

ORIGINAL NEW APPLICATION



0000174764

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

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

2015 NOV 10 P 3:12

Arizona Corporation Commission
DOCKETED

NOV 10 2015

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

DOCKETED BY *RA*

BEFORE THE ARIZONA CORPORATION COMMISSION

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

Docket No. W-20991A-16-0415

**APPLICATION FOR
ADJUDICATION**

17 Olive Avenue Homeowners Association, Inc. ("Association") hereby submits
18 this Application For Adjudication ("Application") to the Commission for an order
19 adjudicating that it is not a public service corporation.

I

20 The Association is a non-profit corporation formed on December 30, 2008
21 for the purpose of to operate as an association with its function to administer and
22 manage the distribution of irrigation and domestic water. The Association is a fixed
23 territory, which is not within the service area of the municipal or public utility. It is
24 located adjacent to Luke Air Force Base and is bound by the roads of Northern
25 Parkway to Olive Avenue and 142nd Avenue to 143rd Avenue. The Association
26 consists of twenty-three (23) lots, and Maricopa County Zoning Ordinance Chapter
27 10, Section Military Airport And Ancillary Military Facility, Article 1010.9.1
28 Compatible Uses prohibits the construction of any further habitable structures in
the area where the lots within the Association are located. Each lot owner is a

1 member of the Association, and, therefore, may receive domestic water from the
2 Association. Each member is entitled to vote. The Board adopted Resolution in
3 support of this Application is attached.

4 II

5 The legal description of the Association is as follows:

6 The West half of the East half of Section 33, Township 3 North, Range 1
7 West of the Gila and Salt River Base and Meridian, Maricopa County,
8 Arizona:

9 EXCEPT a strip of land 50 feet wide as conveyed to the California, Arizona,
10 and Santa Fe Railway Company in Book 360 of Deeds, Page 29 thereof, in
11 the office of the County Recorder of Maricopa County, Arizona; and

12 EXCEPT any part of said premises line South and West of said strip of land.

13 III

14 The Association owns the following components of the water system: a
15 domestic well (DWR #55-599021) with a 4 inch pump motor, 10,000 gallon storage
16 tank, a chlorinator, two pressure motors, 6 inch pipe from Palm Valley Road to just
17 before Olive Avenue, 4 inch pipe from 143rd Avenue to 142nd Avenue and 2 inch
18 pipe down Butler from 143rd Avenue to 142nd Avenue. The Association has
19 obtained the necessary permits from State and local agencies to operate the
20 domestic well.

21 IV

22 The Association attaches the following exhibits to its Application:

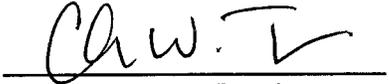
- 23 1. Articles of Incorporation and Certificate of Good Standing
- 24 2. Recorded Bylaws of Olive Avenue Homeowners Association
- 25 3. Well Registry Report
- 26 4. Board adopted resolution support of Application
- 27 5. Form Application

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Please note that the Association does not have covenants, conditions and restrictions ("CC&Rs"). The Association's recorded Bylaws function as its CC&Rs.

DATED this 9 day of November, 2016.

THE TRAVIS LAW FIRM, PLC



Chandler W. Travis
Melissa S. Lavonier
Edward D. O'Brien
10621 South 51st Street
Suite 103
Phoenix, Arizona 85044
Attorneys for Applicant

EXHIBIT 1

AZ CORPORATION COMMISSION
FILED

DEC 30 2008

FILE NO. 1496932-3

**ARTICLES OF INCORPORATION
OF TAX EXEMPT
OLIVE AVENUE HOMEOWNERS ASSOCIATION, INC.**

ARTICLE 1

The name of the corporation shall be Olive Avenue Homeowners Association, Inc.

ARTICLE 2

The purpose for which the corporation is being organized is the operation of a homeowners association.

ARTICLE 3

The character of affairs of the corporation will be to organize and operate a homeowners association as generally accepted and described in the Arizona Revised Statutes.

ARTICLE 4

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article 2. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal Income Tax under section 501 (c) 3 of the Internal Revenue Service code or (b) by a corporation, contributions to which are deductible under section 501 (c) 3 of the Internal Revenue code.

ARTICLE 5

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for payment of all the liabilities of the corporation, dispose of all its assets exclusively for the purposes of the corporation in such a manner, or to such organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501 (c) 3 of the Internal Revenue Code as the Board of Directors shall determine. Any such assets not disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purpose or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purpose.

ARTICLE 6

The initial Board of Directors shall consist of 5 (five) directors. The names and addresses of the persons who are to serve as directors until the first annual meeting of the members are:

Olin Thorley
14137 W. Olive Ave
Waddell, AZ 85355

John Linker
14121 W. Olive Ave
Waddell, AZ 85355

Sherry Detzler
2411 N. 143rd Av
Waddell, AZ 85355

Veronica Razo
8539 N. 143rd Ave.
Waddell, AZ 85355

Steven Swink
8551 W. Columbine Dr.
Peoria, AZ 85381

ARTICLE 7

The street address of the known place of business of the Corporation is: Rt. 1 Box 728-7, Waddell, AZ 85355.

ARTICLE 8

The name and address of the statutory agent of the corporation is: Neil M. Crane, 3520 Yuma Dr., Lake Montezuma, AZ 86335.

ARTICLE 9

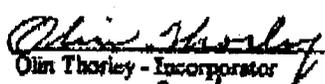
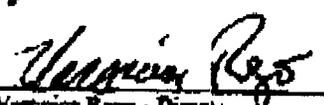
The name and address of the incorporator is: Olin Thorley, 14137 W. Olive Ave., Waddell, AZ 85355. All powers, duties and responsibilities of the incorporator shall cease at the time of delivery of these Articles of Incorporation to the Arizona Corporation Commission.

