

RESOLUTION NO. 10613

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE NECESSARY DOCUMENTS TO TRANSFER CERTAIN REAL PROPERTY LOCATED AT 604 WEST NINTH STREET, MESA, AZ FROM THE CITY OF MESA TO CRISIS NURSERY, INC.

WHEREAS, the City of Mesa (“City”) is a recipient of Community Development Block Grant (“CDBG”) funds under Title I of the Community Development and Housing Act of 1974, as amended, (42 U.S.C. § 5301 et seq.), from the United States Department of Housing and Urban Development as an entitlement city.

WHEREAS, 604 West Ninth Street, Mesa, AZ 85201 (a legal description of the property is attached as Exhibit A) is owned by the City and consists of two parcels, a southern parcel (APN 135-17-006L) and a northern parcel (APN 135-17-006K) (“Property”).

WHEREAS, the southern parcel of the Property was deeded to the City by Lutheran Hospitals and Homes Society of America, Inc. on March 5, 1985 for the purpose of being used by the Child Crisis Center, Inc. (“CCC”), CCC has leased the Property from the City since 1986, and the City used \$108,776 in CDBG funds to improve the Property.

WHEREAS, the northern parcel was acquired by the City on March 30, 1994 from CCC, CCC has leased the Property from the City since 1994, and CCC received \$577,397 in CDBG funds to improve the Property.

WHEREAS, CCC operates the Property as an emergency shelter for children (“Shelter”) and offers additional services including licensing and support for families looking to adopt or foster children, in-home support for parents of children age 0-5 years, and programs, classes and workshops for children and families.

WHEREAS, the operation of the Shelter benefits the citizens of Mesa and the surrounding community by providing a safe and secure environment where children can receive therapy, counseling, and medical attention to heal from trauma, build their self-esteem, and have positive childhood experiences, as well as provide programming designed to strengthen and support children and families.

WHEREAS, in April 2015, CCC merged as a business entity with Crisis Nursery, Inc., to become a single Arizona non-profit corporation that will provide services of the same nature as currently made available by CCC; the joint entity will be titled Crisis Nursery, Inc. (“Crisis Nursery”).

WHEREAS, the City desires to transfer the title of the Property to Crisis Nursery subject to the Property (i) meeting the CDBG requirements of an eligible use under 24 CFR Part 570 for a period of 5 years after the transfer, and (ii) being used as an emergency shelter for children through 2035 (20 years) (collectively the "Restrictions").

WHEREAS, the transfer of the Property meets the City's current criteria for the transfer of federally funded properties approved by the City Council on January 24, 2011 via Resolution No. 9800.

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 transfer the title of the City-owned property described and depicted in attached Exhibit A to Crisis Nursery subject to the Restrictions, and further is authorized to execute such documents and amendments necessary to transfer title 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 20th day of April, 2015.

APPROVED



Mayor

ATTEST



City Clerk



EXHIBIT A

PROPERTY LEGAL DESCRIPTION

The following real property located in Maricopa County, State of Arizona:

Parcel 135-17-006L (south half)

A portion of the Southwest quarter of the Northeast quarter of Section 16, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Centerline intersection of Date Street and 9th Street;

thence North 88 degrees 37 minutes 02 seconds East, to the East line of the Southwest quarter of the Northeast quarter of said Section 16, 194.01 feet along the centerline of 9th Street;

thence due North, 25.01 feet along said East line of the Southwest quarter of the Northeast quarter of said Section 16 to a point on the North Right of Way line of 9th Street, also being the true point of beginning of this description;

thence South 88 degrees 37 minutes 02 seconds West, 149.00 feet along said North Right of Way line;

thence North 45 degrees 41 minutes 29 seconds West, 20.96 feet to a point on the East Right of Way line of Date Street;

thence due North, 129.63 feet along said East Right of Way line;

thence North 88 degrees 36 minutes 54 seconds East, 164.00 feet;

thence due South along said East line of the Southwest quarter of the Northeast quarter of said Section 16, 144.635 feet to the true point of beginning and containing 0.542 acres, net, more or less.

Subject to any easements, restrictions or right-of-ways, recorded or otherwise.

Parcel 135-17-006K (north half)

Known as being that portion of the East one third of the East one half of the southwest quarter of Section 16, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona lying South of the South Right of Way of the 9th Street,

Except the South 657.14 feet and

Except the West 30 feet thereof.