

ORDINANCE NO. 02011-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING A SECOND AMENDMENT TO THE YUMA RIVERFRONT DEVELOPMENT FIRST PHASE LAND AND IMPROVEMENTS LEASE BETWEEN THE CITY OF YUMA AND CLARK-LANKFORD, L.L.C. FOR CERTAIN PARCELS OF REAL PROPERTY, HEREINAFTER DESCRIBED

WHEREAS, on November 17, 2004 the City of Yuma (City) and Clark-Lankford, LLC (Developer) entered into the *Yuma Riverfront Master and First Phase Development and Disposition Agreement (DDA)*, which includes specific contemplation of the long-term lease of lands and improvements to the Developer for mixed-use construction; and,

WHEREAS, on June 29, 2005 the City and Developer entered into the *Yuma Riverfront Development Land and Improvements Lease (Land and Improvements Lease)*; and,

WHEREAS, the City and Developer have further amended and restated the DDA and amended certain provisions of the Land and Improvements Lease; and

WHEREAS, certain provisions of the original Land and Improvements Lease no longer match the provisions of the DDA; and,

WHEREAS, the City and Developer desire to amend the original Land and Improvements Lease to conform to those amended sections of the DDA.

NOW THEREFORE, BE IT ORDAINED BY the City Council of the City of Yuma as follows:

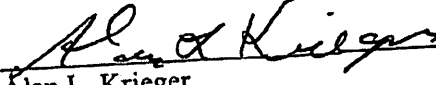
SECTION 1: That it is in the public interest of the City and would be a public benefit to amend the *Yuma Riverfront Development Land and Improvements Lease* to conform to the *Yuma Riverfront Master and First Phase Development and Disposition Agreement*, as amended and restated and subsequently amended.

SECTION 2: That on behalf of the City of Yuma, the City Administrator is hereby authorized and directed to execute the *Second Amendment to the Yuma Riverfront Development First Phase Land and Improvements Lease*, and any and all other sub-agreements and exhibits thereto, attached as Exhibit 1 and by this reference made a part hereof.

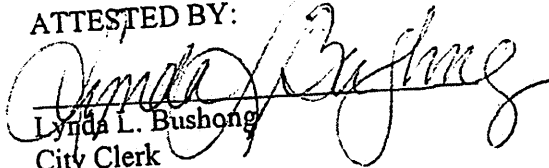
SECTION 3: That the City Administrator is hereby authorized to enter into or vacate utility easements necessary to serve the needs of the development agreed to in the *Yuma Riverfront Master and First Phase Development and Disposition Agreement*, as amended and restated and subsequently amended.

Adopted this 18th day of May, 2011

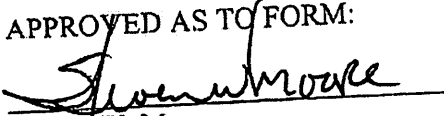
APPROVED BY:


Alan L. Krieger
Mayor

ATTESTED BY:


Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:


Steven W. Moore
City Attorney