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OCT 27 2011



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Real Estate – Council Memo No. RE12-045

DATE: October 27, 2011

TO: MAYOR AND 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: ORDINANCE 4324 GRANTING A FEE INTEREST, AT NO COST, TO THE UNITED STATES OF AMERICA TO A PARCEL OF LAND APPROXIMATELY 22 FEET WIDE BY 962 FEET LONG FOR UNDERGROUND IRRIGATION FACILITIES LOCATED ON THE NORTH SIDE OF WILLIS ROAD WEST OF ARIZONA AVENUE IN CHANDLER, ARIZONA.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4324 granting a fee interest, at no cost, to the United States of America to a parcel of land approximately 22 feet wide by 962 feet long for underground irrigation facilities located on the north side of Willis Road west of Arizona Avenue in Chandler, Arizona.

BACKGROUND/DISCUSSION: In 2003 a Final Plat for San Tan Plaza was recorded that dedicated right-of-way for Willis Road and Arizona Avenue to the City of Chandler (the "Plat"). Located in this new right-of-way was an irrigation ditch owned by the United States of America ("USA"). Due to an error by Security Title the USA's interest was deemed to be an easement. However, after further review and analysis it was learned that the USA had a fee interest rather than an easement interest. Since the Plat dedicated the right-of-way containing the USA's facilities to the City, Salt River Project, on behalf of the USA, has requested that the City grant a fee interest in the strip of land containing the irrigation facilities. In exchange, the USA will quit claim to the City a similar sized parcel of land that the facilities were previously in and grant an easement for ingress and egress to the City for the Public over the parcel they are asking the City to provide them title to.

This action will clear up a title issue and provide fee title rather than an easement interest to a strip of land that should rightfully be owned by the USA.

Staff has reviewed and confirms that Salt River Project has prior rights at this location. Staff has also reviewed and approved the legal descriptions for the requested easements.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 4324 granting a fee interest, at no cost, to the United States of America to a parcel of land approximately 22 feet wide by 962 feet long for underground irrigation facilities located on the north side of Willis Road west of Arizona Avenue in Chandler, Arizona.

Attachments: Map
Ordinance No. 4324
Warranty Deed

ORDINANCE NO. 4324

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE GRANTING A FEE INTEREST, AT NO COST, TO THE UNITED STATES OF AMERICA TO A PARCEL OF LAND APPROXIMATELY 22 FEET WIDE BY 962 FEET LONG FOR UNDERGROUND IRRIGATION FACILITIES LOCATED ON THE NORTH SIDE OF WILLIS ROAD WEST OF ARIZONA AVENUE IN CHANDLER, ARIZONA.

WHEREAS, the relocation of irrigation facilities owned by the United States of America along the north side of Willis Road west of Arizona Avenue in Chandler, Arizona has been completed; and

WHEREAS, due to an error in a title report from a Title Company to the original developer of San Tan Plaza, the Final Plat of San Tan Plaza granted an easement to the United States of America in roadway dedicated to the City of Chandler by the same Final Plat of San Tan Plaza; and

WHEREAS, the area in question that consists of a parcel of land approximately 22 feet wide by 962 feet long, should have been granted in fee to the United States of America by the developer and not to the City for right-of-way; and

WHEREAS, the United States of America, through its agent Salt River Project, is now requesting that the City transfer fee title to the area in question, at no cost, in exchange for the United States of America transferring title to an adjacent similar sized parcel to the City. In addition, the United States of America will grant an easement for ingress and egress to the City over the parcel described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the City of Chandler is willing to transfer fee title at no cost to the United States of America;

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

Section 1. That the City Council of the City of Chandler, Arizona authorizes and approves the granting of a fee interest to the parcel described and depicted in Exhibit "A", attached hereto and made a part hereof by this reference, to the United States of America, at no cost, in consideration of the United States of America transferring title to an adjacent parcel of similar size to the City of Chandler along with an easement for ingress and egress over the parcel described and depicted in Exhibit "A".

Section 2. That the document(s) granting said fee interest shall be in a form approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to execute the documents granting said fee interest to the United States of America and this Ordinance on behalf of the City.

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

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4324 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"
LEGAL DESCRIPTION
NEW U.S.A. FEE PROPERTY

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4;

THENCE SOUTH 89 DEGREES 04 MINUTES 27 SECONDS WEST, 340.80 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4;

THENCE NORTH 00 DEGREES 55 MINUTES 33 SECONDS WEST, 9.50 FEET ALONG A LINE ON A PERPENDICULAR FROM SAID SOUTH LINE TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89 DEGREES 04 MINUTES 27 SECONDS WEST, 16.51 FEET ALONG A LINE PARALLEL WITH SAID SOUTHLINE;

THENCE NORTH 45 DEGREES 55 MINUTES 33 SECONDS WEST, 12.02 FEET TO THE SOUTH LINE OF THE NORTH 22.0 FEET OF THE SOUTH 40.0 FEET OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4;

THENCE SOUTH 89 DEGREES 04 MINUTES 27 SECONDS WEST, 946.73 FEET ALONG SAID SOUTH LINE OF THE NORTH 22.0 FEET OF THE SOUTH 40.0 FEET, TO A POINT IN THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, THAT BEARS NORTH 00 DEGREES 38 MINUTES 31 SECONDS WEST, 18.00 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4;

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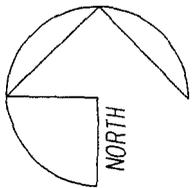
EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THE AREA OF THE HALL LATERAL AS DESCRIBED IN THAT CERTAIN QUIT-CLAIM DEED FROM CHANDLER IMPROVEMENT COMPANY TO THE UNITED STATES OF AMERICA DATED APRIL 13, 1915, RECORDED JANUARY 31, 1916 IN BOOK 115 OF DEEDS AT PAGES 447-449, AND AS ALSO DESCRIBED IN THAT CERTAIN QUIT-CLAIM DEED FROM WILLIAM GALBREATH, ET UX, TO THE UNITED STATES OF AMERICA, DATED SEPTEMBER 18, 1915, RECORDED JANUARY 31, 1916 IN BOOK 115 OF DEEDS AT PAGES 449-450. BOTH RECORDS OF MARICOPA COUNTY, ARIZONA.

ALSO EXCEPTING THEREFROM ANY PORTION LYING SOUTH OF SAID HALL LATERAL DESCRIBED ABOVE.

SAID PARCEL OF LAND CONTAINS AN AREA OF 0.11 ACRE, MORE OR LESS, AFTER SAID EXCEPTIONS HAVE BEEN MADE BASED ON A WIDTH OF 20 FEET FOR SAID HALL LATERAL AS DETERMINED BY SALT RIVER PROJECT.



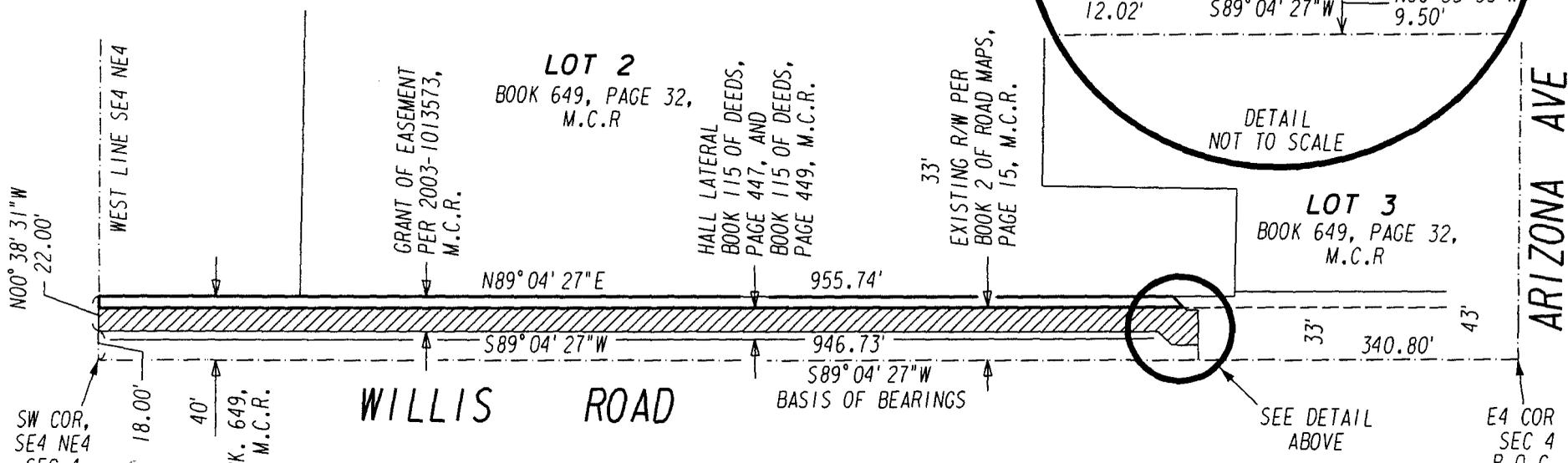
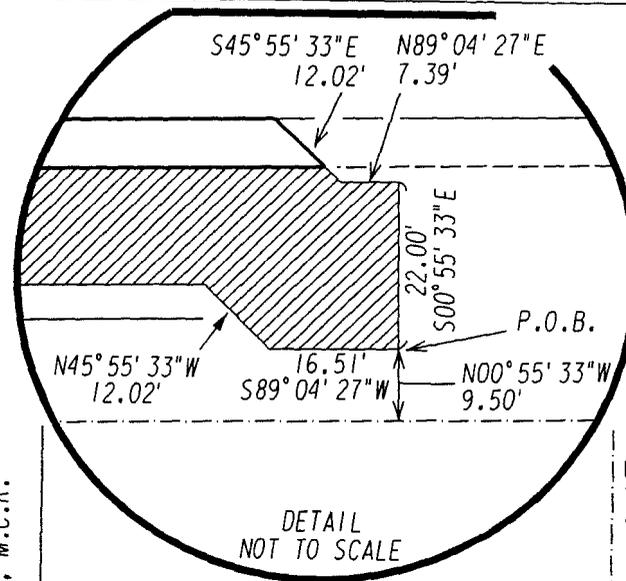
REGISTRATION
EXPIRES: 03-31-13



N.T.S.

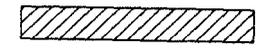
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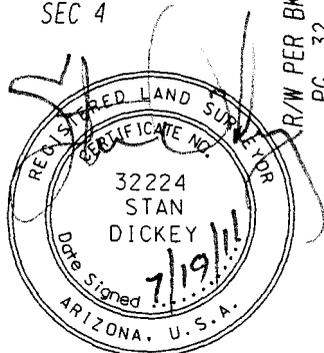
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LEGEND

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO
BETTER ENHANCE GRAPHICAL REPRESENTATION

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-  EXCEPTIONS
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- P.O.B. POINT OF BEGINNING
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REGISTRATION
EXPIRES: 03-31-13

SRP JOB #
RAD-02040-300(28)

SALT RIVER PROJECT A.I.
& POWER DISTRICT

SAN TAN PLAZA

NE4 SEC 4 T2S-R5E

NEW USA FEE PROPERTY
MARICOPA COUNTY

DESIGNED	HICKS	AGENT	HICKS
DRAWN	BXH - GLG	APPROVED:	
DATE	7/15/11	CHECKED BY:	
SCALE	N.T.S.	SHEET	1 OF 1

Contract No. 10LE323970
Case No. 01-053

ORIGINAL

Exempt per A.R.S. § 11-1134 A.3.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

SALT RIVER PROJECT

GENERAL WARRANTY DEED

KNOW ALL PEOPLE BY THESE PRESENTS that the Salt River Project Agricultural Improvement and Power District (SRP), an agricultural improvement district organized and existing under the laws of the State of Arizona, has relocated an irrigation facility acquired for an irrigation system to a new location; and,

WHEREAS, the **UNITED STATES OF AMERICA**, hereinafter referred to as "United States," owns real property at the location of the irrigation facility before the relocation; and the **CITY OF CHANDLER, an Arizona municipal corporation**, hereinafter referred to as "Grantor," owns the fee title to the real property onto which the irrigation facility was relocated; and,

WHEREAS, Grantor desires to grant and convey to the United States and its assigns that certain real property needed for the relocated facility in exchange for the real property no longer needed

for project purposes; and,

WHEREAS, the United States will quitclaim its interest, if any, in and to the real property no longer needed by Contract No. 10LE323971 to Grantor.

NOW THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, and in accordance with the Reclamation Act of June 17, 1902 (32 Stat. 388), the Reclamation Project Act of 1939 (53 Stat. 1187), and all acts amendatory thereof or supplementary thereto, Grantor does hereby grant and convey unto the United States and its assigns all that certain real property situated in the County of Maricopa, State of Arizona, described on Exhibit "A" which is attached hereto and by this reference made a part hereof.

The acquiring federal agency is the U.S. Department of the Interior, Bureau of Reclamation.

Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is conveyed subject only to existing easements and rights-of-way of record for public roads and highways, public utilities, railroads and pipelines, and mineral rights reserved to or outstanding in third parties as of the date of this General Warranty Deed.

TO HAVE AND TO HOLD by the United States, its successors and assigns forever, all and singular said premises together with all the rights and appurtenances thereto. The Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular said premises unto the United States and its assigns against every person whomsoever lawfully claiming them or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this General Warranty Deed this _____
day of _____, _____.

**CITY OF CHANDLER, an Arizona municipal
corporation**

By: _____

Title: _____

APPROVED AS TO FORM

CITY ATTORNEY *GAB*

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Maricopa)

On this _____ day of _____, _____, before me,
_____, a Notary Public in and for said County and State,
personally appeared _____, _____, on behalf of
the **CITY OF CHANDLER, an Arizona municipal corporation**, known to me to be the person
described in the foregoing instrument, and acknowledged to me that he/she executed the same in
the capacity therein stated and for the purpose therein contained.

