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MAR 26 2015

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Where Values Make The Difference

MEMORANDUM **Transportation & Development – Memo No. RE15-134**

DATE: MARCH 26, 2015

TO: MAYOR AND COUNCIL

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

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR

SUBJECT: RESOLUTION NO. 4842 AUTHORIZING THE EXTINGUISHMENT OF A TEMPORARY DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE AT THE FIRE ROCK RANCH DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF GILBERT ROAD AND CHANDLER BOULEVARD

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4842 authorizing the extinguishment of a temporary drainage easement no longer needed for public use at the Fire Rock Ranch development located at the northwest corner of Gilbert Road and Chandler Boulevard.

BACKGROUND/DISCUSSION: The City obtained a temporary drainage easement on a parcel of land located at the northwest corner of Gilbert Road and Chandler Boulevard to accommodate road improvements to Chandler Boulevard. Subsequently, the Fire Rock Ranch development built and incorporated the required retention provided by this easement into their development. As a result, the drainage easement is no longer required and can be extinguished. The property owner has requested that the City extinguish this easement in order to clear up their title.

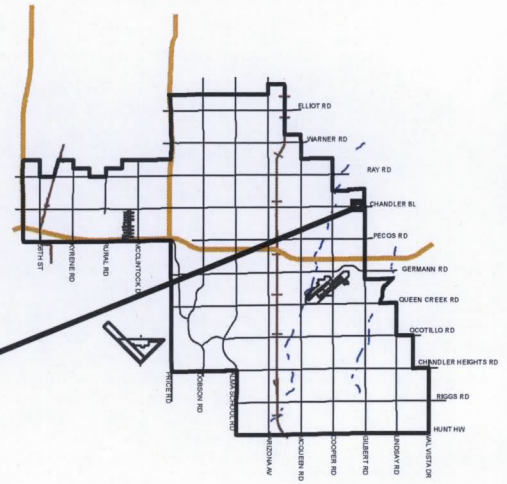
FINANCIAL IMPLICATIONS:

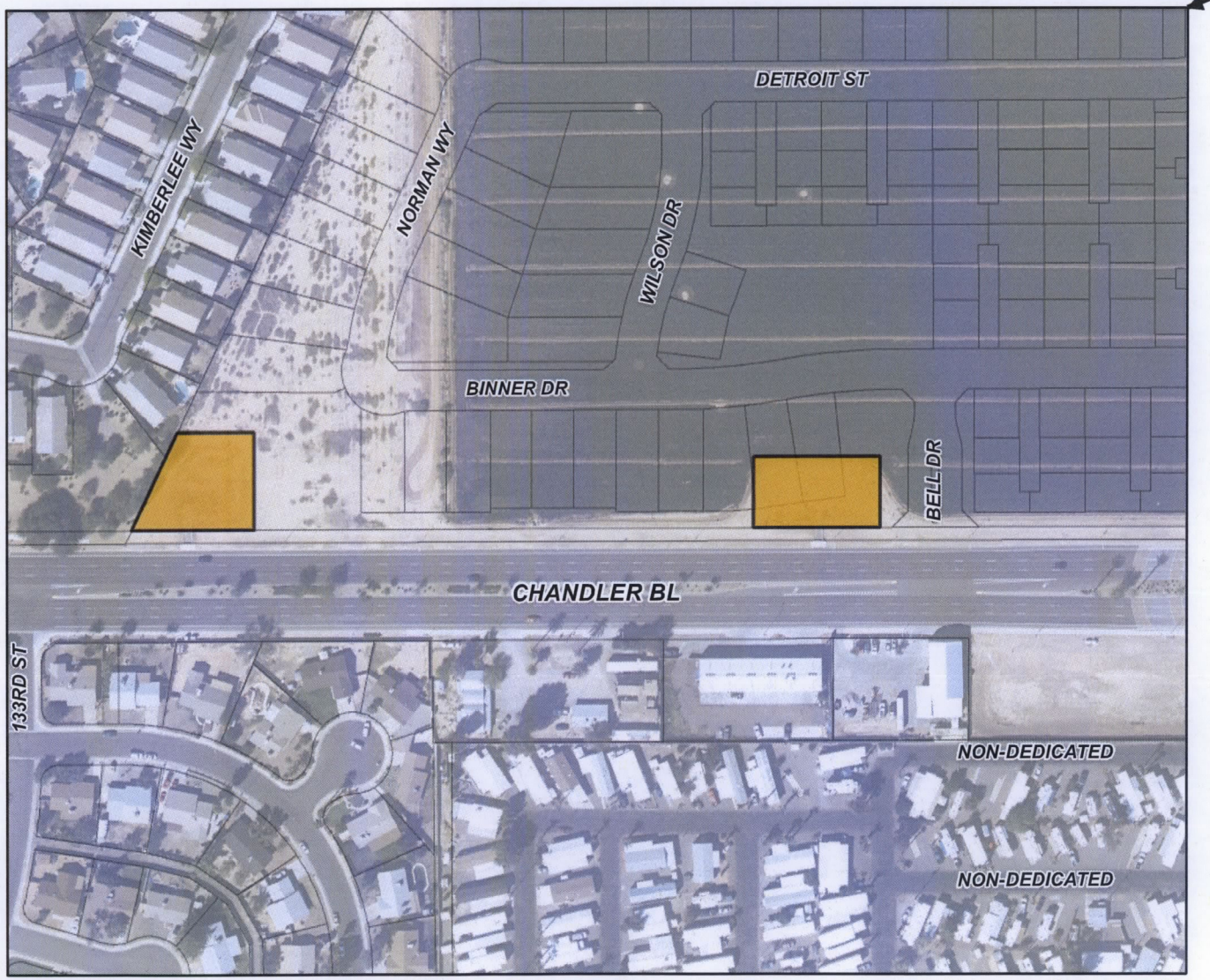
Cost:	N/A
Savings:	N/A
Long Term Costs:	N/A

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4842 authorizing and approving the extinguishment of a temporary drainage easement no longer needed for public use at the Fire Rock Ranch development located at the northwest corner of Gilbert Road and Chandler Boulevard.

Attachments: Location Map
Resolution No. 4842
Release

RESOLUTION NO. 4842 AUTHORIZING THE EXTINGUISHMENT OF A TEMPORARY DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE AT THE FIRE ROCK RANCH DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF GILBERT RD AND CHANDLER BL.





MEMO NO. RE15-134

RESOLUTION NO. 4842

TEMPORARY DRAINAGE EASEMENT

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RESOLUTION NO. 4842

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF A TEMPORARY DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE AT THE FIRE ROCK RANCH DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF GILBERT ROAD AND CHANDLER BOULEVARD.

WHEREAS, as part of the Chandler Phase II from 133rd Street to Gilbert Road Improvement Project, the City acquired a Temporary Drainage Easement (the "Easement") recorded as document number 2003-0055204, records of Maricopa County, Arizona, and attached hereto as Exhibit "A"; and

WHEREAS, the developer of the Fire Rock Ranch development is requesting the extinguishment of the Easement; and

WHEREAS, due to the final built condition as approved by the City, the Easement acquired by the City is 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 Easement described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the document used to extinguish the Easement shall be in the form as approved by the City Attorney (Exhibit "B") 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 Easement.

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. 4842 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

EXHIBIT "B"

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 January 16, 2003 as Docket No. 20030055204 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 _____, 2015.

CITY OF CHANDLER, an Arizona municipal corporation

By: _____
Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the ____ day of _____, 2015, 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