

**RESOLUTION NO. R2016.84**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO SETTLEMENT AGREEMENT AND RELEASE BY AND AMONG THE CITY OF TEMPE, ARIZONA, CITY OFFICIALS, COUNCIL MEMBERS AND FORMER COUNCIL MEMBERS, TEMPE INVESTORS, LLC, AND LCV PROPERTY INC.**

WHEREAS, City previously entered that certain Settlement Agreement and Release, dated December 17, 2015, (“Original Settlement Agreement”) which resolved a civil action in the Arizona Superior Court in and for the County of Maricopa by Tempe Investors, LLC (“Tempe Investors”) and LCV Property Inc. (“LCV”) against the City and various City Councilmembers and City officials (*Tempe Investors, LLC, et al. v. City of Tempe, et al.*, Case No. CV2014-013173) (all parties to the Original Settlement Agreement collectively referred to as the “Parties”); and

WHEREAS, under the Original Settlement Agreement, the Parties agreed to certain terms specifying the manner of development of certain improved real property, commonly known as Lake Country Village, located in the vicinity of the intersection of East Baseline Road and Lakeshore Drive in Tempe, Arizona, and more particularly described by the legal description in Section 1 of Tempe City Ordinance No. 2010.08 (“Property”);

WHEREAS, the Parties desire to amend the Original Settlement Agreement to further refine the commercial development of the Property

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1: That the Mayor is authorized to execute the First Amendment to Settlement Agreement and Release by and among the City of Tempe, Arizona, City officials, Council members and former Council members David Nakagawara, Mark Mitchell, Onnie Shekerjian, Robin Arredondo-Savage, Shana Ellis, Kolby Granville, Joel Navarro, and Corey Woods, Tempe Investors, LLC, and LCV Property Inc., and any other documents referenced therein, substantially in the forms of such documents on file with the City Clerk’s Office, and to take such further actions and execute such additional documents as are necessary to implement the intent of this First Amendment to Settlement Agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,  
ARIZONA, this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mark W. Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

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Judith R. Baumann, City Attorney