

RESOLUTION NO. 2024-2389

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, WAIVING TERM OF LEASE BETWEEN THE CITY AND ARIZONA HEALTHCARE PROPERTIES LLC AND PROVIDING AUTHORIZATION AND DIRECTION TO CITY MANAGER AND STAFF RELATED TO ARIZONA HEALTHCARE PROPERTIES EXERCISE OF ITS RIGHT TO PURCHASE PROPERTY LEASED TO IT BY THE CITY OF GOODYEAR.

WHEREAS, on October 9, 2007, the Mayor and Council of the City of Goodyear adopted Resolution 07-1187 approving a development agreement with Arizona Healthcare Properties, LLC, an Arizona limited liability company ("AHP") related to the development of approximately 25 acres located east of 143rd Avenue and north of Filmore Road; and

WHEREAS, are and operation of a cancer treatment hospital and outpatient oncology center by the Cancer Treatment Centers of America (the "CTCA Facility"); and

WHEREAS, on January 15, 2008 and pursuant to the terms of the development agreement, as a means of providing certain tax incentives to AHP, the property upon which the CTCA Facility was to be developed and all improvements thereon, was conveyed to the city by special warranty deed recorded in the Official Records of the Maricopa County Recorder as document 2008 0109786 (the "Property"), and on February 5, 2008, the city and AHP entered into a lease (the "Lease") pursuant to which the city leased the Property to AHP for a nominal rate thereby subjecting the CTCA Facility and the Property to a Government Property Lease Excise Tax ("GPLET") rather than to property taxes; and

WHEREAS, a Memorandum of Lease providing record notice of the Lease was recorded in the Official Records of the Maricopa County Recorder as document 2008-109787; and

WHEREAS, under the terms of the lease between the AHP and the city, AHP has the right to purchase the Property conveyed to the city, subject to the terms set forth in the lease agreement, which included, among other things, requirements related to the timing of the written notice of its election to purchase the property; and

WHEREAS, AHP submitted a request to exercise its right to purchase the Property conveyed to the City and has requested that the conveyance of the Property to AHP be completed before the end of February; and

WHEREAS, although AHP's request did not comply with the requirements related to the notice requirements for the exercise of the purchase option, staff is able to accommodate AHP's schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the City of Goodyear hereby waive the requirement in section 12.1 of the lease between AHP and the City that AHP provide the city with a minimum of six (6) months written notice of its election to purchase the property.

SECTION 2. The city manager is hereby authorized and directed to take all actions and to execute all documents prepared by and/or approved by the City Attorney or his designee required to complete AHP's purchase of the Property pursuant to the terms of the Lease.

SECTION 3. The city manager and city staff are hereby authorized and directed to take all actions necessary to carry out the intent of this Resolution and the Lease.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney