

RESOLUTION NO. 5530

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHANDLER AND CHANDLER AMUSEMENTS, LLC, FOR THE OPERATION OF TRAIN RIDES AND CONCESSIONS AT DESERT BREEZE PARK; EXTENDING THE DURATION OF THE AGREEMENT FOR AN ADDITIONAL SEVEN YEARS; AND INCREASING THE CONTRACTOR'S LICENSE PAYMENTS TO THE CITY BEGINNING IN 2024.

WHEREAS, since 2004, the City of Chandler has offered train rides and related concessions to patrons visiting Desert Breeze Park through a third-party agreement with Chandler Amusements, LLC (the "Contractor"), under which the Contractor makes payments to the City in exchange for the rights to operate on park property; and

WHEREAS, the City and Contractor's predecessor, Encanto Amusements LTD, entered into a Memorandum of Agreement ("Agreement") dated May 12, 2004, whereby Encanto Amusements would provide services for amusement ride and concession services at City's Desert Breeze Park; and

WHEREAS, in a first amendment to the Agreement dated September 3, 2004, the City agreed to the transfer and assignment of all interest and obligations of the Agreement to the Contractor; and

WHEREAS, in a second amendment to the Agreement dated July 25, 2014, City and Contractor agreed to extend the term of the Agreement until August 15, 2024; and

WHEREAS, in order to ensure continuity of amusement and concession services at Desert Breeze Park into the future, the parties wish to execute a third amendment to extend the Agreement for an additional seven years until August 31, 2031, as well as increase the license payments to the City beginning in 2024, and amend other terms of the Agreement as described in the third amendment.

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

Section 1. Approving the Third Amendment to Memorandum of Agreement between the City of Chandler and Chandler Amusements, LLC, in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 2. Authorizing the Mayor or his designee to execute the Third Amendment.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of November, 2021.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5530 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of November, 2021, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY TA