

RESOLUTION NO. 10081

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING EASTMARK-ESSENTIAL INFRASTRUCTURE IMPROVEMENTS DEVELOPMENT UNIT 7 SOUTH BETWEEN THE CITY OF MESA AND DMB MESA PROVING GROUNDS LLC AND EASTMARK COMMUNITY ALLIANCE, INC. FOR THE OF THE PROPERTY KNOWN AS EASTMARK.

WHEREAS, the Pre-Annexation and Development Agreement ("PADA") between DMB and the City of Mesa ("City) was entered into November 3, 2008 and recorded as Document No. 2008 0974930, official records of Maricopa County, Arizona, as amended by the First Amendment to Pre-Annexation and Development Agreement between DMB and the City dated May 16, 2001 and recorded as Document No. 2011 0456474, official records of Maricopa County, Arizona; and

WHEREAS, the PADA outlined acceptable financial assurances that would be acceptable to the City for the construction of the infrastructure directly related to such subdivision or site plan would be completed; and

WHEREAS, the subject Memorandum of Understanding provides the level of financial assurance that is acceptable to the City and is in accordance with the PADA.

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

Section 1: That the Memorandum of Understanding Eastmark-Essential Infrastructure Improvements Development Unit 7 South between the City of Mesa and DMB Mesa Proving Grounds LLC is hereby approved.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to execute the Memorandum of Understanding Eastmark-Essential Infrastructure Improvements Development Unit 7 South between the City of Mesa and DMB Mesa Proving Grounds LLC, on behalf of the City of Mesa, together with all other documents necessary to carry out the provisions of such agreement, and the City Clerk is authorized and directed to attest to the signature of the City Manager or his authorized designated representative thereon.

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 25th day of June, 2012.

APPROVED:



Mayor

ATTEST:



City Clerk

