THIRD AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TOWN OF FOUNTAIN HILLS
AND
THE CK GROUP, INC.

THIS THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (this “Third Amendment”) is entered into as of March 5, 2019, between the Town of Fountain Hills, an Arizona municipal corporation (the “Town”) and The CK Group, Inc., an Arizona corporation (the “Contractor”).

RECITALS

A. The Town and the Contractor entered into a Professional Services Agreement, dated February 23, 2017, as amended by that First Amendment, dated June 5, 2018, and that Second Amendment, dated November 6, 2018 (collectively, the “Agreement”), for the Contractor to provide the Town with traffic and engineering analysis, among other things, for the Town (the “Services”). All capitalized terms not otherwise defined in this Third Amendment have the same meanings as contained in the Agreement.

B. The Town has determined that additional Services, namely providing design concept plans for (1) a traffic roundabout at the intersection of Avenue of the Fountains and La Montana Boulevard (the “La Montana Project”), and (2) the closure of traffic on Verde River Road at Avenue of the Fountains (the “Verde River Project”), from the Contractor are necessary (collectively, the “Additional Services”).

C. The Town and the Contractor desire to enter this Third Amendment to extend the term of the Agreement, to define the scope of the Additional Services, and to provide for compensation to the Contractor for the Services.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Contractor hereby agree as follows:

1. Term of Agreement. The term of the Agreement is hereby extended until June 4, 2021, unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement.
2. **Scope of Work.** The Contractor shall provide the Additional Services as set forth in the Scope of Work and Fee Proposals, attached hereto as Exhibit A and incorporated herein by reference.

3. **Compensation.** The Town shall: (a) pay the Contractor (i) $55,383.54 for the Additional Services related to the La Montana Project, and (ii) $7,630.10 for the Additional Services related to the Verde River Project; and (b) provide for an owner’s allowance of $7,000.00, resulting in an increase of the aggregate not-to-exceed compensation amount from $78,120.78 to $148,134.42.

4. **Effect of Amendment.** In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

5. **Non-Default.** By executing this Third Amendment, the Contractor affirmatively asserts that (i) the Town is not currently in default, nor has it been in default at any time prior to this Third Amendment, under any of the terms or conditions of the Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this Third Amendment are forever waived.

6. **Israel.** Contractor certifies that it is not currently engaged in, and agrees for the duration of this Agreement that it will not engage in a “boycott,” as that term is defined in Ariz. Rev. Stat. § 35-393, of Israel.

7. **Conflict of Interest.** This Third Amendment and the Agreement may be cancelled by the Town pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first set forth above.

“Town”

TOWN OF FOUNTAIN HILLS,
an Arizona municipal corporation

[Signature]
Grady E. Miller, Town Manager

ATTEST:

[Signature]
Elizabeth A. Burke, Town Clerk

APPROVED AS TO FORM:

[Signature]
Aaron D. Arnson, Town Attorney

(ACKNOWLEDGMENT)

STATE OF ARIZONA )
) ss.
COUNTY OF MARICOPA )

On June 11, 2019, before me personally appeared Grady E. Miller, the Town Manager of the TOWN OF FOUNTAIN HILLS, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document, on behalf of the Town of Fountain Hills.

[Affix notary seal here]

Rhonda M. Brenneman
Notary Public

[SIGNATURES CONTINUE ON FOLLOWING PAGE]
"Contractor"

The CK GROUP, INC.
A(n) Arizona corporation

By: [signature]

Name: Ogbonna Abari Kwu

Title: [signature]

(ACKNOWLEDGMENT)

STATE OF ARIZONA )
                        ) ss.
COUNTY OF MARICOPA )

On May 31st, 2019, before me personally appeared Ogbonna Abari Kwu, the Principal of THE CK GROUP, INC., a(n) Arizona corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that he/she signed the above document on behalf of the corporation.

[Notary Public Seal]

(Affix notary seal here)

4828-3777-1669 v.3
EXHIBIT A
TO
THIRD AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TOWN OF FOUNTAIN HILLS
AND
THE CK GROUP, INC.

