

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA,
MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SALE
OF CERTAIN CITY-OWNED REAL PROPERTY AT THE
NORTHWEST CORNER OF EAST THOMAS ROAD AND THE
LOOP 202 RED MOUNTAIN FREEWAY TO LEHI LAND, LLC
AND AUTHORIZING THE CITY MANAGER TO ENTER INTO
A DEVELOPMENT AGREEMENT WITH LEHI LAND, LLC
FOR THE DEVELOPMENT OF THE PROPERTY.**

WHEREAS, the City is the owner of approximately 12.53 +/- acres of developable land on the northwest corner of Thomas Road and the Loop 202 Red Mountain Freeway (APN: 141-02-002E), excluding an approximate 0.74 +/- acre portion of the property in the northeast corner that will be retained by the City; the real property, excluding the City retained portion of the property, is described and depicted in the attached Exhibit A ("Property").

WHEREAS, the City conducted a public online auction on December 22, 2020, to determine the highest bidder to purchase the Property ("Public Online Auction").

WHEREAS, at the Public Online Auction, Lehi Land, LLC, an Arizona limited liability company ("Lehi Land"), was identified as the highest bidder for the Property with a winning bid of One Million Seven-Hundred Thousand Dollars (\$1,700,000.00) ("Winning Bid").

WHEREAS, based off the Winning Bid, the City entered into that certain "Purchase and Sale Agreement and Escrow Instructions" with Lehi Land for the sale of the Property ("Purchase Agreement"), the terms of which require, as a condition to the City's obligation to close the sale, that: (a) City Council approve the sale; and (b) Lehi Land enter into a development agreement with the City related to the Property ("Development Agreement") that is approved by City Council.

WHEREAS, the City Council accepts Lehi Land's Winning Bid from the Public Online Auction and hereby determines that the sale to Lehi Land of the Property for the Winning Bid price is in the best interest of the City.

WHEREAS, having accepted the Winning Bid, the City Council finds and determines that it is appropriate to enter into the Development Agreement with Lehi Land as contemplated herein.

WHEREAS, the Development Agreement is a "Development Agreement" within the meaning of, and entered into pursuant to the terms of, A.R.S. § 9-500.05, and that the terms of the Development Agreement will constitute covenants running with the Property as more fully described in the Development Agreement.

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

Section 1. The City Council approves the sale of the Property to Lehi Land pursuant to the Purchase Agreement for the sale price of One Million Seven-Hundred Thousand Dollars (\$1,700,000.00).

Section 2. The City Council approves the Development Agreement and authorizes and directs the City Manager, or his designee, to execute the Development Agreement on behalf of the City of Mesa, and further authorizes the execution of any modifications or amendments to the Development Agreement so long as they do not materially alter the overall agreement as presented to City Council.

Section 3. The City Manager, or his designee, is hereby authorized and directed on behalf of the City of Mesa to execute any other necessary documents, and any modifications or amendments thereto, to transfer title for the sale of the Property pursuant to this Resolution.

Section 4: The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all documents described above.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 8th day of July, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 2:

That portion of the following described property located in the Southeast quarter (SEJ4) of Section 30, Township 2 North, Range 6 East, Gila and Salt River Meridian, Maricopa County, Arizona;

(Parcel No. 2 of Instrument No. 89-241195, records of Maricopa County, Arizona)

That part of the Southeast quarter of Section 30, Township 2 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as:

BEGINNING at the Southeast corner of said Section 30;

Thence South 89 degrees 50 minutes 28 seconds West along the South line of said Section 30 a distance of 2034.40 feet to a point;

Thence North 00 degrees 09 minutes 32 seconds West a distance of 135.00 feet to a point; Thence North 52 degrees 15 minutes 28 seconds East a distance of 496.00 feet to a point;

Thence South 88 degrees 19 minutes 33 seconds East a distance of 1652.47 feet to a point on the East line of said Section 30;

Thence South 01 degrees 22 minutes 26 seconds West a distance of 384.80 feet to the POINT OF BEGINNING.

Except the property which lies South and East of the following described line given to the Arizona Department of Transportation in Document No. 2002-0640262::

LINE DESCRIPTION

Commencing at a 1/2 inch rebar 0.2 inches below natural ground, marking the South quarter corner of said Section 30, which bears South 89°47'38" West 2695.50 feet from a 1 inch iron pipe 0.5 feet below natural ground, marking the Southeast corner of said Section 30;

Thence along the South line of said Section 30, North 89°47'38" East 661.10 feet, to the POINT OF BEGINNING; Thence North 0°12'22" West 65.00 feet;

Thence North 89°47'38" East 1151.62 feet;

Thence North 0°12'22" West 35.00 feet;
Thence North 89°47'38" East 200.00 feet;

Thence North 84°09'33" East 502.00 feet;

Thence North 40°37'32" East 247.51 feet;

Thence North 33°09'43" East 57.59 feet to a point on the East line of said Section 30, said point being the POINT OF ENDING which bears North 1°19'40" East 384.80 feet from said Southeast corner of Section 30;

EXCLUDING

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A #5 REBAR FOUND AT THE SOUTH QUARTER CORNER OF SAID SECTION 30, FROM WHICH A WITNESS CORNER BRASS CAP IN HANDHOLE, FOUND 85.0 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION 30, BEARS NORTH 89 DEGREES 47 MINUTES 48 SECONDS EAST, 2,610.30 FEET (BASIS OF BEARING);

THENCE, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30, NORTH 89 DEGREES 47 MINUTES 48 SECONDS EAST, 2695.25 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE, ALONG THE EAST LINE OF SAID SECTION 30, NORTH 01 DEGREES 19 MINUTES 48 SECONDS EAST, 384.83 FEET TO AN ADOT RIGHT OF WAY MONUMENT FOUND ON THE NORTHERLY RIGHT OF WAY LINE OF THE RED MOUNTAIN FREEWAY, ACCORDING TO ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) PLANS 202L MA 000 H5400 01R, RAM 600-8-803 AND THE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY FREEWAY RIGHT OF WAY LINE, SOUTH 33 DEGREES 10 MINUTES 05 SECONDS WEST, 57.61 FEET TO AN ADOT RIGHT OF WAY MONUMENT;

THENCE CONTINUING ALONG SAID NORTHERLY FREEWAY RIGHT OF WAY LINE, SOUTH 40 DEGREES 36 MINUTES 17 SECONDS WEST, 247.31 FEET TO A REBAR WITH CAP, MARKED "EPS GROUP RLS 37495";

THENCE CONTINUING ALONG SAID NORTHERLY FREEWAY RIGHT OF WAY LINE, SOUTH 84 DEGREES 09 MINUTES 04 SECONDS WEST, 30.00 FEET;

THENCE LEAVING SAID NORTHERLY FREEWAY RIGHT OF WAY LINE,
NORTH 01 DEGREES 32 MINUTES 10 SECONDS WEST, 245.65 FEET TO A
POINT ON SAID NORTHERLY FREEWAY RIGHT OF WAY LINE;

THENCE ALONG SAID NORTHERLY FREEWAY RIGHT OF WAY LINE,
SOUTH 88 DEGREES 22 MINUTES 14 SECONDS EAST, 229.00 FEET TO THE
POINT OF BEGINNING.

CONTAINING 32,233 SQUARE FEET OR 0.74 ACRES, MORE OR LESS.

DEPICTION

