



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. RE12-106

DATE: MARCH 8, 2012

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 NO. 4342 AUTHORIZING AND APPROVING THE
 VACATION OF THE RIGHT-OF-WAY ON THE EAST SIDE OF GILBERT
 ROAD AT THE IRIS DRIVE ALIGNMENT.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4342 authorizing and approving the vacation of the right-of-way on the east side of Gilbert Road at the Iris Drive alignment.

BACKGROUND/DISCUSSION: Based upon the original design of the Gilbert Road Improvements project from Queen Creek Road to Riggs Road ST-0809, Lennar-Layton, LLC dedicated an access point for Iris Drive on the east side of Gilbert Road. However, due to changes in the design of the project, this access point is no longer required.

FINANCIAL IMPLICATIONS:

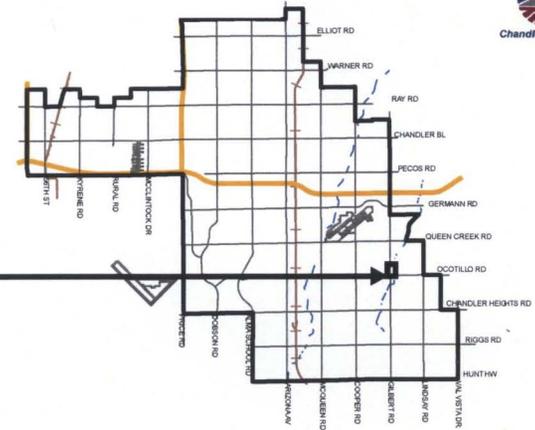
Cost: N/A
 Savings: N/A
 Long Term Costs: N/A

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 4342 authorizing and approving the vacation of the right-of-way on the east side of Gilbert Road at the Iris Drive alignment.

Attachments:
 Ordinance No. 4342
 Aerial Map



**VACATE A PORTION OF RIGHT-OF-WAY
FOR THE IRIS DR. ALIGNMENT ON THE
EAST SIDE OF GILBERT RD.**



MEMO NO. RE12-106

■ ROW TO BE VACATED



ORDINANCE NO. 4342

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF RIGHT-OF-WAY ON THE EAST SIDE OF GILBERT ROAD AT THE IRIS DRIVE ALIGNMENT.

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, A.R.S. §28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, the proposed access point for Iris Drive on the East side of Gilbert Road is no longer needed for the Gilbert Road Improvement Project from Queen Creek Road to Riggs Road Project ST-0809 due to changes in the design of the project.

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

Section 1. The Roadway, which is generally described above and which is legally described in Exhibit "A", attached hereto and incorporated herein by reference, is determined to be no longer necessary for public use as roadway, and has no public use or no market value.

Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

Section 3. The vacating of the Roadway is not intended to vacate or extinguish any easements for existing water, sewer, gas or similar pipelines and appurtenances, and for existing canals, laterals or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the Roadway.

Section 4. The action taken herein to vacate the Roadway is done solely to dispose of the City's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

Section 5. The Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, this Ordinance and all other documents required and necessary to complete the abandonment and vacation of the Roadway.

Section 6. The City Clerk is directed to cause this Ordinance No. 4342 to be recorded in the office of the Maricopa County Recorder as directed by the Chandler City Attorney, but in no event earlier than thirty (30) days following the date that this Ordinance No. 4342 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 4342.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2012.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this ____ day of _____, 2012.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4342 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
GAB

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
PARCEL NO. 304-73-001-D
GILBERT ROAD IMPROVEMENTS
RIGHT-OF-WAY ABANDONMENT**

Those portions of a parcel of land described as Layton Lakes Phase Two, Parcel No. 1 in Document # 2008-1059878, records of MARICOPA COUNTY, ARIZONA located in the SOUTHWEST QUARTER of SECTION 18, 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 WEST QUARTER CORNER of SAID SECTION 18, being monumented with a Brass Cap flush, from which the NORTHWEST CORNER OF SAID SECTION 18, being monumented with a Brass Cap in handhole, bears North 00 degrees 18 minutes 57 seconds West a distance of 2648.72 feet, said line being the West line of the Northwest Quarter of said Section 18 and the basis of bearings for this description;

Thence along the West line of said Southwest Quarter, South 00 degrees 15 minutes 51 seconds East a distance of 1440.28 feet to a point;

Thence North 89 degrees 44 minutes 09 seconds East a distance of 65.00 feet to a point on a line parallel with an 65.00 feet distant from said West line of the Southwest Quarter, said point being the POINT OF BEGINNING;

Thence along said parallel line, North 00 degrees 15 minutes 51 seconds West a distance of 166.53 feet to a point;

Thence South 45 degrees 15 minutes 48 seconds East a distance of 21.18 feet to a point;

Thence North 89 degrees 44 minutes 12 seconds East a distance of 11.02 feet to a point on a line parallel with and 91.00 feet distant from said West line of the Southwest Quarter;

Thence along last-mentioned parallel line, South 00 degrees 15 minutes 51 seconds East a distance of 50.00 feet to a point;

Thence South 44 degrees 44 minutes 08 seconds East a distance of 28.28 feet to a point on a line parallel with and 71.00 feet distant from said West line of the Southwest Quarter;

Thence along last-mentioned parallel line, South 00 degrees 15 minutes 51 seconds East a distance of 87.55 feet to a point;

Thence North 45 degrees 15 minutes 48 seconds West a distance of 8.48 feet to THE POINT OF BEGINNING.

10-10-11 ✓

Containing an area of 2,240 SQUARE FEET or 0.051 ACRES, more or less.

See Exhibit "B"



Note: The legal description above is based on recorded documents such as the subject parcel's deed, adjacent parcel deeds and/or plats. It is not based on a boundary survey of the subject parcel.

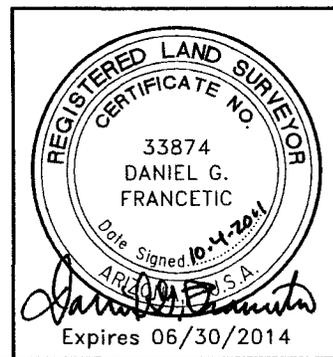
EXHIBIT "B"

