

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SALE OF CERTAIN CITY-OWNED REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WEST FIRST STREET AND NORTH MACDONALD (APN 138-35-038) TO MELDRUM MORTUARY, INC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE SALE AND TO AMEND THE EXISTING LEASE FOR THE PROPERTY.

WHEREAS, the City is the owner of an approximately 10,000 square foot parcel of real property located on the southwest corner of West First Street and North Macdonald in Mesa, AZ (APN 138-35-038) as described in the attached Exhibit A (the "Property").

WHEREAS, on January 7, 1965 the City issued an invitation for bids for lease of the Property, for which Meldrum Mortuary, Inc., an Arizona corporation, ("Meldrum") was the winning bidder. On January 19, 1965, the City Council via Resolution No. 2813 authorized the City to enter into a lease agreement with Meldrum to lease the Property from the City that was entered into by the parties on February 2, 1965 ("Lease").

WHEREAS, pursuant to the terms of the Lease, the Property is leased to Meldrum for a period of ninety-nine (99) years, ending on January 31, 2064. In consideration for Meldrum's tenancy at the Property, Meldrum conveyed to the City via Warranty Deed (Maricopa County Recorder Document No. 1965-0023279) certain real property and improvements located at North Hobson and East First Street (125 N. Hobson Street) for the price of \$10,000.00. Based upon the value of the consideration, the City and Meldrum deemed the rental fee for the entire ninety-nine (99) year term to have been paid in full.

WHEREAS, the Lease allows Meldrum to demolish, construct and maintain improvements on the Property. Pursuant to this right, Meldrum constructed, among other improvements, a structure related to its mortuary business on the Property, that spans across two adjacent parcels owned by Meldrum.

WHEREAS, Meldrum approached the City about purchasing the Property on which Meldrum's improvements are located. City staff had the Property appraised and Meldrum is willing to purchase the Property from the City at the appraised value.

WHEREAS, the City Council hereby determines that the sale of the Property is in the best interest of the City, and that it is appropriate for the City to enter into a Purchase and Sale Agreement

with Meldrum to sell the Property for the appraised value and to amend the Lease to allow for termination of the Lease upon the transfer of title of the Property to Meldrum without repayment of any portion of the prepaid rental fee and to make other such amendments to the Lease as to facilitate the sale of the Property.

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 Meldrum for the sale price of the appraised value.

Section 2: The City Council approves the amendment of the Lease to facilitate the sale of the Property.

Section 3: The City Manager, or his designee, is hereby authorized and directed on behalf of the City of Mesa to execute the necessary documents to sell the City-owned Property described in the attached Exhibit A, including those documents set forth in Section 1 and Section 2 above, and further is authorized to execute such documents and amendments as are necessary to transfer title for the sale of the Property and to terminate the Lease in the event of transfer of title.

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 17th day of May, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION

The North 80 feet of the East 125 feet of Lot 6, Block 5, City of Mesa, according to the plat of record on file in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 23 of Maps, Page 18, thereof.