

RESOLUTION NO. 17-1831

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING A DEVELOPMENT AGREEMENT REGARDING THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE IMPROVEMENTS FOR HUDSON COMMONS; PROVIDING AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS NECESSARY TO CARRY OUT INTENT OF THE RESOLUTION AND THE DEVELOPMENT AGREEMENT REGARDING THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE IMPROVEMENTS FOR HUDSON COMMONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Estrella Van Buren Properties, Inc. is the owner of that certain real property and project known as Hudson Commons located in the City and generally located at the southwest corner of Van Buren Street and Estrella Parkway, legally described on Exhibit 1 attached hereto (the "Property"); and

WHEREAS, Owner is responsible for the construction of certain on-site and off-site infrastructure improvements needed to serve the Property, including, the construction of half-street improvements to the portion of Van Buren Street adjacent to the Property; and

WHEREAS, Owner will be required to construct the half-street improvements to the portion of Van Buren Street adjacent to the Property in connection with the recordation of a final master plat subdividing all of the Property; and

WHEREAS, the City plans to undertake the construction of improvements to portions of Van Buren Street between Estrella Parkway and Sarival Avenue; and

WHEREAS, to avoid having scalloped streets along the section of Van Buren Street adjacent to the Property, the City would like to include the half-street improvements for the portion of Van Buren Street adjacent to the Property, other than for the landscaping; and

WHEREAS, Owner and the City have reached an agreement pursuant to which the City, subject to Owner's satisfaction of certain conditions, will include the half-street improvements to the portion of Van Buren Street adjacent to the Property, other than for the landscaping, and

WHEREAS, under the terms of the agreement, Owner will reimburse the City for the actual costs the City incurs in undertaking such construction up to the amount reflected in agreed upon cost estimates; and

WHEREAS, the agreement provides for phased reimbursements, with one reimbursement payment being made when the first building permit is issued for vertical construction within one of the two parcels adjacent to Van Buren that were platted in the preliminary master plat for Hudson Commons and the second reimbursement payment being made with the first building permit is issued for vertical construction within the other parcel adjacent to Van Buren that was platted in the preliminary master plat for Hudson Commons is issued;

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 Development Agreement Regarding the Construction of Certain Infrastructure Improvements for Hudson Commons entered into by and between Estrella Ban Buren Properties, Inc., an Arizona corporation and the City of Goodyear, an Arizona municipal corporation, attached hereto as Exhibit 2 (the “Development Agreement”); and

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

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

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; and

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 _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 17-1831 is a true, correct and accurate copy of Resolution No. 17-1831, 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 1
Resolution 17-1831
Legal Description

EXHIBIT "A"
HUDSON COMMONS
BOUNDARY LEGAL
LEGAL DESCRIPTION

A portion of land being situated within the Northeast Quarter of Section 7, Township 1 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap in hand hole accepted as the Northeast corner of said Section 7 from which a found brass cap in hand hole accepted as the East Quarter corner of said Section 7 thereof bears South 00°10'47" West, 2638.71 feet;

Thence South 00°10'47" West, 99.85 feet along the east line of the Northeast Quarter of said Section 7;

Thence leaving said east line, North 89°49'13" West, 75.00 feet to the **POINT OF BEGINNING** being a point on the west Right-of-Way line of Estrella Parkway per Book 490, Page 20 records of Maricopa County, Arizona and being 75.00 feet west of and parallel with the east line of the Northeast Quarter of said Section 7;

Thence South 00°10'47" West, 2450.94 feet along said parallel line;

Thence North 89°49'13" West, 1781.10 feet to the east Right-of-Way line of 158th Avenue as shown on the Final Plat of Wildflower Ranch Unit VII recorded as Book 510, Page 11 records of Maricopa County, Arizona and as shown on the Final Plat of Wildflower Ranch Unit VIII recorded as Book 510, Page 12 records of Maricopa County, Arizona;

Thence North 00°00'15" East, 2521.56 feet along said east Right-of-Way to the south Right-of-Way of Van Buren Street;

THENCE THE FOLLOWING SIX (6) COURES ALONG SAID SOUTH RIGHT-OF-WAY

Thence South 89°42'17" East, 286.83 feet;

Thence South 00°17'43" West, 22.00 feet;

Thence South 89°42'17" East, 1227.05 feet;

Thence South 00°10'47" West, 10.00 feet;

Thence South 89°42'17" East, 240.00 feet;

Thence South 44°45'45" East, 49.55 feet to the **POINT OF BEGINNING**.

AND EXCLUDING THEREFROM;

A portion of land being situated within the Northeast Quarter of Section 7, Township 1 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap in hand hole accepted as the Northeast corner of said Section 7 from which a found brass cap in hand hole accepted as the East Quarter corner of said Section 7 thereof bears South 00°10'47" West, 2638.71 feet;

Thence North 89°42'17" West, 1648.76 feet along the north line of the Northeast Quarter of said Section 7;

Thence leaving said north line, South 00°17'43" West, 45.00 feet to a line being 45.00 feet south of and parallel with the north line of the Northeast Quarter of said Section 7 being the **POINT OF BEGINNING**;

Thence leaving said parallel line, South 00°17'43" West, 43.90 feet;

Thence South 28°05'18" West, 16.52 feet;

Thence South 00°13'50" West, 22.19 feet;

Thence North 89°42'17" West, 95.47 feet;

