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11
JUL 09 2015

MEMORANDUM Transportation & Development - Memo No. RE16-001

DATE: JULY 9, 2015

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, ACTING CITY MANAGER *MM*
 NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*
 R.J. ZEDER, TRANSPORTION & DEVELOPMENT DIRECTOR *RJ*
 DANIEL W. COOK, CITY ENGINEER *DM*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: RESOLUTION NO. 4880 AUTHORIZING THE EXTINGUISHMENT OF EASEMENTS NO LONGER NEEDED FOR LOT 6 OF THE PARK DEVELOPMENT LOCATED JUST SOUTH OF THE SOUTHWEST CORNER OF CHANDLER BOULEVARD AND ALMA SCHOOL ROAD

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4880 authorizing the extinguishment of easements no longer needed for Lot 6 of The Park Development located just south of the southwest corner of Chandler Boulevard and Alma School Road.

BACKGROUND/DISCUSSION: Lot 6 of The Park Development is currently encumbered by easements recorded in number 1984-354010, 1992-729368, 1992-729369 and as dedicated on the Final Plat of The Park Development recorded in Book 475 on Page 24, all in the official records of Maricopa County Recorder (the "Easements"). The easements are identified on the attached location map.

A Minor Land Division (the "MLD") of Lot 6 of The Park Development will incorporate the required easement dedications to account for the proposed easement extinguishments and utility relocations. The property owner has requested the extinguishments in order to clear the MLD of the easements no longer needed by the City for the future residential condominium development known as The Place on Alma School. Staff reviewed the property owner's request and has confirmed that the easements are no longer needed.

Utility companies notified of the proposed easement extinguishments expressed no objections.

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FINANCIAL IMPLICATIONS:

Cost: N/A

Savings: N/A

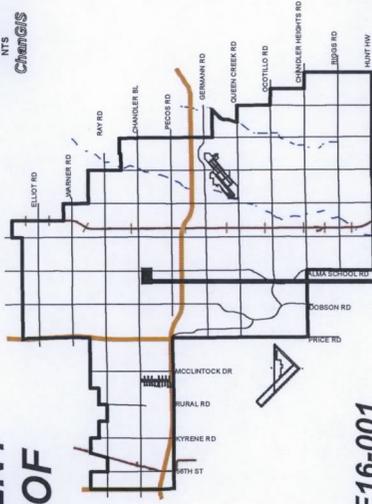
Long Term Costs: N/A

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4880 authorizing the extinguishment of easements no longer needed for Lot 6 of The Park Development located just south of the southwest corner of Chandler Boulevard and Alma School Road.

Attachments: Location Map
Resolution No. 4880
Release

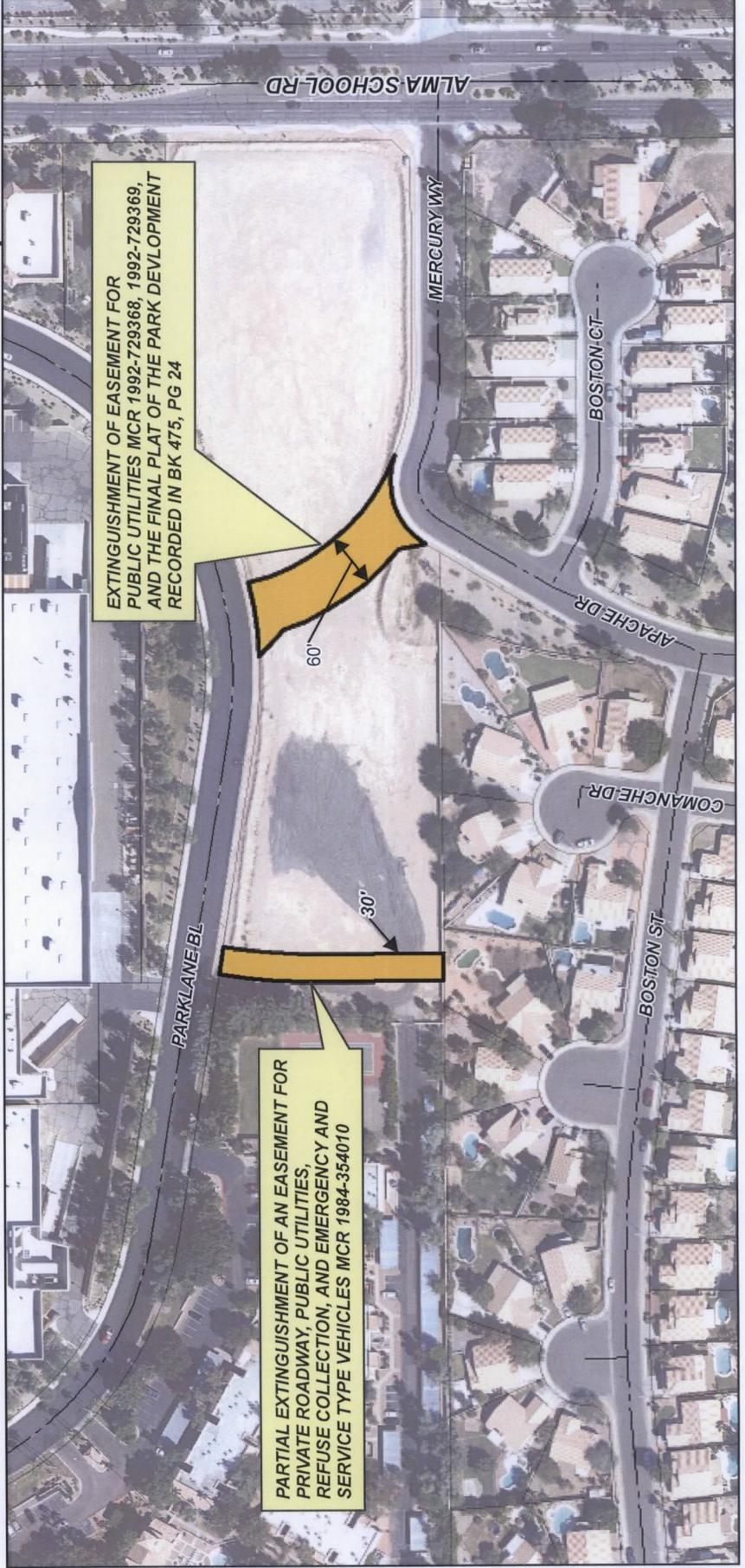


AUTHORIZING THE EXTINGUISHMENT OF EASEMENTS NO LONGER NEEDED FOR LOT 6 OF THE PARK DEVELOPMENT LOCATED JUST SOUTH OF THE SOUTHWEST CORNER OF CHANDLER BL AND ALMA SCHOOL RD



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 EXTINGUISHMENT AS NOTED



EXTINGUISHMENT OF EASEMENT FOR PUBLIC UTILITIES MCR 1992-729368, 1992-729369, AND THE FINAL PLAT OF THE PARK DEVELOPMENT RECORDED IN BK 475, PG 24

PARTIAL EXTINGUISHMENT OF AN EASEMENT FOR PRIVATE ROADWAY, PUBLIC UTILITIES, REFUSE COLLECTION, AND EMERGENCY AND SERVICE TYPE VEHICLES MCR 1984-354010

RESOLUTION NO. 4880

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE EXTINGUISHMENT OF EASEMENTS NO LONGER NEEDED FOR LOT 6 OF THE PARK DEVELOPMENT LOCATED JUST SOUTH OF THE SOUTHWEST CORNER OF CHANDLER BOULEVARD AND ALMA SCHOOL ROAD

WHEREAS, the City acquired easements recorded in number 1984-354010, 1992-729368 and 1992-729369 and as dedicated on the Final Plat of The Park Development recorded in Book 475 on Page 24, all in the official records of Maricopa County Recorder (the "Easements") as described and depicted in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Easements encumber Lot 6 of The Park Development; and

WHEREAS, the Minor Land Division Map of Lot 6 of the Park Development (the "MLD") is in progress for the future residential condominium development known as The Place on Alma School; and

WHEREAS, the easement dedications required as part of the MLD process will eliminate the need for the Easements and therefore, 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 and depicted in Exhibit "A".

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. 4880 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 

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 those certain Easements recorded with the Maricopa County Recorder on August 13, 1984 as Docket No. 1984-0354010, December 22, 1992 as Docket Nos. 1992-0729368 and 1992-0729369 and as dedicated in the Final Plat of The Park Development recorded July 21, 1998 in Book 475 of Maps, at Page 24 attached hereto and made a part hereof, arising by virtue of the execution and recording of said easements. 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 to be the Mayor of the City of Chandler, an Arizona municipal corporation, and that he 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 *hgm*