

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND
DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO
EXECUTE NECESSARY DOCUMENTS TO TRANSFER
CERTAIN REAL PROPERTY LOCATED AT 221 WEST 6TH
AVENUE, MESA, AZ FROM THE CITY OF MESA TO BOYS AND
GIRLS CLUB OF THE EAST VALLEY**

WHEREAS, the City of Mesa ("City") is a recipient of Community Development Block Grant ("CDBG") funds under Title I of the Community Development and Housing Act of 1974, as amended, (42 U.S.C. § 5301 et seq.), from the United States Department of Housing and Urban Development as an entitlement city;

WHEREAS, on March 17, 1994 the City entered into a subrecipient agreement with Boys and Girls Club of the East Valley ("BGC"), an Arizona non-profit corporation, for CDBG funding;

WHEREAS, the City entered into a twenty-year lease agreement with BGC on December 2, 1993 for the City owned property located at 221 West 6th Avenue, Mesa, Arizona 85210 (a legal description of the property is attached as Exhibit A) ("Property");

WHEREAS, BGC invested the awarded CDBG funds as well as \$975,818 provided by BGC in building construction and property improvements at the Property;

WHEREAS, BGC operates the Property as (i) a charter school known as the Mesa Arts Academy ("MAA") offering a kindergarten through eighth grade academic program that emphasizes the arts and technology, and (ii) a center offering programming for at-risk youth and their families designed to provide stimulating activities that help build character, self-esteem, values and skill ("Club");

WHEREAS, in accordance with Arizona Revised Statutes, Title 15, Chapter 1, Article 8 the BGC has a charter school contract with the Arizona State Board for Charter Schools for the operation of MAA through June 30, 2031;

WHEREAS, the operation of the MAA and the Club benefit the citizens of Mesa and the surrounding community as a strong and vital school promotes family stability, higher educational attainment and economic well-being, and the majority of the youth who attend the programs live at or below the poverty level in the area surrounding the Property;

WHEREAS, BGC desires to construct additional improvements at the Property to allow for permanent classroom space for the MAA and expansion of the services offered by the Club;

WHEREAS, the City desires to transfer the title of the Property to BGC subject to the Property (i) meeting the CDBG requirements of an eligible use under 24 CFR Part 570 for a period of 5 years after the transfer, and (ii) being used as a charter school and facility offering programming for at-risk youth and their families through June 30, 2031 (collectively the “Restrictions”); and

WHEREAS, the transfer of the Property meets the City’s current criteria for the transfer of federally funded properties approved by the City Council on January 24, 2011 via Resolution No. 9800.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The City Manager, or his designee, is hereby authorized and directed on behalf of the City of Mesa to execute the necessary documents to transfer the title of the City-owned property described and depicted in attached Exhibit A to BGC subject to the Restrictions, and further is authorized to execute such documents and amendments necessary to transfer title of this property.

Section 2: The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all such documents.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 1st day of July, 2014.

APPROVED

Mayor

ATTEST

City Clerk

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

The following real property located in Maricopa County, State of Arizona:

The East 306 feet of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian: EXCEPT the North 60 feet thereof.

(APN #139-40-039 and #139-40-040)