



---

**CITY OF TEMPE**  
**REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 08/18/2016**  
**Agenda Item: 5C6**

---

**ACTION:** Adopt a resolution to authorize the Mayor to execute an amendment to the settlement agreement between the City of Tempe, et. al and Tempe Investors, LLC, et al., regarding the matter of *Tempe Investors, LLC, v. City of Tempe*. (Resolution No. R2016.84)

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

**RECOMMENDATION:** Adopt Resolution No. R2016.84.

**BACKGROUND INFORMATION:** This matter involves development of a portion of the subject property at 1030 East Baseline Road, in Tempe, Arizona, which was previously the subject of litigation. The parties entered into a settlement agreement on December 17, 2015, resolving that litigation. The settlement agreement included a number of details regarding the development of the subject property. The developer is now pursuing development of the commercial parcel of the property and has requested to be allowed parking areas along the "Paseo" (the main connective drive through the property), which is contrary to a term in the settlement agreement. This amendment to the settlement agreement would allow for those parking spaces. A related item to this request is the development project that is before the City Council on the August 18, 2016 meeting, for development plan review of Lake Country Village Phase IV, the redevelopment of the remaining commercial frontage along Baseline Road. The amendment to the settlement agreement would allow the City Council to approve the development project in a manner consistent with the settlement agreement.

**ATTACHMENTS:** Resolution and 1<sup>st</sup> Amended Settlement Agreement

**STAFF CONTACT(S):** Judi Baumann, City Attorney, (480) 350-8779

Department Director: Judi Baumann, City Attorney  
Legal Review: Chuck Cahoy, Deputy City Attorney  
Prepared by: Ryan Levesque, Deputy Community Development Director