

RESOLUTION NO. 11995

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH VHS ACQUISITION SUBSIDIARY NUMBER 11 INC.

WHEREAS, VHS Acquisition Subsidiary Number 11 Inc. ("Owner") desires to construct certain improvements related to approximately 50 acres of real property within the 5600 to 5800 blocks of East Inverness Avenue (north and west sides) and within the 5600 to 5800 blocks of South Sunview (north and south sides), and generally located east of Higley Road and north of Baseline Road in Mesa, Arizona, and generally consisting of APN 141-53-045F, APN 141-53-045P, APN 141-53-049D, and APN 141-53-726B ("Property").

WHEREAS, Owner requested to modify the current zoning on the Property from Planned Employment Park with a Planned Area Development Overlay and Council Use Permit (PEP-PAD-CUP) to Light Industrial with a Planned Area Development Overlay ("LI-PAD") and Planned Employment Park with a Planned Area Development Overlay ("PEP-PAD").

WHEREAS, per the Mesa 2040 General Plan ("Plan"), the Property is located in the Specialty character type with a Medical Campus sub-type. Light Industrial (LI) and Planned Employment Park (PEP) are both primary zoning districts permitted in the Specialty-Medical Campus sub-type and are consistent with the Plan.

WHEREAS, the Plan contemplates the use of development agreements to restrict permitted land uses on a property or within a proposed development for, among other reasons, compatibility with neighboring development and suitability with the character type and intended character traits; to that end, Owner has agreed, and City is requiring Owner, to, as a condition to the rezoning of the Property, enter into a development agreement with the City ("Development Agreement") to prohibit or restrict certain uses that are allowed in the proposed LI-PAD and PEP-PAD zoning districts to further facilitate compatibility with the Specialty-Medical Campus sub-type and surrounding development.

WHEREAS, it is in the best interest of the City to encourage and promote development because development, in turn, stimulates economic activity throughout the City which improves and enhances the economic welfare of the City's citizens, generates taxes, and provides other benefits for the City.

WHEREAS, Arizona Revised Statutes ("A.R.S.") § 9-500.05 authorizes the City to enter into a development agreement with any person or entity having an interest in real property in Mesa providing for the permitted uses of such property and certain other development rights and restrictions thereon so long as the development agreement is consistent with the City's general plan or specific plan, if any, applicable to the property on the date the development agreement is executed.

WHEREAS, City Council hereby determines it is appropriate to enter into the Development

Agreement as contemplated herein.

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

Section 1: That the City Manager, or his designee, is authorized and directed to enter into the Development Agreement related to the Property, together with all other documents and amendments thereto, necessary to carry out the provisions of such agreement.

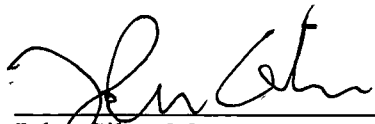
Section 2: That the City Manager, or his designee, is authorized to make any modifications and amendments to the terms set forth in the Development Agreement so long as such modifications do not materially alter the overall structure of the Development Agreement as it was presented to the City Council.

Section 3: That the City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all documents set forth in Section 1 and Section 2.

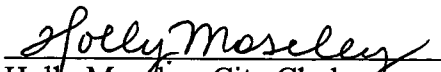
PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 23<sup>rd</sup> day of January, 2023.



APPROVED:

  
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John Giles, Mayor

ATTEST:

  
\_\_\_\_\_  
Holly Moseley, City Clerk