

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE PRE-ANNEXATION DEVELOPMENT AGREEMENT WITH PACIFIC PROVING, LLC, (“OWNER”) AND LEGACY CARES, INC.(“LESSEE”), FOR THE DEVELOPMENT OF A RECREATION FACILITY KNOWN AS “LEGACY SPORTS PARK” REGARDING THE ACCELERATION OF THE PROJECT TIMELINE OF REQUIRED ROAD IMPROVEMENTS ON THE EAST SIDE OF SOUTH ELLSWORTH OF SOUTH ELLSWORTH ROAD AND SR 24.

WHEREAS, On April 13, 2021, the Parties entered into that certain Pre-Annexation Development Agreement(“PADA”), approved by the Council of the City of Mesa by Resolution No. 11644 and recorded in the office of the Maricopa Recorder’s office at Document No. 20210465460.; and

WHEREAS, Owner and Lessee desires to accelerate the improvement of the intersection at Ellsworth Road and Williams Field Road as well as acceleration of the project timeline for the opening of State Route 24 from Ellsworth Road to Williams Field Road; and

WHEREAS, the City Council finds that it is in the best interest of City and its constituents to accelerate improvement of the intersection at Ellsworth Road and Williams Field Road as well as acceleration of the project timeline for the opening of State Route 24 from Ellsworth Road to Williams Field Road.).

WHEREAS, the City Council hereby determines it is in the best interest of the City to enter into this First Amendment to the Pre-annexation Development Agreement.

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

Section 1: The City Manager, or his designee, is authorized to enter into the First Amendment to the Pre-annexation Development Agreement. The City Manager may agree to and enter into modifications to the First Amendment to the Pre-annexation Development Agreement so long as such modifications do not materially alter the terms and the intention of the First Amendment to the Pre-annexation Development Agreement.

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

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 28th day of October, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk
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