

RESOLUTION NO. 5753

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, APPROVING AMENDMENT NO. 2 TO THE NEW RIVER AND AGUA FRIA UNDERGROUND STORAGE PROJECT INTERGOVERNMENTAL AGREEMENT; AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT AND ALL RELATED DOCUMENTS ON BEHALF OF THE CITY OF CHANDLER.

WHEREAS, the New River and Agua Fria Underground Storage Project Intergovernmental Agreement Among Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and the municipal corporations of Avondale, Chandler, Peoria and Glendale for construction, maintenance, operation and rights in the New River and Agua Fria River Underground Storage Project ("NAUSP") became effective on August 4, 2004 (the "IGA"); and

WHEREAS, Amendment No. 1 to the IGA, effective July 23, 2008, was executed to reflect the previous addition of Peoria as a participant and make other administrative changes; and

WHEREAS, effective June 30, 2023, the City of Chandler sold a portion of its Storage Capacity in the NAUSP, constituting approximately 18% of the total NAUSP Storage Capacity, to the City of Avondale subject to a lease back and other provisions; and

WHEREAS, as a result of the sale, the IGA needs to be amended to reflect the participants' revised storage entitlement amounts.

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

Section 1. Approves Amendment No. 2 to the IGA, in substantially the form attached hereto as Exhibit "A," amending the participants' storage entitlements to reflect Chandler's sale of Storage Capacity to Avondale.

Section 2. Authorizes the Mayor of the City of Chandler, or his designee, to execute Amendment No. 2 to the IGA and all related documents and take such other actions as are necessary or appropriate to carry out the intent of this Resolution.

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

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5753 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2023 and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

DMG

EXHIBIT “A”