that may arise from this report to the undersigned at (602) 808-2004.

Sincerely,



Tom C. Wray  
Manager, Transmission and Generation Projects

Attachments (3)  
Cc: File

Docket Control  
David Getts, SouthWestern Power Group  
Kevin Torrey, Esq., Legal Division, Arizona Corporation Commission  
Prem K. Bahl, Utilities Division, Arizona Corporation Commission  
John Foreman, Esq., Designee for the Office of Attorney General  
Paul Rasmussen, Designee for Director of Arizona Department of Environmental Quality  
Gregg Houtz, Designee for Director of Arizona Department of Water Resources  
Doug Eberhart, Designee for Chairman of Arizona Corporation Commission  
Jack Haenichen, Designee for Director of the Energy Office of the Arizona Department of Commerce  
Lawrence V. Robertson, Jr., Esq., Bowie Power Station, LLC  
Rick Moore, Bowie Power Project, Site Manager

# **Attachment 1**

**Letter of Compliance to Condition No. 2A  
of Decision No. 64625**

**(Submitted June 3, 2008  
Docket No. L-00000BB-01-0118)**

**SOUTHWESTERN**  
Power Group II, LLC  
An Energy Company - Alliance Builder

RECEIVED

June 3, 2008

2008 JUN -3 P 4: 48

AZ CORP COMMISSION  
DOCKET CONTROL

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Subject: Bowie Power Station, L.L.C  
Compliance of Certificate of Environmental Compatibility Requirements  
Docket No. L-00000BB-01-0118  
(Decision No. 64625)

Dear Chairman and Commissioners,

Condition No. 2A of Decision No. 64625 provides that:

*"Donate to Bowie Fire District ("Fire District") as a capital outlay to enable it to acquire, through purchase or lease, an additional emergency services vehicle, with the manner of acquisition to be determined by the Fire District. In addition, funds will be provided to assist the Fire District to train its personnel and/or volunteers in emergency response and the handling of hazardous materials."*

Pursuant to this requirement set forth by the Commission in the Certificate of Environmental Compatibility granted on March 7, 2002 in Decision No. 64625, and subsequently amended by the Commission on February 20, 2007 in Decision No. 69339, Bowie Power Station, L.L.C ("Bowie") hereby submits the enclosed Fire Engine title to a Ford E-One Pumper, VIN # 1FDYD80U2GVA48276 (Appendix "A"), purchased by Bowie Power Station and donated to the Fire District on April 15, 2008. An official title hand-over ceremony was conducted on May 29, 2008 whereby the community of Bowie was invited to attend and witness Bowie Power Station's continual efforts to alleviate the impacts Bowie Power Station will have on Bowie's emergency services.

Additionally attached as Appendix "B" is a Resolution issued by the Governing Board of the Bowie Fire District on April 26, 2008 documenting the Fire District's receipt of the Ford E-One Pumper title.

To further comply with Condition No. 2A, Bowie Power Station financed the emergency response education of five Fire District personnel and volunteers. Please refer to Appendix "C" demonstrating payment of the visible emissions training. Appendix "D" is a Resolution sent from the Fire District's Governing Board to Southwestern Power Group on May 1, 2008 confirming the participation of five Bowie residents in visible emissions training.

Attachment "E" is the Visible Emissions Evaluation Certificates issued by the Course Moderator, Clark Koontz. These documents verify the participation of the Fire District's personnel and volunteers in a course designed to train persons in the opacity method of evaluating visible smoke emissions.

Please direct any questions that may arise from this report to the undersigned at (602) 808-2004.

Sincerely,



R. Martin Bailey  
Real Estate Manager  
Southwestern Power Group II, L.L.C

Appendix "A" Ford E-One Pumper Fire Engine Title

Appendix "B" April 26, 2008 Resolution of the Governing Board of the Bowie Fire District

Appendix "C" Visible Emissions Training Payment

Appendix "D" May 1, 2008 Resolution of the Governing Board of the Bowie Fire District

Appendix "E" Visible Emission Evaluation Certificates

Cc: File

Richard Searle, Chairman of the Cochise County Board of Supervisors

David Getts, General Manager, Southwestern Power Group II, L.L.C

Tom Wray, Transmission and Generation Manager, Southwestern Power Group II, L.L.C

Lawrence V. Robertson, Jr., Esq., Counsel for Southwestern Power Group II, L.L.C

# **Appendix “A”**

**Ford E-One Pumper Fire Engine Title**

ARIZONA DEPARTMENT OF TRANSPORTATION  
Motor Vehicle Division

# Certificate of Title

VEHICLE ID NO. 1FDYD80U2GVA48276      YEAR 86      MAKE FORD  
BODY STYLE TK      MODEL      MO/YR FIRST REGISTERED 03/86      FACTORY LIST PRICE 000000  
TITLE P5X1930220039      ISSUE DATE 012493      TYPE TRANSFER      FILM 3022P81035  
PREV. TITLE M984730      ST. AZ      ISSUE DATE 022687      PREV. FILM M984730  
PLATE P58944      GROSS VEH. WGT. 000000      FUEL D      ODOMETER MILES 0003046 A  
MH MFG.      STATUS REGULAR

VEHICLE OWNER(S) AND LESSEE(S)

SEDONA FIRE DISTRICT



MAILING ADDRESS

SEDONA FIRE DISTRICT  
2860 SOUTHWEST DRIVE  
SEDONA AZ 86336

The Motor Vehicle Division, pursuant to the laws of Arizona, certifies that the applicant has been duly registered in this office as owner of the described vehicle which is subject to the taxes and encumbrances if any, herein set forth.

A - REFLECTS ACTUAL MILEAGE  
B - MILEAGE IS IN EXCESS OF MECHANICAL LIMITS  
C - NOT ACTUAL MILEAGE - WARNING ODOMETER DISCREPANCY



CONTROL NO. 5141795

FILED IN 2003  
ISSUED 01/24/93

**TRANSFER OF OWNERSHIP** • Seller must complete and have contained below, then surrender this title to the new owner. Federal and State law require that the seller state the mileage in connection with the transfer of ownership. Failure to complete the odometer statement, or providing a false statement, may result in fines and/or imprisonment. • The new owner must apply for title within 15 business days in order to avoid penalty charges, regardless of whether or not the vehicle is being used.

The undersigned hereby certifies that the vehicle described in this title has been transferred to  
**BOWIE FIRE DISTRICT, PO BOX 241, BOWIE, AZ 85605**  
 PRINTED NAME(S) OF BUYER(S)  
 I warrant the vehicle to be free from all liens and encumbrances, except as follows: IF "NO LIEN," WRITE "NONE."

NAME OF NEW LIENHOLDER  
 I certify to the best of my knowledge that the odometer reading is the (A) actual mileage of the vehicle, unless one of the statements is checked:  
 (B) The mileage stated is in excess of its mechanical limits.  
 (C) The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.  
 ODOMETER READING: **38200**  
 DATE OF SALE: **4/4/08**  
 PRINTED NAME(S) OF SELLER(S): **SEANNA FIRE DISTRICT - BILL PAPERMASTER**  
 SIGNATURE(S) OF SELLER(S): **[Signature]**  
 SUBSCRIBED AND SWORN to before me this **4th** day of **APRIL**, 2008, at **SEANNA FIRE DISTRICT**, **SEANNA** County, **ARIZONA** State. **AZ**  
 Signature of Notary Public: **[Signature]**  
 I am aware of the above odometer certification made by the seller(s).  
 Signature(s) of Buyer(s):  
 Printed Name(s):  
 My Commission Expires: **09/16/2010**

The undersigned hereby certifies that the vehicle described in this title has been transferred to  
 PRINTED NAME(S) OF BUYER(S)  
 I warrant the vehicle to be free from all liens and encumbrances, except as follows: IF "NO LIEN," WRITE "NONE."  
 NAME OF NEW LIENHOLDER  
 I certify to the best of my knowledge that the odometer reading is the (A) actual mileage of the vehicle, unless one of the statements is checked:  
 (B) The mileage stated is in excess of its mechanical limits.  
 (C) The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.  
 ODOMETER READING  
 DATE OF SALE  
 PRINTED NAME OF DEALERSHIP AND AGENT  
 SIGNATURE OF AGENT  
 I am aware of the above odometer certification made by the seller(s).  
 SIGNATURE(S) OF BUYER(S)  
 PRINTED NAME(S)  
 DEALER NO.

The undersigned hereby certifies that the vehicle described in this title has been transferred to  
 PRINTED NAME(S) OF BUYER(S)  
 I warrant the vehicle to be free from all liens and encumbrances, except as follows: IF "NO LIEN," WRITE "NONE."  
 NAME OF NEW LIENHOLDER  
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 ODOMETER READING  
 DATE OF SALE  
 PRINTED NAME OF DEALERSHIP AND AGENT  
 SIGNATURE OF AGENT  
 I am aware of the above odometer certification made by the seller(s).  
 SIGNATURE(S) OF BUYER(S)  
 PRINTED NAME(S)  
 DEALER NO.

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 PRINTED NAME(S) OF BUYER(S)  
 I warrant the vehicle to be free from all liens and encumbrances, except as follows: IF "NO LIEN," WRITE "NONE."  
 NAME OF NEW LIENHOLDER  
 I certify to the best of my knowledge that the odometer reading is the (A) actual mileage of the vehicle, unless one of the statements is checked:  
 (B) The mileage stated is in excess of its mechanical limits.  
 (C) The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.  
 ODOMETER READING  
 DATE OF SALE  
 PRINTED NAME OF DEALERSHIP AND AGENT  
 SIGNATURE OF AGENT  
 I am aware of the above odometer certification made by the seller(s).  
 SIGNATURE(S) OF BUYER(S)  
 PRINTED NAME(S)  
 DEALER NO.

ANY ALTERATION OR ERASURE VOID THIS TITLE

# **Appendix “B”**

Resolution of the Governing Board of  
the Bowie Fire District

April 26, 2008

# **Bowie Fire District**

**118 West Kinchilla  
Bowie Arizona 85605**

*April 26, 2008*

## Board of Directors

Debra Juarez  
President

Dorothy Phillips  
Clerk/Treasurer

E. O. Blandin  
Member

## **RESOLUTION OF THE GOVERNING BOARD Of the Bowie Fire District**

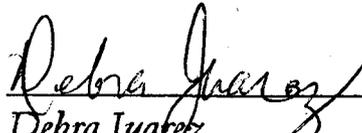
WHEREAS, *The Governing Board of the Bowie Fire District is supportive of new businesses who desire to move to the community of Bowie, and*

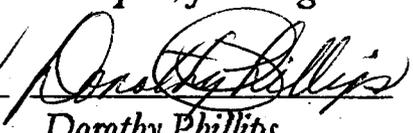
WHEREAS, *The Governing Board of the Bowie Fire District has been involved and informed of the activities of the Southwestern Power Group II throughout their progress in planning, permitting, and building an electric generation in the Community of Bowie, and*

WHEREAS, *Southwestern Power Group II has met with the Bowie Fire District and representatives of the community, periodically, to keep the total community informed of the progress of the generation station ,and*

WHEREAS, **SOUTHWESTERN POWER GROUP II**, did at the Regular Monthly Board Meeting on April 15, 2008, present CLEAR TITLE to a Ford E-One Pumper, Vin # 1FDYD80U2GVA48276, to the Governing Board of the Bowie Fire District.

NOW, THEREFORE, BE IT RESOLVED *that the Governing Board of the Bowie Fire District and the Community of Bowie want to Acknowledge their Appreciation and Heartfelt Thanks, to Southwestern Power GroupII, for this generous gift.*

  
Debra Juarez  
President

  
Dorothy Phillips  
Clerk/Treasurer

  
E.O. Blandin  
Member

# **Appendix “C”**

## **Visible Emissions Training Payment**

# REGISTRATION FORM **VISIBLE EMISSION TRAINING** **STATE OF ARIZONA**

**TRAINING COURSE FEES:**

Initial certification- ~~\$ 175.00~~ per person attending lecture and field programs  
Re-certification- ~~\$ 150.00~~ per person attending field program only

**PLEASE CHECK THE COURSE YOU PLAN TO ATTEND:**

Tucson, Arizona April 21, 2008

Phoenix, Arizona April 23, 2008

**COMPANY** Southwestern (Bowie Power Station)  
Power Group  
**ADDRESS** 3610 N. 44<sup>th</sup> Street, Suite #250  
**CITY** Phoenix **STATE** AZ **ZIP** 85018

**TELEPHONE** (602) 868-2004

**TOTAL AMOUNT PAID \$** \_\_\_\_\_ **CHECK NO.** 5038

**ATTENDEES:** PLACE CHECK TO RIGHT FOR EACH PERSON ATTENDING THE LECTURE

NAME	<u>Steven Kastner</u>	<input checked="" type="checkbox"/>
NAME	<u>Jacqueline Rios</u>	<input checked="" type="checkbox"/>
NAME	<u>Rick Moore</u>	<input checked="" type="checkbox"/>
NAME	<u>Ronnie McPherson</u>	<input checked="" type="checkbox"/>
NAME	<u>Robert Casper</u>	<input checked="" type="checkbox"/>
NAME	_____	<input type="checkbox"/>

**COMPLETED COURSE APPLICATIONS MUST BE RECEIVED**  
**ALONG WITH CHECK PAYABLE TO:** Carl Koontz Associates  
P. O. Box 8216

**CANCELLATION POLICY:**

Hermitage, Tennessee, TN 37076-8216  
(615) 889-9494

If a registration is canceled fewer than 14 working days before the first day of class, no refund of course fees will be made and any unpaid course fees will be due. However, substitution for the individual originally registered is permitted at any time.  
Web Address: [www.carlkoontzassociates.com](http://www.carlkoontzassociates.com)  
E-mail Address: [ckoontz8@comcast.net](mailto:ckoontz8@comcast.net)

# REGISTRATION FORM VISIBLE EMISSION TRAINING STATE OF ARIZONA

**TRAINING COURSE FEES:**

Initial certification- \$ 175.00 per person attending lecture and field programs

Re-ertification- \$ 150.00 per person attending field program only

**PLEASE CHECK THE COURSE YOU PLAN TO ATTEND:**

Tucson, Arizona April 21, 2008

Phoenix, Arizona April 23, 2008

COMPANY Southwestern (Bowie Power Station)  
Power Group

ADDRESS 3610 N. 44th Street Suite #250

CITY Phoenix STATE Az ZIP 85018

TELEPHONE (602) 808-2004

TOTAL AMOUNT PAID \$ 1,750.<sup>00</sup> CHECK NO. 5038

**ATTENDEES:** PLACE CHECK TO RIGHT FOR EACH PERSON ATTENDING THE LECTURE

- |                           |   |
|---------------------------|---|
| Debra Juarez              | ✓ |
| NAME _____                |   |
| Rayline Bright            | ✓ |
| NAME _____                |   |
| Dorothy Phillips          | ✓ |
| NAME <u>MARTIN VICH</u>   | ✓ |
| Michael <del>Ferris</del> | ✓ |
| NAME _____                |   |
| Josh Terry                | ✓ |
| NAME _____                |   |

**COMPLETED COURSE APPLICATIONS MUST BE RECEIVED**

**ALONG WITH CHECK PAYABLE TO:** Carl Koontz Associates  
P. O. Box 8216

**CANCELLATION POLICY:**

Hermitage, Tennessee, TN 37076-8216  
(615) 889-9494

If a registration is canceled fewer than  
14 working days before the first day of class,  
no refund of course fees will be made and any  
unpaid course fees will be due. However, substitution  
for the individual originally registered is permitted at any time.

Web Address: [www.carlkoontzassociates.com](http://www.carlkoontzassociates.com)  
E-mail Address: [ckoontz8@comcast.net](mailto:ckoontz8@comcast.net)

\$ 1750.<sup>00</sup>  
~~1595.<sup>00</sup>~~

5038

SUNRISE BANK OF ARIZONA  
4360 E. CAMELBACK RD. STE. 100A  
PHOENIX, AZ 85018  
91-67271221

4/11/2008

SOUTHWESTERN POWER GROUP II, LLC  
3610 North 44th Street, Suite 250  
Phoenix, Arizona 85018  
(602) 808-2004

Pay to the Order of  
Carl Koonitz Associates

\$ 1,750.00

Dollars

One Thousand Seven Hundred Fifty and 00/100

Carl Koonitz Associates  
P.O. Box 8216  
Hermitage, Tennessee 37076-8216

Bowie Power Station Visible Emission Training

⑆005038⑆ ⑆122105728⑆ ⑆0500296⑆

# **Appendix “D”**

**Resolution of the Governing Board of  
the Bowie Fire District**

**May 1, 2008**

# Bowie Fire District

118 West Kinchilla  
Bowie, Arizona 85605

May 1, 2008

## Board of Directors

Debra Juarez  
President

Dorothy Phillips  
Clerk/ Treasurer

E. O. Blandin  
Member

## RESOLUTION OF THE GOVERNING BOARD

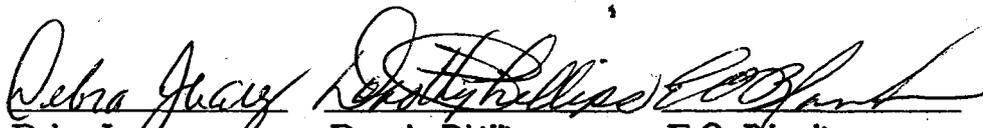
### *Bowie Fire District*

WHEREAS, *The Governing Board of the Bowie Fire District is supportive of the Southwestern Power Group and the Bowie Power Station, and*

WHEREAS, *The Governing Board of the Bowie Fire District has been involved and informed of the activities of the Southwestern Power Group II and the Bowie Power Station throughout the progress in planning, permitting, and building an electric power generation station in the community of Bowie, and*

WHEREAS, *The Southwestern Power Group II has completely financed sending eight Bowie persons through a course in the Opacity method of Evaluation of Visible Smoke Emission.*

NOW, THEREFORE, BE IT RESOLVED *that the Governing Board of the Bowie Fire District wants to acknowledge our Appreciation and Thanks, to Southwestern Power Group II, for furthering the education of Bowie persons desiring the accumulation of knowledge to enhance their career potential.*

  
Debra Juarez,      Dorothy Phillips      E.O. Blandin  
President,          Clerk/ Treasurer      Member

**Appendix “E”**  
Visible Emission Evaluation  
Certificates

# VISIBLE EMISSIONS EVALUATION

This is to certify that

Steven Kastner

did complete a course in the opacity method of determining visible emission from sources as specified by Federal Reference Method "9" conducted by Carl Koontz & Associates of Nashville, Tennessee.

Carl Koontz  
Course Moderator

Tucson Az  
Location

April 21, 2008  
Date

# VISIBLE EMISSIONS EVALUATION

This is to certify that

Michael Martinovich

did complete a course in the opacity method of determining visible emission from sources as specified by Federal Reference Method "9" conducted by Carl Koontz & Associates of Nashville, Tennessee.

Carl Koontz  
Course Moderator

Tucson AZ  
Location

April 21, 2008  
Date

# VISIBLE EMISSIONS EVALUATION

This is to certify that

Robert S. Cosper

did complete a course in the opacity method of determining visible emission from sources as specified by Federal Reference Method "9" conducted by Carl Koontz & Associates of Nashville, Tennessee.

Carl Koontz  
Course Moderator

Tucson AZ  
Location

April 21, 2008  
Date

# VISIBLE EMISSIONS EVALUATION

This is to certify that

Dorothy Phillips

did complete a course in the opacity method of determining visible emission from sources as specified by Federal Reference Method "9" conducted by Carl Koontz & Associates of Nashville, Tennessee.

Carl Koontz

Course Moderator

Tucson AZ

Location

April 21, 2008

Date

# VISIBLE EMISSIONS EVALUATION

This is to certify that

Debra Juarez

did complete a course in the opacity method of determining visible emission from sources as specified by Federal Reference Method "9" conducted by Carl Koontz & Associates of Nashville, Tennessee.

Carl Koontz  
Course Moderator

Tucson AZ  
Location

April 21, 2008  
Date

# VISIBLE EMISSIONS EVALUATION

This is to certify that

Rayleen Bright

did complete a course in the opacity method of determining visible emission from sources as specified by Federal Reference Method "9" conducted by Carl Koontz & Associates of Nashville, Tennessee.

Carl Koontz  
Course Moderator

Tucson AZ  
Location

April 21, 2008  
Date

# **Attachment 2**

**Cochise County Board of Supervisors  
Resolution 08-110**

# Board of Supervisors

Richard R. Searle  
Chairman  
District 3

Patrick G. Call  
Vice-Chairman  
District 1

Paul Newman  
District 2

Michael J. Ortega  
County Administrator

James E. Vlahovich  
Deputy County Administrator

Katie A. Howard  
Clerk



## RESOLUTION 08-110

### **AUTHORIZING THE ALTERATION OF THE DECLARED WIDTH OF AND AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY FOR A PORTION OF CENTRAL AVENUE**

**WHEREAS**, pursuant to A.R.S. § 28-6701, the Board of Supervisors of Cochise County, Arizona, may establish or alter a highway in the county and acquire real property for this purpose by purchase, donation, dedication, condemnation or other lawful means; and

**WHEREAS**, pursuant to A.R.S. § 28-6701, there has been presented to the Board of Supervisors a petition signed by ten or more resident taxpayers of said County, praying for the alteration of a County Highway known as Central Avenue by the widening thereof:

#### **LEGAL DESCRIPTION**

A portion of Central Avenue, located in Sections 33 and 34 of Township 12 South, Range 28 East of the Gila and Salt River Base, Cochise County, Arizona, and more particularly described as follows:

Said Central Avenue being 80 feet in width, 40 feet on each section line, common to Sections 33 and 34, beginning at south line of Sections 33 and 34, north approximately one mile to the north line of Sections 33 and 34.

