RESOLUTION NO. 10785

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, APPROVING AND AUTHORIZING THE CITY MANAGER TO TERMINATE THE EXISTING DEVELOPMENT AGREEMENT ON THE PROPERTY LOCATED ON THE NORTH SIDE OF THE 8200 TO 8600 BLOCKS OF EAST BASELINE ROAD AND TO ENTER INTO A NEW DEVELOPMENT AGREEMENT BETWEEN BASELINE MESA, LLC, ("OWNER") AND HTG MESA, L.L.C., ("DEVELOPER") TO ALLOW THE DEVELOPMENT OF A PHASED MIXED-USE DEVELOPMENT.

A. WHEREAS, Owner owns approximately 52.4 acres of property located on the north side of the 8200 to 8600 blocks of East Baseline Road in the City of Mesa, AZ ("Property"); and

B. WHEREAS, the existing development agreement related to the Property entered into between the City and GVSW-202/60, LLC, recorded on September 1, 2009, as Instrument No. 2009-0815250 in the Official Records of Maricopa County, is being terminated by mutual consent of the parties; and

C. WHEREAS, Owner has submitted an application to modify the existing Planned Area Development (PAD) for the Property, along with a Site Plan Review for the construction of multi-residence in the first phase of development; and

D. WHEREAS, Owner has entered into a Purchase Agreement with Developer to develop a 325 unit multi-residence development called "Aviva" on approximately 16 acres of the Property; and

E. WHEREAS, Developer, shall be required to design, install and/or construct a traffic signal and associated equipment ("Traffic Signal") at the intersection of Baseline and Hawes roads to ensure Mesa's minimum standards for transportation, utility service, and infrastructure are maintained,; and

F. WHEREAS, Developer seeks City Share funding in the amount of one hundred thousand dollars ($100,000) for reimbursement of costs incurred in connection with designing, installing and constructing the Traffic Signal; and

G. WHEREAS, the Owner and Developer voluntarily agreed to enter into a development agreement for the purpose of determining phasing and construction of the Traffic Signal and various off-site improvements, and placing design guidelines and restrictions on the Property.

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

Section 1: That the City Council hereby terminates the existing development agreement, for the Property located on the north side of the 8200 to 8600 blocks of East Baseline Road, entered into between the City and GVSW-202/60, LLC, and Arizona limited liability company, dated August 24, 2009, and recorded on September 1, 2009, as Instrument No. 2009-0815250 in the Official Records of Maricopa County.

Section 2: That the City Council hereby approves a development agreement with Baseline Mesa, LLC, an Arizona limited liability company and HTG Mesa, L.L.C., a Florida limited liability corporation for the property located on the north side of the 8200 to 8600 blocks of East Baseline Road.

Section 3: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to enter into the development agreement ("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 or his designated representative, is further authorized to approve minor, administrative, technical, procedural and non-material modifications to the Agreement and all of its exhibits.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 2nd day of May, 2016.

APPROVED:

John Giles, Mayor

CITY OF MESA CORPORATE SEAL MARICOPA COUNTY, AZ

ATTEST:

DeeAnn Mickelsen, City Clerk