

WHEN RECORDED MAIL TO:

CYNTHIA SALCIDO
P.O. BOX 1170
SAN LUIS, ARIZONA 85349

OFFICIAL RECORDS OF
YUMA COUNTY RECORDER
SUSAN MARLER



FEE #: 2004 - 01323

01/13/2004 12:56 PAGES: 0006
FEES: 3.50 8.00 1.00 .00 .00
REQ BY: CITY OF SAN LUIS
REC BY: NORMA VASQUEZ

Resolution

RESOLUTION NO. 545

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING A DEVELOPMENT AGREEMENT, WHICH WAS AUTHORIZED BY RESOLUTION 459, BETWEEN THE CITY OF SAN LUIS AND COMITE DE BIENESTAR, INC., BY INCREASING THE AGREED UPON NUMBERS OF PERMITS JOINTLY AVAILABLE TO RIEDEL CONSTRUCTION, L.L.C., AND COMITE DE BIENESTAR, INC., BY 140 AND DECLARING AN EMERGENCY.

Be it resolved by the City Council of the City of San Luis, Arizona as follows:

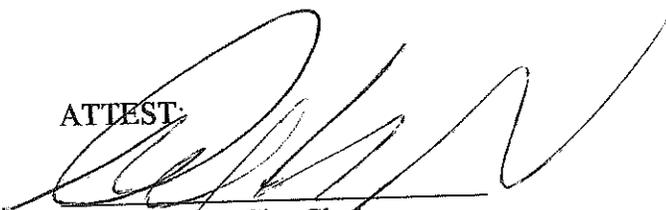
Section 1: That Resolution 459 authorized the execution of a Development Agreement between the City of San Luis and Comite De Bienestar, Inc., which was executed on the 10th day of October, 2001, and is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference in its entirety

Section 2: That said amendment provides for the construction of an additional 140 units by making permits available to Comite De Beinestar, Inc. (70 permits), and Riedel Construction, L.L.C. (70 permits), under the terms and conditions therein set forth.

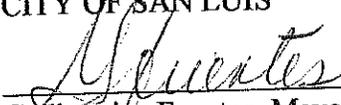
Section 3: Whereas, it is necessary for the preservation of the peace, health, and safety of the City of San Luis, Arizona, an emergency is declared to exist, and this Resolution shall become immediately operative and in full force from and after the date of posting hereof.

Passed and adopted by the Mayor and Council of the City of San Luis, Arizona, this ²³ day of December, 2003. ¹⁶ *cs*

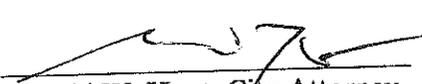
ATTEST:


Alex U. Ruiz, City Clerk

CITY OF SAN LUIS


Guillermina Fuentes, Mayor

APPROVED AS TO FORM:


Gerald W. Hunt, City Attorney



Resolution

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OFFICE OF THE
MAYOR
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Be it resolved by the City Council of the City of San Luis, Arizona as follows:

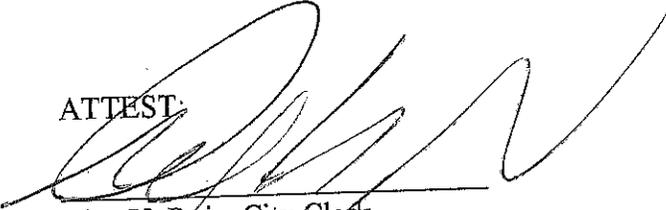
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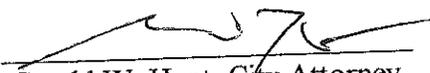
Section 3: Whereas, it is necessary for the preservation of the peace, health, and safety of the City of San Luis, Arizona, an emergency is declared to exist, and this Resolution shall become immediately operative and in full force from and after the date of posting hereof.

Passed and adopted by the Mayor and Council of the City of San Luis, Arizona, this ^{cs} 23 day of December, 2003. _{16 cs}

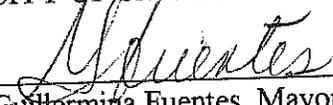
ATTEST:


Alex U. Ruiz, City Clerk

APPROVED AS TO FORM:


Gerald W. Hunt, City Attorney

CITY OF SAN LUIS


Guillermina Fuentes, Mayor

AMENDMENT TO
CITY OF SAN LUIS AND
COMITE DE BIEN ESTAR, INC., AN ARIZONA 501(c)(3),
DEVELOPMENT AGREEMENT FOR BIENESTAR ESTATES VII

This Amendment is made and entered into on the 16th day of December, 2003, between the City of San Luis, Arizona, hereinafter referred to as "City", and Comite de Bien Estar, Inc., an Arizona 501(c)(3), hereinafter referred to as "Comite".

RECITALS

A. That the parties have previously entered into a Development Agreement dated the 10th day of October, 2001, pursuant to the authorization of Resolution #459, and are now desirous of amending said Development Agreement, since the original agreement included a cap of 375 units, which has been reached; and

B. That Riedel Construction, L.L.C. also previously entered into a Development Agreement on August 22, 2001, pursuant to authorization set forth in Ordinance #174, also including a cap of 375 units, it being the understanding of both parties that "first come, first served" applied to access to the units.

