

## RESOLUTION NO. 12235

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, MAKING FINDINGS REQUIRED BY A.R.S. § 9-500.11 (VERSION 2) FOR THE CITY TO ENTER INTO AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND PRE-ANNEXATION DEVELOPMENT AGREEMENT WITH BCB GROUP INVESTMENT, LLC, THAT IS A RETAIL DEVELOPMENT TAX INCENTIVE AGREEMENT FOR THE DEVELOPMENT OF IMPROVEMENTS ON PROPERTY GENERALLY LOCATED AT THE CORNER OF SOUTH SIGNAL BUTTE ROAD AND EAST WILLIAMS FIELD ROAD FOR THE PROJECT KNOWN AS THE “DESTINATION AT GATEWAY”.**

WHEREAS, following the required notice and approval by the City Council, the City entered into a retail development tax incentive agreement titled “Development Agreement ‘Destination at Gateway’” dated August 10, 2020, recorded in the official records of Maricopa County, Arizona as Recorder No. 2020-0649618 (“Original Development Agreement”) related to certain real property generally located at the corner of South Signal Butte and East Williams Field Road.

WHEREAS, BCB Group Investment, LLC, an Arizona Limited Liability Company requested the City consider an amendment and restatement of the Original Development Agreement in order to, in pertinent part, include additional real property related to a rezoning, increase the amount of the retail development tax incentive related to the inclusion of additional infrastructure and industry-wide cost increases for construction, and modify the terms of the agreement to allow for the inclusion of certain real property located in Maricopa County, Arizona if such property is annexed into the jurisdictional limits of Mesa, AZ (“Amended and Restated Development Agreement”) for the project known as the “Destination at Gateway” (the “Project”).

WHEREAS, the real property that is the subject of the Amended and Restated Development Agreement is depicted in the attached **Exhibit A** (127 +/- acres of real property within the jurisdictional limits of Mesa, AZ, hereafter the “Project Property”) and **Exhibit B** (27 +/- acres of property located in Maricopa County, AZ outside of the jurisdictional limits of Mesa, AZ, hereafter, the “Additional Property”). Developer intends to deliver a petition for annexation of the Additional Property to the City and, if such annexation meets all the legal requirements for an annexation and the annexation is consented to and approved by the City Council, then Developer desires to develop the Additional Property as a part of the Project.

WHEREAS, the Project is intended to be a high quality, master-planned, mixed-use, commercial and multiple residence development that is intended to include an auto mall consisting of up to six (6) to eight (8) new car dealerships and which may include used car dealerships and motorcycle dealerships; however, the operation and construction of only one (1) new car dealership is necessary as a part of the conditions precedent for the tax incentives described herein.

WHEREAS, as permitted by Arizona Revised Statutes (“A.R.S.”) § 9-500.05, the City desires to consider entering into the Amended and Restated Development Agreement for the Project with BCB Group Investment, LLC.

WHEREAS, the Amended and Restated Development Agreement, if entered into by the City, meets the definition in A.R.S. § 9-500.11 (Version 2) entitled “Expenditures for economic development; requirements; definitions” (“A.R.S. § 9-500.11”), of a “retail development tax incentive agreement”.

WHEREAS, A.R.S. § 9-500.11, Subsections (D) and (E), require the City Council find, by at least a two-thirds vote and prior to entering into the Amended and Restated Development Agreement (if approved), that the tax incentive in the Amended and Restated Development Agreement is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement and, that in the absence of a tax incentive, the Project would not locate in Mesa in the same time, place or manner.

WHEREAS, pursuant to A.R.S. § 9-500.11, Subsections (H) and (J), the report of an independent third party was provided to the City Council verifying that the proposed tax incentive in the Amended and Restated Development Agreement is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement, and confirming that in the absence of a tax incentive, the Project would not locate in Mesa in the same time, place or manner; further Developer’s representative confirmed that the proposed auto mall and commercial development would not occur in the same time, place, and manner in the absence of the tax incentive because of the needed infrastructure. The independent third-party’s analysis was paid for solely and exclusively by the City.

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

Section 1: Those findings required by A.R.S. § 9-500.11, are hereby found and to be determined by the City Council; specifically, the City Council finds that the proposed tax incentive in the Amended and Restated Development Agreement is anticipated to raise more revenue than the amount of the incentive within the duration of the agreement and, that in the absence of the tax incentive, the Project would not locate in Mesa in the same time, place or manner.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 17<sup>th</sup> day of June, 2024.

APPROVED:

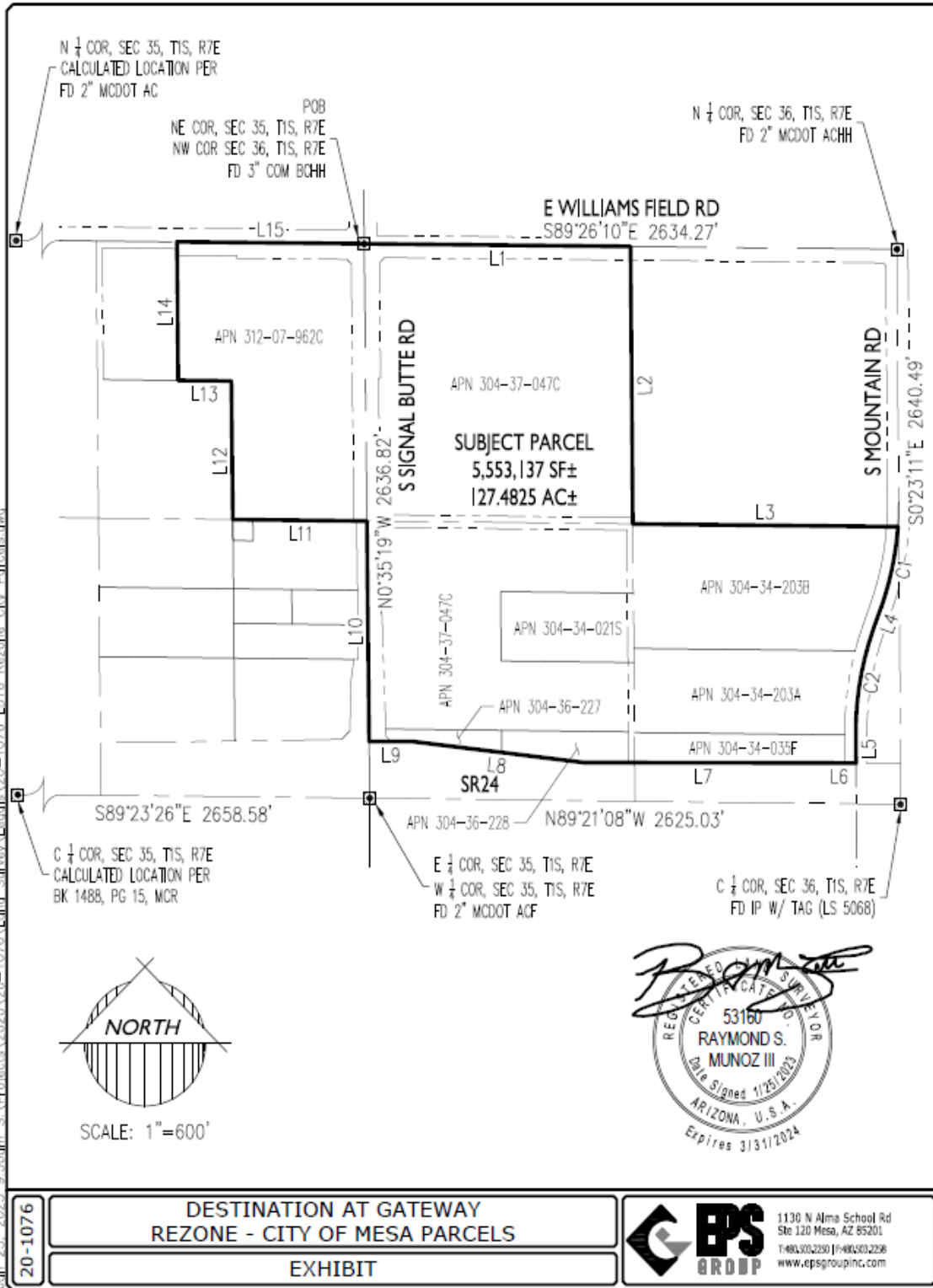
\_\_\_\_\_  
Mayor

ATTEST:

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

{00525404.1}

**EXHIBIT A**  
**PROPERTY SITE**



Jan. 25, 2023 9:35am S:\Projects\2020\20-1076\Land\_Survey\Legals\20-1076 LD16 Rezone\_City\_Parcels.dwg

