

#6

JAN 27 2011

CITY OF CHANDLER
CITY CLERK



Chandler • Arizona
Where Values Make The Difference

MEMO TO: Mayor and City Council

THRU: Rich Dlugas, Acting City Manager *RD*
Patrick McDermott, Assistant City Manager *PM*
Mary Wade, City Attorney *MW*

FROM: Glenn A. Brockman, Assistant City Attorney *GAB*

SUBJECT: Introduction and tentative approval of Ordinance No. 4284, authorizing the grant of an amended easement for ingress and egress and parking purposes over city land located immediately east of Santan Technology Park for the purposes of allowing the existing surface parking area to be covered.

DATE: January 14, 2011

RECOMMENDATION: Staff recommends that Council introduce and tentatively approve Ordinance No. 4284.

BACKGROUND/DISCUSSION: In June, 2001, Council approved Ordinance No. 3239, which authorized the grant of an easement for ingress, egress and parking lot purposes over a portion of an approximately 56-acre, undeveloped tract held by the City as a site for a future water reclamation facility. The easement was executed and recorded at the end of 2002. The easement was expressly intended to benefit abutting land owned by a developer, who thereafter subdivided and developed the benefitted property as Santan Technology Park.

The original easement expressly allowed the grantee (developer) to install and maintain improved surface parking, but prohibited the construction of any building or structure. This has become a problem since tenants or owners of units within the subdivision have requested that the surface parking be covered. A subdivision tenant, with the consent of the current owner of the subdivision, has requested that the City allow the surface parking stalls to be covered.

Staff finds the request to be a reasonable one that will help make the commercial development more attractive to current and future tenants and unit owners. Staff has proposed that the current easement be amended to allow for this limited type of structure.

Staff recommends that Council approve Ordinance No. 4284 to allow for the amended easement to be granted.

FINANCIAL IMPLICATIONS: None.

PROPOSED MOTION: Move to introduce and tentatively approve Ordinance No. 4284, authorizing the grant of amended easement for ingress and egress and parking purposes over city land located immediately east of Santan Technology Park for the purposes of allowing the construction of covered parking improvements.



Chandler InfoMap



Legend

- ▲ Address Point
- ^ Street Centerline
- ⌒ Golf Course Hole
- ⌒ Golf Fairway
- ~ Canal
- ✈ Airstrip
- ✈ Rail Road
- ▲ Mile Street
- Freeway
- Mobile Home Pad
- Building
- School Area
- Parcel
- City Parcel
- Subdivision
- Adjacent Municipality
- COUNTY
- GILA RIVER
- GILBERT
- MESA
- PHOENIX
- TEMPE
- Aerial Photo 11/2009

0 475 950 1425 ft.

Map center: 687684, 835680



Scale: 1:4,909

The City of Chandler I.T. Division makes no warranties, written or implied, regarding the information on this map. This map is a user generated static output from the City of Chandler INFOMAP Site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

ORDINANCE NO. 4284

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE GRANT OF AN AMENDED EASEMENT FOR INGRESS AND EGRESS AND PARKING PURPOSES ON CITY LAND LOCATED IMMEDIATELY EAST OF THE SANTAN TECHNOLOGY PARK SUBDIVISION.

WHEREAS, on December 24, 2002, the City of Chandler granted an easement for ingress and egress and parking purposes (the "Original Easement") to Holt Ave., LLC over that portion of city land legally described in Exhibit A, attached hereto and incorporated herein by reference (the "Easement Property"); and

WHEREAS, the Original Easement ran with the Easement Property for the benefit of adjacent land then owned by Holt Ave., LLC, which was later subdivided pursuant to that Amended Plat for "Santan Technology Park First Amended," recorded with the Maricopa County Recorder at Book 993, Page 8; and

WHEREAS, the Original Easement expressly prohibited the construction of any structures on the Easement Property; and

WHEREAS, the City has been requested to grant an amended easement for ingress and egress and parking purposes over the Easement Property (the "Amended Easement") in order to allow the construction of covered parking structures over parking spaces established within the Easement Property;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. The City of Chandler is hereby authorized to execute and grant to SB&W Development-Chandler, LLC, a Nevada limited liability company, the successor in interest to Holt Ave., LLC, the Amended Easement over the Easement Property for the purpose identified above and in substantially the form as shown in Exhibit B, attached hereto and incorporated herein by reference.

