

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH CPLC MAIN AND COUNTRY CLUB, LLC FOR THE DEVELOPMENT OF THE NORTHWEST CORNER OF COUNTRY CLUB AND MAIN STREET.

WHEREAS, City and Main and Country Club, LLC, an Arizona limited liability company (“Developer”), are parties to that certain Development Agreement dated September 9, 2019 and recorded in the Maricopa County Recorder’s Office as Recording No. 20190704418. (the “Development Agreement”). The Development Agreement is for a mixed-use commercial and residential development described and defined as the “Project” in the Development Agreement.

WHEREAS, City and Developer desires to make certain amendments to the Development Agreement: (i) the assignment of the Development Agreement to CPLC Main and Country Club, LLC, and (ii) to amend the Compliance Dates in the Development Agreement.

WHEREAS, the development is consistent with the adopted Central Main Plan and Strategic Priorities identified by the Downtown Vision Ad Hoc Committee, and if realized, will support the community’s and Council’s vision and goals for downtown.

WHEREAS, the Development Agreement is a “Development Agreement” within the meaning of, and entered into pursuant to the terms of, A.R.S. § 9-500.05, and that the terms of this Agreement will constitute covenants running with the Property as more fully described in this Agreement; and

WHEREAS, the City Council hereby determines and finds that the development will assist in the creation of jobs and will otherwise improve and enhance the economic welfare of the inhabitants of the City of Mesa in accordance with A.R.S. § 9-500.11; and

WHEREAS, the City Council hereby determines it is appropriate to enter into an Amended and Restated Development Agreement for the development of approximately 2.5 acres of land located on the northwest corner of Country Club and Main Street.

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 Amended and Restated Development Agreement, and authorizes the other agreements and amendments as contemplated therein.

Section 2: The City Manager, or his designee, is hereby authorized and directed on behalf of the City of Mesa to execute the necessary documents to enter into the Amended and Restated Development Agreement. Additionally, the City Manager may agree to and enter into, amendments and modifications to the Amended and Restated Development Agreement as necessary to carry out the intent of the Amended and Restated Development Agreement or are necessary to facilitate the development and do not materially alter the terms of the Amended and Restated 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 such documents.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 20th day of March 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION

Parcel No. 1: 135-60-114

That part of the Southeast quarter of the Northeast quarter of Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Southeast corner of Lot 12, CLARK ADDITION NO. 2, according to the Plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 40 of Maps, Page 35 thereof;

Thence North along the East line of said Lot 12, a distance of 121.57 feet to the Northeast corner thereof;

Thence North 88 degrees 52 minutes 30 seconds East, a distance of 65.00 feet;

Thence South, parallel with the East line of said Lot 12, a distance of 121.66 feet to a point which is North 88 degrees 57 minutes 20 seconds East, a distance of 65.00 feet from the Point of Beginning;

Thence South 88 degrees 57 minutes 20 seconds West, a distance of 65.00 feet to the Point of Beginning.

Parcel No. 2: 135-60-118

That part of the Southeast quarter of the Northeast quarter of Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point 65.00 feet East of the Southeast corner of Lot 12, CLARK ADDITION NO. 2, according to Book 40 of Maps Page 35 records of Maricopa County, Arizona;

Thence North, parallel with the East line of Lot 12, a distance of 121.66 feet to a point 65.00 feet East of the Northeast corner of Lot 12;

Thence North 88 degrees 52 minutes 30 seconds East, a distance of 60.00 feet;

Thence south, parallel with the East line of Lot 12, a distance of 121.75 feet to a point which is North 88 degrees 57 minutes 20 seconds East, and a distance of 60.00 feet from the point of beginning;

Thence South 88 degrees 57 minutes 20 seconds West, a distance of 60.00 feet to the point of beginning.

Parcel No. 3: 135-60-076A

That part of the Southeast quarter of the Northeast quarter, Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point on the prolongation Easterly of the South line of Lot 12, CLARK ADDITION NO. 2, a subdivision recorded in Book 40 of Maps, Page 35, which is 125.00 feet East of the Southeast corner of said Lot 12;

Thence North along a line parallel to the East line of said Lot 12, a distance of 121.75 feet to a point on the prolongation Easterly of the North line of said Lot 12, and 125.00 feet East of the Northeast corner of said Lot 12;

Thence North 88 degrees 52 minutes 30 seconds East a distance of 65.00 feet;

Thence South parallel to the East line of said Lot 12, a distance of 121.85 feet to the point which is North 88 degrees 57 minutes 20 seconds East a distance of 65.00 feet from the Point of Beginning;

Parcel No. 3: continued

Thence south 88 degrees 57 minutes 20 seconds West a distance of 65.00 feet to the Point of Beginning.

(NOTE: A plat of Mesa recorded in Book 23 of Maps, Page 18, purports to show said property as being a part of Block 67 of Mesa.)

Parcel No. 4: 135-60-081

That part of the Southeast quarter of the Northeast quarter of Section 21 Township 1 North Range 5 East of the Gila and Salt River Base and Meridian and Block 67 MESA according to Book 23 of Maps, Page 18, records of Maricopa County Arizona described as follows:

Beginning at a point bearing North 329.74 feet and South 88 degrees 57 minutes 52 seconds West, 33 feet from the Southeast corner of said Southeast quarter of the Northeast quarter;

Thence South 88 degrees 57 minutes 52 seconds West, 106.97 feet along the south line of the North half of the South half of the Southeast quarter of the Northeast quarter;

Thence North 00 degrees 02 minutes 46 seconds East, 121.87 feet to the South line of Pepper Place;

Thence North 88 degrees 54 minutes 20 seconds East along the South line of Pepper Place 106.87 feet;

Thence South 121.98 feet along the West Right-of-Way line of North Country Club Drive to the point of beginning;

EXCEPT:

Beginning at the Northeast corner of Section 21;

Thence South 00 degrees 00 minutes 33 seconds East, 2,313.02 feet;

Thence South 89 degrees 59 minutes 27 seconds West, 33.00 feet to the point of beginning, which bears North 329.74 feet from and South 88 degrees 57 minutes 52 seconds West, 33.00 feet from the Southeast corner of the Southeast quarter of the Northeast quarter of Section 21, also being the Northeast corner of the property described in Docket 10725, Page 144, records of Maricopa County, Arizona;

Thence South 88 degrees 56 minutes 56 seconds West, 3.67 feet;

Thence North 00 degrees 23 minutes 56 seconds West, 107.10 feet;

Thence North 45 degrees 47 minutes 37 seconds West, 21.07 feet to the South Right-of-Way line of Pepper Place;

Thence North 88 degrees 48 minutes 42 seconds East along the South Right-of-Way line of Pepper Place, 19.50 feet;

Thence South 00 degrees 00 minutes 33 seconds East, along the West Right-of-Way line of North Country Club Drive, 122.13 feet to the point of beginning.

Parcel No. 5: 135-60-083A

That part of the Southeast quarter of the Northeast quarter of Section 21 Township 1 North Range 5 East of the Gila and Salt River Base and Meridian and Block 67 MESA according to Book 23 of Maps, Page 18, records of Maricopa County Arizona described as follows:

Beginning at a point 50.00 feet North and 33.00 feet West of the Southeast corner of said Southeast quarter of the Northeast quarter;

Thence North 83.00 feet;

Thence West 97.00 feet;

Thence South 83.00 feet to a point 50.00 feet North of the South line of said Northeast quarter;

Thence East 97.00 feet to the point of beginning;

EXCEPT:

Commencing at the Northeast corner of Section 21;

Thence South 00 degrees 00 minutes 33 seconds East, 2593.55 feet;

Thence South 89 degrees 57 minutes 27 seconds West, 33.00 feet to the West Right-of-Way line of Country Club Drive and the point of beginning;

Thence South 88 degrees 56 minutes 56 seconds West, along the North Right-of-Way line of Main Street, 20.00 feet;

Thence North 44 degrees 28 minutes 12 seconds East, 28.54 feet to the West Right-of-Way line of Country Club Drive;

Thence South 00 degrees 00 minutes 33 seconds East, along the West Right-of-Way line of Country Club Drive, 20.00 feet to the point of beginning.

