

1 When recorded, return to:
2 Paradise Valley Town Attorney
3 6401 East Lincoln Drive
4 Paradise Valley, Arizona 85253
5
6

7 **RESOLUTION NUMBER 2020-03**

8
9 **AN RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF**
10 **PARADISE VALLEY, ARIZONA; AUTHORIZING A DEVELOPMENT**
11 **AGREEMENT FOR JAMEL GREENWAY, LLC, OWNER OF LINCOLN PLAZA**
12 **MEDICAL CENTER - PARADISE VALLEY, ARIZONA**
13

14 BE IT RESOLVED, BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF
15 PARADISE VALLEY:
16

17 WHEREAS Jamel Greenway, LLC (“Jamel”) owns APN 174-64-003B, which is
18 approximately 2.10 net acres located at 7125 East Lincoln Drive (the LMC Property”),
19 which contains a medical office plaza known as the Lincoln Plaza Medical Center
20 (hereinafter “LMC”).

21 WHEREAS, the LMC Property is the subject of a prior special use permit (the
22 “LMC SUP”). Jamel applied to the Town for a minor amendment to the LMC SUP, said
23 application being Minor Special Use Permit Application SUP-19-05. The Application was
24 approved by the Town.

25 WHEREAS, the Town is currently in the process of improving Lincoln Drive
26 between Mockingbird Lane and the eastern boundary of the LMC Property in a capital
27 improvement project referred to as the Lincoln Drive, Mockingbird Lane, and Indian Bend
28 Road Roadway Improvements Project (“Project”), which includes, among other things,
29 improvements to Lincoln Drive (“Roadway Improvements”) and construction of sidewalk,
30 landscaping and utility improvements on or adjacent to Lincoln Drive (“Sidewalk
31 Improvements”) abutting the LMC property.

32 WHEREAS, in connection with the Project and the Roadway Improvements and
33 Sidewalk Improvements, the Town, pursuant to A.R.S. §12-1111, *et seq.*, has commenced a
34 combined condemnation action and quiet title action (the “Action”) relating to the south
35 forty (40) feet of Lincoln Drive that abuts the LMC Property (the “Dedicated Property”),
36 said Action being Maricopa County Superior Court Cause No. CV2020-000114.

37 WHEREAS, Jamel and the Town now desire to enter into a development agreement
38 that will settle the Action and provide for the Dedicated Property to be deeded by Jamel to
39 the Town such that the Roadway Improvements and Sidewalk Improvements can be
40 constructed through a cooperative process between the Town and Jamel.

41 WHEREAS, in addition to the Dedicated Property, Jamel is willing to grant the
42 Town an easement for sidewalk, utility, and landscaping purposes (the “Sidewalk and
43 Landscaping Easement”) to enlarge and improve the space for the construction of the
44 Sidewalk Improvements.

45 WHEREAS, Jamel desires to have the Town modify the plans for the Project so that
46 full-movement turning access for the LMC Property can be maintained and the Town is

1 willing to make modifications to the Project plans in return for Jamel's deeding the
2 Dedicated Property and granting the Sidewalk and Landscape Easement and construction of
3 certain of the Roadway Improvements and the Sidewalk Improvements abutting or on the
4 LMC property.

5 WHEREAS, as a condition precedent to the Town's obligations under the
6 Development Agreement, Jamel has also agreed to record an executed "Shared Access
7 Agreement" between Jamel and the owners of the adjacent Smoke Tree Resort property for
8 the necessary easements, consents, construction, and shared costs to accommodate a new
9 shared driveway and closure of the three existing driveways on Jamel and Smoke Tree
10 properties.

11 WHEREAS, based on the consideration being given by Jamel, the Town is willing to
12 modify the current design of the Roadway Improvements and Sidewalk Improvements for
13 the Project, in order for Jamel to maintain a left-in/left-out access point from the new Shared
14 Driveway between Lincoln Medical and the property immediately to the west, referred to as
15 "Smoke Tree."

16 **NOW, THEREFORE, BE IT ORDAINED** that the Mayor and Town Council of
17 the Town of Paradise Valley, Arizona, hereby:

- 18
- 19 1. Approves the Development Agreement for Lincoln Medical Center – Paradise Valley,
20 Arizona (Exhibit "A" hereto).
 - 21
 - 22 2. Authorizes the Mayor to execute the Development Agreement for Lincoln Medical
23 Center – Paradise Valley, Arizona.
 - 24
 - 25 3. Authorizes the Town Clerk to record the Development Agreement for Lincoln
26 Medical Center – Paradise Valley, Arizona in the manner provided by law.
 - 27

28 **PASSED AND ADOPTED** by the Mayor and Council of the TOWN OF
29 PARADISE VALLEY, Arizona, this 27th day of February, 2020.

30
31
32 _____
33 Jerry Bien-Willner, Mayor

34 ATTEST:

35
36
37 _____
38 Duncan Miller, Town Clerk

39
40
41 APPROVED AS TO FORM:

42
43
44 _____
45 Andrew M. Miller, Town Attorney