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MAR 24 2011



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM REAL ESTATE MEMO NO. RE11-151

DATE: MARCH 24, 2011

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, ACTING CITY MANAGER *RD*
PAT MCDERMOTT, ASSISTANT CITY MANAGER *PM*
R. J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
SHEINA HUGHES, CITY ENGINEER *SH*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: EMERGENCY ORDINANCE NO. 4289 VACATING A PORTION OF THE SOUTH RIGHT-OF-WAY OF QUEEN CREEK ROAD WEST OF ARIZONA AVENUE AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AT ITS PURCHASE COST BASIS OF \$4.53 PER SQUARE FOOT.

RECOMMENDATION: Staff recommends authorizing and approving Emergency Ordinance No. 4289 vacating a portion of the south right-of-way of Queen Creek Road west of Arizona Avenue as described in Exhibit "A" attached hereto at its purchase cost basis of \$4.53 per square foot.

BACKGROUND/DISCUSSION: The City of Chandler entered into an Intergovernmental Agreement ("IGA") with Maricopa County in September of 2000 to improve Queen Creek Road from just west of Arizona Avenue to just east of McQueen Road. Pursuant to the terms of the IGA the County acquired an eighty (80) foot wide strip on both the north and south sides of the Queen Creek Road center line for right-of-way for the project. Under the IGA the City reimbursed the County for the right-of-way acquisitions.

On May 11, 2005 the Final Plat for Dobson Crossing located at the southwest corner of Arizona Avenue and Queen Creek Road was recorded dedicating a seventy-one (71) foot wide portion of right-of-way and an eight (8) foot wide Public Utility Easement. This dedication was in error as it was within existing right-of-way acquired under the IGA.

The developer wants to clear up this error and has requested that the City vacate the portion of the right-of-way necessary to match the dedication of the Final Plat for Dobson Crossing. The right-of-way in question is approximately nine (9) feet wide by three hundred ninety-one and forty-seven one-hundredths (391.47) feet long and contains approximately 3,523 square feet.

REAL ESTATE MEMO RE11-151
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PAGE TWO.

The developer will reimburse the City for this portion of right-of-way at the City's purchase cost basis of \$4.53 per square foot, a total consideration of fifteen thousand nine hundred and sixty (\$15,960) dollars.

Staff recommends that Ordinance No. 4289 be approved on an emergency basis in order to accommodate the timing for the proposed development of the southwest corner of the Arizona Avenue and Queen Creek Road intersection.

FINANCIAL IMPLICATIONS: None.

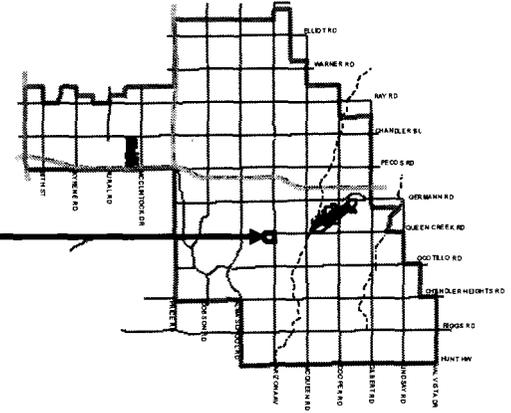
PROPOSED MOTION: Move that Council authorize and approve Emergency Ordinance No. 4289 vacating a portion of the south right-of-way of Queen Creek Road west of Arizona Avenue as described in Exhibit "A" attached hereto at its purchase cost basis of \$4.53 per square foot.

ATTACHMENTS: Map
Ordinance No. 4289



Chandler + Arizona

HAMILTON HEIGHTS QUEEN CREEK RD RIGHT-OF-WAY ABANDONMENT



MEMO NO. RE11-151

 RIGHT-OF-WAY TO BE ABANDONED



ORDINANCE NO. 4289

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF THE SOUTH RIGHT-OF-WAY OF QUEEN CREEK ROAD WEST OF ARIZONA AVENUE IN CHANDLER, ARIZONA; AND DECLARING AN EMERGENCY.

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, A.R.S. §28-7205 provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, that certain portion of the south half of Queen Creek Road located west of Arizona Avenue and legally described in Exhibit "A", attached hereto and incorporated herein by reference, is excess roadway purchased by Maricopa County, pursuant to an intergovernmental agreement with the City of Chandler, and thereafter conveyed to the City in conjunction with the widening of Queen Creek Road, and is no longer needed as public roadway;

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

Section 1. The portion of Queen Creek Road described in attached Exhibit "A" (the "Roadway") is determined to be no longer necessary for public use as a roadway.

Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

Section 3. The vacating of the Roadway is not intended to vacate or extinguish any rights-of-way or easements for existing sewer, gas, water or similar pipelines and appurtenances, and for existing canals, laterals, ditches and appurtenances, and for existing electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the Roadway.

Section 4. That the vesting of title in the Roadway, as provided in Section 2 above, is further made subject to the receipt by the City of a sum equal to the total square feet of the Roadway times \$4.53, which sum represents the price paid in acquiring the Roadway and which is declared to be consideration commensurate with the value of the Roadway.

Section 5. The action taken to vacate the Roadway pursuant to this Ordinance is done solely to dispose of the City of Chandler's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance and to any easements reserved herein by the City, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

Section 6. The Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, this Ordinance and all other documents required and necessary to complete the abandonment and vacation of the Roadway.

Section 7. The City Clerk is directed to cause this Ordinance to be recorded in the office of the Maricopa County Recorder after the effective date of this Ordinance according to City Code or Charter and upon receipt of notice from the City Engineer that payment of the consideration set out in Section 4 above has been received by the City. The vacation of the Roadway shall take effect upon recordation of this Ordinance.

Section 8. That the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, life, and property of the City of Chandler, and an emergency is hereby declared to exist, to wit: the prompt vacation of the Roadway is the first of several steps necessary for the timely development of the abutting property to which the Roadway will assemble; timely development of the abutting property is a critical to the abutting property owner's willingness to acquire and pay compensation for the Roadway; and unless the compensation is paid and the Roadway is vacated, the City will continue to hold title to the excess right-of-way that comprises the Roadway. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Chandler City Council, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

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. 4289 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 the vote was _____ ayes, and _____ nays.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

EXHIBIT "A"

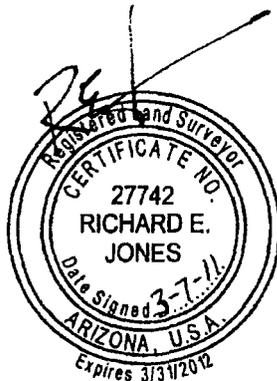
Hamilton Heights Queen Creek Road Right-of-Way Abandonment

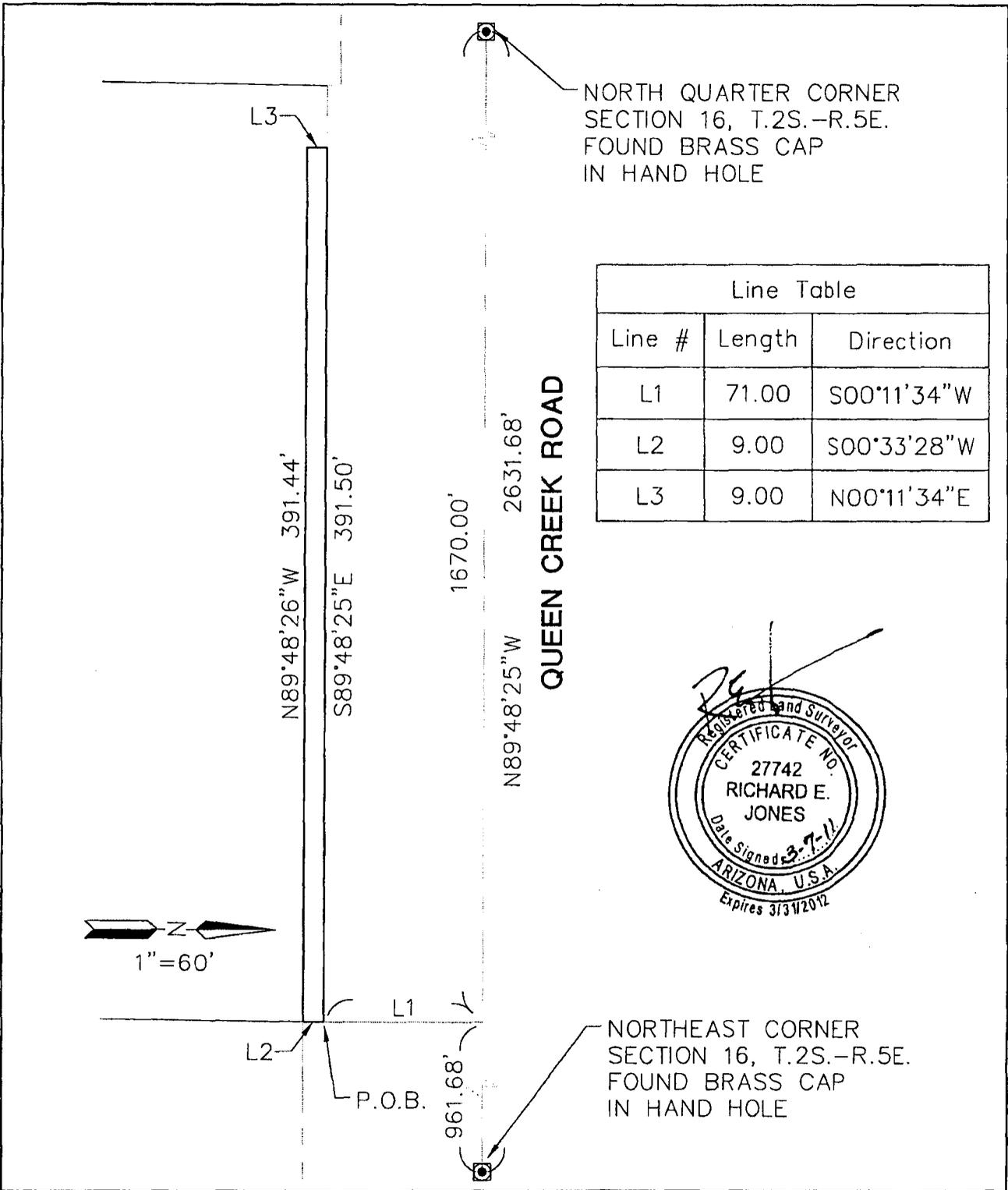
That portion of the Northeast quarter of Section 16, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, being more particularly described as follows:

Commencing at the Northeast corner of said section 16;
Thence North 89 degrees 48 minutes 25 seconds West, along the north line of the northeast quarter of said Section 16, a distance of 961.68 feet;
Thence South 00 degrees 11 minutes 34 seconds West, distance of 71.00 feet to the **Point of Beginning;**

Thence continuing South 00 degrees 33 minutes 28 seconds West, a distance of 9.00 feet;
Thence North 89 degrees 48 minutes 26 seconds West, a distance of 391.44 feet;
Thence North 00 degrees 11 minutes 34 seconds East, a distance of 9.00 feet;
Thence South 89 degrees 48 minutes 25 seconds East, a distance of 391.50 feet to the **Point of Beginning.**

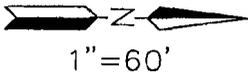
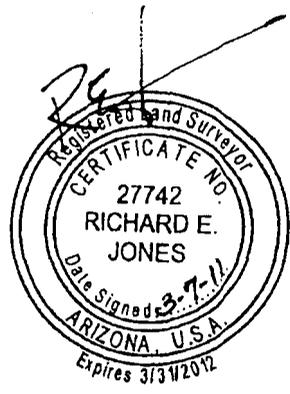
Said parcel comprises 3,523 square feet, more or less.





NORTH QUARTER CORNER
SECTION 16, T.2S.-R.5E.
FOUND BRASS CAP
IN HAND HOLE

Line Table		
Line #	Length	Direction
L1	71.00	S00°11'34"W
L2	9.00	S00°33'28"W
L3	9.00	N00°11'34"E



NORTHEAST CORNER
SECTION 16, T.2S.-R.5E.
FOUND BRASS CAP
IN HAND HOLE

PROJ #: 2061
DATE: 2/28/2011
SCALE: 1"=60'
DRAWN: SKF
SHT. 1 OF 1



3010 SOUTH PRIEST DR.
STE 102
TEMPE, ARIZONA 85282
PH (480) 629-8830

HAMILTON HEIGHTS
ARIZONA AVE & QUEEN CREEK RD
CHANDLER, ARIZONA

RIGHT-OF-WAY LEGAL EXHIBIT