



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 1, 2018

DEPARTMENT:

Engineering

DIVISION:

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

TITLE:

Development Fee Deferral: Trail Estates Unit No. 6 Subdivision

SUMMARY RECOMMENDATION:

Adopt a resolution authorizing the City Administrator to execute an agreement to defer City of Yuma development fees and water and sewer capacity charges for Trail Estates Unit No. 6 subdivision, and to collect a \$500.00 administrative fee for the deferral agreement. The effective length of the deferral agreement is for three years from the date of execution. (Engineering) (Jeff Kramer)

REPORT:

Trail Estates Development, L.L.C. has requested deferral of development fees and water and sewer capacity charges for the property described in the attached proposed development agreement.

Since the economic downturn, City staff has recommended deferral of City of Yuma development fees, as well as water and sanitary sewer capacity charges for residential, commercial and industrial development. Pursuant to Arizona Revised Statutes (A.R.S.) § 9-463.05, such a deferral must be accomplished through a development agreement (often referred to as a deferral agreement). The attached agreement requires the payment of a five hundred dollar (\$500) administrative fee to pay for the costs associated with processing and tracking the deferrals which, under the terms of the agreement, allows deferral on a lot-by-lot basis up to the time of issuance of a certificate of occupancy.

The deferral agreement works by making certain described lots within the subdivision or portion of the subdivision eligible for the deferral benefit. In the case of subdivisions, the deferral right does not vest until (i) a separate *Request for Deferral of City of Yuma Development Fees and /or Water and Sewer Capacity Charges* for the individual lot has been signed by the owner, (ii) the fees calculated by City staff at the rate in existence at the time of the deferral are entered on the request, (iii) the request is signed by the City Administrator's designated representative, and (iv) the residential unit passes the under slab plumbing and building setback inspection. The deferral agreement, together with the individualized *Request for Deferral of Development Fees and/or Water and Sewer Capacity Charges* form then serves as the security for payment that is required by A.R.S. § 9-463.05.

A location map of the Trail Estates Unit No. 6 lots eligible for the deferral benefit through this proposed agreement is attached to this request for City Council action.

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		7/16/2018	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		7/16/2018	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jeffrey A. Kramer		7/10/2018		
WRITTEN/SUBMITTED BY:		DATE:		
Andrew McGarvie		7/1/2018		