EXCEPT that property deeded to the City of Mesa by Quit-Claim Deed described in Document No. 2015-0346900 for Right-of-Way purposes, and

EXCEPT that property deeded to the City of Mesa by Quit-Claim Deed described in Document No. 2015-0347120 for Right-of-Way purposes.

Parcel No. 6: 135-60-084A

That part of the Southeast quarter of the Northeast quarter of Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at a point 50.00 feet North and 199.00 feet West of the Southeast corner of said Southeast quarter of the Northeast quarter;

Thence North 133.00 feet;

Thence West 60.00 feet;

Thence South 133.00 feet;

Parcel No. 6: continued

Thence East 60.00 feet to the point of beginning.

(NOTE: A plat of MESA, recorded in Book 23 of Maps, Page 18, records of Maricopa County, Arizona, purports to show said property as part of Blocks 67 and 68 of MESA.

EXCEPT that property deeded to the City of Mesa by Quit-Claim Deed described in Document No. 2015-0346898 for Right-of-Way purposes, and

EXCEPT that property deeded to the City of Mesa by Quit-Claim Deed described in Document No. 2015-0347119 for Right-of-Way purposes.

Parcel No. 7: 135-60-073C

That part of Block 67, MESA, according to Book 23 of Maps, Page 18, records of Maricopa County, Arizona, described as follows:

Beginning 33.00 feet West and 133.00 feet North of the Southeast corner of the Northeast quarter of Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian;

Thence North 60.50 feet;

Thence West 73.50 feet;

Thence South 1.00 foot;

Thence West 48.48 feet;

Thence South 11.50 feet;

Thence West 45.00 feet;

Thence South 40.00 feet;

Thence East 26.00 feet;

Thence South 10.00 feet;

Thence East 141.00 feet.

EXCEPT the West 1.00 foot, and

EXCEPT beginning at a point 33.00 feet West and 133.00 feet North of the Southeast corner of the Northeast quarter of Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian;

Thence North, parallel to the East line of the Northeast quarter of Section 21, a distance of 60.50 feet;

Thence South 89 degrees 53 minutes 48 seconds West 73.50 feet;

Thence South 1.00 foot;

Thence South 89 degrees 53 minutes 48 seconds West 48.48 feet;

Thence South 23.5 feet;

Parcel No. 7: continued

Thence South 33 degrees 39 minutes 17 seconds East 45.11 feet;

Thence North 88 degrees 57 minutes 30 seconds East on a line parallel to the South line of said Northeast quarter, a distance of 97.00 feet to the point of beginning.

Parcel No. 8 – 135-60-079A

That part of Block 67, MESA, according to Book 23 of Maps, Page 18, records of Maricopa County, Arizona, described as follows:

Beginning 50.00 feet North and 130.00 feet West of the Southeast corner of the Northeast quarter of Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian;

Thence North 83.00 feet;

Thence West 44.00 feet;

Thence South 83.00 feet;

Thence East 44.00 feet to the point of beginning.

EXCEPT that property deeded to the City of Mesa by Quit-Claim Deed described in Document No. 2015-0346899 for Right-of-Way purposes, and

EXCEPT that property deeded to the City of Mesa by Quit-Claim Deed described in Document No. 2015-0347117 for Right-of-Way purposes.

Parcel No. 9 – 135-60-080A

That part of Block 67, MESA, according to Book 23 of Maps, Page 18, records of Maricopa County, Arizona, described as follows:

Beginning 50.00 feet North and 174.00 feet West of the Southeast corner of the Northeast quarter of Section 21, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian;

Thence North 93.00 feet;

Thence West 25.00 feet;

Thence South 93.00 feet;

Thence East 25.00 feet to the point of beginning

EXCEPT that property deeded to the City of Mesa by Quit-Claim Deed described in Document No. 2015-0347118 for Right-of-Way purposes.