

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Acceptance of three Declarations of Affirmative and Restrictive Covenants and Easements	STAFF PRESENTER: Roric Massey, City Attorney
	CASE NUMBER: None
	OTHER PRESENTER: None

PROPOSED ACTION:

Accept the dedication of three Declarations of Affirmative and Restrictive Covenants and Easement attached to this Council Action Report.

BACKGROUND AND PREVIOUS ACTIONS:

Council approved a final plat for a residential subdivision on May 14, 2018. The three Declarations of Affirmative and Restrictive Covenants and Easement being dedicated to the City are needed for the development of street infrastructure improvements being constructed in connection with the development of the residential subdivision.

STAFF ANALYSIS:

Fulton Homes acquired from Evergreen-Estrella & I-10, LLC (“Evergreen”) certain property within Estrella Commons, generally located north of Van Buren Street and west of Estrella Parkway for the purposes of developing a residential subdivision (the “Fulton Property”). Pursuant to various agreements between Fulton Homes, and Evergreen and/or another third party, Fulton Homes is required to construct street improvements to sections of Estrella Parkway and Fillmore Road that are not adjacent to the Fulton Property.

To develop property within the City of Goodyear, property owners are required under applicable City of Goodyear ordinances, codes, rules and regulations, including the City of Goodyear Engineering Design Standards and Policies Manual, to provide for the construction and maintenance of drainage facilities to accept, store and dispose of storm water and historical flows from the property and from storm water run-off from the adjacent roadways. Because Fulton Homes is constructing roadways adjacent to sections of Estrella Parkway owned by ALDI (ARIZONA) LLC (“Aldi”) and Evergreen and to a section of Fillmore Road adjacent to property owned by Evergreen, the City required that drainage facilities be constructed to accept storm water run-off from the sections of Estrella Parkway and Fillmore Road Fulton is to construct.

Aldi and Evergreen are dedicating the Declarations of Affirmative and Restrictive Covenants and Easement to restrict the drainage areas reflected in the respective documents for drainage facilities and obligate the property owner to maintain such facilities in accordance with the approved plans. An easement is granted to the City to allow the City to enter the property if needed to allow the

drainage facilities to carry out the owner's obligations if necessary and provides for the recovery of the costs the City incurs should it have to carry out the owner's obligations.

FISCAL ANALYSIS:

The acceptance and dedication of the three Restrictive Covenant and Drainage Easements will be at no cost to the city. There is no fiscal impact to the city for FY 2019 or any future budget directly related to the acceptance of the easements.

RECOMMENDATION:

City staff recommends the acceptance of the three Declarations of Affirmative and Restrictive Covenants and Easement attached to this Council Action Report.

ATTACHMENTS:

1. Declaration of Affirmative and Restrictive Covenants and Easement from ALDI (ARIZONA) LLC (Estrella Parkway)
 - a. Vicinity Map – Estrella North
2. Declaration of Affirmative and Restrictive Covenants and Easement from Evergreen-Estrella & I-10, LLC Easement (Fillmore Street)
3. Declaration of Affirmative and Restrictive Covenants and Easement from Evergreen-Estrella & I-10, LLC Easement (Estrella Parkway)
 - a. Vicinity Map – Estrella South