20-1076

DESTINATION AT GATEWAY  
REZONE - CITY OF MESA PARCELS

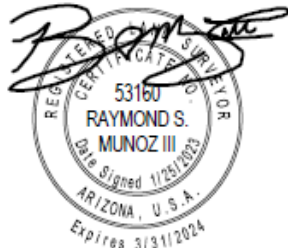
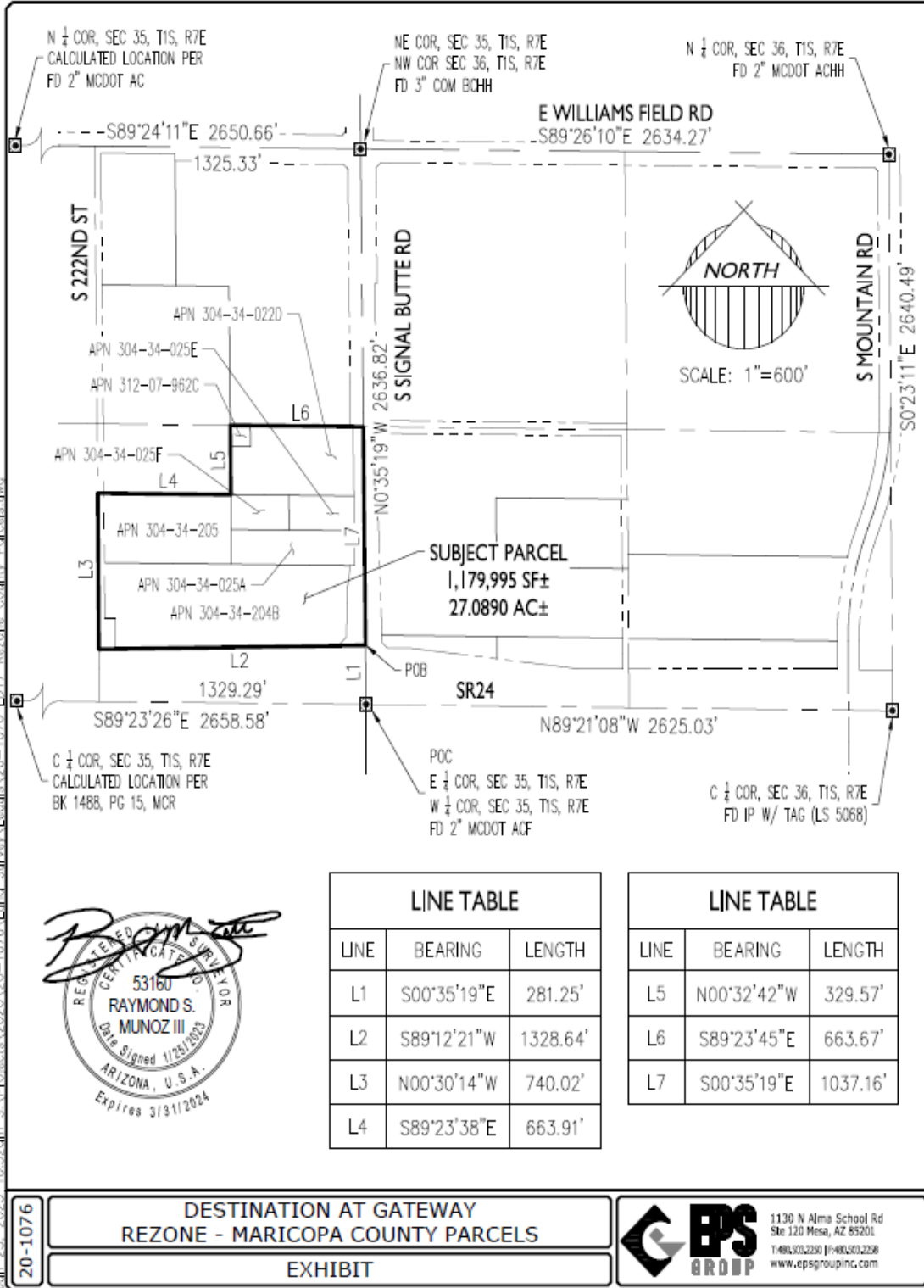
EXHIBIT



1130 N Alma School Rd  
Ste 120 Mesa, AZ 85201  
T:480.303.2250 F:480.203.2228  
www.epsgroupinc.com


# EXHIBIT B

## ADDITIONAL PROPERTY



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°35'19"E	281.25'
L2	S89°12'21"W	1328.64'
L3	N00°30'14"W	740.02'
L4	S89°23'38"E	663.91'

LINE TABLE		
LINE	BEARING	LENGTH
L5	N00°32'42"W	329.57'
L6	S89°23'45"E	663.67'
L7	S00°35'19"E	1037.16'

20-1076	DESTINATION AT GATEWAY REZONE - MARICOPA COUNTY PARCELS	 1130 N Alma School Rd Ste 120 Mesa, AZ 85201 T: 480.303.2290   F: 480.303.2288 www.epsgroupinc.com
	EXHIBIT	