PUBLIC NOTICE
THE ELOY CITY COUNCIL
Meets
MONDAY, JANUARY 7, 2019
6:00 PM
ELOY CITY COUNCIL CHAMBERS
628 NORTH MAIN STREET
ELOY, ARIZONA 85131
For a
SPECIAL MEETING

AGENDA

I. Call to Order

II. Invocation

III. Pledge of Allegiance

IV. Roll Call

V. Business: Possible Discussion and/or Action on the Following:

A. Settlement with Toltec Airpark, LLC for $85,510.00 plus statutory interest as provided in the stipulated judgment for acquisition of 5.61 acres of land at the Eloy Municipal Airport.

B. Council review and discuss the initial design concepts for the Eloy Main Street Arcade Renovation Project.

VI. Executive Session

A. Discussion/consultation for legal advice with city attorney, special legal counsel and city staff on pending litigation, City of Eloy v. Toltec Airpark, pursuant to A.R.S. §38-431.03 (A) (3), (4) and (7).

VII. Adjournment

POSTED BY WEDNESDAY, JANUARY 2, 2019, BY 5:00 P.M.. AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: www.eloyaz.gov

Mary Myers, CMC
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COUNCIL AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

CITY OF ELOY
REQUEST FOR COUNCIL ACTION

Agenda Item: V.A.

Date: 01/07/2019

Date submitted: 12/28/2018 **Date requested:** 01/07/2019	**Action:** Formal	**Subject: Settlement with Toltec Airpark, LLC for $85,510.00 plus statutory interest as provided in the stipulated judgment for acquisition of 5.61 acres of land at the Eloy Municipal Airport.**

TO: Mayor and City Council

FROM: Harvey Krauss, City Manager

RECOMMENDATION:

Council approve a settlement with Toltec Airpark, LLC for $85,510.00 plus statutory interest as provided in the Stipulated Judgment for acquisition of 5.61 acres of land at the Eloy Municipal Airport, and authorize the attorneys for the City of Eloy to file the Stipulated Judgment with the Pinal County Superior Court.

DISCUSSION:

The FY 2019 - 2023 Airport Capital Improvement Program identified two high priority projects, and funding has been allotted for these projects by ADOT and FAA – 1) Airport Drainage Improvements; and 2) Relocation of Taxiway "A". Drainage improvements include approximately 2,600 linear feet of drainage channel and a box culvert as designated within the approved Drainage Master Plan. The relocation of Taxiway "A" is necessary to meet or exceed current FAA design standards. The FAA minimum standard separation distance between the runway and taxiway for the Eloy Municipal Airport requires a distance of 240 feet.

On January 9, 2017 the Council adopted Resolution No. 17-1408 authorizing the City to acquire parcels of land through negotiation or condemnation for these projects. One of the parcels is owned by Toltec Airpark, LLC and encompasses 5.61 acres of land. Dennis L. Lopez, LLC was retained by the City to appraise the property. The Toltec Airpark appraisal provided for a land value of 27 cents per square foot for a total of $66,020.

The Toltec Airpark landowners obtained their own appraisal, and their appraiser valued the property in question at 43 cents per square foot ($105,143).

The attorney for Toltec Airpark wishes to settle with the City for a value of $85,510. The proposed settlement would be in the middle of the range between the two appraisers' current indications of value, which is $19,490 over the City's appraisal. The City was required to post the $66,020 with the Pinal County Treasurer in June 2018. Over 90% of the acquisition and engineering costs for this project are reimbursable through an FAA grant. No construction funds are available for this project, and no application to the FAA is pending for construction.

Staff recommends that Council approve this settlement with Toltec Airpark landowners.

FISCAL IMPACT:

The FAA reimburses the City 91.06% and ADOT reimburses the City 4.47% of costs, leaving the City with a contribution of 4.47% for land acquisition and design. The FAA has awarded the City a $450,000 grant for land acquisition and engineering costs associated with these projects.

Approved as to Form:

Stephen R. Cooper, City Attorney

THE LAW OFFICES OF DIANE M. MILLER, PLLC
Diane M. Miller, SBA 009770
P.O. Box 190
Phoenix, Arizona 85001
Telephone: (602) 354-5251
Fax: (602) 354-5265
DM@DianeMillerLaw.com
Attorneys for Plaintiff City of Eloy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PINAL

THE CITY OF ELOY, a municipal corporation of the State of Arizona, Plaintiff, v. TOLTEC AIRPARK, LLC, an Arizona limited liability company; JAMES WARDER; and PINAL COUNTY, a political subdivision of the State of Arizona, Defendants. APN 404-05-003G, 010J	Case. No. S1100CV201801013 **STIPULATED JUDGMENT** Hon. Robert Carter Olsen

IT IS ORDERED, ADJUDGED, AND DECREED that Judgment in this action is entered as follows:

1. All Defendants were properly served.

2 Plaintiff has judgment condemning a fee simple interest in the real property described in **Exhibit A** (the "subject property").

3. Defendants James Warder and Pinal County having disclaimed interest shall take nothing by this judgment.

4. Defendant Toltec Airpark, LLC has judgment against Plaintiff in the amount of $85,510.00 plus statutory interest as total just compensation for the taking of its ownership interest in the subject property.

5. Plaintiff deposited the sum of $66,020.00 with the Clerk of the Court pursuant to the Order for Immediate Possession dated July 27, 2018. The Clerk shall, without additional Order, mail a check in the entire amount on deposit to Toltec Airpark, LLC at P.O. Box 11790, Chandler, AZ 85248. Plaintiff shall pay to Toltec Airpark, LLC directly by mailing a check in the amount of $19,490.00 plus interest at the statutory rate on the sum of $85,510.00 from July 27, 2018 until paid to Toltec Airpark, LLC at P.O. Box 11790, Chandler, AZ 85248.

6. Upon receipt of the funds from the Clerk and the City, counsel for Defendant Toltec Airpark, LLC shall execute and file with the Court a Satisfaction of Judgment.

7. Once the funds specified in paragraph 5 above have been paid, this Court shall enter its Final Order of Condemnation vesting a fee simple interest in the subject property to Plaintiff.

8. Upon payment of this judgment, the assets, interest and claims of all Defendants herein shall be fully terminated and title to and possession of the subject property shall not be subject to or encumbered by any existing liens, claims or other encumbrances, including, but not limited to, taxes and assessments upon or against the property while owned or possessed by Defendant or by any persons, firms, corporations claiming any interest in the subject property under or by virtue of said Defendants.

9. No other person, firm, or corporation has any right, title or interest in and to the subject property, or any part thereof, and any person, firm or corporation claiming any interest in or to the subject property, or any part thereof, subsequent to the recording of the Notice of Lis Pendens in this matter, in the office of the County Recorder, on June 15, 2018 as Document No. 2018-045149 and rerecorded to attach legal description on

June 21, 2018 as Document No. 2018-046795, is hereby adjudged and decreed to be without any right, title or interest in or to the subject property.

10. Each party shall bear its own costs and attorney's fees.

DATED this _____day of January, 2019.

_____
The Honorable Robert Carter Olsen
JUDGE OF THE SUPERIOR COURT

Stipulated to form and content:

THE LAW OFFICES OF DIANE M. MILLER, PLLC

DATED: January 8, 2019

By: */s/ Diane M. Miller*
Diane M. Miller
Attorneys for the City of Eloy

DICKINSON WRIGHT.

DATED: January 8, 2019

By: /s/ James T. Braselton (with permission)
James T. Braselton
Attorneys for Toltec Airpark LLC

E-filed this 8th day of January, 2019

/s/ Diane M. Miller

DOWL
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INSPIRATION • INNOVATION • INTEGRITY

LEGAL DESCRIPTION

A parcel of land lying within a portion of parcel 4, as recorded in Document 2011-075530, Pinal County Recorder's Office, being within the Northeast Quarter of Section 23, Township 07 South, Range 07 East, Gila & Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

COMMENCING at a found ½" rebar with plastic cap marked "HARVEY 42017" being the Center ¼ Corner of Section 23, from which a found 1" pipe with a tack placed at the center being the North ¼ Corner of Section 23, bears North 00°20'31" East a distance of 2684.82 feet;

THENCE from said **COMMENCEMENT POINT**, along the West line of the Northeast Quarter of said Section 23, North 00°20'31" East a distance of 609.97 feet to a point;

THENCE South 89°39'29" East a distance of 901.40 feet to the **TRUE POINT OF BEGINNING**;

THENCE North 37°42'58" East a distance of 503.00 feet to a point;

THENCE South 52°05'40" East a distance of 425.43 feet to a point;

THENCE North 37°40'24" East a distance of 100.01 feet to a point being on a non-tangent curve to the left;

THENCE along said non-tangent curve to the left with a radius of 50.00 feet, an arc length of 78.30 feet, a central angle of 89°43'47", with a chord bearing of North 82°37'25" East, and a chord distance of 70.54 feet to a point;

THENCE South 37°42'58" West a distance of 405.25 feet to a point;

THENCE North 89°44'58" West a distance of 385.49 feet to a point;

THENCE South 00°21'08" West a distance of 15.62 feet to a point labeled as **Point "A"**;

THENCE North 52°05'40" West a distance of 178.66 feet to the **TRUE POINT OF BEGINNING**.