ARTICLE 10

The Corporation will not practice or permit discrimination on the basis of sex, race, national origin, religion, physical handicap or disability.

ARTICLE 11

The Corporation will have members:

 Olin Thorley - Incorporator	 John Linker - Director
 Sherry Decker - Director	 Veronica Razo - Director
 Steven Swink - Director	

The undersigned hereby acknowledges and accepts the appointment as Statutory Agent of the above named corporation effective this 22nd day of December 2008.

Neil M. Crane 3520 Yuma Dr. Lake Montezuma, AZ 86335.

STATE OF ARIZONA



Office of the
CORPORATION COMMISSION
CERTIFICATE OF GOOD STANDING

To all to whom these presents shall come, greeting:

I, Ernest G. Johnson, Executive Director of the Arizona Corporation Commission, do hereby certify that

*****OLIVE AVENUE HOMEOWNERS ASSOCIATION, INC.*****

a domestic nonprofit corporation organized under the laws of the State of Arizona, did incorporate on December 30, 2008.

I further certify that according to the records of the Arizona Corporation Commission, as of the date set forth hereunder, the said corporation is not administratively dissolved for failure to comply with the provisions of the Arizona Nonprofit Corporation Act; and that its most recent Annual Report, subject to the provisions of A.R.S. sections 10-3122, 10-3123, 10-3125, & 10-11622, has been delivered to the Arizona Corporation Commission for filing; and that the said corporation has not filed Articles of Dissolution as of the date of this certificate.

This certificate relates only to the legal existence of the above named entity as of the date issued. This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's condition or business activities and practices.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission. Done at Phoenix, the Capital, this 2nd Day of December, 2009, A. D.



A handwritten signature in black ink, appearing to read "E.G. Johnson".

Executive Director

By: _____ 416781

Search Time:

10/19/2016 1:46:57 PM

File Number:

14969323

Corporation Name:

OLIVE AVENUE HOMEOWNERS ASSOCIATION, INC.

Corporate Status Inquiry

This Corporation is in Good Standing

This information is provided as a courtesy and does not constitute legally binding information regarding the status of the entity listed above. To obtain an official Certificate indicating that the entity is in good standing click on Print Certificate and follow printing instructions. To re-print a previously generated Certificate of Good Standing click Reprint Certificate.

[Print Certificate \(/GoodStanding/PrintInstructions?corpId=%2014969323\)](/GoodStanding/PrintInstructions?corpId=%2014969323)

[Reprint Certificate \(/GoodStanding/Reprint?corpId=%2014969323\)](/GoodStanding/Reprint?corpId=%2014969323)

[Return to Corporate Details \(/Details/Corp?corpId=%2014969323\)](/Details/Corp?corpId=%2014969323)

Privacy Policy (<http://www.azcc.gov/Divisions/Administration/Privacy.asp>) | Contact Us
(<http://www.azcc.gov/divisions/corporations/contact-us.asp>)

EXHIBIT 2

Unofficial
Document

2008-0557773

When recorded mail to:

OLIVE AVENUE HOA
ROUTE 1 BOX 728-7
WADDELL AZ 85355

this area reserved for county recorder

CAPTION HEADING:

RE- RECORDS BY-LAWS

following revisions added and recorded to the last page #6 to the by-laws:

- h. Wholesale/business nursery will be required to drill, have and maintain its own well for purpose of irrigation.
- i. Members will sign up for irrigation water that will be distributed on a pre-arranged day; and will take irrigation together in a consecutive order, in pre-requested time allotments.

mail to:

O.A.H.A.
RT. 1 BOX 728-7
WADDELL, AZ 86355

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

98-0104178 02/11/98 02:04

RICHARD 21 OF 21

Revision 9-97A

1

BY-LAWS
of
OLIVE AVENUE HOMEOWNERS ASSOCIATION.

ARTICLE I

MEMBERSHIP

Section 1. **PLAN OF OWNERSHIP.** The provisions of these By-Laws shall be applicable to the land purchased by the Owners of Record described in the Record as part of the land purchase contract as accepted by Minnesota Title Company, as per agreement, the right to elect a committee for the administration and management of the operation of irrigation and domestic water, such committee having the authority to assess the Owners of Record for the proportionate cost of maintenance and delivery of water in such manner as the committee shall so determine. The provisions of these By-Laws shall apply to the owners of legal title to all of the following described premises situated within the County of Maricopa, State of Arizona, to wit:

The West half of the East half of Section 33, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT a strip of land 50 feet wide as conveyed to the California, Arizona, and Santa Fe Railway Company in Book 360 of Deeds, page 29 thereof, in the office of the County Recorder of Maricopa County, Arizona; and EXCEPT any part of said premises lying South and West of said strip of land.

All property owners within the above described premises shall be members of the Olive Avenue Homeowners Association.

Section 2. **PERSONAL APPLICATION.** All present or future owners, tenants, future tenants, or their employees, or any other person that might use the facilities of this land in any manner, are subject to the regulations as set forth in these By-Laws to protect and provide present and future property owners a dependable domestic and irrigation water service.

ARTICLE II

MEMBERSHIP VOTING

Section 1. VOTING. Each owner shall have the voting power equivalent to his undivided interest ownership in the irrigation and domestic wells as granted to him in the purchase contract addendum. The voting rights will be implemented by one (1) vote per acre.

Section 2. MAJORITY OF OWNERS. As used by these By-Laws the term "majority of owners" shall mean 51% of the owners present at meetings in accordance with the percentages assigned in the purchase contract agreement as implemented per Section 1.

Section 3. QUORUM. The presence in person or by proxy of 51% of the owners in accordance with the percentages assigned in the purchase contract agreement as implemented per Section 1.

Section 4. PROXIES. Votes may be cast in person or by proxy. Proxies must be filed with the committee before the appointed time of each meeting.

Unofficial Document
ARTICLE III

OFFICERS AND MEETINGS

Section 1. NUMBER AND QUALIFICATION. The affairs of the Association shall be governed by a committee composed of five persons all of whom must be Owners of Record of property within the premises as defined in Article I. These persons shall be designated as President, Vice President, Secretary, Treasurer, and Member at Large.

Section 2. POWERS AND DUTIES. The committee shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are by these By-Laws directed to be exercised and done by the Owners of Record. Fees will be established to cover all costs and provide a working reserve to cover any unexpected costs. Fees will be established for both irrigation and domestic usage. A special fee may be levied on a member for excessive or unusual usage of any system. All major repairs will be submitted to the committee for approval with the committee having the right to establish assessment increases of 10% per calendar year without the approval of the members at a general meeting.

Section 3. ELECTION AND TERM OF OFFICE. Association committee members will be elected by the "majority of owners" and will hold office for one year.

Section 4. REMOVAL OF COMMITTEE MEMBERS. At any regular or special meeting duly called, any one or more of the committee members may be removed with or without cause by the "majority of owners" and a successor may then and there be elected to fill the vacancy thus created. Any committee member whom removal has been proposed by the owners shall be given an opportunity to be heard before the removal vote.

Section 5. MEETINGS. General meetings will be held once per quarter with committee members meeting bi-monthly. It shall be the duty of the committee to keep every Owner of Record informed of any and all general meetings held and of any and all changes that may have transpired that would affect the communal relationship of this Association. Notice of general meetings shall be given 10 days prior to the date of the meeting except in case of emergency. Special meetings can be called by the President/Vice President as needed with a 10 day notice. Notification of meetings can be by letter, fax, or phone. In the event a member cannot be reached or fails to respond to all reasonable attempts made by the committee, a certified letter will be sent. Location, date, and time of all meetings will be provided with the notification. Members may request a special meeting by submitting their request to the committee in writing. The committee must advise the member within 15 days of receipt of letter of the date and time of the meeting.

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ARTICLE IV.

OBLIGATIONS OF THE OWNERS

Section 1. ASSESSMENTS. All Owners of Record are obligated to pay their pro-rata share imposed by the committee to meet all communal expenses sanctioned by the "majority of owners". All members hereby authorize the committee to establish and collect all fees and assessments as needed to operate and maintain the domestic and irrigation water systems. The services will be provided at a cost that is relative to the cost and operation of the wells.

Section 2. OTHER. Other owner obligations are:

a. Every owner must perform promptly all maintenance and repair work within his own parcel of land, which if omitted would affect the property in its entirety or in a part belonging to other owners, being expressly responsible for the damages and liabilities that his failure to do so may engender.

b. An owner shall reimburse the Association for any expenditures incurred in repairing or replacing any common area and facility damaged through his fault.

c. The common areas and facilities shall be used for only such purposes as may be permitted by the Association. An owner shall abide by such rules and regulations as the Association may from time to time adopt relating to the time, manner, and nature of the use of the common areas and facilities.

d. It is the responsibility of each owner to maintain their domestic water meter in a working condition and repair or replace any meter that is not in working order. All meters shall be installed in an open and easily accessible area to allow it to be read by the Association.

e. All owners are responsible to insure that the domestic water storage tank is filled. If a member is not able to fill the tank, they should call and request that the tank be filled. All members will be instructed on proper operating procedures.

f. Association members will conduct working sessions of at least 3 days per year to repair and clean-up the water systems common areas. All members need to participate to insure the water systems are maintained to health/EPA standards.

Section 3. RULES OF CONDUCT. Under this section the committee shall have the right to enforce any restrictions or regulations as imposed by the "majority of owners" and it shall be the obligation of each owner ^{Official Document} to abide by these restrictions and regulations.

ARTICLE V

BY-LAWS CHANGES

Section 1. BY-LAWS. These By-Laws may be amended by the Association in a duly constituted meeting for such purpose and no amendments shall take effect unless approved by owners representing at least 51% of the total members with voting power per Article II, Section 1. The final voting of the revised By-Laws may be accomplished by mail.

ARTICLE VI

DOMESTIC WATER

Section 1. DOMESTIC WATER RATES. All water delivered to a member property by the main water line is for domestic usage only. The assessment fees for domestic water shall be determined and documented by the committee and sanctioned by the "majority of owners".

Section 2. WATER METERS. It is the responsibility of each member to maintain their water meter in a working condition and repair or replace any meter that is not in working order. If a meter is reported to the member as broken by the committee, it shall be replaced within 15 days. If the meter is not replaced or repaired within 15 days, the committee will have the meter replaced or repaired and the member will be assessed all related expenses. If a meter is found to be inoperative and the committee determines that the meter was not in normal working condition for past month(s), the committee may assess the member a monthly assessment equal to the average of the last 3 months prior to breakage until the meter is repaired or replaced. These usage gallons will be used for any yearly assessment.

ARTICLE VII

IRRIGATION WATER

Section 1. IRRIGATION WATER RATES. The assessment fees for irrigation water shall be determined and documented by the committee and sanctioned by the "majority of owners".

Section 2. HOUR METERS. Each Owner of Record, or any renter or lessee of property from an owner, who wants to use the irrigation pump must pay a \$10.00 ^{Unofficial Document} fee for a key to operate his individual meter. These keys will only be provided to owners whose land is free of past due assessments. The \$10.00 fee will be refunded when the irrigation meter key is returned to the committee.

ARTICLE VIII

DELINQUENT ACCOUNTS

Section 1. TERMINATION OF WATER DELIVERY. Domestic and irrigation water assessments will be sent to all property owners and are considered past due on the 25th of each month. Arrangements to bring the account up to date can be made with the committee in writing. Payments must be made in the amount to reduce the past due balance. The Olive Avenue Homeowners Association give the elected committee the authority to suspend and terminate any water service to a member for nonpayment of assessments when the following conditions exist:

a. Payment of total water assessment is 30 days past due. At this time your irrigation service will be suspended until your total account is paid in full.

b. Notification of past due assessment is sent to the owner. This will be done with the next assessment statement.

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c. When the assessment is 45 days past due, a registered letter will be sent advising the member that their water delivery will be suspended if payment of the past due amount is not received within 15 days. This letter will be the final request for payment before service is suspended.

d. If the property owner has large animals/livestock, the Arizona State Livestock Inspector will be contacted (phone or letter) advising them that the water service will be terminated the said date and requesting livestock monitoring.

e. Interest at a rate of 1% per month on the unpaid monthly balance will be charged on any past due amounts that are more than 60 days overdue.

f. The committee has the right to employ a collection agency to collect any past due accounts.

g. All accounts that are 90 days past due will be reported to the credit bureau unless payment arrangement have been made.

Section 2. LIEN. Notification that a lien can be placed on a members property will be indicated on each monthly assessment statement. A lien will be placed on a members property when the payment of the assessment is ^{Unofficial Document} 75 day past due. The lien amount will include the interest per Section 1, item e.

Unofficial Document

19980104178
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL



The foregoing instrument is
a full, true and correct
copy of the original record
in this office.

Attest: 06/24/2008 11:22:39 AM

By *Helen Purcell* Recorder

FIDELITY NATIONAL TITLE

When recorded mail to:

10
mc

Olive Avenue HOA
P.O. Box 1438
Litchfield Park, AZ 85340

this area reserved for county recorder

FT 10001648

1/2

CAPTION HEADING:

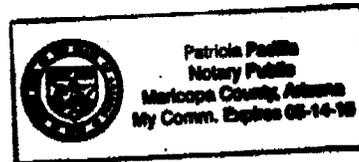
Amendments to By-Laws

Following revision to supersede revision recorded on 02-11-98, number 98-0104178: *Remove revision number 98-0104178 from page #6, item h. and i.*

Revision added and recorded to page #1 Article I Section 1. Change line #22 to read: All property owners within the above described premises shall be members of the Olive Avenue Homeowners Association **EXCEPT** owners of the following parcel legal descriptions. The well site **EXCEPTION** remains property of, and is owned by, the Olive Avenue Homeowners Association.

Olive Avenue Home Owners Association

By: Chia Shorley



STATE OF ARIZONA)

COUNTY OF MARICOPA)

This instrument was acknowledged before me this 21 day of September, 2011 by Chia Shorley
Pres of Olive Avenue Home Owners Association

Patricia Padilla

Notary Public

My commission expires: 5-14-15

A parcel of land situated in a portion of the Southeast Quarter of Section 33, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows.

PARCEL 1: COMMENCING at the Southeast Corner of said Section 33 monumented by a Brass Cap in Handhole bearing South 00 degrees 04 minutes 57 seconds West, a distance of 2626.61 feet from the East Quarter Corner of said Section 33, monumented by a Brass Cap in Handhole;

THENCE North 89 degrees 15 minutes 51 seconds West, along the south line of said Section 33, a distance of 1315.73 feet;

THENCE departing said South line, North 00 degrees 07 minutes 53 seconds East, a distance of 2366.28 feet to the **POINT OF BEGINNING**;

THENCE North 89 degrees 15 minutes 51 seconds West, a distance of 1263.61 feet;

THENCE North 00 degrees 10 minutes 49 seconds East, along a line parallel with and 50.00 feet East of the North-South Mid-Section line of said Section 33, a distance of 238.10 feet to a point designated as **POINT "A"** herein;

THENCE South 89 degrees 42 minutes 49 seconds East, a distance of 1263.22 feet;

THENCE South 00 degrees 06 minutes 14 seconds West, a distance of 248.01 feet to the **POINT OF BEGINNING**;

Unofficial Document

EXCEPT that certain Well Site property described as follows:

COMMENCING at said **POINT "A"** as described herein above;

THENCE South 89 degrees 42 minutes 49 seconds East, a distance of 30.00 feet to the **POINT OF BEGINNING of EXCEPTION**;

THENCE continuing South 89 degrees 42 minutes 49 seconds East, a distance of 40.00 feet;

THENCE South 00 degrees 10 minutes 42 seconds West, a distance of 50.00 feet;

THENCE North 89 degrees 42 minutes 49 seconds West, a distance of 40.00 feet;

THENCE North 00 degrees 10 minutes 42 seconds East, a distance of 50 feet to the **POINT OF BEGINNING of EXCEPTION**.

The above described parcel contains 307,074 square feet or 7.0495 Acres more or less.

Together with an undivided 5.5% interest in and to the well site for domestic and irrigation water as described in the Well Site EXCEPTION above.

The attached EXHIBIT "A" is to be included and made part of this description.

PARCEL 2: COMMENCING at the Southeast Corner of said Section 33 monumented by a Brass Cap in Handhole bearing South 00 degrees 04 minutes 57 seconds West, a distance of 2626.61 feet from the East Quarter Corner of said Section 33, monumented by a Brass Cap in Handhole;

THENCE North 89 degrees 15 minutes 51 seconds West, along the south line of said Section 33, a distance of 1315.73 feet;

THENCE departing said South line, North 00 degrees 07 minutes 53 seconds East, a distance of 2189.92 feet to the **POINT OF BEGINNING**;

THENCE North 89 degrees 15 minutes 51 seconds West, a distance of 1263.85 feet;

THENCE North 00 degrees 10 minutes 49 seconds East, along a line parallel with and 50.00 feet East of the North-South Mid-Section line of said Section 33, a distance of 176.51 feet;

THENCE South 89 degrees 15 minutes 51 seconds East, a distance of 1263.61 feet;

THENCE South 00 degrees 06 minutes 14 seconds West, a distance of 176.51 feet to the **POINT OF BEGINNING**.

