



MEMORANDUM Transportation & Development – Council Memo No. TDE13-005

DATE: DECEMBER 13, 2012

TO: MAYOR AND CITY 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: WARREN WHITE, PRINCIPAL ENGINEER *WW*

SUBJECT: RIGHT-OF-WAY ANNEXATION - CERTAIN COUNTY RIGHTS-OF-WAY
 ON OCOTILLO ROAD BETWEEN MCQUEEN ROAD AND ARIZONA
 AVENUE

Introduction and Tentative Adoption Ordinance No. 4414

Request: Annexation of approximately 2.22 acres of right-of-way

Location: Certain County Rights-of-Way on Ocotillo Road between
 McQueen Road and Arizona Avenue

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4414, Right-of-Way Annexation – certain County Rights-of-Way on Ocotillo Road between McQueen Road and Arizona Avenue.

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 allow City design requirements to be used for planned roadway improvements. A subsequent annexation will be required in the future for the fully acquired and dedicated R.O.W.

Currently, along Ocotillo Road between the McQueen Road and Arizona Avenue, there are two strips of R.O.W. under the jurisdiction of Maricopa County. The Annexation Map attached to the Ordinance depicts the entire area to be annexed.

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. 4414 Right-of-Way Annexation - certain County Rights-of-Way on Ocotillo Road between McQueen Road and Arizona Avenue.

ATTACHMENTS:

Ordinance No. 4414

ORDINANCE NO. 4414

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 OCOTILLO ROAD BETWEEN MCQUEEN ROAD AND ARIZONA AVENUE 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. 4414 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.

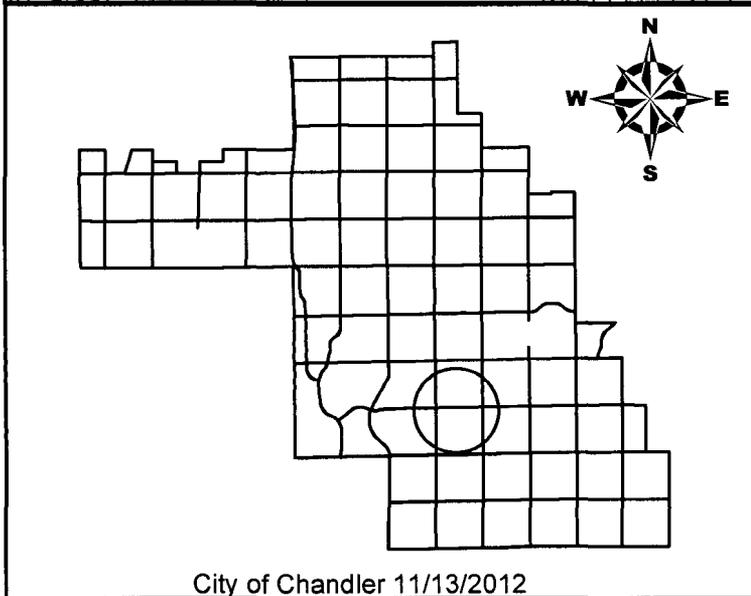
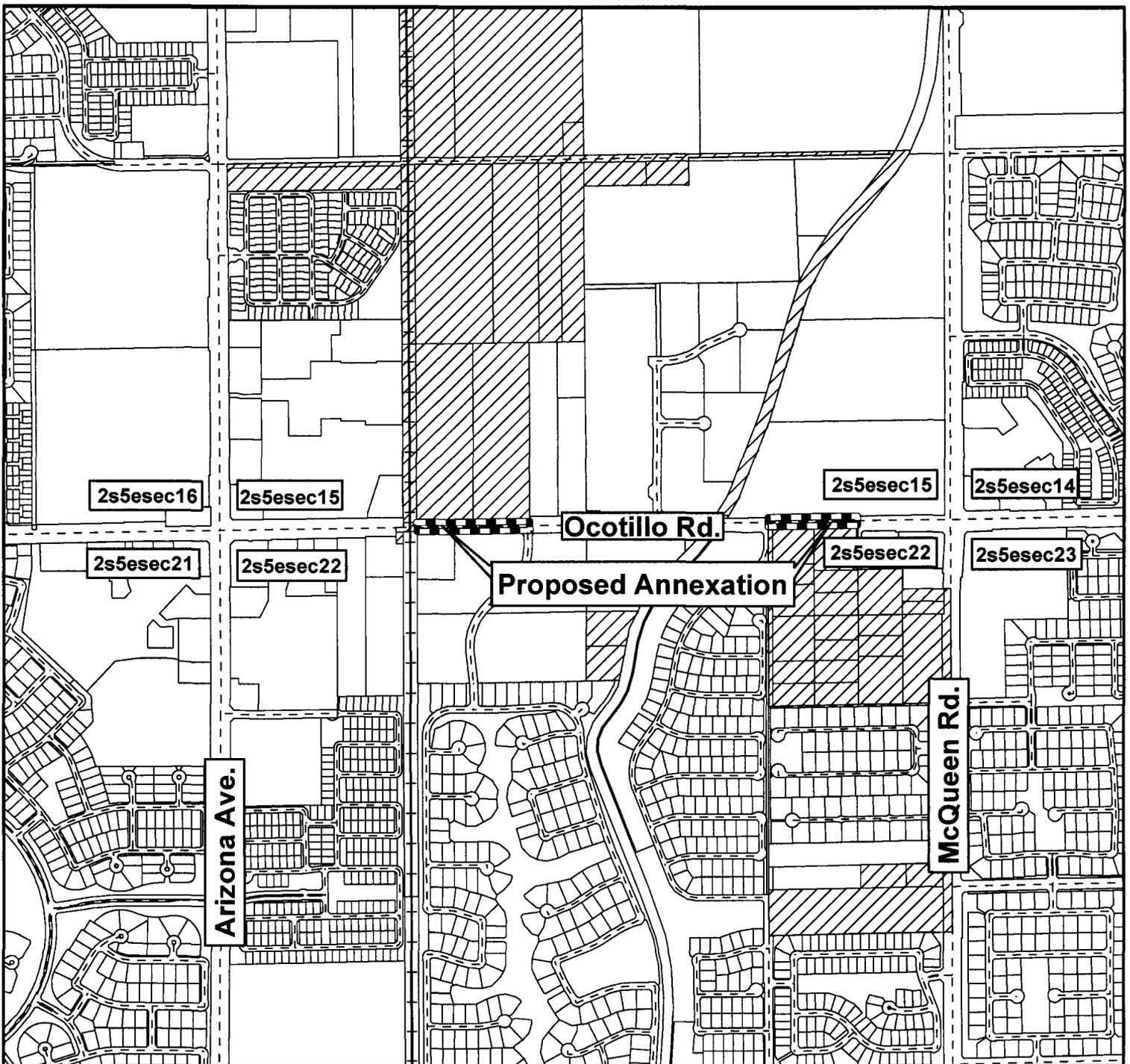
CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY





City of Chandler 11/13/2012

Annexation Map

Ordinance No. 4414

Proposed Annexation

Certain County Rights-of-Way along
Ocotillo Road between McQueen Road
and Arizona Avenue

Incorporated Area

Unincorporated Area

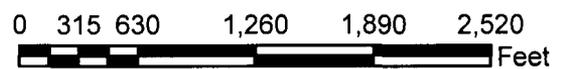


Exhibit A

EXHIBIT "A"

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 1A
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 the Northwest quarter of Section 22, 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 33.00 feet of the Northeast quarter of the Northwest quarter of said Section 22.

Except for the West 100.00 feet and except for the East 407.70 feet.

Containing an area of 26,812.50 square feet or 0.62 acres more or less.

Note: The legal description above 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 1B
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 the Southwest quarter of Section 15, 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 South 33.00 feet of the Southeast quarter of the Southwest quarter of said Section 15.

Except for the West 100.00 feet and except for the East 407.70 feet.

Containing an area of 26,812.50 square feet or 0.62 acres more or less.

Note: The legal description above is based on county and municipal documents. It is not based on a boundary survey of the subject parcel.

Combined area of PARCEL 1 equals 53,625.00 Square Feet or 1.23 acres, more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 2A
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 the Northeast quarter of Section 22, 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 33 feet of the Northeast quarter of the Northeast quarter of said Section 22.

Except that part previously annexed to the City of Chandler by Ordinance number 3426, recorded 2003-0522449.

Containing an area of 21,593.53 square feet or 0.50 acres more or less.

Note: The legal description above 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 2B
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 the Southeast quarter of Section 15, 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 South 33.00 feet of the Southeast quarter of the Southeast quarter of said Section 15.

Except that part previously annexed to the City of Chandler by Ordinance number 3426, recorded 2003-0522449.

Containing an area of 21,582.96 square feet or 0.50 acres more or less.

Note: The legal description above is based on county and municipal documents. It is not based on a boundary survey of the subject parcel.

Combined area of PARCEL 2 equals 43,176.40 Square Feet or 0.99 acres, more or less.

Combined area of PARCEL 1 and PARCEL 2 equals 96,809.56 Square Feet or 2.22 acres, more or less.