

RESOLUTION NO. 12015

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 RELATING TO THE DEVELOPMENT PROJECT COMMONLY KNOWN AS “LEGACY GATEWAY HOTELS” THAT WILL BE LOCATED APPROXIMATELY WITHIN THE 9600 TO 9900 BLOCKS OF EAST WILLIAMS FIELD ROAD.

WHEREAS, Mesa BA Land, LLC (“Owner”) desires to construct certain improvements related to approximately +/- 10.7 acres of property it owns that is within the 9600 to 9900 Blocks of East Williams Field Road, located north of Williams Field Road and West of State Route 24 Gateway Freeway consisting of APN(s) 313-25-859T, as legally described in **Exhibit A** (the “Property”).

WHEREAS, Owner applied to annex the Property into the City of Mesa (Case No. ANX22-01007) and, in conjunction with the approved annexation, the City Council approved Zoning Case No. ZON-22-01010 that assigned a zoning designation of Light Industrial to the Property (“Zoning Case”) to allow for a project known as the “Legacy Gateway Hotels” consisting of three (3) hotel buildings totaling approximately 68,850 square feet, as well as two (2) retail buildings with approximately 12,075 square feet of retail space (the “Project”).

WHEREAS, Owner has committed to City that it intends for the Property to be used for hotel and retail space; however, City and Owner have agreed to set certain limits on the allowed uses and activities on the Property to ensure the Property is used in line with the Project as it was presented to City Council as a part of the Zoning Case.

WHEREAS, City and Owner desire to enter into a development agreement for the primary purpose of limiting the land uses and activities permitted on the Property (“Development Agreement”), and to agree to such other terms and conditions related to the Property as provided therein.

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 Statute § 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 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, 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, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the City Manager, or their designee, is authorized and directed to enter into the Development Agreement related to the Property, together with all other documents and amendments thereto, necessary to carry out the provisions of such agreement.

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

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 3rd day of April, 2023.

APPROVED:

John Giles, Mayor

ATTEST:

Holly Moseley, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

(SEE ATTACHED)

**PACIFIC PROVING GROUNDS
HOTEL BOUNDARY
LEGAL DESCRIPTION**

A portion of land being situated within the North Half of Section 34 and the Southeast Quarter of section 27, Township 1 South, Range 7 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found 2 inch Aluminum cap accepted as the North Quarter corner of said Section 34 from which a found 3 inch brass cap in hand hole accepted as the Northwest corner thereof bears North 89°32'15" West, 2641.87 feet;

Thence North 89°32'15" West, 90.26 feet along the north line of the Northwest Quarter of said Section 34;

Thence leaving said north line, South 00°27'45" West, 238.30 feet to the **POINT OF BEGINNING**;

Thence North 60°23'46" East, 595.50 feet to the southerly Right of Way line of SR 24 according to the Order of Immediate Possession Recorded in Document No. 2019-0309832, Maricopa County Records, proposed State Route 24;

Thence the following four (4) courses along said southerly Right of Way line:

Thence South 31°25'27" East, 76.10 feet;

Thence South 37°52'05" East, 205.50 feet;

Thence South 44°56'24" East, 284.05 feet;

Thence South 13°35'22" East, 20.71 feet;

Thence leaving said southerly Right of Way line, South 60°23'46" West, 47.00 feet;

Thence South 29°36'14" East, 110.00 feet;

Thence South 60°23'46" West, 60.00 feet;

Thence South 29°36'14" East, 40.00 feet to said southerly Right of Way line;

Thence the following two (2) courses along said southerly Right of Way line;

Thence South 60°23'46" West, 535.45 feet;

Thence South 28°54'47" East, 13.52 feet to the northerly Right of Way line of Williams Field Road according to Document No. 2021-0967909, Maricopa County Records;

Thence South 62°16'40" West, 61.76 feet along said northerly Right of Way line;

