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JUN 13 2013

MEMO TO: Mayor and City Council  
THRU: Mary Wade, City Attorney *mw*  
FROM: Glenn A. Brockman, Assistant City Attorney *GAB*  
SUBJECT: Release and Cancellation of Development Agreement  
DATE: June 4, 2013

**RECOMMENDATION:** Legal staff recommends that Council authorize the full release and cancellation of a development agreement previously entered into with Venice & Main, LLC, dated November 16, 2006, and recorded on November 17, 2006, as Instrument No. 2006-1509262.

**BACKGROUND/DISCUSSION:** This development agreement encumbers the title of certain private, commercial property at the northeast corner of Chandler Boulevard and McClintock Drive. The development agreement was executed in conjunction with action taken by Council in November 2006 to grant a three-year extension of the existing PAD zoning and existing PDP, which allowed for a development of hotel and related commercial center collectively known as "Candlewood Center." Under the agreement, the developer agreed to comply with the City's Late Hour Business Compatibility Policy and to dedicate roadway so as conform with the City's current Transportation Plan, even though both the Policy and the Transportation Plan requirements were established *after* the original PAD zoning and PDP approval for the site and, therefore, would not have been binding on the property.

In 2009, ownership of the site changed. The new owner submitted and obtained approval for a new PDP. As a result, the matters covered under the development agreement with the previous owner are no longer at issue. The new owner's lender has requested that the City release the development agreement as an encumbrance on the property. Since the matters addressed in the development agreement are no longer an issue on the property, legal staff recommends that the development agreement be released. Planning is in agreement with the release of the development agreement.

**FINANCIAL IMPLICATIONS:** None.

**PROPOSED MOTION:** Move to authorize the full release and cancellation of a development agreement previously entered into with Venice & Main, LLC, dated November 16, 2006, and recorded on November 17, 2006.