

#12
OCT 25 2012



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MEMORANDUM

Real Estate Council Memo No. DRE13-003

DATE: OCTOBER 25, 2012

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *DD*
DAVE SIEGEL, MUNICIPAL UTILITIES DIRECTOR *DS*
JOHN KNUDSON, SENIOR ENGINEER *R*

FROM: SHARON A. JOYCE, REAL ESTATE COORDINATOR *SAJ*

SUBJECT: RESOLUTION NO. 4649 - Ocotillo Wastewater Forcemain Property Acquisition

RECOMMENDATION: Staff recommends Council pass and adopt Resolution No. 4649 - authorizing and approving the acquisition of real property needed for the Ocotillo Wastewater Forcemain, Project No. WW1105; authorizing and approving condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

BACKGROUND/DISCUSSION: The City of Chandler is constructing a sewer forcemain to transfer wastewater flows from the Ocotillo Water Reclamation Facility to the Airport Water Reclamation Facility (AWRF) for treatment. The majority of this construction will take place in existing road right-of-way in Dobson and Ocotillo Roads. The forcemain section between Ocotillo Road and Appleby Road and the AWRF will require acquisition of right-of-way for construction and future maintenance of the facility.

The alignment, which will be just west of the Consolidated Canal, will cross parcels owned by two different owners on the extreme eastern edge of their property. The City will request a 26 foot strip for the forcemain, and a 25 foot strip for a temporary construction easement. A portion of the 26 foot strip for the forcemain will be used to add to the alignment for the 10 foot trail along the west side of the Consolidated Canal.

This Resolution authorizes acquisition of the real property and other property rights at fair market value either by purchase or by condemnation. A reasonable negotiation period will be allowed for purchase of the required real property and other property rights, after which condemnation proceedings will be initiated as needed to acquire the real property and obtain immediate possession. There is no relocation planned in this project.

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FINANCIAL IMPLICATIONS: A portion of funds budgeted for the Project will be used for the acquisition of the necessary property rights.

PROPOSED MOTION: Staff recommends Council adopt Resolution No. 4649 authorizing the acquisition of real property needed for the Ocotillo Wastewater Forcemain Project No. 1105; and authorizing condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

Attachments: Resolution No. 4649
Location/Site Map

RESOLUTION NO. 4649

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR THE OCOTILLO WASTEWATER FORCEMAIN, PROJECT NO. 1105 IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

WHEREAS, the City Council of the City of Chandler previously approved the alignment and construction of the Ocotillo Wastewater Forcemain, Project No. 1105,

WHEREAS, in order to allow the Project to proceed and be constructed in accordance with its schedule, the City of Chandler needs to acquire certain real property as rights-of-way in fee and easements from private property owners that is adjacent to, or related to the Project; and

WHEREAS, the parcels of private property affected are listed by tax parcel numbers in attached Exhibit "A" and the right-of-way and easements to be acquired are depicted in the map attached as Exhibit "B", both exhibits being incorporated herein by reference.

WHEREAS, the City needs to obtain immediate possession of the real property needed for the Project in order to have access and use during the construction period of the Project; 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 roadway 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 needed for the construction of the Ocotillo Wastewater Forcemain, Project No. 1105, and the securing of immediate possession of such real property, is 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 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 constructing the Ocotillo Wastewater Forcemain, Project No. 1105, from Ocotillo Road to Appleby Road and the AWRP, 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. 4649 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

APPROVE AS TO FORM

CITY ATTORNEY GAB

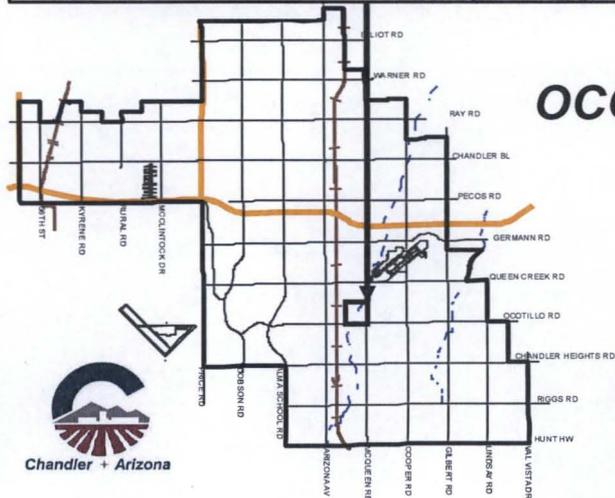
EXHIBIT "A"
OCOTILLO WASTEWATER FORCEMAIN
PARCEL LIST

Assessor's Parcel Numbers

Acquisition of an approximate twenty-six (26) foot wide strip of land running along the east boundary line of the following parcels, and acquisition of a twenty-five (25) foot wide temporary construction easement west of and contiguous with the twenty-six (26) foot strip between Ocotillo and Appleby Roads:

303-41-009
303-41-012A
303-41-025

303-41-984
303-41-983
303-41-980
303-41-939



OCOTILLO WASTEWATER FORCEMAIN PROJECT NO. WW1105

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RESOLUTION NO. 4649



ACQUISITION AREA 26'

TEMPORARY CONSTRUCTION EASEMENT 25'