C. That both Riedel Construction and Comite are desirous by separate amendments, of which this is one, to obtain an additional 140 permits to be issued as hereinafter set forth, with the understanding that while building permits will be issued, certificates of occupancy will not be issued by the City until the improvements set forth herein and related to those diagramed on Exhibit "A" attached hereto are completed.

NOW, THEREFORE, in consideration of the mutual agreements and covenants set forth herein, the parties agree as follows

1. That the Recitals are hereby incorporated by reference as agreements of the parties.

2. With regard to the attached diagram (Exhibit "A") which describes the electrical operated sluice gates, the same are subject to the following:

a. The first sluice gate to be installed in 18-inch sewer at Juan Sanchez Blvd. and 8th Ave. prior to occupancy permits being issued for the first of 100 homes, 50 of which may be issued to Comite, and 50 to Riedel Construction;

b. The second sluice gate to be installed in 12-inch sewer at Juan Sanchez Blvd. and 10th Avenue prior to occupancy permits being issued to 101st home through the 140th home, 20 of said permits which may be issued to Comite, and 20 to Riedel Construction;

c. The number of new single family units not to exceed 140 until new sewage pump station and force main are in operation and the requirements of paragraphs 3 through 5 herein have been satisfied.

3. In compliance with the original Development Agreement, after the 140 permits have been issued (70 to Comite , and 70 to Riedel Construction), the Developer further agrees that in compliance with the original Development Agreement:

... no permission of any kind, whatsoever, for any further development will be given, until or unless development of all the infrastructure needed or necessary to provide proper sewer service, including but not limited to mains, lines, lift station, increased sewer plant capacity or other improvements, has been fully constructed.

4. Costs for said additional improvements will be borne equally by Riedel Construction and Comite de Bienestar and it is expressly understood that they will be entitled to a negotiated pay-back agreement whereby additional third parties who benefit from the improvements that were created will be required to reimburse the Developer that initially paid for them.

5. The City of San Luis will contribute to the permanent improvements the impact fees which are collected for wastewater for the property of each Developer.

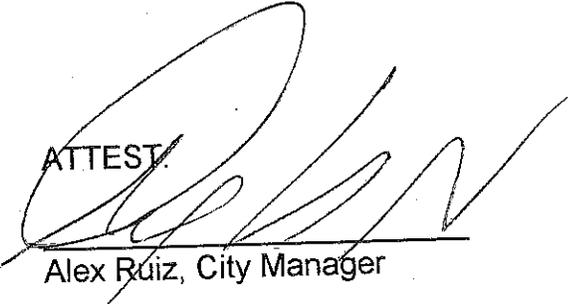
6. All other terms and conditions of said Development Agreement not specifically amended herein are reaffirmed in their entirety.

IN WITNESS WHEREOF, the parties have executed this Agreement through their authorized representatives as of the day and year first above written.

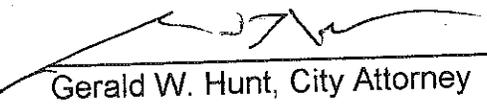
CITY OF SAN LUIS

By 
Guillermina Fuentes, Mayor

ATTEST:


Alex Ruiz, City Manager

APPROVED AS TO FORM:


Gerald W. Hunt, City Attorney

Comite de Bien Estar, inc.

By 
Marco Antonio "Tony" Reyes
Executive Director

STATE OF ARIZONA)
) ss.
County of Yuma)

The foregoing acknowledged before me this 23rd day of December, 2003 by
Guillermina Fuentes, Mayor of the City of San Luis.

Cynthia Salgado
Notary Public

My Commission Expires:
11-14-05



STATE of ARIZONA COUNTY of YUMA
Signed before me this 23rd day
of December 2003
Cynthia Salgado
Cynthia Salgado - Notary Public
My Commission Expires November 14, 2005

STATE OF ARIZONA)
) ss.
County of Yuma)

The foregoing acknowledged before me this 24th day of December, 2003 by Alex
Ruiz, City Manager of the City of San Luis.

Sonia Sanchez
Notary Public

My Commission Expires:
6/30/2006



STATE of ARIZONA COUNTY of Yuma
Signed before me this 24th day
of December 2003
Sonia Sanchez
Sonia Sanchez - Notary Public
My Commission Expires June 30, 2006

STATE OF ARIZONA)
) ss.
County of Yuma)

The foregoing acknowledged before me this 24th day of December, 2003 by Marco
Antonio "Tony" Reyes, Executive Director of Comité de Bien Estar, Inc..

Sonia Sanchez
Notary Public

My Commission Expires:
6/30/2006



STATE of ARIZONA COUNTY of Yuma
Signed before me this 24th day
of December 2003
Sonia Sanchez
Sonia Sanchez - Notary Public
My Commission Expires June 30, 2006

NICKLAUS ENGINEERING, INC.

1851 W. 24th Street
YUMA, AZ 85364
(928) 344-8374
FAX (928) 726-6994

HKMH		E. C. BEIKI GATE OPERATOR	
JOB		OF	
SHEET NO.		DATE	
CALCULATED BY		DATE	
CHECKED BY		DATE	
SCALE			

