

**RESOLUTION NO. R2016.121**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDED AND RESTATED LEASE AND AGREEMENT TO DEVELOP AND OPERATE AN URBAN AGRICULTURAL-GARDEN FACILITY BETWEEN THE CITY OF TEMPE AND SINGH ORGANIC SOILS, LLC.**

WHEREAS, the City has authority under an Intergovernmental Agreement, Nos. C87-85 and C87-85A, with the Flood Control District of Maricopa County (“FCDMC”) to develop real property owned by FCDMC within the Indian Bend Wash Outlet between Curry and McKellips Roads in Tempe;

WHEREAS, pursuant to Resolution No. R2014.75, the City and Singh Organic Soils, LLC, an Arizona limited liability company, entered into a Lease and Agreement to govern the development and operation of an urban agricultural-garden facility on July 1, 2014 (C-2014-88);

WHEREAS, amendments to the original Lease and Agreement are necessary to allow Singh Organic Soils, L.L.C., to develop and operate the facility.

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

Section 1: That the Mayor is authorized to execute the First Amended and Restated Lease and Agreement to Develop and Operate an Urban Agricultural-Garden Facility between the City of Tempe and Singh Organic Soils, LLC; and

Section 2: That the Mayor is authorized to take such further actions and execute such additional documents as are reasonably necessary or appropriate to implement the intent of this Resolution and the First Amended and Restated Lease and Agreement.

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

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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