



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

May 16, 2018

**DEPARTMENT:**

Engineering

**DIVISION:**

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

**TITLE:**

Facilities Maintenance Agreement: Tuscany of Yuma Lot Owners Association Phase II, Inc.

**SUMMARY RECOMMENDATION:**

Authorize the City Administrator to execute a Facilities Maintenance Agreement (Sublicense) to permit Tuscany of Yuma Lot Owners Association, Phase II, Inc., an Arizona corporation, the use of Yuma County Water Users' Association property under the City of Yuma's License. (Engineering/Jeff Kramer)

**REPORT:**

The design of Tuscany Medical & Professional Plaza (Phase 2) subdivision provided connections to the existing City water and sanitary sewer utilities located in 21<sup>st</sup> Drive, and landscaping of City right-of-way adjacent to the development along the west edge of 21<sup>st</sup> Drive. This area is also located in the United States Bureau of Reclamation Jordan Lateral administered by the Yuma County Water Users' Association (YCWUA). YCWUA issued Encroachment License No. 001-18-001 (the License) to the City of Yuma (City) in April 2018, making the City responsible for the facility use. The License to the City is for construction of a retention basin, water and sanitary sewer connection, landscaping, irrigation system, and maintenance activities related to the described activities.

This Facilities Maintenance Agreement will permit Tuscany of Yuma Lot Owners Association, Phase II, Inc., the use of the YCWUA property under the City License for purposes of encroachment, construction, installation, operation and maintenance of water, sewer, retention basin, landscaping, and irrigation. Tuscany of Yuma Lot Owners Association, Phase II, Inc., will assume responsibility for costs related to their use. The Facilities Maintenance Agreement is also subject to the terms contained in the License.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.  IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input type="radio"/> Department <input checked="" type="radio"/> City Clerk's Office <input checked="" type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		5/7/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		5/7/2018	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jeffrey A. Kramer		4/23/2018		
WRITTEN/SUBMITTED BY:		DATE:		
Andrew McGarvie		4/18/2018		