



# Resolution

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

RESOLUTION NO. 1092

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, ADOPTING A NOTICE OF INTENTION TO IMPOSE SPECIAL WATER CONNECTION SURCHARGE

WHEREAS the City Council of the City of San Luis has undertaken the construction of a waterline on County 25<sup>th</sup> Street between Avenue D and Avenue E in San Luis;

WHEREAS the City Council of the City of San Luis desires to provide an equitable and reasonable system of charges for the lands that will be benefited by the new waterline;

WHEREAS pursuant to A.R.S. §9-511.01 the City of San Luis has authority to impose a special water connection surcharge on the lands that will be benefited by the new waterline;

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

Section 1: That the Notice of Intention to Impose Special Water Connection Surcharge as attached as Exhibit "A" is hereby adopted and approved. City Staff is hereby directed to provide public notice of said Notice of Intention as may be provided by law.

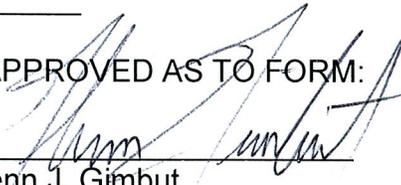
PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this 8<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Gerardo Sanchez, Mayor

ATTEST:

  
\_\_\_\_\_  
Sonia Cornelio, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Glenn J. Gimbut  
City Attorney

# Exhibit A

**NOTICE OF INTENTION  
TO IMPOSE SPECIAL WATER CONNECTION SURCHARGE**

PLEASE TAKE NOTICE that pursuant to A.R.S. § 9-511.01, the City of San Luis, Arizona is considering the possible establishment of a special water connection surcharge, in addition to all other fees and charges, for lands bordering County 25<sup>th</sup> Street between Avenue E and Avenue D, in San Luis, Arizona. A copy of a written report supporting the proposed changes is on file with the City Clerk of the City of San Luis and is available to the public upon request to the City Clerk. The date for the Public Hearing on the proposed changes shall be held:

**Wednesday, May 13, 2015 at 7:00 p.m.**  
Council Chambers of the City of San Luis  
1090 E. Union Street, San Luis, Arizona, 85349

After holding the Public Hearing, either on the same date of May 13, 2015 or after May 13, 2015, the City Council may take action regarding possible changes in rates, rate components, fees, or service charges.



March 24, 2015

County 25<sup>th</sup> Street – Avenue E to Avenue D Water Line

The County 25<sup>th</sup> Street – Avenue E to Avenue D Water Line is a 12-inch diameter water line project currently under construction by the City of San Luis along County 25<sup>th</sup> Street from Avenue E, just north of the San Luis II Port of Entry, east to Avenue D, a length of approximately one mile. The water line connects to an existing 12" water line in Avenue E and will terminate at Avenue D where in the future it will be extended by future water line projects.

Typically the City of San Luis does not directly fund and construct water line infrastructure as it is instead constructed as a part of various development projects. The 25<sup>th</sup> Street Water Line, however, is being funded directly by the City. Therefore, as it will benefit the future development of adjacent lands, the City wishes to recover its costs for the Water Line and will do so by assessing fees on the adjacent lands.

Water transmission systems in general are laid out in a looped configuration so that any connection to the water system can be fed from two directions. Such a layout provides for greater reliability in service during times of water line outages or during heavy demands. As the lands in San Luis consists primarily of one mile square sections, the looped water line configuration for each section consists of main water line, typically 12-inch diameter, laid out around the perimeter of the section and smaller, typically 6-inch through 10-inch water lines, throughout the interior of the section.

Thus for each section of land, there are a total of 4 miles of the 12-inch perimeter water lines, or conversely, each mile of water line around the section serves one-quarter of a square mile or about 160 acres. As adjacent sections of land share the perimeter water line where the sections abut each other, a perimeter water line will serve in total one-quarter of a square mile in each of the adjacent sections, or a total of about 320 acres of land.

