

RESOLUTION NO. 12294

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH EVERGREEN-GREENFIELD & MCKELLIPS LAND, L.L.C. TO DEVELOP AN INDUSTRIAL CAMPUS REFERRED TO AS “THE LANDING AT FALCON FIELD” ON APPROXIMATELY 33 ACRES OF REAL PROPERTY GENERALLY LOCATED EAST OF GREENFIELD ROAD AND SOUTH OF MCKELLIPS ROAD AND WITHIN THE 4600 TO 4800 BLOCK OF EAST MCKELLIPS ROAD, THE 1700 TO 2000 BLOCK OF NORTH 48TH STREET, AND THE 1700 TO 2000 BLOCK OF NORTH 46TH STREET.

WHEREAS, Evergreen-Greenfield & McKellips Land, L.L.C. (“Developer”) owns approximately 33 acres of real property within the 4600 to 4800 block of East McKellips Road (south side), the 1700 to 2000 block of North 48th Street (west side), and the 1700 to 2000 block of North 46th Street (east side), generally located east of Greenfield Road and south of McKellips Road in Mesa, Arizona, consisting of APN 141-34-002H (“Property”).

WHEREAS, the Developer intends to develop an industrial campus on the Property referred to as the “The Landing at Falcon Field” (“Project”). To develop the Project, the Developer has applied for a minor general plan amendment to change the character type of the Property from the Mixed Use Activity character type with a Community-Scale sub-type to the Employment character type with an Industrial sub-type (Case No. ZON24-00346) and to rezone the Property from Light Industrial with a Council Use Permit (LI-CUP) to Light Industrial with a Planned Area Development overlay (LI-PAD), removal of the Council Use Permit, and Site Plan Review (Case No. ZON23-00653).

WHEREAS, the Mesa 2040 General Plan contemplates the use of development agreements under certain circumstances to restrict permitted land uses on a property or within a proposed development for, among other reasons, compatibility with neighboring development and suitability with the character type and intended character traits; to that end, the Developer has agreed, and the City is requiring of the Developer as an element of the above named rezoning, to enter into a development agreement with the City for the primary purpose of prohibiting and restricting certain land uses that are allowed in the proposed Light Industrial (LI) zoning district to further facilitate compatibility with the Employment-Industrial character type and surrounding development (“Development Agreement”).

WHEREAS, it is in the best interest of the City to encourage and promote development because development, in turn, stimulates economic activity throughout the City which improves and enhances the economic welfare of the City’s citizens, generates taxes, and provides other benefits for the City.

WHEREAS, Arizona Revised Statutes § 9-500.05 authorizes the City to enter into a development agreement with any person or entity having an interest in real property in Mesa providing for the permitted uses of such property and certain other development rights and restrictions thereon so long as the development agreement is consistent with the City’s general

plan or specific plan, if any, applicable to the property on the date the development agreement is executed.

WHEREAS, the City Council hereby determines it is appropriate to enter into the Development Agreement as contemplated herein.

Now, therefore, be it resolved by the City Council of the City of Mesa as follows:

Section 1: The City Manager, or his designee, is authorized to execute the Development Agreement related to the Property, together with all other documents and amendments thereto, necessary to carry out the provisions of the Development Agreement.

Section 2: The City Manager, or his designee, is authorized to make any modifications and amendments to the terms set forth in the Development Agreement so long as such modifications do not materially alter the overall structure of the agreement as it was presented to the City Council.

Section 3: The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all documents set forth in Section 1 and Section 2.

Passed and adopted by the City Council of the City of Mesa, Maricopa County, Arizona this 4th day of November, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk