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MEMORANDUM Transportation & Development – Council Memo No. TDE13-003

DATE: NOVEMBER 8, 2012

TO: MAYOR AND CITY COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
 PAT MCDERMOTT, ASSISTANT CITY MANAGER *PM*
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*
 SHEINA HUGHES, CITY ENGINEER *SH*

FROM: WARREN WHITE, PRINCIPAL ENGINEER *WW*

SUBJECT: RIGHT-OF-WAY ANNEXATION - CERTAIN COUNTY RIGHTS-OF-WAY
 ON CHANDLER HEIGHTS ROAD BETWEEN THE CONSOLIDATED
 CANAL AND CROSSBOW WAY

Introduction and Tentative Adoption Ordinance No. 4395

Request: Annexation of approximately 0.39 acres of right-of-way

Location: Certain County Rights-of-Way on Chandler Heights Road between
 the Consolidated Canal and Crossbow Way

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4395, Right-of-Way Annexation – certain County Rights-of-Way on Chandler Heights Road between the Consolidated Canal and Crossbow Way.

BACKGROUND/DISCUSSION: Within the City of Chandler Municipal Planning Area (MPA) boundary remnant County islands exist. Some of these islands are within improved roadway right-of-way (R.O.W.) or roadways slated for improvement. In certain cases, annexation benefits the City by alleviating the County plan review and permitting process. This particular annexation will accommodate pedestrian and roadway improvements related to a new signalized intersection at Crossbow Way.

Currently, along Chandler Heights Road between the Consolidated Canal and Crossbow Way, there is a strip of R.O.W. under the jurisdiction of Maricopa County. The Annexation Map attached to the Ordinance depicts the entire area to be annexed.

Memo TDE13-003

November 8, 2012

Page 2

A.R.S. 9-471.02 allows for County R.O.W. 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. 4395 Right-of-Way Annexation - certain County Rights-of-Way on Chandler Heights Road between the Consolidated Canal and Crossbow Way.

ATTACHMENTS:

Ordinance No. 4395

ORDINANCE NO. 4395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF CHANDLER, MARICOPA COUNTY, STATE OF ARIZONA, BY ANNEXING CERTAIN COUNTY RIGHTS-OF-WAY ALONG CHANDLER HEIGHTS ROAD BETWEEN THE CONSOLIDATED CANAL AND CROSSBOW WAY CONTINGENT UPON APPROVAL BY THE MARICOPA COUNTY BOARD OF SUPERVISORS, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARIZONA REVISED STATUTES.

WHEREAS, A.R.S. 9-471 provides that a county right-of-way with no taxable real property, the entire length of which is adjacent to a city, may be annexed to the city by mutual consent of the governing bodies of the county and city; and

WHEREAS, the property to be annexed is a county right-of-way with no taxable real property and is adjacent to the City of Chandler for the entire length of the annexation; 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 (N);

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 (N), and contingent upon approval of the Maricopa County Board of Supervisors, the following described County right-of-way, the entire length of which is adjacent to the corporate limits of the City of Chandler, shall be annexed to the City of Chandler, and the City of Chandler corporate limits shall be extended and increased to include the County right-of-way described as follows:

SEE ATTACHED EXHIBIT A FOR MAP AND LEGAL DESCRIPTION.

Section 2. The City Clerk is hereby instructed to file and record a copy of this Ordinance, together with an accurate map of the County right-of-way to be annexed to the City of Chandler, in the Office of the County Recorder of Maricopa County, Arizona. The City Clerk shall also forward a certified copy of this Ordinance, as recorded, to the Clerk of the Maricopa County Board of Supervisors for the purpose of obtaining the approval of the Board of Supervisors to the annexation.

Section 3. 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 _____ 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

