

Info #10

JAN 23 2014

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE CITY OF CHANDLER, a municipal
corporation of the State of Arizona,
Plaintiff,

v.

SWVP OCOTILLO LAND, LLC, an Arizona
limited liability company; THE OCOTILLO
COMMUNITY ASSOCIATION, an Arizona
nonprofit corporation; and COUNTY OF
MARICOPA, a political subdivision of the State of
Arizona,
Defendants.

APN: 303-37-959

No. CV2013-010481

STIPULATED FINAL JUDGMENT

Hon. Sally Duncan

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is entered as follows:

1. As the interests of Defendants SWVP Ocotillo Land, LLC and County of Maricopa were determined in the Partial Judgment signed by this Court on December 16, 2013, this Final Judgment will only address the remaining interest of Defendant The Ocotillo Community Association. This Court finds that said Defendant was properly served.

2. Plaintiff has judgment condemning any interest Defendant The Ocotillo Community Association may have in the real property described in Exhibit "A" attached (the "subject property").

3. Defendant The Ocotillo Community Association, an Arizona nonprofit corporation, has judgment against Plaintiff in the amount of \$35,000.00 as total just compensation for the taking of any and interest it has in the subject property.

1 ORIGINAL e-filed this _____ day
2 of _____, 2014 with the
3 Maricopa County Superior Court.

4 _____
5 Kimberly A. Huson, CP
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EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Lot 1, OCOTILLO POWER CENTER, according to Book 536 of Maps, page 25, records of Maricopa County, Arizona.



Chandler • Arizona
Where Values Make The Difference

#10

JAN 23 2014

MEMORANDUM

Municipal Utilities - Council Memo No. RE14-073

DATE: JANUARY 23, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER PD
MARSHA REED, ASSISTANT CITY MANAGER MA
DAVE SIEGEL, MUNICIPAL UTILITIES DIRECTOR DS

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR EK

SUBJECT: APPROVAL OF A SETTLEMENT WITH THE OCOTILLO COMMUNITY ASSOCIATION ONLY IN A CONDEMNATION ENTITLED *CITY OF CHANDLER v. SWVP OCOTILLO LAND, LLC, ET AL., CV2013-010481*, IN THE AMOUNT OF \$35,000.

RECOMMENDATION:

Staff recommends City Council approve a settlement with the Ocotillo Community Association only in *City of Chandler v. SWVP Ocotillo Land, LLC, et al., CV2013-010481*, in the amount of \$35,000.

BACKGROUND/DISCUSSION:

This condemnation action was filed to acquire approximately thirty-seven (37) acres of vacant land located adjacent to the southwest corner of Price and Queen Creek Roads, for the expansion of the existing Ocotillo Water Reclamation Facility. A settlement was reached with the property owner for \$8,400,000. The City held back \$15,000 as an estimate of the assessments the land owner would have paid over time to the Ocotillo Community Association (OCA). The OCA received an annual assessment of \$9,000 from the landowner. This amount was subject to increase based upon future land improvements. As part of the settlement with the landowner, it was agreed the City would negotiate a settlement with the OCA for these assessments. Negotiations have been completed with the OCA, and a settlement has been reached in the amount of \$35,000, subject to Council approval. Based upon this settlement, the City will contribute an additional \$20,000 to the \$15,000 previously held back from the property owner. This amount is final and no future assessments to the OCA from the City shall be due for this property.

This is a settlement with the OCA only and will allow the Court to enter a final order.

January 23, 2014
RE14-073
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FINANCIAL IMPLICATIONS:

Funding for this settlement comes from the \$15,000 held back from the property owner and the savings of \$8,500,000 from the 6WW196-Collection System Facility Improvements project that were transferred to this new project, 6WW651-Wastewater Land Acquisition, to fund the purchase. The transfer included \$5,780,000 in System Development Fee appropriation and \$2,720,000 in Wastewater Bond appropriation for this land acquisition and other associated costs.

PROPOSED MOTION:

Move City Council approve a settlement with the Ocotillo Community Association only in *City of Chandler v. SWVP Ocotillo Land, LLC, et al., CV2013-010481*, in the amount of \$35,000.

Attachments: Map



APPROVE SETTLEMENT WITH THE OCOTILLO COMMUNITY ASSOCIATION AT PRICE RD AND QUEEN CREEK RD



LOT 1, OCOTILLO POWER CENTER
ACCORDING TO BOOK 536 OF MAPS,
PAGE 25, MCR, AZ

NON-DEDICATED

MEMO NO. RE14-073



VACANT LAND

