

## MARANA ORDINANCE NO. 2018.009

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RELATING TO DEVELOPMENT; EXTENDING THE TIME FOR SIGNING THE VILLAGES OF TORTOLITA DEVELOPMENT AGREEMENT AND FOR SUBMITTING THE VILLAGES OF TORTOLITA SPECIFIC PLAN AMENDMENT WAIVERS UNDER MARANA ORDINANCE NO. 2017.023 AS AMENDED BY ORDINANCE NO. 2017.028; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS Marana Ordinance No. 2007.09 adopted The Villages of Tortolita Specific Plan, governing land uses on approximately 1,780 acres of land located on the east side of Interstate 10 from about Marana Road on the south to about two-thirds of a mile north of the Pinal County line; and

WHEREAS Marana Ordinance No. 2017.023 was adopted on November 7, 2017, amending The Villages of Tortolita Specific Plan and authorizing the Mayor to sign The Villages of Tortolita Development Agreement; and

WHEREAS Section 2, paragraph 5 of Marana Ordinance No. 2017.023 required TMR INVESTORS, LLC ("TMR") to sign and return The Villages of Tortolita Development Agreement to the Town Clerk for recording; and

WHEREAS Section 2, paragraph 5 of Marana Ordinance No. 2017.023 required each of the Property Owners other than TMR to execute waivers in substantially the form attached as Exhibit C to The Villages of Tortolita Development Agreement; and

WHEREAS Section 2, paragraph 5 of Marana Ordinance No. 2017.023 also provided for reversion of Section 2 paragraphs 1 and 4 of Ordinance No. 2017.023 if the signed development agreement and fully executed waivers were not submitted to the Town Clerk for recording within 60 days after the Marana Town Council's approval of Ordinance No. 2017.023; and

WHEREAS Marana Ordinance No. 2017.028 was adopted on December 19, 2017, extending the time for submitting fully executed waivers to April 4, 2018; and

WHEREAS TMR continues to encounter unanticipated difficulties obtaining the waivers associated with one particular parcel; and

WHEREAS questions about the name and signature authority of one of the signers on behalf of TMR delayed the finalization of the signature block of The Villages of Tortolita Development Agreement; and

WHEREAS extending the time periods for submitting the signed development agreement and obtaining the waivers does not substantially affect the Town's rights, obligations, or liabilities.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

**Section 1.** Section 2, paragraph 5 of Marana Ordinance No. 2017.023 as amended by Marana Ordinance No. 2017.028 is hereby further amended as follows:

A. The 60-day period for submission of the signed development agreement is hereby waived; The Villages of Tortolita Development Agreement signed on behalf of TMR on February 21 and 22, 2018, in substantially the form included with the agenda backup material accompanying this ordinance is hereby accepted; the Mayor is authorized to sign it on the Town's behalf; and the Town Clerk is hereby authorized and directed to accept it and to record the fully executed development agreement within ten days after the adoption of this ordinance.

B. The remaining waivers in substantially the form attached as Exhibit C to The Villages of Tortolita Development Agreement shall be signed and submitted to the Town Clerk for recording no later than August 8, 2018.

**Section 2.** This ordinance addresses an administrative issue associated with Marana Ordinance No. 2017.023 as amended by Marana Ordinance No. 2017.028, and is therefore effective immediately upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 3<sup>rd</sup> day of April, 2018.

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Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

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Jocelyn C. Bronson, Town Clerk

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Frank Cassidy, Town Attorney