

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN R&S DEVELOPMENT GROUP LLC AND THE CITY OF MESA FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST THOMAS ROAD AND NORTH HIGLEY ROAD.

A. City is authorized by A.R.S. § 9-500.05 to enter into a development agreement.

B. City and R&S Development Group LLC (“Owner”) are parties to that certain Development Agreement dated January 31, 2023 recorded in the Maricopa County Recorder’s Office as Recording No. 2023-0061470 (“Development Agreement”) relating to the development of Owner’s property located at 5305 E. Thomas Road, Mesa, AZ 85215, Maricopa County APN 141-38-047A (the “Northern Parcel”). The Northern Parcel was referred to in the Development Agreement as the “Property” upon which the “Project” was to be located.

C. In March 2025, Owner acquired from the State of Arizona a parcel adjacent to the Northern Parcel, Maricopa County APN 141-38-048, via Special Warranty Deed recorded in the Maricopa County Recorder’s Office as Recording No. 2025-0166939 (the “Southern Parcel”).

D. Owner desires to develop the Northern Parcel and Southern Parcel together as one project and to add the property encompassing the Southern Parcel to the Development Agreement and there are certain use restrictions the City desires, and Owner agrees, should be limited on the use of the Northern Parcel and Southern Parcel.

E. City and Owner desire to amend the Development Agreement, in pertinent part, to: (i) add the Southern Parcel to the “Project” and “Property” covered by the Development Agreement; (ii) modify the document referenced as the attached site plan for the Project; (iii) provide for the limitation of certain uses on the Northern Parcel and Southern Parcel; and (iv) make other changes to the Development Agreement stated in the provided amendment.

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

Section 1: That the City Council hereby approves the “First Amendment to Development Agreement” as presented to the City Council (“First Amendment”).

Section 2: That the City Manager or the City Manager’s designee is authorized to execute the First Amendment on behalf of the City of Mesa and to sign all documents necessary to carry out its provisions; that the City Manager or the City Manager’s designee is further authorized to approve amendments and modifications to the First Amendment and Development Agreement that do not materially alter the documents as presented to the City Council; and that the City Clerk is authorized to attest to the signature of the City Manager or the City Manager’s designee on all

such documents.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 23rd day of March, 2026.

Mayor

ATTEST:

City Clerk