

# 14  
DEC 13 2012



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM Real Estate Council Memo No. RE13-057**

**DATE:** DECEMBER 13, 2012

**TO:** MAYOR AND COUNCIL

**THRU:** RICH DLUGAS, CITY MANAGER *RD*  
DAVE SIEGEL, MUNICIPAL UTILITIES DIRECTOR *DS*  
JOHN KNUDSON, UTILITIES ENGINEERING MANAGER *JK*

**FROM:** ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

**SUBJECT:** Resolution No. 4598

**RECOMMENDATION:** Staff recommends approval of Resolution No. 4598 authorizing condemnation needed to acquire property for the purpose of expanding and re-drilling an existing water well site located south and east of the intersection of Alma School Road and Pecos Road in Chandler, Arizona, and to obtain immediate possession thereof.

**BACKGROUND/DISCUSSION:** The Municipal Utilities Department (MUD) determined a critical existing domestic water well site has collapsed, is unusable and in need of re-drilling. In order to accomplish this, a new hole must be drilled and it is necessary to purchase additional property immediately adjacent to the existing well site. The site is east and south of the intersection of Alma School Road and Pecos Road. MUD has proposed acquiring title to additional land abutting on the north of the well site for the expansion, together with acquiring a waterline easement running from the expanded well site to Pecos Road and a temporary construction easement for the period of well improvement project. Using this existing infrastructure will save the City approximately \$500,000.

The landowner was presented with an offer for the property to be acquired. The offer was based upon an appraisal and made subject to Council approval. Negotiations have resulted in the landowner requiring certain conditions unacceptable to the City, including: (i) landowner approval of the well site improvements design; (ii) removal of most of Seller's representations and warranties from the City's purchase agreement form; and (iii) required changes to other documents not acceptable to the City. Accordingly, the property needs to be acquired through eminent domain.

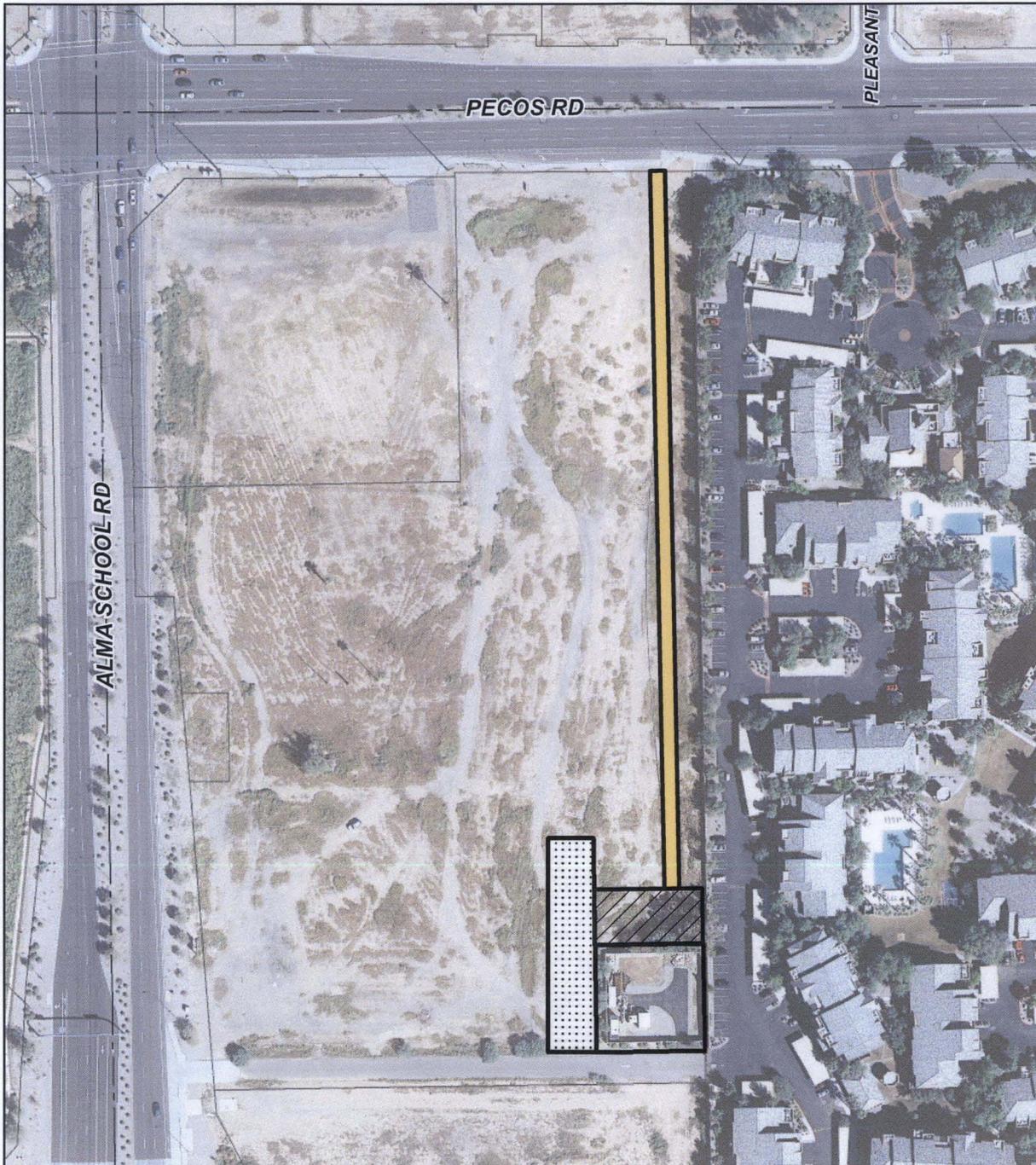
Resolution 4598  
December 13, 2012  
Page Two.

Improvement of the well site is necessary in order to regain water production and capacity. The conditions required by the landowner are unacceptable because they limit and delay our ability to re-drill the well as needed. In the absence of agreement between the parties, condemnation is necessary in order to meet the well site online schedule.

**FINANCIAL IMPLICATIONS:** Funds for the acquisition are provided for in the project budget.

**PROPOSED MOTION:** Move to adopt Resolution No. 4598 to authorize condemnation needed to acquire property for the purpose of expanding and re-drilling an existing water well site located south and east of the intersection of Alma School Road and Pecos Road in Chandler, Arizona, and to obtain immediate possession thereof.

Attachments: Location Map, Resolution 4598



# WEST PECOS WELL EXPANSION PROJECT NO. WA1202-200



RESOLUTION NO. 4598

-  TEMPORARY CONSTRUCTION EASEMENT 50' WIDE
-  CITY OF CHANDLER OWNED W. PECOS WELL
-  WELL EXPANSION CUT TO 60'x120'
-  WATERLINE EASEMENT 16'x851 +/-



**RESOLUTION NO. 4598**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF CERTAIN REAL PROPERTY IS A MATTER OF PUBLIC NECESSITY FOR EXPANSION OF AN EXISTING DOMESTIC WATER WELLSITE GENERALLY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF ALMA SCHOOL ROAD AND PECOS ROAD IN CHANDLER, ARIZONA; AUTHORIZING CONDEMNATION PROCEEDINGS TO ACQUIRE SUCH REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING SUCH RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.**

WHEREAS, the City of Chandler (the "City"), by and through its Municipal Utilities Department (MUD), provides domestic water service within its defined service area and, as part of such service, owns and operates a wellsite located south and east of the intersection of Alma School Road and Pecos Road (the "Wellsite"); and

WHEREAS, the City is authorized by law to acquire, through purchase, dedication or eminent domain, property needed for public utility purposes, for location of waterworks, and for canals, aqueducts and other facilities needed for the conducting of water for the use of the City's inhabitants; and

