

## **RESOLUTION NO. 12403**

A 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 CBDG MESA LLC FOR THE DEVELOPMENT OF A COMMERCIAL CENTER ON 6.6 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF ELLSWORTH ROAD AND RAY ROAD IN EASTMARK.

Whereas, DMB Mesa Proving Grounds LLC in care of Brookfield Residential (“Brookfield”) owns approximately 6.6 acres of land located at the northeast corner of Ellsworth Road and Ray Road in Mesa, Arizona (the “Property”)

Whereas, Brookfield intends to sell the Property to CBDG Mesa LLC (“Developer”) and Developer intends to purchase the Property from Brookfield.

Whereas, following its purchase of the Property, Developer desires to enter into a development agreement with the City regarding the development of a high-quality, commercial center with a specialty grocery store on the Property (the “Project”), as more fully described in development agreement DA25-00023 (the “Development Agreement”).

Whereas, the Property is part of the approximately 3,154-acre Eastmark planned community (“Eastmark”) and is subject to the adopted Eastmark (Mesa Proving Grounds) Community Plan (the “Community Plan”) and the Pre-Annexation and Development Agreement dated November 3, 2008, recorded in the Maricopa County Recorder’s Office as Document No. 2008-0974930, and all amendments thereto. Additionally, the Property is located within Development Unit 4 of Eastmark and is subject to the adopted Development Units 3/4 North Development Unit Plan (the “3/4 North DUP”).

Whereas, the central vision in the 3/4 North DUP is to create high-quality neighborhoods that include a mixture of residential uses and commercial activity centers. Specifically, the 3/4 North DUP envisioned and planned for commercial or employment uses at three key intersections along Ellsworth Road: Ray Road, Point Twenty-Two, and Warner Road. The intent of the 3/4 North DUP was to create commercial development opportunities along Ellsworth Road that would provide an opportunity for retail and mid density residential to integrate into a high-quality, mixed-use environment.

Whereas, the Development Agreement, by prohibiting and restricting certain land uses and requiring a specialty grocery store on the Property, will help meet the development goals for Eastmark Development Unit 4 as set forth in the Community Plan and the 3/4 North DUP for a high-quality, mixed-use neighborhood with a commercial center on the Property.

Whereas, the City Council finds and determines it is appropriate to enter into the 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 Council approves the Development Agreement and the City Manager, or his designee, is authorized to execute the Development Agreement. Provided further, the City Manager, or his designee, may agree to, enter into, and make amendments and modifications to the Development Agreement as necessary to carry out the intent of the Development Agreement or that are necessary to facilitate the development of the Project and that do not materially alter the terms or structure of the Development Agreement as it was presented to the City Council.

Section 2: The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all documents referenced in Section 1, including the Development Agreement.

Passed and adopted by the City Council of the City of Mesa, Maricopa County, Arizona, this 18th day of August, 2025.

Approved:

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Mayor

Attest:

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City Clerk