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1 **THE TRAVIS LAW FIRM, PLC**
2 10621 South 51st Street
3 Suite 103
4 Phoenix, Arizona 85044
5 (480) 219-3633
6 ctravis@travislawaz.com

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Arizona Corporation Commission

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7 Chandler W. Travis (017525)
8 Melissa S. Lavonier (025982)
9 Edward D. O'Brien (026818)
10 Attorneys for Olive Avenue Homeowners Association, Inc.

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11 **BEFORE THE ARIZONA CORPORATION COMMISSION**

12 IN THE MATTER OF THE
13 APPLICATION OF OLIVE AVENUE
14 HOMEOWNERS ASSOCIATION, INC.
15 FOR AN ORDER ADJUDICATING
16 THAT IT IS NOT A PUBLIC SERVICE
17 CORPORATION.

Docket No. W-20991A-16-0415

18 **Memorandum In Support of Application For Adjudication**

19 Olive Avenue Homeowners Association, Inc. ("Association") has filed an
20 Application For Adjudication ("Application") with the Arizona Corporation
21 Commission ("Commission") to adjudicate that it is not a public service corporation.
22 The Association's Application complies with the requirements of the Commission's
23 Policy Directive No. 55568, and the Association submits this Memorandum in order
24 to address each requirement of the Policy Directive.

25 **I. Non-Profit Homeowners Association**

26 The Association is a non-profit corporation formed on December 30, 2008
27 for the purpose of to operate as an association with its function to administer and
28 manage the distribution of irrigation and domestic water to lot owners. The
Association's Articles of Incorporation are attached as Exhibit 1 to the Application.
The Association completed publication of the Articles of Incorporation on April 24,

1 2009. The address of the Association is 14137 W. Olive Avenue, Waddell, Arizona
2 85355. The office telephone number is 623-332-3823.

3 **II. Board Resolution**

4 The Association has submitted a Board-adopted Resolution in support of the
5 Application. This resolution is attached as exhibit 4 to the Application.

6 **III. Ownership of System**

7 The Association a domestic well (DWR #55-599021) with a 4 inch pump
8 motor, 10,000 gallon storage tank, a chlorinator, two pressure motors, 6 inch pipe
9 from Palm Valley Road to just before Olive Avenue, 4 inch pipe from 143rd Avenue
10 to 142nd Avenue and 2 inch pipe down Butler from 143rd Avenue to 142nd Avenue.
11 The Arizona Department of Water Resources Well Registry Report for the well to
12 serve the area is attached as Exhibit 4 to the Application.

13 **IV. Voting Rights**

14 Pursuant to Article 1, Section 1 of the Bylaws, each owner is a member of
15 the Association. Article 2, Section 1 of the Bylaws specifies that "[E]ach owner
16 shall have the voting power equivalent to his undivided interest ownership in the
17 irrigation and domestic well was granted to him in the purchase contract
18 addendum. The voting rights will be implemented by one vote per acre."

19 **V. The Service Area**

20 Olive Avenue Homeowners Association is a fixed territory per its recorded
21 bylaws, which is not within the service area of a municipal or public utility. It is
22 located adjacent to Luke Air Force Base and is bound by the roads of Northern
23 Parkway to Olive Avenue and 142nd Avenue to 143rd Avenue. The Association
24 consists of twenty-three (23) lots.

25 **VI. Enforceable Government Regulations**

26 Maricopa County Zoning Ordinance Chapter 10, Section Military Airport And
27
28

1 Ancillary Military Facility, Article 1010.9.1 Compatible Uses prohibits the
2 construction of any further habitable structures in the area where the lots within the
3 Association are located.

4 **VII. Restriction on Membership**

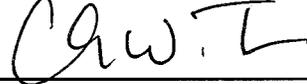
5 Article 1, Section 1 of the Bylaws sets forth only owners within the property
6 described in Section 1 of the Bylaws may be members of the Association and,
7 therefore, entitled to receive water from the system.

8 **VIII. Additional Filing Requirements**

9 The Association's Application includes description of the area to be
10 adjudicated, copies of the Articles of Incorporation and Bylaws, the Well Registry
11 Report from the ADWR and the adopted Resolution of the Board of Directors.

12 **DATED** this 9 day of November, 2016.

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15 Chandler W. Travis
16 Melissa S. Lavonier
17 Edward D. O'Brien
18 10621 South 51st Street
19 Suite 103
20 Phoenix, Arizona 85044
21 Attorneys for Applicant
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24
25
26
27
28