

## **RESOLUTION NO. 21-39**

### **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, APPROVING AND ADOPTING THE SECOND 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**, after the adoption of Resolution 21-14, Hogenes Farms requested revisions to the First Amendment to update the name of the development, clarify the City will purchase a piece of property needed for the right of way and added a provision that the City will offer to purchase the adjacent residence if still owned by Hogenes Farms at the time permits are pulled to construct the overpass which were approved by the Council’s adoption of Resolution 21-36 on August 3, 2021; and

**WHEREAS**, Hogenes Farms’ requested revisions were approved by City Council’s adoption of Resolution 21-36 on August 3, 2021 (“First Amendment”); and

**WHEREAS**, the parties now desire to amend the Agreement and First Amendment to remove the Permit Restriction, address payment of transportation impact fees and to prepare for the development of a portion of the property generally now known as Hogenes Farms.

**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 Second 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 21<sup>st</sup> day of September, 2021.

APPROVED:

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Christian Price  
Mayor

ATTEST:

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Vanessa Bueras, MMC  
City Clerk

APPROVED AS TO FORM:

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Denis Fitzgibbons  
City Attorney