



## Legislation Text

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**File #:** 16-621, **Version:** 1

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### **ORDINANCE NO. 3032 NEW SERIES**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A LAND USE LICENSE IN FAVOR OF THE CITY OF GLENDALE FROM THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT LOCATED ON THE NORTHWEST QUADRANT OF 99TH AVENUE AND WESTBOUND GLENDALE; AUTHORIZING THE EXECUTION OF A COMPANION PROPERTY USE AGREEMENT WITH 101 W HEALTHCARE, LLC; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.**

Staff Contact: Jack Friedline, Director, Public Works

### **Purpose and Recommended Action**

This is a request for City Council to waive reading beyond the title and adopt an ordinance authorizing the City Manager to enter into a Land Use License with Salt River Project Agricultural Improvement and Power District (SRP) for the nonexclusive right to enter upon and use USA fee land generally located at the northwest quadrant of 99th Avenue and west Glendale Avenue; and declare an emergency (ordinance). Staff also requests that City Council authorize the City to enter into a companion Property Use Agreement with 101 W Healthcare, LLC, the owner of the adjacent parcel. 101 W Healthcare will construct, operate, maintain, repair, and, if necessary, replace the improvements that will be located on the land the City is licensing from SRP.

### **Background**

The subject location of the proposed license agreement is along the 99th Avenue and Glendale Avenue alignments approximately 800 feet north of the Glendale alignment and approximately 350 feet west of the 99th Avenue alignment. This location lies on the Westgate Healthcare campus property being developed by 101 W Healthcare, LLC, an Arizona limited liability company. Certain improvements being constructed by 101 W Healthcare (driveways, parking spaces and landscaping) will overlay the current USA fee land and will cross the relocated irrigation tail water ditch and new irrigation pipeline. SRP has advised the City it wishes to relocate the irrigation pipeline during the impending "dry up" period, beginning in early December 2016.

### **Analysis**

Because the City is entering into a Property Use Agreement with the adjacent property owner to pay for and perform construction and operation and maintenance of the improvements, there should be no impact on City departments, staff or service levels as a result of this action. The Property Use Agreement will be recorded with the Maricopa County Recorder and its obligations will run with the land, so any future user of the adjacent parcel that benefits from the City's license with SRP will be responsible for the continued operation, maintenance, repair and, if necessary, replacement of the parking, driveway, and landscaping improvements.

**Community Benefit/Public Involvement**

In an effort to facilitate a land exchange between SRP and 101 W Healthcare, LLC, SRP has requested the City to enter into a license agreement in the vicinity of 99th Avenue and Glendale Avenue. The City agreed to take the license provided it could designate the landowner as its authorized representative for constructing and maintain the improvements.