

RESOLUTION 2020-059

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ACCEPTING THE PUBLIC IMPROVEMENTS, FOR THE RETREAT, PHASE 2, LOTS 64-70, 91-127, 128-141; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Subdivider, Castle & Cooke Arizona, Inc. has caused certain public improvements to be constructed for public use in conjunction with the development of The Retreat, Phase 2 Lots 64-70, 91-127, 128-141, and desires that the City accept maintenance responsibility thereof; and

WHEREAS, the Subdivider has posted certain security to assure completion of the required improvements; said security being a Subdivider's Agreement, as recorded in the Cochise County Recorder's Office, under fee #2018-06371, and an Improvements Security Guaranty Agreement, recorded under fee #2018-06372; and

WHEREAS, this request reaffirms settled policy of the City Council, to accept maintenance responsibility for such improvements only: when they are intended for public use; when they have been constructed within a properly dedicated utility easement; upon recommendation of the City Engineer; upon the filing of required lien waiver and two-year guarantee by the Subdivider; upon filing as-builts of the public improvements, and after formal acceptance by the City Council; and

WHEREAS, the City Inspector has inspected the constructed public improvements and found them to be in substantial conformance with the approved plans and specifications and does hereby recommend they be accepted by the City for maintenance; and

WHEREAS, the Subdivider has filed a waiver of liens, and a two-year guarantee, and will be responsible for filing reproducible as-built drawings.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy to accept public improvements, be, and hereby is, reaffirmed.

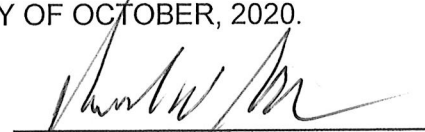
SECTION 2

That the required public improvements serving The Retreat, Phase 2, Lots, 64-70, 91-127, 128-141, be, and hereby are, accepted for ownership and maintenance by the City of Sierra Vista, and that the Subdivider's Agreement, as recorded under fee #2018-06371 and the Improvements Security Guaranty Agreement, as recorded under fee #2018-06372 are hereby released upon the City's receipt of the reproducible as-built drawings.


SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.


PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF OCTOBER, 2020.


FREDERICK W. MUELLER
Mayor

ATTEST:


JILL ADAMS
City Clerk

APPROVED AS TO FORM:


NATHAN WILLIAMS
City Attorney