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FEB 26 2015



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Transportation & Development - Memo No. RE15-101

DATE: FEBRUARY 26, 2015

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
 NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*
 R.J. ZEDER, TRANSPORTION & DEVELOPMENT DIRECTOR *RJZ*
 DANIEL W. COOK, CITY ENGINEER *DM*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: RESOLUTION NO. 4836 AUTHORIZING THE EXTINGUISHMENT OF TWO
 (2) TEMPORARY DRAINAGE EASEMENTS NO LONGER NEEDED FOR
 PUBLIC USE AT THE STONEFIELD APARTMENTS DEVELOPMENT
 LOCATED AT THE SOUTHEAST CORNER OF DOBSON ROAD AND
 GERMANN ROAD

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4836 authorizing the extinguishment of two (2) temporary drainage easements no longer needed for public use at the Stonefield Apartments Development located at the southeast corner of Dobson Road and Germann Road.

BACKGROUND/DISCUSSION: The City obtained two (2) temporary drainage easements on a parcel of land located at the southeast corner of Dobson Road and Germann Road to accommodate improvements to both roads. Subsequently, the Stonefield II development built and incorporated the required retention provided by these easements into their development. As a result, the drainage easements are no longer required and can be extinguished. The property owner has requested the City extinguish these easements in order to clear up their title. Staff has reviewed the property owner's request and has confirmed that the easements are no longer needed.

FINANCIAL IMPLICATIONS:

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

Resolution No. 4836
February 26, 2015
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PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4836 authorizing the extinguishment of two (2) temporary drainage easements no longer needed for public use at the Stonefield Apartments Development located at the southeast corner of Dobson Road and Germann Road.

Attachments: Location Map
Resolution No. 4836
Release



AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF TWO DRAINAGE EASEMENTS



MEMO NO. RE15-101

RESOLUTION NO. 4836

EXISTING TEMPORARY DRAINAGE EASEMENTS



RESOLUTION NO. 4836

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF TWO TEMPORARY DRAINAGE EASEMENTS NO LONGER NEEDED FOR PUBLIC USE AT THE STONEFIELD APARTMENTS DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF DOBSON ROAD AND GERMANN ROAD.

WHEREAS, as part of the Germann Road Improvement Project from Arizona Avenue to Dobson Road and the Dobson Road from Frye Road to Germann Road Improvements, the City acquired two Temporary Drainage Easements (the "Easements") recorded as document number 2003-1525615 and 2007-0285055, records of Maricopa County, Arizona, and attached hereto as Exhibit "A"; and

WHEREAS, the developer of the Stonefield Apartments is requesting the extinguishment of the Easements; and

WHEREAS, due to the final built condition as approved by the City, the Easements acquired by the City are no longer required and can be extinguished.

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 the Easements described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the document used to extinguish the Easements shall be in the form as approved by the City Attorney attached hereto and made a part hereof.

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 Easements.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4836 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2015, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *Kem*

FIDELITY NATIONAL TITLE
HOLD FOR PICKUP

Unofficial Document

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WHEN RECORDED, RETURN TO:

City Clerk
Chandler of Arizona
Mail Stop 606
P.O. Box 4008
Chandler, Arizona 85244-4008

APN: 303-35-001A
Section 8, Township 2 South, Range 5 East

~~7/5 35006432~~

This document is exempt from Affidavit and Fee requirement pursuant to A.R.S. § 11-34.A.2.

DRAINAGE EASEMENT

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

Mi-Delo Investments Limited Partnership, an Arizona limited partnership

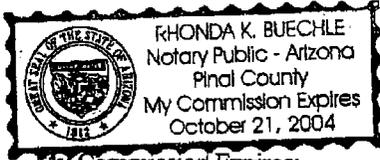
("Grantor") do/does hereby grant and convey unto the CITY OF CHANDLER, an Arizona municipal corporation ("Grantee"), an easement in, on, over, across and through that certain real property situated in Maricopa County, Arizona, more particularly described in Exhibit A attached hereto and incorporated 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. In the event the easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted, then all rights granted by this easement shall cease and revert to the Grantor, or Grantor's heirs, successors, or assigns.
2. 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.
3. At the time of development of the larger, vacant parcel upon which this easement is situated and of which the Easement Property is a part, the easement granted herein shall be relocated in conformity with Grantor's development plans but also

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing General Warranty Deed was acknowledged before me this 13 day of October, 2003, by Dennis D. Dugan as General Partner of **Mi-Deo Investments Limited Partnership, an Arizona limited partnership** who executed the foregoing instrument for the purposes therein contained.



Rhonda K Buechle
Notary Public

My Commission Expires:

Oct 21, 2004

accommodating drainage for which this document provides at such time as said plans have been approved by the City Engineer of the City of Chandler, Arizona.

4. 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 13 day of October, 2003.

**Mi-Delo Investments Limited
Partnership, an Arizona limited
partnership**

General Partners:

By: Michael E. Dugan
Michael E. Dugan - Trustee
of the Dugan Family Trust
dated December 2, 1969

Unofficial Document

By: Delores M. Dugan
Delores M. Dugan - Trustee
of the Dugan Family Trust
dated December 2, 1969

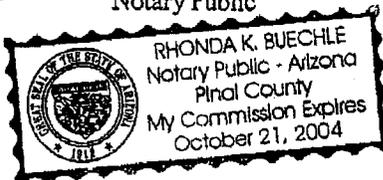
By: Dennis D. Dugan
Dennis D. Dugan

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Drainage Easement was acknowledged before me this 13 day of October, 2003, by Michael E. Dugan, Trustee of the Dugan Family Trust dated December 2, 1969, as General Partner of **Mi-Delo Investments Limited Partnership, an Arizona limited partnership** who executed the foregoing instrument for the purposes therein contained.

Oct. 21, 2004
My Commission Expires:

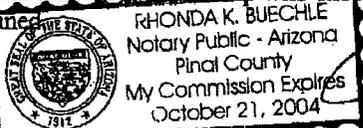
Rhonda K Buechle
Notary Public



STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Drainage Easement was acknowledged before me this 13 day of October, 2003, by Delores M. Dugan, Trustee of the Dugan Family Trust dated December 2, 1969, as General Partner of **Mi-Delo Investments Limited Partnership, an Arizona limited partnership** who executed the foregoing instrument for the purposes therein contained.

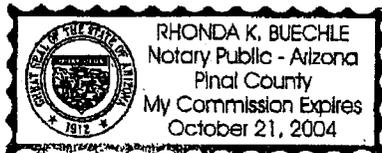
Oct. 21, 2004
My Commission Expires:



Rhonda K Buechle
Notary Public

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Drainage Easement was acknowledged before me this 13 day of October, 2003, by Dennis D. Dugan as General Partner of **Mi-Delo Investments Limited Partnership, an Arizona limited partnership** who executed the foregoing instrument for the purposes therein contained.



My Commission Expires:
Oct. 21, 2004

Rhonda K Buechle
Notary Public

EXHIBIT "A"

That portion of the Northwest quarter of the Northwest quarter of Section 8, 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 Northwest corner of said Section 8, said corner being monumented with a brass cap in hand hole; thence S. 00° 31' 20" E. along the West line a distance of 171.31 feet; thence departing said West line N. 89° 28' 40" E. a distance of 75.00 feet to the TRUE POINT OF BEGINNING; thence continuing N. 89° 28' 40" E. a distance of 58.00 feet; thence S. 00° 13' 20" E. a distance of 155.00 feet; thence S. 89° 28' 40" W. a distance of 58.00 feet; thence N. 00° 31' 20" W. a distance of 155.00 feet to the TRUE POINT OF BEGINNING.

Unofficial Document

When recorded, mail to:

City of Chandler

City Clerk

P.O. Box 4008, Mail Stop 606

Chandler, AZ 85244-4008

3 OF 4
APN: 303-35-001B

Section 8, Township 2 South, Range 5 East

NCS 275576

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,

Mi Delo Investments, LP

("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.

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 11 day of January, 2007

GRANTOR: Mi Delo Investments, LP

By: Delores Dugan

Its: General Partner

STATE OF ARIZONA)
 Pinal) ss.
County of Maricopa)

Unofficial Document

The foregoing Temporary Drainage Easement was acknowledged before me this 11 day of January, 2007, by Delores Dugan, as the General Partner of Mi Delo Investments, LP, being authorized so to do.

Rhonda Kay Buechle
Notary Public

My Commission Expires:

Oct. 21, 2008

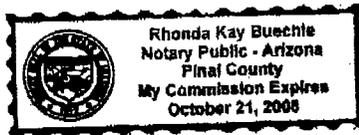


Exhibit "A"

**LEGAL DESCRIPTION
Drainage Easement
Germann Road & Dobson Road
City of Chandler**

That portion of the Northwest quarter of the Northwest quarter of Section 8, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

Commencing at the Northwest corner of said Section 8, said corner being a found brass cap in a hand hole and from which the North quarter corner of said Section 8, being a found brass cap flush, bears N88°51'54"E a distance of 2680.82 feet;

Thence, N88°51'54"E a distance of 136.87 feet along the North line of the Northwest quarter of said Section 8;

Thence, S01°08'06"E a distance of 33.00 feet to the existing South right-of-way line of Germann Road and POINT OF BEGINNING;

Thence, S44°10'18"W a distance of 45.50 feet along said right-of-way line to the POINT OF BEGINNING;

Unofficial Document

Thence, N88°51'54"E a distance of 80.00 feet;

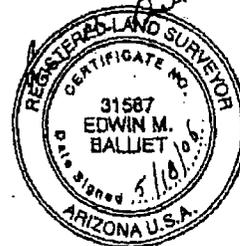
Thence, S01°08'06"E a distance of 80.00 feet;

