

## **RESOLUTION NO. 16-1759**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING THE SECOND AMENDED & RESTATED DEVELOPMENT AGREEMENT FOR PASEO PLACE PARCEL 1 REGARDING THE DEVELOPMENT OF AN APPROXIMATE 40 ACRE PARCEL GENERALLY LOCATED AT THE NORTHWEST CORNER OF YUMA ROAD AND THE 183<sup>RD</sup> AVENUE ALIGNMENT; PROVIDING FOR AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS NECESSARY TO CARRY OUT INTENT OF RESOLUTION AND THE SECOND AMENDED & RESTATED DEVELOPMENT AGREEMENT FOR PASEO PLACE PARCEL 1; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Melcor Developments Arizona, Inc., an Arizona corporation (“Owner”) owns approximately 120 acres of land consisting of two parcels that are generally located at the southeast and northwest corners of Yuma Road and the 183<sup>rd</sup> Avenue alignment and which are collectively known as “Paseo Place” (formerly Paseo Ridge). Paseo Place Parcel 1 (formerly known as “Paseo Ridge Phase 2”) consists of approximately 40 acres, is generally located at the northwest corner of Yuma Road and the 183<sup>rd</sup> Avenue Alignment, and is more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, the Property is located within the West Goodyear Central Planning Area (“WGCPA”); and

WHEREAS, Owner’s predecessor in interest was a member of a group of owners of properties in the WGCPA (“WGCPA Properties”) that has been working with the city since 2005 to facilitate development in the WGCPA, the members of this group are known as “IDG Members”; and

WHEREAS, the city and certain of the IDG Members, including Owner’s predecessor in interest, entered into development agreements that were to facilitate the timely and orderly development of the WGCPA Properties; and

WHEREAS, in an effort to spur the development of the West Goodyear Central Planning Area, Owner’s predecessor in interest and City entered into an Amended and Restated Development Agreement (Paseo Ridge) dated October 28, 2013, which was recorded in the Official Records of Maricopa County on November 5, 2013 as Instrument No. 20130965260, which replaced the prior development agreement and which allowed the property owner to retain the density bonus provided under the Pre-Annexation Agreement while relieving the property owner of having to make various financial contributions set forth in the prior development agreement; and

WHEREAS, following an upturn in the real estate market, staff began meeting with owners of various WGCPA Properties to discuss their development plans, during which staff was informed that the significant up front infrastructure requirements required of the WGCPA Properties was causing potential homebuilders to lose interest in developing in WGCPA; and

WHEREAS, city staff and a majority of the owners, developers and/or representatives of the WGCPA Properties formulated a new development strategy for the WGCPA Properties that is intended to spur the development of the WGCPA Properties; and

WHEREAS, the outline of the strategy was presented to Council during a work session, held in October, 2015, and staff was directed to move forward with the pursuit of the new development strategy for the WGCPA Properties; and

WHEREAS, a template for new development agreements for the WGCPA properties that reflect the development strategy presented to Council in October, 2015 and that will include common core terms applicable to the WGCPA Properties has been negotiated with the owners of the WGCPA Properties; and

WHEREAS, the Second Amended & Restated Development Agreement for Paseo Place Parcel 1 is consistent with the template;

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

SECTION 1. The Mayor and Council of the city of Goodyear hereby approve the Second Amended & Restated Development Agreement for Paseo Place Parcel 1 between Melcor Developments Arizona, Inc., an Arizona corporation and the City of Goodyear, an Arizona municipal corporation attached hereto as Exhibit B (the "Second Amended & Restated Development Agreement"); and

SECTION 2. The City Manager is hereby authorized and directed to execute the Second Amended & Restated Development Agreement attached hereto as Exhibit B; and

SECTION 3. The Second Amended & Restated Development Agreement is intended to be a development agreement pursuant to A.R.S. § 9-500.05.

SECTION 4. The City Manager or his designee is hereby authorized and directed to take any and all actions and to execute all documents necessary to carry out the intent of this Resolution and the terms of the Second Amended & Restated Development Agreement.

SECTION 5. That this Resolution shall become effective as provided by law.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Georgia Lord, Mayor

Date: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

## CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA )  
 ) ss.  
County of Maricopa )

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 16-1759 is a true, correct and accurate copy of Resolution No. 16-1759, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at which a quorum was present and, by a \_\_\_\_\_ vote, \_\_\_\_\_ voted in favor of said resolution.

Given under my hand and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

seal

City Clerk

EXHIBIT A  
RESOLUTION NO. 16-1759

Legal Description of the Property  
(Paseo Place Parcel 1)

PARCEL NO. 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 10 MARKED WITH A BRASS CAP WHENCE THE SOUTHWEST CORNER OF SAID SECTION 10 MARKED WITH AN ALUMINUM CAP LIES WEST 2,644.93 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 17 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING.

THENCE WEST PARALLEL WITH 33.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1,312.20 FEET TO A POINT THAT LIES 1,332.73 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00 DEGREES 01 MINUTES 07 SECONDS WEST PARALLEL WITH AND 1,332.73 FEET EAST OF SAID WEST LINE A DISTANCE OF 557.00 FEET; THENCE WEST PARALLEL WITH AND 590.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 156.50 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES 07 SECONDS WEST PARALLEL WITH AND 1,176.23 FEET EAST OF THE WEST LINE OF SAID SOUTH WEST QUARTER A DISTANCE OF 764.39 FEET TO THE NORTH LINE OF THE SOUTH 1,354.38 FEET OF SAID SOUTHWEST QUARTER;

THENCE EAST PARALLEL WITH AND 1,354.38 FEET NORTH OF SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1,467.84 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 03 MINUTES 17 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 1,321.39 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

RESOLUTION NO. 16-1759

SECOND AMENDED & RESTATED DEVELOPMENT AGREEMENT  
FOR PASEO PLACE PARCEL 1  
(attached)