Unofficial Document

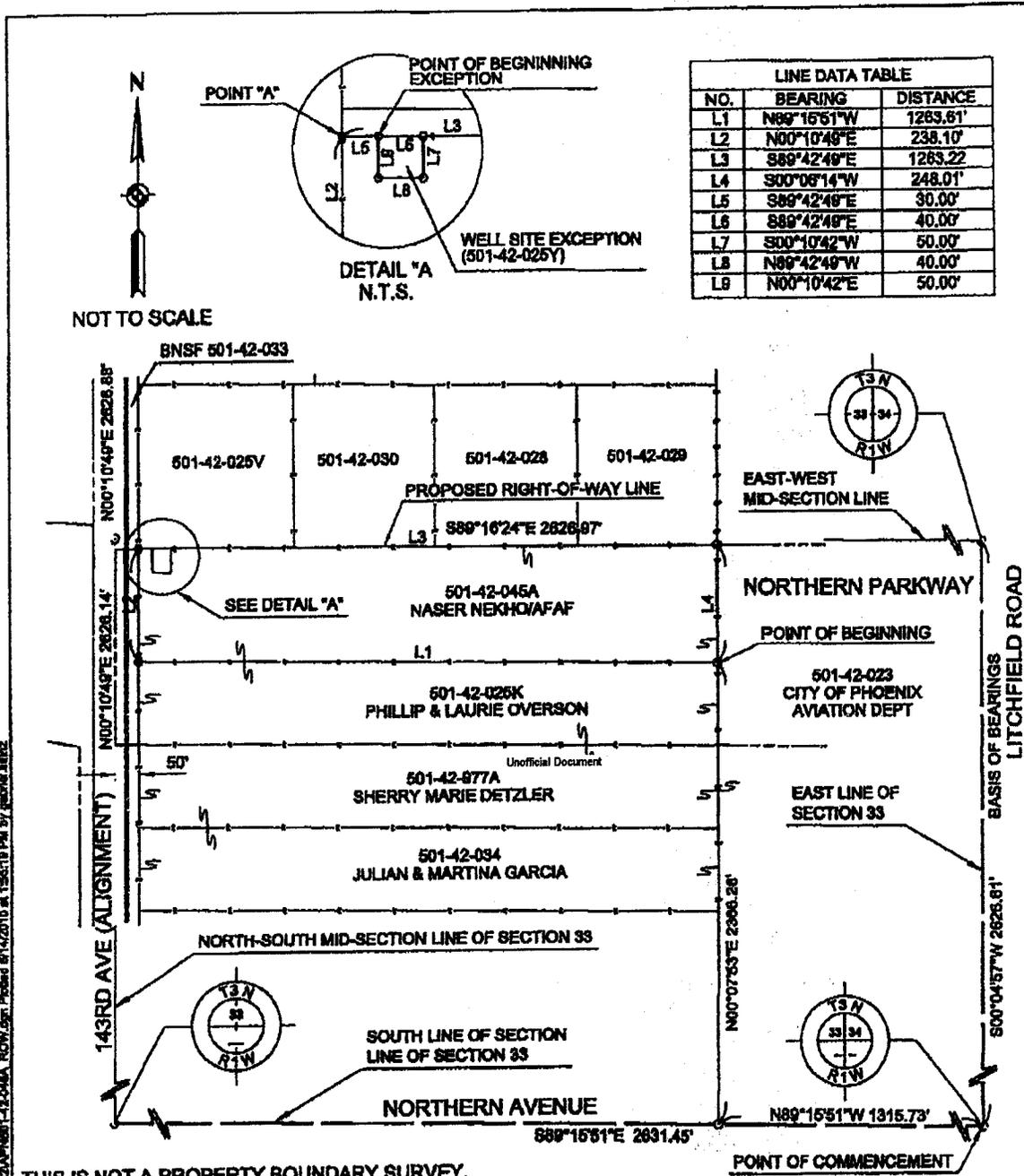
The above described parcel contains 223,048 square feet or 5.1205 Acres more or less.

The attached EXHIBIT "B" is to be included and made part of this description.

Revision added and recorded to page #3, Article III. Section 5. MEETINGS. Change line #1 to read: General meetings will be held once *annually* with committee members meeting bi-monthly.

Revision added and recorded to page #5, Article VII. Replace Section 2 text to read: *Section 2. Wholesale/business nursery will be required to drill, have and maintain its' own well for irrigation purposes.*

Add new section 3. *Section 3. Members will sign up for irrigation water that will be distributed on a pre-arranged day; and will take irrigation together in a consecutive order in pre-requested time allotments.*



THIS IS NOT A PROPERTY BOUNDARY SURVEY.

Dibble Engineering

7500 N. Dreamy Drow Drive, Suite 200
Phoenix, AZ 85020
Tel. (602) 957-1185

Dibble Engineering
Project No. 100918

Randall J. Bilyeu

CERTIFICATE NO.

