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MAY 23 2013



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MEMORANDUM Transportation & Department Department-Memo No. RE13-117

DATE: MAY 23, 2013

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER RD
MARSHA REED, ASSISTANT CITY MANAGER MR
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR RZ
DAVE NAKAGAWARA, INTERIM CITY ENGINEER DN

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR EK

SUBJECT: ORDINANCE NUMBER 4453 - AUTHORIZING THE VACATION OF A PORTION OF THE NORTH RIGHT-OF-WAY OF PECOS ROAD EAST OF ALMA SCHOOL ROAD

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4453 authorizing the vacation of a portion of the north right-of-way of Pecos Road east of Alma School Road as described in Exhibit "A" attached hereto.

BACKGROUND/DISCUSSION: In 2003 Albertson's, Inc., dedicated right-of-way to the City of Chandler in anticipation of developing the northeast corner of Alma School Road and Pecos Road. Part of this dedication included two driveway access points totaling 1,093 square feet. The current property owner plans to develop an apartment project to be known as Aerie @ Alma School – East on the property. These driveway access points do not match the proposed apartment development. The property owner has requested that the City vacate these areas to straighten out the north right-of-way line of Pecos Road. Staff approves of this request.

As part of the proposed development, the property owner will be dedicating additional right-of-way to the City to meet the requirements of the proposed project.

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 4453 authorizing the vacation of a portion of the north right-of-way of Pecos Road east of Alma School Road as described in Exhibit "A" attached hereto.

Attachments: Ordinance No. 4453, Aerial Map



VACATION OF A PORTION OF PECOS RD RIGHT-OF-WAY EAST OF ALMA SCHOOL RD



RE13-117

ORDINANCE NO. 4453

 VACATION



ORDINANCE NO. 4453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF A PORTION OF THE NORTH RIGHT-OF-WAY OF PECOS ROAD EAST OF ALMA SCHOOL ROAD, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO.

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, A.R.S. §28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, that certain portion of the north right-of-way of Pecos Road East of Alma School Road and legally described in Exhibit "A", attached hereto and incorporated herein by reference, is excess roadway dedicated to the City of Chandler by Albertson's, Inc., in 2003 in anticipation of developing the northeast corner of Alma School Road and Pecos Road, and is no longer needed as public roadway for that purpose;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. The portion of Pecos Road described in attached Exhibit "A" (the "Roadway") is determined to be no longer necessary for public use as a roadway.

Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

Section 3. The vacating of the Roadway is not intended to vacate or extinguish any rights-of-way or easements for existing sewer, gas, water or similar pipelines and appurtenances, and for existing canals, laterals, ditches and appurtenances, and for existing electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the Roadway.

Section 4. The action taken to vacate the Roadway pursuant to this Ordinance is done solely to dispose of the City of Chandler's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance and to any easements reserved herein by the City, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

Section 6. The Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, this Ordinance and all other documents required and necessary to complete the abandonment and vacation of the Roadway.

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
RIGHT OF WAY ABANDONMENT
AERIE @ ALMA & PECOS - EAST

Being portions of that parcel of land dedicated as right-of-way per "Osco drug Store #9318" Map of Dedication, recorded in book 649, page 8, Maricopa County Records, lying within the Southwest Quarter of Section 33, Township 1 South, Range 5 East, Gila and Salt River Meridian, Maricopa County, Arizona being described as follows;

Commencing at the Southwest corner of said Section 33, being marked by a City of Chandler Brass Cap in hand hole, from which the South quarter corner of said section 33, being marked by a City of Chandler Brass Cap in hand hole, bears North 89°25'57" East, (Basis of Bearing per Book 649 of Maps, Page 8 Maricopa County Records) a distance of 2646.83 feet;

Thence North 89°25'57" East, along the South line of the Southwest Quarter of said Section 33, a distance of 435.88 feet;

Thence departing said South line, North 00°34'03" West, a distance of 71.00 feet, to the Point of Beginning;

Thence continuing North 00°34'03" West, a distance of 13.00 feet;

Thence North 89°25'57" East, a distance of 55.00 feet;

Thence South 00°34'03" East, a distance of 13.00 feet;

Thence South 89°25'57" West, a distance of 55.00 feet to the Point of beginning.

Together with:

Commencing at the Southwest corner of said Section 33, being marked by a City of Chandler Brass Cap in hand hole, from which the South quarter corner of said section 33, being marked by a City of Chandler Brass Cap in hand hole, bears North 89°25'57" East, (Basis of Bearing per Book 673 of Maps, Page 25 Maricopa County Records) 2646.83 feet;

Thence North 89°25'57" East, along the South line of the Southwest Quarter of said Section 33, a distance of 581.46 feet;

Thence departing said South line, North 00°34'03" West, a distance of 71.00 feet, to the Point of Beginning;



Thence continuing North 00°34'03" West, a distance of 7.00 feet;

Thence North 89°25'57" East, a distance of 54.00 feet;

Thence South 00°34'03" East, a distance of 7.00 feet;

Thence South 89°25'57" West, a distance of 54.00 feet to the Point of beginning.