RIGHT-OF-WAY
ABANDONMENT
304-73-001-D
CITY OF CHANDLER

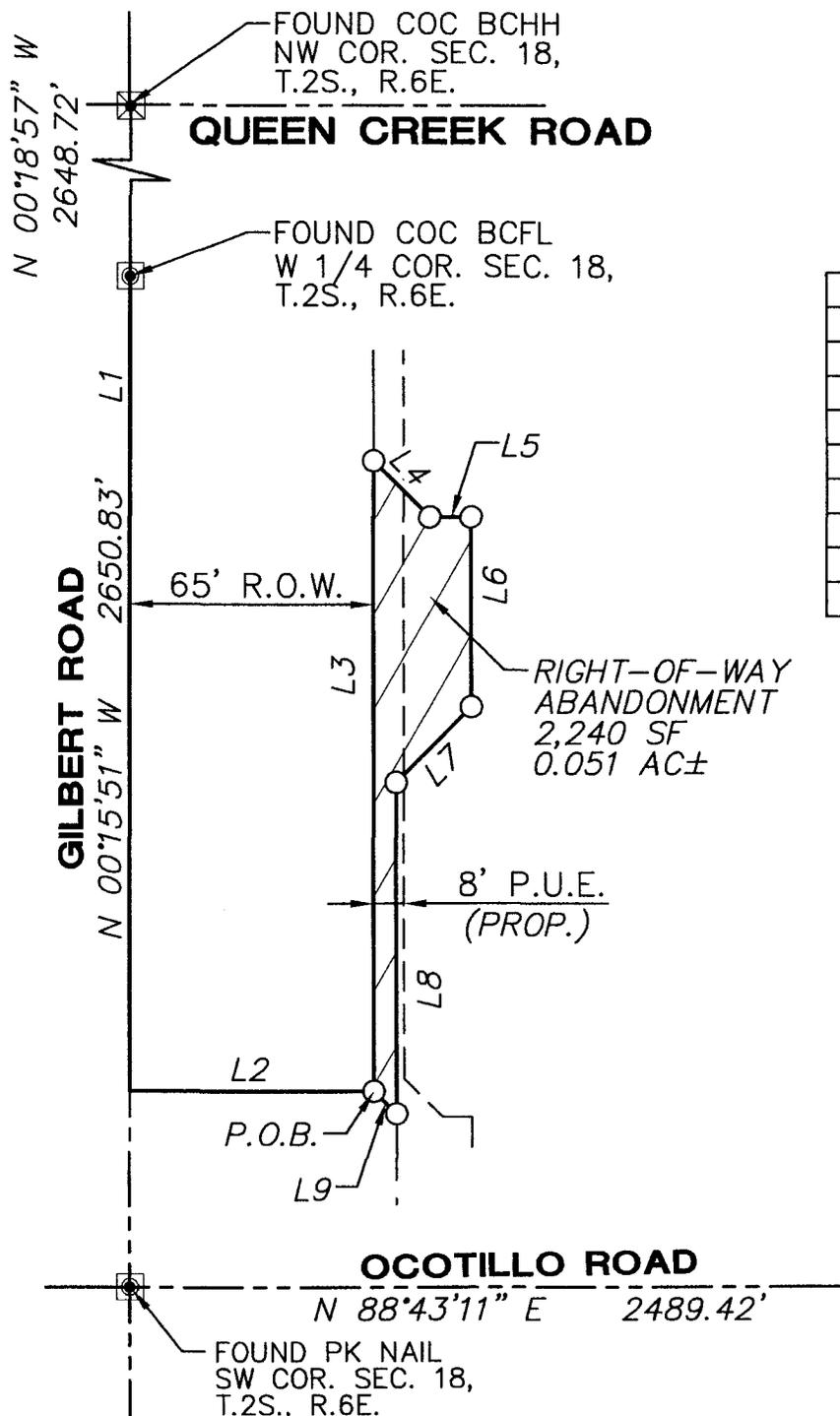
LINE	BEARING	DISTANCE
L1	S 00°15'51" E	1440.28'
L2	N 89°44'09" E	65.00'
L3	N 00°15'51" W	166.53'
L4	S 45°15'48" E	21.18'
L5	N 89°44'12" E	11.02'
L6	S 00°15'51" E	50.00'
L7	S 44°44'08" W	28.28'
L8	S 00°15'51" E	87.55'
L9	N 45°15'48" W	8.48'

APN#
304-73-001-D
LAYTON LAKES
PHASE TWO
PCL. NO. 1, DOC.#
2008-1059878 M.C.R.

SCALE: N.T.S.



CITY OF CHANDLER	
GILBERT ROAD	
SECTION 18, T.2S., R.6E.	
PROPOSED RIGHT OF WAY ABANDONMENT	
DATE: 9/22/11	REV'D:
DRAWN BY: JD	CHK'D: DGF
PG: 3 OF 3	FILE: 304-73-001-D_ABAND.DWG



NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJOINING DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

LEGEND
 RIGHT-OF-WAY ABANDONMENT

BASIS OF BEARINGS
 THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 18 BEARING N 00°18'57" W

Entellus™
 2255 N. 44th Street Suite 125
 Phoenix, AZ 85008.3279
 Tel 602.244.2566
 Fax 602.244.8947
 Website: www.Entellus.com

615055A GILBERT ROAD
304-73-001D ROW ABANDONMENT
Polyline Report

Thu Sep 22 13:03:25 20

Northing	Easting	Bearing	Distance
819231.213	739056.126	N 00°15'51" W	166.528
819397.739	739055.358	S 45°15'48" E	21.185
819382.827	739070.407	N 89°44'12" E	11.020
819382.878	739081.426	S 00°15'51" E	50.000
819332.878	739081.657	S 44°44'08" W	28.284
819312.786	739061.749	S 00°15'51" E	87.547
819225.240	739062.153	N 45°15'48" W	8.485
819231.213	739056.126		

Closure Error Distance > 0.00000

Total Distance > 373.049

Polyline Area: 2239.5 sq ft, 0.0514 acres



Daniel G. Francetic
EXPIRES 6/30/2014