**WHEREAS**, the Board of Supervisors held a hearing on said petition at 9 a.m. of the 9th day of September, 2008, notice to the public having been given by publication thereof once a week for two (2) consecutive weeks in the Sierra Vista Herald, the officially designated newspaper for Cochise County notices, stating the purpose and date of said hearing and directing all persons wishing to object to the action prayed for in the petition to file with Clerk of the Board of Supervisors a statement in writing setting forth

**RESOLUTION 08- 110**

**Re: Altering the Declared County Highway Established Width and Authorizing Acquisition (Central Avenue)**

**Page 2**

any objections or opposition and to show cause why said petition should not be granted; and

**WHEREAS**, at said hearing the Board of Supervisors considered the feasibility, advantages and necessity of the highway and determined that the establishment of said road as requested in said petition is a public necessity, and that no landowner would be adversely affected thereby; and

**WHEREAS**, pursuant to minutes recorded for the Board of Supervisors' meeting held on September 10<sup>th</sup>, 1914, as filed under Supervisors' Minute Book 10 at page 291 and ARS § 28-7042, said road segment was previously established as a declared County Highway, with a width of 66 feet; and

**WHEREAS**, it having been determined that it is in the best interest of the County and the public at large to acquire an 80 foot public right-of-way, whether in fee simple or by easement, 40 feet each side of section line, for that one mile portion of Central Avenue running from Boggs Road to Fan Road; and

**WHEREAS**, the parcels to be affected by this right-of-way acquisition are APN 301-04-025B and 301-04-044 owned by Fort Bowie Ranches LLC, 301-04-033E owned by Dick and Cody Eastman Revocable Trust and Calvin, Susan, Jerry, and Chriss Allred, 301-04-033F owned by Bowie Power Station LLC, 301-04-042 owned by Barry and Jennalyn Klump, and 301-04-043 owned by Dick and Cody Eastman Revocable Trust and Roger and Linda Hale,

**NOW, THEREFORE, BE IT RESOLVED** that the alteration of a county highway by widening of an existing roadway known as Central Avenue, as above described, is hereby approved.

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors is authorized and directed to file in the Cochise County Recorder's Office, a certified copy of this resolution and order, together with a map of said highway.

**BE IT FURTHER RESOLVED** that any previous declaration in conflict herewith is hereby rescinded.

**RESOLUTION 08- 110**

**Re: Altering the Declared County Highway Established Width and Authorizing Acquisition (Central Avenue)**

**Page 3**

**BE IT FURTHER RESOLVED** that the representatives for Bowie Power Station, LLC, will negotiate and acquire said public right-of-way on behalf of the County, and settle at their expense, any resulting damages, through donation, exchange, purchase at the appraised value, or condemnation action as necessary.

**BE IT FURTHER RESOLVED** that should a condemnation action become necessary to acquire all, or any portion of, this right-of-way, the Cochise County Attorney's Office is authorized to proceed with said action.

**BE IT FINALLY RESOLVED** that the Chairman of the Board of Supervisors, or the Vice-Chairman, is hereby authorized to accept the documents of conveyance from the affected property owner for the subject property.

