

10

APR 30 2015



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Transportation & Development – Memo No. RE15-160

DATE: APRIL 30, 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 ^{EK}

SUBJECT: RESOLUTION NO. 4858 AUTHORIZING THE EXTINGUISHMENT OF THE CITY'S INTEREST IN A WATERLINE EASEMENT, NO LONGER NEEDED FOR PUBLIC USE, LOCATED ON THE EAST SIDE OF GILBERT ROAD APPROXIMATELY ¼ MILE SOUTH OF OCOTILLO ROAD TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD)

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4858 authorizing the extinguishment of the City's interest in a waterline easement, no longer needed for public use, located on the east side of Gilbert Road approximately ¼ mile south of Ocotillo Road to the Roosevelt Water Conservation District (RWCD).

BACKGROUND/DISCUSSION: RWCD granted a waterline easement for a waterline to service the Quail Springs and Old Stone Ranch developments. During the construction of the Gilbert Road Improvements this waterline was relocated and the easement over the previous location is no longer needed by the Public. RWCD has requested that the City transfer its interest in the easement area back to RWCD. This is being done by a Quit Claim Deed from the City to RWCD.

The City Attorney's Office has reviewed and approved the deed as to form.

Staff has reviewed and approved the legal description and confirms that the easement area is no longer needed by the public.

Memo No. RE15-160
April 30, 2015
Page 2

FINANCIAL IMPLICATIONS:

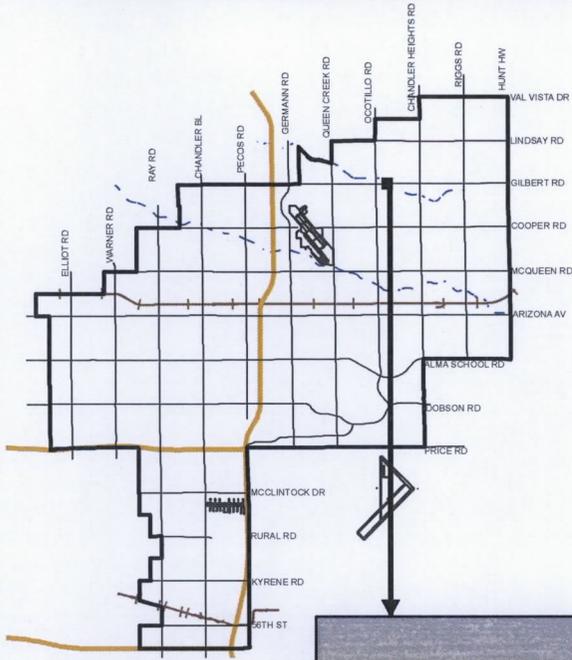
Cost: N/A
Savings: N/A
Long Term Costs: N/A

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4858 authorizing the extinguishment of the City's interest in a waterline easement, no longer needed for public use, located on the east side of Gilbert Road approximately ¼ mile south of Ocotillo Road to the Roosevelt Water Conservation District (RWCD).

Attachments: Location Map
Resolution No. 4858
Quit Claim Deed



AUTHORIZING THE EXTINGUISHMENT OF THE CITY'S INTEREST IN A WATERLINE EASEMENT, NO LONGER NEEDED FOR PUBLIC USE, LOCATED ON THE EAST SIDE OF GILBERT ROAD APPROXIMATELY 1/4 MILE SOUTH OF OCOTILLO ROAD TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD)



**MEMO NO. RE15-160
RESOLUTION NO. 4858**

 WATERLINE EASEMENT



RESOLUTION NO. 4858

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF THE CITY'S INTEREST IN A WATERLINE EASEMENT, NO LONGER NEEDED FOR PUBLIC USE, LOCATED ON THE EAST SIDE OF GILBERT ROAD APPROXIMATELY ¼ MILE SOUTH OF OCOTILLO ROAD TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD).

WHEREAS, RWCD previously granted a waterline easement within RWCD property; and

WHEREAS, the waterline was moved from the easement area to a new location as part of the improvement of Gilbert Road South of Ocotillo Road; and

WHEREAS, since the Easement is no longer required for Public use it 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. 4858 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 GAB

WHEN RECORDED, RETURN TO:

City of Chandler
City Clerk's Office
P.O. Box 4008, Mail Stop 606
Chandler, AZ 85244-4008

EXEMPT PER A.R.S. § 11-1134(A)(3)

QUIT CLAIM 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 quit claims 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, if any, of Grantor in and to certain real property situated in the Northwest ¼ of Section 19, 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.

DATED this ____ day of _____, 2015.

Grantor:

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 GAB

 **Entellus**
2553 N 44th Street, Suite 121
Phoenix, AZ 85008-3779
Tel: 602.241.2666
Fax: 602.241.8917
Email: www.entellus.com

304-74-015B

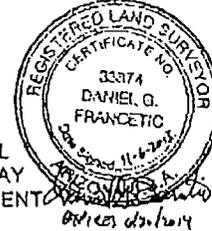


EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
ROOSEVELT WATER CONSERVATION DISTRICT CANAL
GILBERT ROAD-QUEEN CREEK ROAD TO HUNT HIGHWAY
CITY OF CHANDLER WATER LINE EASEMENT ABANDONMENT**

That portion of a parcel of land as described in Document # 2005-0990281, records of MARICOPA COUNTY, ARIZONA, located in the NORTHWEST QUARTER of SECTION 19, TOWNSHIP 2 SOUTH, RANGE 6 EAST of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the SOUTHWEST CORNER OF SAID SECTION 19, being monumented with a Brass Cap in handhole, from which the SOUTH QUARTER CORNER of SAID SECTION 19, being monumented with a Brass Cap flush, bears North 89 degrees 51 minutes 18 seconds East a distance of 2,453.52 feet, said line being the South line of said Southwest Quarter of Section 19 and the basis of bearings for this description;

Thence along the West line of said Southwest Quarter, North 00 degrees 16 minutes 50 seconds West a distance of 2,650.04 feet to the calculated position for the West Quarter corner of said Section 19;

Thence along the West line of said Northwest Quarter of Section 19, North 00 degrees 18 minutes 16 seconds West a distance of 1,315.75 feet to the southwest corner of said parcel of land described in said Document # 2005-0990281, said point being the POINT OF BEGINNING;

Thence along the West line of said parcel of land described in said Document # 2005-0990281, North 00 degrees 18 minutes 16 seconds West a distance of 12.00 feet to the northwest corner of said parcel of land;

Thence along the North line of said parcel of land, North 89 degrees 12 minutes 19 seconds East a distance of 188.12 feet to a point;

Thence South 89 degrees 42 minutes 19 seconds West a distance of 35.95 feet to a point on the South line of said parcel of land;

Thence along the South line of said parcel of land, South 89 degrees 12 minutes 19 seconds West a distance of 152.33 feet to the POINT OF BEGINNING.

Containing an area of 2,031 SQUARE FEET or 0.047 ACRES, more or less.

See Exhibit "B"

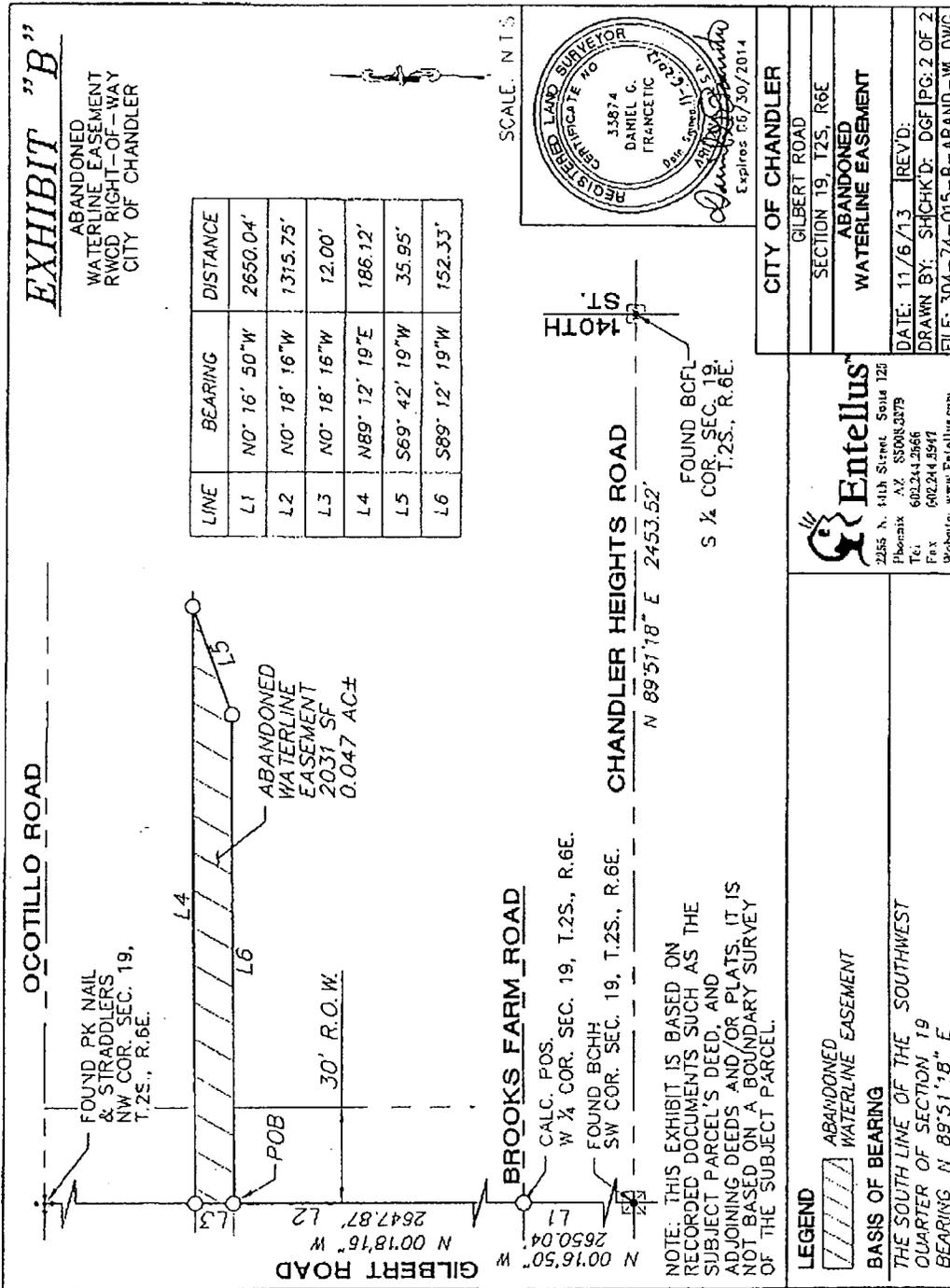
Note: The legal description above is based on recorded documents such as the subject parcel's deed, adjacent parcel deeds and/or plats. It is not based on a boundary survey of the subject parcel.

11/6/2013

PAGE 1 OF 2

615055A

P:\SURVEY STARTUP\PROJECTS\615055A Gilbert Rd
ZS07_LEGAL_DESCRIPTIONS_(SURVEY_ONLY_PROJECTS)\RWCD-WaterlineAbandonment.docx



304-74-015-B-ABAND-WL

Polyline Report

Tue Nov 05 11:58:04 2013

Northing	Easting	Bearing	Distance
816688.290	739003.789	N 00°18'16" W	12.000
816700.290	739003.725	N 89°12'19" E	186.117
816702.872	739189.825	S 69°42'19" W	35.949
816690.403	739156.108	S 89°12'19" W	152.333
816688.290	739003.789		

Closure Error Distance > 0.00000

Total Distance > 386.400

Polyline Area: 2030.7 sq ft, 0.0466 acres



304-74-015-B-ABAND-WL-L1-L2

Polyline Report Tue Nov 05 11:56:05 2013

Northing	Easting	Bearing	Distance
812722.539	739023.760	N 00°16'50" W	2650.037
815372.544	739010.782	N 00°18'16" W	1315.751
816688.276	739003.789		

Closure Error Distance> 3965.78759 Error Bearing> S 00°17'19" E
Closure Precision> 1 in 1.0 Total Distance> 3965.788
Area not calculated because polyline not closed