[Scope of Work and Fee Proposals]

See following pages.
April 18, 2019

Mr. Justin Weldy
Public Works Director
Town of Fountain Hills Development Services Department
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Re: Avenue of the Fountains (AOTF) at La Montana Blvd Roundabout Design

Mr. Weldy,

Thank you for requesting our services as referenced. It is our understanding that the Town desires that the CK Group (CK) provide design plans for a traffic roundabout at the subject intersection. The proposed roundabout will be based on the layout presented in the Avenue of the Fountains (AOTF) at La Montana Drive Intersection Study dated September 2017, Concept #2 for an “Oval Roundabout”

The following work effort is anticipated to be completed as part of the intersection design efforts:

1. Perform field reconnaissance and as-built review
   a. CK will perform a detailed field review to identify impacts of widening at the intersection to accommodate the roundabout island and splitter islands.
   b. Review and propose new pedestrian ramp and crosswalk location with regard to new roundabout.
   c. Identify impacts to parking spaces due to roundabout.

2. Prepare detailed geometric, staking and island detail plan sheets for roundabout design.

3. Prepare hardscape modification design for new center island and existing median pavers.

4. Prepared detailed signing and marking plans for new roundabout. Coordinate work with planned striping on AOTF.

5. Perform supplemental survey for existing intersection geometry and hardscape features. CK had performed a prior limited topographical survey at this intersection for the Avenue of the Fountain at La Montana Drive Intersection Study referenced above. Survey will locate information not collected in prior survey.

6. Perform project progress meetings including coordination update and comment review and resolution meetings.

7. Prepare project specifications and an estimate of engineer’s probable construction cost.

8. Provide project submittals at 60%, 90% and 100% submittal stages for Town review and approval.

The following assumptions are included in this scope effort:

A. Center Island Art Piece and Installation
   - The Town will provide the art design for the center island including preparing design of design plans for installation. This includes foundation, electrical service, sleeves, etc.
The Town will provide any structural engineering design for installing the art piece in the center island.
- The Town will relocate the eagle stature currently located in the median outside of the new roundabout footprint.
- Public meeting is not included in this work effort. Support for council meeting will be billed separately.
- Council meeting attendance and participation will be covered as an allowance item.
- Post design services are not included in this effort. Post design services will be under a separate agreement.
- CK has retained the services of EPG Group for landscape and irrigation design services. EPG’s scope and fee are attached with this submittal.

Submittals:
- Project submittals shall be half size (11 x 17) PDF submittals.
- The final submittal shall a full size (22 x 34) hard copy bond submittal including a PDF version.

It is anticipated that the proposed work effort will be completed within sixteen (16) weeks from the receipt of a Notice to Proceed (NTP) from the Town. The estimated fee for the proposed services is $53,269.54. Allowance budget for council meeting participation is estimated at $1,934.80 for a total fee of $55,204.34.

Please refer to Exhibit A – Derivation of Fee, which is attached herein.

Cost associated with meeting(s) beyond those specified in the scope of work will be billed separately on a time and material basis.

Please do not hesitate to contact us should you have any question or comment.

Respectfully,
the CK Group, Inc.

Ogbonna Abarikwu
Principal
ATTACHMENT A

LANDSCAPE ARCHITECTURE DESIGN SERVICES

PROJECT SUMMARY

EPG services are to assess the existing landscape construction at the Avenue of the Fountains and La Montana intersection and adapt the planting and irrigation to the proposed roundabout design. Additionally, the project will include a sculptural element in the central island with a hardscaped and/or planted setting.

SCOPE OF WORK

Task 1 – Project Assessment

Investigate the existing project limits to review and analyze the existing landscape construction to include planting and irrigation system.

Task 1 Subtasks

1.1 Review City provided materials, such as the 2013 Median Improvements as-built drawings.
1.2 Site visit to document in general the existing plant materials to remain and their location.
1.3 Site visit to perform a basic irrigation audit to assess the working order of the existing equipment and irrigation zones.
1.4 Attend up to one project meeting.

Task 1 Deliverables:

- CAD background of existing plants
- CAD background of major existing irrigation equipment that is surface visible
- Plant palette, pdf

Anticipated Duration:

- Two weeks

Task 2 – 60% Design Development

Provide design development documents of the proposed landscape and irrigation system that will adapt the existing construction to the proposed roundabout design.

Task 2 Subtasks

2.1 Prepare 60% planting and irrigation plans and details.
2.2 Attend 60% comment review meeting.

Task 2 Deliverables

- Planting/Irrigation cover sheet (1), pdf
- Planting plan sheets (1), 20 scale, pdf
- Planting detail sheets (1). pdf
- Irrigation plan sheets (1), 20 scale, pdf
- Irrigation details sheets (2). pdf

Anticipated Duration:

- Two weeks

**Task 3 – 90% Construction Documents**

Provide construction documents based on the approved 60% design development task. The construction documents, through drawings and special provisions, will provide technical detail of the requirements for construction of the landscape design.