The above described parcel contains approximately 204,762 square feet or 4.701 acres more or less.

520-882-8696 ■ 520-624-0384 (fax) ■ 406 North Church Avenue ■ Tucson, Arizona 85701 ■ www.dowl.com

Exhibit "A"

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INSPIRATION • INNOVATION • INTEGRITY

TOGETHER WITH the following description which delineates the second portion of this legal description lying within parcel 3, as recorded in Document 2011-075530, Pinal County Recorder's Office, being within the Northeast Quarter of Section 23, Township 07 South, Range 07 East, Gila & Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

COMMENCING at said point labeled as **Point "A"**;

THENCE North 00°21'08" East a distance of 15.62 feet to a point;

THENCE South 89°44'58" East a distance of 385.49 feet to a point;

THENCE South 37°42'58" West a distance of 247.88 feet to a point;

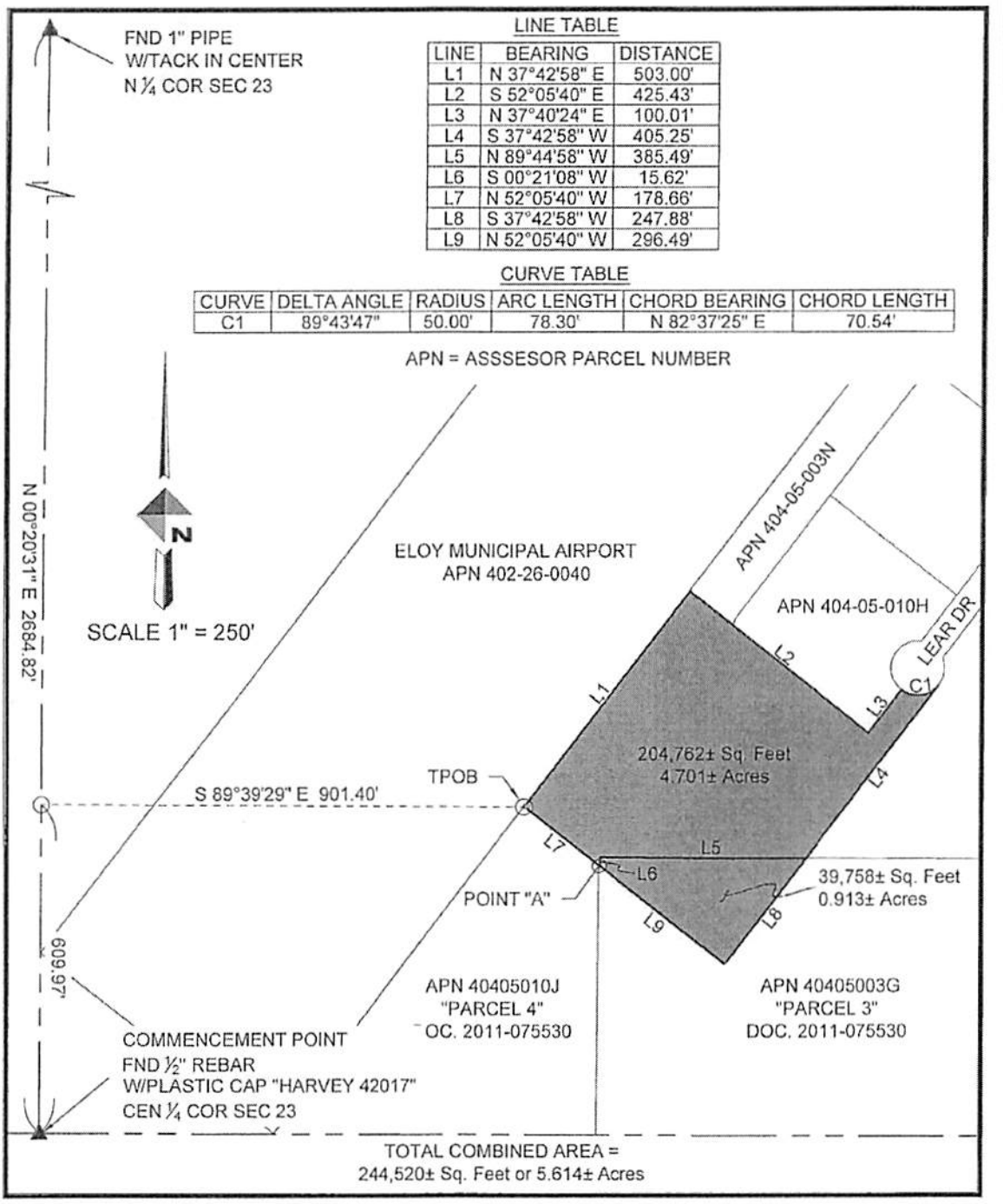
THENCE North 52°05'40" West a distance of 296.49 feet to said point labeled as **Point "A"**.

The above described parcel contains approximately 39,758 square feet or 0.913 acres more or less.

The total combined areas of the above described parcels contain approximately 244,520 square feet or 5.614 acres more or less.

Prepared for purpose of:	*Parcel Description*
Prepared for :	*Eloy Municipal Airport*
Prepared by:	*Michael F. York, RLS*
Prepared on behalf of:	*DOWL*
Prepared on:	*12/08/2015*

DOWL accepts no liability for this legal description if it has been modified or reformatted in any way, for any reason, from its original format and content or used for any purpose other than that for which it was prepared.



DOWL

EXHIBIT FOR LEGAL DESCRIPTION

41179.02
12/08/2015
PAGE 3 OF 3

520-882-8696 (TEL) ■ 520-624-0384 (FAX) ■ 406 North Church Avenue ■ Tucson, Arizona 85701

CITY OF ELOY
REQUEST FOR COUNCIL ACTION

Agenda Item: V.B.

Date: 01/07/2019

Date submitted: 12/28/2018 **Date requested:** 01/07/2019	**Action:** Formal	**Subject: Council review and discuss the initial design concepts for the Eloy Main Street Arcade Renovation Project.**

TO: Mayor and City Council

FROM: Jon Vlaming, Community Development Director

RECOMMENDATION:
Council review and discuss the initial design concepts for the Eloy Main Street Arcade Renovation Project.

DISCUSSION:
In October 2018, Council selected Blank Studio Design + Architecture to assist the City with this project. In December 2018, representatives from the Studio shared preliminary ideas with the Downtown Advisory Commission, who offered their initial thoughts and refinements. Now, City Staff would like the Architect to review these initial concepts with the City Council.

The intent of this project is to repair, replace and enhance the facades of the existing buildings along both sides of Main Street, from Frontier Street to 7th Street. The intent of this project is to provide a positive first impression and assist with the City's marketing efforts to attract tenants/owners for existing buildings and lots along Main Street.

This project will be a three-step process. The first step is to complete a series of possible design solutions, including but not limited to, illustrations of potential street frontage improvements i.e. paint schemes, architectural enhancements to existing sidewalk overhangs (arcades), support column enhancements, appropriate signage and other recommendations to improve the curb appeal and desirability of Eloy's Main Street for business/retail uses. The recommended renovations of the initial design task will be presented to the City Council, Planning & Zoning Commission, the Eloy

Downtown Advisory Commission, and other stakeholders for discussion, consideration and ultimate approval of colors, concepts and minor architectural renovations.

The second phase will be the development of specifications and architectural drawings to define the construction fit and finishes of the approved renovation package.

The third phase will be to provide support services to the City to assist with the bidding process to procure a contractor. Construction administration services will be provided by City Staff.

FISCAL IMPACT:

The budget for this project, including both design and construction is $100,000, as previously approved by the City Council. The design services are 10% of the total budget, which is $10,000. These funds will be provided through the City's 2% tax on food for home-based consumption. The proceeds from this tax are to be utilized for community and economic development related projects, as approved by Council.

Approved as to Form:

Stephen R. Cooper, City Attorney

ELOY, ARIZONA

Eloy Main Street Arcade Renovation

Streetscape Extent

Frontier

4th Street

5th Street

Main Street

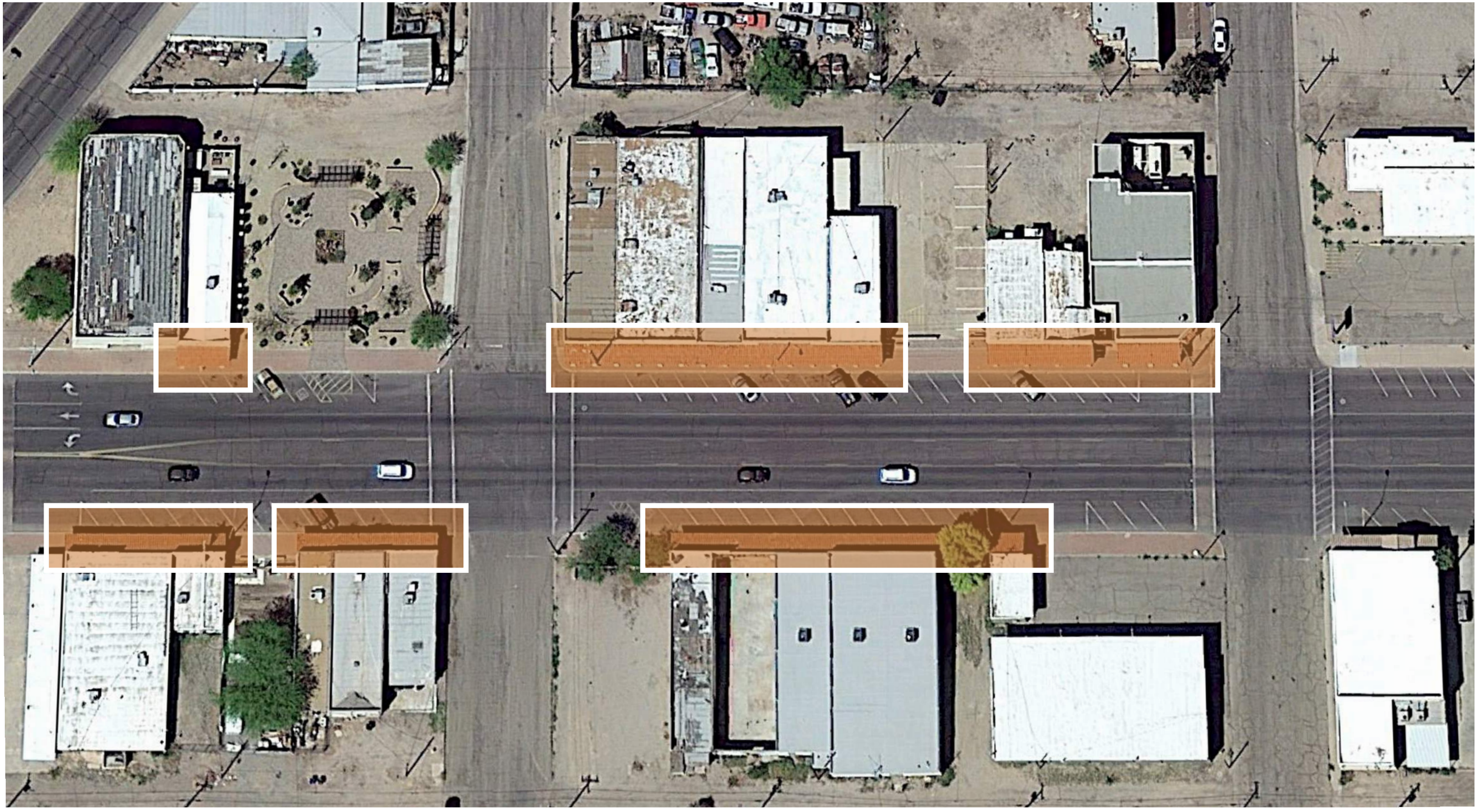
Main Street

Main Stre

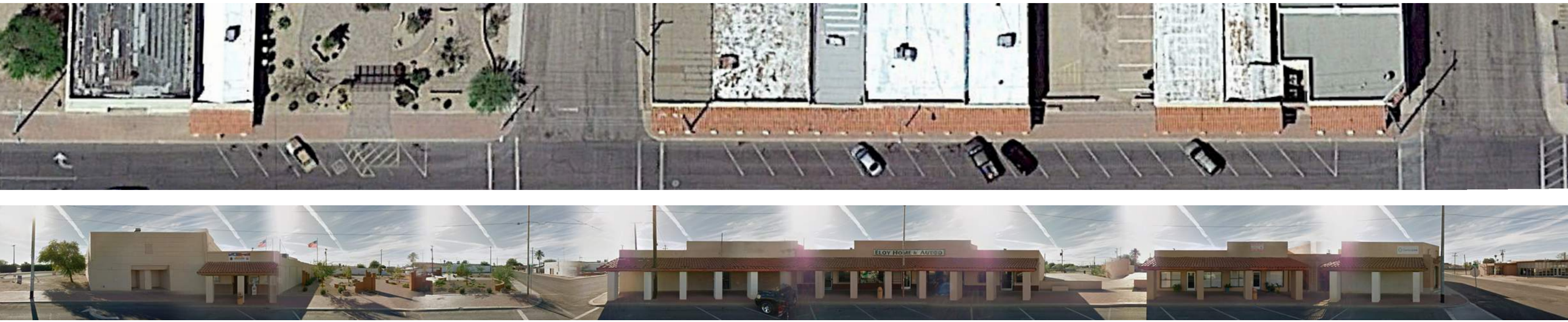
4th Street

5th Street

Main Street



Arcade



West Arcade Main Street

East Arcade Main Street

54 2’x 2’ masonry columns
625 linear feet of arcade
6,750 square feet of canopy
56 adjacent parking stalls

