



Chandler • Arizona
Where Values Make The Difference

#14
MAY 8 2014

MEMORANDUM Transportation & Development - Council Memo No. RE14-121

DATE: MAY 8, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
DANIEL W. COOK, INTERIM CITY ENGINEER *DK*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: RESOLUTION NO. 4759 AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF A TEMPORARY DRAINAGE EASEMENT AT THE SOUTHWEST CORNER OF MCQUEEN ROAD AND BROOKS FARM ROAD RECORDED AT 2011-0759319 RECORDS OF MARICOPA COUNTY, ARIZONA

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4759 authorizing and approving the extinguishment of a Temporary Drainage Easement at the southwest corner of McQueen Road and Brooks Farm Road recorded at 2001-0759319 Records of Maricopa County, Arizona.

BACKGROUND/DISCUSSION: As part of Phase II of the McQueen Road Improvement Project from Ocotillo Road to Chandler Heights Road ST-0810 the City acquired a Temporary Drainage Easement (TDE) on a parcel of land located at the southwest corner of McQueen Road and Brooks Farm Road. City Council approved a final plat for Ocotillo Landing to be developed on said parcel at its February 27, 2014, meeting. The developer has completed grading for the required retention on their property. As a result, the TDE acquired by the City is no longer required and can be extinguished. Staff recommends extinguishment of the City's TDE on this property. Approving the extinguishment of the easement will remove it from property as requested by the developer.

FINANCIAL IMPLICATIONS:

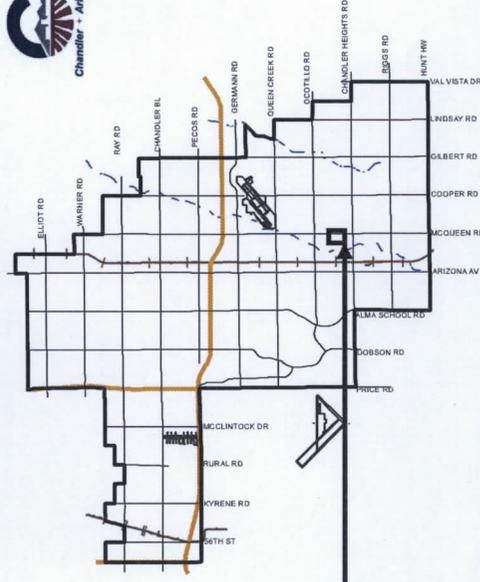
Cost: N/A
Savings: N/A
Long Term Costs: N/A

Resolution No. 4759
May 8, 2014
Page Two

PROPOSED MOTION: Move that City Council pass and adopt Resolution No. 4759 authorizing and approving the extinguishment of a Temporary Drainage Easement at the southwest corner of McQueen Road and Brooks Farm Road recorded at 2001-0759319 Records of Maricopa County, Arizona.

Attachments: Location Map
 Resolution No. 4759

VACATE A TEMPORARY DRAINAGE EASEMENT AT THE SOUTHWEST CORNER OF McQUEEN RD AND BROOKS FARM RD



MEMO NO. RE14-121
RESOLUTION NO. 4759

 TEMPORARY DRAINAGE EASEMENT



RESOLUTION NO. 4759

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE EXTINGUISHMENT OF A TEMPORARY DRAINAGE EASEMENT AT THE SOUTHWEST CORNER OF MCQUEEN ROAD AND BROOKS FARM ROAD RECORDED AT 2011-0759319 RECORDS OF MARICOPA COUNTY, ARIZONA.

WHEREAS, a Temporary Drainage Easement (TDE) was obtained from a property owner as part of the development of McQueen Road between Ocotillo Road and Chandler Heights Road, Project ST-0810, and recorded at 2011-0759319 Records of Maricopa County, Arizona; and

WHEREAS, by a final plat of subdivision for Ocotillo Landing, the developer of the property, K. Hovnanian Homes has provided a substitute retention area of equal capacity; and

WHEREAS, K. Hovnanian Homes has completed the grading of the required retention area on their property therefore eliminating the need for the City's TDE; and,

WHEREAS, K. Hovnanian Homes has requested that the City extinguish the City's TDE on the property to clear up title;

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

Section 1. That the City of Chandler is authorized to extinguish its interest in the Temporary Drainage Easement recorded at 2011-0759319 Records of Maricopa County, Arizona, upon the property as described in the attached Exhibit "A" (Legal Description).

Section 2. The document used to release the Temporary Drainage Easement shall be in the form as approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler is authorized to execute and deliver all documents necessary to effect the extinguishment of the above described Temporary Drainage Easement and this Resolution.

Section 4. The City Clerk is authorized to record all documents necessary to release said Easement.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4759 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2014, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

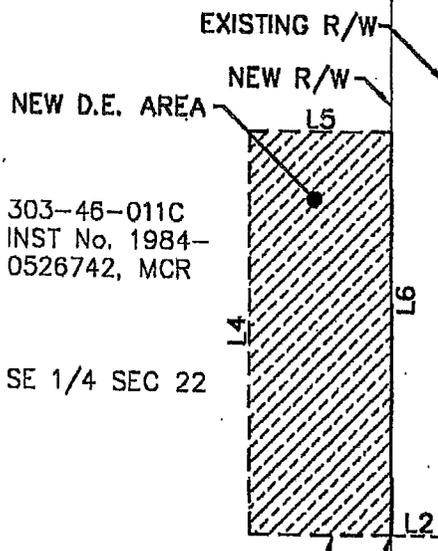


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PARCEL No. 303-46-011C EXHIBIT A SKETCH

DETENTION VOLUME ATTRIBUTED TO ROADWAY RUNOFF FROM OTHER AREAS (OFFSITE)	0.13 AC-FT
DETENTION VOLUME ATTRIBUTED TO ROADWAY FRONTAGE (ONSITE)	0.13 AC-FT
TOTAL VOLUME	0.26 AC-FT

303-46-013H
INST No. 2010-0170966, MCR



303-46-011C
INST No. 1984-0526742, MCR

SE 1/4 SEC 22

MCQUEEN LAKES
BK. 658, PG. 25, MCR

3" CITY OF CHANDLER
BCHH AT SE COR
SEC 22

#BK. 2 OF ROAD MAPS, PG.60, MCR

#=RIGHT-OF-WAY REFERENCE

3" CITY OF CHANDLER
BCHH AT E 1/4 COR
SEC 22, TSS, R5E

BROOKS FARM ROAD

CHANDLER HEIGHTS
ESTATES PHASE 1,
AMENDED
BK. 490, PG. 15, MCR



SCALE:
1"=100'
SE 1/4
SEC 22
T 2 S
R 5 E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°41'44"W	33.00'
L2	S89°41'44"W	32.00'
L3	S89°41'44"W	85.52'
L4	N00°18'16"W	237.08'
L5	N89°41'44"E	85.52'
L6	S00°18'16"E	237.08'

NEW D.E. AREA
= 20,274.90 S.F. Page 1 of 3

McQUEEN ROAD IMPROVEMENTS
PROJECT No.: 28012
NEW DRAINAGE EASEMENT

Date: 7/21/11

Preparing Firm: **RITTOCH-POWELL & ASSOCIATES, INC.**
3838 N. Central Ave., Suite 1250
Phoenix, AZ 85012
Ph: 602-263-1177
Fax: 602-277-6286



EXPIRES 6/30/2014



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PARCEL No. 303-46-011C

EXHIBIT A

LEGAL DESCRIPTION

A drainage easement over that tract as conveyed by deed of record in Instrument Number 1984-0526742 Maricopa County Records and located in the Southeast Quarter of Section 22, Township 2 South, Range 5 East of the Gila & Salt River Meridian, City of Chandler, Maricopa County, Arizona, more particularly described as follows:

Commencing at the east quarter corner of said Section 22 (3" City of Chandler brass cap in hand hole) from which point the southeast corner thereof (3" City of Chandler brass cap in hand hole) bears S 00°18'16" E a distance of 2644.37 feet;

Thence S 00°18'16" E, along the east line of said Southeast Quarter, a distance of 318.63 feet;

Thence S 89°41'44" W, across the right-of-way of McQueen Road, a distance of 33.00 feet to a point on the west line thereof;

Thence across said tract the remaining courses and distances:

Thence S 89°41'44" W a distance of 32.00 feet to the POINT OF BEGINNING;

Thence S 89°41'44" W a distance of 85.52 feet;

Thence N 00°18'16" W, along a line 117.52 feet west of and parallel to said west right-of-way line, a distance of 237.08 feet;

Thence N 89°41'44" E a distance of 85.52 feet;

Thence S 00°18'16" E, along a line 32.00 feet west of and parallel to said west right-of-way line, a distance of 237.08 feet to the POINT OF BEGINNING.

The above described parcel contains 0.4654 acre of land (20,274.90 s.f.), more or less, including any easements of record.

Page 2 of 3

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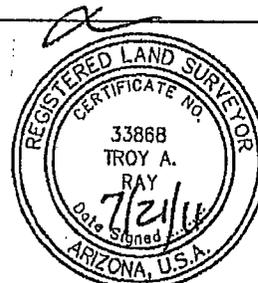
The drainage easement described over Assessor Parcel Number 303-46-011C has been determined to have 0.13 AC-FT detention volume attributed to roadway runoff from other areas (offsite) + 0.13 AC-FT detention volume attributed to roadway frontage (onsite) = Total Volume 0.26 AC-FT.