WHEREAS, MUD has determined that, in order for the Wellsite to continue effective operation, the Wellsite needs to be redrilled and expanded by acquiring (i) the fee interest in 7,200 square feet of real property immediately north of the Wellsite, (ii) a permanent and exclusive waterline easement running from the expanded Wellsite north to Pecos Road, and (iii) a temporary construction easement consisting of 12,000 square feet of land generally running along the west side of the expanded Wellsite, all as generally depicted in the aerial photograph shown in Exhibit "A" and legally described in Exhibit "B" (fee interest), Exhibit "C" (waterline easement) and Exhibit "D" (TCE), all such exhibits being attached hereto and incorporate herein by this reference; and

WHEREAS, efforts to negotiate the purchase of the real property described above has proven unsuccessful; and

WHEREAS, acquisition of the real property described above is necessary for the public purpose of maintaining continued safe and effective operation of the Wellsite in furtherance of the City's domestic water supply; and

WHEREAS, the City needs to obtain immediate possession of the real property identified in attached Exhibits "B", "C" and "D" because of project timing; and

WHEREAS, the acquisition of some or all of the real property described above may require the relocation of persons or personal property;

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 acquisition of the real property described in attached Exhibits "B", "C" and "D", and the securing of immediate possession of said real property, is a matter of public necessity, 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 Attorney of the City of Chandler is hereby authorized and directed to commence condemnation (eminent domain) proceedings as needed to acquire, in the name of the City of Chandler, the real property described in attached Exhibits "B", "C" and "D", including any improvements thereon, and to secure immediate possession of such real property, for the public purpose of expanding and improving the Wellsite, which is used for the providing of water service benefitting inhabitants of the City, and is further authorized to do and to perform all acts necessary in furtherance of the acquisition of title to and immediate possession of said real property.

Section 3. The City is authorized to provide such relocation assistance, including benefits, as may be required by law.

PASSED AND ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this \_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

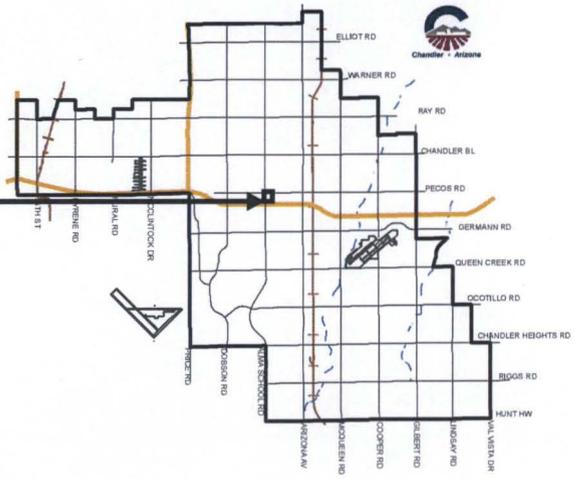
I HEREBY CERTIFY that the above and foregoing Resolution No. 4598 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2012, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY GAB

# WEST PECOS WELL EXPANSION PROJECT NO. WA1202-200



RESOLUTION NO. 4598

-  TEMPORARY CONSTRUCTION EASEMENT 50' WIDE
-  CITY OF CHANDLER OWNED W. PECOS WELL
-  WELL EXPANSION CUT TO 60'x120'
-  WATERLINE EASEMENT 16'x851 +/-



**LEGAL DESCRIPTION  
FEE PARCEL**

That portion of the Northwest quarter of Section 4, Township 2 South, Range 5 East of the Gila & Salt River Base & Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 4, said corner being a found brass in a handhole and from which the North quarter corner of Section 4 being a found brass in a handhole, bears S89°23'33"E a distance of 2646.90 feet;

Thence, S89°23'33"E a distance of 661.36 feet along the North line of said Section 4;

