

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

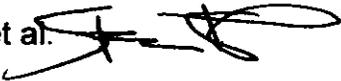
CC: HC  
Amend No. \_\_\_\_\_

Date Prepared: February 10, 2009      Council Meeting Date: February 17, 2009

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**TO:**            Honorable Mayor and Council

**FROM:**        Steve Kemp, City Attorney

**SUBJECT:**    City of Peoria v. Beardsley Outer Loop, LLC, et al. 

**RECOMMENDATION:** That the Mayor and Council approve the settlement of City of Peoria v. Beardsley Outer Loop, LLC

**SUMMARY:**

In 2009, the City instituted legal proceedings for acquisition of certain real property for the Beardsley Road Extension Project. The City used its power of eminent domain to acquire real property for this public project from Beardsley Outer Loop, LLC, and PDS Realty Company, LLC.. Under the eminent domain laws, the City is required to pay just compensation to the owners of the property based on its highest and best use.

The value is determined either through a trial or by negotiation with the owner and their representative(s). The overwhelming majority of cases are settled through negotiation. The City has mediated with the property owners in this case and has now reached a settlement providing for the City to acquire property from both owners for a total sum of \$1,650,000.00 as set forth in a memorandum of settlement terms attached at Attachment 1. The property consists of several parcels acquired in fee and/or easement, which areas are described at Attachment 2. Also included is an additional easement that the property owners have agreed to grant as a part of the settlement attached at Attachment 3.

This is an approved capital project. Funding for the settlement of the property acquisition is for the Beardsley Road Connector Project, Project #P-0702, County Transportation Tax Structure System, Acct. #4550-4550-540000-CIPST-PW00152.

**ATTACHMENT:**

- 1. Proposed Settlement Terms
- 2. Maps
- 3. Map of Additional Easement

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**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business
- Public Hearing: No Action Taken

ORD. # \_\_\_\_\_ RES. # \_\_\_\_\_  
LCON# 01309 LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

**SUPPORTING DOCUMENTATION  
PERTAINING TO THIS  
AGENDA ITEM IS ON FILE IN THE  
OFFICE OF THE CITY CLERK**