

Staff Summary Report



Council Meeting Date: October 2, 2008

Agenda Item Number: 18

SUBJECT: Request approval of the second addendum to the Childsplay - Mitchell School Development and Disposition Agreement adding a section regarding signage.

DOCUMENT NAME: 20081002cdcm03 COMMUNITY DEVELOPMENT ADMIN.
(0406)

SUPPORTING DOCS: Yes

COMMENTS: Request approval of the second addendum to the Childsplay – Mitchell School Development Agreement adding a section regarding signage.

PREPARED BY: Chris Messer, Principal Planner (350-8562)

REVIEWED BY: Chris Salomone, Community Development Manager (350-8294)

LEGAL REVIEW BY: Cynthia McCoy, Assistant City Attorney (350-2187)

FISCAL NOTE: N/A

RECOMMENDATION: Approval of the second addendum as presented.

ADDITIONAL INFO: Childsplay is located in the former Mitchell School which is in a single family zoning district. The district's sign regulations are geared more toward single family homes or subdivisions and do not meet the needs of Childsplay. The signage being proposed is of an appropriate scale for this site and building and is not internally illuminated. Staff believes that the proposed signage is appropriate for the buildings, site, and use.

When recorded, return to:
City of Tempe Basket

**SECOND ADDENDUM TO
DEVELOPMENT AND DISPOSITION AGREEMENT**
(C2006-60)

THIS SECOND ADDENDUM TO DEVELOPMENT AND DISPOSITION AGREEMENT ("Agreement") is made as of the ____ day of September, 2008, by and between THE CITY OF TEMPE, an Arizona municipal corporation ("City"), and Childsplay, Inc., an Arizona non-profit corporation ("Childsplay").

RECITALS

A. City and Childsplay are parties to that certain Development and Disposition Agreement dated as of March 2, 2006 (C2006-60), as amended by a First Addendum dated October 5, 2006 (C2006-60a) (the "Development Agreement").

B. City and Childsplay desire to further amend the Development Agreement in certain respects as more fully set forth below.

A G R E E M E N T:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties hereby agree as follows:

Definitions. Capitalized terms used herein without definition shall have the meanings given such terms in the Development Agreement, except where the context clearly indicates otherwise.

2. **Amendment.** The Development Agreement is hereby amended by adding a new Section 2.7 as follows:

2.7 **Signage.** City and Childsplay acknowledge the distinctive characteristic of the Property and the change in the nature of its use from a public school to a campus for the creation of imaginative theatrical productions. As a result, City and Childsplay agree that appropriate signage is an integral and important part of the development of the Property. Therefore, City agrees that Childsplay may erect and maintain artistic display panels, at the locations and with the graphic styling identified on the attached Exhibit 1. To the extent Childsplay desires to change the design or location of the artistic display panels,

the City Architect or his designee is hereby authorized to approve the final location and design thereof. A Sign Permit shall be obtained, from the Development Services Department, prior to the installation of the panels.

3. General Provisions.

3.1 Binding Effect. This Second Addendum shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs and assigns. Except as amended hereby, the Development Agreement shall remain in full force and effect.

3.2 Counterparts. This Second Addendum may be executed in any number of counterparts, each of which, when executed and delivered, shall be an original, but all of which shall together constitute one and the same instrument.

3.3 Construction. This Second Addendum is intended to express the mutual intent of the parties hereto and thereto, and irrespective of the party preparing any document, no rule of strict construction shall be applied against any party.

3.4 Modification and Waiver. No provision of this Second Addendum shall be amended, waived or modified except by an instrument in writing signed by the parties hereto.

3.5 Schedules and Exhibits. All schedules and exhibits attached hereto are incorporated herein by this reference as though fully set forth herein.

{Signature Page Follows}

IN WITNESS WHEREOF, the undersigned have caused this Second Addendum to Development and Disposition Agreement to be executed as of the day and year first set forth above.

"Childsplay"

Childsplay Inc. an Arizona
Nonprofit corporation

By: _____

Its: _____

"City"

City of Tempe, an Arizona
municipal corporation

By: _____

Hugh L. Hallman, Mayor

ATTEST:

