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JAN 27 2011

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MEMORANDUM

Real Estate Council Memo No. RE11-108

DATE: JANUARY 27, 2011

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, ACTING CITY MANAGER *RD*
MARK EYNATTEN, COMMUNITY SERVICES DIRECTOR *ME*
SHEINA HUGHES, CITY ENGINEER *wAF, acting*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *wAF for STB*

SUBJECT: RESOLUTION NO. 4490 AUTHORIZING AND APPROVING THE ACQUISITION OF REAL PROPERTY NEEDED FOR AND IN CONNECTION WITH THE SHAWNEE PARK IMPROVEMENT PROJECT, AUTHORIZING AND APPROVING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

RECOMMENDATION: Staff recommends that Council pass and adopt Resolution No. 4490 authorizing and approving the acquisition of real property needed for and in connection with the Shawnee Park Improvement Project; authorizing and approving condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

BACKGROUND/DISCUSSION: The Chandler City Council authorized the Shawnee Park Improvement Construction Contract at its December 9, 2010 meeting. Research into the ownership of Shawnee Park has determined that a portion of the property used for retention purposes and maintained by the City is owned by a trust company that is no longer in business. Additionally, taxes have not been paid on the property since 2004 resulting in a potential tax foreclosure sale. The parcel in question is approximately .44 acres and is identified as Tract "A" on a Plat for College Park 12 recorded in February of 1976 as a "Permanent Storm Water Retention Basin". In April of 1976 title to Tract "A" and other parcels was transferred to Sutter Trust Company. Efforts by Staff to contact the trust company have been unsuccessful. Delinquent taxes total approximately \$5,400 plus interest accruing monthly.

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Subject to City Council approval, this Resolution authorizes acquisition of the real property at fair market value either by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law.

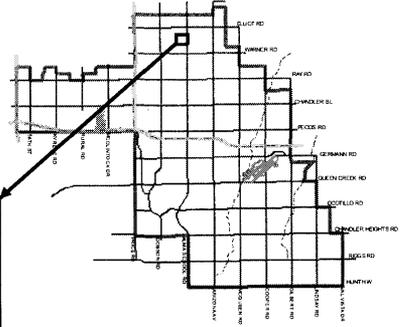
FINANCIAL IMPLICATIONS: Funds are provided for in this project to acquire the necessary property rights.

PROPOSED MOTION: Staff recommends that Council pass and adopt Resolution No. 4490 authorizing and approving the acquisition of real property needed for and in connection with the Shawnee Park Improvement Project; authorizing and approving condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

Attachments: Resolution No. 4490
Location/Site Map



AUTHORIZE ACQUISITION AND CONDEMNATION FOR THE SHAWNEE PARK IMPROVEMENT PROJECT



MEMO NO. RE11-108

RESOLUTION NO. 4490



 ACQUISITION/CONDEMNATION
19,076 SQ. FT. (.44 ACRES)



RESOLUTION NO. 4490

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR AND IN CONNECTION WITH THE SHAWNEE PARK IMPROVEMENT PROJECT IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

WHEREAS, the Chandler City Council previously approved the Shawnee Park Improvement project (the "Project"), which is intended for the benefit of the general public; and

WHEREAS, a portion of the park property used for storm water retention must be acquired to complete the project and is necessary for public safety; and

WHEREAS, in order to allow the Project to proceed in accordance with its schedule, the City of Chandler needs to acquire certain real property related to the Project; and

WHEREAS, the City needs to obtain immediate possession of the real property needed for the Project in order to have access and use during the construction period of the Project; and

WHEREAS, the City is authorized by law to acquire, whether by purchase, dedication or condemnation proceedings (eminent domain), such real property as is needed for public purposes; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Maricopa County, Arizona, as follows:

Section 1. It is hereby determined that the acquisition of that certain real property described in Exhibit "A" attached hereto and made a part hereof, is needed for and in connection with the improvement of the Shawnee Park Improvement Project, and the securing of immediate possession of such real property, is necessary for the public purpose improving a storm water retention basin, is for a public and necessary purpose, and is in the best interest of the citizens of the City of Chandler.

Section 2. The City is authorized and directed to purchase said real property for an amount equal to the fair market value of the property as determined by appraisal. Written offers shall be in a form approved by the Chandler City Attorney and each purchase agreement entered into with a property owner shall be individually approved as to form by the Chandler City Attorney prior to being deposited into escrow.

Section 3. Subject to Section 2 above, the City's Real Estate Coordinator, any City real estate officer acting on the Coordinator's behalf, or any retained right-of-way consultant acting at the direction of the Real Estate Coordinator, is authorized to make written offers for said real property and, where accepted, to execute, deliver and deposit into escrow the approved purchase agreement, along with all other documents and instructions necessary to consummate the purchase of said real property.

Section 4. Where any such written offer is not accepted within a reasonable period of time for negotiation, the Chandler City Attorney is hereby authorized and directed to commence condemnation (eminent domain) proceedings to acquire, in the name of the City of Chandler, said real property, including any improvements thereon, and to secure immediate possession of such real property, for the public purpose of installing pedestrian crossing signals at the juncture of the Western Canal and Arizona Avenue, and is further directed to do and to perform all acts necessary in furtherance of the acquisition of title to and immediate possession of said real property.

PASSED AND ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this ____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4490 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2011, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

EXHIBIT "A"

Tract "A", COLLEGE PARK 12, according to Book 182 of Maps, page 30, records of Maricopa County, Arizona.

Maricopa County Assessor's Parcel number 302-25-180

