

#13

NOV 20 2014



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM Transportation & Development Dept. - Memo No. RE15-109**

**DATE:** NOVEMBER 20, 2014

**TO:** MAYOR AND COUNCIL

**THRU:** RICH DLUGAS, CITY MANAGER *RD*  
MARSHA REED, ASSISTANT CITY MANAGER *MR*  
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*

**FROM:** ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

**SUBJECT:** RESOLUTION NO. 4753 DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR AND IN CONNECTION WITH THE IMPROVEMENT OF THE ALMA SCHOOL ROAD AND CHANDLER BOULEVARD INTERSECTION IMPROVEMENT PROJECT IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4753 determining that acquisition of real property needed for and in connection with the improvement of the Alma School Road and Chandler Boulevard Intersection Improvement Project is a matter of public necessity; authorizing the purchase of such real property; authorizing condemnation proceedings as needed to acquire the real property and to obtain immediate possession thereof; and authorizing relocation assistance as may be required by law.

BACKGROUND/DISCUSSION: The alignment for the Alma School Road and Chandler Boulevard Intersection Improvement Project (the "Project") requires acquisition of real property (road right-of-way and easements) from public and private property owners adjacent to, near, or related to the roadway being improved.

Upon City Council approval of the alignment for the Alma School Road and Chandler Boulevard Intersection Improvement Project (the "Project"), also on the November 20, 2014, agenda, this resolution authorizes acquisition of the real property at fair market value either by purchase or

Memo No. RE15-109  
November 20, 2014  
Page 2

condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law.

FINANCIAL IMPLICATIONS: Right-of-way and any necessary easements will be acquired from approximately 20 property owners. This project is receiving federal funding to pay for the acquisition of the required right-of-way and any relocation that may be required by law.

PROPOSED MOTION: Staff recommends City Council pass and adopt Resolution No. 4753 determining that acquisition of real property needed for and in connection with the improvement of the Alma School Road and Chandler Boulevard Intersection Improvement Project is a matter of public necessity; authorizing the purchase of such real property; authorizing condemnation proceedings as needed to acquire the real property and to obtain immediate possession thereof; and authorizing relocation assistance as may be required by law.

Attachments: Resolution No. 4753  
Location/Site Map

## **RESOLUTION NO. 4753**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR AND IN CONNECTION WITH THE IMPROVEMENT OF THE ALMA SCHOOL ROAD AND CHANDLER BOULEVARD INTERSECTION IMPROVEMENT PROJECT IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.

WHEREAS, on September 11, 2014, the Chandler City Council approved the alignment for a road improvement project for and in connection with the Alma School Road and Chandler Boulevard Intersection Improvement Project (the "Project"), which is intended to improve transportation and vehicular traffic movement within the City of Chandler; and

WHEREAS, in order to allow the Project to proceed in accordance with its schedule, the City of Chandler needs to acquire certain real property as rights-of-way in fee and/or easements from private property that is adjacent to, nearby, or related to the approved alignment for the Project; and

WHEREAS, the City needs to obtain immediate possession of the real property needed for the Project in order to have access and use during the construction period of the Project; and

WHEREAS, the City is authorized by law to acquire, whether by purchase, dedication, or condemnation proceedings (eminent domain), such real property as is needed for public roadway purposes; and

WHEREAS, the acquisition of some of the real property for the Project may result in the relocation of persons, businesses, or personal property;

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

Section 1. It is hereby determined that the acquisition of real property needed for and in connection with the improvement of the Alma School Road and Chandler Boulevard Intersection in accordance with the previously approved alignment for such a road improvement project and the attached Exhibit "A", and the securing of immediate possession of such real property, is necessary for the public purpose of widening and improving public roadway, is for a public and necessary purpose, and is in the best interest of the citizens of the City of Chandler.

Section 2. The City is authorized and directed to purchase said real property for an amount equal to the fair market value of the property as determined by appraisal. Written offers shall be in a form approved by the Chandler City Attorney and each purchase agreement entered into with a property owner shall be individually approved as to form by the Chandler City Attorney prior to being deposited into escrow.

Section 3. Subject to Section 2 above, the City's Real Estate Coordinator, any City real estate officer acting on the Coordinators behalf, or any retained right-of-way consultant acting at the direction of the Real Estate Coordinator, is authorized to make written offers for said real property and, where accepted, to execute, deliver, and deposit into escrow the approved purchase agreement, along with all other documents and instructions necessary to consummate the purchase of said real property.

Section 4. Where any such written offer is not accepted within a reasonable period of time for negotiation, the Chandler City Attorney is hereby authorized and directed to commence condemnation (eminent domain) proceedings to acquire, in the name of the City of Chandler, said real property, including any improvements thereon, and to secure immediate possession of such real property, for the public purpose of widening and improving the public roadway for the Alma School Road and Chandler Boulevard Intersection Project, and is further directed to do and to perform all acts necessary in furtherance of the acquisition of title to and immediate possession of said real property.

Section 5. The City is authorized to provide such relocation assistance, including benefits, as may be required by law. The City's Real Estate Coordinator shall make the initial determination of any claim received for relocation benefits; any administrative appeal from such decision shall be considered and acted upon by the Chandler City Manager or the City Manager's designee for such purpose, whose decision shall be final in accordance with applicable law.

PASSED AND ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this \_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4753 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.

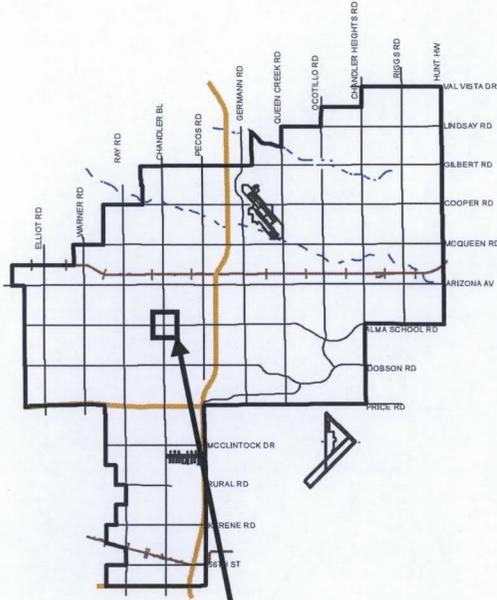
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY GAB



# INTERSECTION IMPROVEMENTS FOR ALMA SCHOOL RD / CHANDLER BL



**MEMO NO. RE15-109**  
**RESOLUTION NO. 4753**

 PROJECT SITE

