



Legislation Details (With Text)

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**Title:** Consider adoption of an ordinance approving a Development Agreement between the City of Denton and Justland Development LLC, concerning the use of City property for temporary stormwater facilities and construction access for the proposed development of Meadow Oaks Subdivision, Phase 4, until the permanent Ruddell Street Stormwater Facilities are installed; granting temporary drainage and construction access easements in exchange for the developer providing to the City a conveyance of land in fee; providing for the developer to pay any additional costs of design and construction of a permanent stormwater piping system required to accommodate the development stormwater discharge; requiring a performance bond or letters of credit; authorizing the City Manager to execute the agreement and easements; and providing for an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1- Project Map, 2. Exhibit 2- Proposed Development Agreement, 3. Exhibit 3- Proposed Temporary Easements, 4. Exhibit 4- Ordinance

Date	Ver.	Action By	Action	Result
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**Agenda Information Sheet**

**DEPARTMENT:** Engineering Services

**CM/ ACM:** Jon Fortune

**Date:** September 13, 2016

**SUBJECT**

Consider adoption of an ordinance approving a Development Agreement between the City of Denton and Justland Development LLC, concerning the use of City property for temporary stormwater facilities and construction access for the proposed development of Meadow Oaks Subdivision, Phase 4, until the permanent Ruddell Street Stormwater Facilities are installed; granting temporary drainage and construction access easements in exchange for the developer providing to the City a conveyance of land in fee; providing for the developer to pay any additional costs of design and construction of a permanent stormwater piping system required to accommodate the development stormwater discharge; requiring a performance bond or letters of credit; authorizing the City Manager to execute the agreement and easements; and providing for an effective date.

**BACKGROUND**

The developer of Meadow Oaks Subdivision, Phase 4 (a new subdivision lying uphill and east of the City’s Service Center property, north of Paco Trail and west of Autumn Oak Drive) has proposed to City staff a potential joint stormwater project with the City’s Ruddell Street Extension project. The Ruddell Street

Extension Project will require fairly extensive stormwater facilities.

Basically, the developer proposes to connect his stormwater system to the City's Ruddell Street extension stormwater system and have the City accommodate his development's stormwater runoff in exchange for:

- A heavily treed strip of land (0.6 acres), which could serve as a vegetative screen of the City's Service Center uses from adjacent residential development (as compensation of temporary drainage use of City property and a contribution to City improvements to the main drainage channel serving the area)
- Forfeiting any rights to future abandonment of the currently closed Lattimore St. right-of-way along the south and east sides of the City's property, which would allow the City to abandon this right-of-way and utilize it for future Service Center uses.
- Payment of all design and construction cost increases to the City's planned stormwater piping system caused by the addition of his development's stormwater.

In return, the City would provide:

- A temporary drainage easement across 4.402 acres of City property until such time as the City's Ruddell St. Extension stormwater system can connect to the development's outfall.
- A 20 ft. wide temporary construction access easement (0.198 acre) across the southern end of the City's property (within the temporary drainage easement) between Ruddell St. and the proposed development, to avoid moving heavy construction equipment and trucks through adjacent neighborhood streets during construction of the public infrastructure (utilities, drainage and streets) for the development.
- Design and construction of a Ruddell St. Extension stormwater system that would accommodate the development stormwater runoff.

The developer would gain an estimated 5 additional lots within his development; thus providing additional future City tax base.

### **OPTIONS**

1. Approve the ordinance approving the development agreement and authorizing the City Manager to execute the agreement and two requested temporary easements.
2. Decline to approve the development agreement.

### **RECOMMENDATION**

Staff recommends approval of the ordinance.

### **ESTIMATED SCHEDULE OF PROJECT**

It is anticipated the temporary drainage easement would be in effect for approximately 2 yrs., while awaiting completion of the City's Ruddell St. Extension's permanent stormwater system to connect to the development's stormwater outfall. It is anticipated the temporary construction access easement would be in effect for approximately 1 yr., during the time the development infrastructure is being constructed. The City has no plans to utilize the affected property during that time.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

August 9, 2016 - Work Session briefing to the Council on the Ruddell Street Extension Project and the concept of this request.

### **FISCAL INFORMATION**

It is anticipated that the City will be reimbursed for all additional expenditures required by the proposed development agreement.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:   Public Infrastructure**  
**Related Goal:               2.4 Manage drainage infrastructure**

### **EXHIBITS**

1.     Project Map
2.     Proposed Development Agreement
3.     Proposed Temporary Easements
4.     Ordinance

Respectfully submitted:  
John T. Davis, PE  
Director of Engineering Services