



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

December 20, 2017

DEPARTMENT:

City Attorney

DIVISION:

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

TITLE:

Intergovernmental Agreement and Easement: Yuma Elementary School District One

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute an intergovernmental agreement (Agreement) with Yuma Elementary School District One for (i) the design and construction of a multi-use pathway and school crossing beacons along the east side of Avenue 6E, and (ii) the construction and use of stormwater retention facilities in substantially the same form as the attached Agreement. The stormwater retention facilities will also serve as athletic fields for the District. The Agreement includes a form of a non-exclusive easement establishing stormwater retention as the primary use of the described real property.

REPORT:

Yuma Elementary School District One (District) has or will enter into an agreement with Avenue 6E Land, LLC and Saguaro Desert Land, Inc. (collectively, Developer) for the donation of approximately 10 acres of land (School Site), on which the District will construct the future Dorothy Hall Elementary School. The Developer intends to develop the Driftwood subdivision, an approximate 105 acre subdivision located at the southwest corner of Avenue 6E and 44th Street, with the School Site located within the subdivision.

A portion of the School Site will primarily be used as flood control, retention basin, and drainage facilities for storm water runoff from the subdivision and adjacent City streets, as well as storm water runoff from the School Site. That same portion shall also serve as the school's athletic fields.

By separate action, the District has authorized or will enter an agreement with the Developer under which the Developer will construct a dual purpose retention basin sufficient to accommodate the storm water runoff from the Driftwood subdivision and adjacent City streets in accordance with the City Code, the City of Yuma Drainage Policy, and the Yuma County Flood Control District Regulations. Upon receipt of title to the School Site, the District will grant an irrevocable, perpetual storm water retention basin and flood control easement to the City of Yuma. This will be accomplished at no cost to the City of Yuma. The proposed retention basin will be capable of dissipating and disposing of the stored storm water runoff within five days.

The proposed Agreement is necessary to establish the terms and conditions of the construction of the Developer-constructed retention facilities, and the form of the non-exclusive easement establishing the retention facility as the primary use of the property. Under the terms of the Agreement and easement, the District will be responsible for maintenance of the retention basin once completed.

The proposed Agreement also addresses the need to facilitate the movement of pedestrians and bicycle traffic from the Ocotillo subdivision to the Dorothy Hall Elementary School. City regulations require a traffic study for new developments. Among other things, the traffic study identifies the development's impact to the existing infrastructure and traffic flow in the area. If a traffic study shows a significant impact, then certain engineering solutions may be required to move the development forward.

Here, the Developer, the District and the City agreed the development will create an impact to traffic, and the Developer and its engineer believe a traffic study would only support that belief, not change it. As such, the Developer requested to forgo committing resources to the traffic study and instead suggested the parties use the resources that would be spent on the traffic study toward engineering and construction costs of the traffic safety devices.

The City's preliminary engineering design confirmed that traffic safety devices (i.e. school crossing beacons) were going to be required for approval of this development. Further, the District has agreed and desires traffic safety devices in the area. City staff, relying on the preliminary engineering design and the Developer's assertions regarding the traffic study, recommend that City Council agree to waive the traffic study and rely on the engineering recommendations for traffic safety devices in the area.

Under the Agreement, the City will install school crossing beacons along the east and west sides of Avenue 6E, and design and construct a 10-foot wide multi-use pathway along the eastside of Avenue 6E from 46th Street to 41st Street. The District will reimburse the City for all of the costs of the design and construction of the multi-use path and the purchase and installation of the school crossing beacons.

The City will operate and maintain the multi-use pathway after it is constructed, and the District will own, operate and maintain the school crossing beacons. The project is estimated to cost \$189,384.80 for construction and \$27,020.00 for design.

City Council approval of this motion authorizes the City Administrator to execute and record an intergovernmental agreement in substantially the same form as the attached agreement, which will allow the Developer to move forward with construction of the retention facilities. City staff will introduce an ordinance at a future City Council meeting which will authorize the acquisition of the storm water retention easement from the District

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.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	☒ Department ☐ City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		12/12/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		12/12/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	