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**CITY OF TEMPE  
REQUEST FOR COUNCIL ACTION****Council Meeting Date: 12/17/2015  
Agenda Item: 6C5**

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**ACTION:** Hold the second and final public hearing to adopt a resolution to authorize the Mayor to execute the settlement agreement and all related documents between the City of Tempe and Tempe Investors, LLC, regarding the matter of *Tempe Investors, LLC, v. City of Tempe*. (Resolution No. R2015.127)

**FISCAL IMPACT:** No fiscal impact to the City.

**RECOMMENDATION:** Authorize the execution of the settlement agreement and all related documents in accordance with its terms to resolve the *Tempe Investors, LLC v. City of Tempe*, matter.

**BACKGROUND INFORMATION:** This matter involves allegations regarding existing zoning and approvals, and whether such allowed the Plaintiff's to construct a proposed development on a portion of the subject property at 1030 East Baseline Road, in Tempe, Arizona. After initiating litigation of the case and meeting on numerous occasions with residents and community members, the parties have negotiated a proposal to settle the suit. Under the terms of the proposed settlement, the City of Tempe would secure a release of liability and all claims against the City related to this matter would be resolved. (Superior Court No. CV2014-013173).

Public notice has been provided per the Zoning and Development Code for applications for zoning amendments. The first public hearing on this matter was held on December 3, 2015.

**ATTACHMENTS:** Resolution No. R2015.127, Settlement Agreement, and public comment.

**STAFF CONTACT(S):** Judi Baumann, City Attorney

Department Director: Judi Baumann, City Attorney  
Legal Review: Chuck Cahoy, Deputy City Attorney  
Prepared by: Judi Baumann, City Attorney