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#9
AUG 19 2015

MEMORANDUM - Transportation & Development - Memo No. RE16-009

DATE: AUGUST 13, 2015

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, ACTING CITY MANAGER *MR*
NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*
R. J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
DANIEL W. COOK, CITY ENGINEER *DW*

FROM: ERICH KUNTZE, REAL ESTATE MANAGER *EK*

SUBJECT: RESOLUTION NO. 4886 AUTHORIZING THE ACQUISITION OF REAL PROPERTY AS NEEDED FOR THE QUEEN CREEK ROAD IMPROVEMENT PROJECT FROM MCQUEEN ROAD TO GILBERT ROAD (INCLUDING A PORTION OF COOPER ROAD), AT MARKET VALUE PLUS CLOSING AND ESCROW FEES; AUTHORIZING THE CITY'S REAL ESTATE MANAGER TO SIGN, ON BEHALF OF THE CITY, THE PURCHASE AGREEMENTS AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THESE ACQUISITIONS; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING RELOCATION SERVICES AS MAY BE NEEDED AND REQUIRED BY LAW

RECOMMENDATION: Staff recommends Council pass and adopt Resolution No. 4886 authorizing the acquisition of real property as needed for the Queen Creek Road Improvement Project from McQueen Road to Gilbert Road (including a portion of Cooper Road), at market value plus closing and escrow fees; authorizing the City's Real Estate Manager to sign, on behalf of the City, the purchase agreements and any other documents necessary to facilitate these acquisitions; authorizing eminent domain proceedings as needed to acquire said real property and obtain immediate possession thereof; and authorizing relocation services as may be needed and required by law.

BACKGROUND/DISCUSSION: On July 30, 2015, the Transportation Commission reviewed the Queen Creek Road Improvement Project from McQueen Road to Gilbert Road (including a portion of Cooper Road) - (the "Project") and approved the alignment of the Project as depicted on the attached map.

The project requires the partial acquisition of real property from approximately 27 parcels. The City will appraise the parcels and make offers at market value based upon those appraisals. A reasonable time will be provided to work with the property owners to negotiate the property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession thereof.

FINANCIAL IMPLICATIONS: Federal funds may be used to acquire the property required for this project. Local funds are budgeted in the event federal funds are unavailable.

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4886 authorizing the acquisition of real property as needed for the Queen Creek Road Improvement Project from McQueen Road to Gilbert Road (including a portion of Cooper Road), at market value plus closing and escrow fees; authorizing the City's Real Estate Coordinator to sign, on behalf of the City, the purchase agreements and any other documents necessary to facilitate these acquisitions; authorizing eminent domain proceedings as needed to acquire said real property and obtain immediate possession thereof; and authorizing relocation services as may be needed and required by law.

Attachments: Map
Resolution No. 4886

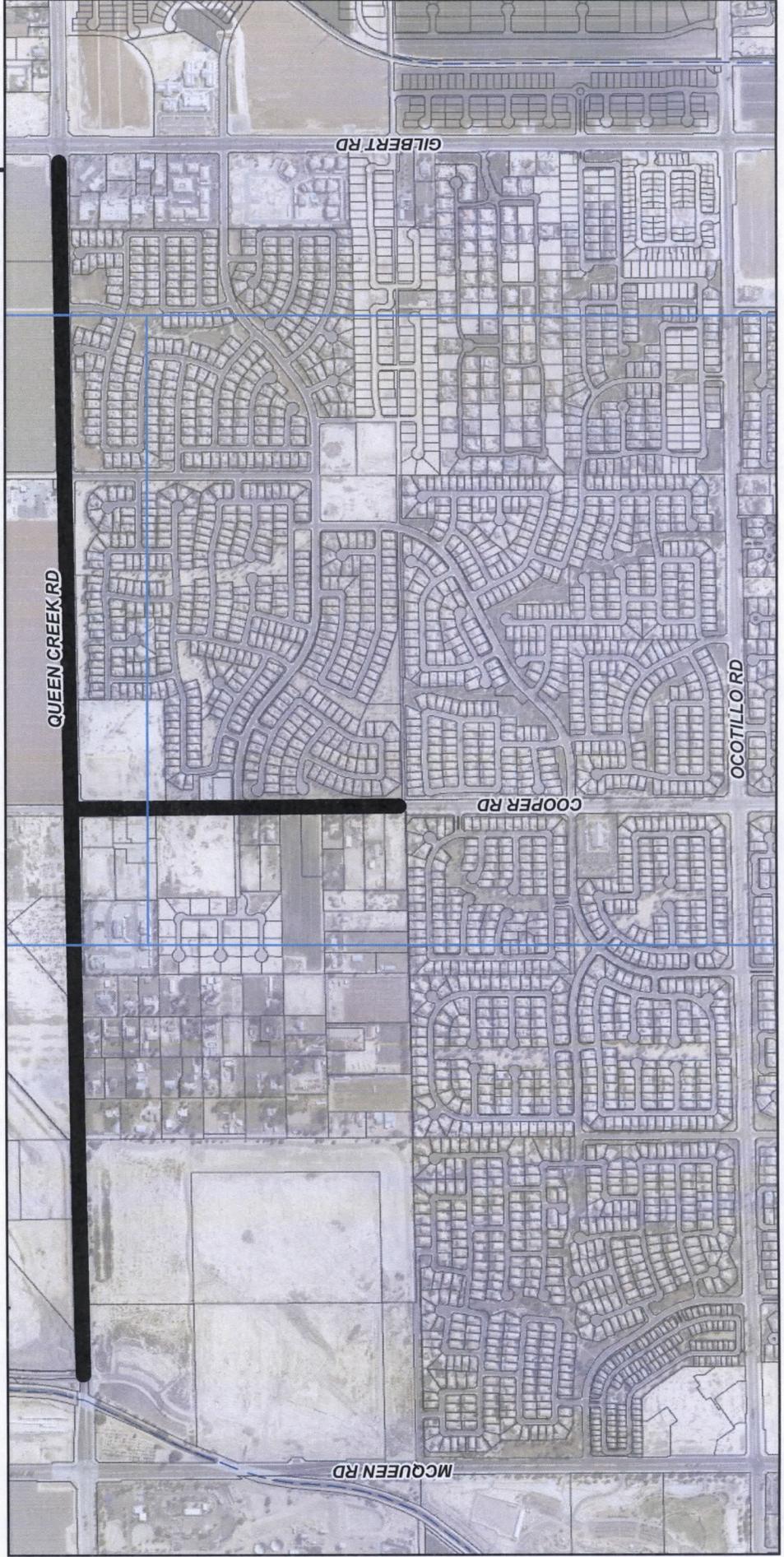


**AUTHORIZING THE ACQUISITION OF REAL PROPERTY
AS NEEDED FOR THE QUEEN CREEK RD IMPROVEMENT
PROJECT FROM McQUEEN RD TO GILBERT RD
(INCLUDING A PORTION OF COOPER RD)**



PROJECT AREA

MEMO NO. RE16-009



RESOLUTION NO. 4886

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR THE QUEEN CREEK ROAD IMPROVEMENT PROJECT, FROM MCQUEEN ROAD TO GILBERT ROAD (INCLUDING A PORTION OF COOPER ROAD) IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY AT MARKET VALUE; AUTHORIZING THE CITY'S REAL ESTATE MANAGER TO SIGN, ON BEHALF OF THE CITY, THE PURCHASE AGREEMENTS AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THESE ACQUISITIONS; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING RELOCATION SERVICES AS MAY BE NEEDED AND REQUIRED BY LAW.

WHEREAS, on July 30, 2015, the Transportation Commission reviewed the Queen Creek Road Improvement Project ST-1306, from McQueen Road to Gilbert Road (including a portion of Cooper Road) - (the "Project") and approved the alignment of the Project as depicted on Exhibit "A" attached hereto (the "Project"); and

WHEREAS, In order to allow the Project to proceed and be constructed in accordance with its schedule, the City needs to acquire certain real property as rights-of-way in fee and by easement from private property that is adjacent to, or related to the Project; and

WHEREAS, the City needs to obtain immediate possession of the real property needed for the Project in order to have access and use during the construction period of the Project; and

WHEREAS, relocation services and assistance may be necessary for some property owners as required by law;

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

Section 1. It is hereby determined that the acquisition of real property needed for the construction of the Project in accordance with the previously approved alignment, and the securing of immediate possession of such real property, is for a public and necessary purpose, and is in the best interest of the citizens of the City of Chandler.

Section 2. The City is authorized and directed to purchase said real property for an amount equal to the market value of the property as determined by appraisal. Written offers shall be in a form approved by the Chandler City Attorney and each purchase agreement entered into with a property owner shall be individually approved as to form by the Chandler City Attorney prior to being deposited into escrow.

Section 3. Subject to Section 2 above, the City's Real Estate Manager, any City real estate officer acting on the Manager's behalf, or any retained right-of-way consultant acting at the direction of the Real Estate Manager, is authorized to make written offers for said real property and, where accepted, to execute, deliver and deposit into escrow the approved purchase agreement, along with all other documents and instructions necessary to consummate the purchase of said real property.

Section 4. Where if any such written offer is not accepted within a reasonable period of time for negotiation, the Chandler City Attorney is authorized and directed to commence condemnation (eminent domain) proceedings to acquire, in the name of the City of Chandler, said real property, including any improvements thereon, and to secure immediate possession of such real property, for the public purpose of constructing the Queen Creek Road Improvements from McQueen Road to Gilbert Road (including along portions of Cooper Road), and is further directed to do and to perform all acts necessary in furtherance of the acquisition of title to and immediate possession of said real property.

Section 5. Where if any property owner requires relocation services or assistance as required by law staff is authorized to arrange for such assistance.

PASSED AND ADOPTED by the City Council this _____ day of _____, 201_____.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4886 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 