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MEMORANDUM **Transportation & Development – Council Memo No. TDE15-001**

DATE: AUGUST 14, 2014

TO: MAYOR AND CITY COUNCIL

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

FROM: WARREN WHITE, PRINCIPAL ENGINEER

SUBJECT: RIGHT-OF-WAY ANNEXATION - CERTAIN COUNTY RIGHTS-OF-WAY ON OCOTILLO ROAD BETWEEN MCQUEEN ROAD AND ARIZONA AVENUE

Introduction and Tentative Adoption of Ordinance No. 4558

Request: Annexation of approximately 1.39 acres of right-of-way

Location: Certain County Rights-of-Way on Ocotillo Road between McQueen Road and Arizona Avenue

RECOMMENDATION: Staff recommends introduction and tentative adoption of Ordinance No. 4558, Right-of-Way Annexation – certain County Rights-of-Way on Ocotillo Road between McQueen Road and Arizona Avenue.

BACKGROUND/DISCUSSION: Remnant County islands exist within the City of Chandler Municipal Planning Area (MPA) boundary. Some of these islands are within improved roadway right-of-way (R.O.W.) or roadways slated for improvement. In certain cases, annexation benefits the City by alleviating the County plan review and permitting process. This particular annexation fulfills the annexation requirements stated in the Intergovernmental Agreement (IGA) between Maricopa County and the City of Chandler for the improvements to Ocotillo Road from Arizona Avenue to McQueen Road. The IGA requires that the City annex acquired roadway rights-of-way and the IGA remains in effect until all annexations have been completed.

Currently, along Ocotillo Road between McQueen Road and Arizona Avenue, there are two strips of R.O.W. 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(N) allows for an alternate annexation procedure where a county right-of-way or roadway may be transferred to an adjacent city by mutual consent of the governing bodies of the county and city if the property transferred is adjacent to the receiving city and if the city and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies.

FINANCIAL IMPLICATIONS: No direct cost for annexation.

PROPOSED MOTION: Move to introduce and tentatively adopt Ordinance No. 4558 Right-of-Way Annexation - certain County Rights-of-Way on Ocotillo Road between McQueen Road and Arizona Avenue.

ATTACHMENTS:
Ordinance No. 4558

ORDINANCE NO. 4558

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 APPROVING A PROPOSED COUNTY PROPERTY TRANSFER OF CERTAIN COUNTY RIGHTS-OF-WAY OR ROADWAY ALONG OCOTILLO ROAD BETWEEN MCQUEEN ROAD AND ARIZONA AVENUE, SUBJECT TO THE MUTUAL APPROVAL OF SUCH COUNTY PROPERTY TRANSFER BY THE MARICOPA COUNTY BOARD OF SUPERVISORS, ALL IN ACCORDANCE WITH SECTION 9-471(N), ARIZONA REVISED STATUTES.

WHEREAS, A.R.S. §9-471(N) provides that a county right-of-way or roadway may be transferred to an adjacent city or town by mutual consent of the governing bodies of the county and the receiving city or town (a) if the property transferred is adjacent to the receiving city or town and if the city or town and the county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies; and

WHEREAS, pursuant to A.R.S. §9-471(N), such a transfer of property shall be treated by the receiving city or town as if the transferred property was newly annexed territory; and

WHEREAS, the property to be transferred through this ordinance consists of Maricopa County right-of-way or roadway, as described and depicted in the map and legal descriptions attached hereto as Exhibit A, said exhibit being incorporated herein by this reference, that is adjacent to the City of Chandler; and

WHEREAS, this ordinance has been introduced and tentatively approved and subsequently received final approval at two, respective, separate regular public meeting of the governing body of the City of Chandler.

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 City of Chandler does hereby approve the transfer by Maricopa County to the City of Chandler of that certain property, consisting of Maricopa County right-of-way or roadway adjacent to the City of Chandler that is depicted and legally described in attached Exhibit A.

Section 2. Upon completion of the transfer of the aforementioned property to the City of Chandler, said rights-of-way or roadway shall be treated by the City of Chandler as if the transferred property was territory newly annexed into the corporate limits of the City of Chandler.

Section 3. The City Clerk is hereby instructed to file and record a copy of this ordinance, together with documentation of approval by the Maricopa Board of Supervisors and an accurate map of the transferred property, certified by the Mayor of the City of Chandler, in the Office of the County Recorder of Maricopa County, Arizona.

Section 4. The Transportation & 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 _____, 2014.

ATTEST:

_____ _____
CITY CLERK MAYOR

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

ATTEST:

_____ _____
CITY CLERK MAYOR

CERTIFICATION

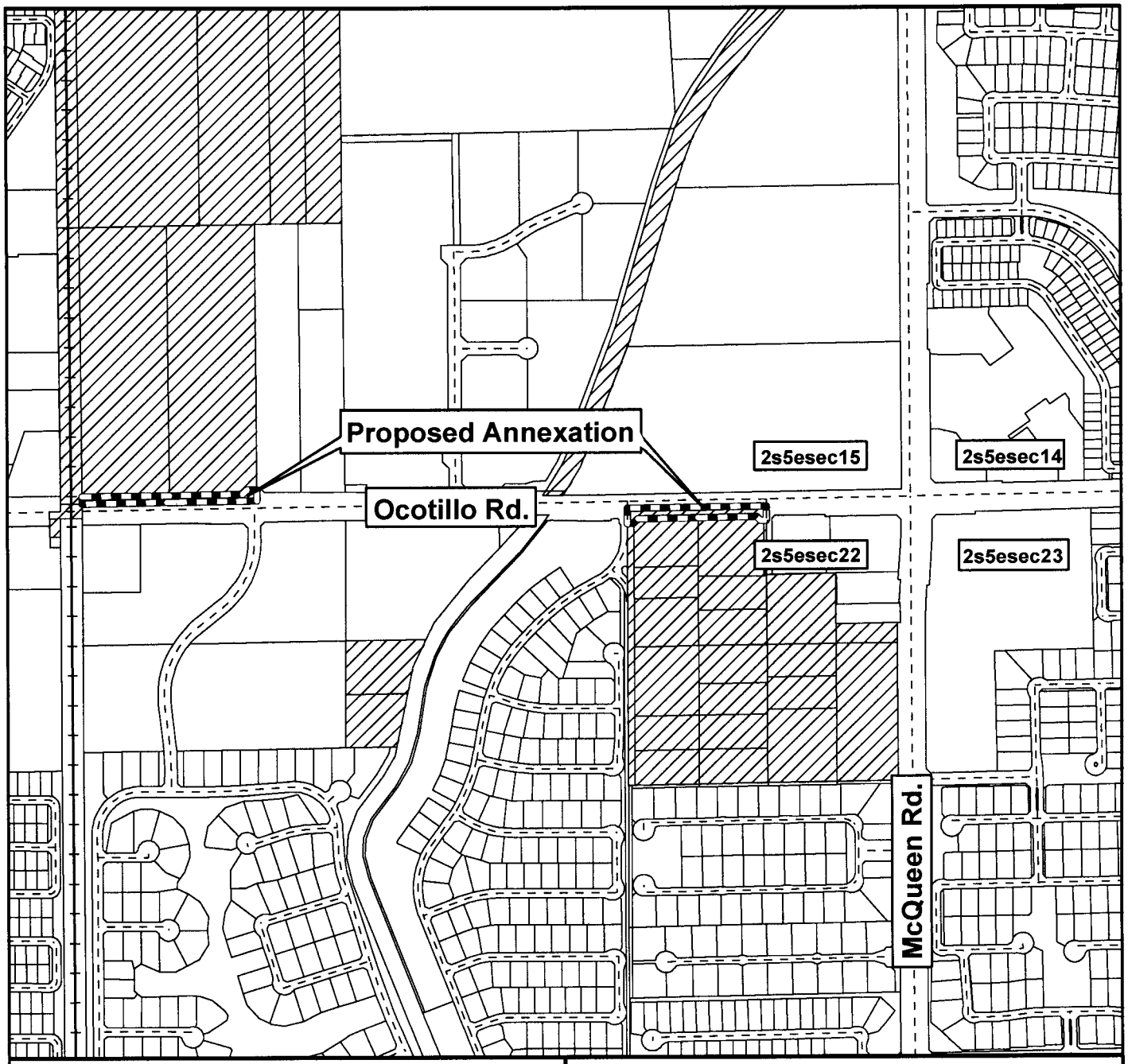
I HEREBY CERTIFY that the above and foregoing Ordinance No. 4558 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2014, and that a quorum was present thereat.

