

RESOLUTION NO. 2018-1908

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY; AUTHORIZING THE CITY ATTORNEY TO MAKE NON-SUBSTANTIVE CHANGES TO THE DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY; DIRECTING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HER DESIGNEE TO TAKE ALL ACTIONS AND EXECUTE ALL DOCUMENTS NECESSARY TO CARRY OUT THE INTENT OF THE RESOLUTION AND THE DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Rainbow Valley 2011, LLC, an Arizona limited liability company owns approximately 1,000 acres of land generally located at the northwest corner of the W. Queen Creek Road alignment and Rainbow Valley Road commonly known as Rainbow Valley and as more particularly described in Exhibit 1 attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Owner is seeking to rezone the Property from the Agricultural and Agricultural Urban zoning districts to the Final Planned Area Development zoning district for the development of a mixed-use project known as "Rainbow Valley," which at full build out is expected to result in the development of approximately 2900 residential dwelling units, commercial uses and non-residential uses (the "Project"); and

WHEREAS, the Property is not contiguous to existing City infrastructure or existing development; and

WHEREAS, the existing transportation infrastructure linking the Property to the currently developed part of the City and/or to other nearby cities and towns is minimal and may be insufficient to accommodate the transportation demands that will be generated by the eventual development of the Property; and

WHEREAS, a portion of Waterman Wash runs through the Property creating the potential that the portion of the Property south of the wash will be cut-off from the remainder of the City in the event of a storm event that causes the wash to flow; and

WHEREAS, ensuring that future residents of the Property are not cut-off from the remainder of the city by flows through Waterman Wash and ensuring connectivity between the Property and the developed areas within the City so that future residents within the Property have access to health care and the basic necessities are health and safety concerns; and

WHEREAS, the Property is not currently served by City water or wastewater facilities, and it is not located with the City's Designation of Assured Water Supply; and

WHEREAS, the City's water portfolio of physically and legally available water has been developed to support development north of the City and has been funded through impact fees applicable to property north of the Property; and

WHEREAS, the City is currently updating its Integrated Water Master Plan, which will provide a detailed analysis of what facilities and resources will be needed to provide water and wastewater services to the North Waterman Wash area, which includes the Property, and which will guide the City Council's determination as to whether the City should provide water and wastewater services to the Property and under what conditions such services will be provided; and

WHEREAS, ensuring the availability of water and wastewater services to the Property is a health and safety issue; and

WHEREAS, the City is in the process of designing and constructing a new fire station at Willis Road and Estrella Parkway (the "Estrella Fire Station"), which is being funded in part pursuant to an agreement with two property owners, which agreement includes terms regarding contributions from other properties that will be served by the fire station; and

WHEREAS, the Property will be served by the Estrella Fire Station; and

WHEREAS, although the Owner and City anticipate that the Property will be fully served by the Estrella Fire Station, actual development of the Property and surrounding area could result in response times being at unacceptable levels triggering the need for an additional fire station; and

WHEREAS, the ability of the City to provide police and fire services to the Property within the City's desired response time goals, including having adequate secondary access routes, is a health and safety issue and a critical consideration for the City in the entitlement process; and

WHEREAS, the development of the Waterman Wash as a regional recreation trail amenity identified in the 2014 Parks, Recreation, Trails and Open Space Master Plan is an integral part of the Project; and

WHEREAS, the Project contemplates the construction of three "Enhanced Parks" for the benefit of the residents of the Property; and

WHEREAS, parks, open space and recreation facilities are a vital component of enhancing the quality of life for the City's residents, and providing for the timely development of parks, open space and recreational amenities within the Property is an important consideration for the City in the entitlement process; and

WHEREAS, the policy of the City of Goodyear General Plan is that new development is required to pay for the additional service demands it generates, i.e. growth pays for growth; and

WHEREAS, to provide for the health, safety and welfare of the future residents and to satisfy the policy of the City of Goodyear General Plan that growth pays for growth, the development of the Property will require contributions towards the costs associated with the construction and

operation of the Estrella Fire Station, the construction of all infrastructure improvements necessary for the City to provide City services to the Property, including, should the City decide to provide water and wastewater services to the Property, wastewater treatment and distribution facilities; water treatment and distribution facilities, water campuses, and well fields; reclaimed water facilities; transportation infrastructure, including an all- weather crossing over the portion of the Waterman Wash running through the Property, that will accommodate a 100-year storm event according to applicable standards; and, if certain triggers are met, the development of a second fire station; and

WHEREAS, the Development Agreement for Rainbow Valley, a copy of which is attached hereto as Exhibit 2 and incorporated herein by this reference, is intended to address the obligations of the Property owner for: the construction of certain critical infrastructure, including the acquisition of necessary property interests; making contributions toward the costs associated with certain infrastructure improvements; and the timing of the construction of recreational amenities within the Property; and

WHEREAS, the Development Agreement for Rainbow Valley is intended to be a Development Agreement within the meaning of A.R.S. § 9-500.05;

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 find the approval of the Development Agreement for Rainbow Valley to be in the best interests of the City of Goodyear and hereby approve the Development Agreement for Rainbow Valley attached hereto as Exhibit 2 and incorporated herein by this reference, which is intended to be a development agreement pursuant to A.R.S. 9-500.05; and

SECTION 2. Prior to execution of the Development Agreement for Rainbow Valley, the City Attorney is hereby authorized, at his discretion, to make non-substantive changes to the Development Agreement for Rainbow Valley to correct scrivener's errors, including by way of example, clerical errors, improper references, section and subsection numbering and the like.

SECTION 3. The City Manager or his designee is hereby authorized and directed to execute the Development Agreement for Rainbow Valley; 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, the terms of the Development Agreement for Rainbow Valley; and

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_____.

Date: _____

APPROVED AS TO FORM:

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this _____ day of _____, 20____.

City Clerk