

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SALE  
OF CERTAIN CITY-OWNED REAL PROPERTY IN MESA, AZ,  
LOCATED NEAR THE NORTHEAST CORNER OF NORTH  
STAPLEY DRIVE AND EAST MAIN STREET (1240 E. MAIN  
STREET, MESA, ARIZONA) TO COUNTRY CREEK  
MULTIFAMILY, LLC, AN ARIZONA LIMITED LIABILITY  
COMPANY.**

**WHEREAS**, the City is the owner of approximately 7.33 acres of developable land near the northeast corner of North Stapley Drive and East Main Street located at 1240 E. Main Street, Mesa, Arizona (APN: 138-08-076H) legally described in the attached Exhibit A (“Property”).

**WHEREAS**, two parties independently submitted to the City a letter of intent/interest in the purchase of the Property and, after requesting from each party a best and final purchase price offer, the City received the highest offer from Country Creek Multifamily, LLC, an Arizona limited liability company (“Country Creek Multifamily”), with an offer to purchase the Property for the price of Six-Million Nine-Hundred Thousand Dollars (\$6,900,000.00) (“Offer”).

**WHEREAS**, based off the Offer, the City entered into that certain “Purchase and Sale Agreement and Escrow Instructions” with Country Creek Multifamily for the sale of the Property (“Purchase Agreement”); the terms of the Purchase Agreement and submission of the Offer require that the City Council approve the sale.

**WHEREAS** the City Council accepts Country Creek Multifamily’s Offer.

**WHEREAS** the City Council hereby determines and finds that the sale of the Property and the development of such Property is in the best interest of the City as it will improve and enhance the economic welfare of the inhabitants of the City of Mesa.

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 as described and depicted in Exhibit A to Country Creek Multifamily pursuant to the Purchase Agreement for the sale price of Six-Million Nine-Hundred Thousand (\$6,900,000.00) dollars.

**Section 2:** 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 and transfer title of the City-owned Property described and depicted in the attached Exhibit A to Country Creek Multifamily, including any modifications or amendments thereto.

**Section 3:** 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 20<sup>th</sup> day of September, 2021.

APPROVED:

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Mayor

ATTEST:

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City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION

PARCEL NO. 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF STAPLEY DRIVE, AS DEFINED IN DOCKET 1860, PAGE 478, AND THE NORTHERLY RIGHT-OF-WAY LINE OF EAST MAIN STREET, AS DEFINED IN DOCKET 905, PAGE 89;

THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF STAPLEY DRIVE, A DISTANCE OF 176.00 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN "THAT CERTAIN MEMORANDUM OF LEASE DATED DECEMBER 19, 1968 AND RECORDED IN DOCKET 7411, PAGE 433, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 423.31 FEET TO A POINT ON THE SOUTHERLY LINE OF A 20.00 FOOT WIDE ALLEY IN THE PLAT OF SHERWOOD MESA AMENDED, ACCORDING TO BOOK 66 OF MAPS, PAGE 27, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 59 MINUTES 36 SECONDS EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 599.84 FEET TO A POINT ON THE WESTERLY LINE OF A 20.00 FOOT WIDE ALLEY IN SAID PLAT;

THENCE SOUTH 01 DEGREES 04 MINUTES 22 SECONDS WEST ALONG SAID WESTERLY LINE AND THE SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 592.86 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST MAIN STREET AS PREVIOUSLY DEFINED;

THENCE SOUTH 89 DEGREES 22 MINUTES 36 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 450.09 FEET TO THE SOUTHEAST CORNER OF THE CERTAIN TRACT OF LAND AS DESCRIBED IN SAID DOCKET 7411, PAGE 433, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE THEREOF, A DISTANCE OF 176.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND;

THENCE SOUTH 89 DEGREES 22 MINUTES 36 SECONDS WEST ALONG THE NORTHERLY LINE THEREOF, A DISTANCE OF 150.00 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE SOUTH 4.00 FEET OF THE WEST 76.00 FEET OF THE EAST 424.00 FEET, THE NORTH 4.00 FEET OF THE SOUTH 8.00 FEET OF THE WEST 64.00 FEET OF THE EAST 418.00 FEET AND THE NORTH 2.00 FEET OF THE SOUTH 10.00 FEET OF THE WEST 48.00 FEET OF THE EAST 410.00 FEET THEREOF, AS CONVEYED TO THE CITY OF MESA IN DEED RECORDED SEPTEMBER 1, 2009 IN RECORDING NO. 20090814849.

ALSO EXCEPT ANY PORTION THEREOF, IF ANY, WHICH LIES SOUTH OF THE EXISTING NORTHERLY RIGHT OF WAY LINE OF EAST MAIN STREET CONVEYED TO THE CITY OF MESA IN SPECIAL WARRANTY DEED

RECORDED AS NO. 20160089401 ON FEBRUARY 11, 2016 AND RE-RECORDED FEBRUARY 17, 2016  
DOCUMENT NO. 20160100743.

PARCEL NO. 2:

COMMON SERVICE AREA EASEMENTS AND COMMON PARKING AREA EASEMENTS AS DESCRIBED IN  
DECLARATION OF ESTABLISHMENT OF COVENANTS AND RESERVATIONS AFFECTING REAL PROPERTY  
RECORDED IN DOCKET 8487, PAGE 738, AND IN DOCKET 8487, PAGE 752, RECORDS OF MARICOPA  
COUNTY, ARIZONA, OVER THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 5 EAST,  
OF THE GILA AND SALT RIVER BASE AND MERIDIAN;

THENCE EAST, A DISTANCE OF 39.95 FEET;

THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 50.65 FEET ALONG THE  
NORTH RIGHT-OF-WAY LINE OF EAST MAIN STREET;

THENCE NORTH 89 DEGREES 22 MINUTES 36 SECONDS EAST, A DISTANCE OF 600.09 FEET ALONG THE  
NORTH RIGHT-OF-WAY LINE OF EAST MAIN STREET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 01 DEGREES 04 MINUTES 22 SECONDS EAST, A DISTANCE OF 392.91 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 48 SECONDS EAST, A DISTANCE OF 634.64 FEET;

THENCE SOUTH 01 DEGREES 06 MINUTES 34 SECONDS WEST, A DISTANCE OF 390.83 FEET;

THENCE NORTH 89 DEGREES 35 MINUTES 30 SECONDS WEST, A DISTANCE OF 283.03 FEET

THENCE SOUTH 89 DEGREES 22 MINUTES 36 SECONDS WEST, A DISTANCE OF 350.65 TO THE TRUE  
POINT OF BEGINNING;

EXCEPT ANY PORTION THEREOF, IF ANY, WHICH LIES SOUTH OF THE NORTHERLY LINE OF THAT CERTAIN  
PARCEL CONVEYED TO THE CITY OF MESA IN QUITCLAIM DEED RECORDED IN DOCKET 905, PAGE 89.