

## **RESOLUTION NO. 17-1792**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING DEVELOPMENT AGREEMENT FOR WEST GOODYEAR SEWER AND WATER INFRASTRUCTURE, PROVIDING AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in early 2005, owners of sixteen properties (“WG Properties”) located in the West Goodyear Central Planning Area (“WGCPA”), which encompasses 3,364 acres and over 8000 residential units to be located west of Citrus Road and south of Van Buren, began working with the City to facilitate development in the WGCPA; and

WHEREAS, since then, the City Council has considered an approved a number of actions related to the on-going efforts to facilitate development in the WGCPA including approvals of: annexations; rezonings; development agreements, restated development agreements, and amendments thereto; and cost recovery resolutions and amendments thereto; and

WHEREAS, the owners of five of the WG Properties (Amber Meadows, Paseo Ridge I & II, Las Ventanas, Pradera and La Jolla Vista) have joined together to fund key local and regional water and sewer lines , depicted in Exhibit 1 attached hereto, needed to serve close to 1900 single family residential units within their respective properties; and

WHEREAS, certain of the regional lines being constructed will benefit two other non-participating WG Properties; and

WHEREAS, the owners of the participating WG Properties have sought certain concessions in exchange for their agreement to move forward with the construction of the local and regional water and sewer lines non-participating WG properties and to provide certain additional benefits, all of which are set forth in the Development Agreement for West Goodyear Sewer and Water Infrastructure (the (“Infrastructure Development Agreement”) attached hereto as Exhibit 2; and

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona the Mayor and Council of the City of Goodyear find the Infrastructure Development Agreement to be in the best interests of the City.

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 Development Agreement for West Goodyear Sewer and Water Infrastructure attached hereto as Exhibit 2 (the “Infrastructure Development Agreement”), which is intended to be a development agreement pursuant to A.R.S. 9-500.05; and

**SECTION 2.** The City Manager or his designee is hereby authorized and directed to execute the Infrastructure Development Agreement attached hereto as Exhibit 2; and

SECTION 3. The City Manager or his designee is hereby authorized to revise the escrow agreement attached as Exhibit E to the Infrastructure Development Agreement to incorporate missing information and exhibits and to incorporate changes requested by the escrow agent and agreed to by the City and Owners and to execute the final escrow agreement upon its completion.

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, the terms of the Infrastructure Development Agreement and the final escrow agreement.

SECTION 5. 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. 17-1792 is a true, correct and accurate copy of Resolution No. 17-1792, 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