

AGENDA ITEM #: AI-1255
DATE: 01/23/2023
CAR #:



CITY COUNCIL ACTION REPORT

SUBJECT: FINAL PLAT LA PRIVADA PARCELS 3 & 7 PHASE 1

STAFF PRESENTER(S): Marty Crossland, Interim Deputy Director of Development Engineering

OTHER PRESENTER(S):

Chris Patton, Rick Engineering

SUMMARY:

A Final Plat subdividing approximately 52.63 acres into 131 lots and 23 tracts at the intersection of Yuma Road and 183rd Avenue.

Recommendation:

Approve the Final Plat of La Privada Parcels 3 & 7 Phase 1, subject to the following stipulations (Marty Crossland, Interim Deputy Director of Development Engineering):

STIPULATIONS:

1. Any technical corrections to the Final Plat of La Privada Parcels 3 & 7 Phase 1 (the "Final Plat") approved herein required by the City Engineer or his designee shall be made prior to the recordation of the Final Plat;
2. Prior to recordation of the Final Plat, Owner shall submit an updated title report for the property included within the boundaries of the Final Plat (the "Platted Property") and shall modify the Final Plat to reflect the current ownership and current lender including on Final Plat a Lender Consent and Subordination in a form approved by the City Attorney or his/her designee for all lenders with a security interest in the Platted Property. Owner shall provide documentation acceptable to the City Attorney or his/her designee demonstrating that the party executing the Final Plat is authorized to do so; and
3. Prior to recordation of Owner, at Owner's sole cost and expense shall provide the city a temporary drainage easement in a size and location approved by the City Engineer or designee and in form approved by the City Attorney or his designee that allows for the receipt, retention, conveyance and disposal of storm water flows generated north of the Platted Property that historically flow over the Platted Property and that allows for the construction, maintenance, repair and replacement of drainage improvements needed for the receipt, retention, conveyance and disposal of such storm water flows; and

4. The Final Plat, shall not be recorded until Roosevelt Irrigation District and Maricopa County Department of Transportation have provided the city written approvals approving all construction plans that impact their respective interests.
5. Unless previously paid, a cost recovery payment of \$150,718.74 shall be paid to the City prior to the recordation of this Final Plat or the issuance of any permits for any work within the Property. The cost recovery payment is owed pursuant to the requirements in Cost Recovery Resolution of Intention No. 06-1064 as amended by Resolution No. 14-1621 and Resolution No. 16-1747 (the "Cost Recovery Resolution – Water Delivery Lines") for Regional Water Delivery Line E that has been fully constructed by the parties to the Development Agreement for West Goodyear Sewer and Water Infrastructure recorded in the official records. The \$150,718.74 represents the percentage of the maximum probable cost for Regional Water Delivery Line E set forth in the Cost Recovery Resolution – Water Delivery Lines attributable to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Water Delivery Lines as La Privada. No building permits for any structures within the Platted Property shall be issued until the cost recovery payment described herein has been paid; and
6. Except as provided herein, unless previously paid, a cost recovery payment of \$48,305.95 shall be paid to the City prior to the recordation of this Final Plat or the issuance of any permits for any work within the Property. The cost recovery payment is owed pursuant to the requirements in Cost Recovery Resolution of Intention No. 06-1064 as amended by Resolution No. 14-1621 and Resolution No. 16-1747 (the "Cost Recovery Resolution – Water Delivery Lines") for Regional Water Delivery Line F that has only been partially constructed. The \$48,305.96 represents the percentage of the maximum probable cost for Regional Water Delivery Line F set forth in the Cost Recovery Resolution – Water Delivery Lines attributable to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Water Delivery Lines as Paseo Ridge Phase II (Lees). No cost recovery payment shall be owed if the owner of the Platted Property is going to complete the construction of Regional Water Delivery Line F as described in the Cost Recovery Resolution – Water Delivery Lines. No building permits for any structures within the Platted Property shall be issued until the cost recovery payment described herein has been paid or Regional Water Delivery Line F has been fully completed by the owner of the Platted Property and accepted by the City Engineer or designee subject to completion of the two-year warranty period; and
7. Unless previously paid, a cost recovery payment in the amount of \$1,586,284.03 shall be paid to the City prior to the recordation of this Final Plat or the issuance of any permits for any work within the Property. The cost recovery payment is owed pursuant to the requirements in Cost Recovery Resolution of Intention No. 06-1065 as amended by Resolution No. 14-1622 and Resolution No. 16-1748 (the "Cost Recovery Resolution – Wastewater Trunk Lines") for Regional Wastewater Lines B, E, I, J, and K, which have been fully constructed by others. The \$1,586,284.03 represents the percentage of the cost of Regional Wastewater Lines B, E, I, J, and K set forth in the Cost Recovery Resolution – Wastewater Trunk Lines attributable to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Wastewater Trunk Lines as La Privada and to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Wastewater Trunk Lines as Paseo Ridge Phase II (Lees). No building permits for any structures within the Platted Property shall be issued until this payment has been received by the City; and

