



City of Maricopa

Legislation Text

File #: RES 14-52, **Version:** 1

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting the North Santa Cruz Wash improvements development agreement between the City of Maricopa and Eagle Shadow, L.L.C. an Arizona Limited Liability Company; E.L.G. Investments, L.L.C., an Arizona Limited Liability Company; Cook/El Dorado, L.L.C., an Arizona Limited Liability Company; Honeycutt Estates, LLC, an Arizona Limited Liability Company; IOTA Eagle, LLC, an Arizona Limited Liability Company; Maricopa 240, L.L.C., an Arizona Limited Liability Company; Desert Sunrise, L.L.C., an Arizona Limited Liability Company; and Dawn Rider, LLC, an Arizona Limited Liability Company in compliance with A.R.S. §9-500.05 and authorizing the City Manager to make minor corrections and clarifications consistent with the intent of this Development Agreement. Discussion and Action.

The City of Maricopa is situated in several flood plains, the largest flood plains being the Santa Cruz, Santa Rosa and Vekol washes. These washes generally flow in a northwesterly direction, outflowing into the Gila River north of Maricopa. While normally dry these flood plains do produce several significant flooding events on a semi-regular basis. The largest flood plain in terms of land is located within the North Santa Cruz Wash (NSCW), located in the eastern third of the City. Approximately 3,500 acres of land lie within the NSCW flood plain, the majority of land is planned for single family residential. Land located within flood plains is generally not available for development, thus limiting future growth options.

Due to increased residential development interest in the area in and adjacent to the North Santa Cruz Wash, a consortium of land owners began working together in 2006 to develop a regional solution to channelize the Santa Cruz Wash. A development agreement between the participating parties exchanged hands dozens of time until the channelization project lost momentum in 2008 and has “sputtered” along with limited advancement until recently. In the fall of 2013 Staff and the development community increased the frequency of negotiations on the development agreement and further refined the agreement with City Council direction.

A synopsis of the development agreement is a follows:

The City of Maricopa will reinitiate construction plans for the wash channelization in accordance with the original Basis of Design.

The City of Maricopa will reimburse the FPA Parties \$709,079.21 over a three year period for the previously prepared Preliminary Plans and Specifications and Basis of Design.

Both the reinitiated plan costs and \$709,079.21 shall be reimbursable to the City if financing for the improvements is done through the sale of bonds.

The City has no obligation to fund the construction of the improvements, but will be responsible for its proportionate amount due to the City Parcel being benefited.

Milestones have been established and if they are not met any Owner has the right to terminate its obligations in the agreement and any zoning stipulation regarding participation in a regional solution. When funding is identified for the improvements, the Owners shall convey the property needed for the channelization to the responsible entity.

Owners have the right to construct “stand alone” solutions in accordance with the Construction Plans and Specifications.

Certain development “Entitlements” as detailed in Exhibit K of the Development Agreement are preserved for a period of time under the development agreement.

This item will be presented by Economic Development Director Micah Miranda and Public Works Director Bill Fay.

Staff recommends that Mayor and City Council approve the resolution approving and adopting the North Santa Cruz Wash Improvements Development Agreement between the City of Maricopa; Eagle Shadow, L.L.C.; E.L.G. Investments, L.L.C.; Honeycutt Estates L.L.C.; Cook/El Dorado, L.L.C.; IOTA Eagle, L.L.C.; Maricopa 240, L.L.C.; Desert Sunrise, L.L.C.; and Dawn Rider L.L.C. in compliance with A.R.S. §9-500.05. Funding for this agreement is in General Government CIP Fund, Economic Development, Improvements Other Than Buildings (35011616-67730).