

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH SIGNAL BUTTE MESA HOLDINGS, LLC.

WHEREAS, Signal Butte Mesa Holdings, LLC (“Owner”) desires to construct certain improvements related to approximately 66 +/- acres of real property located north of the northwest corner of East Elliot Road and South Signal Butte Road in Mesa, Arizona (APN 304-01-012F) as legally described in **Exhibit A** (“Property”).

WHEREAS, Owner requested to modify the current zoning on the Property from Agriculture (AG) to Light Industrial with a Planned Area Development Overlay (“LI PAD”).

WHEREAS, the Property is in the Elliot Road Technology Corridor Planned Area Development Overlay (“Technology Corridor”), and Owner is choosing not to have the Property “opt-into” the Technology Corridor zoning.

WHEREAS, several of the land uses allowed in the proposed LI PAD do not align with the intended land uses of the Technology Corridor; therefore, to address this concern, Owner has agreed to limit certain uses that are allowed in the proposed LI PAD zoning district and, as a condition to the rezoning of the Property, to enter into a development agreement with the City (“Development Agreement”) reflecting use limitations for the Property.

WHEREAS, it is in the best interest of the City to encourage and promote development because development, in turn, stimulates economic activity throughout the City which improves and enhances the economic welfare of the City’s citizens, generates taxes, and provides other benefits for the City.

WHEREAS, Arizona Revised Statutes (“A.R.S.”) § 9-500.05 authorizes the City to enter into a development agreement with any person or entity having an interest in real property in Mesa providing for the permitted uses of such property and certain other development rights and restrictions thereon so long as the development agreement is consistent with the City’s general plan or specific plan, if any, applicable to the property on the date the development agreement is executed.

WHEREAS, City Council hereby determines it is appropriate to enter into a Development Agreement as contemplated herein.

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

Section 1: That the City Manager, or his designee, is authorized and directed to enter into a Development Agreement related to the Property, together with all other documents and amendments thereto, necessary to carry out the provisions of such agreement.

Section 2: That the City Manager, or his designee, is authorized to make any modifications and amendments to the terms set forth in the Development Agreement so long as such modifications do not materially alter the overall structure of the agreement as it was presented to the City Council.

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 Council of the City of Mesa, Maricopa County, Arizona
this 16th day of May, 2022.

APPROVED:

John Giles, Mayor

ATTEST:

Holly Moseley, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT A
LOT 1, LOT SPLIT
BOOK 1499 OF MAPS, PAGE 40, MCR

A PARCEL OF LAND SITUATED IN A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPTING THEREFROM THE EAST 40 FEET AS DESCRIBED IN THAT CERTAIN PARCEL RECORDED IN DOCUMENT NO. 2001-433782, RECORDS OF MARICOPA COUNTY, ARIZONA;

ALSO EXCEPTING THEREFROM THE FOLLOWING:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 11 BEARS NORTH 00 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 2638.27 FEET;

THENCE UPON AND WITH THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 11, NORTH 00 DEGREES 37 MINUTES 10 SECONDS EAST, A DISTANCE OF 1319.14 FEET;

THENCE DEPARTING SAID EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 11, NORTH 89 DEGREES 33 MINUTES 43 SECONDS WEST, A DISTANCE OF 40.01 FEET TO THE SOUTHWEST CORNER OF AFORESAID DOCUMENT NUMBER 2001-433782, AND BEAING THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 33 MINUTES 43 SECONDS WEST, A DISTANCE OF 514.99 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 36 MINUTES 56 SECONDS WEST, A DISTANCE OF 1254.36 FEET TO A POINT 65.00 FEET SOUTH OF THE NORTH LINE OF THE AIREAID SOUTHEAST QUARTER OF SECTION 11;

THENCE UPON AND WITH A LINE PARALLEL TO AND 65.00 FEET SOUTH OF THE SAID NORTH LINE, SOUTH 89 DEGREES 32 MINUTES 16 SECONDS EAST, A DISTANCE OF 514.91 FEET TO A POINT ON THE WEST LINE OF AFORESAID PARCEL DESCRIBED IN DOCUMENT NUMBER 2001-433782;

THENCE UPON AND WITH SAID WEST LINE AND PARALLEL TO AND 40.00 FEET WEST OF THE AFORESAID EAST SECTION LINE, SOUTH 00 DEGREES 37 MINUTES 10 SECONDS EAST, A DISTANCE OF 1254.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 64.5244 ACRES [2,810,681 SF] MORE OR LESS

