

**WHEN RECORDED RETURN TO :**

Sue Landreth  
ONE STOP SHOP RECORDS  
CITY OF SCOTTSDALE  
7447 E. Indian School Road, Suite 105  
Scottsdale, AZ 85251

Parcel: 175-12-018  
Agreement No: \_14\_ - DP - \_2012-13\_

**NOTICE OF REIMBURSEMENT REQUIREMENT  
FOR SEWER LINE EXTENSIONS**

NOTICE IS GIVEN THIS 24<sup>th</sup> DAY OF JUNE, 2013 by the CITY OF SCOTTSDALE, an Arizona municipal corporation, that sewer lines have been installed by a Developer or the City, abutting the frontage of the Owner's real property. As a result of this installation, if the Owner desires to receive City water and/or sewer service, the Owner must reimburse the Developer or the City for the Owner's share of those costs, as stated in this Notice. (This Notice and the costs stated are given in compliance with Scottsdale Revised Code, Sections 49-215 and 49-218. (This Notice is not a lien on real estate. If you do not require City water and/or sewer service after the date this Notice is recorded, the City will not seek enforcement of payment.)

**REAL PROPERTY BENEFITED:**

The real property that is benefited by this sewer line installation is APN 175-12-018 located at, 12212 N. 85<sup>th</sup> Street, Scottsdale, Arizona, 85260, and is more particularly described in Exhibit A, attached and by reference made a part of this Notice. Real property will only be considered to have benefited from the line installation if it actually ties into that line.

**CODE REQUIREMENTS:**

Scottsdale Revised Code, Sections 49-215 and 49-218 requires real property owners to construct their own local water/sewer improvements along the frontages of their real property in order to obtain City water and/or sewer service. "Frontage" means the entire length of that portion of a parcel of real property that abuts a public street, public easement, or public right-of-way.

**INSTALLATION:**

For reasons of timing and/or economy, a Developer or the City has already installed any water and/or sewer lines that benefit the Owner's real property.

**COST CALCULATION:**

Exhibit B, attached and by reference made a part of this Notice, states the amount of the Owner's pro rata share for the sewer line installation. This pro rata share is the Owner's cost for the portion of the line that abuts the frontage(s) of the Owner's Property, based on the cost

per parcel, or such other equitable method of spreading the costs as the circumstances may dictate, as determined in the sole judgment of the City's Water Resources Department. Cost elements included in the calculation of this pro rata share include:

1. The actual cost of land acquisition; and
2. The design and construction of the line; and
3. An administrative charge of 5% of the total cost incurred by the Developer for the construction of the water and/or sewer lines from which persons other than the Developer will be served, with a maximum administrative charge of \$10,000. This charge will be distributed equally among all the real property that connects to the water and/or sewer lines based on the cost per linear foot of frontage.
4. Simple interest at a rate of ½% per month from the date of recordation of the Line Payback Agreement will be calculated at time of payment. This date is the 24<sup>th</sup> day of June, 2013. Documentation verifying all of these costs is retained by the City's Water Resources Department for a reasonable period of time and is available to the Owner upon request.

**PAYMENT:**

The Owner must make payment to the City's Development Services Department before:

1. The issuance of a permit authorizing connection to the public water or public sewer system.
2. The approval of a land division.

The City will not accept partial payments.

**CONDITIONS:**

- A. If the property is undeveloped, the City will not issue a water meter, building permit, encroachment permit, Certificate of Occupancy, or approve any land division or assemblage until payment is satisfied.
- B. If improvements have already been constructed on the real property, payment is required before connection to the City's water or sewer system. Connection will be required when:
  1. Requesting a building permit to add to or alter at least 50% of the square footage of the existing home. It is understood that the 50% requirement is an administrative standard established to try to assure fairness by not requiring a homeowner to pay for the cost of connection to the water or sewer system anytime a building permit is issued for any work on the property, or
  2. When the existing septic system fails or requires any repair or modification and the payment requirement is for a sewer line.

If this Notice has been recorded on the Owner's real property, the Owner or his agent will not extend service from his water and/or sewer tap to his real property without first receiving written approval of the City.

**DURATION OF OBLIGATION:**

This obligation to pay for water improvements will extend for a period of 30 years from the date of acceptance by the City of the water line. The date of acceptance of this water line is June 21, 2013.

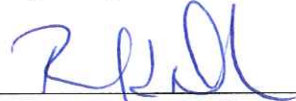
**RELEASE OF NOTICE:**

Once the Owner makes payment, the Quality Compliance Department will record a release of this Notice in the office of the Maricopa County Recorder.

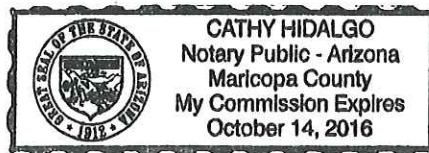
**NO REMEDY UNDER A.R.S. §9-500.12(B):**

This Notice and the obligation to pay is mandated by Scottsdale Revised Code, Section 49-215. It is a legislatively enacted requirement, as opposed to an exaction and falls outside of the meaning of the private property rights hearing provisions of A.R.S. §9-500.12(B).

CITY OF SCOTTSDALE, an Arizona  
Municipal corporation

By:   
Ronald Dolan  
Water Resources Engineer  
Water Resources Department

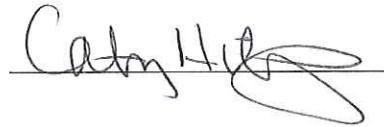
STATE OF ARIZONA )  
) ss.  
County of Maricopa )



The foregoing instrument was acknowledged before me this 16 day of June,

2013, by Ronald Dolan.

Notary Public



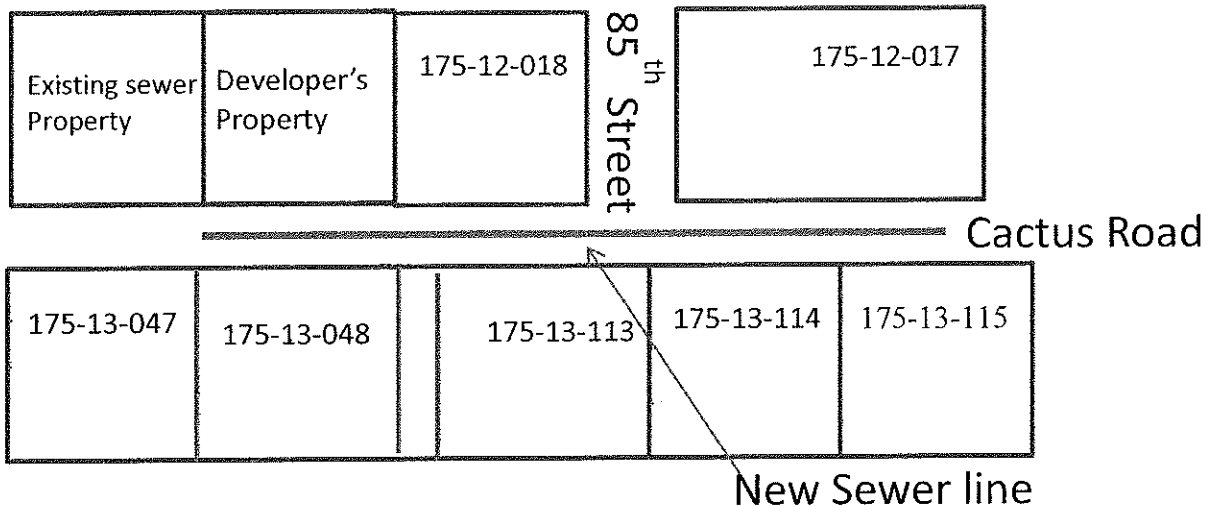
My commission expires: Oct 14, 2016.

## Appendix A

### Property Descriptions

Property APN	Property Description	Property Address
175-13-047	Lot 4, of DESERT HILLS NORTH, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 154 of Maps, Page 14.	8425 E. Cactus Road Scottsdale, AZ 85260
175-13-048	Lot 5, of DESERT HILLS NORTH, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 154 of Maps, Page 14.	8433 E. Cactus Road Scottsdale, AZ 85260
175-13-113	Lot 70, of DESERT HILLS NORTH, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 154 of Maps, Page 14.	8503 E. Cactus Road Scottsdale, AZ 85260
175-13-114	Lot 71, of DESERT HILLS NORTH, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 154 of Maps, Page 14.	8511 E. Cactus Road Scottsdale, AZ 85260
175-13-115	Lot 72, of DESERT HILLS NORTH, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 154 of Maps, Page 14.	8519 E. Cactus Road Scottsdale, AZ 85260
175-12-017	Lot 4, of Cactus Estates, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 173 of Maps, Page 30.	12211 N. 85 <sup>th</sup> Street Scottsdale, AZ 85260
175-12-018	Lot 5, of Cactus Estates, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 173 of Maps, Page 30.	12212 N. 85 <sup>th</sup> Street Scottsdale, AZ 85260

672 L.F. of 8" sewer line installed at Cactus Road from east of 85<sup>th</sup> Street, west.



## Appendix B

### Pro Rata Share and Eligible Cost Calculations

City of Scottsdale Water Resources Department  
June 24, 2013  
Reimbursement Calculation Worksheet for Tim Wingersky  
Installed 672 LF of 8-inch sewer pipe in Cactus Road

Construction	\$195,200.00
Engineering and Permitting Costs	\$9,402.58
Total Project Cost	<u>\$204,602.58</u>
Maximum Pay	\$150,000.00

Total Lots being served 8

Cost per Property (Total cost / Total Lots Served) \$20,408.16

#### Amounts to be Reimbursed to Owner

Parcel APN	Frontage (LF)	Eligible Cost	Administrative Fee (5%)	Pro Rata Share (plus interest)
175-13-047	1	\$20,408.16	\$1,020.41	\$21,428.57
175-13-048	1	\$20,408.16	\$1,020.41	\$21,428.57
175-13-113	1	\$20,408.16	\$1,020.41	\$21,428.57
175-13-114	1	\$20,408.16	\$1,020.41	\$21,428.57
175-13-115	1	\$20,408.16	\$1,020.41	\$21,428.57
175-12-017	1	\$20,408.16	\$1,020.41	\$21,428.57
175-12-018	1	\$20,408.16	\$1,020.41	\$21,428.57
		\$142,857.13	\$7,142.87	\$150,000.00