County 25<sup>th</sup> Street from Avenue E to Avenue D is located along the section line between Sections 14 and 23 in Township 11 South, Range 24 West. Therefore the County 25<sup>th</sup> Street Water Line will serve one-quarter of Section 14 and one-quarter of Section 23. This area served, for the purposes of this assessment, will be the area of land one-quarter of mile north of County 25<sup>th</sup> Street and one-quarter mile south of County 25<sup>th</sup> Street, as shown on the attached figure. Total acres served are 160.00 acres gross acres north of County 25<sup>th</sup> Street and 160.01 gross acres south of County 25<sup>th</sup> Street, or 320.01 total gross acres. Of this 320.01 gross acres, there are two parcels of land – a portion of the U.S.A. parcel (24.50 acres) and the A.D.O.T. parcel (20.01 acres) at the San Luis II Port of Entry – that cannot be assessed and have previously developed significant water infrastructure (the existing water line in Avenue E.) Thus the total assessable gross acreage is 275.50 acres, with 160.01 being in Section 14 and 115.49 being in Section 23.

The costs of the installation of the Water Line include the costs of engineering, permitting, bidding and construction administration, general administration and the cost of construction. These costs are:

|   |                     |
|---|---------------------|
| Engineering (Vega & Vega Engineering)         | \$7,232.68          |
|   | \$1 450.00          |
| Permitting -                                  | \$1,500.00          |
| Bidding and Construction Administration (JDA) | \$13,928.00         |
| Construction (Desert Excavating)              | <u>\$212,084.90</u> |
| Total Cost                                    | \$236,195.58        |

The total cost of \$236,195.58 is to be prorated over the 275.50 gross acres in the assessment area. The cost is calculated to be **\$857.3342 per gross acre**, \$137,182.05 of which will be assessed to the 160.01 acres in Section 14 and \$99,013.53 being assessed to the 115.49 acres in Section 23.

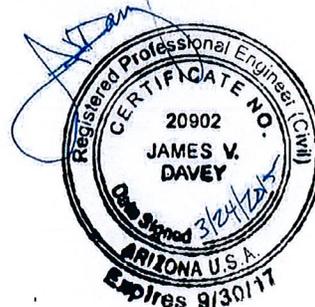
The development of lands within the assessment area may eventually result in the lands being subdivided and the subdivision lots sold on a net acreage basis. Therefore, depending on whether the assessment of fees for the water line is made to an overall parcel at the time of subdivision development or whether it is made to the individual lots at the time of water connection, further calculations may be necessary to calculate the cost of the fees per net acre.

In the case of the Section 14 land, no definite subdivision plans are available at the present time and so only the assessment per gross acre can be calculated at this time.

Section 23, however, is already being subdivided with the Magrino Industrial Park Unit 1 subdivision existing, the Magrino Industrial Park Unit 2 subdivision under development, and the remainder of the property to be developed as the Magrino Industrial Park Unit 3 subdivision. It is noted that about the south 139.78 feet of Unit 2 is greater than one-quarter mile from County 25<sup>th</sup> Street and lies south of the assessment area.

For Units 1 and 2 of the Magrino Industrial Park, the combined gross acreage in Section 23, including all adjacent right-of-ways, is calculated to be (113.27 total acres – the 7.46 acres outside of the assessment area) = 105.81 acres. This 105.81 gross acres is to be sold as a total of 19 lots which have a total net acreage in the assessment area of (72.09 total net acres – 7.2 acres outside of the assessment area) = 64.89 net acres. Thus the assessment for subdivided lots in Units 1 and 2 will be  $(105.81/64.89) \times \$857.3342 = \mathbf{\$1397.9738 \text{ per net acre}}$ . Note that as lots 13 through 18 of Unit 2 include lands south of the assessment area the net acreage shown on the subdivision plat needs to be reduced by 1.20 acres for each of these lots when calculating the assessment. The remaining Unit 3 future lots have a gross acreage of 9.68 acres in the assessment area and a net assessment per lot will need to be calculated based on the net acreages of the future lots once Unit 3 is developed.

Prepared by: James V. Davey, PE





## Kay Macuil

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**From:** Xochitl Lopez  
**Sent:** Monday, March 30, 2015 8:43 AM  
**To:** Kay Macuil  
**Cc:** Liliana Evangelista; Eulogio Vera  
**Subject:** FW: FW: Publication - Notice of intention  
**Attachments:** 00059345 ad.pdf

Here you go!

**From:** Yuma Legals [<mailto:legals@yumasun.com>]  
**Sent:** Monday, March 30, 2015 8:43 AM  
**To:** Xochitl Lopez  
**Subject:** Re: FW: Publication - Notice of intention

Good Morning Xochitl, to publish the attach ad on the back of the newspaper with the Classifieds/legals would cost \$56.94 a day as is. Please let me know when your ready to publish. Thanks Patty

On Mon, Mar 30, 2015 at 6:59 AM, Xochitl Lopez <[XLopez@cityofsanluis.org](mailto:XLopez@cityofsanluis.org)> wrote:

Good Morning,

Just following up and see if we can get a quote on this?

Thank you!

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**From:** Xochitl Lopez  
**Sent:** Thursday, March 26, 2015 9:41 AM  
**To:** '[legals@yumasun.com](mailto:legals@yumasun.com)'  
**Subject:** Publication - Notice of intention

Good Morning Ms. Perez,

We would like to publish the attached announcement, once between April 9 and April 30<sup>th</sup>. Can you please me on a quote on how much the announcement would cost?

Thank you,

*Xochitl Lopez*

City of San Luis

Public Works Department

1090 E. Union Street | P.O. Box 3750

San Luis, Arizona 85349

Tel: 928.341.8577 Ext. 2051|Fax: 928.341.8599

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**Virgen P. Perez (Patty)**

**Legal Advertising Representative**

**legals@yumasun.com**

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### NOTICE OF INTENTION TO IMPOSE SPECIAL WATER CONNECTION SURCHARGE

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Daily April 0, 2015 - 00059345

**C****Effective: July 20, 2011**

Arizona Revised Statutes Annotated Currentness

Title 9. Cities and Towns

▣ Chapter 5. Public Utilities

▣ Article 2. Municipal Ownership

→→ **§ 9-511.01. Water and wastewater business; rates; procedures; responsibility for payments**

**A.** A municipality engaging in a domestic water or wastewater business shall not increase any water or wastewater rate or rate component, fee or service charge without complying with the following:

1. Prepare a written report or supply data supporting the increased rate or rate component, fee or service charge. A copy of the report shall be made available to the public by filing a copy in the office of the clerk of the municipality governing board at least thirty days before the public hearing described in paragraph 2.

2. Adopt a notice of intention by motion at a regular council meeting to increase water or wastewater rates or rate components, fees or service charges and set a date for a public hearing on the proposed increase that shall be held not less than thirty days after adoption of the notice of intention. A copy of the notice of intention showing the date, time and place of the hearing shall be published one time in a newspaper of general circulation within the boundaries of the municipality not less than twenty days before the public hearing date.

**B.** After holding the public hearing, the governing body may adopt, by ordinance or resolution, the proposed rate or rate component, fee or service charge increase or any lesser increase.

**C.** Notwithstanding § 19-142, subsection B, the increased rate or rate component, fee or service charge shall become effective thirty days after adoption of the ordinance or resolution.

**D.** Any proposed water or wastewater rate or rate component, fee or service charge adjustment or increase shall be just and reasonable.

**E.** Rates and charges demanded or received by municipalities for water and wastewater service shall be just and reasonable. Every unjust or unreasonable rate or charge demanded or received by a municipality is prohibited and unlawful.

**F.** For residential property of four or fewer units, a municipality shall not require payment of unpaid water and wastewater service rates and charges by anyone other than the person who the municipality has contracted with

to provide the service, who physically resides or resided at the property and who receives or received the service. A property owner, an immediate family member of the person who does not reside at the property or any other entity, at its sole discretion, may contract for water and wastewater service with a municipality and shall provide payment.

**G.** For residential property of four or fewer units, a municipality shall not refuse service within the municipality's service area for the unpaid water and wastewater rates and charges to anyone other than the person who physically resided and received the service at the property. A property owner, at the owner's sole discretion, may contract for water and wastewater service with a municipality and shall provide payment for that service.

#### CREDIT(S)

Added by Laws 1992, Ch. 257, § 1. Amended by Laws 2006, Ch. 45, § 1; Laws 2010, Ch. 320, § 1; Laws 2011, Ch. 279, § 1.

#### HISTORICAL AND STATUTORY NOTES

Laws 1992, Ch. 257, § 2, provides:

##### **“Sec. 2. Applicability**

“The provisions of this act apply only to water and wastewater rates and rate components, fees and service charges adopted after the effective date of this act.”

#### LIBRARY REFERENCES

Municipal Corporations  712(8).  
 Waters and Water Courses  203(11).  
 Westlaw Topic Nos. 268, 405.  
 C.J.S. Municipal Corporations § 1535.  
 C.J.S. Waters §§ 483, 666, 674 to 675.

A. R. S. § 9-511.01, AZ ST § 9-511.01

Current through legislation effective February 24, 2015 of the First Regular Session of the Fifty-Second Legislature

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