

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) and relinquishment and termination of exclusive sewer easement	STAFF PRESENTER: Katie Wilken, Planning Manager CASE NUMBER: 18-520-00004 OTHER PRESENTER: Warren Russell, Goodwin and Marshall Inc.
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PROPOSED ACTION:

1. ADOPT RESOLUTION 2019-1950 CONDITIONALLY RELINQUISHING AND TERMINATING ALL INTEREST IN AN EXCLUSIVE SEWER LINE EASEMENT LOCATED WITHIN THE LAS BRISAS DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE OF THE RELINQUISHMENT AND TERMINATION; IMPOSING REQUIREMENTS AND CONDITIONS FOR THE RELINQUISHMENT AND TERMINATION TO BECOME EFFECTIVE; PROVIDING FOR THE EXPIRATION OF THE RELINQUISHMENT AND TERMINATION APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE OF THE RESOLUTION.

2. Approve the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) subdividing 18.9 acres into 75 single family lots and 8 tracts generally located at the northwest corner of Citrus Road and Broadway Road, within the Las Brisas Planned Area Development, subject to the following stipulations:
 1. Prior to recordation of this Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5), all required financial assurances for onsite and offsite improvements shall be in place; and,

 2. Any technical corrections to the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) required by the City Engineer shall be made prior to the recordation of the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5); and

 3. Resolution 2019-1950 releasing and relinquishing the Exclusive Sewer Easement dedicated to the City in an easement recorded in the official records of Maricopa County at instrument 2013-0899735 shall be recorded immediately before the recordation of this Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5); and

4. This Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) shall be recorded immediately following the recordation of Resolution 2019-1950.

BACKGROUND AND PREVIOUS ACTIONS:

On September 11, 2006, the City Council adopted Ordinance No. 2006-1020 rezoning that certain property known as the Las Brisas Phase Two, which is generally located at the southwest corner of Citrus Road and Elwood Street, and approved a preliminary plat for Las Brisas Phase Two. A map of dedication (MOD) for portions of West Las Brisas Drive and South 183rd Avenue was approved by the City Council on June 25, 2007. A final plat for Las Brisas Phase 2C was approved by the City Council on December 10, 2007. The Las Brisas Phase Two Final PAD, dated January 2006, was amended on February 11, 2008 by Ordinance No. 2008-1105 to amend the zoning on an approximate 19.35 acre portion of the property from PAD (C-1) to PAD (General Commercial).

An Exclusive Sewer Line Easement was dedicated by Taylor Morrison/Arizona, Inc, and accepted by the city in October, 2013, which was recorded in the official records of Maricopa County on October 10, 2013 as document 2013-0899735. The easement was for a sewer line that was to run through Las Brisas Phase 2 in a generally north to south direction, from Las Brisas Drive to a location north of Broadway Road.

The final plat approved on December 10, 2007 was never recorded and on November 4, 2013, the City Council rescinded the approval of the final plat approved on December 10, 2007 and approved a series of separate plats for a portion of the Phase 2C property. Specifically, final plats for Phases 2C.1, 2C.2, 2C.3, 2C.4 and 2C.6, which consists of all of the property within Phase 2C located west of 183rd Avenue, were approved on November 4, 2013. A minor land division (MLD) for the portion of Las Brisas Phase 2C located east of 183rd Avenue was approved on October 24, 2014. The MLD subdivided that portion of Phase 2C into three tracts (A, B & C). The property subject to the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) being presented herein, is Tract C of the MLD.

On May 8, 2017, the Las Brisas Phase Two Final PAD was amended by Ordinance No. 2017-1341 to rezone parcels identified within Las Brisas Phase 2 as 2B.1, 2B.2 2B.3 and 2C.5, and on that same day, Council approved a Preliminary Plat for Las Brisas Phase 2B.1, 2B.2, 2B.3 and 2C.5. Final plats for Las Brisas Phases 2B.1 and 2B.2 were approved by the City Council on December 18, 2017.

STAFF ANALYSIS:

Details of the Request:

The applicant is requesting approval of a Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5), consisting of 18.9 acres to be subdivided into 75 single family lots and 8 tracts. The typical lot size is 50 feet wide by 117 feet deep. Additionally, the applicant is requesting

the relinquishment of a sewer easement that runs through the area being platted and that will no longer be needed because the sewer lines needed to serve the property being platted and the adjacent properties, will be located within the streets that are being dedicated in the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5).

Final Plat Analysis and Current Policy:

The Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) is consistent with the land use, development standards, and density approved by the Las Brisas Phase Two PAD and with the approved preliminary plat for this parcel, and all stipulations of approval of the Las Brisas Phase Two PAD and the preliminary plat have been addressed. The Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) is consistent with the technical requirements of the city's Subdivision Regulations. The proposed subdivision provides for the orderly development of the parcel by identifying the required infrastructure needed to serve the development.

According to state and local laws, the subdivision of land must be reviewed and approved by the local governing body before recordation of a final plat. A final plat does not require public notice to be provided and are not reviewed by the Planning & Zoning Commission. Final plat approval shall be valid for a period of 90 calendar days from the date of Council approval. The Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) shall expire if it is not recorded with the Maricopa County Recorder within the 90-day approval period. Prior to recordation, engineering constructions plans shall be approved and all necessary financial assurances shall be in place. A 90-day extension of approval may be considered by the City Council.

Abandonment Analysis.

The city has the authority to dispose of rights-of-way and easements that are no longer necessary for public use. An Exclusive Sewer Line Easement was dedicated by Taylor Morrison/Arizona, Inc, and accepted by the city on October 7, 2013. The easement was recorded in the official records of Maricopa County on October 10, 2013 as document 2013-0899735. The sewer line easement was for a sewer line that was to run in a generally north to south direction from Las Brisas Drive to a location north of Broadway Road. The sewer line was never constructed within the easement area and the owner has requested that the easement be relinquished and terminated because the easement conflicts with the owner's current development plans and because the sewer lines needed to serve the property are going to be located within the streets that are being dedicated on the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5). Accordingly, subject to the requirement for the recordation of the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5) discussed herein, in which streets within which the sewer line needed to serve the property will be located are being dedicated to the city, the sewer easement being relinquished and terminated by Resolution 2019-1950 is no longer necessary for public use.

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 increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

RECOMMENDATION:

Subject to the terms and conditions set forth above, staff recommends adoption of Resolution 2019-1950 providing for the relinquishment and termination of an Exclusive Sewer Easement and the approval of the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183rd Avenue (2C.5).

ATTACHMENTS:

1. Resolution No. 2019-1950
Exhibit A - Exclusive Sewer Line Easement
2. Re-Plat of Las Brisas Phase 2C
3. Aerial Photo
4. Las Brisas Phase Two Preliminary Plat Staff Report