



City Council Report

Date: April 6, 2020
To: City Council
Through: Karolyn Kent, Assistant City Manager
From: Christine Zielonka, Development Services Department Director
RJ Zeder, Transportation Department Director
Subject: Development Agreement for City Share Reimbursement
Avilla Enclave
8433 E. Guadalupe Road
Council District 6

Purpose and Recommendation

The purpose of this report is to provide information on a proposed Development Agreement for City Share Reimbursement between NexMetro Enclave, LLC, an Arizona Limited Liability Company, hereinafter referred to as “Developer”, and the City of Mesa, hereinafter referred to as “Mesa”, for the reimbursement of \$112,000.00 for regional street improvements that are being required by Mesa in conjunction with the proposed development known as Avilla Enclave, located at 8433 E. Guadalupe Road, hereinafter referred to as “Development”.

Staff recommends Council approve the Development Agreement for Reimbursement of City Share and the Resolution authorizing the City Manager or his designee to sign the Development Agreement.

Background

The Developer is proposing the construction of a development known as Avilla Enclave, 8433 E. Guadalupe Road, as shown on Exhibit A within the attached Development Agreement. The Development is subject to the regulations contained in Title Nine, Chapters Six and Eight of the Mesa City Code, which require the Developer to design and install the offsite improvements adjacent to the proposed development as required by Mesa standards. Offsite regional improvements are being required to ensure that Mesa’s minimum standards for infrastructure are maintained.

Discussion

Mesa is requiring the Developer to install regional street improvements along Hawes Road. Mesa proposes to financially participate in the regional improvement costs and will reimburse the Developer for Mesa's share of the costs as identified within Exhibit B of the attached Development Agreement for City Share Reimbursement.

The Developer agreed to install the regional street improvements along Hawes Road and to follow the terms and conditions of the Development Agreement including the Developer providing Mesa with copies of all contracts, invoices, lien releases and proof of payments that clearly and accurately document the unit costs paid by the Developer for the regional offsite improvements.

In order for Mesa to reimburse the Developer for Mesa's share of project costs, Mesa must enter into the attached Development Agreement.

Alternatives

The alternative would be for Mesa to not enter into the Development Agreement. This would mean that the Developer would most likely not install any of the regional improvements that are necessary to provide for Mesa's infrastructure required to meet the overall regional need of the development of the property within this area.

This alternative is not recommended at this time due to the public need to complete the regional improvements.

Fiscal Impact

The total estimated City Share is \$126,857.10. In accordance with Mesa's City Share policy and guidelines, if the estimated City Share exceeds \$112,000.00, the Developer is required to accept public bids for the improvements that qualify for City Share. The Developer has declined to offer all improvements that qualify for City Share through the public bidding, therefore the maximum City Share for this project shall be limited to \$112,000.00 (see Exhibit B to the Development Agreement for details).

Mesa's share of funding for the improvements is budgeted in the Transportation Department's FY 2019/2020 budget (Fund 13072013, Major Program CN0003 Phase 104).

Coordinated With

The Development Services and Transportation Departments concur with this recommendation.