

Bond Case Briefs

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UTILITIES . - ARIZONA

Contreras Farms Limited LLC v. City of Phoenix

Court of Appeals of Arizona, Division 1 - October 29, 2019 - P.3d - 2019 WL 5556333

After city denied developer's request for an extraction appeal to challenged city's decision to require installation of a water main on property on which it planned to build a charter school, developer sought declaratory relief and damages.

The Superior Court granted city's motion for summary judgment. Developer appealed.

The Court of Appeals held that developer was not entitled to an extraction appeal.

Water main requirement in city ordinance was a legislative act that did not afford a city official or agency discretion to determine its nature or extent, and thus developer was not entitled to an extraction appeal of city's decision to require installation of a water main on property on which it planned to build a charter school; water main requirement in city ordinance was subject to only one interpretation, that an owner seeking to develop property was required install water mains along each street that bounds the proposed development.