

AGENDA ITEM #: _____

DATE: January 6, 2020

CAR #: 2020-6843



CITY COUNCIL ACTION REPORT

SUBJECT: Ratify Acceptance of Emergency Access Easement

STAFF PRESENTER(S): Sarah Chilton, Deputy City Attorney

OTHER PRESENTER(S): None

Summary: Ratify City's acceptance of Emergency Access Easement

Recommendation:

Ratify acceptance of Emergency Access Easement from Goodyear Ballpark Village of BC1, LLC to provide access to a newly created lot for emergency service providers.

Fiscal Impact: There is no fiscal impact associate with the ratification of this easement.

Background and Analysis

Lot 32A of the Ballpark Village-Wood Corporate Campus was formerly owned by Goodyear Ballpark Village of BC1, LLC, an Arizona limited liability company ("BV of BC1"). This lot had access off of South Wood Boulevard and Estrella Parkway. In connection the sale of a portion of Lot 32A, the then owner obtained approval of a minor land division splitting lot 32A into Lot 32A1 and Lot 32A2. This lot split resulted in the newly created lot 32A1 have only one point of access off of South Wood Boulevard.

To comply with the City of Goodyear Engineering Design Standards and Policies, a secondary point of access was required for emergency services. The attached Emergency Services Access Easement provides a secondary point of access providing access from Estrella Parkway to the newly created lot 32A1.

Staff's practice has been to present easements being granted to the City to City Council for prior approval as consent items. Although prior City Council approval is required for the acceptance of real property conveyed in fee, the acceptance of easements for public roadways, and for the City's granting of easements to third parties, there is no statutory requirement that requires prior approval for the acceptance of easements that the City has requested. Because the sale of lot 32A1 was scheduled for closing on December 19, 2019, staff did not have time to follow this practice, but instead accepted the Emergency Access Easement, which is consistent with other emergency access easements accepted by the City, and is seeking ratification of the acceptance

of the attached Emergency Access Easement. Staff will be exploring whether there is an appetite for the adoption of a resolution that would authorize the acceptance of easements required by the City of Goodyear Engineering design Standards and Policies and the scope of such authorization.

Attachments

- Emergency Access Easement
- Beneficiary Consent and Subordination of
Deed of Trust to an Emergency Access Easement