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FEB 09 2012



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MEMORANDUM Real Estate – Council Memo No. RE12-010

DATE: FEBRUARY 9, 2012

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER RD
PAT MCDERMOTT, ASSISTANT CITY MANAGER
DAVE SIEGEL, MUNICIPAL UTILITIES DIRECTOR ^{DS}
JOHN KNUDSON, SENIOR ENGINEER ^{JK}

FROM: SHARON A. JOYCE, REAL ESTATE COORDINATOR ^{SJ}

SUBJECT: RESOLUTION NO. 4556 AUTHORIZING AND APPROVING THE PURCHASE OF TWO PARCELS OF LAND FOR A FUTURE DOMESTIC WELL SITE LOCATED SOUTH OF OCOTILLO ROAD, EAST OF ARIZONA AVENUE, PROJECT WA-1008, INCLUDING PHASE I ENVIRONMENTAL, SURVEY AND ASSOCIATED COSTS; AND AUTHORIZING AND APPROVING CONDEMNATION PROCEEDINGS, AS NEEDED, TO ACQUIRE SAID REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

RECOMMENDATION: Staff recommends Council authorize and approve Resolution No. 4556 authorizing and approving the purchase of two parcels of land for a domestic well site, located south of Ocotillo Road, east of Arizona Avenue, Project WA-1008, including Phase I Environmental, survey, and associated costs; authorizing and approving condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

BACKGROUND/DISCUSSION: On August 28, 2008 City Council approved the alignment for the Ocotillo Road Improvement Project, from Arizona Avenue to McQueen Road, intended to improve transportation and vehicular traffic movement within the City of Chandler.

A well site exists on the remainder property of one of the parcels required for the right of way for Ocotillo Road, and the owner has agreed to sell the property to the City at the appraised value. This parcel is located between Arizona Avenue and the railroad tracks to the east.

The City is proposing to acquire this parcel, and a portion of an adjacent parcel, to be used for a domestic well to maintain well system capacity and redundancy as recommended by the 2008 Water, Wastewater, and Reclaimed Water Master Plan Update. One parcel, which has dimensions of 50' x 50', approximately 2,500 sq. ft., is an existing agricultural well. Acquisition and utilization of this parcel for a well site will enable the City to build a replacement well under a streamlined permitting process. This parcel is described in Exhibit "A", attached to and made a part of Resolution No. 4556.

The other parcel, which is proposed to be approximately a 25' strip acquired from a larger parcel, would "wrap-around" the 50' x 50' parcel, and create a final parcel of approximately 75' x 75'. This parcel is described in Exhibit "B", attached to and made a part of Resolution No. 4556. In addition to the 25' strip, a temporary construction easement is proposed to be acquired from this parcel.

Subject to City Council approval, this Resolution would authorize acquisition of the real property at fair market value by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceeding will be initiated as needed to acquire the real property and to obtain immediate possession.

FINANCIAL IMPLICATIONS:

Two parcels will be required for construction of the well site.

Cost: \$100,000
 Savings: N/A
 Long Term Costs: N/A

Fund Source:

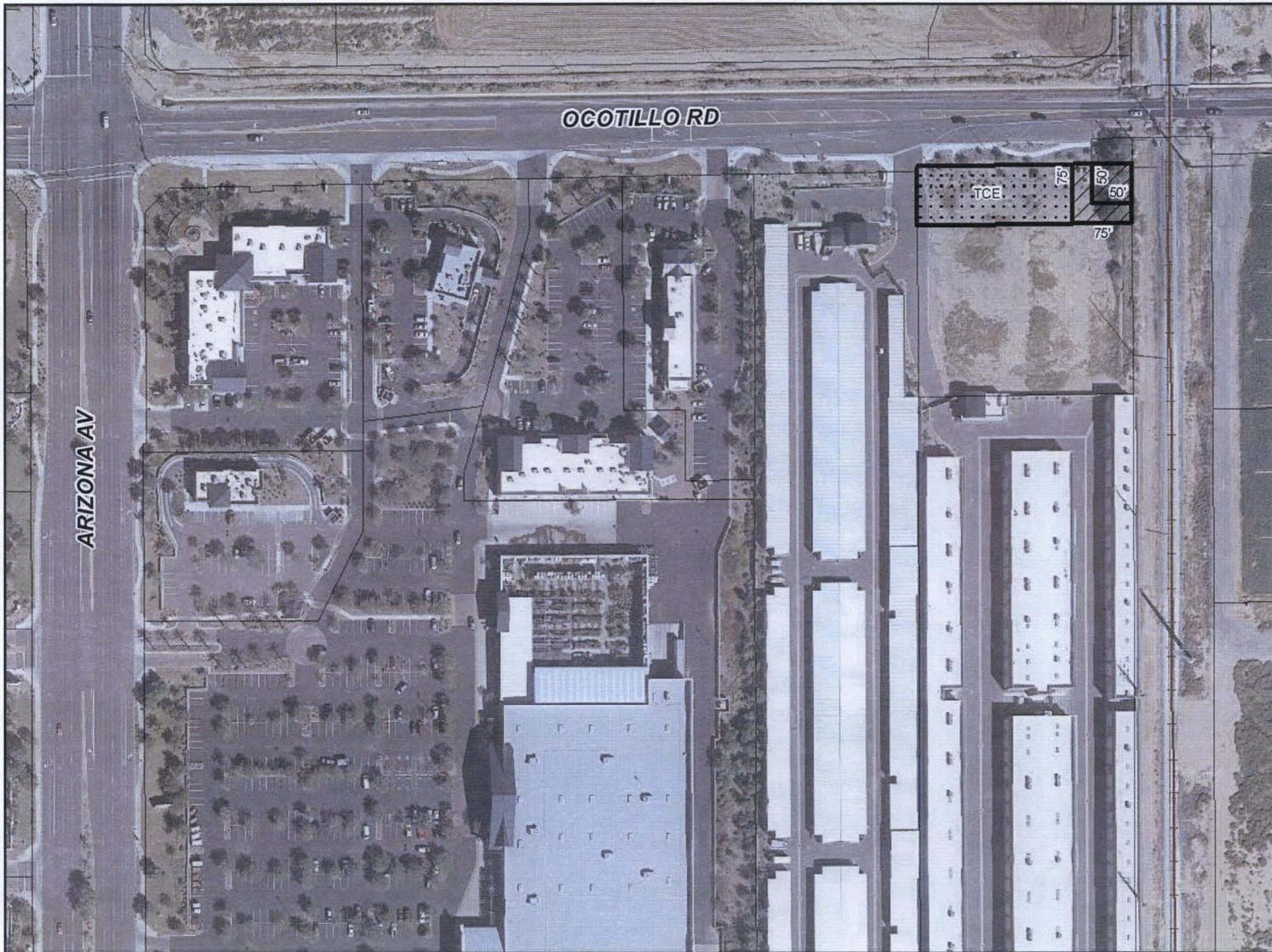
Acct. No:	Fund:	Program Name:	CIP Funded:	Funds:
603.3820.5213.6WA034	Water SDF	Well Construction/Rehab	Yes	\$100,000

PROPOSED MOTION: Move Council pass and adopt Resolution No. 4556 authorizing and approving the purchase of two parcels of land for a domestic well site, located south of Ocotillo Road, east of Arizona Avenue, Project WA-1008, including Phase I Environmental, survey, and associated costs; authorizing and approving condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

Attachments: Map
 Resolution No. 4556



AUTHORIZATION TO ACQUIRE PROPERTY FOR OCOTILLO WELL PROJECT NO. WA1008



MEMO NO. DRE12-010

RESOLUTION 4556



RESOLUTION NO. 4556

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, AUTHORIZING ACQUISITION OF TWO PARCELS OF REAL PROPERTY NEEDED IN CONNECTION WITH IMPROVEMENT OF A PROPOSED WELL SITE THAT WILL MAINTAIN WELL SYSTEM CAPACITY AND REDUNDANCY, AND AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AUTHORIZING CONDEMNATION PROCEEDINGS, AS NEEDED, TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

WHEREAS, on August 28, 2008, the Chandler City Council approved the alignment for a road improvement project for Ocotillo Road from Arizona Avenue to McQueen Road, which is intended to improve transportation and vehicular traffic movement within the City of Chandler; and

WHEREAS, a well site exists on the remainder property of one of the parcels required for the right of way for Ocotillo Road, which remainder property is described in attached Exhibit "A", and the owner has agreed to sell the property to the City at the appraised value; and

WHEREAS, in addition to the well site property, a portion of a separately owned adjacent parcel is needed to develop the well site, including a temporary construction easement, both of which are described in attached Exhibit "B"; and

WHEREAS, staff has determined that additional wells are required in order to maintain well system capacity and redundancy as recommended by the 2008 Water, Wastewater, Reclaimed Water Master Plan Update; and

WHEREAS, the City may need to obtain, immediate possession of the real property needed for the construction of the well site, both the property described in Exhibit "A" and in Exhibit "B", in order to have access and use during the construction period of the well site; and

WHEREAS, the City is authorized by law to acquire, whether by purchase, dedication or condemnation proceedings (eminent domain), such real property as is needed for public purposes; and

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

Section 1. It is hereby determined that the acquisition of real property described in Exhibit "A" and in Exhibit "B", and the securing of immediate possession of such real property, is necessary for a public and necessary purpose, and is in the best interest of the citizens of the City of Chandler.

Section 2. The City is authorized and directed to purchase said real property for an amount equal to the fair market value of the property as determined by appraisal. Written offers shall be in a form approved by the Chandler City Attorney and each purchase agreement entered into with a property owner shall be individually approved as to form by the Chandler City Attorney prior to being deposited into escrow.

Section 3. Subject to Section 2 above, the City's Real Estate Coordinator, any City real estate officer acting on the Coordinator's behalf, or any retained right-of-way consultant acting at the direction of the Real Estate Coordinator, is authorized to make written offers for said real property and, where accepted, to execute, deliver and deposit into escrow the approved purchase agreement, along with all other documents and instructions necessary to consummate the purchase of said real property.

Section 4. Where any such written offer is not accepted within a reasonable period of time for negotiation, the Chandler City Attorney is hereby authorized and directed to commence condemnation (eminent domain) proceedings to acquire, in the name of the City of Chandler, said real property, including any improvements thereon, and to secure immediate possession of such real property, for the public purpose of construction of a well site located south of Ocotillo Road, east of Arizona Avenue, and is further directed to do and to perform all acts necessary in furtherance of the acquisition of title to and immediate possession of said real property.

PASSED AND ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this ___ day of _____, 2012.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4556 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ___ day of _____, 2012, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *SAB*

DESCRIPTION
FOR
REMAINDER
A.P.N. 303-46-006D

A portion of the Northwest Quarter of Section 22, Township 2 South, Range 5 East of Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northwest Corner of said Section 22 bearing South 89 degrees 04 minutes 02 seconds West, a distance of 2640.84 feet from the North Quarter Corner of said Section 22;

THENCE North 89 degrees 04 minutes 02 seconds East, along the North line of said Section 22, a distance of 1267.59 feet;

THENCE departing said North line, South 00 degrees 17 minutes 19 seconds East, a distance of 33.00 feet to the Northerly most Northeast corner of Lot 3 Final Plat for Dollar Storage recorded in Book 972 of Maps, Page 39, Maricopa County Recorder's;

THENCE continuing South 00 degrees 17 minutes 19 seconds East, along the East line of said Lot 3, a distance of 32.00 feet to the POINT OF BEGINNING;

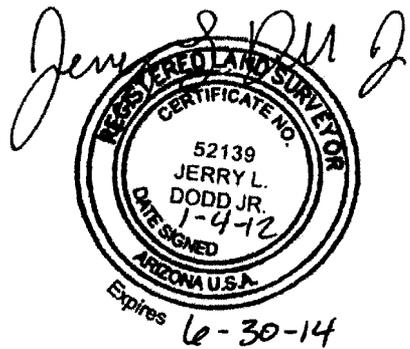
THENCE North 89 degrees 04 minutes 02 seconds East, parallel with said North line, a distance of 50.00 feet to a point on the west right of way line of the Union Pacific Railroad;

THENCE South 00 degrees 17 minutes 19 seconds East, along said west line, a distance of 50.00 feet;

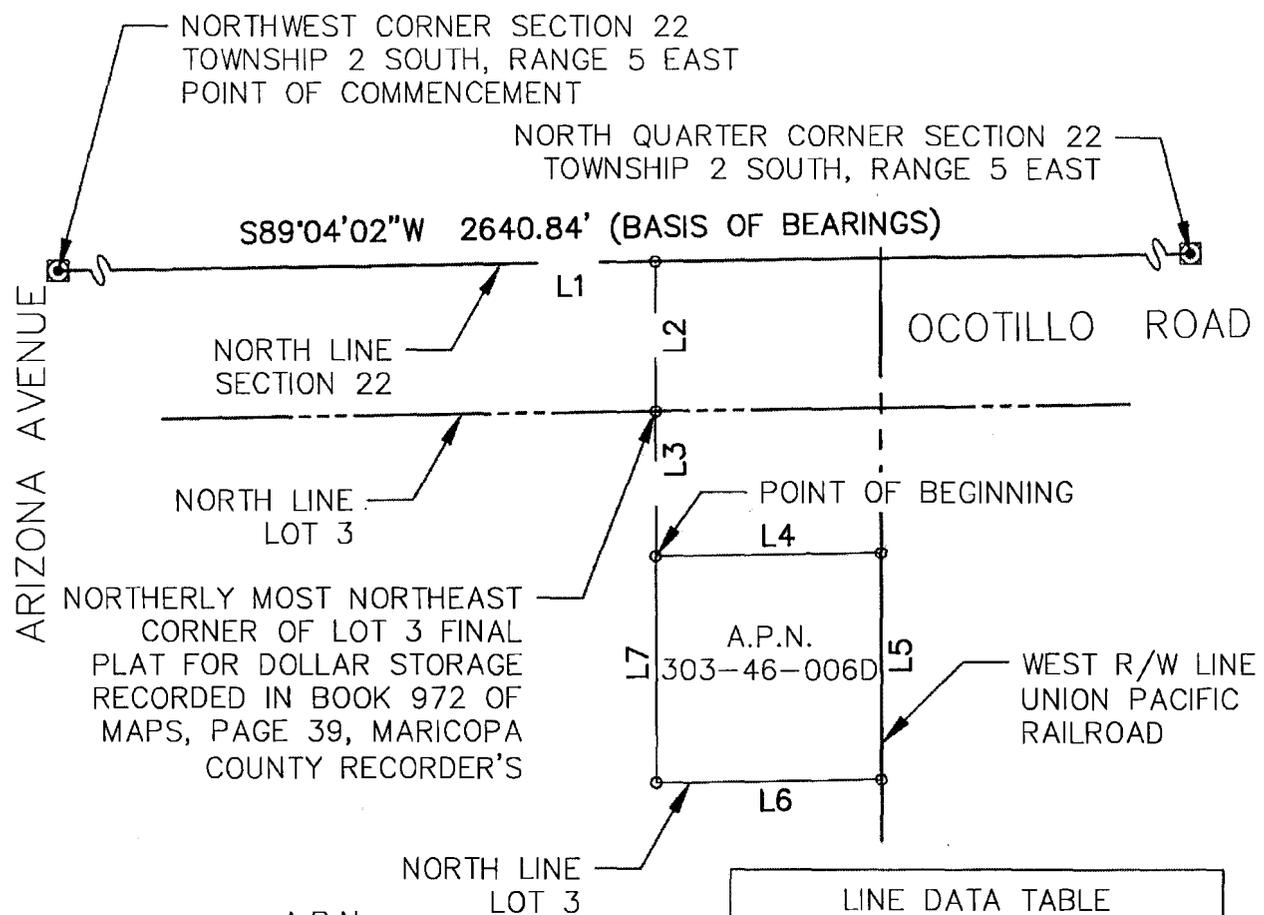
THENCE departing said west line, South 89 degrees 04 minutes 02 seconds West, along the North line of said Lot 3, a distance of 50.00 feet;

THENCE North 00 degrees 17 minutes 19 seconds West, along the East line of said Lot 3, a distance of 50.00 feet to the POINT OF BEGINNING.

Parcel contains a computed area of 2,500 square feet or 0.0574 acres more or less.
The attached EXHIBIT 'A' is to be included and made part of this description.



FILE:V:\PROJECTS\2008\10-0808\DWGS\ADAD\UPDATED 2012-0103\APN303-46-006D REMAIN.dwg DATE:Jan, 04 2012 TIME: 03:54 pm



NTS

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N89°04'02"E	1267.59'
L2	S00°17'19"E	33.00'
L3	S00°17'19"E	32.00'
L4	N89°04'02"E	50.00'
L5	S00°17'19"E	50.00'
L6	S89°04'02"W	50.00'
L7	N00°17'19"W	50.00'

THIS IS NOT A PROPERTY BOUNDARY SURVEY.



Dibble Engineering

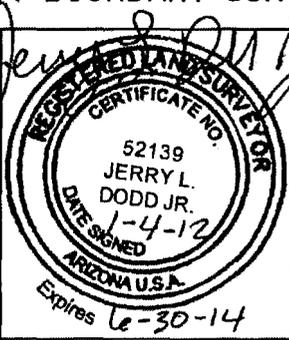


EXHIBIT "A"
REMAINDER
A.P.N. 303-46-006D

DATE: JAN 2012
DRN: GDS
CHK: RJB
CHK: JLD

PAGE
3 OF 3

Dibble Engineering
Project No. 100808

EXHIBIT "B"

FEE SIMPLE ACQUISITION

A portion of the Northwest Quarter of Section 22, Township 2 South, Range 5 East of the Gila and Salter River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

The East 25.00 feet of the North 50.00 feet and the East 75.00 feet of the South 25.00 feet of the North 75.00 feet of Lot 3, DOLLAR STORAGE, according to Book 972, page 39, records of Maricopa County, Arizona.

TEMPORARY CONSTRUCTION EASEMENT

A portion of the Northwest Quarter of Section 22, Township 2 South, Range 5 East of the Gila and Salter River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

The North 75.00 feet of Lot 3, DOLLAR STORAGE, according to Book 972, page 39, records of Maricopa County, Arizona.