Thence, S88°51'54"W a distance of 80.00 feet;

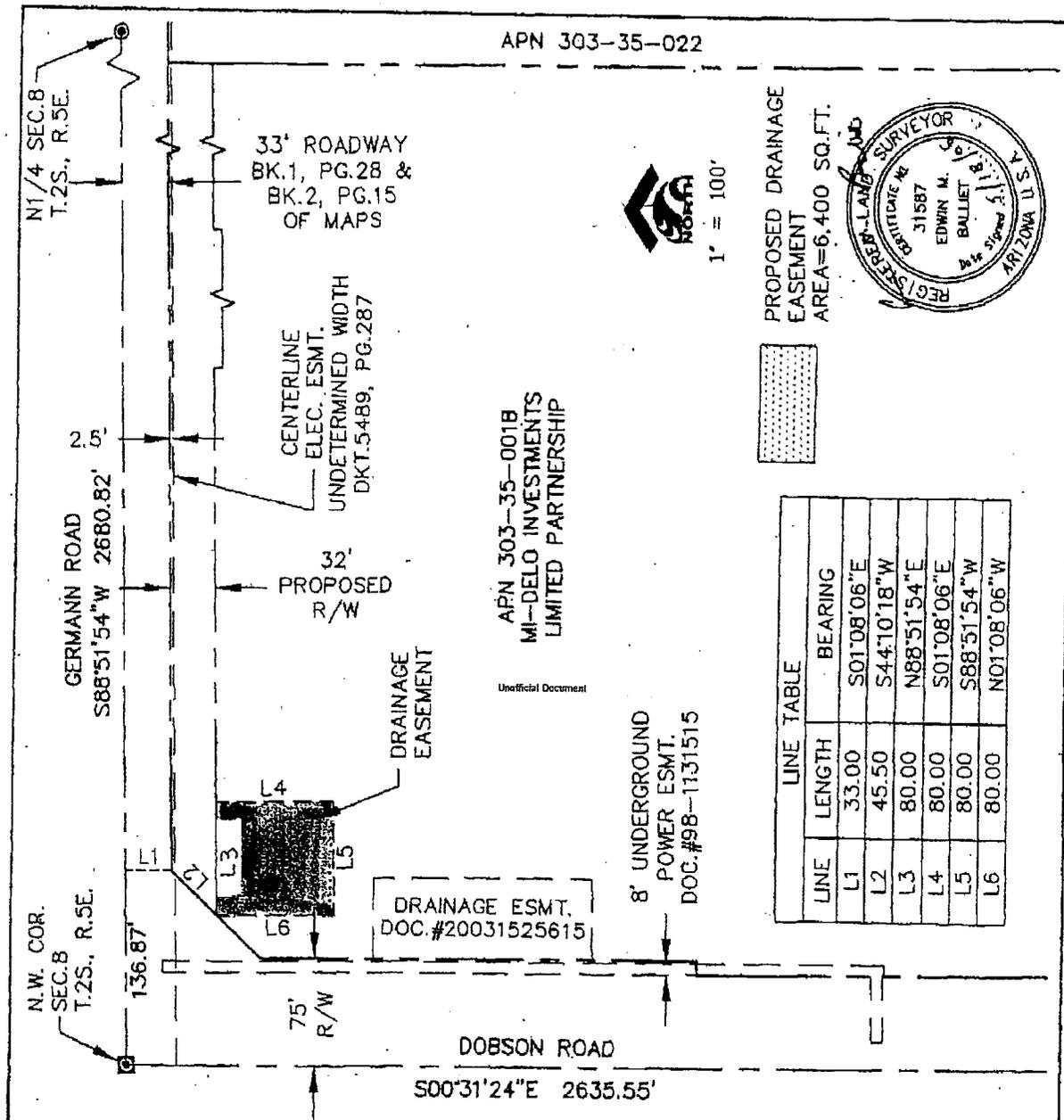
Thence, N01°08'06"W a distance of 80.00 feet to the POINT OF BEGINNING.

Contains an area of 6,400 square feet or 0.147 acres more or less.

Owner: Mi-Dejo Investments Partnership
Assessor Parcel Number: 303-35-001B



*1/10/09
11-22-06*



LINE TABLE	
LINE	BEARING
L1	33.00 S01°08'06"E
L2	45.50 S44°10'18"W
L3	80.00 N88°51'54"E
L4	80.00 S01°08'06"E
L5	80.00 S88°51'54"W
L6	80.00 N01°08'06"W



Stantec Consulting Inc.
6211 South 48th Street
Phoenix, Arizona 85044 USA
Phone: (602) 438-2200 Fax: (602) 431-9582

Stantec

**EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION FOR
DRAINAGE EASEMENT**

DATE: 5/18/06
DSN.:
ORN.:
CHK.: E.M.B.

PROJECT NUMBER
181930079
SHEET
1 OF 1