

RESOLUTION NO. 10373

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SALE OF CITY PROPERTY WITHIN THE SPRING TRAINING FACILITIES SITE TO BCY LIMITED PARTNERSHIP (BCY) UNDER A REAL ESTATE SALES AGREEMENT AND UNDER OPTION RIGHTS GRANTED TO BCY IN THE DEVELOPMENT AGREEMENT AND OPTION AGREEMENT.**

**WHEREAS**, the City of Mesa ("City") and Chicago Cubs Baseball Club, LLC ("Cubs"), entered into a development agreement recorded with the Maricopa County Recorder's Office on December 6, 2011 as document number 2011-1004059 to construct new Spring Training Facilities in Mesa; and

**WHEREAS**, the City and Mesa Development Holdings, LLC, a Delaware limited liability company ("MDH"), entered into that certain Option Agreement recorded with the Maricopa County Recorder's Office on December 6, 2011 as document number 2011-100406 (the "Existing Option Agreement"), in which City granted MDH rights to purchase certain real property in the Spring Training Facilities Site as is specifically described in the Existing Option Agreement; and

**WHEREAS**, the City Council hereby determines that the sale of certain City-owned property located within the Spring Training Facilities Site as described and depicted in attached Exhibit "A-1" as the "Hospitality Parcel" and "Retail Parcel" to BCY Limited Partnership, an Arizona limited partnership ("BCY"), or its permitted assignees, is in the best interest of the City of Mesa; and

**WHEREAS**, the City intends to enter into a Development Agreement and Option Agreement with BCY that, *inter alia*, grants certain option rights to BCY for the City-owned property located within the Spring Training Facilities Site as described and depicted in attached Exhibit "A-1" as the "PAD" and "Phase Two Parcel" and the City Council hereby determines that the sale of the City-owned property described in the attached Exhibits as the "PAD" and "Phase Two Parcel" under the terms of such option rights, is in the best interest of the City of Mesa; and

**WHEREAS**, the property described in the attached Exhibits is subject to existing option rights to MDH under the Existing Option Agreement, and the City is seeking to amend the Existing Option Rights so as to allow the City and BCY to proceed with the Agreement to Purchase Real Property and Escrow Instructions and the Development Agreement and Option Agreement as contemplated by City and BCY; and

**WHEREAS**, the City Council hereby determines it is appropriate to enter into an Agreement to Purchase Real Property and Escrow Instructions and a Development and Option Agreement with BCY for the sale of the City-owned real property described and depicted in attached Exhibit "A-1" as the "Hospitality Parcel," "Retail Parcel," "PAD," and "Phase Two Parcel."

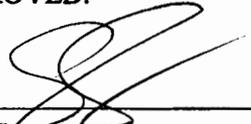
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

**Section 1:** 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 the City-owned property described and depicted in attached Exhibit "A-1" as the "Hospitality Parcel" and "Retail Parcel" and to grant options for the sale and to sell the City-owned property described and depicted in Exhibit "A-1" as the "PAD" and "Phase Two Parcel," and further is authorized to execute such documents and amendments necessary to transfer title for the sale of this property.

**Section 2:** The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on all such documents.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 19<sup>th</sup> day of December, 2013.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

