

RESOLUTION NO. 17-1778

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING THE DEVELOPMENT AGREEMENT REGARDING A TEMPORARY RETENTION BASIN ON APPROXIMATELY 4.4 ACRES, THE EXPANSION OF THE WATER CAMPUS JUST SOUTH OF LOWER BUCKEYE ROAD ALONG 173rd AVENUE, WHICH INCLUDES THE PURCHASE OF LAND JUST SOUTH OF THE WATER CAMPUS, THE ACQUISITION OF THE RIGHTS TO AN EXISTING AGRICULTURAL WELL, ACCEPTANCE OF A WATER LINE EASEMENT BETWEEN THE WATER CAMPUS TO LOWER BUCKEYE ROAD, AND ACCEPTING THE REPLACEMENT WELL SITE "A"; PROVIDING AUTHORIZATION FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS NECESSARY TO CARRY OUT INTENT OF RESOLUTION AND THE DEVELOPMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, El Cidro Ranch, LLC, an Arizona limited liability company ("Owner" or "El Cidro") owns that certain real property and project known as El Cidro located in the City and generally bounded by Lower Buckeye Road on the north, Citrus Road on the west, Broadway Road on the south and Cotton Lane on the east (the "**Property**"); and

WHEREAS, Owner is currently platting and preparing Parcels 1D, 2 and 3 (161 lots within the Property) for sale and development ("**Phase 1A**"); and

WHEREAS, The property located on the north side of Lower Buckeye Road between Citrus Road and 173rd Avenue has been rezoned for residential development through the La Jolla Vista PAD ("**La Jolla Vista**"); and

WHEREAS, La Jolla Vista is currently engineered and portions of it have received final plat approval but none of the plats have been recorded; and

WHEREAS, La Jolla Vista is being farmed as an interim use while the demand for residential development continues to grow in the area; and

WHEREAS, The tail water from the farming operation that is currently occurring within La Jolla Vista flows south of Lower Buckeye Road through Phase 1A and the Property. There is no other upstream tail water flowing onto or through La Jolla Vista; and

WHEREAS, In order to develop Phase 1A the tail water has to be directed and ultimately retained, which is the responsibility of the Owner; and

WHEREAS, Because the tail water from the farming operation in La Jolla Vista is a temporary condition that will cease to exist as residential development is completed at La Jolla Vista, Owner would like to utilize a portion of the property owned by the City, which the City anticipates will be acquired by the State of Arizona for SR 303 (the "**City Property**") for the temporary retention basin for the tail water; and

WHEREAS, The Owner and City understand that allowing Owner to utilize the City Property for the temporary retention basin for the tail water will allow for the more efficient and timely development of the Property; and

WHEREAS, Owner understands that if the City Property is acquired in whole or in part by a condemning agency and/or any other party prior to the termination of the farming operation in La Jolla Vista then El Cidro shall be responsible for relocating the temporary retention basin in accordance with the provisions herein; and

WHEREAS, Owner and City desire to enter into this Agreement for the purpose of outlining and setting forth certain obligations and commitments of the Parties relative to the contemplated development of the Property, intending this document to be a Development Agreement within the meaning of A.R.S. § 9-500.

WHEREAS, The City owns and operates a water campus just south of Lower Buckeye Road along 173rd Avenue (the “**Water Campus**”). The City would like to expand the Water Campus to the south and purchase the area encompassing eleven (11) lots currently located just south of the existing Water Campus.

WHEREAS, The City would like to acquire an existing agricultural well, Arizona Department of Water Resources (“ADWR”) Registration Number 55-617289 and a 100’ x 100’ well site for a replacement production well that will be located at the southwest corner of the future alignment of south 175th Drive and El Cidro Drive as reflected in Preliminary Plat approved by the Mayor and Council of the City of Goodyear on August 25, 2014, a copy of which is attached hereto as Exhibit B. Owner is willing to convey to the City the rights to the existing agricultural well and the replacement well site in accordance with the terms contained herein.

WHEREAS, The City currently has a water line between the Water Campus to Lower Buckeye Road that passes through the Property. The water line is not located within the right-of-way or an easement that has been dedicated to the City but Owner is willing to convey to the City an easement for the water line in accordance with the terms contained herein the City will purchase approximately four acres of property located south of existing City Water Campus Site 12.

WHEREAS, Owner and the City desire to enter into this Agreement for the purpose of outlining and setting forth certain obligations and commitments of the Parties relative to the contemplated development of the Property intending this document to be a Development Agreement within the meaning of A.R.S. § 9-500.

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 Development Agreement Regarding Temporary Retention Basin related to El Cidro Development Phase which is entered into by and between El Cidro Ranch, LLC, an Arizona limited liability company and the City of Goodyear, an Arizona municipal corporation, attached hereto as Exhibit B (the “Development Agreement”); and

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

SECTION 3. The Development Agreement is intended to be a development agreement pursuant to A.R.S. § 9-500.

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 Development Agreement. These documents shall include, but not necessarily be limited to, a Temporary Access Easement to Retention Basin and Temporary Retention Basin Easement.

SECTION 5. 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 _____, 2017.

Georgia Lord, Mayor

ATTEST:

Maureen Scott, City Clerk

APPROVED AS TO FORM:

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA

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) ss.

County of Maricopa

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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. 17-1778 is a true, correct and accurate copy of Resolution No. 17-1778, passed and adopted at a Regular Meeting of the Council of the City of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 2017, at which a quorum was present and, by a _____ vote. _____ members voted in favor of said Resolution.

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

Maureen Scott, City Clerk

Seal