45834
RANDALL J. BILYEU
6-14-10
Signed
ARIZONA, U.S.A.
EXPIRES 03/31/15

Exhibit "A"

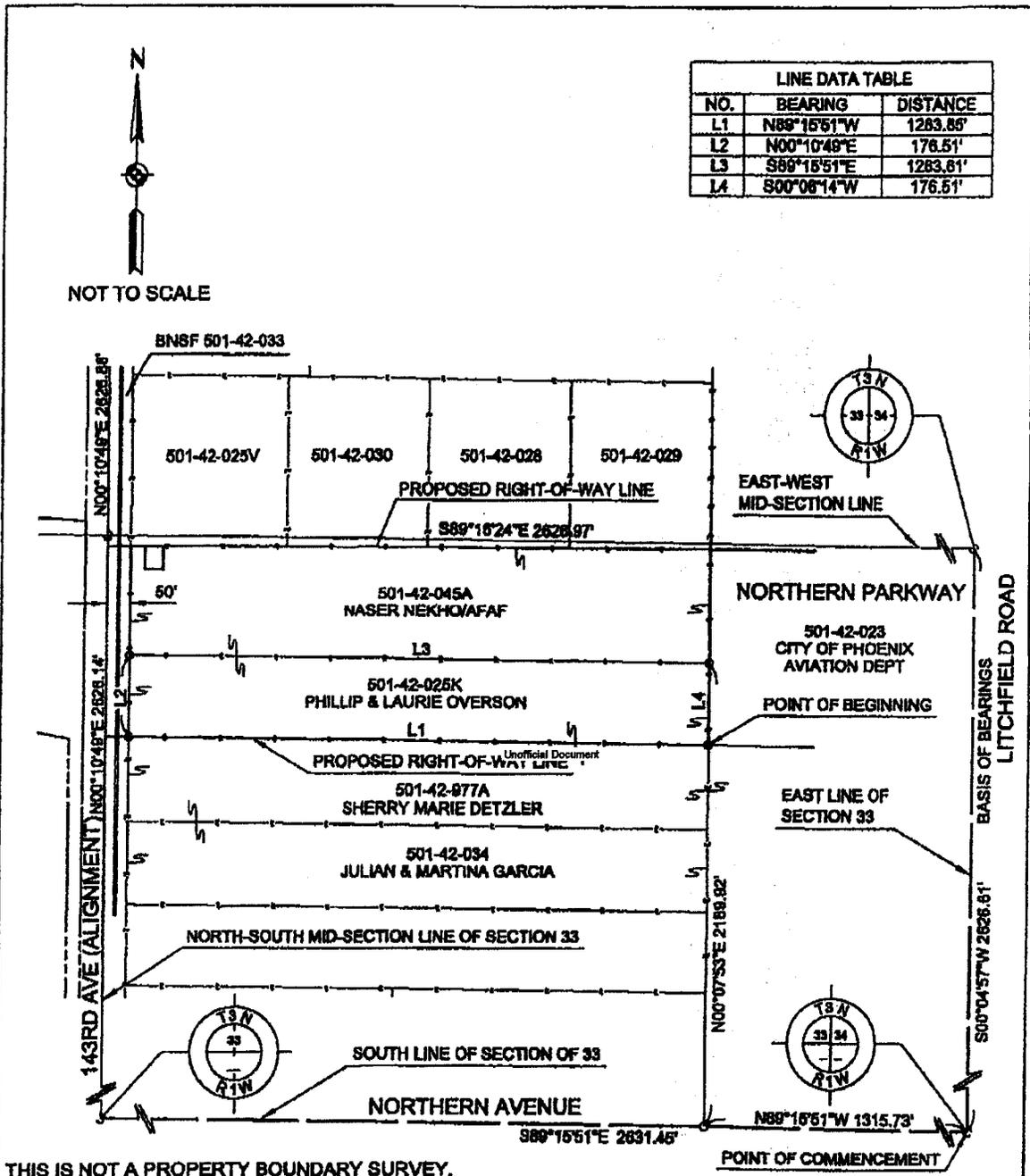
PARCEL NO. 501-42-045A
PROPOSED RIGHT-OF-WAY
NORTHERN PARKWAY
SARIVAL ROAD TO DYSART ROAD
ITEM NO. D22277

DATE: JUNE 2010
DRN: GDS
CHK: RJB

Project Number
TT195

PAGE 3 OF 3

c:\pwworking\dibble\project\100918\100918.dwg, Plotted 6/14/2010 at 1:56:19 PM by gabeld.arjz



THIS IS NOT A PROPERTY BOUNDARY SURVEY.

Dibble Engineering

7500 N. Dreamway Draw Drive, Suite 200
Phoenix, AZ 85025
Tel. (602) 987-1195

Dibble Engineering
Project No. 100918



EXHIBIT "B"
PARCEL NO. 501-42-025K
PROPOSED RIGHT-OF-WAY
NORTHERN PARKWAY
SARIVAL ROAD TO DYSART ROAD
ITEM NO. D22278

DATE: JUNE 2010
 DRN: GDS
 CHK: RJB

Project Number
 TT195

PAGE 3 OF 3

C:\pwworking\123456789\d20090603\100918.dwg PLS 51-42-025K ROW.dgn Plotted 6/22/2010 at 7:03:42 AM by gebrfal.sawtz

EXHIBIT 3



Director
Thomas Buschatzke

ADWR
Arizona Department of Water Resources



[Home](#) | [FAQ](#) | [Links](#) | [Contact Us](#) | [Water Resource Data](#) | [Imaged Records](#)

Well Registry Search

Search Single Registry Number

Registry No.: 55-

example: 551234

Well Info Imaged Record Map Data Export Pump Data Export Help

<input type="checkbox"/>	Reg No.	GWSI Site ID	Cadastral	Owner Name	Well Type	Well Depth (ft)	Casing Depth (ft)	Ce
<input checked="" type="checkbox"/>	599021		B03001033DBB	OLIVE AVENUE HOMEOWNERS	NON-EXEMPT	600	580	8

ADWR's Well Registry database contains well information provided by well owners and drillers when wells are registered with the State of Arizona. Data is not independently verified by ADWR.

