

**RESOLUTION NO. 2019-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT AMENDMENT BETWEEN TLC PC LAND DEVELOPERS, LLC AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 15.14 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1380 EAST JW POWELL BLVD. AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, TLC PC Land Developers, LLC (“Owner”) is the owner of approximately 15.14 acres of real property generally located at 1380 East JW Powell Blvd. (the “Property”); and

WHEREAS, the City of Flagstaff (the “City”) and Owner entered into a development agreement on September 5, 2000, pertaining to the development of the Property; and

WHEREAS, a Concept Plan has been submitted for the development of 196 multi-family residential dwelling units on the Property; and

WHEREAS, Owner and the City wish to amend the development agreement, in the form attached to the staff summary submitted in support of this Resolution (the “Second Amendment to Development Agreement”), to clarify the terms and conditions under which the Property will be developed; and

WHEREAS, developing the Property under the terms and conditions of the proposed Second Amendment to Development Agreement would be consistent with the Flagstaff Regional Plan 2030, and Owner and the City acknowledge that the Second Amendment to the Development Agreement would operate to the benefit of both parties; and

WHEREAS, Arizona Revised Statutes § 9-500.05 authorizes the City to enter into and amend development agreements in order to facilitate the orderly and effective development of properties.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. The Second Amendment to Development Agreement provides benefit to the City of Flagstaff.

SECTION 2. The Second Amendment to Development Agreement is consistent with the purpose, intent, goals, policies, programs and land use designations of the General Plan, any applicable specific plans, and the Zoning Code.

SECTION 3. The Development Agreement complies with the requirements of Arizona Revised Statutes § 9-500.05.

SECTION 4. That the City of Flagstaff be hereby authorized to enter into the Second Amendment to Development Agreement in the form attached to the staff summary submitted in support of this Resolution.

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Second Amendment to Development Agreement and its related documents and to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 6. That the City Clerk be hereby directed to record a copy of the Second Amendment to Development Agreement with the Coconino County Recorder no later than ten days after the development agreement is executed.

SECTION 7. This Resolution shall become effective thirty (30) days following adoption by the City Council.

SECTION 8. PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5<sup>th</sup> day of February, 2019.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY