

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) and abandonment of right-of-way and public utility easements.	STAFF PRESENTER: Katie Wilken, Planning Manager CASE NUMBER: 18-520-00005 OTHER PRESENTER: Warren Russell, Goodwin and Marshall Inc.
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PROPOSED ACTION:

1. ADOPT RESOLUTION 2019-1949 ABANDONING CERTAIN STREETS AND RELINQUISHING ALL INTEREST IN CERTAIN PUBLIC UTILITY EASEMENTS DEDICATED TO THE CITY IN THE FINAL PLAT OF LAS BRISAS PHASE 2B; PROVIDING FOR AN EFFECTIVE DATE OF THE ABANDONMENT; IMPOSING REQUIREMENTS AND CONDITIONS FOR THE ABANDONMENT TO BECOME EFFECTIVE; PROVIDING FOR THE EXPIRATION OF THE ABANDONMENT APPROVAL; AND PROVIDING AN EFFECTIVE DATE OF THE RESOLUTION.
2. Approve the Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) subdividing 31.8 acres into 123 single family lots and 14 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. This Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) shall not be recorded until Resolution 2019-1950 releasing and relinquishing an existing sewer easement (MCR # 2013-0899735) and 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) approved on March 25, 2109 have been recorded;
 2. Prior to recordation of this Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3), all required financial assurances for onsite and offsite improvements shall be in place;
 3. Any technical corrections to the Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) at required by the City Engineer shall be made prior to the recordation of the re-plat,
 4. Resolution 2019-1949 abandoning certain streets and terminating certain public utility easements that had been dedicated in the Final plat for Las Brisas Phase 2B shall be recorded immediately before the recordation of this Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3); and,
 5. This Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) shall be recorded immediately following the recordation of Resolution 2019-1949.

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. On July 9, 2007 the Goodyear City Council approved a final plat for Las Brisas, Phase 2B and the plat was recorded on January 29, 2008 in the official records of the Maricopa County Recorder at Book 969, Page 32, and instrument number 2008-0077556 (the Las Brisas Phase 2B Final Plat”).

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). 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 a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) consisting 31.8 acres to be subdivided into 123 single family lots and 14 tracts. The typical lot size is 55 feet wide by 120 feet deep. Additionally, the applicant is requesting the abandonment of the streets and the relinquishment of the public utility easements dedicated to the city that are located within the portions of Las Brisas Phase 2B, that will become Las Brisas 2B.3 because the streets and the public utilities are being realigned and the realigned streets and public utility easements are being dedicated in the re-plat.

Final Plat Analysis and Current Policy:

The re-plat 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 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 a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) 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. Streets and public utility easements were dedicated to the city in the Las Brisas Phase 2B Final Plat that was recorded on January 29, 2008, including streets and public utility easements within the portion of the property identified as 2B.3. The replat being presented here realigns the streets and public utility easements within that had previously been dedicated to the city within the portion of the property identified as 2B.3. Because streets and public utility easements are being dedicated in the replat, the streets and public utility easements within the portion of the property identified as 2B.3, the previously dedicated streets and public utility easements located within the portion of Las Brisas Phase 2B being re-platted as 2B.3 will no longer be needed in the locations as originally dedicated. Moreover, no public streets or utility infrastructure improvements have been constructed within any of the right-of-way dedicated to the city for streets that are to be abandoned and the city has received utility clearances from all known utility companies serving the immediate area confirming that there are no existing or planned utilities located within the either the streets or public utility easements that are to be abandoned. Accordingly, subject to the requirement for the recordation of the re-plat discussed herein, in which replacement streets and public utility easements are being dedicated to the city, the streets and public utility easements being vacated and abandoned by this Resolution are 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 2019-1949 providing for the abandonment of certain streets and relinquishment of certain Public utility easements and the approval of the Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3).

ATTACHMENTS:

1. Resolution No. 2019-1949
2. Aerial Photo
3. Las Brisas Phase 2B.3 Final Plat
4. Las Brisas Phase Two Preliminary Plat Staff Report (Case No. 17-500-00001)