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**CITY OF TEMPE**  
**REQUEST FOR COUNCIL ACTION****Council Meeting Date: 01/08/2015**  
**Agenda Item: 6C4**

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**ACTION:** Hold the second and final public hearing to adopt an ordinance authorizing the granting of an avigation and noise easement to the benefit of the City of Phoenix to secure the removal of a no residential use restriction on City-owned land located on the north bank of Tempe Town Lake, and authorizing the execution of an easement agreement memorializing such easement. The land is known as Lot 3A of Playa del Norte. (Ordinance No. O2015.01)

**FISCAL IMPACT:** The removal of the no residential use restriction does not affect the terms of existing agreements.

**RECOMMENDATION:** Adopt Ordinance No. O2015.01.

**BACKGROUND INFORMATION:** In May of 1997 the Bureau of Land Management (BLM) conveyed to City, via Patent Number 02-97-0005 (the "Patent"), approximately 366 acres of land (the "Lands"). The Patent contained a "no residential use" restriction on the Lands based on a 1994 Intergovernmental Agreement (IGA) with the City of Phoenix covering noise abatement and the Lands' proximity to the 1992, 65 DNL noise contour.

In 2011, the City asked the BLM to remove the restrictions on Lot 3A of Playa del Norte—a small portion of land located on the north bank of Tempe Town Lake and east of the Scottsdale Road Bridge. Based on the IGA, the BLM has requested authorization from the City of Phoenix prior to releasing the restrictions on Lot3A.

Phoenix Sky Harbor International Airport (Airport) is in the process of updating their Noise Exposure Maps (NEMs) and the updated maps indicate a reduction in the current (2013) and the forecasted (2018) noise contours at the Airport. Based on these reductions, the City, Airport and BLM have agreed to the terms by which the restrictions will be lifted on Lot 3A of Playa del Norte, as shown in the plat recorded in Book 685 of Maps, Page 32, Official Records of Maricopa County Recorder. These terms include the signing a letter agreement and recording an Avigation and Noise Easement.

The Avigation and Noise Easement permits the imposition of light, smoke, air currents, electronic and other emissions, vibrations, discomfort, inconvenience, and interference with the use and quiet enjoyment of Lot 3A caused by Airport Operations (as defined in the easement).

**ATTACHMENTS:** Ordinance, Avigation and Noise Easement

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