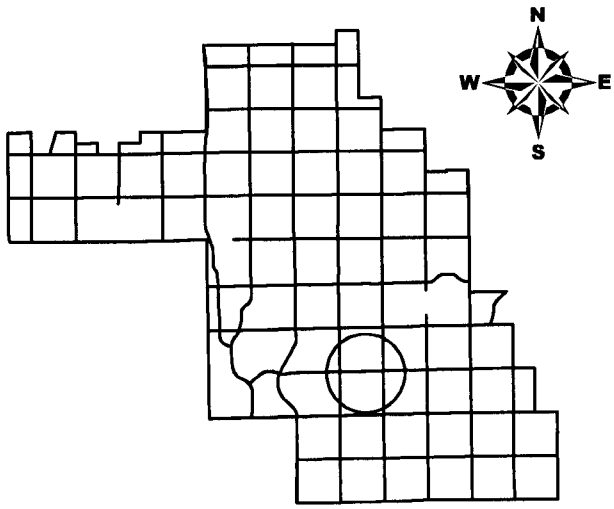
_____
CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

_____
CITY ATTORNEY GAB





City of Chandler 7/17/2014

Annexation Map

Ordinance No. 4558

Proposed Annexation

Certain Ocotillo Road Rights-of-Way between Arizona Avenue and McQueen Road

Incorporated Area

Unincorporated Area

0 200 400 800 1,200 1,600 Feet

Exhibit A

EXHIBIT "A"

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 1A
MARICOPA COUNTY RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land, as created in Document No. 2013-0876955, described in the Records of Maricopa County, Arizona located in the Northeast quarter of Section 22, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 22 bearing South 89 degrees 05 minutes 00 seconds West, a distance of 2613.90 feet from the Northeast corner of said Section 22;

THENCE North 89 degrees 05 minutes 00 seconds East, along the North line of said Section 22, a distance of 1306.95 feet;

THENCE departing said North section line, South 00 degrees 06 minutes 24 seconds East, along the West line of the Northeast quarter of the Northeast quarter of said Section 22, a distance of 33.00 feet to the POINT OF BEGINNING;

THENCE North 89 degrees 05 minutes 00 seconds East, parallel to said North line, a distance of 326.77 feet to a point on the East line of the of the West half of the West half of the Northeast quarter of the Northeast Quarter of said Section 22;

THENCE South 00 degrees 09 minutes 22 seconds East, along the East line of the West half of the West half of the Northeast quarter of the Northeast quarter of said Section 22, a distance of 49.89 feet;

THENCE South 89 degrees 05 minutes 00 seconds West, parallel to said North line, a distance of 277.38 feet;

THENCE South 44 degrees 29 minutes 26 seconds West, a distance of 27.66 feet to a point on the East line of the West 30 feet of the Northeast quarter of the Northeast quarter of said Section 22;

THENCE South 89 degrees 05 minutes 00 seconds West, parallel to said North line, a distance of 30.00 feet to a point on the West line of the Northeast quarter of the Northeast quarter of said Section 22;

THENCE North 00 degrees 06 minutes 24 seconds West, along the West line of the Northeast quarter of the Northeast quarter of said Section 22, a distance of 69.31 feet to the POINT OF BEGINNING.

Containing an area of 17,073 square feet or 0.39 acres more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 1B
MARICOPA COUNTY RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land, as created in Document No. 2013-0876960, described in the Records of Maricopa County, Arizona located in the Northeast quarter of Section 22, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 22, from which the Northeast Corner of said Section 22 bears North 89 degrees 05 minutes 00 seconds East, 2613.90 feet;

THENCE North 89 degrees 05 minutes 00 seconds East, along and with the North line of said Northeast Quarter, a distance of 1633.69 feet;

THENCE South 00 degrees 09 minutes 22 seconds East, departing said North line, 33.00 feet to the True POINT OF BEGINNING of the herein described parcel;

THENCE North 89 degrees 05 minutes 00 seconds East, 312.85 feet;

THENCE South 00 degrees 18 minutes 12 seconds East, 66.89 feet;

THENCE South 89 degrees 05 minutes 00 seconds West, 25.00 feet

THENCE North 45 degrees 36 minutes 36 seconds West, 23.91 feet

THENCE South 89 degrees 05 minutes 00 seconds West, 270.97 feet;

THENCE North 00 degrees 09 minutes 22 seconds West, 49.89 feet to the POINT OF BEGINNING.

Containing an area of 16,178 square feet or 0.37 acres more or less.

Combined area of PARCEL 1 equals 33,251 Square Feet or 0.76 acres, more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 2A
MARICOPA COUNTY RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land, as created in Document No. 2013-0925536, described in the Records of Maricopa County, Arizona located in the Southwest quarter of Section 15, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 15 bearing South 89 degrees 04 minutes 02 seconds West, a distance of 2640.84 feet from the South quarter corner of said Section 15;

THENCE North 89 degrees 04 minutes 02 seconds East, along the South line of said Section 15, a distance of 1825.44 feet to a point on the westerly line of Parcel No. 2 as described in Instrument 2006-0649482, Maricopa County Recorder's Office;

THENCE departing said South section line, North 00 degrees 22 minutes 12 seconds West, along said westerly line, a distance of 33.00 feet to the POINT OF BEGINNING;

THENCE continuing North 00 degrees 22 minutes 12 seconds West, a distance of 32.00 feet;

THENCE departing said westerly line, North 89 degrees 04 minutes 02 seconds East, a distance of 340.97 feet;

THENCE North 44 degrees 03 minutes 49 seconds East, a distance of 28.28 feet;

THENCE North 89 degrees 04 minutes 02 seconds East, parallel to said South line, a distance of 46.86 feet;

THENCE South 00 degrees 26 minutes 54 seconds East, a distance of 52.00 feet;

THENCE South 89 degrees 04 minutes 02 seconds West, parallel to said South line, a distance of 407.70 feet to the POINT OF BEGINNING.

Containing an area of 14,181 square feet or 0.33 acres more or less.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 2B
MARICOPA COUNTY RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land, as created in Document No. 2013-0925536, described in the Records of Maricopa County, Arizona located in the Southwest quarter of Section 15, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 15 bearing South 89 degrees 04 minutes 02 seconds West, a distance of 2640.84 feet from the South quarter corner of said Section 15;

THENCE North 89 degrees 04 minutes 02 seconds East, along the South line of said Section 15, a distance of 1417.60 feet to a point on the easterly right of way line of the Southern Pacific Railroad;

THENCE departing said South line, North 00 degrees 16 minutes 59 seconds West, a distance of 33.00 feet to the POINT OF BEGINNING;

THENCE continuing North 00 degrees 16 minutes 59 seconds West, a distance of 32.00 feet;

THENCE departing said right of way line, North 89 degrees 04 minutes 02 seconds East, parallel to said South line, a distance of 407.73 feet;

THENCE South 00 degrees 22 minutes 12 seconds East, a distance of 32.00 feet;

THENCE South 89 degrees 04 minutes 02 seconds West, parallel to said South line a distance of 407.78 to the POINT OF BEGINNING.

Containing an area of 13,048 square feet or 0.30 acres more or less.

Combined area of PARCEL 2 equals 27,229 Square Feet or 0.63 acres, more or less.

Combined area of PARCELS 1 and 2 equals 60,480 Square Feet or 1.39 acres, more or less.