



City of Maricopa

Legislation Details (With Text)

File #: RES 21-44 **Version:** 1 **Name:** IGA Eagle Shadow
Type: Resolution **Status:** Passed
File created: 10/18/2021 **In control:** City Council Regular Meeting
On agenda: 11/2/2021 **Final action:** 11/2/2021
Title: A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving an Intergovernmental Agreement between Pinal County Flood Control District and the City of Maricopa for the maintenance of flood control improvements in the Eagle Shadow project. Discussion and Action.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Intergovernmental Agreement, 3. Ex D - Eagle Shadow Maintenance Agreement, 4. Ex 2 - Flood Control Exhibit, 5. Ex 4 - OM Plan - Eagle Shadow

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Regular Meeting	Approved	Pass

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving an Intergovernmental Agreement between Pinal County Flood Control District and the City of Maricopa for the maintenance of flood control improvements in the Eagle Shadow project. Discussion and Action.

Eagle Shadow has designed and engineered a flood control solution and intends to submit a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) that removes property within the development from the floodplain. The CLOMR requires the construction of certain flood mitigation structure(s) (the Flood Control Structures) within the boundaries of the property. Pursuant to 44 C.F.R. 65.10 (d), (Title 44 of the Code of Federal Regulations) in order to qualify for the issuance of a Letter of Map Revision (LOMR), Eagle Shadow must assure FEMA that ultimate responsibility for maintenance of the Flood Control Structures is under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the National Flood Insurance Program (Agency). The City and Pinal County Flood Control District qualify as an Agency under the terms of 44 C.F.R. 65.10(d).

The purpose of this IGA is to define the responsibilities of the City of Maricopa and Pinal County, concerning implementation of their agreement to jointly serve as the Qualified Jurisdictions. It is the intention of the Parties that because of its proximity to the Eagle Shadow development, the City of Maricopa shall perform the inspections and any maintenance required pursuant to the terms of the agreement. The City of Maricopa, Honeycutt Estates, LLC, Cook-El Dorado, LLC , and Eagle Shadow Community Master Association have executed the Maintenance Agreement (Exhibit D of the IGA) that defines the responsibilities for the developer. The primary obligation and responsibility for inspecting, maintaining, repairing and ensuring the Flood Control Structures has been delegated to Eagle Shadow Community Master Association. The City of Maricopa shall perform annual inspection of the flood control structures, but shall otherwise have no responsibilities under this agreement unless the HOA fails to meet its obligations.

Exhibit 4 of the Maintenance Agreement details the Operations and Maintenance plan. The homeowners association will be responsible for all regular maintenance and inspections on the flood control structures, through a qualified third party.

Staff recommends that the Mayor and City Council approve the modified Intergovernmental Agreement between the City of Maricopa and Pinal County to define their responsibilities concerning implementation of their agreement to jointly serve as the Qualified Jurisdictions with regard to Eagle Shadow.