



**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION**

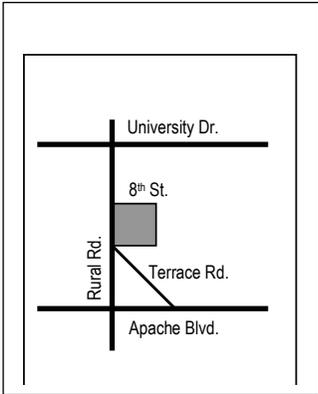
**Council Meeting Date: 3/21/2013
Agenda Item: 5E4**

ACTION: Adopt a resolution authorizing the City Manager to execute documents to proceed with the property exchange with Salt River Project and Golub Company to facilitate the relocation of a portion of the Kirkland McKinney Ditch for the benefit of the development at 855 South Rural Road. (Resolution No. 2013.28)

FISCAL IMPACT: The Developer will pay all costs associated with the relocation of the canal per the Development and Disposition Agreement.

RECOMMENDATION: Adopt Resolution No. 2013.28.

BACKGROUND INFORMATION: On June 30, 2011 the City of Tempe entered into a Development and Disposition Agreement (DDA) (C2011-72) with Golub Company for the development of land on the south east corner of 8th Street and Rural road. The DDA contemplated the relocation of the Kirkland McKinney Ditch from its current location into the 8th Street right-of-way. The agreement also contemplated the sale of City land on or before September 1, 2012. On August 9, 2012 the City Council approved Resolution No. 2012.102 authorizing the City Manager to extend the closing for 12 months. That resolution also determined that the conveyance of City property to SRP and other work on the canal relocation should be deferred. The conveyance documents between the City and SRP, pursuant to which City will convey the 8th Street right of way to SRP, SRP will grant the City a license for roadway purposes, and SRP will convey the land on which the canal was situated directly to the developer, were approved last summer. The Manager desires to be able to deliver the approved documents and otherwise proceed with the exchange when requested by the developer, and seeks Council authorization to do so in accordance with Section 3.8 of the DDA.



ATTACHMENTS: Resolution

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