E E E E E E E E

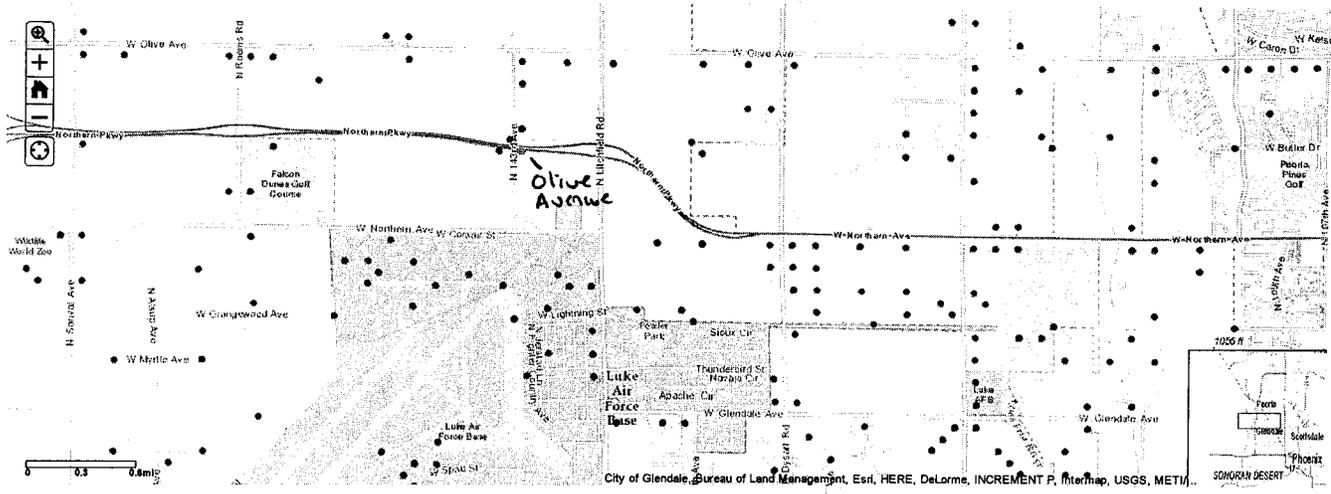
Map

Search within map

Legend

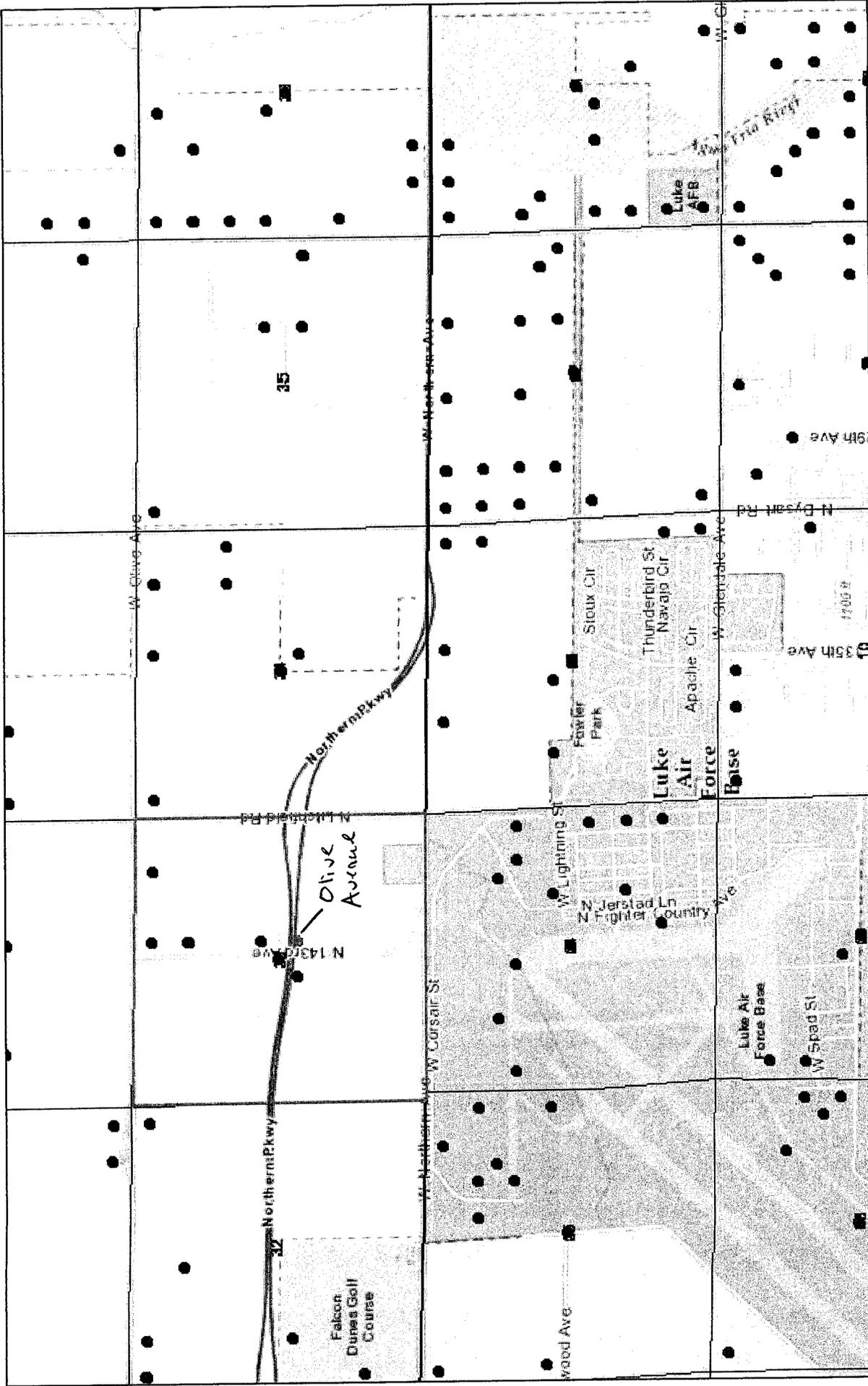
Well Registry

County



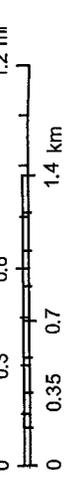
Data Results Table -

Registry of Wells in Arizona (Wells 55)



November 8, 2016

1:36,112



- Well Registry
- Groundwater Subbasin
- Groundwater Basin
- Watershed
- Township
- Section
- County

Sources: Esri, HERE, DeLorme, Intermap, Increment P. Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

EXHIBIT 4

Application for Adjudication Not a Public Service Corporation – Resolution

Olive Avenue Homeowners Association, Inc.

