



Chandler · Arizona
Where Values Make The Difference

2

OCT 27 2011

Chandler



2010

MEMORANDUM Transportation & Development – Council Memo No. TDE12-005

DATE: OCTOBER 27, 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: WARREN WHITE, PRINCIPAL ENGINEER *WW*

SUBJECT: RIGHT-OF-WAY ANNEXATION - CERTAIN GILBERT ROAD RIGHTS-OF-WAY BETWEEN CHANDLER AUTO PARK WAY AND ¼ MILE SOUTH OF GERMANN ROAD CONTINGENT UPON DE-ANNEXATION BY THE TOWN OF GILBERT
Introduction and Tentative Adoption Ordinance No. 4325

Request: Annexation of approximately 3.47 acres of right-of-way

Location: Certain Gilbert Road Rights-of-Way between Chandler Auto Park Way and ¼ Mile South of Germann Road

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4325, Right-of-Way Annexation – certain Gilbert Road Rights-of-Way between Chandler Auto Park Way and ¼ Mile South of Germann Road contingent upon de-annexation by the Town of Gilbert.

BACKGROUND/DISCUSSION: The 1987 Intergovernmental Agreement between City of Chandler and Town of Gilbert defined an ultimate jurisdictional boundary line. This line was based on build out right-of-way widths with the intent to have full roadway control (and intersections) under one jurisdiction or the other. It was agreed that Chandler would have control of Gilbert Road rights-of-way from Pecos Road to ¼ mile south of Germann Road including the full intersections at Pecos Road and Germann Road.

Currently, along Gilbert Road between Chandler Auto Park Way and ¼ mile south of Germann Road, there are strips of right-of-way (R.O.W.) under the jurisdiction of Town of Gilbert. The

Annexation Map attached to the Ordinance depicts the entire area to be annexed contingent upon de-annexation by the Town of Gilbert.

A.R.S. 9-471.02 allows for county right-of-way (R.O.W.) with no taxable real property to be annexed to an adjacent city by mutual consent of the city's governing body and the county's board of supervisors.

The annexation process per A.R.S. 9-471.02 requires that the City adopt an "ordinance of intent" to annex the right-of-way. If approved by the City, a request for annexation, together with a copy of the Ordinance, will appear as a published agenda item at a regular meeting of the Maricopa County Board of Supervisors. If the County approves the annexation, the R.O.W. parcels will be annexed into the City.

FINANCIAL IMPLICATIONS: No direct cost for annexation.

PROPOSED MOTION: Move to introduce and tentatively adopt Ordinance No. 4325 Right-of-Way Annexation - certain Gilbert Road Rights-of-Way between Chandler Auto Park Way and ¼ mile south of Germann Road contingent upon de-annexation by the Town of Gilbert.

ATTACHMENTS:

Ordinance No. 4325

ORDINANCE NO. 4325

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, INCREASING THE CORPORATE LIMITS OF THE CITY OF CHANDLER, MARICOPA COUNTY, STATE OF ARIZONA (GILBERT ROAD RIGHTS-OF-WAY BETWEEN CHANDLER AUTO PARK WAY AND ¼ MILE SOUTH OF GERMANN ROAD ANNEXATION), PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES BY ANNEXING CERTAIN TERRITORY TO THE CITY, CONTINGENT UPON ITS BEING DE-ANNEXED BY THE TOWN OF GILBERT.

WHEREAS, the City of Chandler desires to annex contiguous territory now within the corporate limits of the Town of Gilbert, pursuant to the provisions of A.R.S. 9-471.02 as amended; and

WHEREAS, the City of Chandler has requested that the Town of Gilbert de-annex and sever the territory from its corporate limits, and has notified the Town of Gilbert of its desire to adopt an ordinance to annex the territory; and

WHEREAS, the City consents to and approves of the proposed annexation contingent upon the County's consent to and approval of the proposed annexation pursuant to the provisions of A.R.S. 9-471.02;

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

SECTION 1. Pursuant to the provisions of A.R.S. 9-471.02, and contingent upon approval of the Maricopa County Board of Supervisors, the following described territory is annexed to the City of Chandler contingent upon its being de-annexed by the Town of Gilbert in the manner provided in A.R.S. 9-471.02; and

That the present corporate limits of the City of Chandler are hereby modified and increased to add the following territory, which is contiguous to both the City of Chandler and the Town of Gilbert, contingent upon the fulfillment of the conditions of Section 2 of this Ordinance, to-wit;

SEE ATTACHED EXHIBIT A FOR MAP AND LEGAL DESCRIPTION

SECTION 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed to the City of Chandler, certified by the Mayor of the City of Chandler, be forthwith filed by the Clerk of the Maricopa County Board of Supervisors. Additionally, the City of Chandler staff is hereby authorized and directed to notify by certified mail, return receipt

requested, the owners of any real property in the territory to be de-annexed at least twenty (20) days before the hearing by the Maricopa County Board of Supervisors. Such notification shall contain the information as more specifically set forth in Title 9, Chapter 4, Article 7, Section 9-471.02, Arizona Revised Statutes.

SECTION 3. The land annexed, as more particularly described in Section 1 above, shall not be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the Town of Gilbert while such land was within the limits of the Town of Gilbert and which remains unpaid, and for the payment of which such land could be lawfully taxed.

SECTION 4. The Clerk of the City is hereby instructed to file and record a copy of this Ordinance, together with documentation of approval by the Maricopa County Board of Supervisors and an accurate map of the territory to be annexed by the City of Chandler, certified by the Mayor of the City of Chandler, in the Office of the County Recorder of Maricopa County, Arizona.

SECTION 5. The Transportation and Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this Ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this 27th day of October, 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

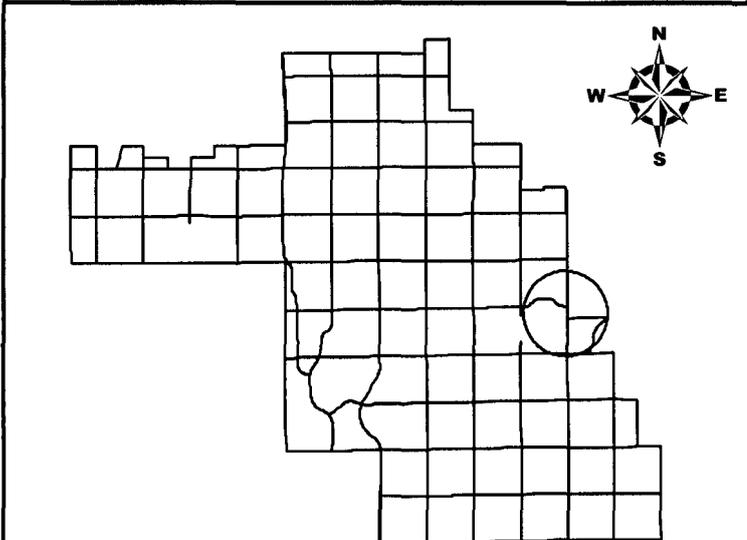
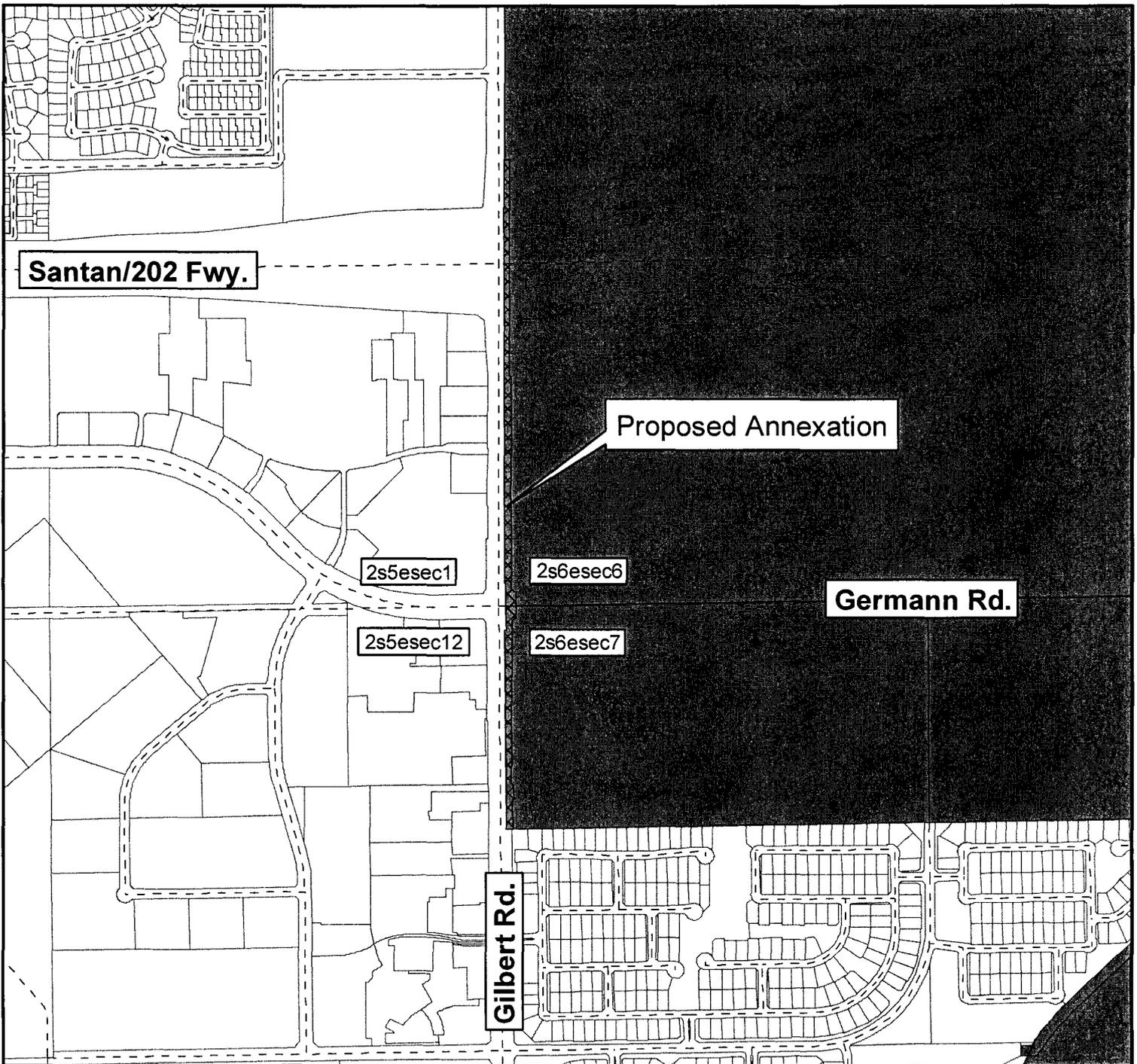
I HEREBY CERTIFY that the above and foregoing Ordinance No.4325 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2011, and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY GAB



Annexation Map

Ordinance No. 4325



Proposed Annexation

Gilbert Road Right-of-Way between Chandler Auto Park Way and 1/4 Mile South of Germann Road



Incorporated Area



Unincorporated Area



EXHIBIT "A"

Note: The legal description below is based on county and municipal documents. It is not based on a boundary survey of the subject parcel.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 1
TOWN OF GILBERT RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land described in the Records of Maricopa County, Arizona located in Section 7, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

PARCEL 1A:

The East 38 feet of the West 71 feet of the North 951.49 feet of the Northwest Quarter of the Northwest Quarter of said Section 7;

Except the East 7 feet of the West 40 feet of the North 147 feet of the Northwest Quarter of the Northwest Quarter of said Section 7 and;

Containing an area of 35,127.62 Square Feet or 0.81 Acres, more or less.

PARCEL 1B:

The East 4 feet of the West 75 feet of the North 419.51 feet of the Northwest Quarter of the Northwest Quarter of said Section 7 and;

Containing an area of 1,678.04 Square Feet or 0.04 Acres, more or less.

PARCEL 1C:

The East 25 feet of the West 100 feet of the North 70 feet of the Northwest Quarter of the Northwest Quarter of said Section 7 and;

East 20 feet of the West 95 feet of the South 20 feet of the North 90 feet of the Northwest Quarter of the Northwest Quarter of said Section 7;

Except the triangular Southeast half thereof and;

Containing an area of 1,949.96 Square Feet or 0.04 Acres, more or less.

PARCEL 1D:

That portion of a parcel of land described in Document #2008-1042510, Records of Maricopa County, Arizona located in Section 7, Township 2 South, Range 6 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 Section 7, being monumented with a Brass Cap in Hand Hole, from which the West quarter corner of section 7 bears South 00 degrees 29 minutes 27 seconds East a distance of 2639.56 feet, said line being the West line of the Northwest quarter of said section 7 and the basis of bearing for this description;

Thence along said West line of the Northwest quarter, South 00 degrees 29 minutes 27 seconds East a distance of 951.49 feet to a prolongation of the North deed line of the parcel of land as described in Document # 2006-1700951;

Thence along said prolongation, North 88 degrees 57 minutes 39 seconds East a distance of 33.00 feet to THE POINT OF BEGINNING;

Thence continuing along said North deed line, North 88 degrees 57 minutes 39 seconds East a distance of 32.00 feet to a point on a line parallel with and 65.00 feet distant from said West line of the Northwest quarter;

Thence along said parallel line, South 00 degrees 29 minutes 27 seconds East a distance of 100.31 feet to a point;

Thence North 89 degrees 30 minutes 33 seconds East a distance of 6.00 feet to a point;

Thence South 45 degrees 00 minutes 00 seconds East a distance of 8.56 feet to a point;

Thence South 00 degrees 29 minutes 27 seconds East a distance of 87.89 feet to a point;

Thence South 45 degrees 00 minutes 00 seconds West a distance of 8.41 feet to a point on a line parallel with and 71.00 feet distant from the West line of said Northwest quarter;

Thence along said parallel line, South 00 degrees 29 minutes 27 seconds East a distance of 168.05 feet to a point on the South deed line of said parcel of land described in Document #2008-1042510;

Thence along said South deed line, South 88 degrees 59 minutes 40 seconds West, a distance of 38.00 feet to a point on a line parallel with and 33.00 feet distant from the West line of said Northwest quarter;

Thence along said existing right of way line, North 00 degrees 29 minutes 27 seconds

West a distance of 368.29 feet to THE POINT OF BEGINNING.

Containing an area of 13,957 Square Feet or 0.32 Acres, more or less.

Combined area of PARCEL 1 equals 52,712.62 Square Feet or 1.21 Acres, more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 2
TOWN OF GILBERT RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land described in the Records of Maricopa County, Arizona located in Section 6, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

PARCEL 2A:

The East 32 feet of the West 65 feet of the Southwest Quarter of said Section 6;

Except the East 7 feet of the West 40 feet of the South 133 feet of the Southwest Quarter of the Southwest Quarter of said Section 6 and;

Containing an area of 83,645 Square Feet or 1.92 Acres, more or less.

PARCEL 2B:

The East 10 feet of the West 75 feet of the South 631.91 feet of the Southwest Quarter of the Southwest Quarter of said Section 6 and;

Containing an area of 6,318.71 Square Feet or 0.15 Acres, more or less.

PARCEL 2C:

The East 10 feet of the West 75 feet of the South 1358.51 feet of the Southwest Quarter of said Section 6;

Except the South 712.41 feet thereof and;

Containing an area of 6,461.01 Square Feet or 0.15 Acres, more or less.

PARCEL 2D:

The East 25 feet of the West 100 feet of the South 75 feet of the Southwest Quarter of the Southwest Quarter of said Section 6 and;

East 25 feet of the West 100 feet of the North 25 feet of the South 100 feet of the Southwest Quarter of the Southwest Quarter of said Section 6;

Except the triangular Northeast half thereof and;

Containing an area of 2,187.38 Square Feet or 0.05 Acres, more or less.

Combined area of PARCEL 2 equals 98,612.10 Square Feet or 2.26 Acres, more or less.

Combined area of PARCELS 1 and 2 equals 151,324.72 Square Feet or 3.47 Acres, more or less.