



Legislation Text

File #: 20-095, **Version:** 1

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach Town Manager
Andrew M. Miller, Town Attorney

DATE: February 27, 2020

DEPARTMENT: Town Manager

AGENDA TITLE:

Adoption of Resolution No. 2020-03 approving the Development Agreement for Lincoln Medical Center

RECOMMENDATION:

Adopt Resolution No. 2020-03

SUMMARY STATEMENT:

The owner of Lincoln Medical, Jamel Greenway, LLC ("Jamel") owns APN 174-64-003B, which is approximately 2.10 net acres located at 7125 East Lincoln Drive ("LMC Property"). The LMC Property contains a medical office plaza known as the Lincoln Plaza Medical Center which was approved in 1976 with a Special Use Permit. More recently, Jamel Greenway purchased the property in 2018 and applied to the Town for a Major Special Use Permit amendment for a complete renovation of the site with the continued use as a medical office under a single tenant. The Major SUP amendment was ultimately withdrawn and a Minor Special Use Permit Application SUP-19-05 was approved by the Town. That amendment approved changes in parking, circulation, and the installation of large oxygen storage tanks on the LMC Property.

The Town is currently obligated under a separate Development Agreement with Five Star Development to reconstruct and improve the public perimeter roads surrounding Five Star: Lincoln Drive, Mockingbird Lane, and Indian Bend Road (the "Project"). The Town's construction project is starting on Lincoln Drive to assist with the planned opening of Five Star and the Ritz Carlton off Lincoln Dr. approximately a year from now. The construction on Lincoln Drive includes, among other things, improvements to the roadway, new utilities (which continue to be installed currently, e.g., electric, natural gas, phone, cable television, telecommunications, sewer, and water lines underground), and the construction of sidewalk, shared driveway and landscaping on or adjacent to Lincoln Drive between the Town limit line and Mockingbird Lane, including the frontage and abutting the LMC property. In connection with the Project and the roadway and sidewalk improvements, the Town, pursuant to A.R.S. §12-1111, *et seq.*, has commenced a combined condemnation action and quiet title action (the "Action") relating to the south forty (40) feet of Lincoln Drive that abuts the LMC Property (the "Dedicated Property"), said Action being Maricopa County Superior Court Cause No.

CV2020-000114.

Jamel has proposed that Jamel and the Town enter into a development agreement that will settle the Action and provide for the Dedicated Property to be deeded by Jamel to the Town along with the granting of an easement (the "Sidewalk and Landscaping Easement") that would provide a larger land area (the "Sidewalk Area") for the sidewalk construction and for an enhanced level of sidewalk improvements. Jamel and the owner of the property adjoining the LMC Property to the west (i.e., the Smoke Tree Resort property) have agreed to execute and record a Shared Access Agreement in exchange for and in order to move forward on full turning access along their joint property line. Jamel has agreed to pay for construction of the sidewalk and landscaping improvements for the Project that are adjacent to the LMC Property provided that the Town modify the plans for the Project so that left turn access (at either an existing driveway or at a new driveway) for the LMC Property can be maintained in the future.

A development agreement has been proposed by Jamel (the "Development Agreement for Lincoln Medical Center " hereinafter the "DA") that would include:

- Jamel and Gentree to execute and record a joint Shared Access Agreement that would close two driveways on LMC and one on Smoke Tree and construct a shared driveway at their joint property line at their cost
- LMC would dedicate 40' of ROW currently used as Lincoln Drive
- LMC would grant of a Sidewalk and Landscaping Easement in the Sidewalk Area
- Jamel to pay for construction of the sidewalk and landscaping in the Sidewalk Area
- Town to modify the Project plans such that driveway left turn access (at an existing or a new driveway) for the LMC Property can be maintained in the future

At the time of the writing of this Action Report, a final copy of the DA is still being completed, with that final copy to be distributed to the Council and public once it is complete.

It is recommended the Town Council adopt Resolution No. 2020-03, approving the Development Agreement for Lincoln Medical Center - Paradise Valley, Arizona and authorizing the execution and recordation of it.

BUDGETARY IMPACT:

Savings on land acquisition and sidewalk construction costs

ATTACHMENT(S):

Resolution No. 2020-03