

RESOLUTION NO. 10486

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE COMMUNITY MAINTENANCE AGREEMENT BETWEEN THE CITY OF MESA, AVH EM, LLC, AND ENCORE AT EASTMARK HOMEOWNERS ASSOCIATION, INC, FOR THE MAINTENANCE OF THE PROPERTY KNOWN AS THE ESTATES AT 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, as amended by the Second Amendment to the Pre-Annexation and Development Agreement between DMB and the City dated November 21, 2013 and recorded as Document No.2013-1005620, official records of Maricopa County, Arizona; and

WHEREAS, the PADA provided for entering into maintenance agreements regarding Specialty Features and Materials, the Great Park and non-standard improvements.

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

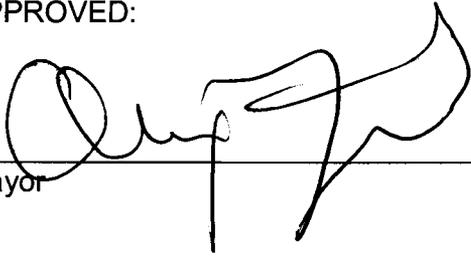
Section 1: That the Amended and Restated Maintenance Agreement between the City of Mesa, AVH EM, LLC, and Encore at Eastmark Homeowners Association, Inc, is hereby approved.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to enter into the Maintenance Agreement between the City of Mesa, AVH EM, LLC, and Encore at Eastmark Homeowners Association, Inc, 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 City Council of the City of Mesa, Maricopa County,
Arizona, this 16th day of June, 2014.



APPROVED:



Mayor

ATTEST:



City Clerk