

RESOLUTION NO. 17-1783

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE EXECUTION OF THE FIRST AMENDMENT TO THE DEVELOPMENT AND FIRE SERVICES AGREEMENT; PROVIDING AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS NECESSARY TO CARRY OUT INTENT OF RESOLUTION AND FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, NNP III-Estrella Mountain Ranch, LLC (“Estrella”) and TOUSA Homes, Inc., L.L.C., (“TOUSA”) and the city entered into that certain Development and Fire Services Agreement dated May 22, 2006 (the “Agreement”), and recorded as Instrument No. 2006-0731018 in the official records of Maricopa County, Arizona, which sets forth certain obligations and commitments of the Parties relative to the provision of fire services in the Estrella Community and to satisfy certain stipulations regarding further development of that community, and

WHEREAS, subsequent to the execution of the original Agreement, the national economic downturn occurred in 2008, while the first fire station that is contemplated by the Agreement was in the preliminary design phase; and

WHEREAS, the national economic downturn drastically slowed housing development in Arizona and nationally; and

WHEREAS, the design and construction of the 804 Fire Station was put on hold in 2008; and

WHEREAS, AV Homes has acquired the parcels previously owned by TOUSA and became TOUSA’s successor-in-interest to the Agreement; and

WHEREAS, in the last several years, commercial and residential development in the Estrella Community has increased; and

WHEREAS, in 2016, the city has undertaken a fire services study to evaluate and make recommendations as to the provision of fire services and station location recommendations within the city, including the Estrella Community; and

WHEREAS, following the fire services study, the Parties desired to revisit and update the terms of the original Agreement related to the provision of fire services within the Estrella Community;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the city of Goodyear hereby approve the First Amendment to Development and Fire Services Agreement between NNP III-Estrella Mountain Ranch, LLC, AV Homes of Arizona, LLC, and the city of Goodyear, an Arizona municipal corporation attached hereto as Exhibit A (the “First Amendment”); and

SECTION 2. The City Attorney is hereby authorized, at his discretion, to make non-substantive modifications to the First Amendment prior to its execution; and

SECTION 3. The City Manager is hereby authorized and directed to execute the First Amendment attached hereto as Exhibit A as modified by the City Attorney; and

SECTION 4. The First Amendment is intended to be a development agreement pursuant to A.R.S. § 9-500.05.

SECTION 5. The City Manager or his designee is hereby authorized and directed to take any and all actions and to execute all documents necessary to carry out the intent of this Resolution and the terms of the First Amendment.

SECTION 6. That this Resolution shall become effective as provided by law.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 17-1783 is a true, correct and accurate copy of Resolution No. 17-1783, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk

EXHIBIT A

First Amendment to the Development and Fire Services Agreement

(attached)