



City of Maricopa

Legislation Text

File #: RES 14-09, **Version:** 1

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

The project, Red Valley Ranch, is a proposed Residential Development and will consist of various buildings, amenities, drainage facilities, and open spaces. The site is irregular in shape, consisting of approximately 38 acres. The site is surrounded by agricultural land and residential development. The Volkswagen testing facility is located less than half a mile north of the site. The site is located within the limits of the City of Maricopa, Arizona, in Pinal County. The site is bounded by Farrell Road on the north, Steen Road on the south, Anderson Road on the east, and the alignment of the East Main Irrigation Canal on the west (Pinal County Assessor's Parcel Number 502-07-010-0). The proposed Red Valley Ranch development is located within the existing Flood Zone "X."

Red Valley Ranch has designed and engineered a flood control solution and has submitted a Conditional Letter of Map Revision (Red Valley Ranch CLOMR) to the Federal Emergency Management Agency (FEMA) that removes the property from the floodplain. The Red Valley Ranch 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), Red Valley Ranch 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, hereinafter referred to as the Agency. The City and Pinal County Flood Control District qualifies as an Agency under the terms of 44 C.F.R. 65.10(d). The primary obligation and responsibility for inspecting, maintaining, repairing and insuring the Flood Control Structures has been delegated to Red Valley Ranch under this Agreement. The IGA anticipates that a homeowner's association will have the primary responsibility for any such maintenance and a bond has been posted to ensure such obligations are met. However, a homeowner's association does not qualify as an Agency under the above referenced regulations. The City of Maricopa shall have no responsibilities under this agreement unless the HOA fails to meet its obligations.

The purpose of this IGA is to define the responsibilities of the Parties, 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 Red Valley Ranch Development, the City of Maricopa shall perform the inspections and any maintenance required pursuant to the terms of the agreement. This agreement will only become effective after the execution of the development agreement between the City of Maricopa and Red Valley Ranch L.L.C.

Exhibit D of the development agreement details the Operations and Maintenance plan. The City will be required to perform annual inspections to ensure the proper operation of the flood control solution. In the event of a major storm event, post-storm inspections should be performed as soon as possible after flood conditions have subsided.

This item will be presented by William P. Fay, Public Works Director.

Exhibit A - IGA

Exhibit B - Development Agreement

Exhibit C - Legal Description

Exhibit D - Operations and Maintenance Plan

Exhibit E - ALTA Survey

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 the Red Valley Ranch project.