

**RESOLUTION NO. 2013.105**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO GRANT AN ENCROACHMENT PERMIT AND LICENSE FOR SPECIAL USE OF CITY PROPERTY TO L & H INDUSTRIAL, INC., A WYOMING CORPORATION.**

WHEREAS, L & H Industrial, Inc., a Wyoming corporation (“L & H”) desires to construct certain improvements on a portion of the public right-of-way located adjacent to 1710 West Broadway Road; and

WHEREAS, City has approved design concepts allowing use of a portion of the Broadway Frontage Road and a portion of the Jenkins Ditch (the “Encroachment Area”), which will require the issuance of an encroachment permit; and

WHEREAS, L & H has requested that the City enter an Encroachment Permit and License for special use of the Encroachment Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1: That the execution of an encroachment permit and license for special use of city property having a term of 5 years with options to renew annually thereafter, is hereby approved and the Deputy Public Works Director, City Engineer, or his designee (the “City Engineer”), is hereby authorized to execute such permit and license on behalf of the City. The permit and license shall be in the form generally used by the Engineering Department for such purposes and shall contain such additional terms as are not inconsistent with this Resolution and as are acceptable to the parties.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_\_ day of September, 2013.

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Mark W. Mitchell, Mayor

ATTEST:

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Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

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Judith R. Baumann, City Attorney