

RESOLUTION NO. 2020-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO THE PRESIDIO IN THE PINES DEVELOPMENT AGREEMENT BETWEEN MIRAMONTE PRESIDIO, LLC AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 2.77 ACRES OF REAL PROPERTY LOCATED AT 2940 SOUTH WOODY MOUNTAIN ROAD, FLAGSTAFF, ARIZONA AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Developer owns real property located at 2940 South Woody Mountain Road, Flagstaff, Arizona, APN 112-62-483, (the "Property"); and

WHEREAS, Miramonte Presidio, LLC (the "Developer") has submitted a Site Plan (PZ-19-00204-01) approved by the City on September 25, 2020 for a development consisting of a 39-unit multi-family residential community; and

WHEREAS, the City of Flagstaff ("City") and Developer's predecessors-in-interest entered into a development agreement dated September 16, 2004 and recorded as Instrument No. 3283782 on September 20, 2004 in the Official Records of Coconino County providing for the development of the 91-acre Presidio in the Pines development; and

WHEREAS, Developer and the City wish to enter into an amendment to that 2004 development agreement regarding the Property, which is a 2.77 acre parcel within the Presidio in the Pines development, in the form attached to the staff summary submitted in support of this Resolution (the "Fourth Amendment to the Development Agreement"), to provide for the terms and conditions under which the Property will be developed and to set forth in detail certain obligations of Developer and the City; and

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

WHEREAS, Arizona Revised Statutes § 9-500.05 authorizes the City to enter into 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 Fourth Amendment to the Development Agreement provides benefit to the City of Flagstaff.

SECTION 2. The Fourth Amendment to the 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 Fourth Amendment to 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 Fourth Amendment to the Development Agreement in the form attached to this Resolution as Exhibit A.

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 Fourth Amendment to the 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 City Clerk be hereby directed to record a copy of the 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.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 1st day of December, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

Exhibit A – Fourth Amendment to the Development Agreement