By The Numbers

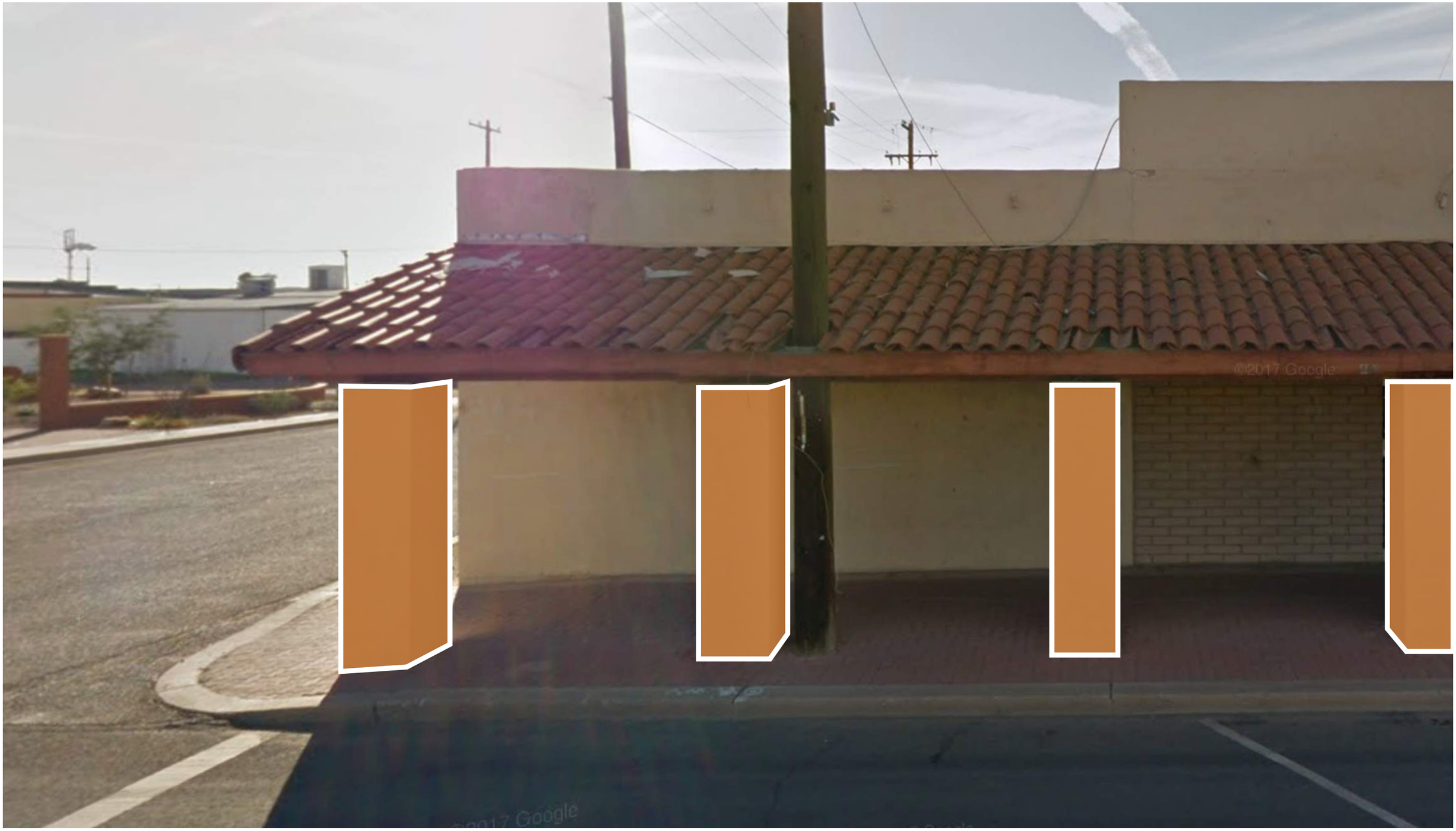
Eloy Main Street Arcade Renovation

Architectural Intent

Enlarged Elevation

Partial Elevation of Arcade

Repair / Replace Existing Canopy



Improve Colonnade Perception

Address Unique Conditions

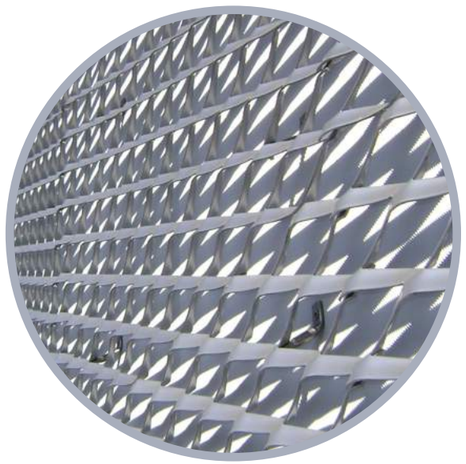
Remediate Surface Issues

Eloy Main Street Arcade Renovation

Operating Strategies

Nature

Reuse



Komorebi

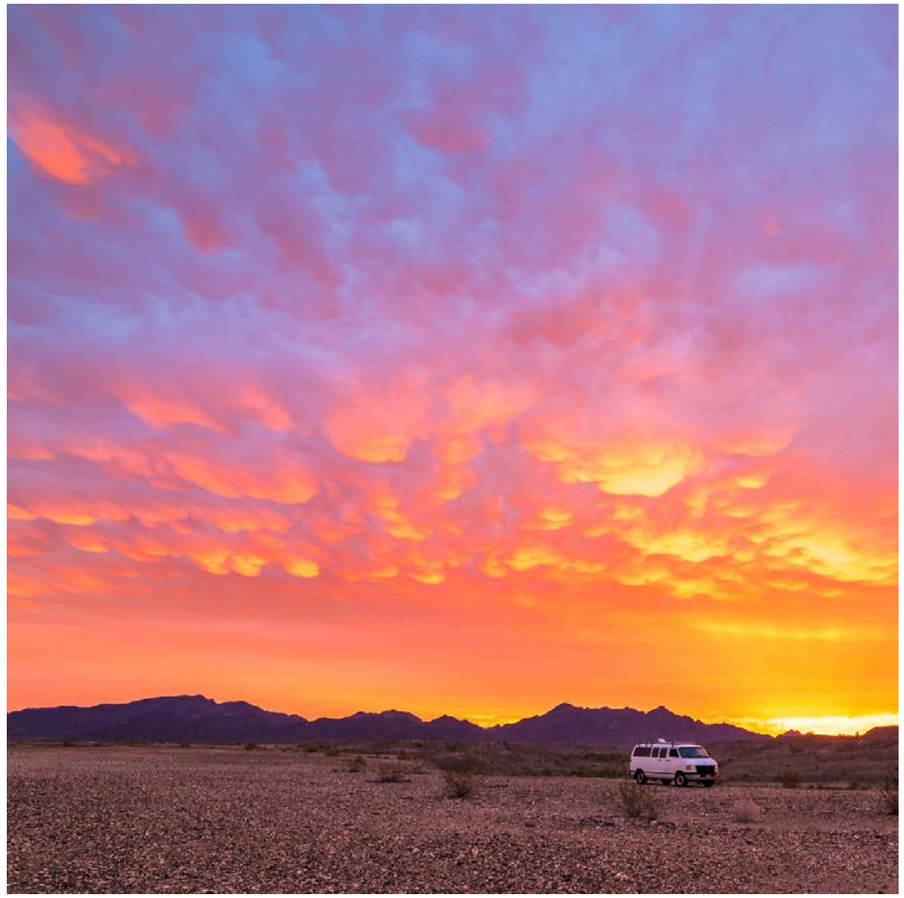
Art

Nature

Reuse

Komorebi

Art



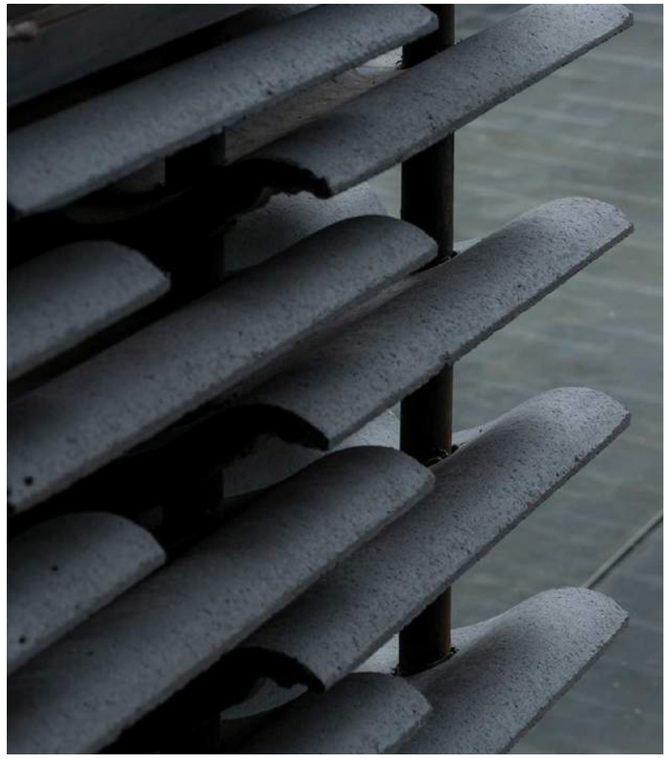
Nature Look to the region for color.

Nature

Reuse

Komorebi

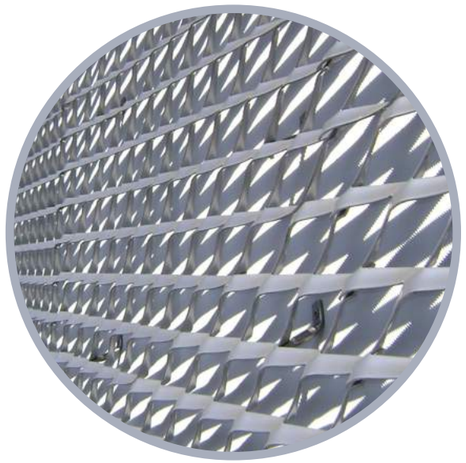
Art



Reuse Make more of what you already have.

