



Chandler • Arizona
Where Values Make The Difference

10

MAY 26 2011

MEMORANDUM

Real Estate - Council Memo No. RE11-194

DATE: MAY 26, 2011

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, 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: APPROVAL OF CONDEMNATION SETTLEMENT IN *CITY OF CHANDLER v. CINDI VONG* IN THE SUM OF \$24,000, PLUS STATUTORY INTEREST.

RECOMMENDATION: Staff recommends approval of settlement for the sum of \$24,000, plus statutory interest.

BACKGROUND/DISCUSSION: The City of Chandler submitted an offer to purchase right-of-way and a temporary construction easement (“TCE”) for the Alma School Road and Ray Road Intersection Improvement Project ST-0704 to Ms. Cindi Vong in October of 2009. The City’s original offer was rejected by Ms. Vong. Further negotiations were not successful and the City filed an eminent domain action and was granted an Order of Immediate Possession. The City has continued to negotiate with Ms. Vong. Both sides have supported their respective positions with appraisals from reputable and experienced appraisers.

Subject to Council approval, a settlement has been reached for the sum of \$24,000, plus accrued statutory interest. The settlement amount is less than the mid-point between the two competing appraiser’s opinions of value. Staff recommends the settlement as a fair and reasonable compromise.

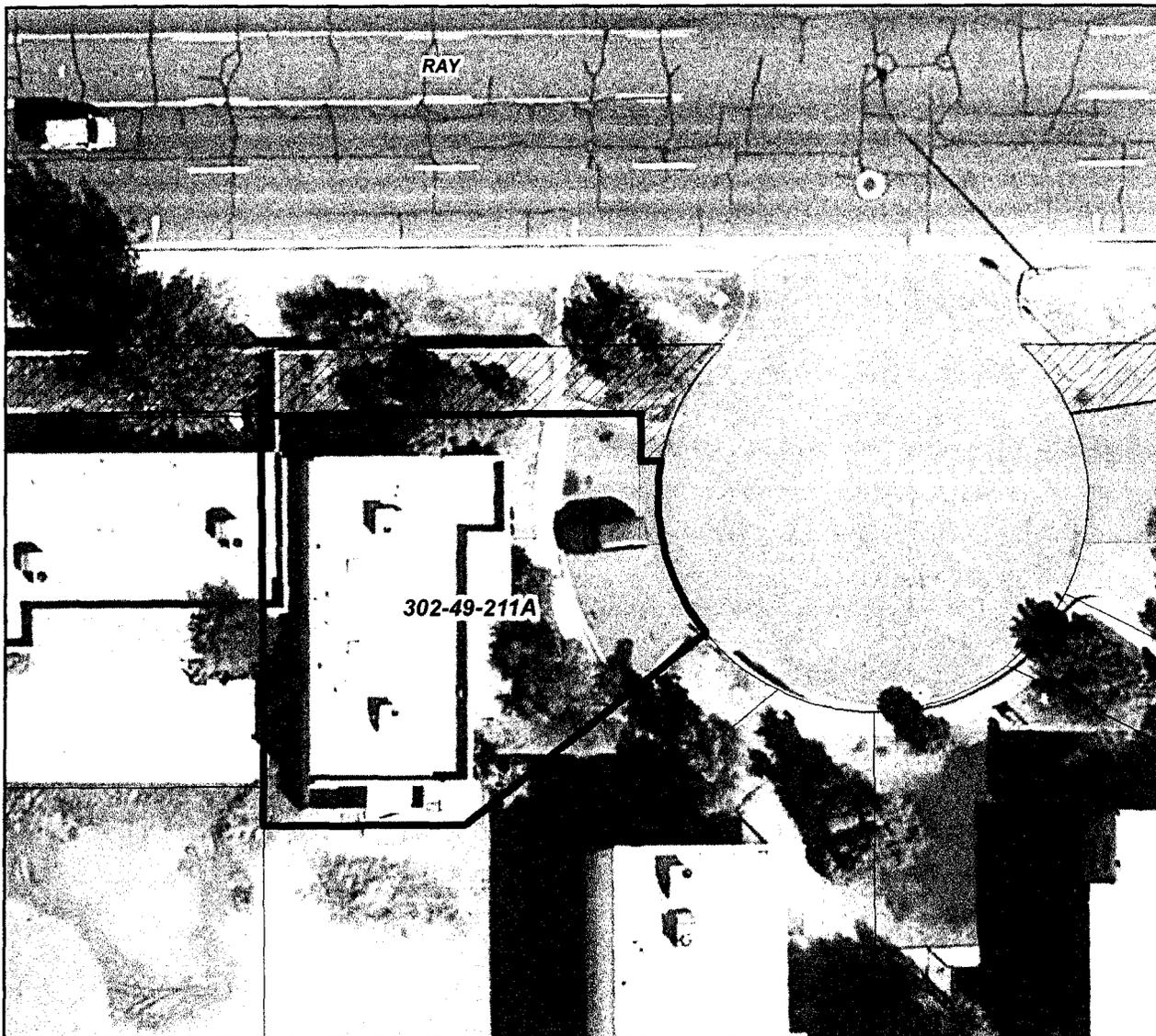
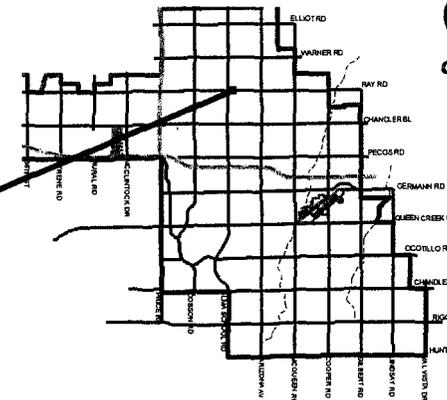
FINANCIAL IMPLICATIONS: Payment will come from funds budgeted or allocated for the road project.

PROPOSED MOTION: Move to approve settlement in *City of Chandler v. Cindi Vong* in the sum of \$24,000, plus statutory interest.



Chandler • Arizona

ALMA SCHOOL RD AND RAY RD INTERSECTION IMPROVEMENTS PARCEL 302-49-211A



-  PARCEL 302-49-211A
-  NEW ROW
-  TEMPORARY CONSTRUCTION EASEMENT

TRIAL COURTS OF ARIZONA
SUPERIOR COURT
MARICOPA COUNTY

City of Chandler
PLAINTIFF

Case Number: CV 2009-036023

Agreement Between the Parties
Pursuant to A.R.Civ.P. Rule 80 (D)

VS

Cindy Vong
DEFENDANT

FULL SETTLEMENT
 PARTIAL SETTLEMENT

This is the time set for the Settlement Conference held 4/28/11
before Judge *Pro Tempore* Joan Schwartz.

The assigned Judge on this case is E. Burke.

Attending this conference are:

- Plaintiff
- Plaintiff's Counsel
- Defendant
- Defendant's Counsel
- Interpreter
- Other _____

The parties in this matter have completed the settlement conference and have reached the following agreement and shall be considered a binding agreement pursuant to Rule 80(d) of the Arizona Rules of Civil Procedure:

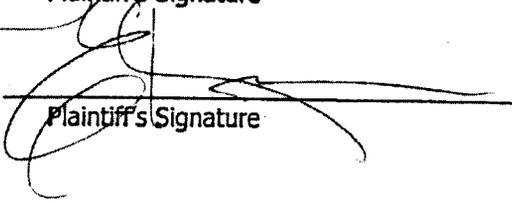
Just compensation in the amount of \$24,000 plus
statutory interest, each side to bear their fees and
costs, subject to counsel approval.

PLAINTIFF(S):

CITY OF CHANDLER
Plaintiff Print Name

 4-28-11
Plaintiff's Signature

Plaintiff Print Name


Plaintiff's Signature

Plaintiff Print Name

Plaintiff's Signature

Plaintiff Print Name

Plaintiff's Signature

Counsel for Plaintiff Print Name

Counsel for Plaintiff's Signature

Counsel for Plaintiff Print Name

Counsel for Plaintiff's Signature

Counsel for Plaintiff Print Name

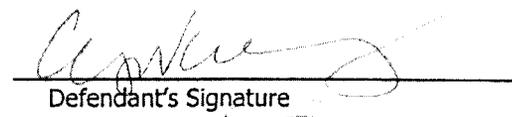
Counsel for Plaintiff's Signature

Counsel for Plaintiff Print Name

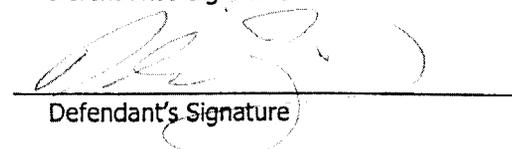
Counsel for Plaintiff's Signature

DEFENDANT(S):

Gina Vong
Defendant Print Name


Defendant's Signature

Defendant Print Name


Defendant's Signature

Defendant Print Name

Defendant's Signature