

**CITY OF GOODYEAR
COUNCIL ACTION REPORT (CAR)**

SUBJECT: Development Agreement regarding the construction of certain infrastructure improvements for Hudson Commons	STAFF PRESENTER: Rebecca Zook, Director of Engineering CASE NUMBER: None OTHER PRESENTER: None
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PROPOSED ACTION:

ADOPT RESOLUTION NO. 17-1831 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.

BACKGROUND AND PREVIOUS ACTIONS:

Hudson Commons consists of approximately 103 acres generally located at the southwest corner of Van Buren and Estrella Parkway (the "Property"). On January 11, 2016, council adopted Ordinance 16-1326 approving a rezoning of the property from Agricultural-Urban (AU) zoning district to the Final Planned Area Development (PAD) zoning district. Hudson Commons PAD contemplated the development of approximately 67 acres as single family residential, approximately 19 acres at the intersection of Van Buren and Estrella as general commercial and approximately 17 acres as multi-family. A preliminary master plat subdividing the property into three (3) parcels consistent with uses reflected in the zoning was approved on April 10, 2017.

STAFF ANALYSIS:

The owner(s) of Hudson Common will be required to construct the half-street improvements to the portion of Van Buren Street adjacent to the Hudson Commons Property in connection with the recordation of a final master plat subdividing all of the Property. The City, however, has a planned CIP project to improve portions of Van Buren Street between Estrella and Sarival. To avoid having scalloped streets along the section of Van Buren adjacent to the Property, staff negotiated an agreement with the property owner.

Under the terms of the agreement, the City, subject to the Owner's satisfaction of various conditions, will construct the half-street improvements adjacent to the Property, other than for the landscaping, as part of the City CIP project. In turn, the Owner will reimburse the City its actual costs for the improvements, up to a maximum amount reflected in an agreed upon cost estimate. 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.

This agreement will provide for a better flow of traffic down Van Buren because it allows for the City to construct the half-street improvements adjacent to Hudson Commons rather than having scalloped streets until the owner of Hudson Commons moves forward with the development of the Property, while still insuring that the City is reimbursed for the costs of the improvements, subject to the maximum in the approved cost estimates.

FISCAL ANALYSIS:

The Van Buren: Estrella Parkway to Sarival project is budgeted for \$1,780,000 in General Funds in FY18. This budget includes the work that is the developer responsibility and that will be reimbursed under this agreement. It is estimated that up to \$650,000 will be reimbursed to the General Fund for the developer's share of the costs of that street project according to the terms of this agreement.

RECOMMENDATION:

Staff recommends the adoption of Resolution No. 17-1831 approving the Development Agreement regarding the construction of certain infrastructure improvements for Hudson Commons.

ATTACHMENTS:

Resolution No. 17-1831

- Exhibit 1 – Legal Description
- Exhibit 2 – Development Agreement Regarding the Construction of Certain Infrastructure Improvements for Hudson Commons
 - Ex A Legal Description
 - Ex B Existing Lenders Consent (in Development Agreement)
 - Ex C Van Buren Street Improvements Plan
 - Ex D Hudson Commons Preliminary Master Plat
 - Ex E RID Hudson Commons Van Buren Street Plans
 - Ex F Original Cost Estimate