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When recorded, mail to
City Clerk's Office
City of Chandler
Mail Stop 606
P.O. Box 4008
Chandler, AZ. 85244-4008

RELEASE OF EASEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, CITY OF CHANDLER, an Arizona municipal corporation ("City"), does hereby release and extinguish any and all interest that it may have in that certain real property described in Exhibit "A" to that certain Temporary Drainage Easement recorded with the Maricopa County Recorder on September 13, 2011 as Docket No. 20110759319 attached hereto and made a part hereof, arising by virtue of the execution and recording of said easement. This Release of Easement is not intended to release any interest that City may have in any portion of the subject real property arising by virtue of any other instrument recorded with the Maricopa County Recorder, including without limitation, any deed, easement other than the aforementioned easement, or final order of condemnation.

Dated this ____ day of _____, 2014.

CITY OF CHANDLER, an Arizona municipal corporation

By: _____
Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the ____ day of _____, 2014, before me, the undersigned, a Notary Public, personally appeared _____, who acknowledged himself/herself to be the _____ of the City of Chandler, an Arizona municipal corporation, and that he/she as such officer of the municipal corporation being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the municipal corporation as such officer.

Notary Public

APPROVED AS TO FORM:

City Attorney *GAB*

FIRST AMERICAN TITLE

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20110759319 09/13/2011 01:22
ELECTRONIC RECORDING

When recorded, mail to:
City of Chandler
City Clerk
P.O. Box 4008, Mail Stop 606
Chandler, AZ 85244-4008

494798-5-3-3--
sarabiam

APN: 303-46-011C
Section 22, Township 2 South, Range 5 East
ek 12/10

313 NS-494798

This document is exempt from Affidavit and Fee requirement pursuant to A.R.S. § 11-1134(A)(2).

TEMPORARY DRAINAGE EASEMENT

For and in consideration of the sum of TEN and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged,

Wong's Enterprises, Ltd., an Arizona limited partnership ***

("Grantor"), does hereby grant and convey unto the CITY OF CHANDLER, an Arizona municipal corporation ("Grantee"), an easement in, on, over, under, across and through that certain real property situated in Maricopa County, Arizona, more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the "Easement Property"), for the construction, maintenance, repair and operation of a storm water drainage and retention basin; reserving, however, to Grantor, its heirs, successors, representatives and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easements hereby acquired; subject, however, to any existing easements for public rights-of-way and public utilities.

The aforesaid grant of easement shall be subject to the following covenants, restrictions and conditions:

1. This easement is subject to all easements and encumbrances of record, other than those extinguished through this condemnation action, and is non-exclusive, *provided that* later granted easements shall be subject to Grantee's rights and uses.

2. In the event Grantee records a document to formally abandon this easement, all of Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Property within a reasonable time subsequent to such abandonment.

3. Nothing herein requires that a fully landscaped storm water retention basin be constructed by Grantee, and Grantor acknowledges that Grantee has represented that it intends to install a temporary retention basin, not fully landscaped and improved.

*** now known as Wong's Enterprises LTD Limited Partnership LLP an Arizona limited liability partnership

4. At the time of development of the larger parcel upon which this easement is situated and of which the Easement Property is a part, the easement granted herein may be relocated in conformance with Grantor's development plans with approval of the City Engineer of the City of Chandler, Arizona.

5. The easement granted herein runs with the land, and the easement and all covenants, restrictions and conditions hereof shall be binding upon Grantor, its successors and assigns, and shall inure to the benefit of Grantee, its successors and assigns.

DATED this 21 day of June, 2011.

GRANTOR: Wong's Enterprises, Ltd., an Arizona limited partnership

By: Wong

Its: Partner / Agent

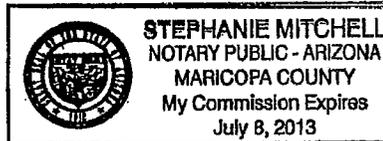
STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Temporary Drainage Easement was acknowledged before me this 21st day of June, 2011, by Weldon Wong, as the Partner / Agent of Wong's Enterprises, Ltd., a(n) Arizona limited partnership.

Stephanie Mitchell
Notary Public

My Commission Expires:

July 8, 2013



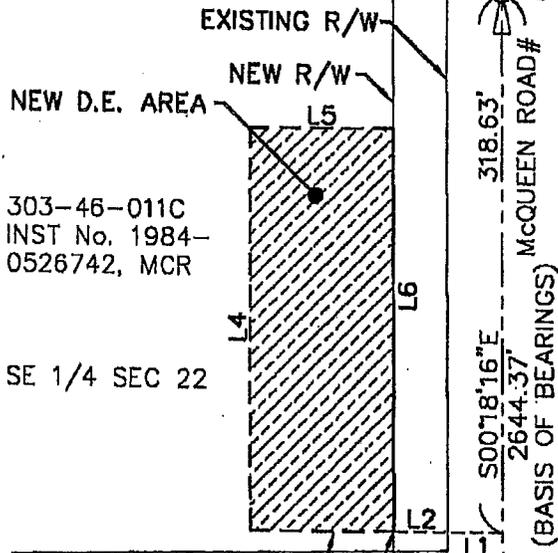


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