

**CITY OF GOODYEAR  
COUNCIL ACTION REPORT**

<b>SUBJECT: Annexation of Thomas Road Right-of-way from N. Citrus Road to N. Cotton Lane</b>	<b>STAFF PRESENTER:</b> Joe Schmitz, Long Range Planner  <b>CASE NUMBER:</b> 18-100-00002  <b>APPLICANT:</b> Christopher Baker, Development Services Director
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**PROPOSED ACTION:**

1. ADOPT ORDINANCE NO. 2019-1421 APPROVING THE TRANSFER FROM MARICOPA COUNTY TO THE CITY OF GOODYEAR RIGHT-OF-WAY GENERALLY LOCATED WITHIN THE THOMAS ROAD ALIGNMENT BETWEEN N. CITRUS ROAD AND N. COTTON LANE, APPROVING THE ANNEXATION OF SUCH RIGHT-OF-WAY, AND EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF GOODYEAR, MARICOPA COUNTY, STATE OF ARIZONA UPON THE APPROVAL OF THE TRANSFER BY THE MARICOPA COUNTY BOARD OF SUPERVISORS IN COMPLIANCE WITH THE REQUIREMENTS OF A.R.S. SECTION 9-471(N); PROVIDING AUTHORITY AND DIRECTION TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
2. Authorize the City Engineer to submit an application and obtain a Construction Permit to the Maricopa County Department of Transportation for improvements to Thomas Road between N. Citrus Road and N. Cotton Lane that may be initiated prior to completion of the annexation of said Thomas Road right-of-way, including certain Permit Conditions attached hereto, subject to approval by the City Attorney of any non-substantive changes.

**BACKGROUND AND PREVIOUS ACTIONS:**

This item has not been previously presented to Council. An easement for roadway purposes was granted to Maricopa County in 1970, but the roadway was never developed. It has been used primarily by farm equipment to access the lands on the north and south sides of the roadway.

**STAFF ANALYSIS:****Current Policy:**

Pursuant to ARS 9-471(N), a county right-of-way or roadway may be transferred to an adjacent city by mutual consent of the governing bodies of the county and city if the property transferred is adjacent to the receiving city and if the city and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies. A transfer of property made pursuant to this subsection is treated by the receiving city as if the transferred property was newly annexed territory.

**Surrounding Properties:**

The property on the north side of Thomas Road is currently being farmed and is owned by DRI FR GOODYEAR LLC who purchased the property from Sunbelt Holdings in April 2018. The property on the south side of the Thomas Road right-of-way is vacant and currently being farmed. The property on the south side of the roadway is owned by the State of Arizona Department of Corrections.

**Details of the Request & Staff Analysis:**

The annexation of this right-of-way is being pursued at this time to shift the ownership of the right-of-way from Maricopa County to the City to facilitate the issuance of permits for construction of street improvements and realignment of the east end of the right-of-way.

The owner of the property on the north side of Thomas Road intends to develop the property with industrial and warehouse uses. A Preliminary Plat for this property called First Park PV303 West III was approved by the City Council on December 17, 2018. That preliminary plat included the realignment of the east end of the Thomas Road right-of-way to the north where this roadway intersects with Cotton Lane so it will line up with the existing Thomas Road connection to the Loop 303. A site plan application is currently under review for a 55-acre site at the northwest corner of Cotton Lane and the realigned Thomas Road for a beverage processing plant. The Thomas Road right-of-way will be developed with half-street improvements in connection with that project.

Once annexed, all of the right-of-way will be under the jurisdiction of the City of Goodyear and construction permits will be processed by the City. The annexation will also allow the City to coordinate the realignment of the east end of Thomas Road where it intersects with the section of Thomas Road lying east of Cotton Lane that was constructed with, and connects to, the Loop 303 freeway project.

Due to the fact that the annexation must be scheduled for action by the Maricopa County Board of Supervisors and the possibility that the annexation may not be completed before construction of the planned roadway improvements commences, City staff is recommending that the City Council authorize the City Engineer to submit an application and obtain a Construction Permit to the Maricopa County Department of Transportation (MCDOT) for improvements to Thomas Road between N. Citrus Road and N. Cotton Lane that may be initiated prior to completion of the annexation of said Thomas Road right-of-way, including certain the Permit Conditions attached hereto, subject to approval by the City Attorney of any non-substantive changes. This approach was recommended by MCDOT and will avoid having the construction plans reviewed by both jurisdictions. A draft version of the Permit Conditions is attached hereto, but they may require minor revisions once they have been reviewed by all parties. The recommendation includes authorizing the City Attorney to make non-substantive changes to the Permit Conditions.

**Public Participation:**

This section of Thomas Road right-of-way complies with the State Statutes for annexation. No petitions or public hearings are required for an annexation of a County right-of-way.

### **FISCAL ANALYSIS:**

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include maintenance of the roadway, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, and state shared revenues from the anticipated commercial and industrial development.

### **RECOMMENDATION:**

Staff finds that the proposed annexation meets the criteria under state statutes for a right-of-way annexation and would be in the best interests of the City in order to control and coordinate development of this roadway. Therefore staff recommends approval of the proposed ordinance and authorizing the City Engineer to submit an application and obtain a Construction Permit to the Maricopa County Department of Transportation for improvements to Thomas Road between N. Citrus Road and N. Cotton Lane that may be initiated prior to completion of the annexation of said Thomas Road right-of-way, including certain the Permit Conditions attached hereto, subject to approval by the City Attorney of any non-substantive changes.

### **ATTACHMENTS:**

1. Ordinance No. 2019-1421
  - a. Exhibit A – Legal Description
  - b. Exhibit B – Annexation Map
2. MCDOT Permit Conditions
3. Aerial Photo