



Chandler + Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. DRE12-018



DATE: MAY 10, 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: SHARON A. JOYCE, REAL ESTATE COORDINATOR *SJ*

SUBJECT: ORDINANCE NO. 4370 AUTHORIZING AND APPROVING THE
 VACATION OF A 5-FOOT STRIP OF RIGHT-OF-WAY AND
 EXTINGUISHMENT OF AN EASEMENT AT 55 W. CHICAGO STREET

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4370 authorizing and approving the vacation of a 5-foot strip of right-of-way and extinguishment of an easement at 55 W. Chicago Street.

BACKGROUND/DISCUSSION: The applicant is requesting the City take two actions, first to vacate a 5-foot strip of right-of-way at the north property line, and second, to extinguish a 15' x 30' easement for ingress, egress and utilities at the south end of the property.

The applicant and owner of 55 W. Chicago Street has requested the City consider vacating a 5-foot strip of right-of-way at the north property line of 55 W. Chicago Street in order to accommodate improvements to the property which is planned to be a restaurant. Vacating the right-of-way will allow an upgraded entrance area and an outdoor seating area, fence and other amenities for the restaurant. A public utility easement will be retained in the 5-foot strip of vacated right-of-way to accommodate existing utilities.

The applicant is also requesting the City consider extinguishing a 15' x 30' easement for ingress, egress and utilities at the south end of the property to further increase utility of the property.

The total market value of \$2,026.27 has been established as consideration for the right-of-way to be vacated and the easement to be extinguished. If approved, the property owner will compensate the City at the fair market value.

Staff and outside utilities have been notified of and have reviewed this request.

FINANCIAL IMPLICATIONS:

Cost: N/A

Savings: N/A

Long Term Costs: N/A

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 4370 authorizing and approving the vacation of a 5-foot strip of right-of-way and extinguishment of an easement at 55 W. Chicago.

Attachments:

