



#4



MEMORANDUM Transportation & Development – Council Memo No. TDE13-012

DATE: APRIL 11, 2013

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/STANDARDS & MAPPING *SH*

FROM: WARREN WHITE, PRINCIPAL ENGINEER *WW*

SUBJECT: RIGHT-OF-WAY ANNEXATION - CERTAIN COUNTY RIGHTS-OF-WAY
ON ARIZONA AVENUE NORTH AND SOUTH OF RIGGS ROAD

Introduction and Tentative Adoption Ordinance No. 4407

Request: Annexation of approximately 3.09 acres of right-of-way

Location: Certain County Rights-of-Way on Arizona Avenue north and south
of Riggs Road

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4407, right-of-way annexation – certain County rights-of-way on Arizona Avenue north and south of Riggs Road.

BACKGROUND/DISCUSSION: The recently executed agreement between the City of Chandler and Arizona Department of Transportation (ADOT) transfers ownership and maintenance responsibilities of State Route 87 (SR 87) from Ocotillo Road to approximately ¼ mile south of Riggs Road to the City of Chandler. In areas where County rights-of-way (R.O.W.) does not encompass the entire width of SR 87, the agreement requires annexation. Otherwise, in those areas of SR 87 abandoned fully to Maricopa County, annexation is to be completed in a reasonable timeframe.

Currently, along Arizona Avenue (or SR 87) north and south of Riggs Road there are portions of R.O.W. partially 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. 4407, right-of-way annexation - certain County rights-of-way on Arizona Avenue north and south of Riggs Road.

ATTACHMENTS:

Ordinance No. 4407

ORDINANCE NO. 4407

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 ARIZONA AVENUE NORTH AND SOUTH OF RIGGS ROAD 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 _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

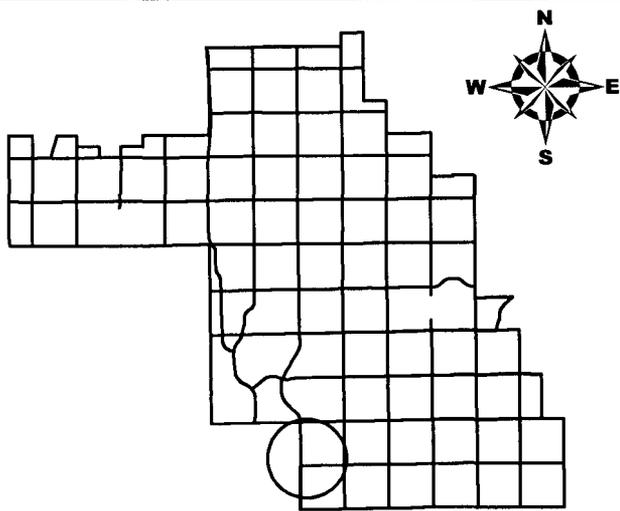
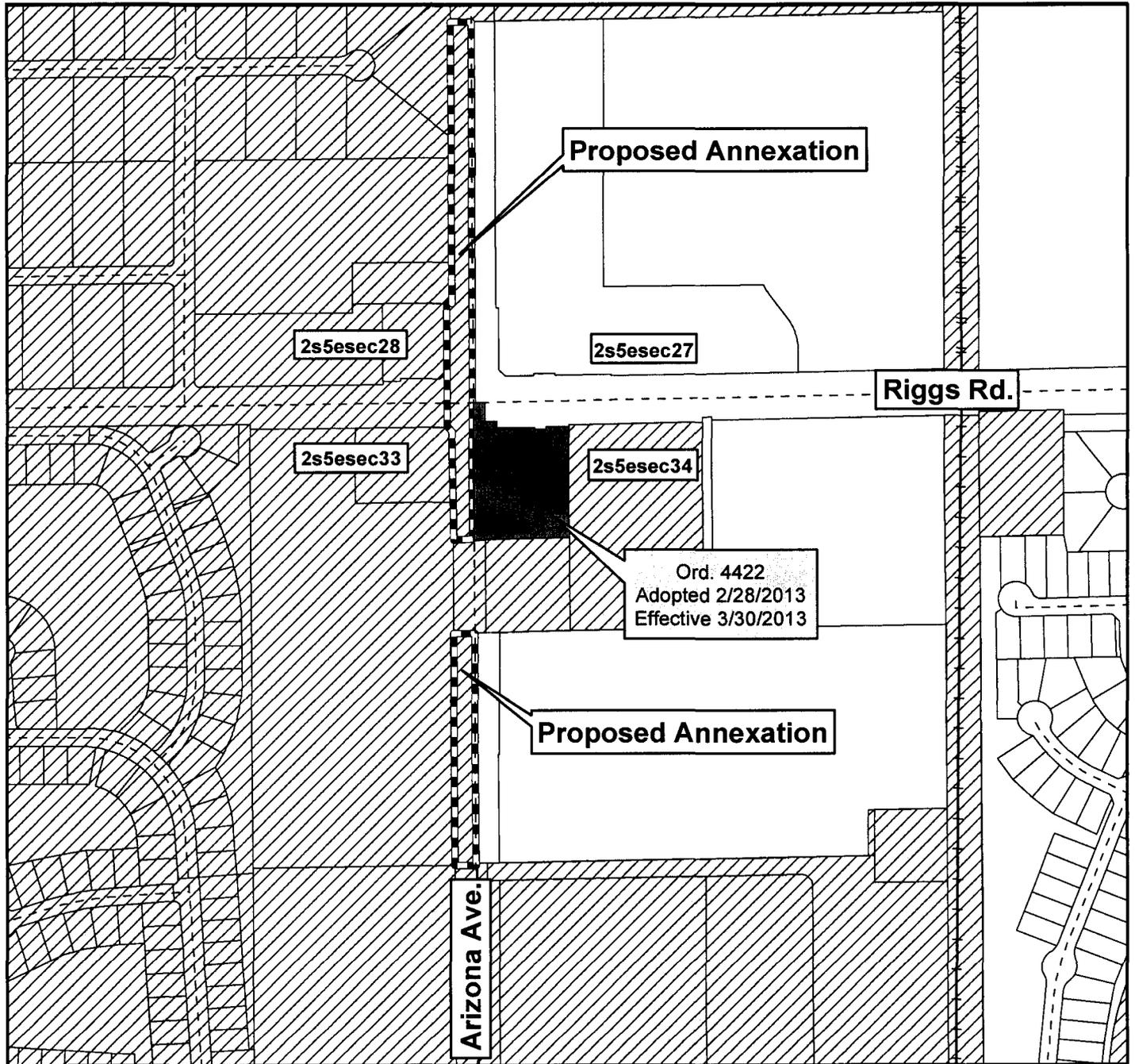
I HEREBY CERTIFY that the above and foregoing Ordinance No. 4407 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

