

RESOLUTION NO. 2020-2037

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING A LETTER OF INTENT SETTING FORTH THE TERMS FOR THE CONVEYANCE OF THE ORIGINAL FIRE STATION PROPERTY TO THE UNITED GOODYEAR FIREFIGHTERS CHARITIES; AUTHORIZING AND DIRECTING THE PREPARATION AND EXECUTION OF A CONVEYANCE AGREEMENT CONSISTENT WITH THE TERMS OF THE LETTER OF INTENT APPROVED HEREIN; PROVIDING AUTHORIZATION AND DIRECTION FOR FUTURE ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city currently owns property located on the east side of Litchfield Road north of the intersection of Litchfield Road and Western Avenue, which formerly housed public safety facilities, including the Old Squad Room, Original Fire Station Property, and Old City Hall (commonly referred to as the Western Avenue Properties); and

WHEREAS, although the Western Avenue Properties are all unoccupied, there are on-going costs associated with city's continued ownership of the properties; and

WHEREAS, during the May 20, 2019 Work Session, after hearing staff's presentation of options for the Western Avenue Properties, directions were given to dispose of these structures, with the goal of having the Original Fire Station Property conveyed to a non-profit, to be operated as a fire museum and the other two buildings to be sold as a combined unit.

WHEREAS, in furtherance of Council's direction, city staff hired a professional engineer to prepare a minor land division, which will need to be recorded to create a separate lot for the portion of the Western Avenue Properties upon which the Original Fire Station is located; and

WHEREAS the Minor Land Division of the Properties on Pico Drive (the "Minor Land Division") was approved by Council on February 10, 2020, and when recorded will create two lots from the site of the Western Avenue Properties, Lot 2 upon which the Original Fire Station is Located (the "Fire Station Property") and Lot 1, upon which the other two buildings are located; and

WHEREAS, before the Minor Land Division can be recorded, work needed to separate the structure on Lots 1 and 2 of the Minor Land Division needs to be completed; and

WHEREAS, once the separation work has been completed, the Minor Land Division can be recorded and the Fire Station Property conveyed and the remaining structures marketed; and

WHEREAS, staff prepared a Letter of Intent ("LOI"), a copy of which is attached hereto as Exhibit "1," which sets forth the terms for a conveyance agreement pursuant to which the City will convey the Fire Station Property to The United Goodyear Firefighters Charities, an Arizona non-profit corporation ("UGFC") for use as a firefighters' museum and for hosting community events and programs; and

WHEREAS, the terms of the conveyance agreement that will be prepared and executed to finalize the conveyance of the Fire Station Property to the UGFC pursuant to the terms of the LOI are intended to ensure that the Fire Station Property is used for its intended purposes; and

WHEREAS, the conveyance agreement that will be prepared and executed pursuant to the terms of the LOI require that the special warranty deed conveying the Fire Station Property include various covenants and restrictions, which if breached, grants the City the right to retake ownership of the property unless the city is paid the fair market value of the property as determined at the time of the breach;

WHEREAS, the covenants and restrictions in the special warranty deed impose use restrictions and operational requirements; prohibit the transfer of the Property to any other person or entity; prohibit the Property from being mortgaged or liened without the City's written consent; and require that the museum be open within two years of the date of conveyance; and

WHEREAS, the LOI requires that the conveyance agreement and the special warranty deed conveying the Fire Station Property to UGFC include a reservation allowing the City to remove the time capsule from the Fire Station Property and to hold a celebration on the Fire Station Property commemorate the removal of the time capsule.

WHEREAS, the covenants in the special warranty deed will expire twenty-five (25) years after the date of conveyance.

WHEREAS, the form of the special warranty deed that is to be used to convey the Fire Station Property is attached to the LOI.

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 hereby approve and adopt the foregoing recitals and find that the conveyance of the Fire Station Property pursuant to the terms of the Letter of Intent, including the exhibits attached thereto ("LOI"), a copy of which is attached hereto as Exhibit "1" and incorporated herein by this reference, is in the best interests of the City of Goodyear.

SECTION 2. The Mayor and Council hereby approve the LOI, a copy of which is attached hereto as Exhibit "1" and incorporated herein by this reference, setting forth the terms for the conveyance agreement for the conveyance of the Fire Station Property to The United Goodyear Firefighters Charities, an Arizona non-profit corporation.

SECTION 3. The Mayor and Council hereby authorize and direct the City Attorney or her designee to prepare a Conveyance Agreement consistent with the terms of the LOI approved herein.

SECTION 4. The Mayor and Council hereby authorize and direct the City Manager or her designee to execute the Conveyance Agreement prepared by the City Attorney or her designee only after the infrastructure improvements required to separate certain improvements on Lots 1 and 2 of the Minor Land Division of Properties on Pico Drive have been completed and the Minor Land Division of Properties on Pico Drive has been recorded.

SECTION 4. The Mayor and Council hereby authorize and direct the City Manager or her designee to take all actions and execute all documents necessary to carry out the terms of the LOI, the Conveyance Agreement executed pursuant to this Resolution and the terms of this Resolution.

SECTION 5. This Resolution shall become effective upon its adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 2020-2037 is a true, correct and accurate copy of Resolution No. 2020-2037, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk