

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, ARIZONA, APPROVING AND  
AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
FOURTH AMENDMENT TO THE MESA PROVING GROUNDS  
PRE-ANNEXATION AND DEVELOPMENT AGREEMENT  
WITH DMB MESA PROVING GROUNDS LLC, TO RESOLVE  
OBLIGATIONS RELATED TO THE CONSTRUCTION OF  
PUBLIC INFRASTRUCTURE ON CERTAIN REAL  
PROPERTY.**

**WHEREAS**, the City of Mesa and DMB Mesa Proving Grounds LLC, entered into a development agreement in November 2008 (the "Development Agreement") detailing various promises by both parties relating to the development of approximately 3200 acres of real property located south of Elliot Road and east of Ellsworth Road (the "Property"); and

**WHEREAS**, the Development Agreement was recorded with the Maricopa County Recorder's Office on November 13, 2008 as document 2008-0974930; and

**WHEREAS**, a First Amendment to the Development Agreement was entered into between the parties and was recorded with the Maricopa County Recorder's Office as document 2011-0456474; and

**WHEREAS**, a Second Amendment to the Development Agreement was entered into between the parties and was recorded with the Maricopa County Recorder's Office as document 2013-1005620, which provided that DMB Mesa Proving Grounds LLC, was to receive proceeds from the 2013 Street and Highway Bonds to support non-residential economic development projects within the Property; and

**WHEREAS**, a Third Amendment to the Development Agreement was entered into between the parties and was recorded with the Maricopa County Recorder's Office as document 2016-0940133, which identified the public street improvements referenced above to mean the construction of Elliot Road as an arterial road, generally between Ellsworth and Signal Butte Roads; and

**WHEREAS**, the Parties now desire to document their remaining obligations and modified agreements concerning the construction of public infrastructure on the Property; and

**WHEREAS**, the City of Mesa desires to amend the Development Agreement with a Fourth Amendment; and the City Council hereby determines that the Fourth Amendment furthers the original purpose of the Development Agreement.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:**

**Section 1:** That the Fourth Amendment to the Pre-Annexation and Development Agreement (Mesa Proving Grounds) is hereby approved.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized to enter into the Fourth Amendment, together with all other documents necessary to carry out the provisions of the Fourth Amendment. The City Manager is further authorized to approve minor, administrative, technical, procedural and non-material modifications to the Fourth Amendment and all of its exhibits, as needed.

Section 3: That the City Clerk, DeeAnn S. Mickelsen, or her designated representative, is authorized and directed to attest to the signature of the City Manager, or his designated representative, on the Fourth Amendment together with all other documents necessary to carry out the provisions of the Fourth Amendment.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 27th day of August, 2018.

APPROVED:

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Mayor

ATTEST:

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City Clerk