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OCT 25 2012

MEMO TO: Mayor and City Council

FROM: Glenn A. Brockman, Assistant City Attorney *GAB*

SUBJECT: Ordinance No. 4408, authorizing and approving amendments to leases between the City of Chandler and SMC II, L.L.C. related to the development of San Marcos Commons, Phase II.

DATE: October 22, 2012

RECOMMENDATION: Staff recommends approval of Ordinance No. 4408.

BACKGROUND/DISCUSSION: This is a minor clean up item. Concurrent with proposed Ordinance No. 4408, Council is being asked to pass and adopt Resolution No. 4647, approving Amendment #1 to the development agreement with SMC II, L.L.C. for the San Marcos Commons, Phase II, Project. Amendment #1 is also intended to affect the three leases referenced in the development agreement and that are attached thereto as Exhibits "C", "D" and "E".

The City Charter requires that such long-term leases, and amendments to such leases, be authorized by ordinance. Approval of this Ordinance No. 4408 will allow compliance with the Charter requirement and is consistent with the changes to be made as a result of the adoption of Resolution No. 4647.

FINANCIAL IMPLICATIONS: None

PROPOSED MOTION: Move to approve Ordinance No. 4408, approving amendments to the three leases identified in the development agreement with SMC II, L.L.C. for the San Marcos Commons, Phase II, Project as provided for and according to the terms stated in Amendment #1 to the development agreement adopt pursuant to Resolution No. 4647.

GAB/

ORDINANCE NO. 4408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING AMENDMENTS TO LEASES BETWEEN THE CITY OF CHANDLER AND SMC II, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, RELATED TO THE DEVELOPMENT OF SAN MARCOS COMMONS, PHASE II, WHICH IS GENERALLY LOCATED SOUTHWEST OF ARIZONA AVENUE AND CHANDLER BOULEVARD.

WHEREAS, concurrent with the introduction of this Ordinance No. 4408, the City of Chandler will pass and adopt Resolution No. 4647, approving Amendment #1 to that certain development agreement with SMC II, L.L.C., an Arizona limited liability company, regarding a project known as "San Marcos Commons, Phase II," which amendment also is intended to affect the three leases referenced in the development agreement and attached thereto as Exhibits C, D and E; and

WHEREAS, under Chandler City Charter Sec. 2.14(g), City Council approval of such long-term leases, or amendments thereto, must be done by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. The City Council of the City of Chandler, Arizona does hereby authorize and approve the amendments of the leases between City and Developer as provided for and according to the terms stated in Amendment #1 to the San Marcos Commons, Phase II Development Agreement approved pursuant to Resolution No. 4647.

Section 2. The Mayor of the City of Chandler, Arizona is hereby authorized to sign the amendments to the lease.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ___ day of October, 2012.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this ___ day of _____, 2012.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. _____ was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2012, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY