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APR 16 2015



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

**MEMORANDUM    Transportation & Development Dept. – Memo No. RE 15-106**

**DATE:**            APRIL 16, 2015

**TO:**                MAYOR AND COUNCIL

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

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

**SUBJECT:**        ORDINANCE NO. 4612 AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY, CONSISTING OF APPROXIMATELY 193 SQUARE FEET OF VACANT LAND, LOCATED ON THE NORTH SIDE OF OCOTILLO ROAD APPROXIMATELY 551 FEET EAST OF GILBERT ROAD, TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) AT NO COST; AND DECLARING AN EMERGENCY

RECOMMENDATION: Staff recommends adopting Ordinance No. 4612 authorizing the conveyance of certain real property, consisting of approximately 193 square feet of vacant land located on the north side of Ocotillo Road, approximately 551 feet east of Gilbert Road, to the Roosevelt Water Conservation District (RWCD), at no cost; and declaring an emergency.

BACKGROUND/DISCUSSION: As part of the Gilbert Road Improvement Project from Ocotillo Road to Hunt Highway (the “Project”), it was necessary for the City to acquire property to widen Ocotillo Road. Construction of Ocotillo Road impacted an existing RWCD well site and it was necessary to change its size and footprint. In order to provide RWCD with continued access to and within their well site, it is necessary to transfer title to a small parcel of vacant City land to RWCD. The parcel is approximately 9.8 feet wide by 20.0 feet long and contains approximately 193 square feet.

The Special Warranty Deed has been reviewed and approved by the City Attorney’s office.

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Staff recommends this Ordinance be handled on an emergency basis in order to complete the transfer prior to a License Agreement that allows the City to go onto RWCD land to construct the Project which expires on April 30, 2015.

FINANCIAL IMPLICATIONS:

