

AGENDA ITEM # _____

DATE: October 5, 2015

COAC NUMBER: 15-5688

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Fourth Amendment to
Amended & Restated Development
Agreement for Amber Meadows

STAFF PRESENTER: Sarah Chilton,
Asst. City Attorney
COMPANY
CONTACT:

RECOMMENDATION:

ADOPT RESOLUTION NO. 15-1725 APPROVING, AUTHORIZING AND DIRECTING THE EXECUTION OF THE FOURTH AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR AMBER MEADOWS; PROVIDING AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS NECESSARY TO CARRY OUT INTENT OF RESOLUTION AND FOURTH AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE:

The purpose of this item is to review and approve a Fourth Amendment to the Amended & Restated Development Agreement for Amber Meadows, which amends the terms of the Amended & Restated Development Agreement for Amber Meadows to extend the deadlines for the recordation of the existing and approved final plat for Amber Meadows.

BACKGROUND AND COMMUNITY BENEFIT:

On June 24, 2013, by Resolution No. 13-1555, the Mayor and Council approved an Amended & Restated Development Agreement for Amber Meadows, which set forth certain obligations and commitments concerning the development of approximately 108.5 acres generally located at the southeast corner of Van Buren Road and Perryville Road within the City of Goodyear (the "Property"). This agreement was one of many amended and restated development agreements the Mayor and Council approved for properties in the West Goodyear Central Planning Area ("WGCPA"). The terms of the amended and restated development agreements have been negotiated with representatives of owners of properties located in the WGCPA, many of whom have been working with the City since 2005 to facilitate development in the WGCPA. The Amended & Restated Development Agreement for Amber Meadows required that the previously approved plat for Amber Meadows be recorded by May 31, 2014 or it would terminate.

In an effort to encourage development in West Goodyear, the Amended & Restated Development Agreement for Amber Meadows has been amended three times. The purpose of the First Amendment to the Amended & Restated Development Agreement for Amber Meadows was to avoid deterrents to development of properties in West Goodyear by revising the terms of the agreement relating to the timing of payments for Cost Recovery Obligations. The purpose of the Second Amendment and the Third

Amendment to the Amended & Restated Development Agreement for Amber Meadows was to extend the deadline for recording the existing approved final plat for Amber Meadows. The current deadline for recordation of the existing approved final plat for Amber Meadows is October 31, 2015.

Notwithstanding the efforts of the City and the owners and/or developers of the WGCPA Properties, including Amber Meadows, development has not moved forward as anticipated. The primary barrier to development is the cost of the infrastructure needed to serve the West Goodyear Properties. Briefly summarized, the development of the WGCPA Properties requires the construction of costly regional water and sewer lines and the remittance of cost recovery payments as reimbursement for the costs of regional water and sewer lines that were or are to be constructed by others but that provide a benefit to the developing properties.

Although these requirements are consistent with the Council's policy that growth pays for itself, the timing of the obligations is problematic. These costs are incurred in connection with the recordation of the first final plats for each WGCPA property. The substantial up-front costs serve as a deterrent to the development of the WGCPA Properties.

The owners and developers of the WGCPA Properties have been working with City staff to identify a framework that is intended to reduce some of the up-front costs in an effort to spur development in West Goodyear. The general framework was presented to council during the October 5, 2015 work session. Staff anticipates presenting amended and restated development agreements for the WGCPA Properties in January 2016. The amended & restated development agreement for Amber Meadows will include an extension of time for the recordation of the currently approved final plat for Amber Meadows. In the interim, in order to allow City staff and West Goodyear Properties' owners, developers, and/or their representatives to work through the details of the amended and restated development agreements for the WGCPA Properties, staff is recommending that the Amber Meadows Amended & Restated Development Agreement be amended to extend the deadline for recording the currently existing approved final plat for Amber Meadows to January 31, 2016.

PREVIOUS ACTIONS AND DISCUSSION:

The Mayor and Council have not debated this Fourth Amendment previously although the concept was presented during the October 5, 2015 work session.

FISCAL ANALYSIS:

This Fourth Amendment does not have any fiscal impact to the City.

ATTACHMENTS:

Resolution No. 15-1725

- Exhibit A – Legal Description
- Exhibit B – Fourth Amendment to Amended & Restated Development Agreement for Amber Meadows