**PASSED AND ADOPTED** by the Board of Supervisors of Cochise County, Arizona, this 9th day of September, 2008.

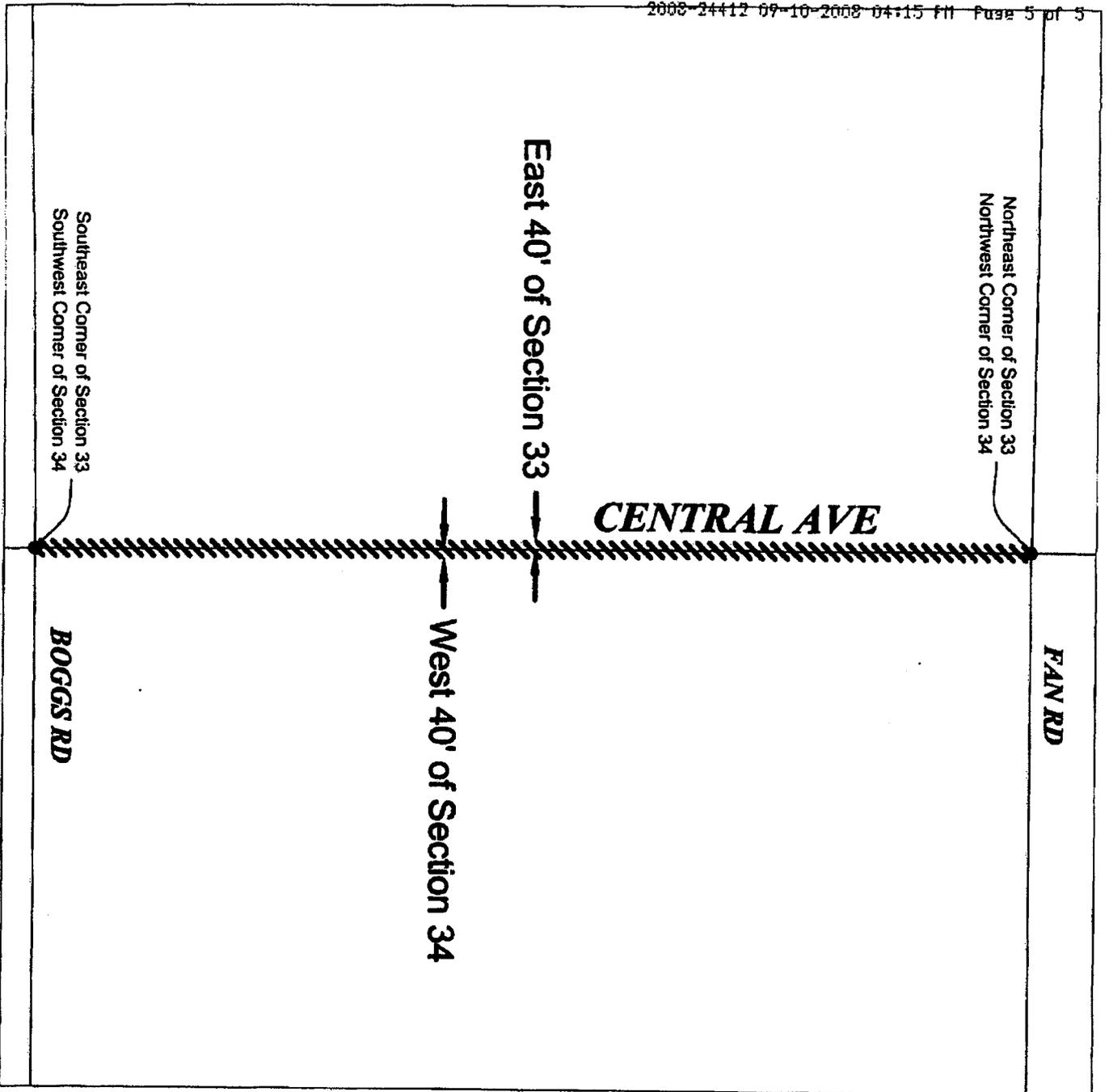
  
\_\_\_\_\_  
Richard Searle, Chairman  
Cochise County Board of Supervisors

**ATTEST:**

  
\_\_\_\_\_  
Katie A. Howard,  
Clerk of the Board

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Adam Ambrose,  
Civil Deputy County Attorney



**Resolution Map**

Resolution 08-110

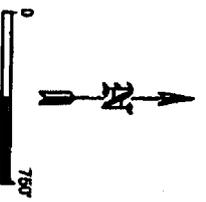
**ALTERING THE  
DECLARED COUNTY  
HIGHWAY ESTABLISHED  
WIDTH AND  
AUTHORIZING THE  
ACQUISITION FOR A  
PORTION OF CENTRAL  
AVENUE**

**Sections 33 & 34  
Township 12 South  
Range 28 East**

Legend

 Location of establishment  
and authorization

 Section



# **Attachment 3**

**Executive Summary to the  
Traffic Impact Analysis  
conducted by  
SouthWest Traffic Engineers**



## TRAFFIC IMPACT ANALYSIS BOWIE POWER STATION CENTRAL AVENUE/FAN ROAD

### Executive Summary

The purpose of this traffic study is to evaluate the current and future transportation system within the project study area surrounding the site without and with the project. This analysis includes traffic operations at the existing intersections of Business Route 10/Central Avenue, Central Avenue/Fan Road, the West Bowie Traffic Interchange (TI) and the East Bowie TI. The proposed access points to the project were also evaluated.

### **Existing and Future Traffic Data Without Project**

Traffic counts were taken at the existing intersections of Business Route 10/Central Avenue, Central Avenue/Fan Road, the West Bowie TI and the East Bowie TI. The traffic counts included turning movement counts during the weekday AM and PM peak hours.

The existing intersections of Business Route 10/Central Avenue, Central Avenue/Fan Road, the West Bowie TI and the East Bowie TI were evaluated without the project for existing and future levels of service (LOS). The existing project intersections currently operate at an adequate LOS during the weekday AM and PM peak hours and are predicted to continue operating adequately in 2010, and 2012, without the project.

### **Future Traffic Data With Project**

The addition of site-generated trips is predicted to have a limited affect on the study intersections in 2010 during the peak of construction. All of the study area intersections are predicted to operate at an adequate LOS C or better in the weekday AM and PM peak hours of 2010. The additional traffic generated by the project after full site buildout also has a limited effect on the LOS of the existing project area intersections. All study area intersections are predicted to continue operating at an adequate level of service A or better during the weekday peak hours with full site buildout in 2012.

### **Queue Length and the Union Pacific Railroad Crossing**

Central Avenue has an "at-grade" crossing of the Union Pacific Railroad located approximately 850 feet north of Business Route 10. This crossing has a post-mounted flashing-light signal and an automatic gate assembly. Approximately 50 trains traverse this location on a daily basis according to Union Pacific, with an estimated half of the crossings taking place during daylight hours

The maximum expected queue for southbound traffic on Central Avenue at Business Route 10 is 350 feet, which is less than the approximate 850 feet between Business Route 10 and the train tracks.



The maximum expected queue for northbound traffic on Central Avenue at the rail crossing is approximately 1,550 feet. The total available space for this queue is approximately 850 feet. During the peak hour of construction if a train crosses Central Avenue for longer than four (4) minutes, traffic in the northbound direction will back up onto Business Route 10. With Business Route 10 currently providing four total lanes, the backed up traffic due to the train will be able to store on Business Route 10.

### **Traffic Signal Warrant Analyses**

In order to determine if a traffic signal is warranted for the intersection of Business Route 10/Central Avenue, traffic signal warrant evaluations were completed at the intersection using the existing roadway geometric conditions, for 2008, 2010, and 2012 without and with traffic from the proposed development.

Traffic volumes at the intersection of Business Route 10/Central Avenue currently do not satisfy Traffic Signal Warrants 1, 2 or 3. They also do not meet the Warrants in 2010, and 2012 without and with the project.

### **Arizona Department of Transportation (ADOT) School Crossing Warrant Analysis**

Per ADOT direction, a School Crossing Warrant Analysis was conducted to evaluate the existing school crossing of Business Route 10 at Jefferson Avenue.

The result of the ADOT School Crossing Warrants Analysis shows that the existing yellow school crossing on Business Route 10 at Jefferson Avenue does not meet the warrants of the ADOT Traffic Safety for School Areas Guidelines during any of the 3 hours surrounding the beginning and end of the school day. In addition, the existing school crossing is missing the associated roadway signs that are required as part of its installation.

### **Recommendations**

When Central Avenue is improved and widened to a 28-foot cross section, the Union Pacific railroad crossing may have to be modified, including installation of new railroad crossing gates, due to the wider roadway section. Any changes to the railroad crossing should be consistent with the latest edition of the Manual on Uniform Traffic Control Devices. The railroad crossing should also follow all state and county requirements as well.

A "Do Not Stop on Tracks" (R8-8) regulatory sign on the northbound and southbound approaches to the railroad crossing may be used to discourage and prohibit parking or stopping on the railroad track crossing of Central Avenue.

Per ADOT direction, and in order to facilitate construction traffic, an eastbound left turn lane at the intersection of Business Route 10/Central Avenue was considered for eastbound to northbound left turning vehicles during the peak construction time. An eastbound left turn lane designed to ADOT standards at this location would be over 400 feet long. Due to the proximity of Jefferson Avenue and the post office on the northeast



corner of Business Route 10/Jefferson Avenue an exclusive left turn lane on Business Route 10 would cross over Jefferson Avenue. Instead of an exclusive left turn lane, a two-way left turn lane could provide storage space while not interfering with operations at the intersection of Business Route 10/Jefferson Avenue.

On-street parking is allowed throughout Bowie along Business Route 10 due to the wide pavement section which provides approximately 76-feet of pavement between curbs. Considering an additional two-way left turn lane serving Bowie, there appears to be adequate pavement width to continue allowing on-street parking in town. The proposed pavement section would provide 20-foot outside lanes that include 12-feet for through traffic and 8-feet for parking.

**Figure 13** shows the proposed signing and pavement marking for the area surrounding the intersection of Business Route 10/Central Avenue.