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SEP 24 2015

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MEMORANDUM **Transportation & Development – Memo No. TDE16-003**

DATE: SEPTEMBER 24, 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 DWC

FROM: WARREN WHITE, PRINCIPAL ENGINEER WW

SUBJECT: RESOLUTION NO. 4895 AUTHORIZING THE TRANSFER OF CERTAIN COUNTY RIGHT-OF-WAY ON GERMANN ROAD BETWEEN ARIZONA AVENUE AND HAMILTON STREET CONTINGENT UPON THE APPROVAL OF THE MARICOPA COUNTY BOARD OF SUPERVISORS

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4895 authorizing the transfer of certain County right-of-way on Germann Road between Arizona Avenue and Hamilton Street contingent upon the approval of the Maricopa County Board of Supervisors.

BACKGROUND/DISCUSSION: Council previously adopted Resolution No. 4826, an Intergovernmental Agreement (IGA) with the Maricopa County Department of Transportation, for cost sharing for improvements to Germann Road from Arizona Avenue to Hamilton Street. In conformance with the IGA approval, the City is required to annex (transfer) the portion of Germann Road that is currently under the jurisdiction of Maricopa County. The City is required to complete this annexation in order to retain the awarded Special Project Fund amount of $350,000.

The Annexation Map, attached to the Resolution, depicts the entire area to be annexed, approximately 4.51 acres of right-of-way. A.R.S. 9-471(N) allows for an alternate annexation procedure where a county right-of-way or roadway may be transferred to an adjacent city by mutual consent of the governing bodies of the county and city if the property transferred is adjacent to the receiving city, and if the city and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies.

FINANCIAL IMPLICATIONS: No direct cost for annexation; however, the City will be responsible for ongoing maintenance of annexed roadways. In exchange for the City annexing this section of Germann Road, the Maricopa County Department of Transportation awarded the City a grant in the amount of $350,000 for ADA upgrades and repaving of the road surface.

PROPOSED MOTION: Staff recommends City Council pass and adopt Resolution No. 4895 authorizing the transfer of certain County right-of-way on Germann Road between Arizona Avenue and Hamilton Street contingent upon the approval of the Maricopa County Board of Supervisors.

ATTACHMENTS:
Resolution No. 4895
Exhibit A Map
Exhibit A Legal

RESOLUTION NO. 4895

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE TRANSFER OF CERTAIN COUNTY RIGHT-OF-WAY ON GERMANN ROAD BETWEEN ARIZONA AVENUE AND HAMILTON STREET CONTINGENT UPON THE APPROVAL OF THE MARICOPA COUNTY BOARD OF SUPERVISORS.

WHEREAS, A.R.S. §9-471(N) provides that a county right-of-way or roadway may be transferred to an adjacent city or town by mutual consent of the governing bodies of the county and the receiving city or town (a) if the property transferred is adjacent to the receiving city or town and (b) if the city or town and the county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies; and

WHEREAS, pursuant to A.R.S. §9-471(N), such a transfer of property shall be treated by the receiving city or town as if the transferred property was newly annexed territory; and

WHEREAS, the property to be transferred through this resolution is adjacent to the City of Chandler and consists of right-of-way or roadway located in an unincorporated portion of Maricopa County, as described and depicted in the map and legal descriptions attached hereto as Exhibit A, said exhibit being incorporated herein by this reference (hereinafter, the "Roadway"); and

WHEREAS, this resolution has been acted upon as a published agenda item at a regular public meeting of the Chandler City Council;

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

Section 1. Pursuant to the provisions of A.R.S. §9-471(N), and contingent upon approval of the Maricopa County Board of Supervisors, the City of Chandler does hereby approve and consent to the transfer by Maricopa County to the City of Chandler of the Roadway, as depicted and legally described in attached Exhibit A.

Section 2. Upon completion of the transfer of the Roadway to the City of Chandler, the Roadway shall be treated by the City of Chandler as if the Roadway was territory newly annexed into the corporate limits of the City of Chandler and made part of the City's roadway system.

Section 3. The City Clerk is hereby instructed to file and record a copy of this resolution, together with documentation of approval by the Maricopa County Board of Supervisors and an accurate map of the transferred property, certified by the Mayor of the City of Chandler, in the Office of the County Recorder of Maricopa County, Arizona.

Section 4. The Transportation & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this resolution.

PASSED AND ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this ___ day of _____, 2015.

ATTEST:

_____ _____
CITY CLERK MAYOR

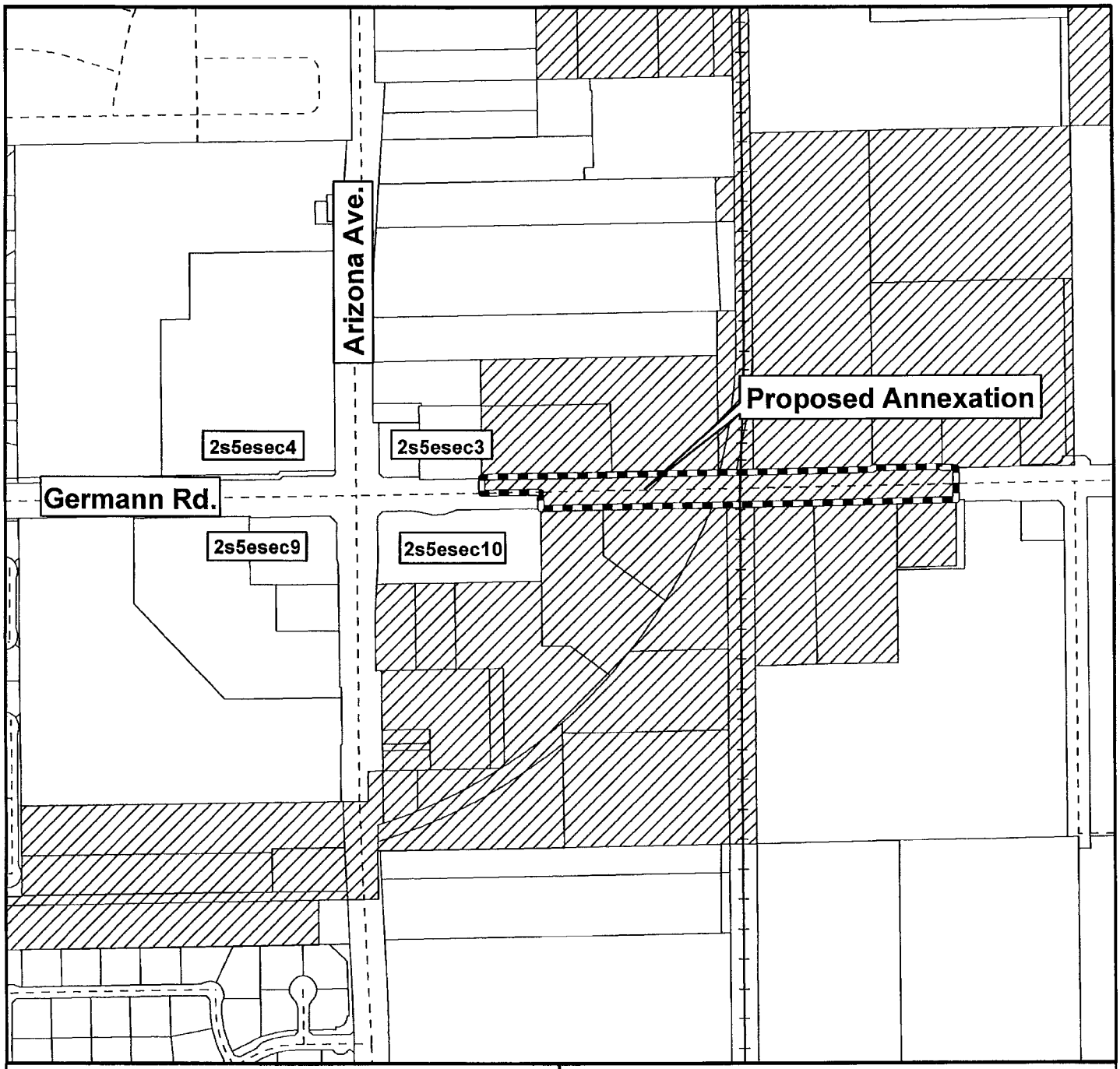
CERTIFICATION

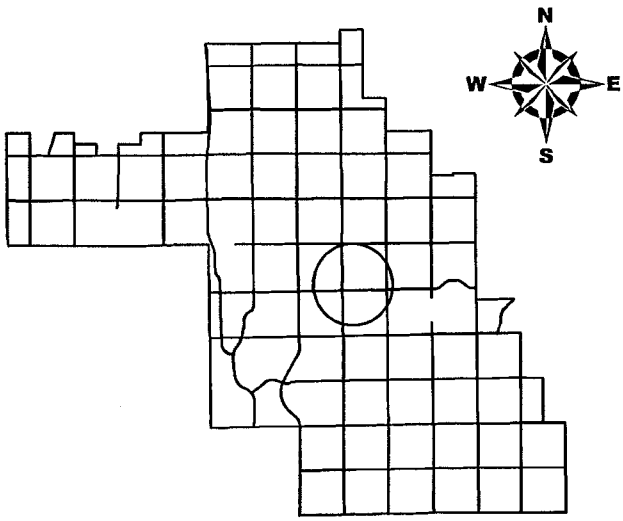
I HEREBY CERTIFY that the above and foregoing Resolution No. 4895 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2015, and that a quorum was present thereat.

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY GAB





City of Chandler 9/4/2015

Annexation Map

Resolution No. 4895

Proposed Annexation
Certain County Rights-of-Way on Germann Road between Arizona Avenue and Hamilton Street

Incorporated Area

Unincorporated Area

0 125250 500 750 1,000 Feet

Exhibit A

EXHIBIT "A"

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 1A
MARICOPA COUNTY RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land described in the Records of Maricopa County, Arizona located in the Southwest quarter of Section 3, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

The South 60.00 feet of the Southwest quarter of said Section 3. Except the West 438.24 feet and except the East 440.40 feet.

Also including the North 5 feet of the South 65 feet of the Southwest quarter of said Section 3. Except the West 1893.60 feet and except the East 489.30 feet.

Containing an area of 103,903.35 square feet or 2.39 acres more or less.

Note: The legal description above is based on county and municipal documents. It is not based on a boundary survey of the subject parcel.

LEGAL DESCRIPTION
FOR TRANSFER OF PARCEL 1B
MARICOPA COUNTY RIGHT-OF-WAY TO THE CITY OF CHANDLER

That portion of a parcel of land described in the Records of Maricopa County, Arizona located in the Northwest quarter of Section 10, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

The North 60.00 feet of the Northwest quarter of said Section 10. Except for the West 658.07 feet and except for the East 440.56 feet.

Containing an area of 92,482.20 square feet or 2.12 acres more or less.

Note: The legal description above is based on county and municipal documents. It is not based on a boundary survey of the subject parcel.

Combined area of PARCEL 1 equals 196,385.55 Square Feet or 4.51 acres, more or less.