

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND
AUTHORIZING THE CITY MANAGER TO ENTER INTO A
PERMANENT PUBLIC RIGHT-OF-WAY AND UTILITY
EASEMENT AND UNDERGROUND PARKING STRUCTURE
AGREEMENT WITH SUBURBAN LAND RESERVE, INC. TO
ACCEPT AN EASEMENT OVER A PORTION OF SOUTH
UDALL BETWEEN MAIN STREET AND FIRST AVENUE.**

WHEREAS, Suburban Land Reserve, Inc. ("Developer") owns certain real property near downtown Mesa, Arizona and desires to construct a development on such property ("Development") which will include the construction of an underground parking structure ("Parking Structure").

WHEREAS, to facilitate the construction of the Development and the Parking Structure, the City Council agreed on August 27, 2018 to abandon to Developer the north 306.96 feet of South Udall Street between Main Street and First Avenue within the boundaries of the City of Mesa in Maricopa County, Arizona ("South Udall ROW").

WHEREAS, the abandonment of the South Udall ROW was conditioned on Developer granting certain rights to use of the property back to the City to provide for the continued use of South Udall Street as a public right-of-way.

WHEREAS, Developer and the City desire to enter into an agreement accepting an easement for the South Udall ROW and setting forth certain terms related to the maintenance and use of the easement and the Parking Structure.

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

Section 1: That the Permanent Public Right-of-Way and Utility Easement and Underground Parking Structure Agreement between the City and Developer ("Easement Agreement") is hereby approved.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized to enter into the Easement Agreement, together with all other documents necessary to carry out the provisions of the Easement Agreement, and may make modifications to the terms set forth in the Easement Agreement prior to execution of the document so long as such modifications do not materially alter the overall agreement as presented to the City Council.

Section 3: That the City Manager, or his designee, may agree to and enter into modifications and supplements to the Easement Agreement, as necessary to carry out the intent of the Easement Agreement, or that are necessary to facilitate the construction of the

Development, Parking Structure or related improvements, so long as such modifications and supplements do not materially alter the terms of the Easement Agreement.

Section 4: That the City Clerk, DeeAnn S. Mickelsen, or her designated representative, is authorized and directed to attest to the signature of the City Manager, or his designated representative, on the Easement Agreement together with all other documents necessary to carry out the provisions of the Easement Agreement.

Section 5: That 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 Council of the City of Mesa, Maricopa County, Arizona this 27th day of August, 2018.

APPROVED:

Mayor

ATTEST:

City Clerk