

RESOLUTION NO. 12239

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HABITAT FENIX, LLC, RELATED TO THE DEVELOPMENT OF APPROXIMATELY 41,585 SQUARE FEET OF CITY-OWNED PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST PEPPER PLACE AND NORTH MACDONALD IN DOWNTOWN MESA.

WHEREAS, the City of Mesa ("City") owns approximately 41,585 square feet of real property located at the southeast corner of West Pepper Place and North MacDonald in downtown Mesa comprised of APNs 138-36-016, 138-36-021A, and 138-36-022 and commonly referred to as the "Green Lot," depicted in the attached Exhibit A ("Green Lot").

WHEREAS, the City desires to sell or lease the Green Lot and have it developed, and Habitat Fenix, LLC ("Developer") desires to acquire the Green Lot and develop it, as a mixed-use development intended to include market rate apartments, commercial space, a parking garage, and other private and public improvements; additionally, Developer may construct, or make a monetary contribution to City to construct, a solar electric generating project or portion thereof on the top level of the existing City-owned parking structure located north of the Green Lot at 30 West Pepper Place and commonly referred to as the Pepper Garage (collectively, the "Project").

WHEREAS, City staff recommends that City execute a Memorandum of Understanding ("MOU") with Developer for the purpose of outlining certain terms on which City and Developer have found preliminary agreement and which form the basis for further discussions and negotiations for potential agreements related to the Project.

WHEREAS, the City Council was provided with the form of the MOU which sets forth the intentions of City and Developer with respect to negotiating and drafting a series of agreements relating to the transfer and subsequent development of the Green Lot and other aspects of the Project.

WHEREAS, the City Council hereby determines it is appropriate to execute the MOU with Developer.

Now, therefore, be it resolved by the City Council of the City of Mesa as follows:

Section 1. The City Council approves the MOU, in the form provided to the City Council, related to the development and construction of the Green Lot and the Project.

Section 2. The City Manager, or his designee, is authorized on behalf of City to execute the MOU, and any amendments or modifications thereto, as are reasonably necessary to carry out the intent of the MOU or that are necessary to facilitate the negotiations of agreements for the development of the Project, and that do not materially alter the terms of the MOU as provided to the City Council.

Section 3. The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on the MOU and any amendments or modifications thereto.

Passed and adopted by the City Council of the City of Mesa, Maricopa County, Arizona this 8th day of July, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A TO THE RESOLUTION
Depiction of the Green Lot

