

RESOLUTION NO. 17-1782

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING, AUTHORIZING, AND DIRECTING THE EXECUTION OF THE FIRST AMENDMENT TO THE SECOND AMENDED & RESTATED DEVELOPMENT AGREEMENT FOR PRADERA REGARDING THE DEVELOPMENT OF A 160.4 ACRE PARCEL GENERALLY LOCATED AT THE NORTHWEST CORNER OF CITRUS ROAD AND LOWER BUCKEYE PARKWAY, PROVIDING AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS NECESSARY TO CARRY OUT INTENT OF RESOLUTION AND THE FIRST AMENDMENT TO THE SECOND AMENDED & RESTATED DEVELOPMENT AGREEMENT FOR PRADERA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pradera Partners 160, LLC, a Washington limited liability company (“Owner” or Pradera 160”) owns approximately 160.4 acres generally located at the northwest corner of Citrus Road and Lower Buckeye Parkway within the City of Goodyear, as more specifically described in Exhibit A attached hereto (the “Property”); and

WHEREAS, the Property is located within the West Goodyear Central Planning Area (“WGCPA”); and

WHEREAS, Owner’s predecessor in interest to the Property was a member of a group of owners of properties in the WGCPA (“WGCPA Properties”) that has been working with the City since 2005 to facilitate development in the WGCPA, the members of this group are known as “IDG Members”; and

WHEREAS, the City and certain IDG Members, including Owner’s predecessor in interest to the Property, Standard Pacific of Arizona, Inc. (“Standard Pacific”) entered into development agreements that were to facilitate the timely and orderly development of the WGCPA Properties; and

WHEREAS, after succeeding to Standard Pacific’s interest in the Property and in the Pre-Annexation Development Agreement, Owner, Pradera Partners 160, LLC, a Washington limited liability company and the City of Goodyear (the “City”) entered into an Amended and Restated Development Agreement (Pradera) dated July 10, 2013, which was recorded in the Official Records of Maricopa County on June 28, 2013 as Instrument No. 2013-00631560, which agreement was amended five times and which sets forth certain obligations and commitments of the Parties relative to the development of the Property; and

WHEREAS, Owner and the City of Goodyear (the “City”) entered into that certain Pre-Annexation Development Agreement recorded on November 1, 2005 in the official records of Maricopa County, Arizona as Record No. 2006-0219148; and

WHEREAS, because of the down turn in the real estate market, Owner and certain other owners of the West Goodyear Central Planning Area Properties sought to amend the terms of their respective development agreements to, among other things, relieve the owners of the substantial up-front cash outlays required under the terms of their respective development agreements; and

WHEREAS, following an upturn in the real estate market, staff began meeting with owners of various WGCPA Properties to discuss their development plans, during which staff was informed that the significant up front infrastructure requirements required of the WGCPA Properties was causing potential homebuilders to lose interest in developing in WGCPA; and

WHEREAS, City staff and a majority of the owners, developers and/or representatives of the WGCPA Properties formulated a new development strategy and development agreement template for the WGCPA Properties that was intended to spur the development of the WGCPA Properties; and

WHEREAS, pursuant to the new development strategy, Owner and the City entered into that certain Second Amended & Restated Development Agreement for Pradera recorded on April 29, 2016 in the official records of Maricopa County, Arizona as Record No. 2016 0290253 (“Second Amended & Restated Development Agreement for Pradera”); and

WHEREAS, under the terms of the Pradera Second Amended & Restated Development Agreement, the existing approved final plats for Pradera will terminate if at least one of the existing approved final plats subdividing the Property is not recorded by January 24, 2017; and

WHEREAS, City staff and certain WGCPA Properties, developers and/or their representatives are working intently with the City on a new agreement for some of the WGCPA properties to construct offsite water and sewer infrastructure in advance of development;

WHEREAS, in order to allow City staff, and certain WGCPA Property owners, developers and/or their representatives to work on a new agreement with the City for the construction of water and sewer infrastructure, the City is willing to extend the deadline stated in the 2nd ARDA for recording the existing approved final plats for Pradera until April 24, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City 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 the Second Amended & Restated Development Agreement for Pradera between Pradera 160, an Arizona limited liability company and the City of Goodyear, an Arizona municipal corporation attached hereto as Exhibit B (the “First Amendment”); and

SECTION 2. The City Manager is hereby authorized and directed to execute the First Amendment attached hereto as Exhibit B; and

SECTION 3. The First Amendment is intended to be a development agreement pursuant to A.R.S. § 9-500.05.

SECTION 4. 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 5. That this Resolution shall become effective as provided by law.

Georgia Lord, Mayor

Maureen Scott, City Clerk

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this ____ day of _____, 2017.

Maureen Scott, City Clerk

EXHIBIT A
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Legal Description of Pradera

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15;

THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS EAST ALONG THE MONUMENT LINE OF LOWER BUCKEYE ROAD, A DISTANCE OF 2641.59 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 15;

THENCE NORTH 00 DEGREES 00 MINUTES 59 SECONDS WEST ALONG THE NORTH-SOUTH CENTER LINE OF SAID SECTION 15, A DISTANCE OF 33.00 FEET TO THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH-SOUTH CENTER LINE OF SAID SECTION 15, NORTH 00 DEGREES 00 MINUTES 59 SECONDS WEST, A DISTANCE OF 2613.86 FEET TO THE CENTER OF SAID SECTION 15 AND THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 89 DEGREES 58 MINUTES 29 SECONDS EAST ALONG THE EAST-WEST CENTER LINE OF SAID SECTION 15, A DISTANCE OF 2605.28 FEET TO THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF CITRUS ROAD;

THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF CITRUS ROAD SOUTH 00 DEGREES 00 MINUTES 16 SECONDS WEST, A DISTANCE OF 2569.25 FEET TO AN ANGLE POINT;

THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE OF CITRUS ROAD SOUTH 45 DEGREES 02 MINUTES 28 SECONDS WEST, A DISTANCE OF 56.53 FEET TO AN ANGLE POINT, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF LOWER BUCKEYE ROAD;

THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF LOWER BUCKEYE ROAD NORTH 89 DEGREES 55 MINUTES 19 SECONDS WEST A DISTANCE OF 579.95 FEET TO AN ANGLE POINT;

THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF LOWER BUCKEYE ROAD SOUTH 00 DEGREES 04 MINUTES 41 SECONDS WEST A DISTANCE OF 7.00 FEET TO AN ANGLE POINT;

THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE OF SAID LOWER BUCKEYE ROAD, NORTH 89 DEGREES 55 MINUTES 19 SECONDS WEST, A DISTANCE OF 1984.37 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE TRUE POINT OF BEGINNING.

EXHIBIT B
RESOLUTION 17-1782

FIRST AMENDMENT TO SECOND AMENDED & RESTATED DEVELOPMENT AGREEMENT

FOR PRADERA

(attached)