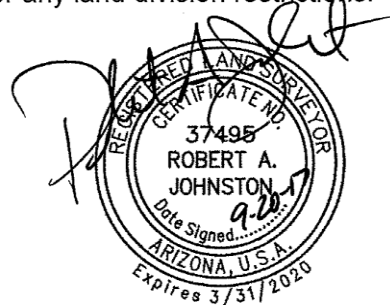
Thence North 00°17'43" East, 80.70 feet to the aforesaid parallel line;

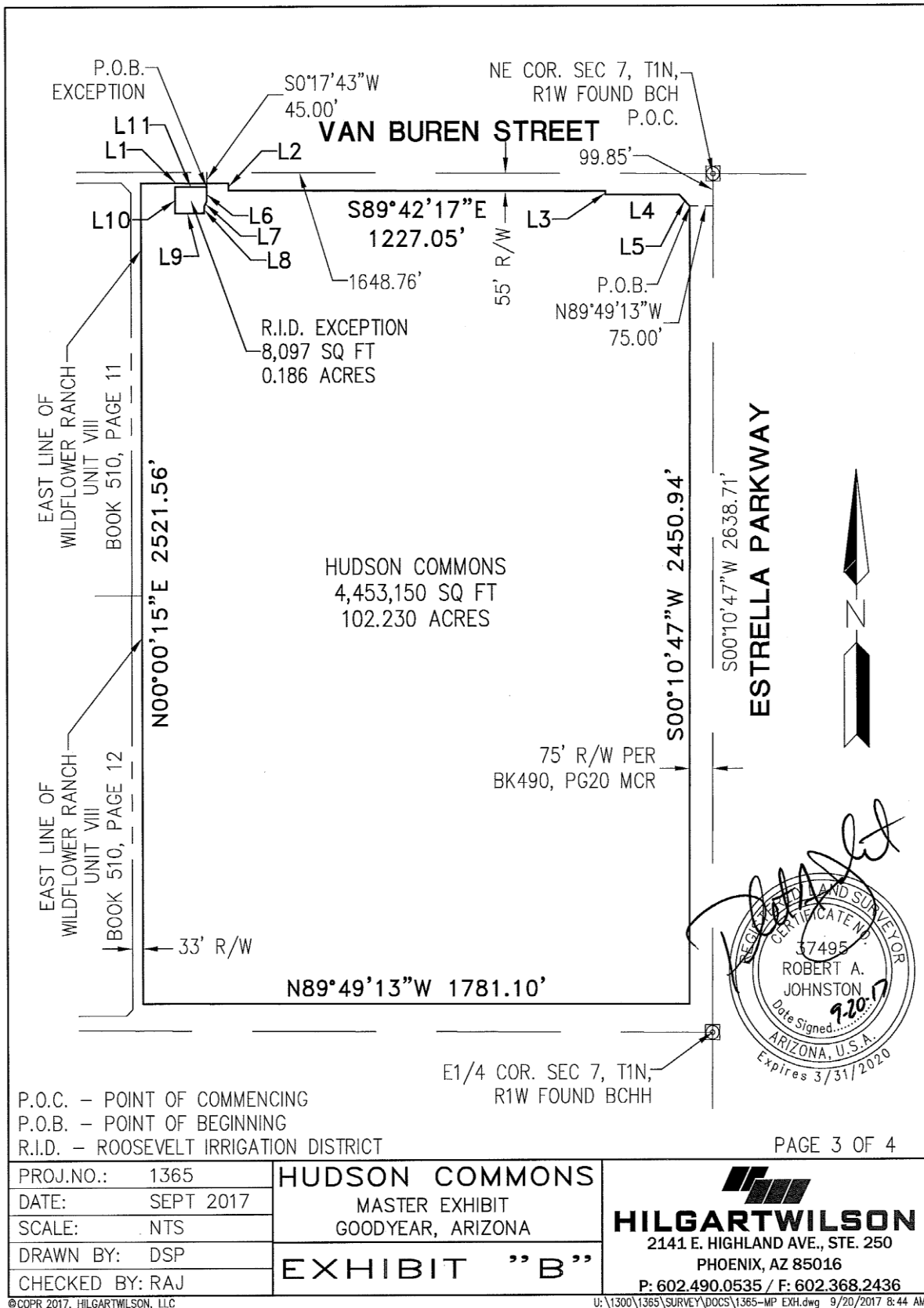
Thence South 89°42'17" East, 103.14 feet along said parallel line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of (excluding exception) 4,453,150 sq. ft. (102.23 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

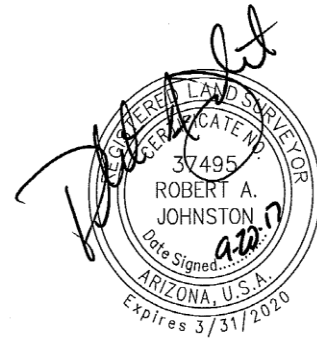
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No.: 1365
Date: Sept 2017





LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S89°42'17"E	286.83'
L2	S00°17'43"W	22.00'
L3	S00°10'47"W	10.00'
L4	S89°42'17"E	240.00'
L5	S44°45'45"E	49.55'
L6	S00°17'43"W	43.90'
L7	S28°05'18"W	16.52'
L8	S00°13'50"W	22.19'
L9	N89°42'17"W	95.47'
L10	N00°17'43"E	80.70'
L11	S89°42'17"E	103.14'



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PROJ.NO.: 1365	HUDSON COMMONS MASTER EXHIBIT GOODYEAR, ARIZONA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: SEPT 2017		
SCALE: NTS		
DRAWN BY: DSP	EXHIBIT "B"	
CHECKED BY: RAJ		

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Exhibit 2
Resolution 17-1831
Development Agreement Regarding the Construction of Certain Infrastructure
Improvements for Hudson Commons