Nature

Reuse



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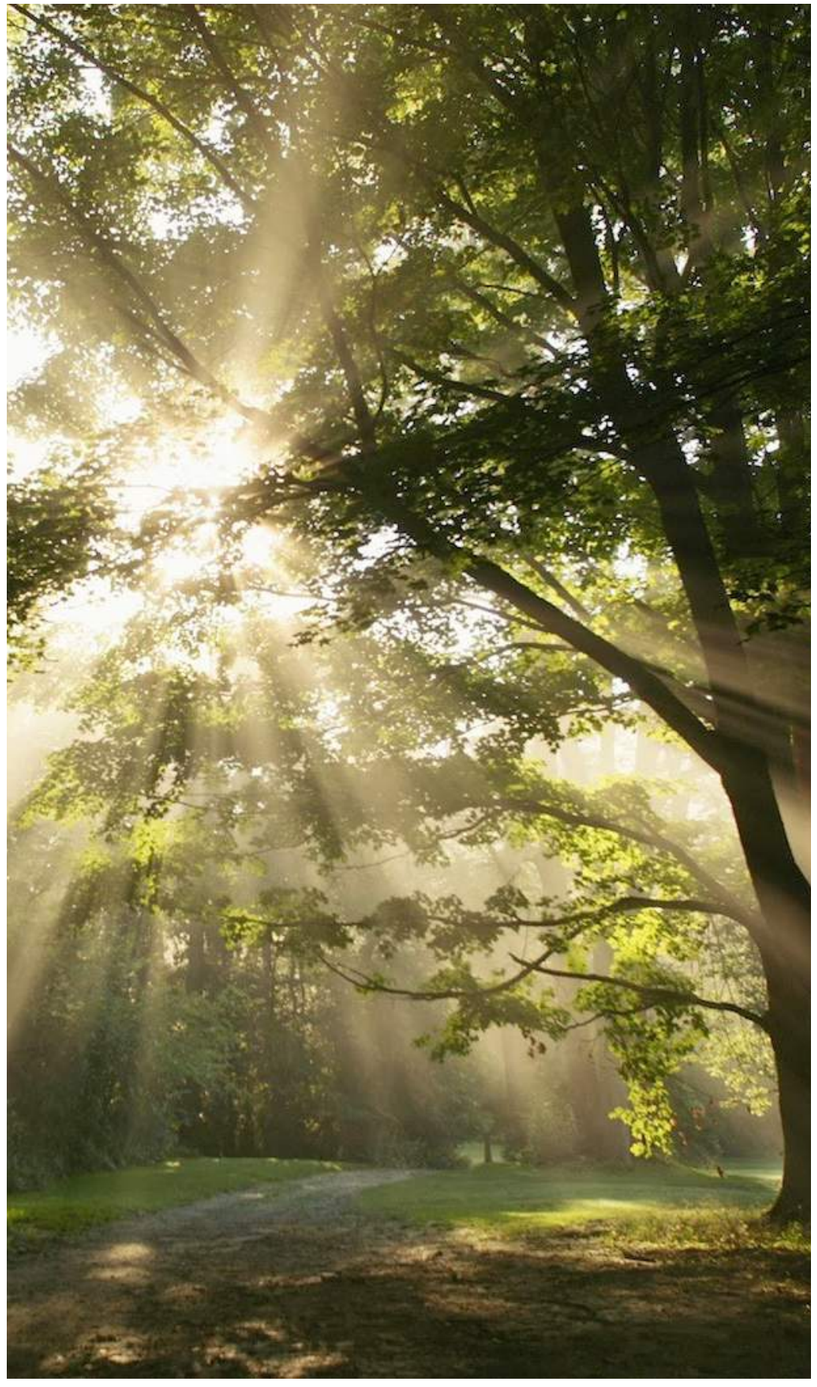
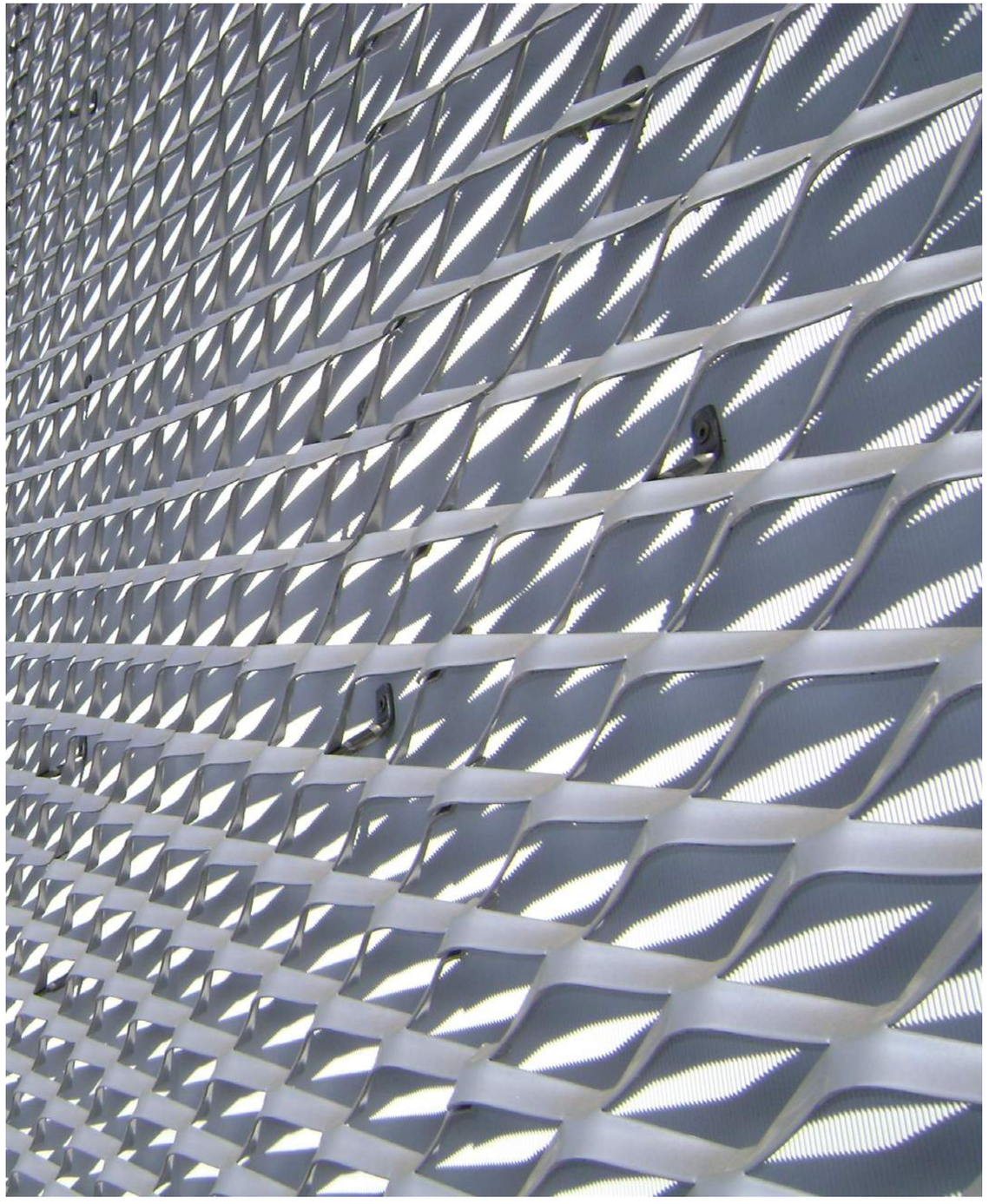
Art





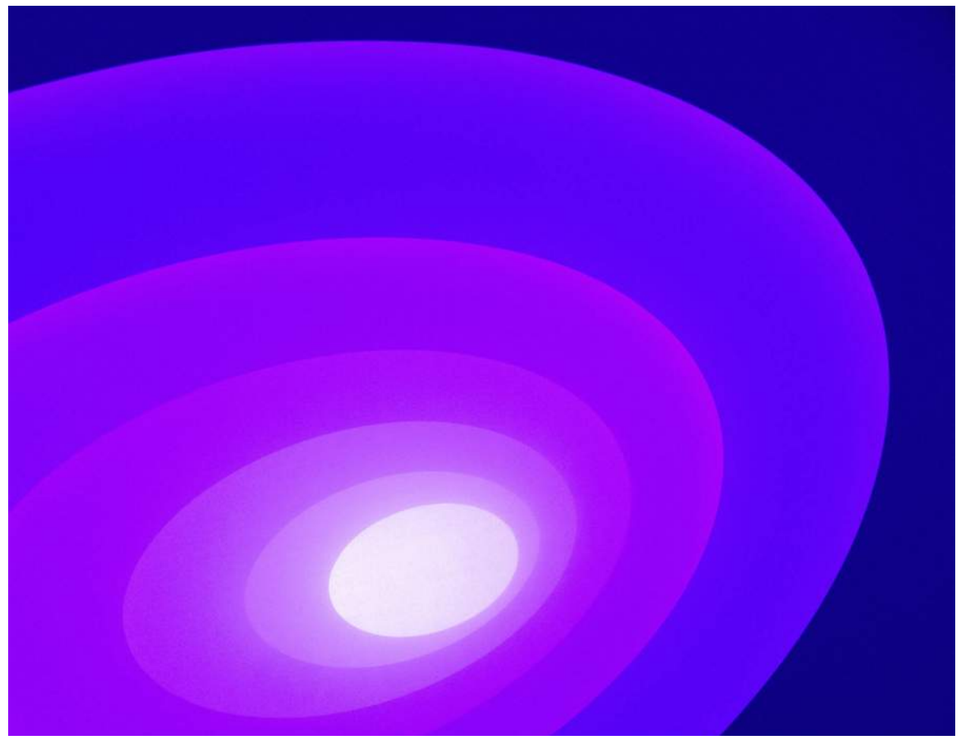
Komorebi The dappled light of sun through a canopy.