Thence, S00°03'26"W a distance of 71.00 feet to a point on the South right of way line of Pecos Road, said point being the Northwest corner of Lot 1 of Pecos Springs, a Minor Land Division recorded as Book 580 of Maps, Page 41, Maricopa County Records;

Thence, continuing S00°03'26"W a distance of 680.98 feet along the West line of said Lot 1;

Thence, N89°38'19"W a distance of 1.95 feet along the Lot line of said Lot 1;

Thence, S00°07'11"W a distance of 129.53 feet along the West line of said Lot 1 to the POINT OF BEGINNING;

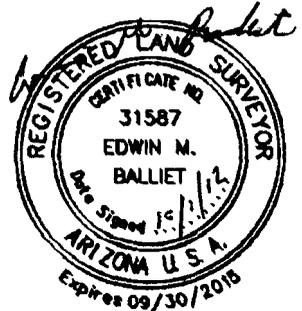
Thence, continuing S00°07'11"W a distance of 60.00 feet along the West line of said Lot 1 to the Northeast corner of Parcel 1 as described in document 20020195108, Maricopa County Records;

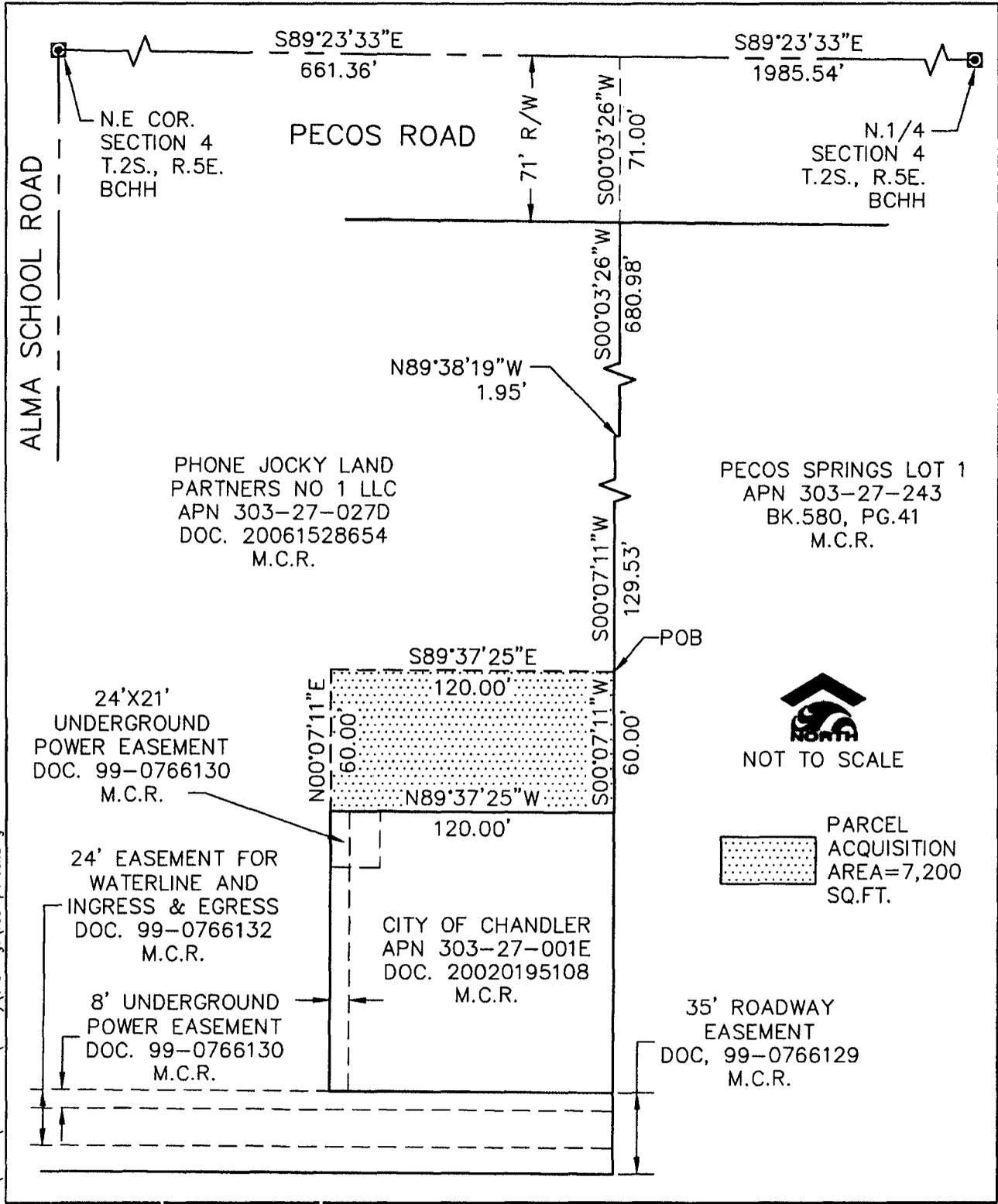
Thence, N89°37'25"W a distance of 120.00 feet along the North line of said Parcel 1;

