



Chandler · Arizona
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MEMORANDUM Transportation & Development – Council Memo No. TDE13-002

DATE: SEPTEMBER 13, 2012

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
 PAT MCDERMOTT, ASSISTANT CITY MANAGER *[Signature]*
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *[Signature]*
 SHEINA HUGHES, CITY ENGINEER *#*

FROM: WARREN WHITE, PRINCIPAL ENGINEER *WW*

SUBJECT: RIGHT-OF-WAY ANNEXATION - CERTAIN GILBERT ROAD RIGHTS-OF-WAY AT THE SOUTHEAST CORNER OF PECOS ROAD CONTINGENT UPON DE-ANNEXATION BY THE TOWN OF GILBERT
 Introduction and Tentative Adoption Ordinance No. 4390

Request: Annexation of approximately 0.03 acres of right-of-way

Location: Certain Gilbert Road Rights-of-Way at the southeast corner of Pecos Road

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4390, Right-of-Way Annexation – certain Gilbert Road Rights-of-Way at the southeast corner of Pecos Road contingent upon de-annexation by the Town of Gilbert.

BACKGROUND/DISCUSSION: The 1987 Intergovernmental Agreement (IGA) 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 Town of Gilbert would have control of Gilbert Road rights-of-way from Chandler Boulevard to Pecos Road including the full intersection at Chandler Boulevard, but excluding the full intersection at Pecos Road.

This annexation is a follow-on to previously completed actions to meet the intent of the 1987 IGA. Currently, a strip of roadway rights-of-way (R.O.W.) remains in 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 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. 4390 Right-of-Way Annexation - certain Gilbert Road Rights-of-Way at the southeast corner of Pecos Road contingent upon de-annexation by the Town of Gilbert.

ATTACHMENTS:

Ordinance No. 4390

ORDINANCE NO. 4390

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 AT THE SOUTHEAST CORNER OF PECOS 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 de-annexed from 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 from 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 13th day of September, 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. 4390 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2012, and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY GAB

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.

