

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE MAINTENANCE AGREEMENT BETWEEN THE CITY OF MESA AND MCDOWELL CITRUS 100, LLC FOR THE MAINTENANCE OF IMPROVEMENTS IN THE RIGHT-OF-WAY FOR A DEVELOPMENT KNOWN AS ESTATES AT HERMOSA RANCH.

WHEREAS, McDowell Citrus 100, LLC (“McDowell Citrus”) desires to build a residential subdivision with 12 single-family detached homes commonly known as Estates at Hermosa Ranch (the “Project”); and

WHEREAS, in order to develop the Project, McDowell Citrus has agreed to design, install, maintain, repair and replace the landscape improvements in the west twenty-five feet of the 40<sup>th</sup> Street right-of-way alignment located north of Hermosa Vista Drive, approximately 400 feet east of North Maple (the “Landscape Area”); and

WHEREAS, McDowell Citrus intends to create a homeowner’s association (the “HOA”) for the Project and include the obligations in this Agreement in the Declaration of Covenants, Conditions, and Restrictions for the HOA; and

WHEREAS, McDowell Citrus intends to transfer its obligations in this Agreement to the HOA upon transferring control of the HOA to the residents of the Project.

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

Section 1: That the Maintenance Agreement between the City of Mesa, and McDowell Citrus 100, LLC is hereby approved.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to execute the Maintenance Agreement between the City of Mesa, and McDowell Citrus 100, LLC, on behalf of the City of Mesa, together with all other documents necessary to carry out the provisions of such agreement, and the City Clerk is authorized and directed to attest to the signature of the City Manager or his authorized designated representative thereon.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 16th day of March, 2020.

APPROVED:

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Mayor

ATTEST:

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City Clerk