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JUL 26 2012



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Where Values Make The Difference

MEMORANDUM Real Estate Council Memo No. RE13-002

DATE: JULY 26, 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. 4378 AUTHORIZING AND APPROVING THE VACATION OF A PORTION OF THE SOUTH RIGHT-OF-WAY OF QUEEN CREEK ROAD WEST OF ARIZONA AVENUE, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AT THE CITY'S COST BASIS OF \$4.53 PER SQUARE FOOT.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4378 authorizing and approving the vacation of a portion of the south right-of-way of Queen Creek Road west of Arizona Avenue, as described in Exhibit "A" attached hereto, at the City's cost basis of \$4.53 per square foot.

BACKGROUND/DISCUSSION: The City of Chandler entered into an Intergovernmental Agreement ("IGA") with Maricopa County in September of 2000 to improve Queen Creek Road from just west of Arizona Avenue to just east of McQueen Road. Pursuant to the terms of the IGA the County acquired an eighty (80) foot wide strip on both the north and south sides of the Queen Creek Road center line for right-of-way for the project. Under the IGA, the City reimbursed the County for the right-of-way acquisitions up to 65 feet for the half right-of-way and 71 feet for corners. The County paid the balance.

Pulte Home Corporation, a Michigan corporation, is developing the Hamilton Heights project west of the southwest corner of Arizona Avenue and Queen Creek Road. So that the proposed Pulte Plat will conform to the City of Chandler standard details and adjacent developments, Pulte has agreed to acquire a 9 foot wide by 202 foot long portion of the Queen Creek Road right-of-way (1,817 square feet) and reimburse the City at the City's cost basis of \$4.53 per square foot for a total of \$8,231. These funds will be paid to the County under the IGA.

Ordinance No. 4378
July 26, 2012
Page Two

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 4378 authorizing and approving the vacation of a portion of the south right-of-way of Queen Creek Road west of Arizona Avenue, as described in Exhibit “A” attached hereto, at the City’s cost basis of \$4.53 per square foot.

Attachments:
Ordinance No. 4378
Aerial Map

JUNE 18, 2012
PROJECT # 9508-01-001

**LEGAL DESCRIPTION
QUEEN CREEK ROAD
RIGHT-OF-WAY ABANDONMENT**

A PARCEL OF LAND LYING WITHIN PARCEL NO 1 DESCRIBED IN DOCUMENT 2004-1408230 M.C.R., WITHIN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 9.00 FEET OF THE NORTH 80.00 FEET OF THE WEST 201.86 FEET OF THE EAST 960.89 FEET OF SAID NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16.

SAID PARCEL OF LAND CONTAINS 1,817 SQUARE FEET, OR 0.0417 ACRES, MORE OR LESS.



