

**RESOLUTION NO. 12317**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH KOMATSU AMERICA CORP. AND SUNBELT MESA ELLSWORTH, L.P. RELATED TO THE DESIGN, CONSTRUCTION, AND DEDICATION OF RIGHT OF WAY FOR THE INTERSECTION OF CRISMON ROAD AND PECOS ROAD.

WHEREAS, Sunbelt Mesa Ellsworth, L.P. (“Sunbelt”) is the owner of approximately 22 acres of property located south and west of the intersection of Crismon Road and Pecos Road (the “Property”), which is within the City of Mesa; and

WHEREAS, Komatsu America Corp. (“Komatsu”) wishes to purchase the Property from Sunbelt for the purpose of constructing a multi-building industrial complex on the Property; and

WHEREAS, Komatsu must dedicate certain property to the City as right of way and also construct certain off-site improvements as a condition of the development of the property, including, among other things, the construction of the intersection of Crismon Road and Pecos Road; and

WHEREAS, there is currently an active water well (“the Well”) on the Property that Sunbelt desires to continue utilizing for the irrigation of parcels it owns adjacent to the Property; and

WHEREAS, the Well is located in such proximity to the future intersection improvements that Komatsu cannot construct those improvements according to the City’s standard design and specifications; and

WHEREAS, Komatsu, Sunbelt, and City staff have collaborated on a proposed interim solution for the deferred dedication right of way and an alternative design for the intersection improvements that will allow for both a safe roadway for the traveling public and Sunbelt’s continued use of the Well; and

WHEREAS, the proposed Development Agreement sets forth certain conditions upon which Komatsu and Sunbelt will decommission the Well at a future date, at which point Komatsu also will dedicate all remaining required right of way and pay for the reconfiguration of the intersection improvements to align with the City’s standard design and specifications; and

WHEREAS, The Parties desire to enter into this Agreement for the purpose of memorializing their agreement and intend this document to be a “Development Agreement” within the meaning of A.R.S. § 9-500.05.

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

Section 1: That the City Manager or his designee is hereby authorized to enter into the Development Agreement with Komatsu America Corp. and Sunbelt Mesa Ellsworth, L.P. related to the design, construction, and dedication of right of way for the intersection of Crismon Road and Pecos Road, together with all other documents and amendments thereto, necessary to carry out the provisions of such agreement.

Section 2: That the City Manager, or his designee, is authorized to make any non-material modifications and amendments to the terms set forth in the Development Agreement.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 9<sup>th</sup> day of December, 2024.

APPROVED:

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk