

RESOLUTION NO. 5738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHANDLER AND NXP USA, INC. FOR THE CONSTRUCTION, FINANCING, OPERATION, AND MAINTENANCE OF A REPLACEMENT WELL.

WHEREAS, NXP USA, Inc. (“NXP”) owns and operates a manufacturing facility at 1300 North Alma School Road, Chandler, Arizona; and

WHEREAS, the City of Chandler (the “City”) previously entered into a development agreement with NXP, as successor-in-interest to Motorola, Inc., on March 30, 1998, for the construction of a well on NXP’s property (known as the “Orchid Lane Well”), which the City subsequently owned, operated, and maintained and used to supply the NXP property with water for the manufacturing facility; and

WHEREAS, since 2019, because of the Orchid Lane Well becoming inoperable due to well failure, the City has been delivering water to the NXP property sourced from other wells used by the City; and

WHEREAS, a new well will be necessary to supply water to serve NXP’s manufacturing facility, and NXP and the City desire to enter into an agreement to address the conditions, terms, restrictions, and requirements for the construction, financing, operation, and maintenance of a replacement well to serve the NXP property, as authorized by A.R.S. § 9-500.05.

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

- Section 1. Approving the Development Agreement between the City of Chandler and NXP USA, Inc.
- Section 2. Authorizing the Mayor of the City of Chandler to execute the Development Agreement on behalf of the City of Chandler.
- Section 3. Authorizing the acceptance of the conveyance of a deed and easement(s) dedicated to the City of Chandler by NXP upon completion of the replacement well and final approval of the replacement well by the City of Chandler in accordance with the provisions of the Development Agreement.
- Section 4. Authorizing city staff to perform all acts necessary to give effect to this Resolution and comply with the terms of the Development Agreement.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of September, 2023.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5738 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of September, 2023 and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