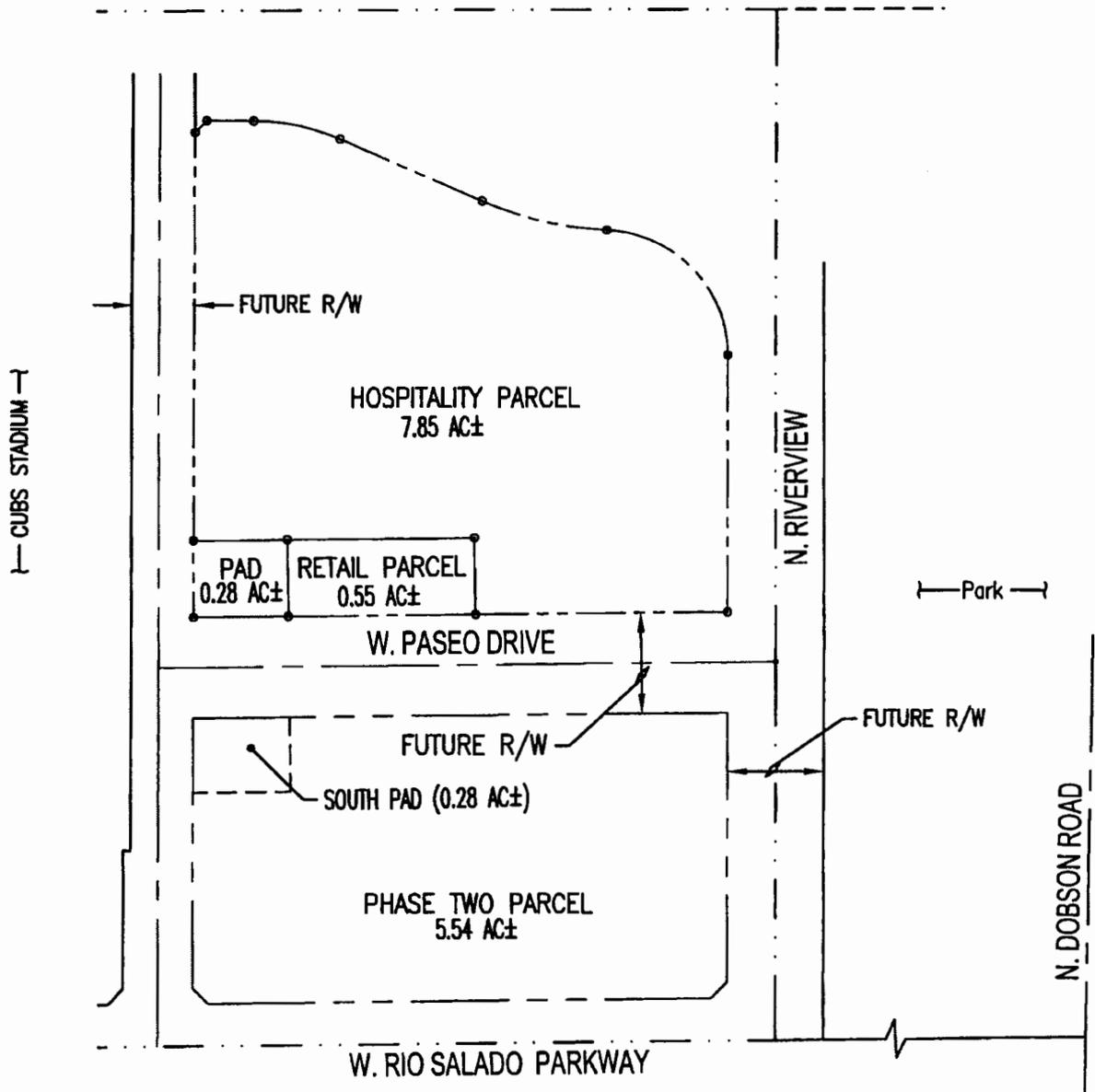




# EXHIBIT "A-1"



DATE SAVED: 12/17/13 1:10:55-001 (C:\B54) CHICAGO CUBS SPRING TRAINING FACILITY & RIVERVIEW SITE DEVELOPMENT\DESIGN DOCUMENTS\CAD\AREA PLAT\LEGAL EXHIBITS\DEVELOPMENT AGREEMENT PARCEL EXHIBIT A-1.DWG



**HOSPITALITY PARCEL**

A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE FROM THE EAST QUARTER CORNER OF SAID SECTION 18:

THENCE S89°27'10"W, 1035.04 FEET ALONG THE EAST-WEST MIDSECTION LINE (BASIS OF BEARING);  
THENCE N0°16'58"E, 554.01 FEET;  
THENCE N89°43'02"W, 62.00 FEET TO THE POINT OF BEGINNING;  
THENCE S89° 27' 12"W, 324.68 FEET;  
THENCE N0° 32' 48"W, 99.38 FEET;  
THENCE S89° 27' 12"W, 360.57 FEET;  
THENCE N0° 16' 58"E, 528.19 FEET;  
THENCE N45° 16' 58"E, 21.21 FEET;  
THENCE S89° 43' 02"E, 60.11 FEET;  
THENCE THROUGH A CURVE CONCAVE TO THE SOUTH WITH A LENGTH OF 113.85 FEET, A RADIUS OF 279.50 FEET, A DELTA OF 23.3393°, A CHORD OF 113.07' AND A CHORD BEARING OF S78° 02' 51"E;  
THENCE S66° 22' 40"E, 200.07 FEET TO A POINT OF CURVE;  
THENCE THROUGH A CURVE CONCAVE TO THE NORTH WITH A LENGTH OF 167.02 FEET, A RADIUS OF 452.00 FEET, A DELTA OF 21.1711°, A CHORD OF 166.07 FEET, AND A CHORD BEARING OF S76° 57' 48"E TO A POINT OF REVERSE CURVE;  
THENCE THROUGH A CURVE CONCAVE TO THE SOUTHWEST WITH A LENGTH OF 247.11 FEET, A RADIUS OF 161.20 FEET, A DELTA OF 87.8317°, A CHORD OF 223.62 FEET, AND A CHORD BEARING OF S43° 37' 59"E;  
THENCE S0° 16' 58"W, 332.76 FEET, BACK TO THE POINT OF BEGINNING.

CONTAINING 342,015 SQUARE FEET OR 7.85 ACRES, MORE OR LESS.

**RETAIL PARCEL**

A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE FROM THE EAST QUARTER CORNER OF SAID SECTION 18:

THENCE S89°27'10"W, 1035.04 FEET ALONG THE EAST-WEST MIDSECTION LINE (BASIS OF BEARING);  
THENCE N0°16'58"E, 554.01 FEET;  
THENCE N89°43'02"W, 62.00 FEET;  
THENCE S89° 27' 12"W, 324.68 FEET TO THE POINT OF BEGINNING;  
THENCE S89° 27' 12"W, 240.55 FEET;  
THENCE N0° 32' 48"W, 99.38 FEET;  
THENCE N89° 27' 12"E, 240.55 FEET;  
THENCE S0° 32' 48"E, 99.38 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 23,906 SQUARE FEET OR 0.55 ACRES MORE OR LESS.

**PAD**

A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE FROM THE EAST QUARTER CORNER OF SAID SECTION 18:

THENCE S89°27'10"W, 1035.04 FEET ALONG THE EAST-WEST MIDSECTION LINE (BASIS OF BEARING);  
THENCE N0°16'58"E, 554.01 FEET;  
THENCE N89°43'02"W, 62.00 FEET;  
THENCE S89° 27' 12"W, 565.23 FEET TO THE POINT OF BEGINNING;  
THENCE S89° 27' 12"W, 121.46 FEET;  
THENCE N0° 16' 58"E, 99.39 FEET;  
THENCE N89° 27' 12"E, 120.02 FEET;  
THENCE S0° 32' 48"E, 99.38 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 12,000 SQUARE FEET OR 0.28 ACRES, MORE OR LESS.

**PHASE TWO PARCEL**

A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE FROM THE EAST QUARTER CORNER OF SAID SECTION 18:

THENCE S89°27'10"W, 1035.04 FEET ALONG THE EAST-WEST MIDSECTION LINE (BASIS OF BEARING);  
THENCE N0°16'58"E, 423.99 FEET;  
THENCE N89°43'02"W, 62.00 FEET TO THE POINT OF BEGINNING;  
THENCE S0° 16' 58"W, 349.89 FEET;  
THENCE S44° 52' 04"W, 28.49 FEET;  
THENCE S89° 27' 10"W, 646.14 FEET;  
THENCE N45° 08' 51"W, 28.09 FEET;  
THENCE N0° 11' 22"E, 253.10 FEET;  
THENCE N89° 27' 12"E, 124.63 FEET;  
THENCE N0° 32' 48"W, 96.77 FEET;  
THENCE N89° 27' 12"E, 563.34 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 241,472 SQUARE FEET OR 5.54 ACRES, MORE OR LESS.

**SOUTH PAD**

A PORTION OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE FROM THE EAST QUARTER CORNER OF SAID SECTION 18:

THENCE S89°27'10"W, 1035.04 FEET ALONG THE EAST-WEST MIDSECTION LINE (BASIS OF BEARING);  
THENCE N0°16'58"E, 423.99 FEET;  
THENCE N89°43'02"W, 62.00 FEET;  
THENCE S89°27'12"W, 563.34 FEET TO THE POINT OF BEGINNING;  
THENCE S0° 32' 48"E, 96.77 FEET;  
THENCE S89° 27' 12"W, 124.63 FEET;  
THENCE N0° 11' 22"E, 96.78 FEET;  
THENCE N89° 27' 12"E, 123.38 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 12,000 SQUARE FEET OR 0.28 ACRES, MORE OR LESS.