**Task 3 Subtasks**

3.1 Prepare 90% planting and irrigation plans and details.
3.2 Prepare special provisions (MAG format).
3.3 Assist with CK Groups opinion of probable costs.
3.4 Attend 90% comment review meeting.

**Task 3 Deliverables**

- Planting/Irrigation cover sheet (1). pdf
- Planting plan sheets (1), 20 scale, pdf
- Planting detail sheets (1). pdf
- Irrigation plan sheets (1), 20 scale, pdf
- Irrigation details sheets (2). pdf

Anticipated Duration:

- Two weeks

**Task 4 – 100% Construction Documents**

Provide complete construction documents based on the approved 90% construction documents task.

**Task 4 Subtasks**

4.1 Prepare 100% design plans.
4.2 Update special provisions.
4.3 Update and refine opinion of probable costs.
4.4 Address permitting comments.
4.5 Attend 100% review meeting.

**Task 4 Deliverables**

- Same as Tasks 3
Anticipated Duration:

- Two weeks

**Task 5 – Final Construction Documents**

Provide final hard copies of sealed construction documents based on the approved 100% construction documents task.

**Task 5 Subtasks**

5.1 Plot and seal final planting and irrigation plans.
5.2 Update special provisions.
5.3 Update the final opinion of probable costs.

**Task 5 Deliverables**

- Copies (pdf) of construction documents

Anticipated Duration:

- One week
PROPOSAL ASSUMPTIONS AND QUALIFICATIONS

Items not covered in EPG’s Scope of Work and assumptions or qualifications related to the execution of its work are as follows:

1. CAD background design files will be provided by CK in AutoCAD format. EPG will perform its work in AutoCAD.
2. Hardscape design for new work and integrating into existing hardscape features will be done by CK.
3. There appears to be minimal plant materials protected by the Arizona Protected Native Plants law. Affected plants will be located, inventoried, and disposition (protect in place, salvage, destroy) shown on the planting plan.
4. Sculpture lighting and 120V electrical design if required for irrigation controllers is not included.
5. No landscape architecture assistance is included for the central island component as the Town will provide a design intent for the central island. CK will be responsible for all landscape requirements.
6. No public meetings are anticipated or included.
7. Bidding services and construction administration services are not included at this time.
8. This proposal is prepared using the EPG Team’s 2019 wage rates and will be valid for a period of ninety (90) days following the proposal date. Should the Scope of Work herein not begin within this time, we request the opportunity to review and adjust to accommodate current wage rates.

FEE SCHEDULE

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<tr>
<td>A-1 Prepare cover sheet (1 sheet)</td>
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<td>A-6 Prepare landscape modification plan (1 sheet)</td>
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<td>A-12 Comment review meetings (2 Review meetings)</td>
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<td>A-14 Prepare engineers estimate and specifications</td>
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Total Hours: 356

Hourly Rates:
- Principal: $71.44
- Project Manager: $64.47
- Sr. Project Engineer: $50.50
- Project Engineer: $34.86
- Project Designer: $30.71
- Registered Landscape Surveyor: $22.00
- Project Coordinator: $18.50
- Admin/ Graphics: $19.23

Total Direct Labor: $14,040.02

Overhead: 1.2790
Overhead Rate: $17,957.61

Subtotal: $31,997.63

Profit: 10%
Profit: $3,199.76

Subtotal: $35,197.39

Subconsultants: $19,986.35

Total: $55,383.54

Total Direct Labor: $14,040.02

Overhead: 1.2790

Subtotal: $31,997.63

Profit: 10%
Profit: $3,199.76

Subtotal: $35,197.39

Subconsultants: $19,986.35

Total: $55,383.54

Total: $19,986.35

Total: $19,986.35

Total: $109,800
May 13, 2019

Mr. Justin Weldy
Public Works Director
Town of Fountain Hills Development Services Department
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Re: Verde Valley Road Closure at Avenue of the Fountains (AOTF), Fountain Hills, AZ

Mr. Weldy,

Thank you for requesting our services as referenced. It is our understanding that the Town desires that the CK Group (CK) prepare design concept plans for the closure of Verde Valley Road at AOTF. The design concept plans will be for closure of the median to restrict northbound and southbound movements on Verde River Road as depicted in the exhibit provided by the TOFH on April 2nd, 2019 with the pedestrian access placed on either the north or south side of the median but not in the middle as depicted in the graphic.

