

RESOLUTION NO. R2014.03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO PERMANENT PARKING USE LICENSE AGREEMENT BETWEEN THE CITY OF TEMPE AND TEMPE RI, LLC, A FLORIDA LIMITED LIABILITY COMPANY.

WHEREAS, the City and Tempe RI, LLC, a Florida limited liability company ("Developer"), are parties to that certain Development and Disposition Agreement dated as of December 13, 2007, and recorded as Instrument No. 2008-0093738, Official Records of Maricopa County, Arizona as amended by a First Amendment to Development and Disposition Agreement dated as of January 8, 2009 and recorded on February 4, 2009 as Instrument No. 20090091924 in the Official Records of Maricopa County Recorder, Arizona (the "Development Agreement").

WHEREAS, City and Developer also are parties to that certain Permanent Parking Use License Agreement dated May 29, 2008 and recorded on June 10, 2008 in the Official Records of Maricopa County Recorder, Arizona as Instrument No. 2008-0513463 (the "Parking License"), pursuant to which the City licenses certain parking spaces within the City Hall Garage to Developer.

WHEREAS, City and Developer desire to amend the Parking License in certain respects, including establishing a procedure to allow the number of reserved parking spaces designated for exclusive use by Developer to fluctuate, enabling public use of the formerly-reserved spaces.

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

That the Mayor is authorized to execute the First Amendment to Permanent Parking Use License Agreement, and other documents referenced therein, copies of which are on file with the City Clerk's office and to take such further actions and execute such additional documents as are necessary to implement its terms.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, this _____ day of _____, 2014.**

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney