



**Chandler • Arizona**  
*Where Values Make The Difference*

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SEP 08 2011

**MEMORANDUM Real Estate - Council Memo No. RE12-027**

**DATE:** SEPTEMBER 8, 2011

**TO:** MAYOR AND COUNCIL

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

**FROM:** ERICH KUNTZE, REAL ESTATE COORDINATOR *ek*

**SUBJECT:** RESOLUTION NO. 4532 AUTHORIZING AND APPROVING THE RELEASE OF A TEMPORARY DRAINAGE EASEMENT THAT IS NO LONGER NEEDED FOR LOT 4 OF THE COOPER MARKET PLACE LOCATED AT THE NORTHEAST CORNER OF LAKEVIEW BOULEVARD AND CHANDLER BOULEVARD, CHANDLER, ARIZONA.

RECOMMENDATION: Staff recommends that Council pass and adopt Resolution No. 4532 authorizing and approving the release of a Temporary Drainage Easement that is no longer needed on Lot 4 of the Cooper Market Place located at the northeast corner of Lakeview Boulevard and Chandler Boulevard, Chandler, Arizona.

BACKGROUND/DISCUSSION: In May of 2000, the City acquired right-of-way, a Temporary Construction Easement, and a Temporary Drainage Easement (“TDE”) at the northeast corner of Lakeview Boulevard and Chandler Boulevard through condemnation. The developer of Lot 4 of Cooper Market Place is processing a Minor Land Division through the City’s Transportation & Development Department. As part of this process, the developer wants to move the TDE to a different location on the property to accommodate their future design. The replacement TDE will accommodate the same retention requirements and will be dedicated to the City by a Minor Land Division Plat now being reviewed by staff. If approved by Council, the release of the existing TDE will not be done until the recording of the Minor Land Division Plat.

FINANCIAL IMPLICATIONS:

Cost:	N/A
Savings:	N/A
Long Term Costs:	N/A

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PROPOSED MOTION: Move that Council pass and adopt Resolution No. 4532 authorizing and approving the release of a Temporary Drainage Easement that is no longer needed on Lot 4 of the Cooper Market Place located at the northeast corner of Lakeview Boulevard and Chandler Boulevard, Chandler, Arizona.

Attachments:            Location Map  
                                 Resolution No. 4532



RESOLUTION NO. 4532

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE RELEASE OF A TEMPORARY DRAINAGE EASEMENT THAT IS NO LONGER NEEDED FOR LOT 4 OF THE COOPER MARKET PLACE LOCATED AT THE NORTHEAST CORNER OF LAKEVIEW BOULEVARD AND CHANDLER BOULEVARD, CHANDLER, ARIZONA.

WHEREAS, the City of Chandler obtained a Temporary Drainage Easement by Final Order in Condemnation recorded with the Maricopa County Recorder on May 8, 2000 as item number 2000-0409121; and,

WHEREAS, as the developer of the underlying property is providing a Temporary Drainage Easement to the City in another location on the property, this existing Temporary Drainage Easement is no longer needed;

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

**Section 1.** That the City of Chandler is authorized to release the Temporary Drainage Easement upon the property as described in the attached Exhibit "A" (Legal Description) and depicted in Exhibit "B" (drawing).

**Section 2.** The document used to release the Temporary Drainage Easement shall be in the form as approved by the City Attorney.

**Section 3.** That the Mayor of the City of Chandler is authorized to execute and deliver all documents necessary to effect the release of the above described Temporary Drainage Easement.

**Section 4.** The City Clerk shall not record this release until after recording of the Minor Land Division for Lot 4 Cooper Marketplace.

PASSED AND ADOPTED by the 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 Resolution No. 4532 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"**  
**COOPER MARKETPLACE UNIT 2**  
**DRAINAGE EASEMENT**  
**LEGAL DESCRIPTION**

That portion of the Southeast quarter of the Southeast quarter of Section 26, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

The east 100.00 feet of the west 150.00 feet of the north 100.00 feet of the south 165.00 feet of said Southeast quarter of the Southeast quarter.

This description shown hereon is not to be used to violate subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 10,000 Square Feet (0.2296 acres) more or less.

Prepared by: HilgartWilson  
1661 East Camelback Road  
Suite 275  
Phoenix, AZ  
Job No. 1102  
August 2, 2011



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

**RELEASE OF EASEMENT**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, CITY OF CHANDLER, an Arizona municipal corporation ("City"), does hereby release and extinguish any and all interest that it may have in that certain real property described in Exhibit "A" to that certain Temporary Drainage Easement recorded with the Maricopa County Recorder on May 8, 2000 , as Instrument No. 2000-0409121 attached hereto and made a part hereof, arising by virtue of the execution and recording of said easement. This Release of Easement is not intended to release any interest that City may have in any portion of the subject real property arising by virtue of any other instrument recorded with the Maricopa County Recorder, including without limitation, any deed, easement other than the aforementioned easement, or final order of condemnation.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF CHANDLER, an Arizona municipal corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

On this, the \_\_\_\_ day of \_\_\_\_\_, 2011, before me, the undersigned, a Notary Public, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of the City of Chandler, an Arizona municipal corporation, and that he/she as such officer of the municipal corporation being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the municipal corporation as such officer.

\_\_\_\_\_  
Notary Public

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney 

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August 2, 2011