Thence, N00°07'11"E a distance of 60.00 feet;

Thence, S89°37'25"E a distance of 120.00 feet to the POINT OF BEGINNING.

Containing 7,200 square feet or 0.165 acres, more or less and being subject to any easements, restrictions, or rights-of-way of record or otherwise.



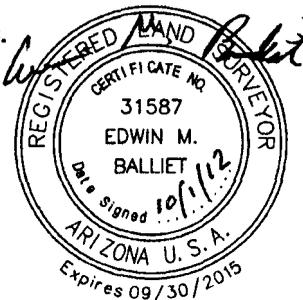


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**Stantec**

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Client/Project

**CITY OF CHANDLER  
 WEST PECOS  
 WELL EXPANSION**

Figure No.

**1 - FEE PARCEL**

Title

**EXHIBIT TO ACCOMPANY  
 LEGAL DESCRIPTION**

**LEGAL DESCRIPTION  
WATERLINE EASEMENT**

That portion of the Northwest quarter of Section 4, Township 2 South, Range 5 East of the Gila & Salt River Base & Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 4, said corner being a found brass in a handhole and from which the North quarter corner of Section 4 being a found brass in a handhole, bears S89°23'33"E a distance of 2646.90 feet;

Thence, S89°23'33"E a distance of 661.36 feet along the North line of said Section 4;

Thence, S00°03'26"W a distance of 71.00 feet to a point on the South right of way line of Pecos Road, said point being the Northwest corner of Lot 1 of Pecos Springs, a Minor Land Division recorded as Book 580 of Maps, Page 41, Maricopa County Records;

Thence, continuing S00°03'26"W a distance of 680.98 feet along the West line of said Lot 1;

Thence, N89°38'19"W a distance of 1.95 feet along the Lot line of said Lot 1;

Thence, S00°07'11"W a distance of 129.53 feet along the West line of said Lot 1;

Thence, N89°37'25"W a distance of 34.91 feet to the POINT OF BEGINNING;

Thence, continuing N89°37'25"W a distance of 16.00;

Thence, N00°03'26"E a distance of 798.72 feet;

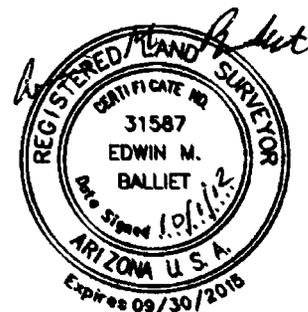
Thence, S89°23'33"E a distance of 32.00 feet;

Thence, S00°03'26"W a distance of 16.00 feet;

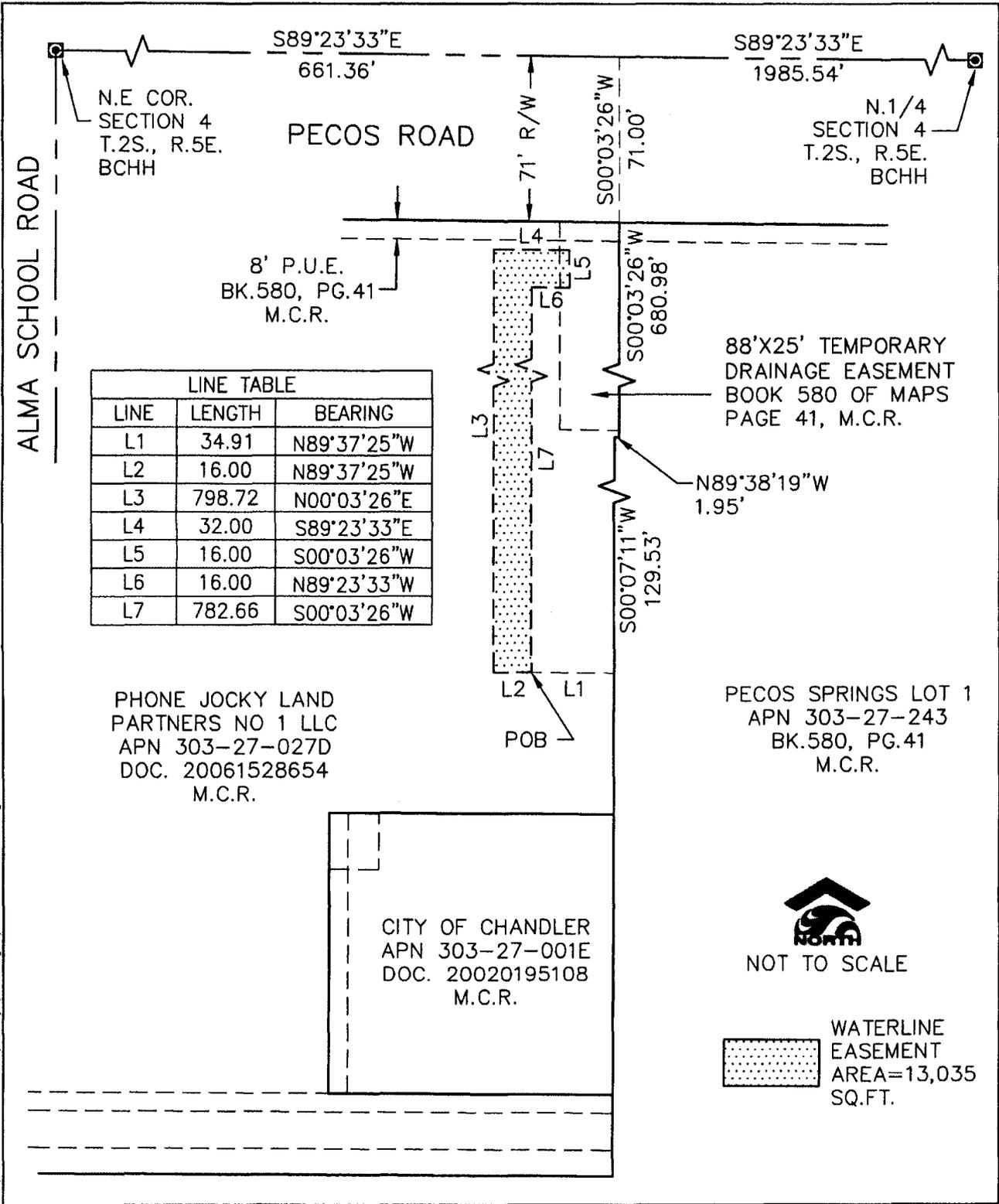
Thence, N89°23'33"W a distance of 16.00 feet;

Thence, S00°03'26"W a distance of 782.66 feet to the POINT OF BEGINNING.

