



Via Email to: Michael Morasco at [mkmosca22@gmail.com](mailto:mkmosca22@gmail.com) and attorney Ingrid Rainey at [Ingrid@raineylawpc.com](mailto:Ingrid@raineylawpc.com)

January 21, 2025

SUBJECT: Recorded City of Mesa Utility Service Agreement No. 20240562701 for Water and Sewer Connection at Real Property 219-22-002G in Maricopa County, Arizona

Dear Mr. Morasco:

This letter is regarding the City of Mesa Utility Service Agreement No. 20240562701 for water and wastewater utilities at Real Property 219-22-002G in Maricopa County, Arizona (the "Property") effective October 16, 2024 and recorded October 22, 2024 between the City of Mesa and Michael K. Morasco and Pamela Morasco as Trustees of The Morasco Family Trust. The Agreement states in Paragraph 1.2 and 1.3 that in order to receive water and wastewater utilities from City of Mesa at the Property and the Morasco Trustees will complete the Required Improvements depicted in Exhibit B. Exhibit B entitled "The Required Improvements" on page 7 of the 8 pages Agreement requires:

- A. For Water Utility: An 8-inch line constructed along the E. Palm Lane frontage connecting a loop. The process requires design, obtaining permits, construction, and approval for the mainline construction to the existing 8-inch water mainline located at Sossaman Road. The connection is necessary and will need to be extended across the frontage of the site.
- B. For Sewer / Wastewater Utility: The design, permitting, construction and acceptance of the mainline connection to the existing 8-inch sewer mainline to Sossaman Road.

In addition to being detailed in the signed Agreement, these requirements were written to you by City of Mesa employee Omar Soto in May 2024. *See Attachment – Email Communications.*

### **LEGAL AUTHORITY**

The legal requirement to extend utility connection along the entire frontage of property is stated both in a) the Mesa City Code, Title 8, Chapter 10 – Municipal Water System and b) the Terms and Conditions for the Sale of Utilities. Notable Mesa City Code excerpts from Title 8, Chapter 10 include the following.

#### 8-10-2: - DEFINITIONS - Excerpt

**APPLICANT:** A Person that owns property and applies for Development Entitlements or otherwise requests water utility service.

**FRONTAGE:** The entire length of that portion of a parcel of property that abuts a qualifying private street, public utility easement, or public Right-of-Way.

**OUTSIDE USER:** Any Applicant desiring or Customer receiving service at property located outside the municipal boundaries of the City.

#### 8-10-3: GENERAL PROVISIONS – Excerpt

**(A) All Applicants, Customers and Persons receiving or using City service from the System are subject to, must comply with, and are deemed to have consented to, this Chapter 10 of Title 8 of the Mesa City Code, as well as the Terms and Conditions and the provisions of applicable Rate Schedules, as well as to such conditions of pressure and supply as the City may provide from time to time through the System and at the property and location served.**

**(E) The City has no obligation to provide new service to Outside User Applicants, nor to provide a larger meter to existing Outside Users.**

#### 8-10-4: MINIMUM REQUIREMENTS FOR POTABLE WATER SERVICE - Excerpt

**(A) In addition to any other applicable requirements of the Mesa City Code and the Terms and Conditions, all Applicants and property for which service is desired shall, as a minimum requirement of receiving service, extend as a portion of the System a minimum of an eight inch Distribution Main (or such size as is determined by the Director) adjacent to and along the entire Frontage of the parcel (if not existing), and along all Frontages of the property if multiple Frontages occur.** In addition, Applicants must extend and loop the transmission mains as necessary under the Water Master Plan. All transmission and Distribution Main extensions must comply with applicable Engineering standards. The Director may modify or reduce the requirement that a Distribution Main be extended for the entire Frontage of a parcel if such extension is not needed to provide service to customers beyond the property.

The Terms and Conditions referenced above in Section 8-10-3(A) are the Terms and Conditions for the Sale of Utilities as adopted by the Mesa City Council on August 31, 2015 as Ordinance No. 5299 and available in the Utility Rate Book, PDF Pages 117 - 128 at <https://www.mesaaz.gov/files/assets/public/v/5/utilities/utility-rate-book.pdf>

Specifically, the Terms and Conditions, Sections / Paragraphs 3 and 23 address Service and Main Connections and Charges and Parcels Outside the Municipal Limits, Annexation Exceptions. Section 3.A. details parcel requirements for water and wastewater service. Section 3.F. requires a parcel owner requesting utility service to extend public main line(s) along all frontages of the parcel. Section 3.M. requires Customers outside City corporate limits to comply with Section 23

which details requirements for Utility Service Outside Municipal Limits, including compliance with these Terms and Conditions for the Sale of Utilities.

