

RESOLUTION NO. 10775

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH JCA HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") TO ALLOW THE DEVELOPMENT OF A SENIOR LIVING COMMUNITY ON PROPERTY WITH APN 219-19-007S.

WHEREAS, Owner is the original party who entered into the original Development Agreement with the City, dated June 20, 2008, and recorded on July 3, 2008, as Instrument No. 2008-0590067 in the Official Records of Maricopa County; and

WHEREAS, the Owner has submitted an application to rezone the Property to LC-BIZ-PAD with a Council Use Permit; and

WHEREAS, the Owner has entered in to a Purchase Agreement with The Hampton Group, Inc., an Arizona corporation ("Hampton") to sell the Property; and

WHEREAS, Hampton proposes to construct a senior living community on the Property which is not in compliance with the original Development Agreement; and

WHEREAS, the Owner voluntarily agreed to enter into this First Amendment for the purpose of allowing Hampton to develop a senior living community on the Property.

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

Section 1: That the City Council hereby approves The First Amendment to the Development Agreement with JCA Holdings, LLC, an Arizona limited liability company ("Owner").

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to enter into this agreement 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. The City Manager is further authorized to approve minor, administrative, technical, procedural and non-material modifications to the agreement and all of its exhibits, as needed, as permitted by the express terms of the agreement.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 18th day of April, 2016.



ATTEST:

DeeAnn Mickelsen
DeeAnn Mickelsen, City Clerk

APPROVED:

Dennis Kavanaugh
~~John Giles, Mayor~~
Dennis Kavanaugh, Vice Mayor