

## RESOLUTION NO. 12240

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 AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MESA AND THE ARIZONA BOARD OF REGENTS FOR THE DEVELOPMENT, OPERATION, AND MAINTENANCE OF POST-SECONDARY EDUCATION FACILITIES IN DOWNTOWN MESA, WITH TERMS THAT ALLOW FOR THE SALE, TRANSFER, LEASE AND LICENSE OF CERTAIN CITY REAL PROPERTY AND IMPROVEMENTS.

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 (“2018 IGA”) related to the potential development, operation and maintenance of post-secondary education facilities in downtown Mesa (“ASU Facilities”) that included the option for development of the facilities in three phases (each a “Phase”). Any reference to the “2018 IGA” includes an amendment to the document executed by ASU and the City, titled the “First Amendment to Intergovernmental Agreement Between the City of Mesa, Arizona and the Arizona Board of Regents”, dated September 26, 2023 which amended the language related to the term of the agreement.

WHEREAS, pursuant to the terms of the 2018 IGA: (a) construction for the first Phase of the ASU Facilities development located at 50 N. Centennial Way (“Phase I Building”) was completed, including the improvements to the public greenspace and related public infrastructure; and (b) the City and ASU entered into a lease for the Phase I Building, as well as a license for the Studios at Mesa Center (59 E. 1<sup>st</sup> Street).

WHEREAS, following the completion of the first Phase, ASU and the City recognized that the requirements and responsibilities in the 2018 IGA for the construction, development, and operation of additional ASU Facilities needed modification based on discussions between the parties regarding plans for downtown Mesa and ASU’s desire to utilize or have access to additional City-owned facilities, including eliminating the phasing concept in the 2018 IGA and modifying the properties available for development or use by the parties.

WHEREAS, ASU and the City desire to enter into an amendment and restatement of the 2018 IGA (“Amended and Restated IGA”) to set forth the new understanding between the Parties for the potential future use and development of property located within the City Center area of downtown Mesa for ASU Facilities, and other related matters as specifically set forth in the new agreement, with terms that allow for the sale, transfer, lease and license of City real property and improvements based on certain approvals and agreements that may be given by the parties.

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

WHEREAS, the City Council hereby determines and finds that development of additional ASU Facilities, as evidenced through the Amended and Restated IGA, will assist in the creation of jobs and otherwise improve and enhance the economic welfare of the inhabitants of the City of Mesa in accordance with A.R.S. § 9-500.11.

WHEREAS, the City and ASU have the authority to enter into the Amended and Restated IGA 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: Authorizing the development and construction of ASU Facilities in downtown Mesa, Arizona in accordance with the terms of the Amended and Restated IGA, including the sale, transfer, lease and license of City real property and improvements based on certain approvals and agreements that may be given by ASU and the City.

Section 2: The Amended and Restated IGA between the City and ASU is hereby approved as presented to the City Council.

Section 3: The City Manager or his designee, is authorized and directed to enter into the Amended and Restated IGA on behalf of the City of Mesa and any related amendments, modifications, extensions, renewals, or supplements thereto, together with all other documents necessary to carry out the provisions of such agreement; the City Clerk is authorized and directed to attest to the signature of the City Manager or his authorized designated representative on such documents.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 8th day of July, 2024.

APPROVED:

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Mayor

ATTEST:

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City Clerk