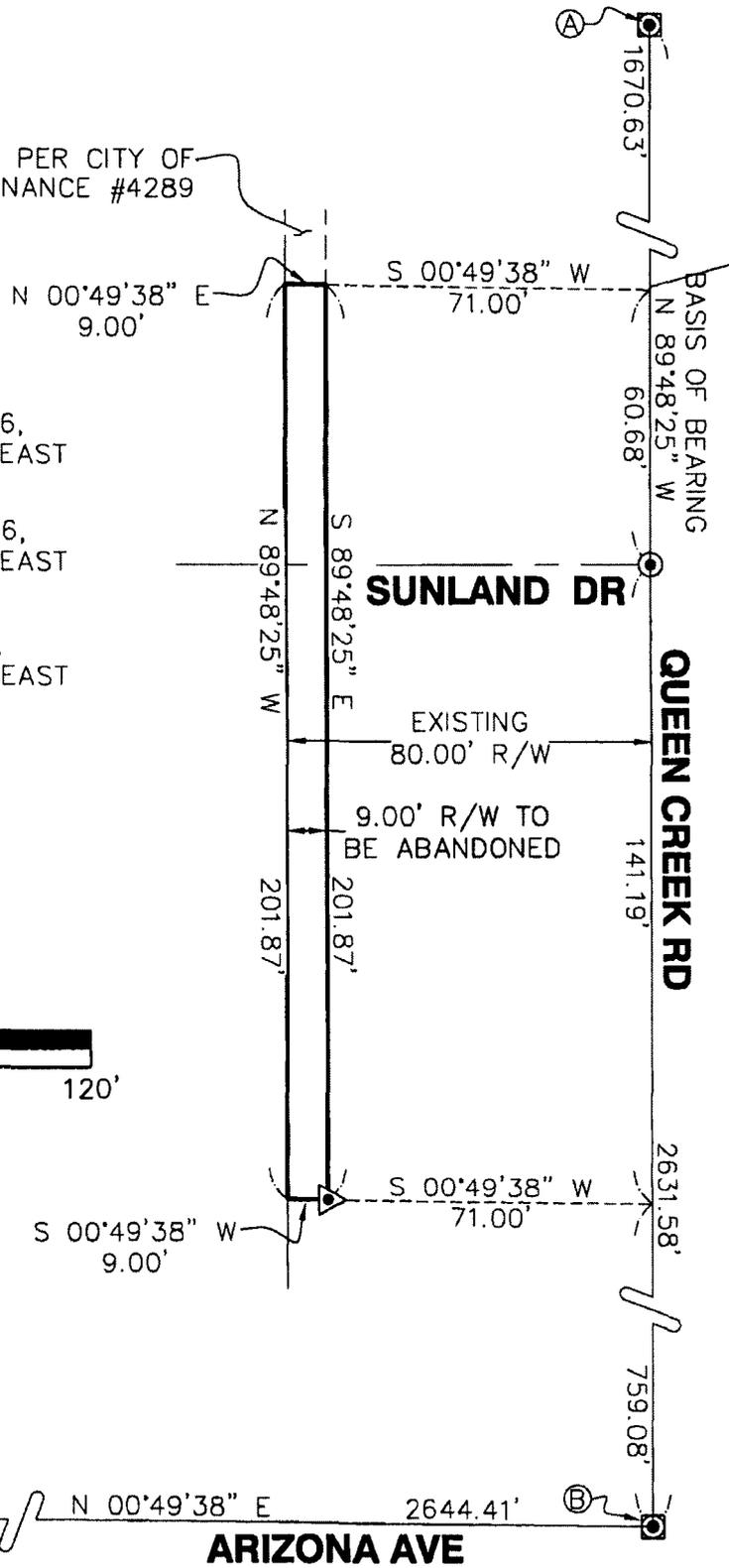
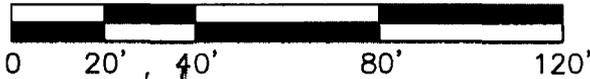
ABANDONED PER CITY OF CHANDLER ORDINANCE #4289

FOUND MONUMENTS

- Ⓐ NORTH 1/4 CORNER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 5 EAST BRASS CAP IN HAND HOLE
- Ⓑ NORTHEAST CORNER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 5 EAST BRASS CAP IN HAND HOLE
- Ⓒ EAST 1/4 CORNER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 5 EAST BRASS CAP FLUSH



SCALE: 1" = 40'



SHEET 1 OF 1
DATE: 06/18/12

QUEEN CREEK ROAD RIGHT-OF-WAY ABANDONMENT		
BY: LB	CHK: CJH	QC: JRK
BCG PROJECT NO: 9508		TASK:
CLIENT REF NO:		

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VACATING A PORTION OF QUEEN CREEK RD



MEMO NO. RE13-002

ORDINANCE NO. 4378

 ROW TO BE VACATED



ORDINANCE NO. 4378

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF A PORTION OF THE SOUTH RIGHT-OF-WAY OF QUEEN CREEK ROAD WEST OF ARIZONA AVENUE, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AT THE CITY'S COST BASIS OF \$4.53 PER SQUARE FOOT.

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, that certain portion of the south half of Queen Creek Road located west of Arizona Avenue and legally described in Exhibit "A", attached hereto and incorporated herein by reference, is excess roadway purchased by Maricopa County, pursuant to an intergovernmental agreement with the City of Chandler, and thereafter conveyed to the City in conjunction with the widening of Queen Creek Road, and is no longer needed as public roadway;

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

Section 1. The portion of Queen Creek Road described in attached Exhibit "A" (the "Roadway") is determined to be no longer necessary for public use as a roadway.

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 rights-of-way or easements for existing sewer, gas, water or similar pipelines and appurtenances, and for existing canals, laterals, ditches and appurtenances, and for existing 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. 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 a sum equal to the total square feet of the Roadway times \$4.53, which sum represents the price paid in acquiring the Roadway and which is declared to be consideration commensurate with the value of the Roadway.

Section 5. The action taken to vacate the Roadway pursuant to this Ordinance is done solely to dispose of the City of Chandler's interest, if any, in the Roadway, subject to the terms

and conditions stated in this Ordinance and to any easements reserved herein by the City, 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 6. 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 7. The City Clerk is directed to cause this Ordinance to be recorded in the office of the Maricopa County Recorder after the effective date of this Ordinance according to City Code or Charter and upon receipt of notice from the City Engineer that payment of the consideration set out in Section 4 above has been received by the City. The vacation of the Roadway shall take effect upon recordation of this Ordinance.

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. 4378 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 the vote was ____ ayes, and ____ nays.

CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY

LAB

JUNE 18, 2012
PROJECT # 9508-01-001

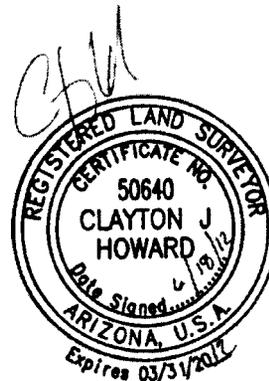
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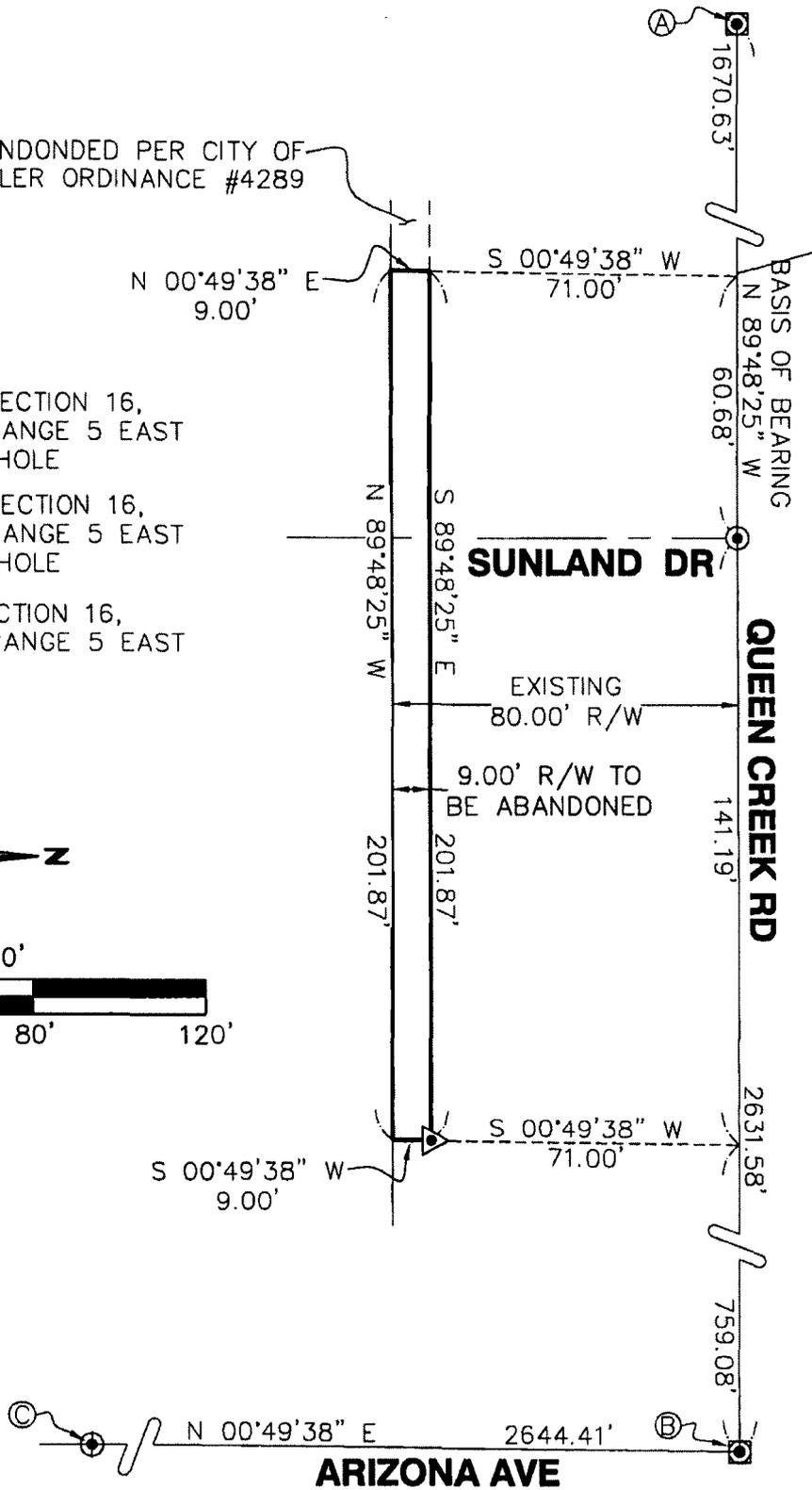
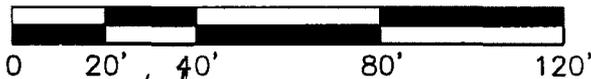
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