

RESOLUTION NO. 12325

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH HABITAT FENIX, LLC, RELATED TO THE DEVELOPMENT OF APPROXIMATELY 41,585 SQUARE FEET OF CITY-OWNED PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST PEPPER PLACE AND NORTH MACDONALD IN DOWNTOWN MESA COMMONLY REFERRED TO AS THE "GREEN LOT".

WHEREAS, the City of Mesa ("City") owns approximately 41,585 +/- square feet of real property located at the southeast corner of West Pepper Place and North MacDonald in downtown Mesa comprised of APNs 138-36-016, 138-36-021A, and 138-36-022 (commonly referred to as the "Green Lot").

WHEREAS, the City and Habitat Fenix, LLC ("Developer") executed a Memorandum of Understanding dated July 8, 2024 ("Memorandum") related to the negotiation of agreements for the sale, lease, and/or purchase and development of the Green Lot.

WHEREAS, pursuant to the Memorandum, the City and Developer are actively negotiating a series of agreements; however, the Memorandum is scheduled to sunset on January 31, 2025, and additional time is desired to continue negotiations.

WHEREAS, the City Council finds it appropriate that the City execute a first amendment to the Memorandum ("Amendment") with Developer to extend the sunset period of the Memorandum.

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

Section 1: The City Council approves the Amendment, in the form provided to the City Council.

Section 2: The City Manager, or his designee, is authorized on behalf of the City to execute the Amendment, and any modifications thereto, as are reasonably necessary to carry out the intent of the Memorandum or Amendment or that are necessary to facilitate the negotiations of agreements for the development of the Project, and that do not materially alter the terms of the Memorandum or Amendment as provided to the City Council.

Section 3: The City Clerk is authorized and directed to attest to the signature of the City Manager, or his designee, on the Amendment and any modifications thereto.

Passed and adopted by the City Council of the City of Mesa, Maricopa County, Arizona this 27th day of January, 2025.

APPROVED:

Mark A. Freeman
Mayor

ATTEST:

Holly Moseley
City Clerk