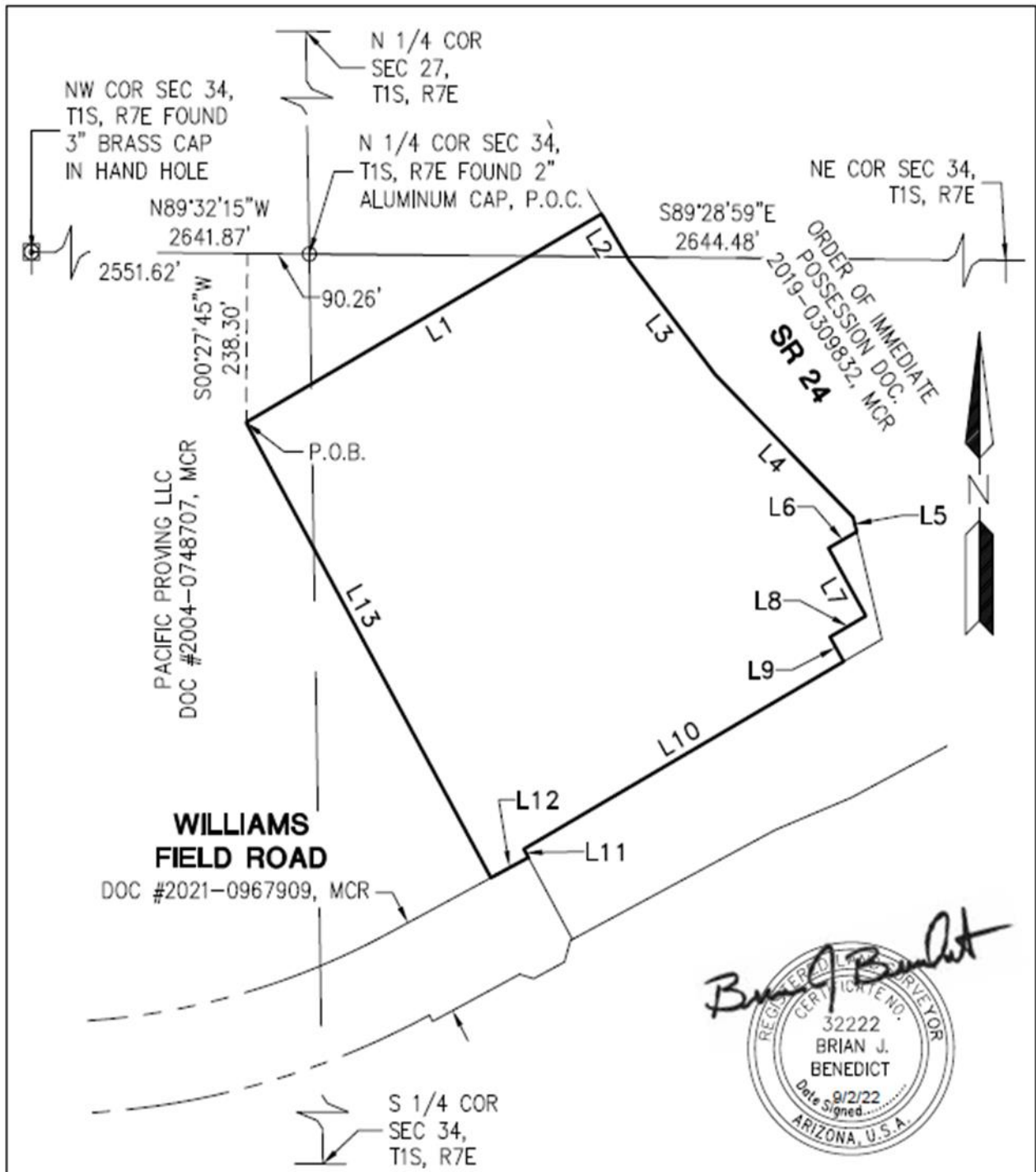
Thence leaving said northerly Right of Way line, North 29°01'14" West, 734.80 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 464,600 sq. ft. (10.666 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No.: 2063
Date: September 2022





P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT

PROJ.NO.: 2063	HOTEL WILLIAMS FIELD RD & SR 24 MESA, ARIZONA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: JULY 2022		
SCALE: N.T.S.	EXHIBIT	
DRAWN BY: BJB		
CHECKED BY: BJB		

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N60°23'46"E	595.50'
L2	S31°25'27"E	76.10'
L3	S37°52'05"E	205.50'
L4	S44°56'24"E	284.05'
L5	S13°35'22"E	20.71'
L6	S60°23'46"W	47.00'
L7	S29°36'14"E	110.00'
L8	S60°23'46"W	60.00'
L9	S29°36'14"E	40.00'
L10	S60°23'46"W	535.45'
L11	S28°54'47"E	13.52'
L12	S62°16'40"W	61.76'
L13	N29°01'14"W	734.80'



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DATE: SEPT 2022		
SCALE: NONE	EXHIBIT	
DRAWN BY: BJB		
CHECKED BY: BJB		