

ORDINANCE NO. O2016.27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, APPROVING THE LEASE OF CITY-OWNED REAL PROPERTY LOCATED AT THE INTERSECTION OF RIO SALADO PARKWAY AND MILL AVENUE, AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AND DISPOSITION AGREEMENT, ONE OR MORE LEASES AND RELATED DOCUMENTS NECESSARY TO EFFECT SUCH LEASES AND OTHER TRANSACTIONS.

A. City issued Request for Qualification No. 15-003, dated May 15, 2014, offering a long-term lease of, and opportunity to develop a parcel of land comprising approximately 5 total acres located on the southeast corner of Rio Salado Parkway and Mill Avenue (the “**Property**”); and

B. Iconic Mill LLC, an Arizona limited liability company (“**Developer**”) was the successful respondent, and pursuant to Resolution No. R2014.157 was given the exclusive right to negotiate for the lease/sale and development of the Property; and

C. The Property previously was used as a flour mill with the associated grain silos, and is adjacent to the Tempe/Hayden Butte Preserve. Significant benefits will accrue to City from the redevelopment of the Property by Developer, including, without limitation, increased tax revenues, and the creation of jobs in the City, and the development of the Property will otherwise improve or enhance the economic welfare of the inhabitants of the City; and

D. City and Developer have concluded their negotiations and now desire to formalize their agreements with respect to the lease of the Property pursuant to a development agreement within the meaning of A.R.S. §9-500.05.

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

Section 1: That the lease of all or a portion of the Property is hereby approved.

Section 2: That the Mayor (or his designee) is authorized to execute a Development and Disposition Agreement (the “**DDA**”) in substantially the form on file with the City Clerk’s Office, and to execute all other documents reasonably necessary or appropriate to effectuate the lease of the Property and the other transactions contemplated in the DDA or this Ordinance, including without limitation those documents referenced in or attached as exhibits to the DDA (which documents include, without limitation, a Master Lease).

Section 3: Pursuant to City Charter, Section 2.12, this ordinance will be effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney