

AGENDA ITEM #: _____

DATE: October 28, 2019

CAR #: 2019-6769



CITY COUNCIL ACTION REPORT

SUBJECT: Approval of Resolution 2019-1997 Accepting Two Grants of Right-of-Way from Bureau of Land Management (BLM) for the Sonoran Valley Parkway

STAFF PRESENTER(S): Joe Schmitz, Long Range Planner

OTHER PRESENTER(S): None

Summary: The Bureau of Land Management has offered to convey to the City of Goodyear a roadway right-of-way across federal lands for the Sonoran Valley Parkway that will extend from the intersection of Riggs Road and Rainbow Valley Road to SR238 in the Mobile area of Goodyear. By formally accepting the ROW, the city acknowledges the terms, conditions, stipulations and responsibilities related to the development of a roadway in this ROW.

Recommendation:

ADOPT RESOLUTION NO. 2019-1997 ACCEPTING TWO GRANTS OF RIGHT-OF-WAY FROM THE BUREAU OF LAND MANAGEMENT OVER BLM LANDS FOR THE SONORAN VALLEY PARKWAY FROM THE INTERSECTION OF RIGGS ROAD AND RAINBOW VALLEY ROAD TO SR 238 IN THE MOBILE AREA OF GOODYEAR.

Fiscal Impact: There is no immediate budgetary impact as a result of the acceptance of the ROW for the Sonoran Valley Parkway. The cost to construct the roadway has not yet been budgeted by the city since development in the Mobile area is not imminent. The property will remain in federal ownership subject to the ROW easement, and no additional costs related to the project are expected until development occurs. Once built, the roadway will be the responsibility of the city to operate and maintain. The FY2020 budget included a carryover of \$10,100 for completion of the Environmental Impact Statement and right-of-way which will not be needed.

Background and Previous Actions

In March 2007, the City of Goodyear annexed 42,780 acres of land (known as the Sonoran Valley) generally located south of the Patterson Road alignment, east of the Sonoran Desert National Monument, west of the Maricopa-Pinal County line, and approximately four miles south of State Route 238 to facilitate the development of new community in Goodyear to be known as Amaranth. Since there was no existing public roadway that connected the proposed Amaranth development to the area in Goodyear located north of the Patterson Road alignment, and any new roadway proposed to connect that portion of Goodyear located north of the Patterson Road alignment to the Mobile area would cross lands owned by the U.S. Department of the Interior and administered by the Bureau of Land Management (BLM), the city of Goodyear submitted an application to the

BLM requesting a Grant of Right-of-Way (ROW) for a new 15.2-mile long, 250-foot wide permanent roadway to be known as the Sonoran Valley Parkway to provide such a connection. The city also initiated the preparation of an Environmental Impact Statement (EIS), as required under the National Environmental Protection Act (NEPA). The ROW will be located about 380 feet east of the Sonoran National Monument within a one-mile wide Multi-Use Utility Corridor previously identified in the BLM's Resource Management Plan for this area.

In July 2013 a Draft EIS was published and made available for public comment and, after reviewing the comments received and further direction from the BLM, the Draft EIS was revised, and a Final EIS was published and made available for public comment on March 22, 2019. On April 29, 2019 the BLM Lower Sonoran Field Office issued the Record of Decision (ROD) for the project which approved the BLM Selected Alternative and allowed authorization of a 250-foot ROW to the City of Goodyear for the construction and operation of a two-lane Parkway, subject to the terms, conditions, stipulations, and voluntary design features incorporated in the Record of Decision for the Sonoran Valley Parkway Project.

On August 15, 2019 the BLM Lower Sonoran Field Office transmitted two Right-of-Way Grant offers for the Sonoran Valley Parkway Project's roadway and certain temporary construction easements for approval and acceptance by the City of Goodyear. The BLM also requested that the City provide an additional \$10,000 to be kept on account with the BLM to cover any additional expenses incurred by the BLM in administering or monitoring the roadway project. Since the construction of the roadway may not occur for several years, the City requested that these funds not be required at this time. In a letter dated September 29, 2019, the BLM prepared a new cost estimate for monitoring of the project and agreed to defer collection of \$14,673 until such time as the City submits a revised Plan of Development or revised construction drawings.

Staff Analysis

This roadway is needed because there currently is no connection between the northern and southern portions of Goodyear. Identifying the alignment for the roadway and obtaining the ROW from the BLM over federal lands is the first step in the process to develop this roadway. By following the NEPA process, it was demonstrated that the roadway can be built without significant adverse impacts or that such impacts can be mitigated. It also maintains the eligibility of this project for federal funding. The EIS established the preferred alignment for the entire length of the roadway which will allow the City to proceed with acquisition of the ROW that is needed from the Arizona State Land Department (about 32 acres) and from private landowners (about 32 acres), other than the private landowner of the proposed Amaranth development.

The proposed Sonoran Valley Parkway will not interfere with the future development of the I-11 Intermountain West freeway project for which a Draft Tier 1 Environmental Impact Statement recently was prepared and circulated for public comment. The environmental documentation provided in the Sonoran Valley Parkway EIS provided a substantial amount of environmental analysis and data that likely contributed to the selection of the recommended I-11 alternatives that traverse Goodyear (Segments N and L). The Draft Tier 1 EIS I-11 identified a 2,000-foot wide corridor for I-11 that will be located within the one-mile wide Multi-Use Utility Corridor previously identified in the BLM's Resource Management Plan. Although this would place two

significant roadways within the same general area, the Hidden Valley transportation Framework Study prepared by MAG in 2009 projected that both roadways would be needed not only to accommodate future traffic demand, but to avoid the types of delays and interruption in service experienced on I-17 due to the lack of alternate routes.

It should be noted, however, that even if funding for the project were available today, it should be noted that there is a significant amount of work that will need to be done before this project may proceed to construction. When the ROW application was submitted to the BLM, it included construction drawings that had been developed to 60% of completion. These construction plans will need to be completed and new construction plans will need to be developed for the two miles of the roadway located north of SR238, referred to as the Preferred Sub-Alternative G that was recommended in the EIS, to avoid a significant cultural resource site. The entire roadway design will need to consider the impacts on historical and cultural sites, as well as potential impacts to threatened and endangered species that reside within or adjacent to the roadway ROW. The temporary construction easement will expire three years after construction commences. The roadway easement is being granted in perpetuity, subject to compliance with the terms, conditions and stipulations in the ROD and the Programmatic Agreement executed pursuant to Section 106 of the National Historic Preservation Act. Although the roadway easement states that the easement holder will pay the BLM fair market value for use of the property unless otherwise exempt. Local governments are exempt from paying rent on any right-of-way where the land will be used for governmental purposes, continue to serve the public interest, or be used as a road.

Staff Recommendation

Acceptance of these grants of right-of-way is an important and critical step in the process to develop this roadway. For the reasons cited in this staff report, City staff recommends that the Mayor and City Council approve Resolution No. 2019-1997 accepting a grant of right-of-way from the Bureau of Land management over BLM lands for the Sonoran valley Parkway from the intersection of Riggs Road and Rainbow Valley Road to SR238 in the Mobile area of Goodyear.

Attachments

1. Resolution No. 2019-1997
 - a. Exhibit A – SVPP-GRANT-AZA-64177
 - b. Exhibit B – SVPP-GRANT-AZA-64177-02
2. BLM ROW Grant Offer Transmittal Letter - 8-15-19
3. BLM ROW Grant Offer Supplemental Transmittal Letter - 9-29-19
4. Sonoran Valley Parkway Project Record of Decision
5. Sonoran Valley Parkway Project Record of Decision – Appendices