Ordinance No. 4370

Aerial Map



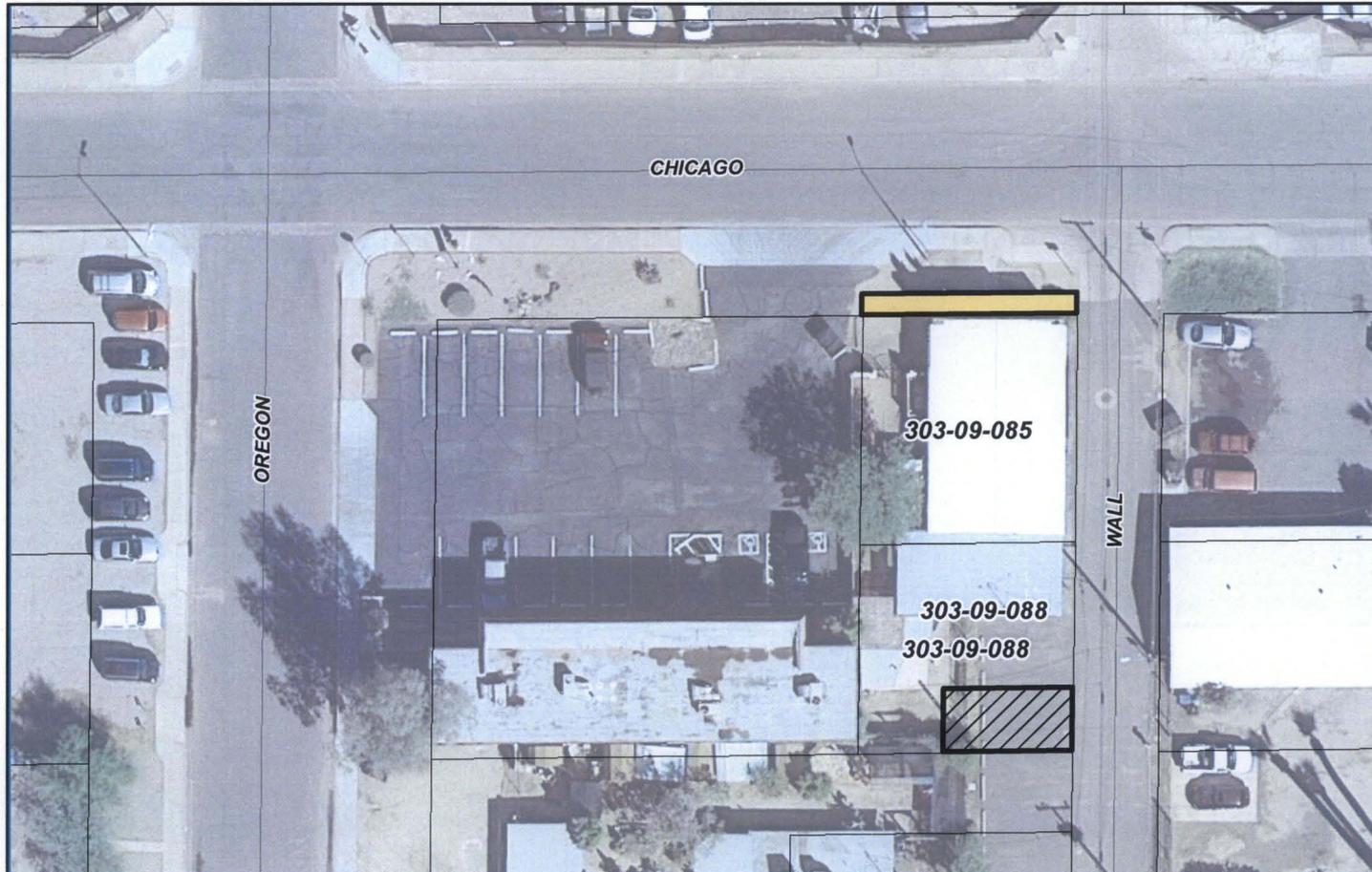
REQUEST FOR VACATION OF RIGHT OF WAY AND EXTINGUISHMENT OF EASEMENT



MEMO NO. DRE12-018

ORDINANCE NO. 4370

-  VACATION OF RIGHT-OF-WAY
-  INGRESS/EGRESS AND UTILITY EASEMENT



ORDINANCE NO. 4370

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF A 5-FOOT STRIP OF RIGHT OF WAY AND THE EXTINGUISHMENT OF AN EASEMENT AT 55 W. CHICAGO STREET.

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 a 5-foot strip of right of way for West Chicago Street is no longer needed for public use as roadway;

WHEREAS, a 15-foot by 30-foot ingress, egress and utility easement at the south property line of 55 W. Chicago Street, recorded at 97-179687, records of Maricopa County is no longer needed;

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, and retaining a public utility easement in the 5-foot strip.

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. That the vesting of title in the Roadway, as provided in Section 2 above, is further made subject to the receipt by the City of the sum of \$2,026.27 from the owner of the parcel of land abutting the Roadway, and encumbered by the easement. The payment of \$2,026.27 is deemed to be sufficient consideration commensurate with the value of the Roadway and the easement.

Section 6. The City of Chandler is authorized to release and extinguish the said ingress, egress, and utility easement upon the property described in the attached Exhibit "B".

Section 7. The said release and extinguishment of the ingress, egress and utility easement shall be in the form as approved by the City Attorney.

Section 8. 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, and extinguishment of the 15-foot by 30-foot easement.

Section 9. The City Clerk is directed to cause this Ordinance No. 4370 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. 4370 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of thi70Ordinance No. 4370.

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. 4370 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*



LEGAL DESCRIPTION

Vacation of a portion of West Chicago Street, Chandler, AZ

To wit

Exhibit A Legal Description

A parcel of land located in and being a portion of the SE1/4 of Section 33, Township 1 South, Range 5 East of the Gila & Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as a strip of public roadway which is 5 feet in width and contains approximately 250 square feet, and lying north of and contiguous to the north boundary of the following real property:

Lot 893 of Block 1, of Chandler, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 9 of Maps, Page 2: except to West 100 feet thereof.