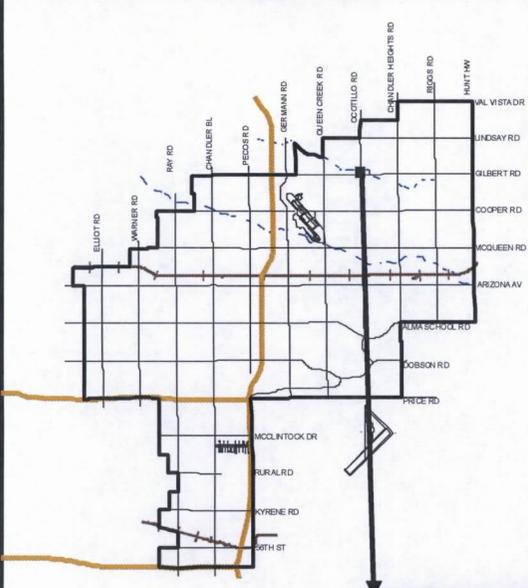
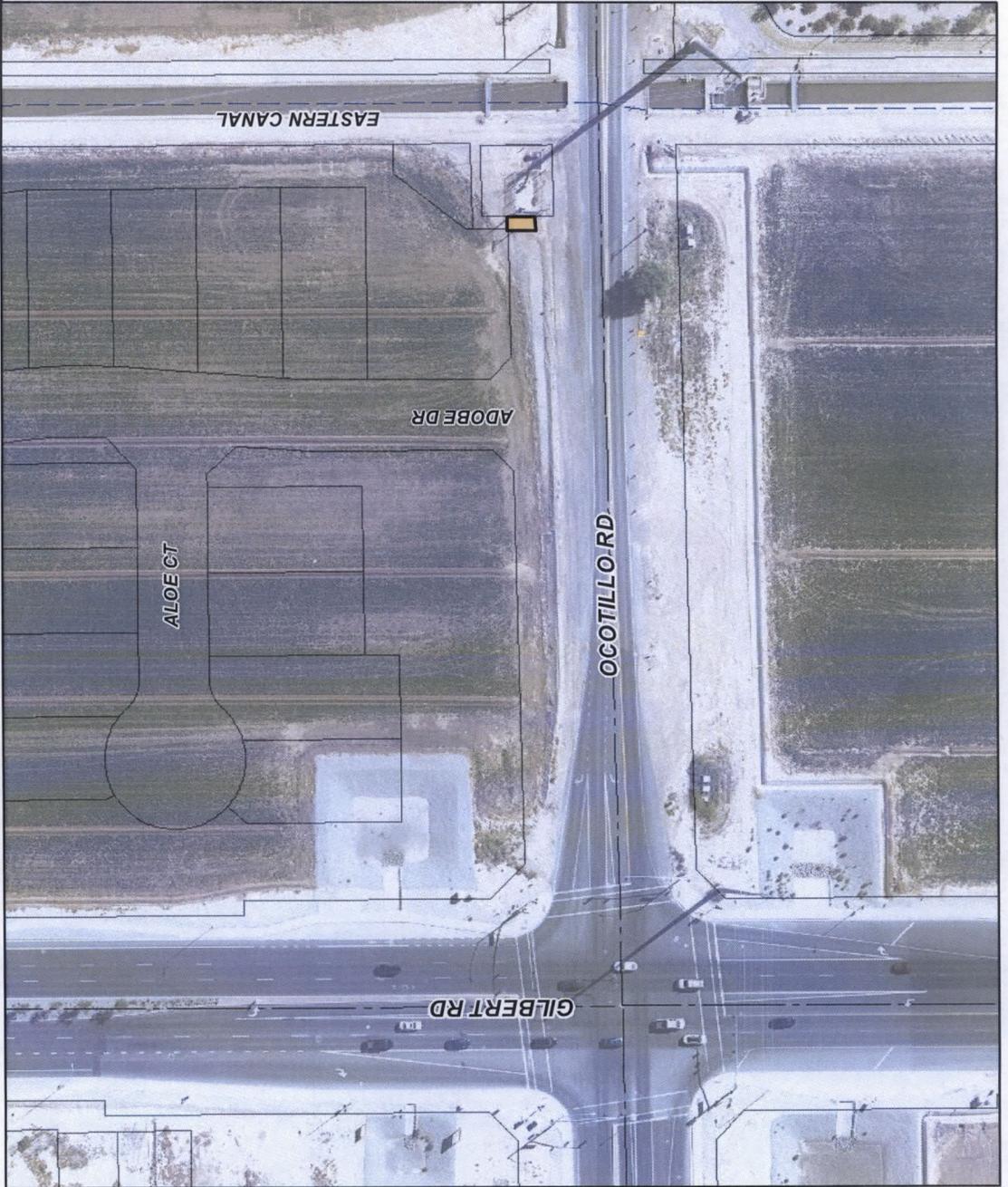
Cost: N/A  
Savings: N/A  
Long Term Costs: N/A

PROPOSED MOTION: Move City Council adopt Ordinance No. 4612 authorizing the conveyance of certain real property, consisting of approximately 193 square feet of vacant land located on the north side of Ocotillo Road, approximately 551 feet east of Gilbert Road, to the Roosevelt Water Conservation District (RWCD), at no cost; and declaring an emergency.

Attachments: Location/Site Map  
Ordinance No. 4612



**AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY, CONSISTING OF APPROXIMATELY 193 SQUARE FEET OF VACANT LAND, LOCATED ON THE NORTH SIDE OF OCOTILLO ROAD APPROXIMATELY 551 FEET EAST OF GILBERT ROAD, TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) AT NO COST; AND DECLARING AN EMERGENCY**



**MEMO NO. RE15-106**

**ORDINANCE NO. 4612**



**PROPERTY TO BE CONVEYED**



ORDINANCE NO. 4612

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA (THE "CITY"), AUTHORIZING AND APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY, CONSISTING OF APPROXIMATELY 193 SQUARE FEET OF VACANT LAND, LOCATED ON THE NORTH SIDE OF OCOTILLO ROAD APPROXIMATELY 551 FEET EAST OF GILBERT ROAD TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD), AT NO COST; AND DECLARING AN EMERGENCY.

WHEREAS, as part of the Gilbert Road Improvement Project (Ocotillo Road to Hunt Highway) ST-0809 (the "Project"), it was necessary to make physical changes to the size and footprint of an existing RWCD Well Site; and

WHEREAS, the physical changes make it necessary for the City to convey to RWCD a 193 square foot vacant parcel of land held by the City (the "City Parcel") in order to provide RWCD adequate and necessary access to and within the RWCD Well Site; and

WHEREAS, the conveyance needs to be completed prior to the expiration of the license granted by RWCD to the City to undertake the changes to the well site;

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

Section 1. That the City is authorized to convey by Special Warranty Deed to RWCD the City Parcel, which is legally described in attached Exhibit "A", at no cost to RWCD.

Section 2. That the Mayor of the City of Chandler, Arizona, on behalf of the City, is authorized to execute and deliver the Special Warranty Deed. City staff is authorized to execute and/or deliver all additional documents that may be reasonably required to consummate the aforementioned transaction

Section 3. The Special Warranty Deed and other required documents shall be in form and substance approved by the City Attorney Office. The Chandler City Clerk shall cause the Special Warranty Deed to be recorded and a recorded copy to be delivered to RWCD on or before April 30, 2015, the date of the license expiration.

Section 4. Immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, life, and property of the City of Chandler, and an emergency is hereby declared to exist, to wit: the aforementioned transaction must be completed on or before April 30, 2015, to coincide with the termination of the existing license granted the City by RWCD to enter upon and use existing property owned by RWCD, and to ensure that the Project is not disrupted; this Ordinance must be in full force and effect prior to that date. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Chandler City Council, and it is

hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND APPROVED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4612 was duly passed and approved by the City Council of the City of Chandler, Arizona, at a special meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2015, and that the vote was \_\_\_\_ Ayes and \_\_\_\_ Nays.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY CAB

PUBLISHED:

WHEN RECORDED, RETURN TO:

Roosevelt Water Conservation District  
P.O. Box 100  
15400 S. Higley Road  
Higley, AZ 85236

EXEMPT Per A.R.S. § 11-1134(A)(3)

**SPECIAL WARRANTY DEED**

FOR THE CONSIDERATION of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, the CITY OF CHANDLER, a municipal corporation ("Grantor"), hereby grants and conveys to the ROOSEVELT WATER CONSERVATION DISTRICT, a water conservation and irrigation district organized and operated pursuant to Arizona statute ("Grantee"), all right, title and interest in and to certain real property situated in the Southwest ¼ of Section 18, Township 2 South, Range 6 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, and legally described on Exhibit "A" attached hereto and incorporated herein by this reference;

Together with all rights and privileges appurtenant thereto;

Subject to non-delinquent taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, and rights or interests which would be disclosed by inspection and/or an accurate survey.

Grantor binds itself and its successors to warrant and defend the title as against the acts of Grantor herein and no other, subject to the matters referred to above.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Grantor:  
CITY OF CHANDLER

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ARIZONA            )  
  ) ss.  
County of Maricopa         )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, the \_\_\_\_\_ of the CITY OF CHANDLER, on behalf thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**APPROVED AS TO FORM**

\_\_\_\_\_  
CITY ATTORNEY *HAB*

**EXHIBIT A**

**Description of Special Warranty Deed Property**

[To Be Attached]



**Legal Description  
RWCD Well Site  
To be Conveyed by City of Chandler**

Job No. 09-066

September 4, 2013

A portion of the West Half of the Southwest Quarter of Section 18, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a P.K. nail at the southwest corner of the Southwest Quarter of said Section 18, from which a flush brass cap at the south quarter corner of said Section 18 bears N88°43'11"E (an assumed bearing) at a distance of 2,489.42 feet; thence N88°43'11"E, along the south line of the Southwest Quarter of said Section 18, for a distance of 551.48 feet; thence N01°16'49"W for a distance of 45.00 feet to the POINT OF BEGINNING;

Thence N00°27'01"W for a distance of 20.00 feet to a point on the north line of the south 65.00 feet of the Southwest Quarter of said Section 18; thence N88°43'11"E, along said north line, for a distance of 9.52 feet to a point on the west line of Roosevelt Water Conservation District tract described in Docket 5334, Page 138, Official Records of Maricopa County, Arizona; thence S01°16'49"E, along said west line, for a distance of 20.00 feet to a point on the north line of the south 45.00 feet of the Southwest Quarter of said Section 18; thence S88°43'11"W, along said north line, for a distance of 9.81 feet to the POINT OF BEGINNING.

An area containing 193 square feet or 0.0044 acres, more or less.



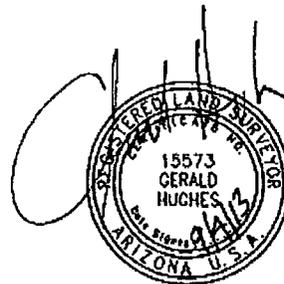
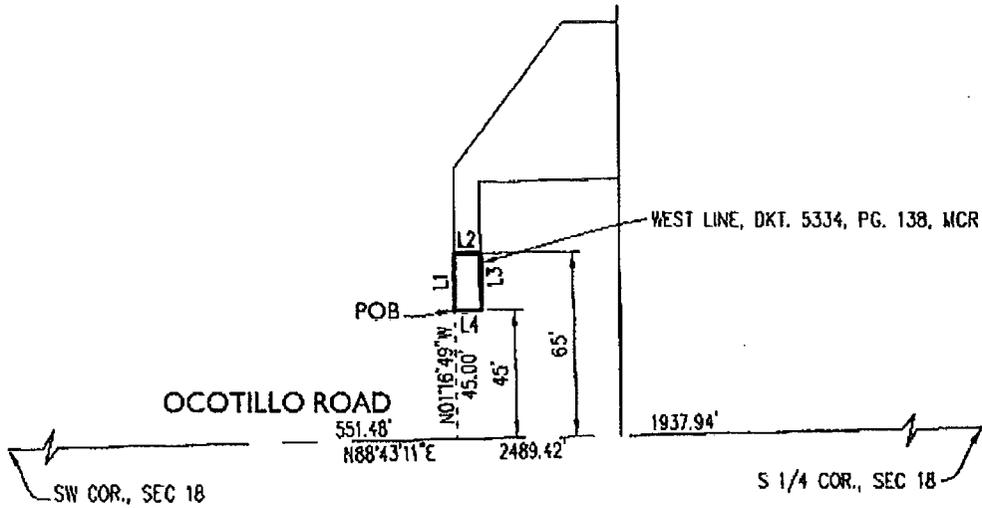
EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85710  
Tel (480) 503-2250 • Fax (480) 503-2258

S:\Projects\2009-07-02\Legal Survey\Legal\RWCD Well Site\Draw LOC.dwg

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°27'01"W	20.00'
L2	N88°43'11"E	9.52'
L3	S01°16'49"E	20.00'
L4	S88°43'11"W	9.81'



N.T.S.



EXPIRES: 3/31/2015

09-066	Project <b>RWCD EASEMENT</b> <b>WELL SITE FROM CITY OF CHANDLER</b> <small>CHANDLER, ARIZONA</small>	 <b>Geps group, Inc.</b> <small>Engineers, Planners &amp; Surveyors</small> <small>3341 E. Vanoy Rd., Ste. 101, Mesa, Arizona 85210</small> <small>Phone: (480) 543-2100 Fax: (480) 543-2200</small>
	<b>EXHIBIT</b>	