As part of the proposed improvements, CK will prepare geometric concept improvement plans for curbing off the median on Verde Valley Road. The modifications will require improvements to the ramps, curbs and gutter as well as striping and signage along AOTF and Verde Valley Road. It is assumed that pavers will be placed in the curbed off area.

CK will develop the following:

a. Prepare geometric modification concept plans.
b. Prepare striping and signage modification plans for proposed geometric improvements.
c. Prepare hardscape feature in closed area utilizing pavers.
d. Obtain survey of existing curb topo points along AOTF, 400’ from Verde Valley Road centerline on each side at 50’ intervals.
e. Prepare an engineer’s estimate of probable cost for the proposed improvements

Submittals: PDF of Drawings

Meetings: One project meeting is estimated for this task along with a Telephonic conference as required.

Exclusions: The following are excluded from the work effort and will added as additional work effort if required.
- Landscape and Irrigation Design
- Electrical/Lighting Design
- Water Feature/Fountain Design
- Plaza Concept Design including benches, sitting area

It is anticipated that the proposed work effort will be completed within four (4) weeks from the receipt of a Notice to Proceed (NTP) from the Town. The estimated fee for the proposed services is $7,630.10. Please refer to Exhibit A – Derivation of Fee, which is attached herein.

Cost associated with meeting(s) beyond those specified in the scope of work will be billed separately on a time and material basis.

Please do not hesitate to contact us should you have any question or comment.

Respectfully,
the CK Group, Inc.

Ogbonna Abarikwu
Principal

the CK Group, Inc.
16448 N. 40th Street, Suite A Phoenix, Arizona 85032
P: 602.482.5884 | F: 602 482.2885 | Email: ckgroup@theCKgroup.com
## EXHIBIT A - DERIVATION OF FEE

### Town of Fountain Hills AOTF @ Verde Valley Road Improvement

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<th>Admin/ Graphics</th>
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**Total**

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3.0 ASSESSMENT OF FUTURE CONDITIONS

3.1 Traffic Volume Forecasts

Future year 2040 volume projections for the Town were obtained from the Maricopa Association of Governments (MAG) travel demand model. The Annual Average Daily Traffic (AADT) projections obtained from MAG are included in Appendix E. Existing year traffic volumes were obtained from MAG for the project intersection and corridors. The future MAG traffic volumes were compared to the existing MAG traffic volumes to estimate the anticipated growth rate for the Town between current- and 2040-year conditions.

A growth rate of approximately 9% was obtained. The growth rate was applied to the existing turning movement counts at the project intersections to determine projected 2040 peak-hour turning movement counts.

It should be noted that the nearby properties are currently undeveloped but planned to be soon developed more intensely than existing properties in that area (commercial vs. multifamily) with more floors, the intersection could experience moderately higher traffic growth sooner.

Figure 4 (below) shows the projected 2040 turning movement volumes for the project intersections.

3.2 Traffic Signal Warrant Analysis

A signal warrant analysis was performed using the volumes shown in Figure 4 (below). The results of the analysis indicate that warrants for a signal will not be met for Year 2040 conditions.

3.3 Roundabout Analysis

CK researched other cities and towns in the state of Arizona and beyond to assess various ways traffic can be controlled at locations similar to the project intersection. The preferential use of roundabouts was observed as one of the top considerations. Locations observed include several intersections in the La Jolla community in San Diego, California; several intersections in the City of Carmel, Indiana; and several locations in the state of Washington. As part of this effort, CK also reviewed a prior Roundabout Feasibility Study prepared for the project intersection. Installing a roundabout at the project intersection was further reviewed due to the potential benefits of a roundabout over other modes of traffic control.

According to studies done by others, including the FHWA and the Insurance Institute for Highway Safety, roundabouts demonstrate the following
benefits over the traditional stop sign or signal controlled intersections:
- 75% reduction in injury collisions
- 90% reduction in fatality collisions
- 37% reduction in overall collisions
- 40% reduction in pedestrian collisions
- Encourages low travel speeds through the intersection
- Reduction in travel delay
- Improves traffic flow

In addition to the benefits highlighted, roundabouts offer the opportunity to create an aesthetically pleasing gateway at major intersections in a community. Several municipalities both within the state and in the country have used roundabouts at intersections of significance.

The Pictures 1-4 (right) show some of the locations we looked at as part of this analysis.

The City of Scottsdale currently has several roundabouts and smaller traffic circles within its jurisdiction. Other metro agencies including both Phoenix and ADOT have installed a number of roundabouts.

A roundabout analysis was performed to determine lane requirements if a roundabout is installed for traffic control at this intersection. The roundabout lane determination analysis was based on methodologies specified in NCHRP Report 672, Roundabouts: An Informational Guide, 2nd Edition (Guide).

According to Exhibits 3-14 of the Guide, a single-lane entry is sufficient for an entry volume range of 0 to 1,000 veh./hour. The entry volumes to the project intersection from each direction during the peak hours are less than 300 veh./hour for existing, as well as future year 2040 conditions, which indicates a single-lane roundabout will be sufficient at this location. This observation is in line with the observations made in the prior Roundabout Feasibility Study performed at the project intersection.
4.0 SCHEMATICS - RECONFIGURATION ALTERNATIVES

Several other alternatives to enhance traffic and safety operations were developed based on the review of the intersection. The potential improvements included implementing signing and striping modifications, as well as geometric improvements at the intersection. The potential improvements concepts have been developed with the goal of minimizing removal of existing improvements at the intersection.

The proposed improvement alternatives include:
1. Tightening the intersection to reduce the distance between the approaches
2. Converting the intersection into an oval roundabout configuration
3. Implementing a Michigan left-turn concept
4. One-way signing
5. No action

A concept for a road diet is also proposed along La Montana Dr.
In tandem with the various improvements proposed, the following are recommendations:

1. Improve the roadway median opening at the westerly access to the post office into a full access opening
2. Restrict the easterly access into the post office to exit only
3. Relocate the mail drop off box location from adjacent to La Montana Dr into the post office and adjacent to AOTF

The proposed alternative improvements are shown and presented in Concepts 1-5 (right) and are discussed in detail on the following pages. They are also included as Appendix F. The details include key pros and cons of proposed alternative improvements, as well as scale of cost.
4.2 Concept 2 - Install An Oval Roundabout

As discussed above, use of roundabouts to control traffic operation can be an efficient way to improve traffic operations at locations such as the project intersection. Installation of a roundabout will utilize the existing wide layout of the intersection without need for additional right-of-way, while minimizing impacts to existing landscape features at the intersection. To minimize impact to existing median noses on AOTF, the roundabout has been modified as an elliptical roundabout.

Table 5 (below) lists the pros and cons and Figure 6 (below) illustrates this concept.

<table>
<thead>
<tr>
<th>PROS</th>
<th>CONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Eliminates left-turn conflicts</td>
<td>1. Major geometric improvements required</td>
</tr>
<tr>
<td>2. Reduced traffic speeds at the intersection</td>
<td>2. Introduces a new means of traffic control</td>
</tr>
<tr>
<td>3. Provides opportunity for scenic or artist features at roundabout</td>
<td>3. Retains wide intersection footprints.</td>
</tr>
<tr>
<td>4. Provides opportunities to maintain existing parking along AOTF</td>
<td>4. High cost</td>
</tr>
<tr>
<td>5. Ideal for the traffic volume experienced at intersection</td>
<td>5. Potential initial driver confusion (first Town roundabout)</td>
</tr>
<tr>
<td>6. No right-of-way requirements</td>
<td>6. Eliminates two parking spaces on AOTF and parking spaces on the north departure leg of La Montana</td>
</tr>
<tr>
<td>7. Somewhat discourages NB-WB cut-through traffic.</td>
<td>7. Pedestrian crossings at roundabouts are farther from the intersection (potential high speeds and farther walking lengths)</td>
</tr>
</tbody>
</table>

**FIGURE 6: CONCEPT 2 - INSTALL AN OVAL ROUNDBOUT**
### Concept #2

**PROS:**
1. Reduced traffic speeds at the intersection.
2. Improved traffic operations and left turn conflicts.
3. Provide opportunity for scenic monument.
5. Discourages NB to WB cut through traffic.
6. No right of way needs

**CONS:**
1. Wide intersection footprint.
2. Requires geometric improvements.
3. New traffic control means.
4. Inconvenience during construction.
5. Potential initial driver confusion.

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**TOWN OF FOUNTAIN HILLS ARIZONA**

AOTF @ LA MONTANA DRIVE  
CONCEPT #2  
ROUNDABOUT DESIGN