

February 23, 2023

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, Director, Community Development

FROM: Jeff Pregler
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2023-007
Acceptance of Public Improvements
Release of Security for Lots 30-59 for Holiday at
PDS, Phase 5B

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Public Works Director recommends approval.

INITIATED BY: Castle & Cooke, Arizona

BACKGROUND:

Castle & Cooke Arizona is seeking City Council's acceptance of sewer and drainage facilities serving Lots 30-59 (Phase 5B) of the Holiday at PDS subdivision. Said public improvements have been inspected and approved by the City's Public Works Department. All other required infrastructure serving this phase of the subdivision will be privately owned and maintained by the homeowner's association.

The Development Code requires that all public improvements in a subdivision be constructed prior to home construction. However, in lieu of completing the improvements, the Development Code allows the developer to provide a security as an assurance that the public improvements are completed.

Castle & Cooke Arizona provided a Subdivider's Agreement and an Improvement Security Guaranty following approval of the final plat to assure the public improvements would be constructed within two years after plat approval. The financial instrument used to secure the public improvements was an Improvement Bond.

Per Section 151.19.005 of the Development Code, once the public improvements have been completed, inspected, and approved by the Public Works Department, the City Council can accept all public improvements for maintenance and release the security.

Public improvements accepted by the City are warranted for a two-year period. The City will retain a security (\$200 per lot) to the City to substantiate the validity of the Developer's Guarantee during the warranty period.



RESOLUTION 2023-007

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ACCEPTING COMPLETED PUBLIC IMPROVEMENTS AND RELEASING THE SECURITY FOR LOTS 30-59 OF THE HOLIDAY AT PDS SUBDIVISION, PHASE 5B; 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 has caused certain public improvements to be constructed for public use in conjunction with the development of lots 30-59 of the Holiday at PDS subdivision, Phase 5B, as shown in Exhibit A, 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 #2021-07434 and an Improvement Security Guaranty Agreement, as recorded in the Cochise County Recorder's Office, under fee #2021-07435; and

WHEREAS, the City Council shall only accept maintenance responsibility for public improvements only: when they are intended for public use; upon recommendation of the City Engineer; upon the filing of required lien waiver and two-year guarantee, warranty security, and as-builts by the Subdivider, and after formal acceptance by the City Council; and

WHEREAS, the City Inspector has inspected the completed 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, a two-year guarantee, warranty security, and 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 policy, accepting completed public improvements and releasing securities, be, and hereby is, reaffirmed.

SECTION 2

That the Subdivider's Agreement recorded under fee# 2021-07434 and Improvement Security Guaranty Agreement recorded under fee #2021-07435 relating to Holiday at PDS, Phase 5B is hereby released, and that the constructed public improvements serving lots 30-59 of the Holiday at PDS subdivision, Phase 5B, as shown in Exhibit A, be, and hereby are, accepted for ownership and maintenance by the City of Sierra Vista.

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 23RD DAY OF FEBRUARY 2023.

Clea McCaa II
Mayor

ATTEST:

Jill Adams
CITY CLERK

APPROVED AS TO FORM:

Nathan J. Williams
City Attorney

PREPARED BY:
JEFF PREGLER
Senior Planner

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EXHIBIT A