Said parcels enclose 1093 square feet.

The description shown hereon is not to be used to violate any subdivision regulations of the State, County and/or Municipality or any other land division restrictions.

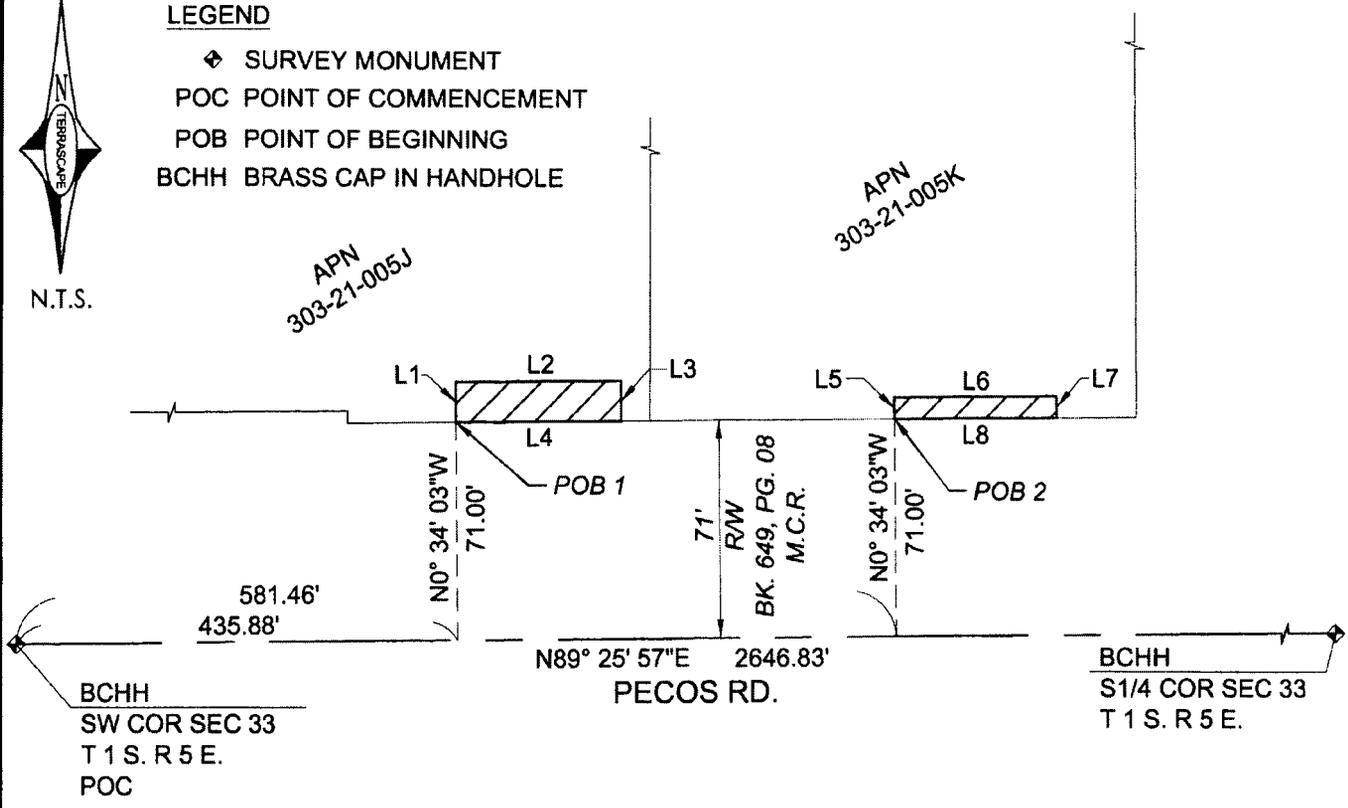


Expires 12/31/2014



LEGEND

- ◆ SURVEY MONUMENT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- BCHH BRASS CAP IN HANDHOLE



Line Table		
Line #	Length	Direction
L1	13.00'	N0° 34' 03"W
L2	55.00'	N89° 25' 57"E
L3	13.00'	S0° 34' 03"E
L4	55.00'	S89° 25' 57"W
L5	7.00'	N0° 34' 03"W
L6	54.00'	N89° 25' 57"E
L7	7.00'	S0° 34' 03"E
L8	54.00'	S89° 25' 57"W

TOTAL AREA = 1093 S.F.



Expires 12/31/2014



**RIGHT OF WAY ABANDONMENT
AERIE @ ALMA & PECOS - EAST**

Date: 04 / 05 / 13

TSC FILE NO. 0287

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