City Clerk

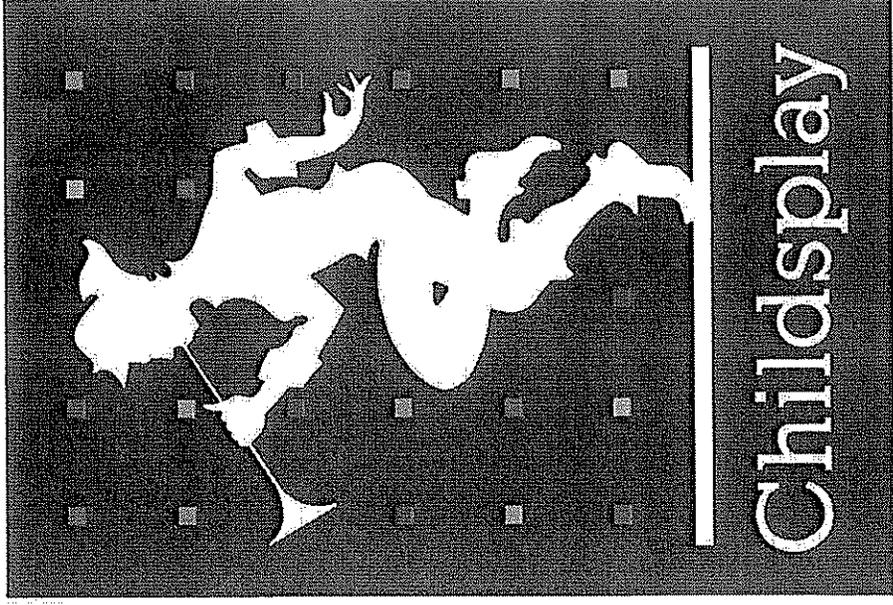
APPROVED AS TO FORM:

By _____

Andrew B. Ching
City Attorney

Exhibit 1

The signage plan is on file with the City Clerk reference the August 26, 2008 letter from Steve Martin to Charlie Meyer.



Campus for Imagination and Wonder
Tempe, AZ

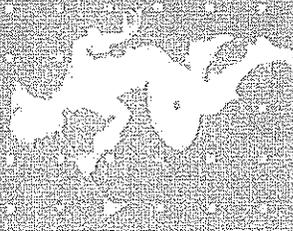
Signage Plan

Signage Plan

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Chilaspalay

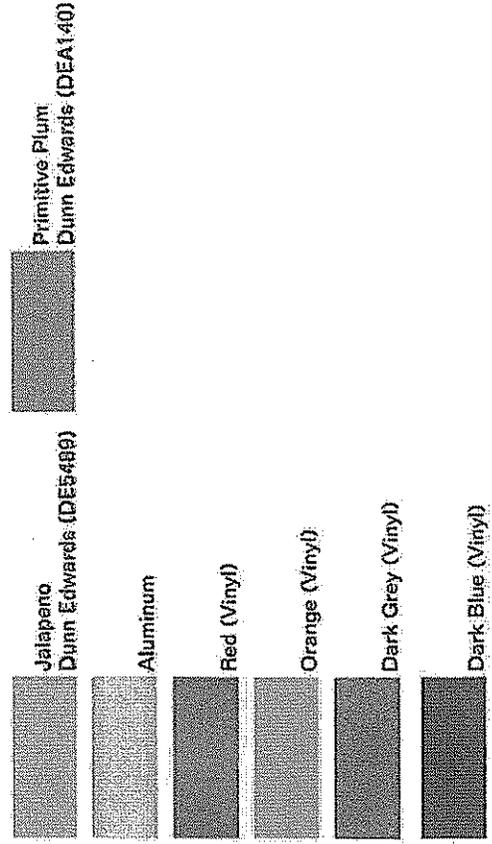
Introduction

Childsplay, Arizona's Award Winning Professional Theater for young audiences and families has been located in Tempe Arizona since 1977. Their new "Campus for Imagination and Wonder" occupies the old Mitchell Elementary School building. This new campus includes 4 beautiful state-of-the-art classrooms, rehearsal rooms and a Black Box Theater.

Childsplay is funded primarily through major donations.

The purpose of this Comprehensive Sign Program is to insure the quality production of signage and develop design guidelines to compliment the overall architectural character of the campus and surrounding neighborhoods.

Project Colors



Project Fonts

Folio Md BT:
ABCDEFGHIJKLMN O PQRSTU VWXYZ
abcdefghijklmnoprstuvwxyz
1234567890

Century Gothic:
ABCDEFGHIJKLMN O PQRSTU VWXYZ
abcdefghijklmnoprstuvwxyz
1234567890

Stymie Md BT:
ABCDEFGHIJKLMN O PQRSTU VWXYZ
abcdefghijklmnoprstuvwxyz
1234567890



1205 North Miller Road
Tempe, Arizona 85281
480.966.6565
480.966.5668
signs@airparksigns.com

DWG: 08-21-08

Childsplay

Sign Plate
Image 32

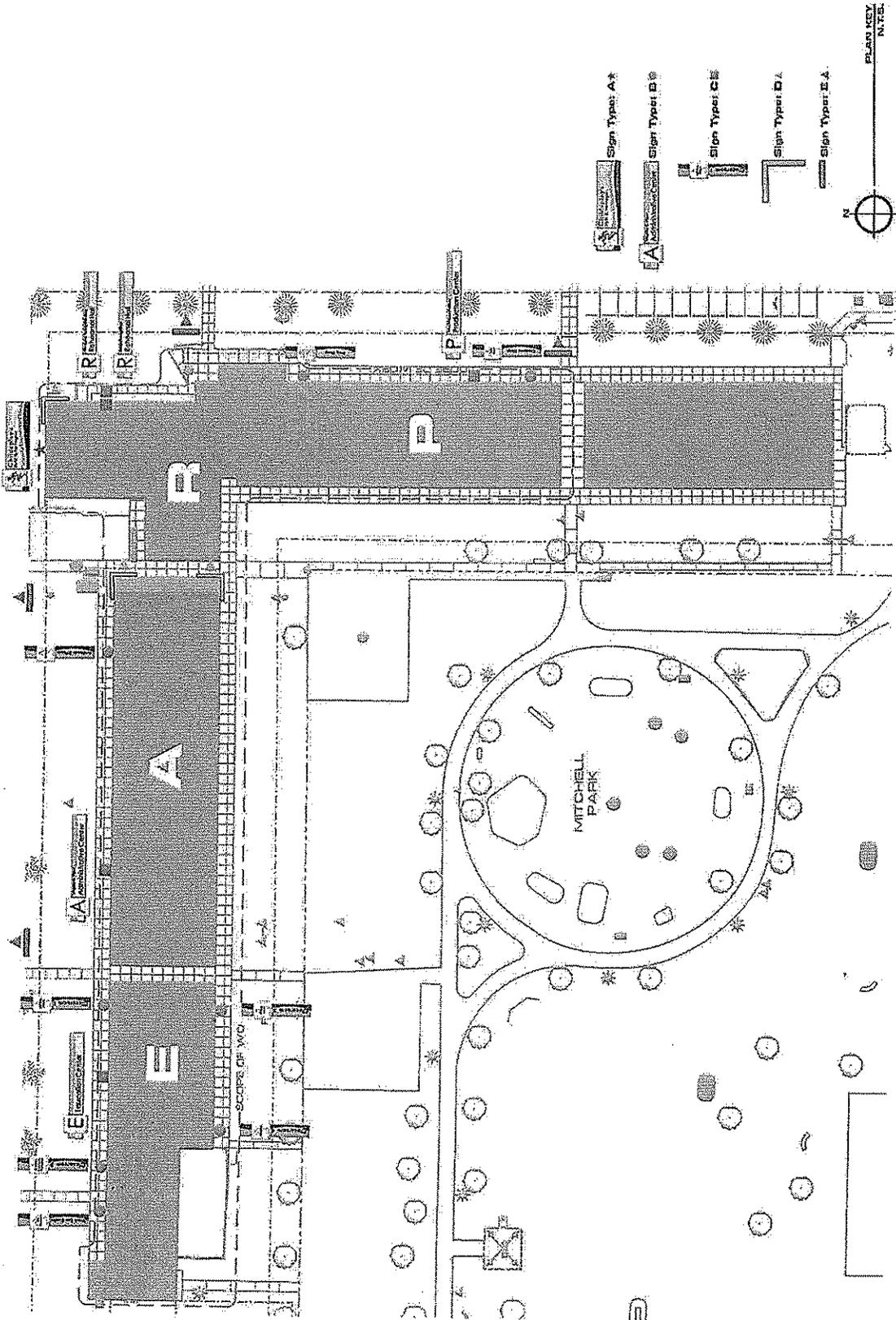


Notes: Campus sign locations

Scale: Not To Scale

Revisions

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1705 North Miller Road
 Tempe, Arizona 85281
 480.766.6565
 480.766.5688(f)
 signs@airpark.com

DH | JOB | 08-22-07

Childsplay
 Building Mounted Directional

Tempe, AZ

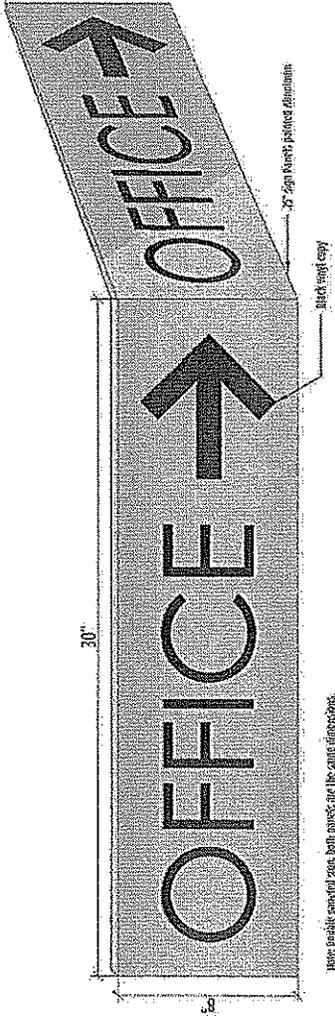


Notes

Scales: N/A

Revisitors: None

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Sign Type: D