Notary Public in and for
said County and State

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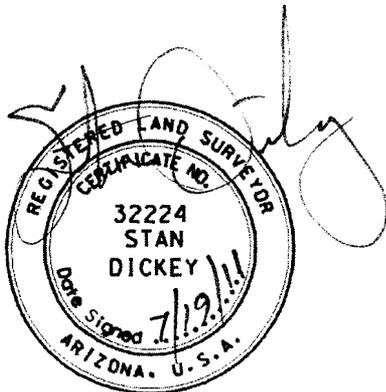
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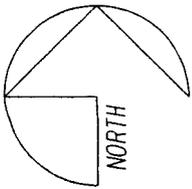
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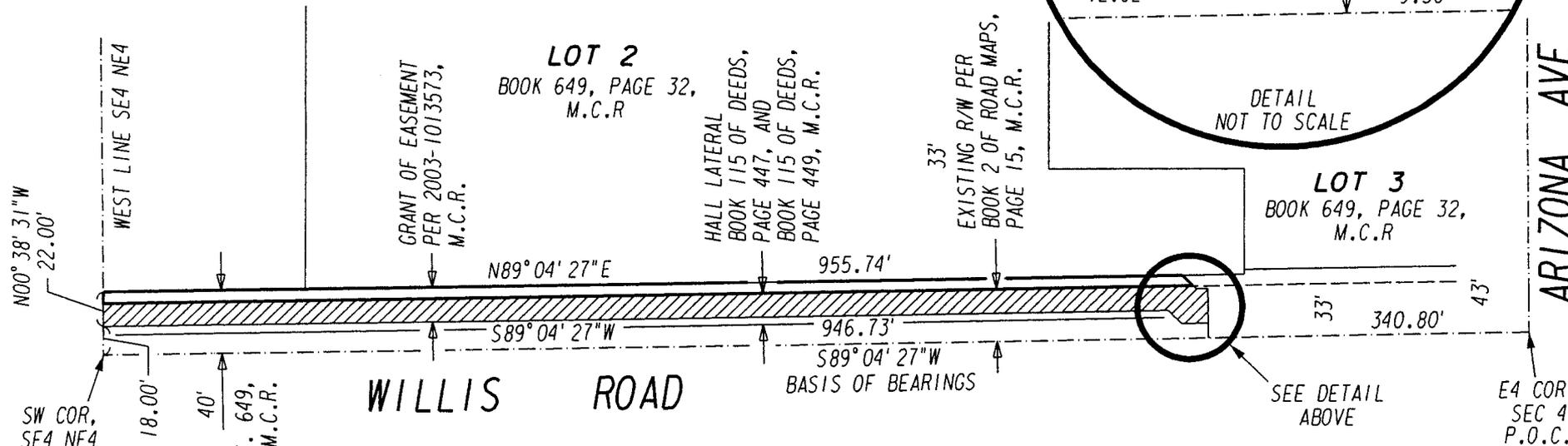
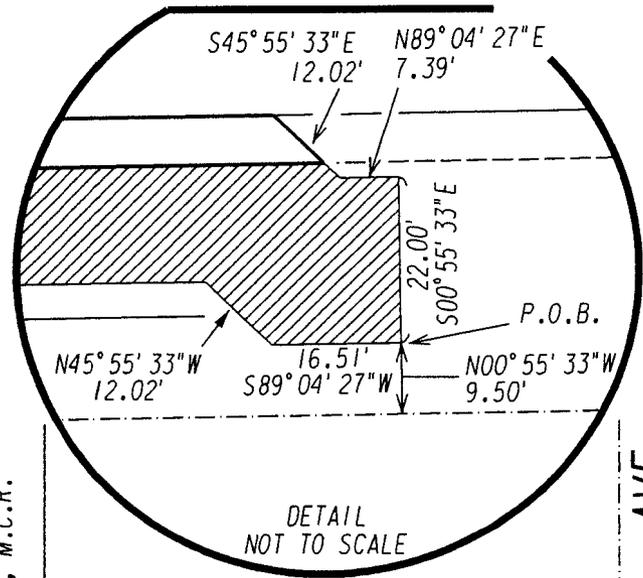
REGISTRATION
EXPIRES: 03-31-13



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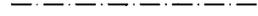
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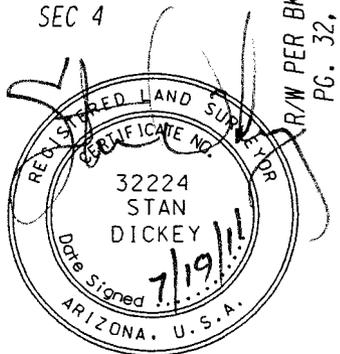
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