

RESOLUTION NO. 9845

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE GAYLORD ENTITLEMENTS DEVELOPMENT AGREEMENT WITH GAYLORD MESA LLC AND DMB MESA PROVING GROUNDS LLC., TO EXTEND PERFORMANCE DATES IN THE DEVELOPMENT AGREEMENT EXECUTED NOVEMBER 2008.

WHEREAS, the City of Mesa and GAYLORD MESA LLC., entered into a development agreement in November 2008 detailing various promises by both parties relating to the development of two parcels abutting the south side of Elliot Road in the general vicinity of the alignment of Crismon Road in the Mesa Proving Grounds; and

WHEREAS, that agreement was recorded with the Maricopa County Recorder's Office on November 13, 2008 at document number 2008-0974929; and

WHEREAS, as a result of the recent economic downturn certain performance dates need to be extended to preserve the status quo between the parties related to this 2008 agreement;

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

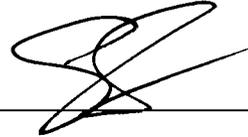
Section 1: That the First Amendment to the Development Agreement for the development of property within Mesa Proving Grounds by GAYLORD MESA LLC., between the City of Mesa, Gaylord Mesa LLC. And DMB Mesa Proving Grounds LLC (Gaylord Entitlements Development Agreement) is hereby approved.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to execute the Gaylord Entitlements Development Agreement on behalf of the City of Mesa, together with all other documents necessary to carry out the provisions of such Agreement. 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, and as permitted by the express terms of the Gaylord Entitlements Development Agreement.

Section 3: That the City Clerk, Linda G. Crocker, or her designated representative, is authorized and directed to attest to the signature of the City Manager, or his designated representative, on the Gaylord Entitlements Development Agreement together with all other documents necessary to carry out the provisions of such agreement.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 16th day of May, 2011.

APPROVED:



Mayor

ATTEST:



City Clerk