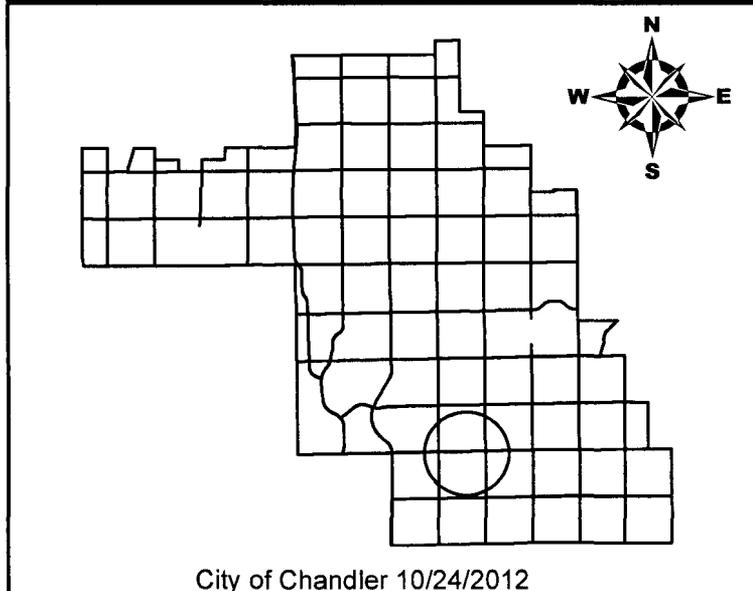
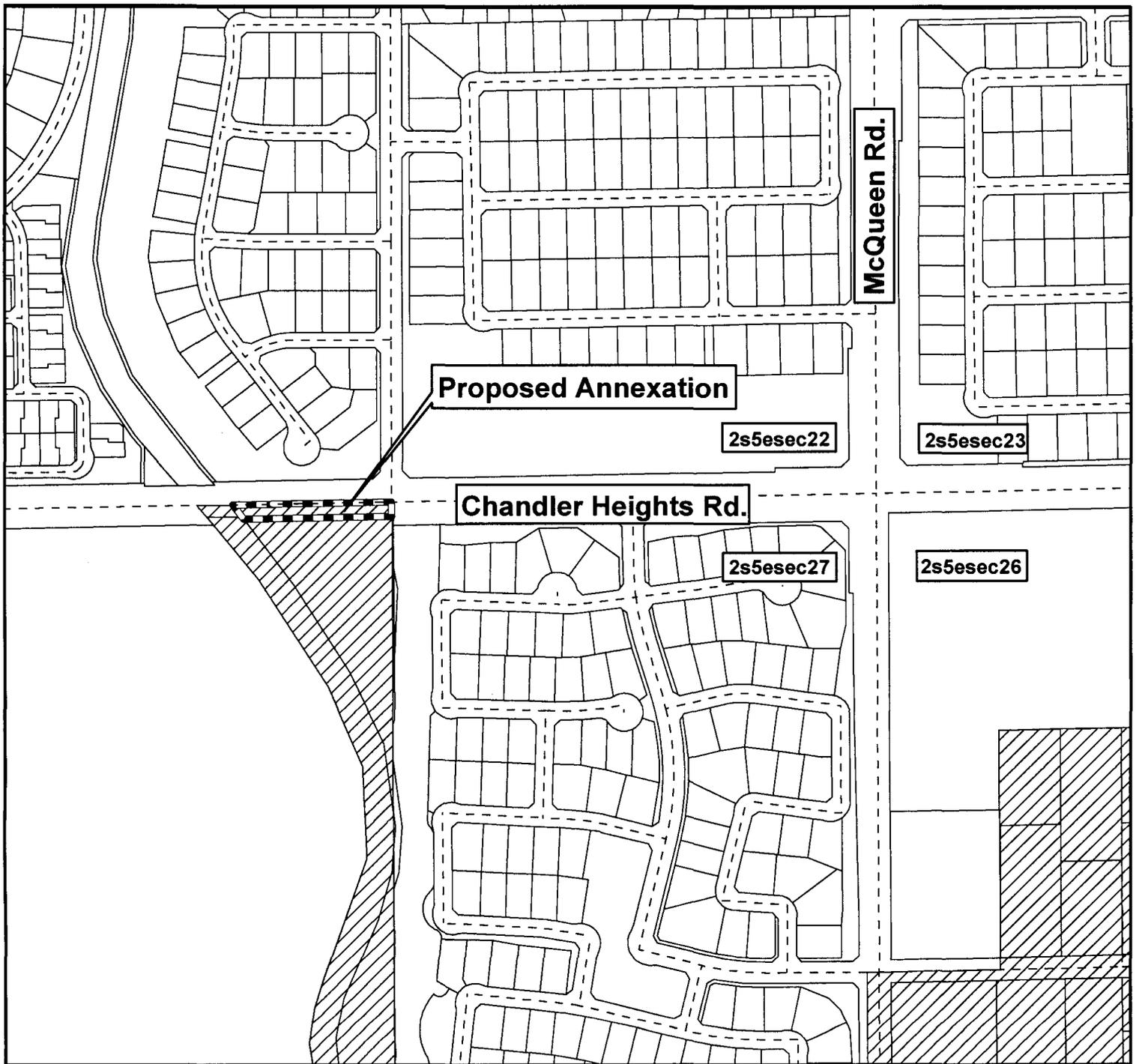
I HEREBY CERTIFY that the above and foregoing Ordinance No. 4395 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2012, and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY GAB



Annexation Map

Ordinance No. 4395

- Proposed Annexation**
Chandler Heights Road Right-of-Way between the Consolidated Canal and Crossbow Way
- Incorporated Area**
- Unincorporated Area**

0 125 250 500 750 1,000 Feet

Exhibit A

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
MARICOPA COUNTY 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 27, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

The north 40 feet of the West half of the Northeast quarter of said Section 27;

Except any portion lying west of the easterly right-of-way line of the Consolidated Canal.

Containing an area of 17,092.23 Square Feet or 0.39 Acres, more or less.