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DEC 13 2012

MEMORANDUM

Real Estate - Council Memo No. RE13-015

DATE: DECEMBER 13, 2012

TO: MAYOR AND CITY COUNCIL

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

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR

SUBJECT: CONDEMNATION SETTLEMENT IN *CITY OF CHANDLER v. GREATER PHOENIX CHINESE CHRISTIAN CHURCH*, an Arizona non-profit corporation

RECOMMENDATION: Staff recommends approval of settlement in *City of Chandler v. Greater Phoenix Chinese Christian Church* in the amount of \$203,250 plus statutory interest.

BACKGROUND/DISCUSSION: The Greater Phoenix Chinese Christian Church (“GPCCC”) owns two properties at the northeast corner of Ray Road and Pleasant Drive. The City of Chandler submitted an offer to purchase right-of-way and a temporary construction easement (“TCE”) for the Alma School Road and Ray Road Intersection Improvement Project ST-0704 (the “Project”) to GPCCC in October of 2009 in the amount of \$85,885. GPCCC was not responsive and due to project timing it became necessary to file an eminent domain action. The City was granted an Order of Immediate Possession. During the interim, City staff and engineers met with representatives of GPCCC to discuss and workout GPCCC concerns. Both sides supported their respective positions with appraisals and engineering reports from reputable and experienced appraisers and engineering firms.

Subject to Council approval, a settlement has been reached for the additional sum of \$117,365, for a total of \$203,250 plus accrued statutory interest on the entire amount. Staff recommends the settlement as a fair and reasonable compromise.

FINANCIAL IMPLICATIONS: Payment will come from funds budgeted or allocated for the road project.

PROPOSED MOTION: Move to approve settlement in *City of Chandler v. Greater Phoenix Chinese Christian Church* in the amount of \$203,250 plus statutory interest.

Attachment: Map