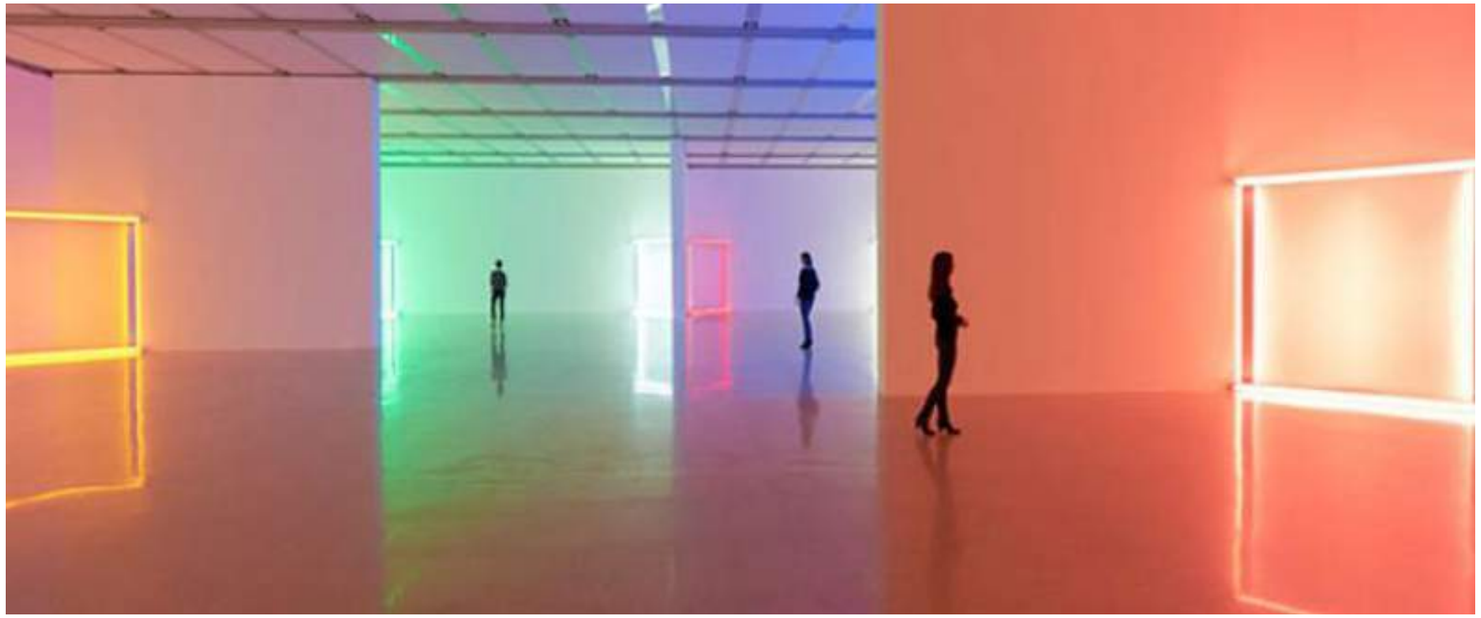
Nature

Reuse

Komorebi

Art





Art Look to the works of artists like Dan Flavin + James Turrell.

Eloy Main Street Arcade Renovation

Structural Strategies

Existing Condition Masonry Column + Wood Structure

Should the wood structure be replaced by metal,
columns could be reduced, however:

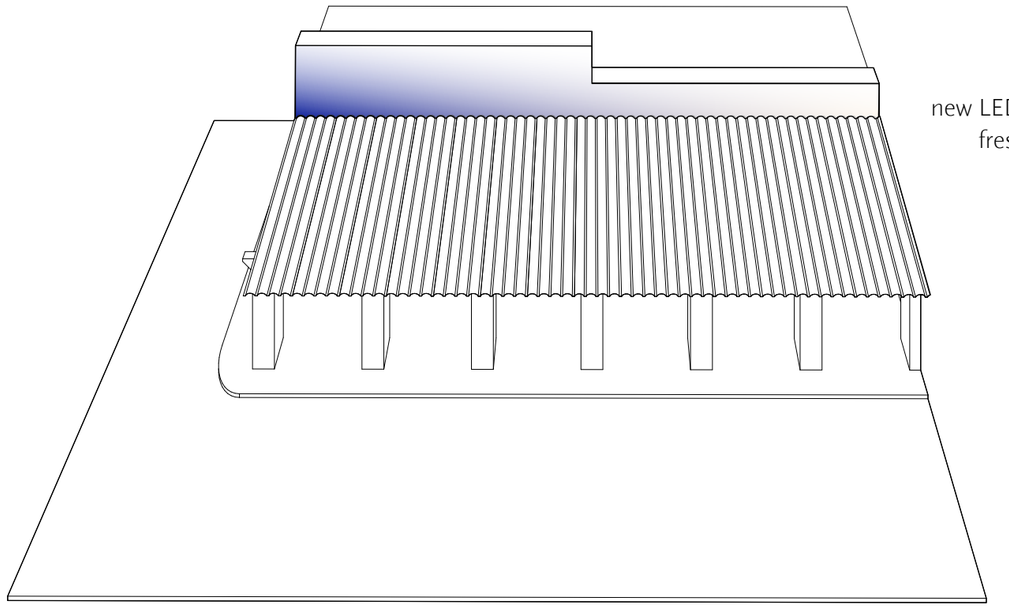
even-numbered columns result in two awkward conditions.

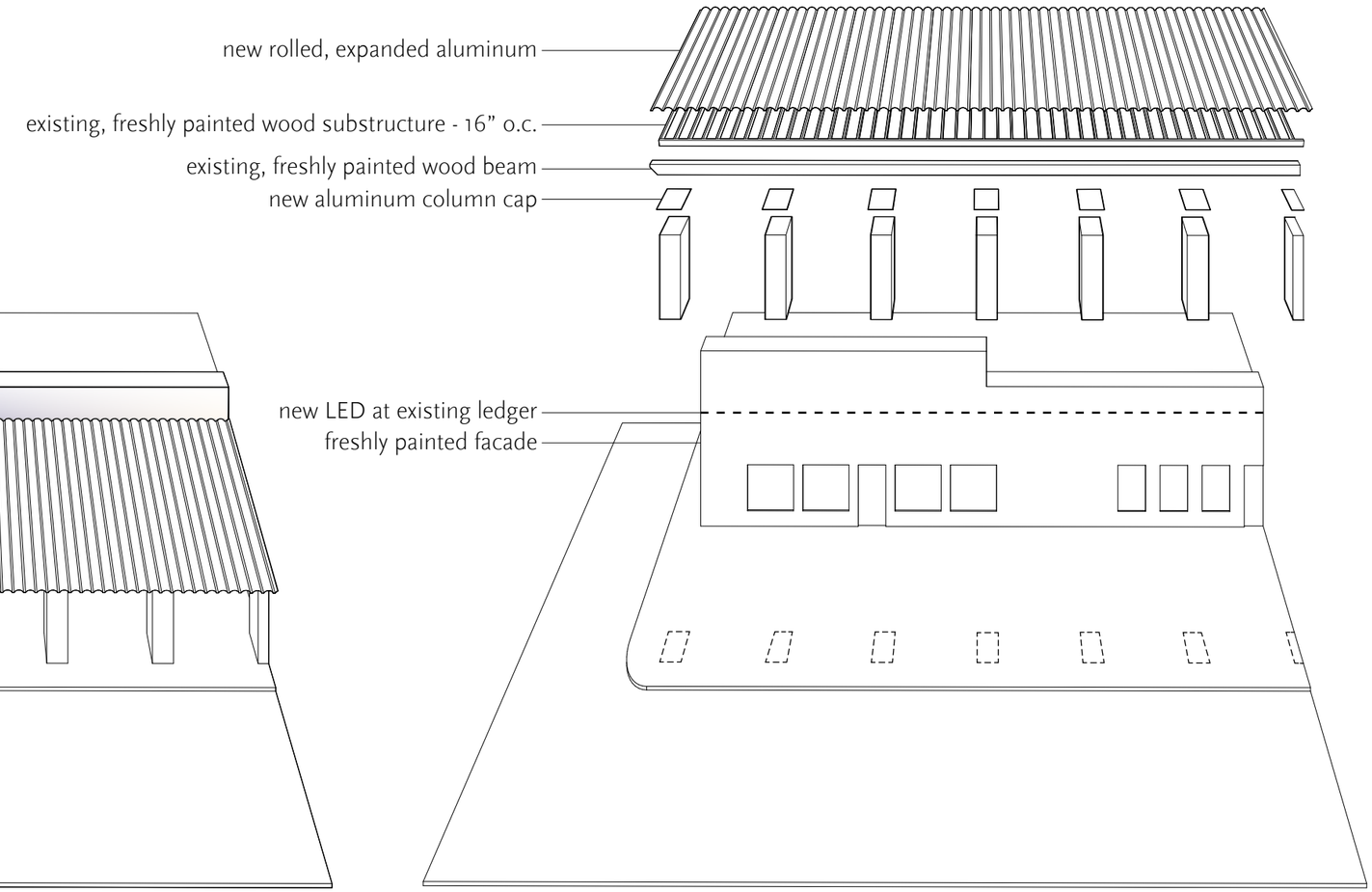
Column Removal East Arcade

Should the wood structure be replaced by metal,
columns could be reduced, however:

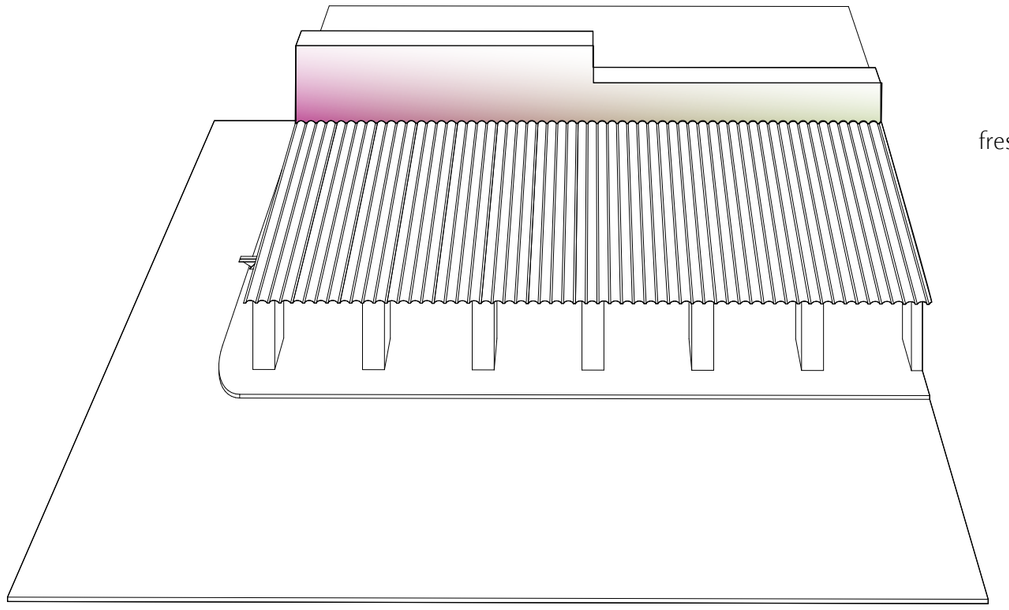
even-numbered columns result in an additional awkward condition.

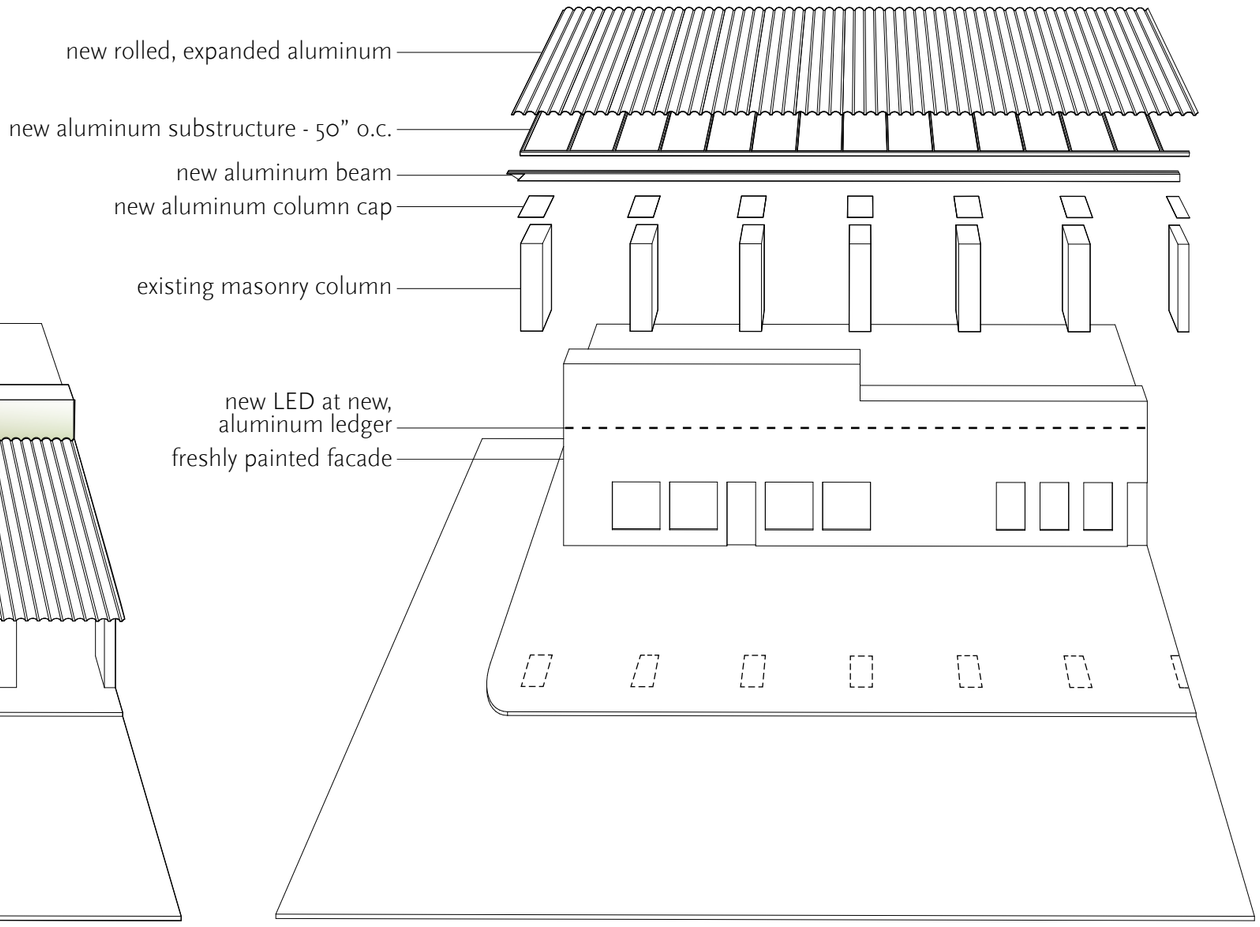
Column Removal West Arcade





Arcade Option A Maintain Wood Structure





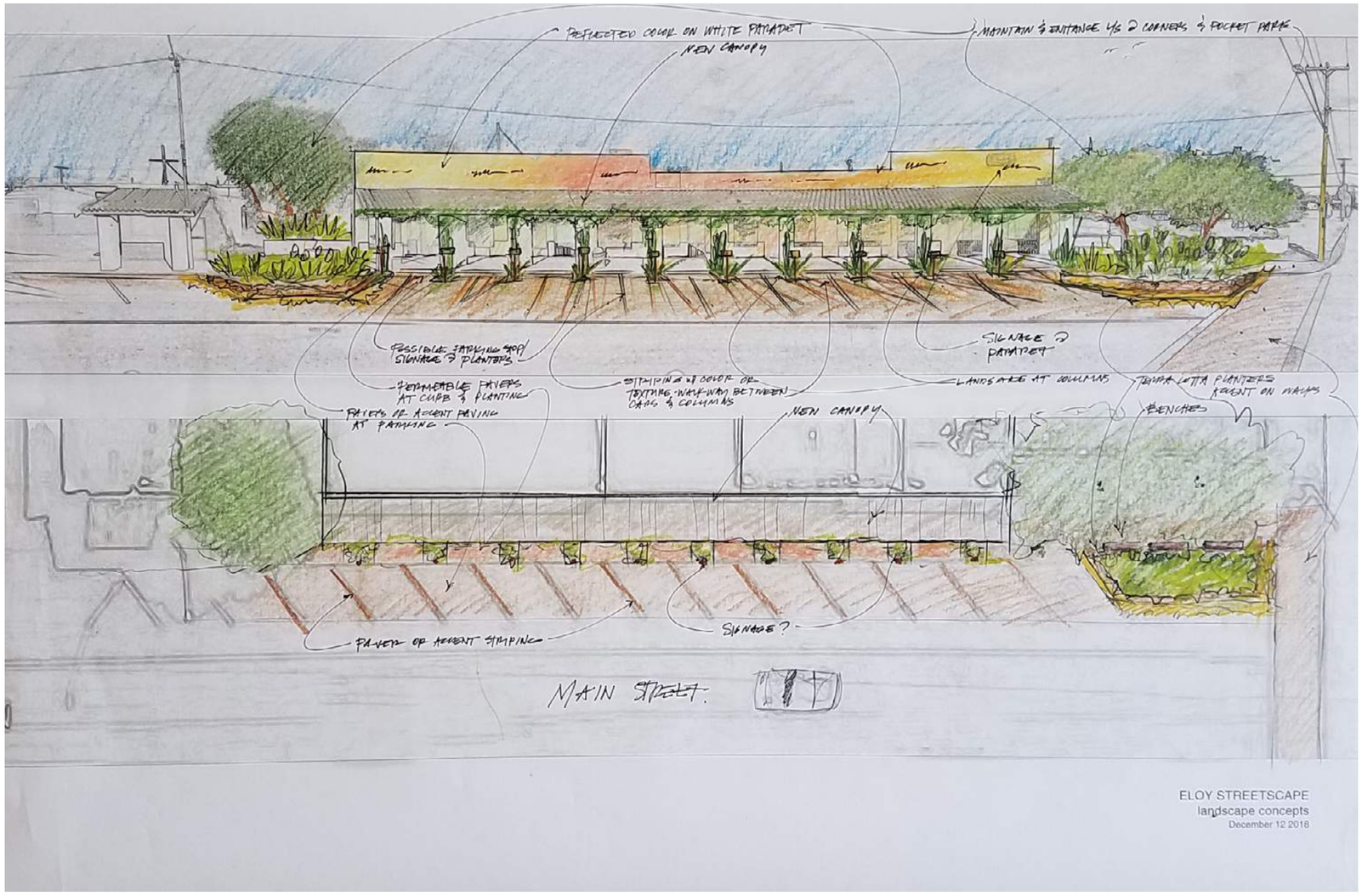
Arcade Option B Introduce Aluminum Structure

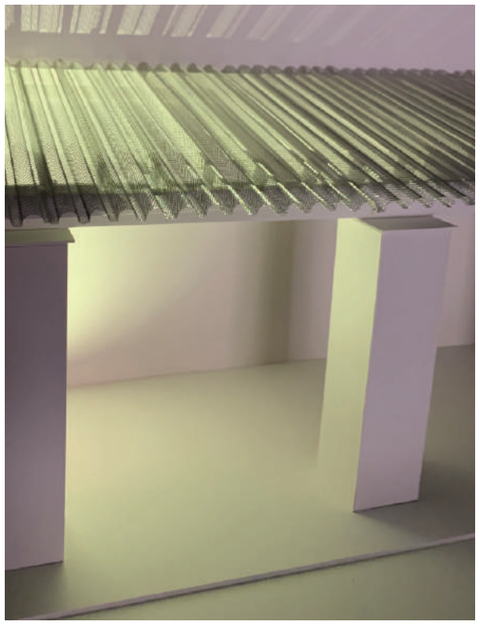
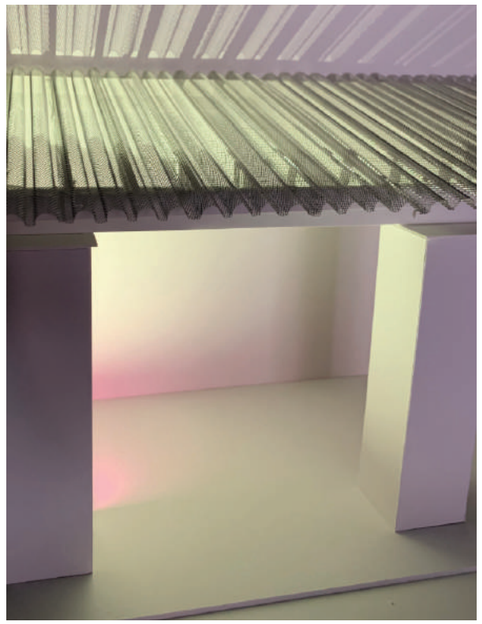
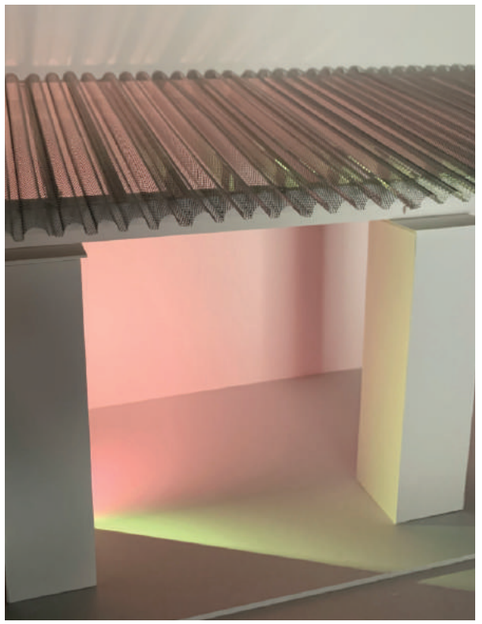
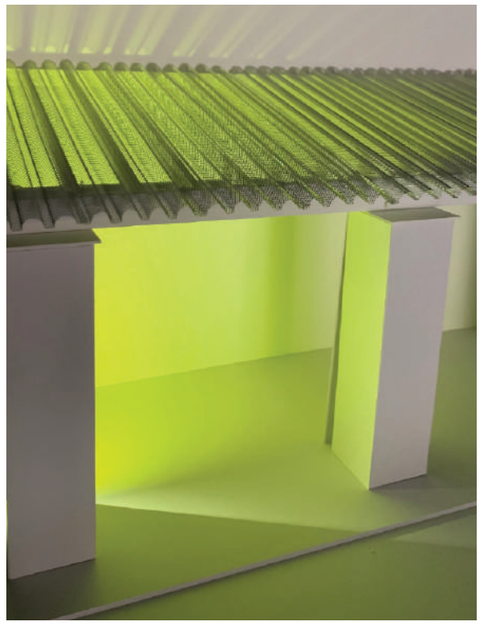
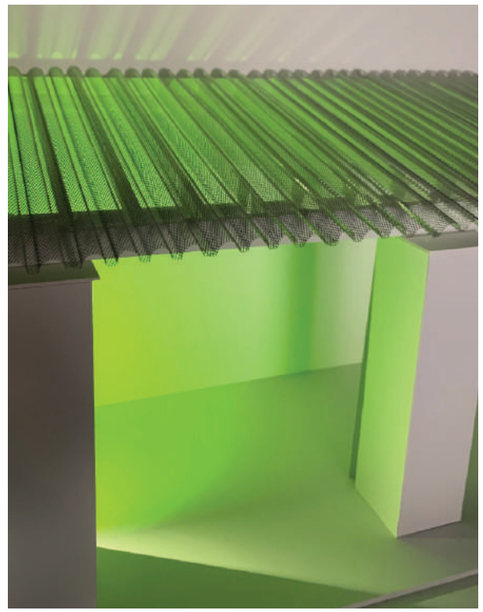
Eloy Main Street Arcade Renovation

Precedent: Ajo, AZ Before + After

Eloy Main Street Arcade Renovation

A New Street Impression for Eloy


REFLECTED COLOR ON WHITE PARAPET
NEW CANOPY
MAINTAIN ENTRANCE AT 2 CORNERS & POCKET PARK
POSSIBLE PARKING SIGN/ SIGNAGE & PLANTERS
REMOVABLE PAVERS AT CURB & PLANTING
PAVERS OR ACCENT PAVING AT PARKING
STAMPING W/ COLOR OR TEXTURE WALKWAY BETWEEN CARS & COLUMNS
NEW CANOPY
SIGNAGE & PARAPET
LANDSCAPE AT COLUMNS
TERRA COTTA PLANTERS MOUNT ON WALLS
BENCHES
PAVERS OR ACCENT STRIPING
SIGNAGE?
MAIN STREET
ELOY STREETSCAPE
landscape concepts
December 12 2018

ELOY, ARIZONA