

RESOLUTION NO. 9844

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 DMB ENTITLEMENTS DEVELOPMENT AGREEMENT WITH DMB MESA PROVING GROUNDS LLC, TO EXTEND PERFORMANCE DATES AND MAKE OTHER CHANGES TO THE DEVELOPMENT AGREEMENT EXECUTED NOVEMBER 2008.

WHEREAS, the City of Mesa and DMB MESA PROVING GROUNDS LLC., entered into a development agreement in November 2008 detailing various promises by both parties relating to the development of approximately 3200 acres located south of Elliot Road and east of Ellsworth Road; and

WHEREAS, that agreement was recorded with Maricopa County Recorder's Office on November 13, 2008 at document number 2008-0974930; 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; and

WHEREAS, in 2008 the first projects anticipated at the Mesa Proving Grounds were residential or resort development but instead a First Solar manufacturing plant is now the first planned project at the Mesa Proving Grounds necessitating certain changes to the original agreement between Mesa and DMB Mesa Proving Grounds LLC;

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 that Development Agreement for the development of the Mesa Proving Grounds between the City of Mesa and DMB MESA PROVING GROUNDS LLC. (DMB Entitlements Development Agreement) is hereby approved.

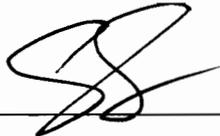
Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to execute the DMB Entitlements Development Agreement on behalf of the City of Mesa, together with all other documents necessary to carry out the provisions of such Agreement. The City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