The Terms and Conditions for the Sale of Utilities, Section 24 provides the Modifications / Appeal Process. Section 24.A. is inapplicable because the Section states, “. . . the requirement in Section 3(F) for the parcel requesting service to extend the public main line(s) to the parcel may not be modified or eliminated.” Section 24.B. provides a Modification request process that is at the discretion of the Mesa City Council and only upon a recommendation from the designated City Council Committee which is the Sustainability and Transportation Committee.

### **TECHNICAL ANALYSIS**

The technical reason the Mesa City Code and the Terms and Conditions require extension of utility main lines along parcel frontage is to provide looping in the water system and reduce dead-end water line lengths consistent with Engineering Standards. A looped waterline provides an additional path for water flow which helps a) improve water quality and b) increase available flows and pressures for domestic and fire water demands. Engineering Standards, Water Quality and Flow Demand are explained in the following paragraphs.

**Engineering Standards:** The 2023 Engineering and Design Standards Manual Section 316.3 allows dead-end waterlines of 600 feet for new construction and up to 1,200 feet for temporary situations. The dead-end waterline on 76th Street is about 2,050 feet long. The dead end on 78th Street and Palm Lane is about 2,250 feet long. The extension of the 8” waterline across the south frontage of the Property would connect and loop these two dead-end pipes reducing the dead-end on 76th Street to about 750 feet and the dead-end on 78th Street to about 700 feet.

**Water Quality:** The dead-end water line on 76th Street is about 2,050 ft long with eight (8) water services. The eight existing water services on dead-end pipe in 76th Street use a total of 3.4 gallons per minute meaning it takes water eighty (80) hours to travel from McDowell Road to the northernmost water service on 76th Street. The small water demand and low velocities in the pipe can cause reduced chlorine residuals, excessive disinfection by product (DBP) formation, and hot water during the summer months. Reduced chlorine levels and DBP formation could exceed Environmental Protection Agency (EPA) limits for clean drinking water if not looped. Looping the waterline will reduce the time it takes water to reach the northernmost water service by 40 to 50 hours.

**Fire Flow Demand:** The looped water line will increase the available fire water flow by allowing two paths for the water flow to supply fire hydrants in the area. There are two existing fire hydrants near the Property. The first is adjacent to the southeast corner of the parcel and is estimated in the City’s hydraulic water model to have an available fire flow of 700 gallons per minute (gpm) under current conditions. The second hydrant is about 80 feet north of the northwest property corner on 76th Street and is estimated to have an available fire flow of 1,500 gpm under current conditions. Looping the 76th Street pipe to the Palm Lane pipe is estimated to increase the available fire flow at the first hydrant to 2,100 gpm and at the second hydrant to 2,000 gpm. The Fire Flow requirements are in Appendix B of the International Fire Code (IFC).

The extension of utility main lines in the Mesa City Code and the Terms and Conditions is required for both water and wastewater / sewer lines. Your Utility Services Agreement does not require extension for the sewer line. The City did not include this requirement in your Agreement because it would not provide any use to the area at this time. The Property will connect to the sewer pipe in 76th Street and a new sewer pipe in Palm Lane would sit dry until other developers connect to it. Because all the other parcels adjacent to where a new sewer line would have been installed are already on septic, a new sewer in this location would likely be unused until a septic system failed or the area experienced redevelopment. Additionally, a dry line may cause odor issues and maintenance for cleaning crews.

If you would like to proceed with a Modification request / appeal to the Sustainability and Transportation Committee, please contact Marc Heirshberg, Deputy City Manager. Mr. Heirshberg can be reached at [Marc.Heirshberg@MesaAZ.gov](mailto:Marc.Heirshberg@MesaAZ.gov)

Thank you,



Beth Hughes-Ornelas  
Deputy Director, Development Services Department, City of Mesa

Attachment: Email Communications

CC: Nana Appiah, Development Services Department Director