WHEREAS, the Olive Avenue Homeowners Association, Inc. an Arizona non-profit corporation ("Association"), is organized pursuant to its Articles of Incorporation and its Bylaws of Olive Avenue Homeowners Association ("Bylaws") recorded with the Maricopa Recorder's Office at recording number 1998-0104178 and amended at recording number 2008-0557773 and recording number 2011-0825519.

WHEREAS, every customer is a member/owner with voting rights in the Association.

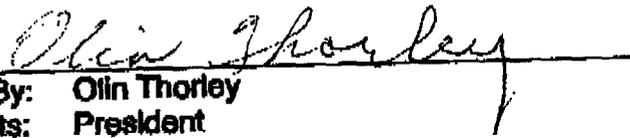
WHEREAS, Article III, Section 1 of the Bylaws states "[t]he affairs of the Association shall be governed by committee composed of five persons all of whom must be Owners of Record of property within" the Association. This committee is commonly referred to as the "Board of Directors."

IT IS RESOLVED that the Association's Board of Directors, pursuant to its authority in the Bylaws, states as follows:

1. The Association is submitting a bona fide request to the Arizona Corporation Commission for a finding on its Application for Adjudication Not a Public Service Corporation.

The President and Secretary of the Olive Avenue Homeowners Association, Inc. hereby certify that this Resolution is true and correct and adopted by the Association's Board of Directors at a meeting duly called and held on October 24th, 16, 2016, at which a quorum of the Board was present and voted to adopt said Resolution.

Olive Avenue Homeowners Association, Inc.


 By: Olin Thorley
 Its: President


 By: Veronica Razo
 Its: Secretary

EXHIBIT 5

APPLICANT INFORMATION

1. Please legibly print or type applicant's name, title, address, e-mail address (if applicable) and telephone number :

Olive Avenue Homeowners Association, Inc.

14137 W. Olive Avenue

Waddell AZ 85355

~~623-935-3432~~ (office) 623-332-3823

480-282-3373 (emergency)

2. If application is being submitted by an attorney or other representative, please legibly print or type the name, business name, title, address, e-mail address (if applicable) and telephone number:

Chandler W. Travis, attorney

The Travis Law Firm, PLC

10621 S. 51st Street, Suite 103

Phoenix AZ 85044

ctravis@travislawaz.com

480-219-3633 ext 24

FILING INSTRUCTIONS

The following documents **MUST** be submitted when filing your application:

- A. An executed copy of the Articles of Incorporation which indicates applicant is a Non-Profit Homeowners Association ("HOA"), and is in **Good Standing** with the Corporations Division of the Arizona Corporation Commission.
- B. Copy of the HOA's Covenants, Conditions and Restrictions ("CC&R's").
- C. Executed copy of the Corporation's Bylaws.
- D. Corporate Resolution or Petition signed by 51% or more of the then existing HOA members. The petition list should be legible and contain the names of the homeowner's/property owner's, printed and signed. This should be inclusive of addresses, telephone numbers, and area codes. The petition should also include a heading that describes the purpose of the petition.
- E. Evidence, such as a signed notarized affidavit, of association ownership of the utility assets (current or future), including wells, pumps, tanks, mains and all other necessary equipment, sufficient to serve the members requirements.
- F. A complete description of the facilities proposed to be constructed, including a preliminary engineering report with specifications.

PLEASE ANSWER THE FOLLOWING QUESTIONS:

- A. Is the applicant presently providing service within the designated area?
Yes No If yes, to how many connections? 13
In addition, if yes, as a substitute for item "F" above, please provide as-built plans of the system with documentation from the Arizona Department of Environmental Quality stating that the system is in full compliance.
- B. Is this a new development? Yes No
If the answer is yes, is this area within an Active Management Area ("AMA") as determined by the Arizona Department of Water Resources? Yes No
- C. How will wastewater be addressed within the HOA?

Each owner has a septic tank on their lot.

D. Is this application being submitted by a non-profit homeowner's association? Yes No _____ If no, please review the seven criteria for adjudication not a public service corporation.

E. Is this application for adjudication not a public service corporation a bona fide request by a majority of the membership of the association through a petition signed by 51% or more of the then existing members? Yes _____ No . If yes, please submit petitions. If no, a signed and notarized resolution must be filed in lieu of a petition.

F. Please provide a legal description of the area to be adjudicated (cadastral or metes and bounds).

PLEASE DESIGNATE IN THE SECTION GRID NOTED BELOW, THE EXACT LOCATION OF THE PROPOSED ADJUDICATED AREA AS REFERENCED TO IN THE LEGAL DESCRIPTION.

Please also provide a general description of the entity's location. For example: Located XXXX number of miles from XXXXXX, between XXXXXX and XXXXX.

G. What is the number of customers? (actual or potential) 13 actual with
potential for 22

APPLICATION FILING

When you have completed this application, please provide an original plus 13 copies. You may mail or deliver to:

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

If you have any questions regarding the adjudication application, please contact the Utilities Division of the Arizona Corporation Commission at (602) 542-4251 or 1-800-222-7000.