

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE DEVELOPMENT AND CONSTRUCTION OF A MULTI-STORY BUILDING (“PHASE ONE BUILDING”) AND OTHER IMPROVEMENTS TO BE DEVELOPED AND CONSTRUCTED BY THE CITY AS A PART OF CERTAIN EDUCATIONAL FACILITIES IN DOWNTOWN MESA, ARIZONA AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE BETWEEN THE ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY, AND THE CITY OF MESA FOR THE PHASE ONE BUILDING.

WHEREAS, on or about March 1, 2018, the City of Mesa (“City”) entered into an Intergovernmental Agreement (“IGA”) with the Arizona Board of Regents, for and on behalf of Arizona State University (collectively “ASU”), for the development, operation, and maintenance of certain post-secondary education facilities in downtown Mesa, Arizona (“ASU Facilities”).

WHEREAS, the IGA evidences the City’s commitment to increasing post-secondary educational opportunities for its citizens and ASU’s desire to operate and maintain post-secondary educational facilities in Mesa.

WHEREAS, as described in the IGA, the City will develop and construct phase one of the ASU Facilities, including related improvements, if certain conditions precedent were met (“Phase One”). The IGA allows for additional phases of the ASU Facilities to be constructed by either the City or ASU. Phase One of the ASU Facilities includes the construction of a new multi-story building in downtown Mesa, Arizona (“Phase One Building”) to be leased to ASU in accordance with the terms of the IGA and a lease agreement between the City and ASU (“Lease”). The Phase One Building will be further described and depicted in the Lease.

WHEREAS, the City Council hereby determines and finds that the Lease will assist in the creation of jobs and will otherwise improve and enhance the economic welfare of the inhabitants of the City of Mesa in accordance with A.R.S. § 9-500.11.

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

Section 1: Authorizing the development and construction of Phase One in downtown Mesa, Arizona in accordance with the terms of the IGA.

Section 2: Authorizing the City Manager, or his designee, to enter into the Lease for the Phase One Building, as well as any other agreements and amendments as contemplated therein, and authorizing the execution of future documents and agreements as necessary to carry out the provisions of the Lease (all the foregoing, collectively, the "Lease Documents"). Additionally, the City Manager, or his designee, may agree to, and enter into, amendments and modifications to the Lease Documents as necessary to carry out the intent of the Lease Documents or that are necessary to facilitate the development or construction of the Phase One Building and other improvements, and that do not materially alter the terms of the Lease.

Section 3: The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all such documents and the various City officers and employees be and hereby are authorized and directed to perform all acts necessary to give effect to this Resolution.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 4th day of June, 2018.

APPROVED:

Mayor

ATTEST:

City Clerk