**EXHIBIT
TO ACCOMPANY
LEGAL DESCRIPTION**

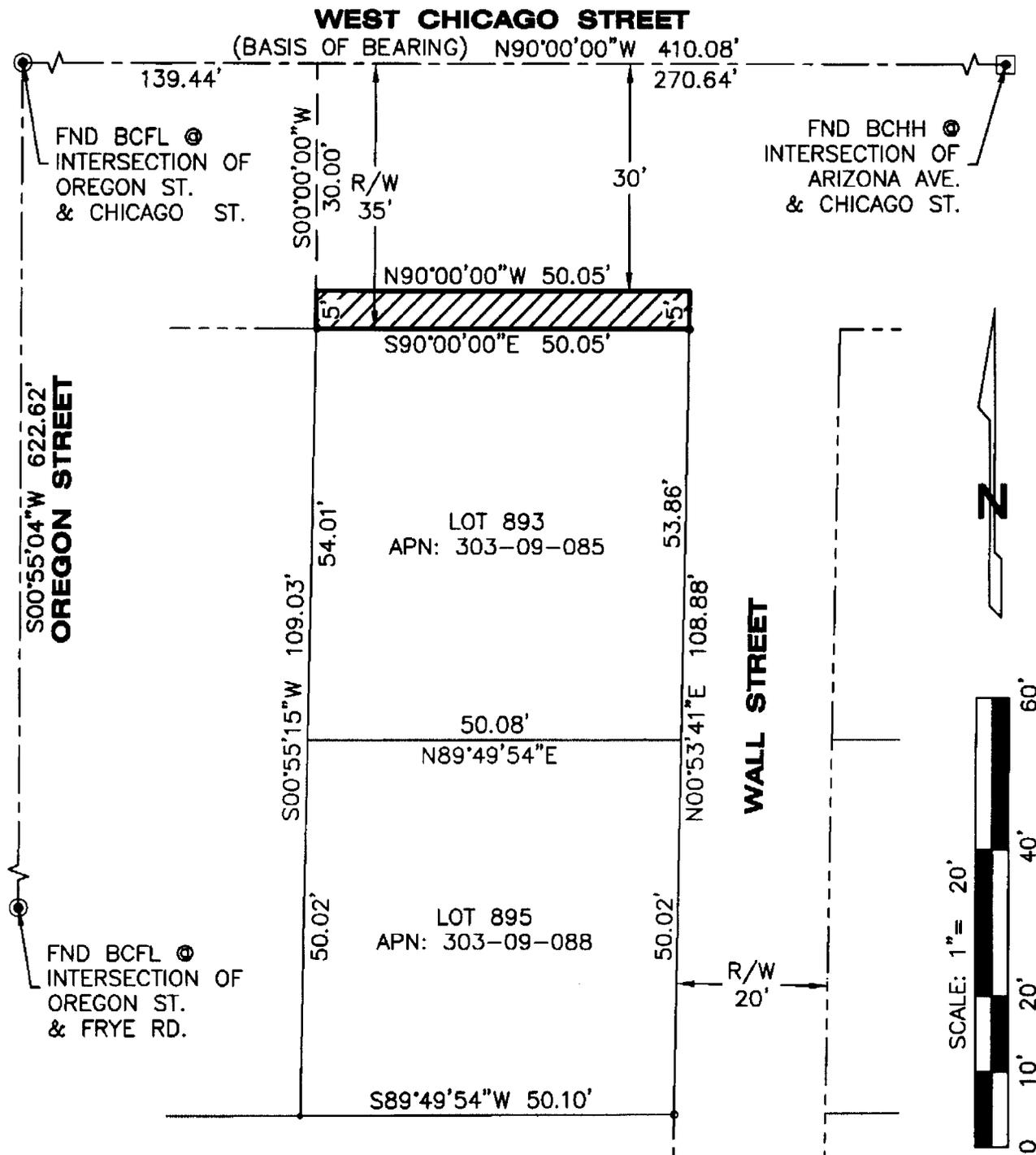


EXHIBIT "B"
Easement Description

The South 15.00 feet of the East 30.00 feet of Lot 895, BLOCK 1, CHANDLER, according to Book 9 of Maps, page 2, records of Maricopa County, Arizona.