

RESOLUTION NO. 12085

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA APPROVING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MESA AND THE ARIZONA BOARD OF REGENTS RELATED TO THE DEVELOPMENT, OPERATION, AND MAINTENANCE OF POST-SECONDARY EDUCATION FACILITIES IN DOWNTOWN MESA.

WHEREAS, City and the Arizona Board of Regents, for and on behalf of Arizona State University (“ASU”), entered into that “Intergovernmental Agreement Between the City of Mesa, Arizona, and the Arizona Board of Regents” dated March 1, 2018 (“Intergovernmental Agreement”) related to the potential development, operation and maintenance of post-secondary education facilities in downtown Mesa that included the option of the development of the facilities in three phases (Phase I, II, and III, each a “Phase”).

WHEREAS, there exists a perceived conflict in the language of the Intergovernmental Agreement related to the timing and requirements of the development of Phase II/III and the term of the Intergovernmental Agreement.

WHEREAS, to remedy the perceived conflict and clarify the original intent of the parties, City and ASU desire to enter into a first amendment to the Intergovernmental Agreement (“First Amendment”) to amend the language related to the term of the agreement.

WHEREAS, City and ASU have the authority to enter into the First Amendment pursuant to applicable law, including A.R.S. § 11-952.

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

Section 1: The First Amendment to the Intergovernmental Agreement between City and ASU is hereby approved.

Section 2: The City Manager or his designee, is authorized and directed to enter into the First Amendment and any related amendments, modifications, extensions and renewals, or supplements thereto, on behalf of the City of Mesa, together with all other documents necessary to carry out the provisions of such agreement; and the City Clerk is authorized and directed to attest to the signature of the City Manager or his authorized designated representative thereon.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 28th day of August, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk