

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

**SUBJECT: Acceptance of Easements and
Deed for Corgett Access Road****STAFF PRESENTER:** Linda Beals, Real
Estate Coordinator**CASE NUMBER:** None**OTHER PRESENTER:** None

PROPOSED ACTION:

Accept two non-exclusive permanent access and utility easements and a special warranty deed which provide access and utility rights for the existing access road to the Corgett Basin Wastewater Reclamation Facility "CWRF" located in Estrella Mountain Ranch.

BACKGROUND AND PREVIOUS ACTIONS:

In August, 1986 the city and AMCOR (the original developer for Estrella Mountain Ranch) entered into a Master Development Agreement for the plan, design and construction of the CWRF. The CWRF was constructed in 1988. Upon the completion of the initial phase of construction, the city took over the operation, maintenance and billing functions related to the facility. The ownership of the property upon which the CWRF was constructed, however, remained with the successors and interests to AMCOR, Sun MP, LLC and then NNP III-Estrella Mountain Ranch, LLC "Newland". In July, 2006 the city entered into the Corgett Wash Water Reclamation Plant Operations, Maintenance and Development Agreement with Newland which included an agreement to transfer the CWRF property to the city. The property for the CWRF was transferred to the city January, 2007.

STAFF ANALYSIS:

It was recently discovered that although the site for the CWRF was transferred to the city in 2007, the access road was not included in the transfer. City staff has worked with the current landowners of the access road, Newland and the Estrella Community Association, to obtain the land rights necessary to provide for access to the CWRF and to allow for utilities within the roadway. Newland has provided a special warranty deed for the northernmost portion of the roadway as depicted on the attached aerial map. The area directly east of this portion of the roadway is considered undevelopable and therefore this portion of the roadway area is considered to be permanent. The area to the south is being dedicated by nonexclusive permanent access and utility easement agreements by Newland and the Association. The property adjacent to this portion of the road have not been platted and the landowners have retained the right in the easements to relocate the road and existing utilities, based upon their future development plans.

FISCAL ANALYSIS:

There will be no fiscal impact to the city in fiscal year 2019 or future years, related to the dedication of the real property or the two access and utility easements. The FY2020 proposed capital improvement program will include a project for the paving of the road and the city will continue to maintain the road.

RECOMMENDATION:

City staff recommend acceptance of the special warranty deed and the nonexclusive permanent access and utility easement agreements for the Corgett access road.

ATTACHMENTS:

1. Special Warranty Deed – Newland
2. Nonexclusive Permanent Access and Utility Agreement – Newland
3. Nonexclusive Permanent Access and Utility Agreement – Association
4. Aerial Map