

**RESOLUTION NO. 2021-44**

**A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING THE FIRST AMENDMENT TO THE MILL TOWN DEVELOPMENT AGREEMENT BETWEEN VINTAGE PARTNERS, LLC AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 18.11 ACRES OF LAND LOCATED AT 1801 SOUTH MILTON ROAD, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the City of Flagstaff ("City") is the owner of unimproved right-of-way for the University Avenue realignment and Beulah Boulevard extension and, following dedication of right-of-way to the City, Vintage Partners, LLC ("Owner") owns the remaining 12.53 acres of land located at 1801 South Milton Road in three separate parcels of land ("Property"); and

WHEREAS, Owner and the City entered into the Mill Town Development Agreement effective December 14, 2018 in association with Resolution No. 2018-13; and

WHEREAS, Owner and the City wish to enter into an amendment to the Development Agreement in the form attached hereto as Exhibit A and included with the staff summary submitted in support of this Resolution (the "First Amendment to the Mill Town 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 the Owner and City; and

WHEREAS, developing the Property under the terms and conditions of the proposed First Amendment to the Mill Town Development Agreement is consistent with the Flagstaff Regional Plan 2030, and Owner and the City acknowledge that the amendment operates to the benefit of both parties; and

WHEREAS, Arizona Revised Statutes ("A.R.S.") § 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 First Amendment to the Mill Town Development Agreement provides benefit to the City of Flagstaff.

SECTION 2. The First Amendment to the Mill Town 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 First Amendment to the Mill Town Development Agreement complies with the requirements of A.R.S. § 9-500.05.

SECTION 4. The City of Flagstaff is hereby authorized to enter into the First Amendment to the Mill Town 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 First Amendment to the Mill Town 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 amendment 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 19th day of October, 2021.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Exhibits:

Exhibit A - First Amendment to the Mill Town Development Agreement