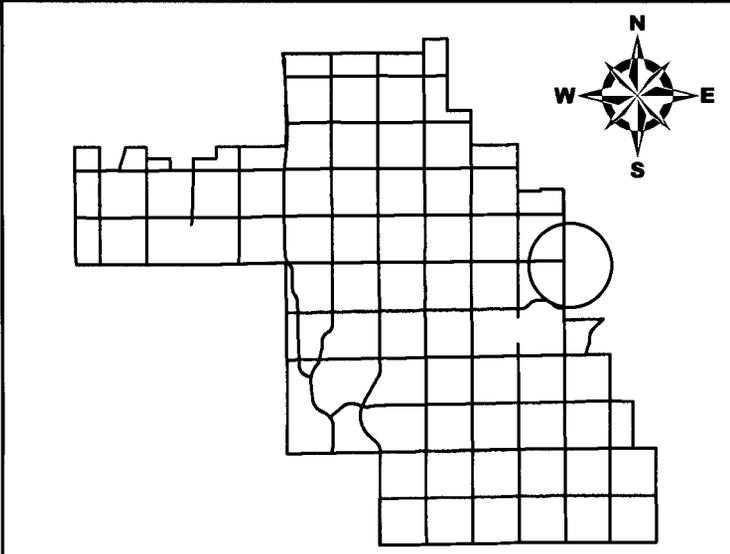
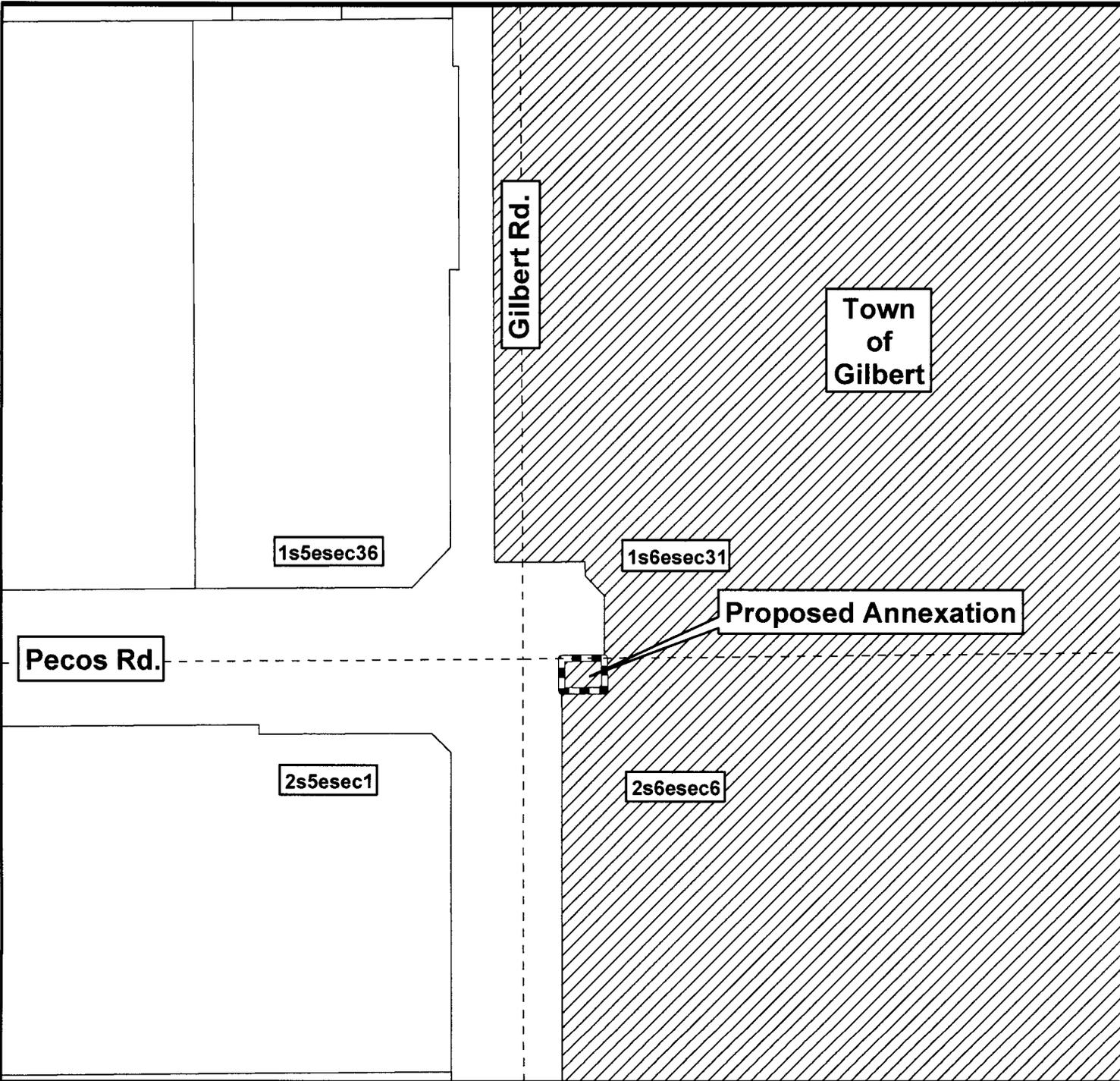
LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 1
TOWN OF GILBERT RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land described in the Records of Maricopa County, Arizona located in Section 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 1:

The East 45 feet of the West 85 feet of the North 33 feet of the Northwest Quarter of said Section 6;

Containing an area of 1,485.00 Square Feet or 0.03 Acres, more or less.



Annexation Map

Ordinance No. 4390

-  **Proposed Annexation**
Certain Gilbert Road Rights-of-Way at the Southeast Corner of Pecos Road
-  **Incorporated Area**
-  **Unincorporated Area**

0 50 100 200 300 400
 Feet

Exhibit A