

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, ARIZONA, MAKING FINDINGS REQUIRED BY  
A.R.S. § 9-500.11 (VERSION 2) FOR THE CITY TO ENTER INTO A  
RETAIL DEVELOPMENT TAX INCENTIVE AGREEMENT WITH  
SIGNAL BUTTE 24, LLC FOR THE DEVELOPMENT OF  
IMPROVEMENTS ON A PROPERTY OF APPROXIMATELY 89+/-  
ACRES GENERALLY LOCATED AT THE CORNER OF SOUTH SIGNAL  
BUTTE ROAD AND EAST WILLIAMS FIELD ROAD FOR THE  
PROJECT KNOWN AS THE “DESTINATION AT GATEWAY.”**

WHEREAS, Signal Butte, LLC, an Arizona limited liability company (“Signal Butte”) desires to construct certain improvements related to approximately 89+/- acres of developable land owned by Signal Butte and located at the corner of South Signal Butte Road and East Williams Field Road in Mesa, Arizona as generally depicted in the attached Exhibit A as the “SITE” (the “Property”) for the project known as the “Destination at Gateway” (“Project”).

WHEREAS, the Project is intended to be a high quality, master-planned, mixed-use, commercial and multiple residence development that is intended to include an auto mall consisting of not fewer than three (3) new car dealerships; however, the operation and construction of only one (1) new car dealership is necessary as a part of the conditions precedent for the tax incentives described herein.

WHEREAS, as permitted by Arizona Revised Statutes (“A.R.S.”) § 9-500.05, the City desires to consider entering into a development agreement for the Project with Signal Butte (“Development Agreement”).

WHEREAS, the Development Agreement, if entered into by the City, meets the definition in A.R.S. § 9-500.11 (Version 2) entitled “Expenditures for economic development; requirements; definitions” (“A.R.S. § 9-500.11”), of a “retail development tax incentive agreement”.

WHEREAS, A.R.S. § 9-500.11, Subsections (D) and (E), require the City Council find, by at least a two-thirds vote and prior to entering into the Development Agreement (if approved), that the tax incentive in the Development Agreement is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement and, that in the absence of a tax incentive, the Project would not locate in Mesa in the same time, place or manner.

WHEREAS, pursuant to A.R.S. § 9-500.11, Subsections (H) and (J), the report of an independent third party was provided to the City Council verifying that the proposed tax incentive in the Development Agreement is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement, and confirming that in the absence of a tax incentive, the Project would not locate in Mesa in the same time, place or manner; further Developer’s representative confirmed that the proposed auto mall would not occur in the absence of the tax incentive because of the needed infrastructure . The independent third-party’s analysis was paid for solely and exclusively by the City.

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

Section 1: Those findings required by A.R.S. § 9-500.11, are hereby found and to be determined by the City Council; specifically, the City Council finds that the proposed tax incentive in the Development Agreement is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement and, that in the absence of the tax incentive, the Project would not locate in Mesa in the same time, place or manner.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 8<sup>th</sup> day of July, 2020.

APPROVED:

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Mayor

ATTEST:

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City Clerk

EXHIBIT A

PROPERTY SITE

