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APR 25 2013

**ORDINANCE NO. 4448**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING ORDINANCE NO. 4356, TO AUTHORIZE AND APPROVE A REVISED LEASE AGREEMENT BETWEEN THE CITY OF CHANDLER AND ARIZONA STATE UNIVERSITY FOR THE FORMER PUBLIC WORKS YARD AT 249 EAST CHICAGO STREET FOR PUBLIC EDUCATION PURPOSES.**

WHEREAS, the City of Chandler owns improved real property located at 249 East Chicago Street, which is the City's former Public Works' yard; and

WHEREAS, said property, herein designated the "Leased Premises", is currently unoccupied and in need of renovation to allow for its continued use as a public facility; and

WHEREAS, on March 8, 2012, the Chandler City Council passed and adopted Ordinance No. 4356, so as to authorize and approve a Lease of the Leased Premises to Arizona State University ("ASU") for public education purposes substantially in accordance with the terms and conditions included as an exhibit attached to the Ordinance; and

WHEREAS, the Lease was intended to provide that the City would undertake a significant renovation of the Leased Premises to meet local codes and allow the site to function satisfactorily as an academic facility; and

WHEREAS, the parties have determined that the circumstances and timing for commencement of the Term of the Lease make it more desirable that ASU undertake the actual renovation work with the City bearing a substantial portion of the cost of the work, and that the Lease be revised to reflect this shift in obligations related to the renovation work.

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 amending Ordinance No. 4356 so as to authorize and approve revisions to the Lease of the Leased Premises, which revisions provide that ASU, as the tenant under the lease, will undertake the renovation work identified in the lease, with the City making (i) an initial contribution toward the renovation work of \$2.9 million of which \$2.4 million remains to be paid, and (ii) an additional contribution of 25% of the costs in excess of the City's initial contribution not to exceed \$200,000.

**Section 2.** The Mayor of the City of Chandler, Arizona is hereby authorized to execute the revised Lease and related documents upon their approval as to form by the Chandler City Attorney.



INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4448 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2013, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *GAB*