



MEMORANDUM

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**DATE:** March 14, 2022

**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator

**FROM:** Jessica Jagoe, City Planner

**SUBJECT:** Planning Case 2021-025 – Scannell Properties, LLC Amended and Restated Stormwater Facilities Operation, Maintenance and Easement Agreement

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

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**Council Should Consider**

Motions to approve, table, or deny the following:

- Amended and Restated Stormwater Facilities Operation, Maintenance and Easement Agreement for Scannell Properties, LLC, based on the City Council approval of Planning Case 2021-025 on October 6, 2021.

*All items need a simple majority for action unless otherwise noted.*

**Background/Description**

On October 12, 2020, the City Council approved a Final Plat, Planned Unit Development, Conditional Use Permit, and Site Plan Review for Scannell Properties, LLC to construct a 250,000 square foot office and warehouse facility. The Development Agreement for Planning Case 20-010 was subsequently approved by the City Council on February 8, 2021. As a condition of the project approvals, the Developer was required to execute a Stormwater Facilities Operation and Maintenance Agreement with the City. This document was an exhibit within the Development Agreement. Following Council approval of the Development Agreement, both parties signed the Stormwater Facilities Operation and Maintenance Agreement.

The following year on October 6, 2021, Scannell Properties, LLC was granted approval of Planning Case 2021-025 for Site Plan Review to install the expanded parking area for use by tenants of the building. A condition of Planning Case 2021-025 required the Applicant to submit an amended Stormwater Facilities Operation and Maintenance Agreement for the long-term care

of all on-site and off-site stormwater facilities. This agreement was to be submitted to the City for review by the City Engineer and City Attorney prior to City Council approval.

The Public Works Director/City Engineer has reviewed the proposed agreement including the easement descriptions and is in support of the approval as drafted. Planning Staff has included as Attachment C a memo from Director Swearingen that highlights the changes and terms of the amended agreement. The amended agreement has also been reviewed and approved by the Developer and City Attorney.

Staff is requesting that Council approves the Amended and Restated Stormwater Facilities Operation, Maintenance and Easement Agreement for Lot 1, Block 1, Gateway Interstate.

**Budget Impact**

N/A

**Attachments**

Attachment A: Location Map

Attachment B: Stormwater Facilities Operation, Maintenance and Easement Agreement

Attachment C: Interim Public Works Director Memo