



# City Council Report

**Date:** October 28, 2021

**To:** City Council

**Through:** Christopher J. Brady, City Manager  
Natalie Lewis, Deputy City Manager

**From:** Beth Huning, City Engineer  
Christine Zielonka, Development Services Director  
Veronica Gonzalez, Development Services Project Manager

**Subject:** First Amendment to the Pre-Annexation Development Agreement with Pacific Proving, LLC and Legacy Cares, Inc. for a recreation facility known as Legacy Park.  
**Council District 6**

## Purpose and Recommendation

The purpose of this report is to request the City Council approve a resolution authorizing the City Manager to enter into a first amendment to the pre-annexation development agreement with Pacific Proving, LLC (Property Owner) and Legacy Cares, Inc. (Developer) for a recreation facility known as Legacy Sports Park.

## Background

The City Council approved the Pre-Annexation Development Agreement (PADA) on April 5, 2021 to facilitate development of Legacy Sports Park, a multi-use sports/recreation facility with ancillary uses on approximately 337 acres in southeast Mesa. The project is currently under construction. The Developer anticipates a soft opening in December 2021 and to be fully operational in January 2022.

## Discussion

The Developer is required to construct certain street improvements, which may include pavement, curb, gutter, sidewalk, streetlights, traffic signals, storm drain, water lines, and landscaping, for Ellsworth Road and Williams Field Road adjacent to the project site. Through the PADA, the City has agreed to reimburse the Developer up to \$1.5 million for the completion of Williams Field Road improvements. The reimbursement funds would have come from the 2020 Mesa Moves bond election.

The First Amendment to the PADA proposes to redirect the City's \$1.5 million contribution to two other projects that will benefit both Legacy Sports Park and the City. The two projects are as follows:

### Ellsworth Road and Williams Field Road Intersection Improvements

The City is constructing the intersection at Ellsworth and Williams Field Roads to reduce traffic restrictions and provide access to developments such as Gateway East at Phoenix-Mesa Gateway Airport and Legacy Sports Park. The intersection is scheduled to be completed in April 2021. However, Legacy Sports Park has scheduled a soft opening for December 17, 2021 and it has become necessary to accelerate construction of the intersection to meet traffic

demands. An accelerated construction schedule will allow temporary left turn movements on to Williams Field Road by December 17. The cost to expedite construction is \$230,000.00. Therefore, at the Developer's request, the First Amendment to the PADA will redirect \$230,000 of the City's \$1.5 million contribution to acceleration costs.

It is important to note that despite the Developer's request to direct a portion of the City's contributed funds to the intersection acceleration costs, the Developer is still required to construct and complete the Williams Field Road improvements as outlined in the PADA.

#### SR24 Freeway

ADOT has started construction of the SR24 Freeway from Ironwood Drive to Ellsworth Road and completion is scheduled for August 2022. At the Developer's request, the completion of SR24 from Ellsworth Road to Williams Field Road has been accelerated to March 19, 2022 to accommodate traffic associated with events scheduled to take place at Legacy Sports Park in early Spring 2022. The cost to expedite the completion and opening of the SR24 is \$1.2 million. The First Amendment to the PADA will redirect the remainder of the City's contribution to ADOT to cover the acceleration costs. The City will enter into a separate amendment to the IGA with ADOT to address the SR24 accelerated construction costs.

#### **Alternatives**

The following alternatives are presented for consideration:

#### **APPROVAL OF THE FIRST AMENDMENT TO THE PRE-ANNEXATION DEVELOPMENT AGREEMENT.**

Approval of the First Amendment to the PADA will expedite construction of the Ellsworth Road and Williams Field Road intersection improvements as well as the SR24 Freeway that will provide a significant public benefit.

#### **DENIAL.**

If the Council chooses not to approve the first amendment to the PADA, the City and ADOT will not be able to expedite their respective projects resulting in significant traffic delays.

Staff recommends the City Council approve the first amendment to the PADA.

#### **Fiscal Impact**

The First Amendment to the PADA does not impose any additional fiscal impact. The City's \$1.5 million contribution will be used to accelerate construction of the Ellsworth Road and Williams Field Road intersection and SR24 Freeway in lieu of reimbursing the Developer for construction of Williams Field Road. The City's contributed funds to the accelerated projects will come from the 2020 Mesa Moves bond program.

#### **Coordinated With**

The First Amendment to the PADA was coordinated with the Development Services Department, the Transportation Department, the Engineering Department, and the City Attorney's Office.