



## **AGENDA ITEM ANALYSIS**

Project/Issue Name: 23-52 An Ordinance of the City Council Approving Execution of a Deferred Infrastructure Developer Agreement with Bester Properties, LLC.

Submitted By: Chris Tabor, BUILDS Department Principal Planner

Date: November 7, 2023

### **Issue Statement**

Bester Properties, LLC wishes to enter into a Developer's Agreement for the deferred construction of approximately 1,593 feet of sidewalk during the platting of lots associated with Phase 1 of Harper Ridge in exchange for securing the total cost of said sidewalk.

### **Discussion and/or Analysis**

The paragraphs below reference two separate subdivision names. The physical area of land under discussion was originally part of the Preliminary Plat of Emerald Valley Phase 2. Between Preliminary and Final Platting, the developer has decided selected a new name for the project: Harper Ridge. Discussion of the Preliminary Plat still references Emerald Valley Phase 2, while that of the Final Plat references Harper Ridge Phase 1.

The approved Preliminary Plat for Emerald Valley Phase 2 requires the completion of approximately 1,592 feet of 5-foot-wide sidewalk along the east side of Main Street extending from the northern property line of Emerald Valley Phase 1 to the Northern property line of Emerald Valley Phase 2; the Developer is requesting deferment of this section of sidewalk while they plat Harper Ridge Phase 1.

The Developer's Agreement would allow for the final platting of Harper Ridge Phase 1, consisting of 25 lots, in exchange for securing the cost of the sidewalk to be deferred. The total cost assigned to the sidewalk construction is \$71,724.97. Upon execution of the Developer's Agreement the City will accept the Final Plat for Harper Ridge Phase 1. The Developer would then be able to sell the associated lots and those same lots would be eligible for new residential building permit applications.

The developer must construct the required improvements or enter into a new Developer's Agreement with the City prior to the final platting of any subsequent phases of development. This agreement will terminate upon the completion of the sidewalk by the developer or upon the included expiration clause.

### **Recommended Action**

Staff recommends approval of the Developer's Agreement.