8. Except as provided herein, unless previously paid, a cost recovery payment of \$644,283.40 shall be paid to the City prior to the recordation of this Final Plat or the issuance of any permits for any work within the Property. The cost recovery payment is owed pursuant to the requirements in Cost Recovery Resolution of Intention No. 06-1065 as amended by Resolution No. 14-1622 and Resolution No. 16-1748 (the "Cost Recovery Resolution – Wastewater Trunk Lines") for Regional Wastewater Line N that has not yet been constructed. The \$644,283.40 represents the percentage of the maximum probable cost for Regional Wastewater Line N set forth in the Cost Recovery Resolution – Wastewater Trunk Lines attributable to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Wastewater Trunk Lines as La Privada and to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Wastewater Trunk Lines as Paseo Ridge Phase II (Lees). No cost recovery payment shall be owed for Regional Wastewater Line N if the owner of the Platted Property is going to construct 100% of Regional Wastewater Line N. No building permits for any structures within the Platted Property shall be issued until the cost recovery payment described herein has been paid or Regional Wastewater Line N has been fully completed by owner of the Platted Property and accepted by the City Engineer or designee subject to completion of the two-year warranty period; and
9. Except as provided herein, unless previously paid, a cost recovery payment of \$149,469.09 shall be paid to the City prior to the recordation of this Final Plat or the issuance of any permits for any work within the Property. The cost recovery payment is owed pursuant to the requirements in Cost Recovery Resolution of Intention No. 06-1064 as amended by Resolution No. 14-1621 and Resolution No. 16-1747 (the "Cost Recovery Resolution – Water Delivery Lines") for Regional Water Delivery Line C that has not yet been constructed. The \$149,469.09 represents the percentage of the maximum probable cost for Regional Water Delivery Line C set forth in the Cost Recovery Resolution – Water Delivery Lines attributable to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Water Delivery Lines as La Privada and to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Water Delivery Lines as Paseo Ridge Phase II (Lees). No cost recovery payment shall be owed for Regional Water Delivery Line C if the owner of the Platted Property is going to construct 100% of Regional Water Delivery Line C. No building permits for any structures within the Platted Property shall be issued until the cost recovery payment described herein has been paid or Regional Water Delivery Line C has been fully completed by owner of the Platted Property and accepted by the City Engineer or designee subject to completion of the two-year warranty period; and
10. Except as provided herein, unless previously paid, a cost recovery payment of \$272,096.31 shall be paid to the City prior to the recordation of this Final Plat or the issuance of any permits for any work within the Property. The cost recovery payment is owed pursuant to the requirements in Cost Recovery Resolution of Intention No. 06-1064 as amended by Resolution No. 14-1621 and Resolution No. 16-1747 (the "Cost Recovery Resolution – Water Delivery Lines") for Regional Water Delivery Line D that has not yet been constructed. The \$272,096.31 represents the percentage of the maximum probable cost for Regional Water Delivery Line D set forth in the Cost Recovery Resolution – Water Delivery Lines attributable to the portion of the Platted Property identified and described in the Cost Recovery Resolution – Water Delivery Lines as La Privada and to the portion of the Platted Property identified and described

in the Cost Recovery Resolution – Water Delivery Lines as Paseo Ridge Phase II (Lees). No cost recovery payment shall be owed for Regional Water Delivery Line D if the owner of the Platted Property is going to construct 100% of Regional Water Delivery Line D. No building permits for any structures within the Platted Property shall be issued until the cost recovery payment described herein has been paid or Regional Water Delivery Line D has been fully completed by owner of the Platted Property and accepted by the City Engineer or designee subject to completion of the two-year warranty period; and

11. Prior to recordation of this Final Plat, and unless previously paid, Owner shall remit to the City an in-lieu payment for one-half the cost of a full median and one-half the cost of full-median landscaping for the median that is to be installed within the section of W. Yuma Road along or adjacent to the frontage of the Property. The in-lieu payment for the median and median landscaping shall be based on the actual cost of the full median and full median landscaping if completed or the estimated cost of the full median and full median landscaping as determined by the City Engineer or designee; and
12. Prior to recordation of this Final Plat, and unless previously paid, Owner shall make an in-lieu payment to the City for 50% of the cost of a full traffic signal (all four legs) at the intersection of W. Yuma Road and S. 183rd Avenue. The in-lieu payment shall be based on the actual cost of the traffic signal if it has been constructed or if the payment is required before the signal is constructed it shall be based on the estimated cost of the traffic signal as determined by the City Engineer or designee; and
13. Prior to recordation of this Final Plat, Owner shall apply to the Arizona Department of Water Resources (ADWR) for the extinguishment of the Type 1 Rights appurtenant to the entire La Privada Property zoned by Ordinance 2021-1505 and request that any assured water supply credits issued by ADWR as a result of any such extinguishment be credited to the City of Goodyear.

FISCAL IMPACT:

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.

BACKGROUND AND PREVIOUS ACTIONS:

The preliminary plat of La Privada Phase 3 & 7 was approved by the City Council on September 27, 2021.

STAFF ANALYSIS

As set forth in the attached preliminary plat Council Action Report, the proposed subdivision is consistent with the General Plan and will not adversely impact the surrounding area. Further, the proposed subdivision is consistent with the technical requirements of the city's subdivision regulations and engineering standards, and provides for the orderly development of the property by identifying the required infrastructure needed to serve the development. The Final Plat is in substantial conformance with the Preliminary Plat.