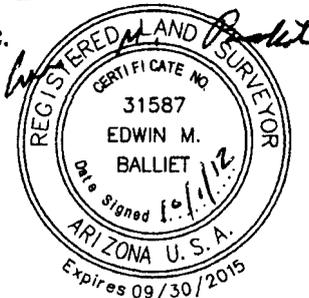
Containing 13,035 square feet or 0.299 acres, more or less and being subject to any easements, restrictions, or rights-of-way of record or otherwise.



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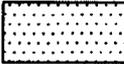
Client/Project  
**CITY OF CHANDLER  
 WEST PECOS  
 WELL EXPANSION**

Figure No.  
**1 - WATERLINE EASEMENT**

Title  
**EXHIBIT TO ACCOMPANY  
 LEGAL DESCRIPTION**



NOT TO SCALE

 WATERLINE  
 EASEMENT  
 AREA=13,035  
 SQ.FT.

**LEGAL DESCRIPTION  
TEMPORARY CONSTRUCTION EASEMENT**

That portion of the Northwest quarter of Section 4, Township 2 South, Range 5 East of the Gila & Salt River Base & Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 4, said corner being a found brass in a handhole and from which the North quarter corner of Section 4 being a found brass in a handhole, bears S89°23'33"E a distance of 2646.90 feet;

Thence, S89°23'33"E a distance of 661.36 feet along the North line of said Section 4;

Thence, S00°03'26"W a distance of 71.00 feet to a point on the South right of way line of Pecos Road, said point being the Northwest corner of Lot 1 of Pecos Springs, a Minor Land Division recorded as Book 580 of Maps, Page 41, Maricopa County Records;

Thence, continuing S00°03'26"W a distance of 680.98 feet along the West line of said Lot 1;

Thence, N89°38'19"W a distance of 1.95 feet along the Lot line of said Lot 1;

Thence, S00°07'11"W a distance of 189.53 feet along the West line of said Lot 1 to the Northeast corner of Parcel 1 as described in document 20020195108, Maricopa County Records;

Thence, N89°37'25"W a distance of 120.00 feet to the Northwest corner of said Parcel 1 and POINT OF BEGINNING;

Thence, S00°07'11"W a distance of 120.00 feet to the Southwest corner said Parcel 1;

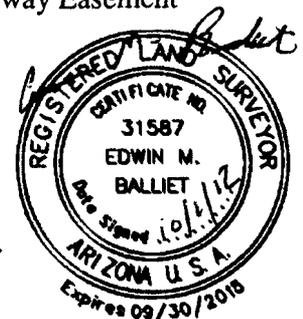
Thence, N89°37'25"W a distance of 50.00 feet along the North line of that Roadway Easement as described in document 19990766129, Maricopa County Records;

Thence, N00°07'11"E a distance of 240.00 feet;

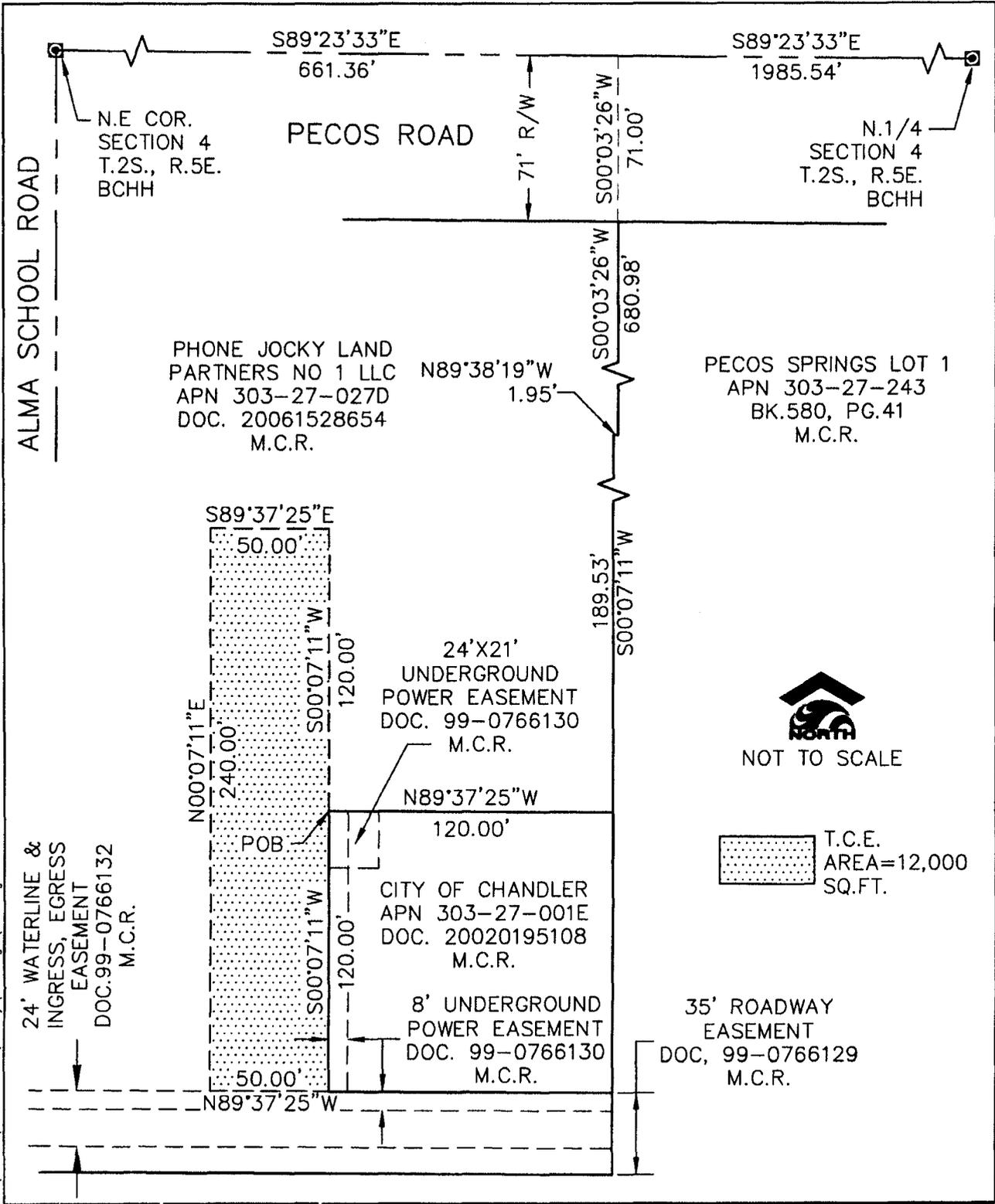
Thence, S89°37'25"E a distance of 50.00 feet;

Thence, S00°07'11"W a distance of 120.00 feet to the POINT OF BEGINNING.

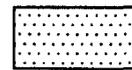
Containing 12,000 square feet or 0.275 acres, more or less and being subject to any easements, restrictions, or rights-of-way of record or otherwise.



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NOT TO SCALE



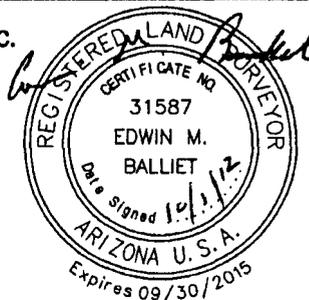
T.C.E. AREA=12,000 SQ.FT.



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Client/Project

**CITY OF CHANDLER  
WEST PECOS  
WELL EXPANSION**

Figure No.

**1 - T.C.E.**

Title

**EXHIBIT TO ACCOMPANY  
LEGAL DESCRIPTION**