

Jose A. Guzman

From: Glenn Gimbut
Sent: Wednesday, November 13, 2024 2:45 PM
To: Michael T. Maerowitz (mmaerowitz@swlaw.com)
Cc: Eulogio Vera; Jose A. Guzman; Kay Macuil; Jenny Torres; vianey@veganvega.com
Subject: Development Agreement - Orchidea Park

Mike,

These are from my notes. Based on your draft of 11/1.

We will need present day dedications for the entirety of the half streets for 24th Street from E to D; D from 24th Street to 24 ½ Street and for 24 ½ street from D to E. 24th Street half width needs to be 55 feet. 24 ½ needs to be 40 feet and for D while the west side is 40 feet for present day dedication, we will be moving alignment to the east to accommodate request to not have to move power lines so this means 60 feet will be needed from the section to the east in the future. Some mention of the need for the 60 feet in the future should be mentioned now. Our standards for an arterial call for 110 feet of right of way. This means on D we are reducing the right of way by 10 feet such as it is. For 24th Ave we will need the full 80 feet dedicated. This does not mean development. But when the roadways are to be developed we do not want to be held up by needing right of way - like we are being held up by Rogers. We note your comment that not all land presently owned by Von Verde - a result of the closing of escrow with Yuma Union High School by Von Verde without an approved lot split - creating an illegal parcel. Von Verde needs to get YUHS to dedicate the rights of way by the sides of their property - something that would have been required as part of a legal lot split. Likewise any property that might be owned by Somerton Elementary School District.

We will need a design report from Vianey - he and Eulogio have spoken on this.

When either Parcel 1 or Parcel 2 are developed, the south half of 24th Street from 24th Ave to E will need to get built.

4.1 Last sentence needs to be confined to Offsite Infrastructure Improvements. See comment on email of 11/6/24.

4.5 Needs to be stricken. See comment of 11/6/24.

5.3. The following needs to be added someplace. "In the City's discretion, all Water and Wastewater infrastructure shall be designed and built in a contiguous and operationally practical fashion. The Water system shall be looped to reduce dead ends. These requirements shall apply to all Master Infrastructure Plans.

5.3.3 We understand your comment, we would point out that for 24 ½ Street Von Verde - through it or other entities controlled by the same ownership interests that own/control Von Verde own/control the land to the south of the Property and the east of the Property and therefore could ensure full streets to the arterial intersections if it wanted to. Right now only 24th Street from E to D should end up as developed by full build out of the property. D will be a half arterial street built on 40 feet. (60 feet to come from the east). 24 ½ a half collector street built on 40 feet. 24th Ave. will be a full collector on 80 feet.

5.5 See email of 11/6/24

5.7 See email of 11/6/24

6.2.2 Needs to be added: "The Parcel Owner of Parcel 1 may, in the City's discretion, be required to construct such improvements to establish and maintain a looped system which may require a main extension within 25th Ave."

6.4.2 Needs to be added: "The Parcel Owner of Parcel E may, in the City's discretion, be required to construct such improvements to establish and maintain a looped system."

6.4.3 Needs to be added: "The Parcel Owner of Parcel E may, in the City's discretion, be required to construct the half street improvements for 24th Ave alongside Parcel D and/or the half street improvements for County 24 ½ Street from 24th Ave. to Ave E."

7.2. Needs to be added: "Such improvements will conform to all city requirements and any approved Master Wastewater Infrastructure Plan."

8.2 Needs to be added: "Such improvements will conform to all city requirement, any approved Master Water Infrastructure Plan, and shall result in a looped system."

9.1.11 The following sentence: "The City expressly has the right to require additional right of way dedications and roadway improvements for other streets within each Parcel for the development of such Parcel..." needs to be changed to: "The City expressly has the right to require additional right of way dedications and roadway improvements for other streets within each Parcel for the development of such Parcel **or other Parcels within the Property ...**"

9.1.12 should be: " The right-of-way dedications for each Parcel shall be made by the Final Plat for a Parcel. The roadway improvements for each Parcel shall be part of the subdivision improvements associated with a Parcel and shall be constructed as a condition to the City's issuance of a building permit to develop vertical improvements on such Parcel. In the event of development without further platting of a parcel, infrastructure improvements including roadway, sidewalks, water, wastewater, and street lighting shall be required as a condition of the issuance of a building permit."

We need someplace a new section that states: "Development of lands for any school, public or private, including charter schools, shall occur in such a manner that no school zones or school crossings will result along Ave. E."

We are in the process of eliminating any requirement for a community facilities district, so this does not need to be included as a requirement for the Property. But somewhere we do need a provision that requires the present establishment of one large street lighting improvement district for the Property and an enhanced municipal services district for the Property.