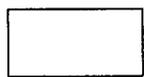
APPROVED AS TO FORM:

CITY ATTORNEY *GAB*



Annexation Map

Ordinance No. 4407

-  **Proposed Annexation**
Portions of Arizona Avenue Right-of-Way
North and South of Riggs Road
-  **Incorporated Area**
-  **Unincorporated Area**

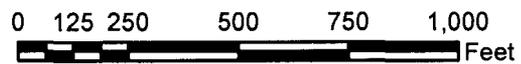


Exhibit A

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 28, 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 East 60 feet of the South 1,102.36 feet of the Southeast Quarter of the Southeast Quarter of said Section 28 and;

The East 75 feet of the South 288.90 feet of the Southeast Quarter of the Southeast Quarter of said Section 28;
Except the East 60 feet thereof;

Containing an area of 70,087.54 Square Feet or 1.61 Acres, more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 2
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 33, 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 East 60 feet of the Northeast Quarter of the Northeast Quarter of said Section 33;
Except the North 661.71 feet thereof;

Containing an area of 39,862.00 Square Feet or 0.92 Acres, more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 3A
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 33, 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 East 60 feet of the North 393 feet of the Northeast Quarter of said Section 33;

Except the North 85 feet thereof;

Containing an area of 18,418.59 Square Feet or 0.42 Acres, more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 3B
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 33, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the Northeast corner of the Northeast quarter of said Section 33;

Thence South 00 degrees 17 minutes 15 seconds East, along the East line of the said Northeast quarter, 85 feet;

Thence South 89 degrees 16 minutes 39 seconds West, parallel with the North line of the said Northeast quarter, 60 feet;

Thence North 45 degrees 31 minutes 32 seconds West, a distance of 21.14 feet;

Thence North 00 degrees 17 minutes 15 seconds West, a distance of 70 feet;

Thence North 89 degrees 16 minutes 39 seconds East, a distance of 75 feet to the POINT OF BEGINNING.

Containing an area of 6,263.15 Square Feet or 0.14 Acres, more or less.

Combined area for PARCELS 3A and 3B equals 24,681.76 Square Feet or 0.57 Acres, more or less.

Combined area for PARCEL 1, PARCEL 2 and PARCEL 3 equals 134,631.28 Square Feet or 3.09 Acres, more or less.