

RESOLUTION NO. 12369

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MESA AND HIGLEY/202 INDUSTRIAL, LLC REGARDING SEWER LINE IMPROVEMENTS AND THE TEMPORARY USE OF A PRIVATE WASTEWATER SYSTEM FOR THE PROJECT RELATED TO ZONING CASE ZON23-00276 FOR PROPERTY WITHIN THE 3800 BLOCK OF NORTH HIGLEY ROAD (EAST SIDE). LOCATED EAST OF HIGLEY ROAD AND NORTH OF THOMAS ROAD, MESA, ARIZONA .

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

WHEREAS, HIGLEY/202 INDUSTRIAL, LLC ("Owner") owns approximately 4.930 +/- acres in the 3800 block of North Higley Road located near the northeast corner of East Thomas Road and North Higley Road in Mesa, Arizona (the "Property").

WHEREAS, as a condition of the site plan review of the Property and to develop and operate the construction office and associated contractor's yard/workshop (the "Project"), Owner must comply with all City development codes and requirements, which includes installing onsite and offsite improvements pursuant to Mesa City Code Title Nine, Chapter Eight.

WHEREAS, Mesa City Code generally prohibits the use of septic tanks and requires connection to the City sewer system when available.

WHEREAS, City sewer service is not currently available to the Property.

WHEREAS, Owner desires to enter into a development agreement to allow, among other things, the temporary use of a septic system on the Property until sewer services are available to the Property.

WHEREAS, when sewer service becomes available to the Property, Owner will be required to disconnect the septic tank from the Project, properly abandon or remove the septic tank from the Property, and send all wastewater generated on the Property to the City sewer.

WHEREAS, the Council has determined that the development is in the best interest of the City and its residents.

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 approves the development agreement between Higley/202 Industrial, LLC and the City of Mesa for the Property.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized to enter into the development agreement on behalf of the City of Mesa and sign all other documents necessary to carry out the provisions of such development agreement, and the City Clerk is authorized to attest to the signature of the City Manager or his authorized designated representative thereon. The City Manager is further authorized to approve minor typographical, administrative, technical, procedural, and non-material modifications to the development

agreement and of all its exhibits, that do not materially alter the overall development agreement presented to City Council.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 19th day of May, 2025.

APPROVED:

Mayor

ATTEST:

City Clerk