

RESOLUTION NO. 2023-2320

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING THE DEVELOPMENT AGREEMENT FOR BULLARD AVENUE IMPROVEMENTS WITH SQUAW PEAK GOODYEAR, LLC AN ARIZONA LIMITED LIABILITY COMPANY; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE SAID DEVELOPMENT AGREEMENT; PROVIDING AUTHORIZATION FOR FUTURE ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Squaw Peak Goodyear, LLC (“Squaw Peak Goodyear”) owns approximately 12 acres of land generally located at the southwest corner of Van Buren Street and Bullard Avenue and as more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the “Property”).

WHEREAS, the Property was part of an approximate 95-acre parcel of land commonly known as Goodyear Airport Commons that was re-zoned by ordinance 2019-1422 adopted by the Goodyear City Council on February 11, 2019 and subdivided the Property into three lots by certain Minor Land Division for Goodyear Airport Commons (collectively the three lots are referred to as the “Goodyear Airport Property”).

WHEREAS, the owner of the Property is required pursuant to certain conditions and stipulations of approval in Ordinance 2019-1422, to dedicate to the City right-of-way needed for the completion of the full half-street improvements to the west-half of the section of Bullard Avenue located within the Bullard Avenue alignment and public utility easement(s) (“PUE”) along the frontage of Bullard Avenue.

WHEREAS, under the conditions/stipulations of approval of Ordinance 2019-1422, the owner of the Property is required to construct full half-street improvements required for a major arterial for the section of Bullard Avenue fronting the Goodyear Airport Commons Property when the Goodyear Airport Commons Property develops and the improvements are to be constructed in substantial conformance with the design strategies as established within that certain document titled Bullard Avenue Corridor Design Treatment Strategies November 2018, which document was declared a public record by Resolution No. 2019-1927.

WHEREAS, under applicable Development Regulations, the owners of property adjacent to public right of way are required to accept storm water flows from adjacent roadways and to provide the City with a drainage easement to accommodate such flows.

WHEREAS, to eliminate scalloped streets, the city is undertaking a capital improvement to complete certain of the half-street improvements the owner of the Property is required to construct for the section of Bullard Avenue adjacent to the Property (the “Bullard Avenue Improvements”).

WHEREAS, city staff were prepared to pursue a Cost Recovery Resolution to obtain reimbursement for the costs of the Bullard Avenue Improvements from the owners of properties benefitted from the Bullard Avenue Improvements, but because the Property is the only private property benefitted by the Bullard Avenue Improvements, the City and the owner of the Property, Squaw Peak Goodyear, have agreed to enter this reimbursement agreement for Squaw Peak Goodyear’s payment for the Bullard Avenue Improvements.

WHEREAS, Squaw Peak Goodyear and the City intend this Development Agreement for Bullard Avenue Improvements to be a development agreement within the meaning of A.R.S. § 9-500.05

that binds Squaw Peak Goodyear and all future owners of all or any portion of the Property to its terms.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the City of Goodyear find the approval of the Development Agreement for Bullard Avenue Improvements by and between Squaw Peak Goodyear, LLC, an Arizona limited liability company and the City of Goodyear, an Arizona municipal corporation, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference, to be in the best interest of the City of Goodyear, and hereby approve the Development Agreement for Bullard Avenue Improvements.

SECTION 2. The City Manager or her designee is hereby authorized and directed to execute the Development Agreement for Bullard Avenue Improvements attached hereto as Exhibit B

SECTION 3. The City Manager or her designee is hereby authorized and directed to take any and all actions and to execute all the documents necessary to carry out the intent of this Resolution and the terms of the Development Agreement for Bullard Avenue Improvements, including authorizing the construction of any or all of the improvements identified in the Development Agreement for Bullard Avenue Improvements.

SECTION 4. This Resolution shall become effective as provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney