

## **RESOLUTION NO. 1095**

### **A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL APPROVING AND AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BROKEN ARROW, NEW BEDFORD LAKES, LLC, NEW BEDFORD PARK, LLC, GLENN SHAW AND CHARLES L. RAMSAY, JR.**

**WHEREAS**, New Bedford Lakes, LLC, New Bedford Park, LLC, Glenn Shaw, and Charles L. Ramsay, Jr. (the “Developers”) and their affiliated entities own approximately 551 acres of land in the City of Broken Arrow; and

**WHEREAS**, a portion of this land is located along 37<sup>th</sup> Street between East Omaha Street (East 51<sup>st</sup> Street South) and East Albany Street (East 61<sup>st</sup> Street South), (the “Development Land”); and

**WHEREAS**, the Developers intend to develop the Development Land, or parts thereof, for residential and other suitable uses in accordance with the City of Broken Arrow's Comprehensive Plan, Zoning Ordinance, the Land Subdivision Code, Engineering Design Criteria Manual and other city codes; and

**WHEREAS**, the City desires to facilitate the development of the area in and around certain of the Development Land to promote the City’s growth and, as described herein, to provide parks and recreation facilities for the City's residents; and

**WHEREAS**, the Developers previously dedicated real property and easements to the City for location of a sanitary sewer lift station, sanitary sewer mains, a portion of the right-of-way for the construction of 37<sup>th</sup> Street, easements for the location of various utilities, and temporary construction easements; and

**WHEREAS**, specifically, these dedications consisted of the following:

- a. approximately 4.5 acres for placement of sanitary sewer lines and a lift station; and
- b. approximately 9.12 acres for construction of the sanitary sewer lines and lift station; and
- c. approximately 3.206 acres of permanent right-of-way for the construction of 37<sup>th</sup> street; and
- d. approximately 2.52 acres for construction of 37<sup>th</sup> street; and
- e. right-of-way along 101<sup>st</sup> street between Lynn Lane and County Line Road; and
- f. approximately 26.73 acres for a regional detention pond across from Broken Arrow High School; and
- g. right-of-way along East Albany Street, between Lynn Lane and County Line Road; and

**WHEREAS**, Developers’ estimate of the value of the above-referenced dedications, Including the loss of developable land, is \$1,261,815.00; and

**WHEREAS**, in conjunction with the referenced dedications, City Staff entered into negotiations with Developers for donation of portions of the Development Land for construction of a regional detention facility (the “Detention Facility”); and

**WHEREAS**, said Detention Facility will benefit the residents of the City by reducing peak stormwater flows, facilitating future development in the area, and maximizing other developable land; and

**WHEREAS**, as Staff negotiated for location and construction of the Detention Facility, it was contemplated that location of a park (the “Park”) at this location would be beneficial to the citizens of Broken Arrow and would complement the proposed Detention Facility; and

**WHEREAS**, location of a Park in the Development Land is in accordance with the City of Broken Arrow Parks and Recreation Master Plan; and

**WHEREAS**, in furtherance of these objectives, in 2011 and 2014, the voters approved issuance of General Obligations Bonds for both the Detention Facility and the Park; and

**WHEREAS**, 37<sup>th</sup> Street runs north and south along the section line and is considered a section line road, but presently no roadway exists between East Albany Street and East Omaha Street; and

**WHEREAS**, construction of 37<sup>th</sup> Street between East Albany Street and East Omaha Street and as approved by the voters in 2014, will provide significant connectivity between north and south Broken Arrow, and would, in particular, facilitate citizen access to the retail area and public education facilities located along the Creek Turnpike and 37<sup>th</sup> Street; and

**WHEREAS**, in furtherance of the above stated goals and approval of the voters, the City entered into a construction contract with Paragon Contractors, LLC, for construction of 37<sup>th</sup> Street pursuant to the 2014 General Obligation Bond Issue that authorized funding for the design and construction of 37<sup>th</sup> Street; and

**WHEREAS**, the City recognizes that the aforementioned projects will have additional and direct economic benefits within and near the City, in Wagoner and Tulsa Counties and in the State through, including without limitations, providing a stimulus for other development, providing regional stormwater detention for present and future development, and providing necessary connectivity; and

**WHEREAS**, in connection with such reasonable expectations and following extensive negotiations with Developers, the City has determined that it is necessary and appropriate for the City to provide the following in exchange for the dedication of real property, right-of-way and easements necessary for the construction of 37<sup>th</sup> Street between Omaha Street and Albany Street, the Detention Facility, and the Park:

1. Construct, or cause to be constructed, a Detention Facility within the Development Land in accordance with plans designed by AAB Engineering and in an amount not to exceed \$1,335,885.13; and
2. Construct, or cause to be constructed, 37<sup>th</sup> Street from East Albany Street to East Omaha Street as a two (2) or more lane street; and
3. Construct, or cause to be constructed, a Park surrounding the regional Detention Facility; and
4. Allow utilization of the Regional Facility for stormwater detention for property in this area owned by Developers; and
5. Allow the filing of the Final Plat and provide for the offset of fee-in-lieu for the Tucson Village Project.

**WHEREAS**, said dedications of Developers as set forth in the above recital are estimated to be valued in excess of \$516,000.00, said acquisition costs being insufficient to purchase the necessary real property, right-of-way and easements and complete the projects as set forth in the General Obligation Bond proceeds; and

**WHEREAS**, having been induced by the offer of such incentives, and contingent therein, Developers agree to the dedication of necessary right-of-way for the construction of 37<sup>th</sup> Street from East Albany Street to East Omaha Street and all appurtenances required therein, approximately 10 acres of real property for construction of the Detention Facility, and approximately 30 acres of real property for construction of the Park, and, if determined by Developers to be necessary for the proper development of the Development Land adjacent to the Detention Pond and the Park, the construction of box culverts to facilitate construction of interior streets by developers; and

**WHEREAS**, the proposed funding sources for the aforementioned projects are the 2011 and 2014 General Obligation Bond issues, savings from named General Obligation Bond projects, the stormwater capital improvement fund, and all other legal funding sources as the Council may decide; and

**WHEREAS**, the City deems it appropriate to approve the execution and delivery of this Agreement in the interest of providing for the implementation of the aforementioned projects and have determined such actions are in the best interests of the City and the health, safety, and welfare of the City and residents within and near the City.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
BROKEN ARROW THAT** the Development Agreement between the City of Broken Arrow,  
New Bedford Lakes, LLC, New Bedford Park, LLC, Glenn Shaw and Charles L. Ramsay, Jr., is  
hereby approved; and

This Resolution is approved in open meeting by the City Council of the City of Broken Arrow on  
this 20th day of March, 2018.

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Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney