

## ORDINANCE NO. 1219

### AN ORDINANCE APPROVING MODIFICATION OF A DEVELOPMENT AGREEMENT WITH APPLE INC.

WHEREAS, on January 17, 2013, the City of Prineville ("City") and Apple, Inc. ("Apple") entered into a Development Agreement ("Development Agreement") setting out obligations of Apple and City in regards to development of real property owned by Apple and located within Prineville city limits; and

WHEREAS, as required by Oregon state law, the City of Prineville approved the Development Agreement by adoption of City Ordinance No. 1195; and

WHEREAS, pursuant to the Development Agreement Apple agreed to make improvements to the City's water system and in return the City would credit those costs paid by Apple against water and development charges ("SDC") and the City would refund to Apple the amount of Apple's costs that exceeded those water SDCs; and

WHEREAS, Apple desires to waive their right to receive any water SDC refunds and desires to reserve for Apple's use, certain amounts of City water; and

WHEREAS, state law requires that amendments to the Development Agreement be approved by Ordinance and further that such amendments are land use decisions; and

WHEREAS, the City has given to neighboring property owners notice of the rights, time period, and manner to object or submit questions, concerns, or comments regarding the modification of the Development Agreement; and

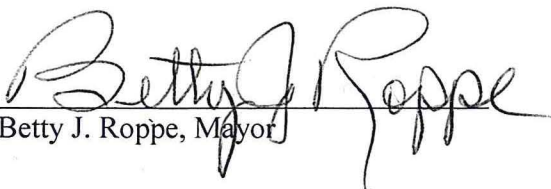
WHEREAS, the City has not received any objections to the modification of the Development Agreement within the time period allowed; and

WHEREAS, City staff believes the modification of the Development Agreement is in the best interests of the City;

NOW, THEREFORE, based upon the above Recitals, the people of the City of Prineville ordain as follows:

1. The Modification of Development Agreement attached to this Ordinance is hereby approved.
2. The Mayor and/or City Manager shall execute the Modification of Development Agreement and all other documents necessary to carry out the terms of the Modification of Development Agreement.

Dated: November 24<sup>th</sup>, 2015

  
Betty J. Roppe, Mayor

ATTEST:

  
Lisa Morgan, City Recorder