

ORDINANCE NO. 4566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING CERTAIN REAL PROPERTY AS NO LONGER NECESSARY FOR USE AS PUBLIC ROADWAY; AUTHORIZING AND APPROVING THE EXCHANGE OF SAID REAL PROPERTY TO AN ABUTTING PROPERTY OWNER FOR NEW PUBLIC ROADWAY; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO COMPLETE THE ROADWAY EXCHANGE.

WHEREAS, A.R.S. §28-7201 *et seq.* provides for the disposition of unnecessary public roadway, and A.R.S. §28-7203 specifically provides for the exchange of unnecessary public roadway with an abutting property owner for new public roadway; and

WHEREAS, in July, 2014, the Chandler City Council approved the rezoning and preliminary plat for a multi-family residential subdivision known as "Alta Chandler," which subdivision, when platted, will result in the reconfiguration of the south half of Frye Road, a public roadway, where it abuts the north side of the subdivision; and

WHEREAS, the reconfiguration will result in that certain portion of Frye Road described in Exhibit "A", attached hereto and made a part hereof (the "Excess Roadway"), no longer being necessary for public use as a roadway; and

WHEREAS, PR III/Wood Chandler Apartments, L.L.C., a Delaware limited liability company (the "Developer"), is the owner of all of the private property that abuts the Excess Roadway and is also the owner of that certain real property to be vested in the City of Chandler as new roadway pursuant to the recording of the final plat for Alta Chandler, which shall be in substantial conformance with the previously approved preliminary plat shown in Exhibit "B", attached hereto and made a part hereof (the "New Roadway");

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

Section 1. The Excess Roadway, as described in attached Exhibit "A", is determined and declared to be no longer necessary for public use as a roadway.

Section 2. The City is authorized to convey the City's interest in and to the Excess Roadway to the Developer, as the abutting property owner, in exchange for title to the New Roadway, such roadway exchange being approved subject to the requirements of this Ordinance.

Section 3. The exchange of roadway authorized in Section 2 above is not intended to vacate or extinguish any rights-of-way or easements lying in, on, over, under, across or through the Excess Roadway for existing sewer, gas, water or similar pipelines and appurtenances, and for canals, laterals, ditches and appurtenances, and for electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the roadway exchange, and the City's conveyance of the Excess Roadway shall be expressly made subject to any such rights-of-way or easements that may exist.

Section 4. The exchange of the Excess Roadway for the New Roadway shall be contingent upon the Developer being both the owner of the property abutting the Excess Roadway and the owner of the property that comprises the New Roadway at the effective date of the roadway exchange.

Section 5. It is the intention of the City of Chandler, Arizona, that the roadway exchange be made effective through the execution and recording of a final plat for Alta Chandler in substantially the form of the preliminary plat shown in attached Exhibit "B" and the execution and recording by the City of a quitclaim deed, so that title to the Excess Roadway vests in the Developer concurrent with title to the New Roadway vesting in the City of Chandler.

Section 6. The Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, all documents required and necessary to complete the roadway exchange and to extinguish the City's interest in the Easement Property, provided that such documents have been approved as to form by the Chandler City Attorney.

Section 7. The City Clerk shall cause the original or a certified copy of this Ordinance to be recorded concurrent with the recording of the aforementioned final plat and quitclaim deed. If the roadway exchange is completed through an escrowed transaction, the City Clerk shall cause the original or certified copy of the Ordinance to be deposited with the agent escrowing the transaction so that it will be recorded at the close of the escrow concurrent with the recording of the aforementioned final plat and quitclaim deed.

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. 4566 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*

A PORTION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 34, FROM WHICH A BRASS CAP IN HANDHOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 34 BEARS NORTH 89 DEGREES 44 MINUTES 47 SECONDS EAST, 5280.74 FEET;

THENCE ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 34 NORTH 89 DEGREES 44 MINUTES 47 SECONDS EAST, 993.53 FEET;

THENCE DEPARTING SAID EAST-WEST MID-SECTION LINE SOUTH 00 DEGREES 15 MINUTES 13 SECONDS EAST, 32.96 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FRYE ROAD AND THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 44 MINUTES 39 SECONDS EAST, 189.73 FEET;

THENCE SOUTH 00 DEGREES 39 MINUTES 00 SECONDS WEST, 10.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FRYE ROAD;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 44 DEGREES 48 MINUTES 10 SECONDS WEST, 4.21 FEET;

THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTH 89 DEGREES 44 MINUTES 39 SECONDS WEST, 186.74 FEET;

THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 00 DEGREES 44 MINUTES 01 SECONDS EAST, 7.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,333 SQUARE FEET OR 0.0306 ACRES, MORE OR LESS.

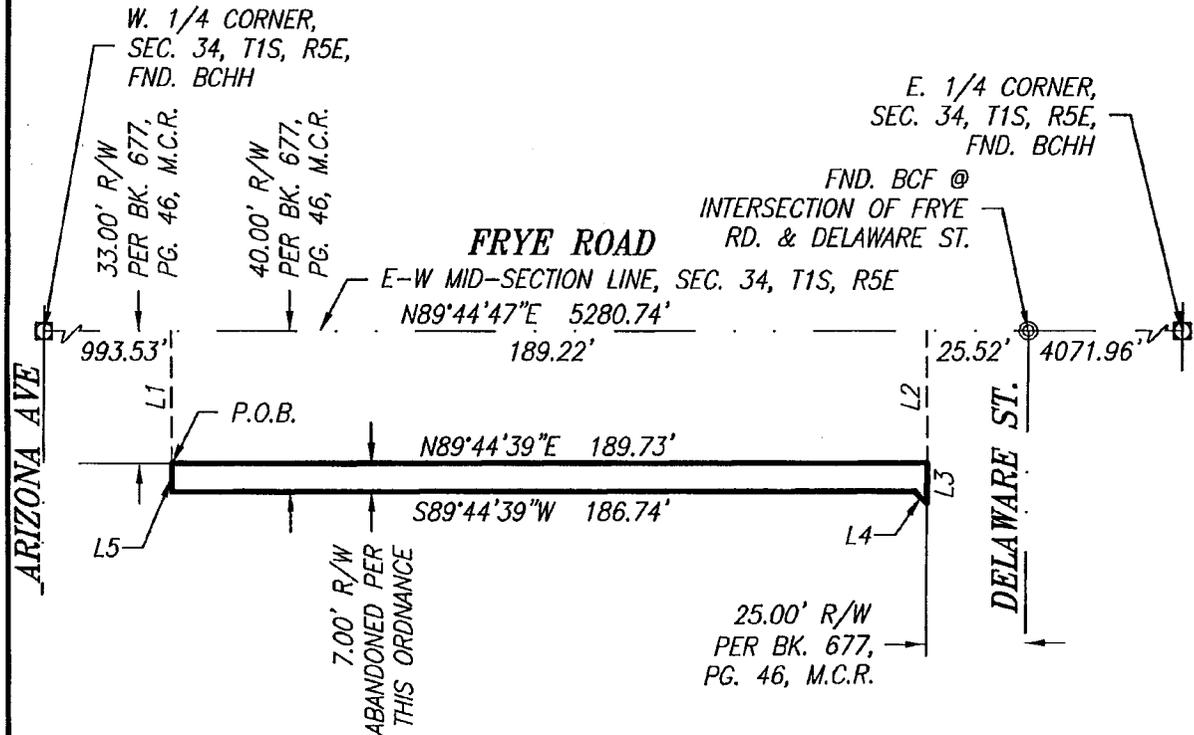




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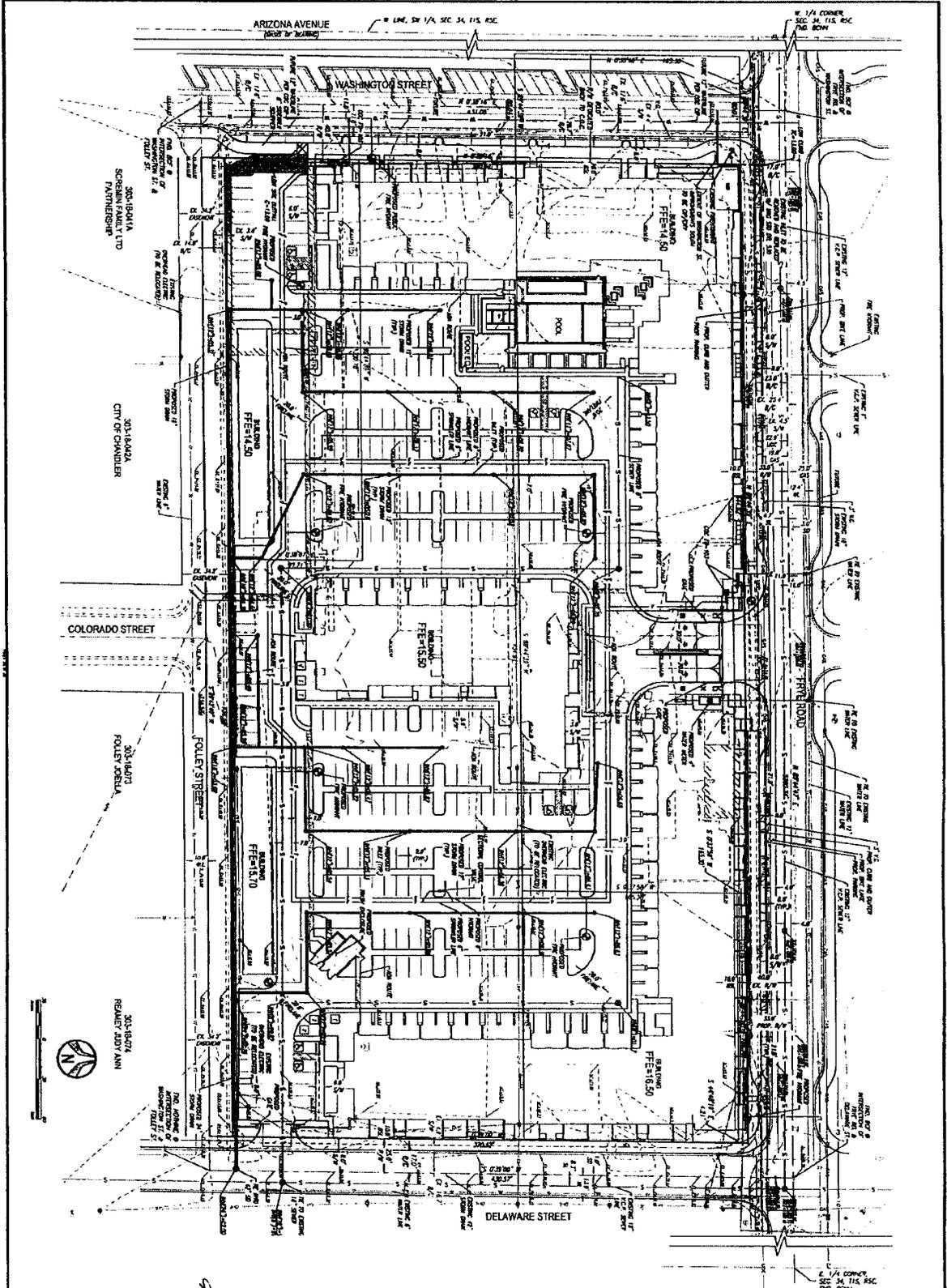


LINE TABLE		
LINE #	BEARING	LENGTH
L1	S0°15'13"E	32.96'
L2	S0°15'13"E	32.95'
L3	S0°39'00"W	10.00'
L4	N44°48'10"W	4.21'
L5	N0°44'01"E	7.00'



ALTA CHANDLER
RIGHT-OF-WAY ABANDONMENT
EXHIBIT "A"
City of Chandler, Maricopa County, Arizona

Project No. 13166	Date 08/27/14	Sht: 1 of 1
Project Manager ADRIAN BURCHAM	Project Eng.	



	Project No.	Date	<p>PRELIMINARY PLAT ALTA CHANDLER</p> <p>A PORTION OF THE SUBDIVISION SHOWN BY SECTION 34 EXHIBIT 1 OF THE CHANDLER CITY OF CHANDLER AS PER THE CHANDLER, MARICOPA COUNTY, ARIZONA</p>	<p>HUBBARD ENGINEERING www.hubbardengineering.com</p>
	13166	04/28/2014		
	Project Mgr.	Project Eng.		
	S. HANCOCK	M. WOLF, P.E.		