Section 2. The easement document shall be approved as to form by the City Attorney and executed for the City by the Mayor of the City of Chandler.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4284 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

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY GAB

EXHIBIT "A" TO ORDINANCE NO. 4284

EASEMENT PROPERTY

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 33;

THENCE NORTH 89 DEGREES 58 MINUTES 45 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 1677.83 FEET TO **THE POINT OF BEGINNING**;

THENCE SOUTH 00 DEGREES 01 MINUTES 15 SECONDS EAST, A DISTANCE OF 160.51 FEET;

THENCE SOUTH 23 DEGREES 51 MINUTES 45 SECONDS WEST, A DISTANCE OF 299.18 FEET;

THENCE NORTH 66 DEGREES 08 MINUTES 15 SECONDS WEST, A DISTANCE OF 65.00 FEET;

THENCE NORTH 23 DEGREES 51 MINUTES 45 SECONDS WEST, A DISTANCE OF 445.94 FEET TO **THE POINT OF BEGINNING**.

EXHIBIT "B" TO ORDINANCE NO. 4284

When recorded, mail to:
City Clerk
City of Chandler
Mail Stop 606
P.O. Box 4008
Chandler, AZ 85244-4008

Portion of 301-86-005L
Section 33 T1S, R4E

This document is exempt from Affidavit and Fee requirements pursuant to A.R.S. §11-1134.A.2.

**AMENDED
EASEMENT FOR INGRESS AND EGRESS AND PARKING PURPOSES**

For and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged,

CITY OF CHANDLER, an Arizona municipal corporation

("Grantor") does hereby grant and convey unto the **SB&W DEVELOPMENT-CHANDLER, LLC, a Nevada limited liability company** ("Grantee"), an Amended Easement for Ingress and Egress and Parking Purposes (this "Amended Easement"), together with the right of installation, maintenance, operation, repair and replacement of said parking, and to maintain and replace roadway and appurtenances as deemed necessary or appropriate by Grantee over, under and across the real property situated in Maricopa County, Arizona and legally described in **Exhibit A-1**, attached hereto and made a part hereof (the "Property").

The Property is also described and depicted in that certain Easement for Ingress and Egress and Parking Purposes that was recorded with the Maricopa County Recorder on December 24, 2002, as Instrument No. 2002-1391182 (the "Original Easement"). The Original Easement was granted by Grantor herein to Holt Ave., LLC, a California limited liability company ("Holt"), the predecessor in interest to Grantee herein, for the benefit of the property owned by Holt immediately adjacent to the Property and now subdivided pursuant to that Amended Plat for "Santan Technology Park First Amended," recorded with the Maricopa County Recorder at Book 993, Page 8.

This Amended Easement is intended to amend the Original Easement and shall be subject to all of the covenants, restrictions and conditions set out in the Original Easement, which are incorporated herein by this reference, except as follows: In addition to the surface parking rights granted under the Original Easement, Grantee may now erect or construct covered parking structures on and over the surface parking areas.

STATE OF _____)
) ss
County of _____)

The foregoing Amended Easement for Ingress and Egress and Parking Purposes was personally acknowledged before me this ____ day of January, 2011, by Christopher W. Warren, the President Fularrow, Inc., a California corporation, as Managing Member of Holt Ave., LLC, a California limited liability company, as Manager of SB&W Development-Chandler, LLC, a Nevada limited liability company, who executed the foregoing instrument, on behalf of the limited liability company, for the purposes therein contained, being authorized to do so.

My Commission Expires:

Notary Public

STATE OF _____)
) ss
County of _____)

The foregoing Amended Easement for Ingress and Egress and Parking Purposes was personally acknowledged before me this ____ day of January, 2011, by Gregory B. Stewart, as the Member of Chandler Partners, LLC, a Nevada limited liability company, as Manager of SB&W Development-Chandler, LLC, a Nevada limited liability company, who executed the foregoing instrument, on behalf of the limited liability company, for the purposes therein contained, being authorized to do so.

My Commission Expires:

Notary Public