

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH DESERT VISTA 100, LLC, RELATED TO THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION AND THE ASSOCIATED SEWER IMPROVEMENTS ON PROPERTY LOCATED WEST OF HAWES ROAD AND SOUTH OF MCKELLIPS ROAD.

WHEREAS, Desert Vista 100, LLC, an Arizona limited liability company is the land owner (“Owner”) of approximately forty acres of property (“Property”) located west of Hawes road and south of McKellips Road within the City limits of the City of Mesa (“City”); and

WHEREAS, Owner desires to build a residential subdivision on the Property with 108 single-residential detached homes referred to as Monteluna (“Project”); and

WHEREAS, to develop the Project, Owner is required to design, construct, and install the offsite infrastructure improvements including, but not limited to, a sewer line (“Sewer Line”); and

WHEREAS, Owner desired to extend the Sewer Line across property owned by the United States Department of Interior Bureau of Land Management (“Bureau”) so City, with the assistance of Owner, obtained a right-of-way grant (“Sewer Right-of-Way”) from the Bureau to allow the Sewer Line to be located on Bureau property; and

WHEREAS, in exchange for City securing and entering into the grant with Bureau, Owner, among other things, has agreed to pay the costs associated with the Sewer Right-of-Way, to install and maintain the Sewer Line and landscape improvements, and to provide notice to potential purchasers of certain obligations regarding the future relocation of the Sewer Line, if necessary; and

WHEREAS, City and Owner have agreed to enter into a Development Agreement to define the responsibilities related to the Sewer Right-of-Way and Sewer Line; and

WHEREAS, City Council hereby determines it is appropriate to enter into a 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: The City Council hereby approves the Development Agreement with Desert Vista 100, LLC and authorizes the City Manager, or his designated representative, to enter into the Development Agreement on behalf of the City of Mesa, together with all other documents necessary to carry out the provisions of such agreement. The City Manager is further authorized

to make modification or amendments to the Development Agreement as necessary to carry out the intent of the Development Agreement or that are necessary to facilitate the development of the Project and do not materially alter the terms of the Development Agreement.

Section 2: The City Clerk is authorized and directed to attest to the signature of the City Manager, or his authorized designated representative on all such documents.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 8th day of December, 2020.

APPROVED:

John Giles, Mayor

ATTEST:

DeeAnn Mickelsen, City Clerk