

**RESOLUTION 37-2009**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE LEASE AGREEMENT BETWEEN THE BENSON UNIFIED SCHOOL DISTRICT #9 (THE "DISTRICT") AND THE CITY OF BENSON FOR THE PROPERTY LOCATED AT 197 E. 7TH STREET FOR THE PURPOSE OF OPERATING A CHARTER HIGH SCHOOL PROGRAM

WHEREAS, on November 24, 2008, the City of Benson and the District entered into a Lease Agreement for the lease of that portion of real property located at 197 E. 7<sup>th</sup> Street, Benson, Cochise County, Arizona (the "Agreement"); and

WHEREAS, the Agreement may be renewed for a one-year successive term by resolution of the governing body of each party and notice to the office in which the original agreement was filed; and

WHEREAS, Amendment No. 1 to the Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, provides the terms and conditions upon which the City of Benson and the District agree to renew the Agreement for a subsequent one year period; and

WHEREAS, the City of Benson and the District desire to avail themselves of all provisions of law applicable to the Agreement and desire to jointly exercise their powers as provided for in A.R.S. § 11-951 *et seq.*; and

WHEREAS, the Mayor and Council of the City of Benson have reviewed the terms and conditions of Amendment No. 1 to the Agreement and have determined that entering into it is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Benson, that the City hereby approves Amendment No. 1 to the Lease Agreement between the City of Benson and the Benson Unified School District #9, attached hereto as Exhibit "A", and the Mayor is hereby directed to execute said Agreement on behalf of the City of Benson.

BE IT FURTHER RESOLVED that the staff of the City is hereby directed to take all actions necessary and proper to implement Amendment No. 1 to the Lease Agreement and further its purposes.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, this 11th day of May, 2009.



MARK M. FENN, Mayor

ATTEST:



VICKI L. VIVIAN, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney

Exhibit "A"  
Amendment No. 1 to the Lease Agreement