

AGENDA ITEM #: _____

DATE: May 23, 2016

COAC #: 16-5830

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

**SUBJECT: Acceptance of Two (2)
Perimeter Fence Easements at the
Goodyear Ballpark Facility**

STAFF PRESENTER: Linda R. Beals, Real
Estate Coordinator

CASE NUMBER: N/A

OTHER PRESENTER: N/A

RECOMMENDATION:

Accept two perimeter fence easements for portions of the perimeter fence and a retention wall at the Goodyear Ballpark Facility.

PURPOSE:

The acceptance of the perpetual easements will provide the city with ability to maintain portions of the Goodyear Ballpark perimeter fence and a portion of a retaining wall that were determined to be encroaching on adjacent properties. The easements are being dedicated by Byrd Enterprises of Arizona and CSWR141 Goodyear 17, LLC. (Linda R. Beals, Real Estate Coordinator)

BACKGROUND AND PREVIOUS ACTIONS:

In August of 2015 the city was notified that Communities Southwest had obtained a survey which included Lots 14 and 15 of the Ballpark Village-Wood Corporate Campus and that portions of the Goodyear Ballpark perimeter fence and portion of a retaining wall were encroaching into these lots. The city contracted with Dibble Engineering to review the survey. Dibble confirmed the survey was accurate and provided legal descriptions for the encroachment areas. City staff worked with representatives Communities Southwest, who currently owns Lot 14 under an entity named CSWR141 Goodyear 17, LLC and Byrd Enterprises of Arizona the recent purchaser of Lot 15 to obtain the necessary easements to all the city to continue to maintain the existing fence and retaining wall. Both entities have provided the easements at no cost to the city.

STAFF ANALYSIS:

As previously noted, city staff hired a consultant that confirmed the fence and retaining wall encroached on the adjacent lots. The two alternatives considered were relocating the fence and retention wall which was not economically feasible and the preferred alternative which was working with the owners to obtain the necessary easements. Both owners were willing to dedicate the easements at no cost to the city.

FISCAL ANALYSIS:

There are no additional costs to the city since the fence was placed as part of the development of the Goodyear Ballpark, is maintained as part of the facility and the easements are being dedicated at no cost.

ATTACHMENTS:

Perimeter Fence Wall Easement Agreement – Lot 14

Perimeter Fence and Retention Wall Easement Agreement – Lot 15