

RESOLUTION NO. 23-45

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, APPROVING AND ADOPTING THE THIRD AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MARICOPA, HOGENES FARMS, AN ARIZONA LIMITED PARTNERSHIP AND TRS 15, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, IN COMPLIANCE WITH A.R.S. §9-500.05.

WHEREAS, pursuant to A.R.S. §9-500.05, Abraham and Barbara Hogenes, Hogenes Farms and the City of Maricopa entered into a pre-annexation development agreement dated April 7, 2007 related to the annexation and development of the certain real property generally located south of the Union Pacific Railroad tracks between the Green Road alignment and the Ak-Chin Community border, Maricopa, Arizona (“Agreement”);

WHEREAS, on April 20, 2021, City Council adopted Resolution 21-14, approving a First Amendment to the Agreement; and

WHEREAS, on August 3, 2021, City Council adopted Resolution 21-36, approving and adopting a revised First Amendment to the Agreement; and

WHEREAS, on September 21, 2021 City Council adopted Resolution 21-39, approving a Second Amendment to the Agreement; and

WHEREAS, the parties now desire to amend the Agreement, First Amendment(s) and Second Amendment to revise the definitions of the Hogenes Farms Property and the Development Area and remove the requirements to prepay certain impact fees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Maricopa, Arizona, as follows:

Section 1. The City of Maricopa by the requisite vote of its City Council hereby approves and adopts, and authorizes and instructs its Mayor on behalf of the City of Maricopa to enter into the Third Amendment to Development Agreement with Hogenes Farms and TRS 15, LLC in the form attached to and made a part of this Resolution.

Section 2. Pursuant to A.R.S. §9-500.05(G), the provisions of this Resolution are not enacted as an emergency measure and shall not be effective for thirty (30) days.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 15th day of August, 2023.

APPROVED:

Nancy Smith
Mayor

ATTEST:

Vanessa Bueras, MMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney