

RESOLUTION NO. 12137

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 SIGNAL BUTTE INDUSTRIAL L.L.C. AND MORTENSON DEVELOPMENT, INC. RELATED TO THE REIMBURSEMENT FOR THE COSTS OF STRIPING ON SIGNAL BUTTE ROAD.

WHEREAS, Signal Butte LLC and Mortenson Development, Inc are the owner and developer (collectively, "Developer") of approximately 64.5 acres of property (Maricopa County Assessor Parcel Number 304-01-992) located on the west side of Signal Butte Road, south of Guadalupe Road and north of Elliot Road (the "Property"), which is within the City of Mesa; and

WHEREAS, the Developer must construct certain off-site improvements as a condition of rezoning concurrently with the development of the property, including, among other things, the construction of a third lane for southbound travel on Signal Butte Road (the "New Lane") within the right-of-way area extending from the Property's northernmost boundary along Signal Butte Road to the south approximately 920 feet (the "Area of Developer Responsibility"); and

WHEREAS, Prior developers installed the pavement for the third southbound travel lane for Signal Butte Road north of the property to Guadalupe Road and approximately 400 feet south of the portion of Signal Butte Road for which the Developer is required to construct Area of Developer Responsibility (the "Off-Property Roadway"); and

WHEREAS, the construction of the new roadway within the Area of Developer Responsibility will require the striping of the roadway for three lanes of travel in each direction, yet the previously constructed Off-Property Roadway is striped for only two lanes of travel; and

WHEREAS, the Developer is willing to restripe the Off-Property Roadway concurrently with the work to be performed within the Area of Developer Responsibility so long as the City agrees to reimburse such costs, and doing so will result in greater efficiency, less disruption to public travel, and a cost savings to the City; and

WHEREAS, The Parties desire to enter into this Agreement for the purpose of memorializing their agreement and intend this document to be a "Development Agreement" within the meaning of A.R.S. § 9-500.05.

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

Section 1: That the City Manager or his designee is hereby authorized to enter into the Development Agreement with Signal Butte Industrial LLC and Mortenson Development, Inc. related to off-site striping work to be completed on Signal Butte Road, together with all other documents and amendments thereto, necessary to carry out the provisions of such agreement.

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Section 2: That the City Manager, or his designee, is authorized to make any non-material modifications and amendments to the terms set forth in the Development Agreement.

Section 3: That the City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all documents set forth in Section 1 and Section 2.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 11th day of December, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk