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SEP 24 2015



Chandler · Arizona
Where Values Make The Difference

MEMORANDUM

Transportation & Development - Memo No. RE16-026

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: ERICH KUNTZE, REAL ESTATE MANAGER *EK*

SUBJECT: INTRODUCTION AND TENTATIVE ADOPTION OF ORDINANCE NO. 4658
AUTHORIZING THE VACATING OF A PORTION OF ROAD RIGHT-OF-
WAY LOCATED SOUTH OF THE SOUTHEAST CORNER OF COOPER AND
GERMANN ROADS

RECOMMENDATION: Staff recommends introduction and tentative adoption of Ordinance No. 4658 authorizing the vacating of a portion of road right-of-way located south of the southeast corner of Cooper and Germann roads.

BACKGROUND/DISCUSSION: On April 26, 2006, the City acquired road right-of-way for Germann Road and a portion of Cooper Road through an eminent domain proceeding. A portion of the right-of-way, located south of the southeast corner of the intersection, was planned by the Chandler Airport Commission for use as a display area for the vintage United States Air Force jet currently located at the southeast corner of Chandler Boulevard and Delaware Street. This plan was subsequently abandoned.

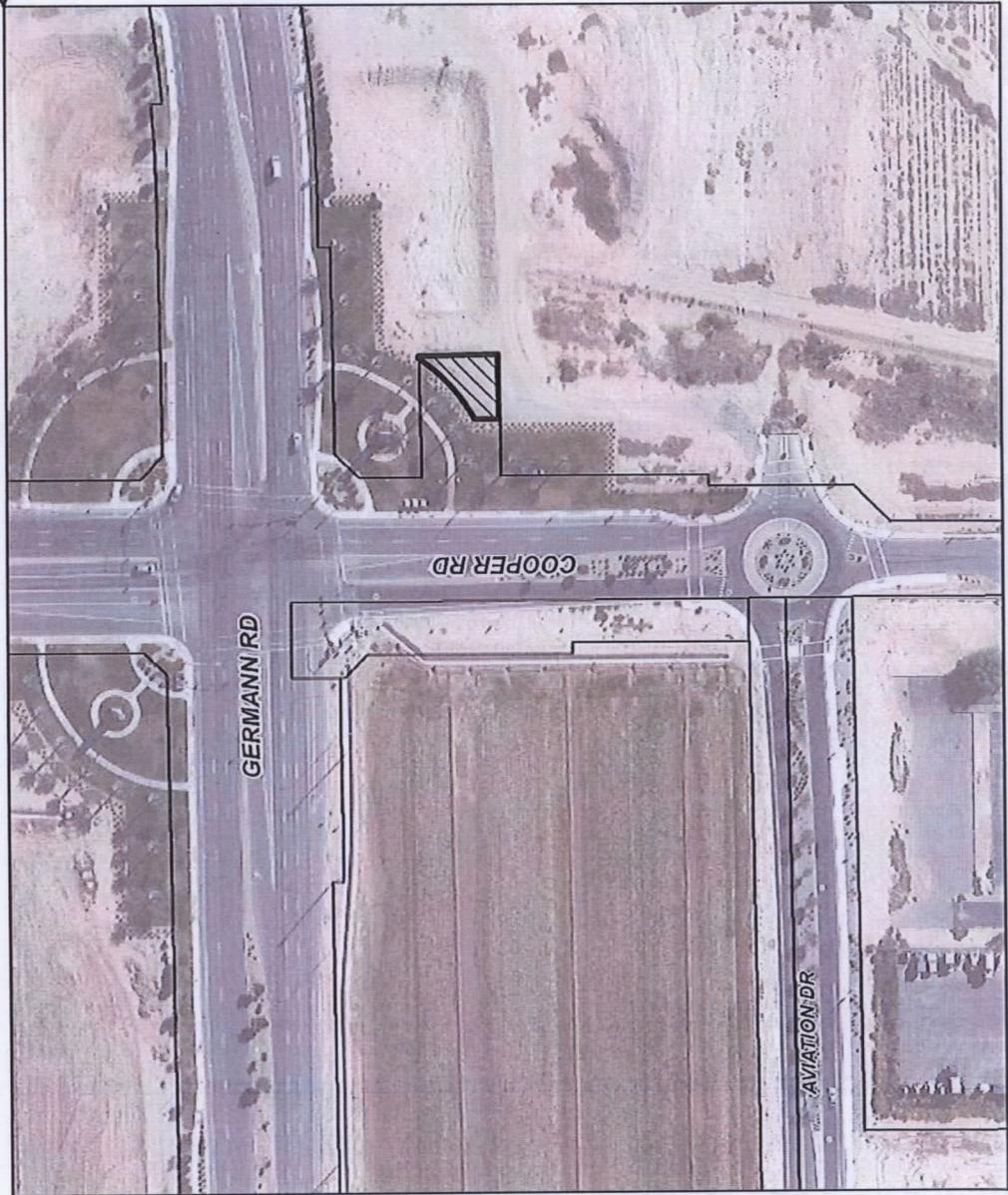
Tiberon Chandler Airport, LLC, (Tiberon) is developing the Puerto Del Viaje project at the southeast corner of Cooper and Germann roads. Tiberon has requested that the City vacate a portion of right-of-way containing approximately 2,354 square feet adjacent to their parcel to accommodate development of the Puerto Del Viaje project. In consideration, Tiberon has agreed to pay the City \$3.00 per square foot for this property for a total consideration of \$7,062.00. Staff has determined that this is a fair value for the parcel to be vacated. The Real Estate Office has contacted the appropriate outside utilities. There were no objections to vacating the parcel.

PROPOSED MOTION: Staff recommends introduction and tentative adoption of Ordinance No. 4658 authorizing the vacating of a portion of road right-of-way located south of the southeast corner of Cooper and Germann roads.

Attachments:
Ordinance No. 4658
Map



**INTRODUCING AND TENTATIVE APPROVAL OF
ORDINANCE NO 4658 AUTHORIZING AND
APPROVING THE VACATING OF A PORTION OF
ROAD RIGHT-OF-WAY LOCATED SOUTH OF THE
SOUTHEAST CORNER OF COOPER AND GERMANN ROADS**



MEMO NO. RE16-026

 **RIGHT-OF-WAY VACATION**



ORDINANCE NO. 4658

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING VACATING A PORTION OF ROAD RIGHT-OF-WAY LOCATED SOUTH OF THE SOUTHEAST CORNER OF COOPER AND GERMANN ROADS

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, that certain portion of land along the east side of Cooper Road located at the southeast corner of Cooper and Germann Roads, which is more fully described in Exhibit "A", attached hereto and incorporated herein by reference, is no longer needed as public roadway;

WHEREAS, A.R.S. §28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, Tiberon Chandler Airport, LLC., will pay the City of Chandler \$3.00 per square foot (a total of \$7,062.00) as consideration for the subject parcel.

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

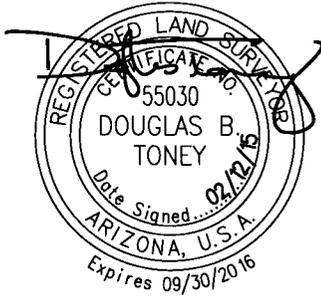
Section 1. The Public Roadway legally described in Exhibit "A" (the "Roadway") is determined to be no longer necessary for public use as a roadway.

Section 2. The Roadway is hereby vacated, so that title thereto is vested in the owner of the land abutting the Roadway or as otherwise provided by law pursuant to the provisions of A.R.S. §28-1902(A), subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues.

Section 3. The vacating of the Roadway is not intended and shall not be deemed to vacate or extinguish any rights-of-way or easements for existing water, sewer, gas or similar pipelines and appurtenances, and for existing canals, laterals or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the Roadway pursuant to this Ordinance.

Section 4. The action taken herein to vacate the Roadway pursuant to this Ordinance is done solely to dispose of the City of Chandler's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance, and to any easements reserved herein by the City, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

Section 5. The vesting of title in the Roadway, as provided in Section 2 above, is further made subject to the receipt by the City of the sum of \$7,062.00 from the owner of the



February 12, 2015
PROJECT # 9538-01-001

EXHIBIT 'A'

LEGAL DESCRIPTION

THAT PORTION OF AN EXISTING MONUMENTATION EASEMENT LYING WITHIN THE COOPER ROAD RIGHT-OF-WAY, AS SHOWN ON THE FINAL PLAT OF CHANDLER AIRPORT CENTER - PHASE 1, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12, BEING A STONE IN HAND HOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 12, BEING AN ALUMINUM CAP FLUSH, BEARS NORTH 89°01'05" EAST, A DISTANCE OF 2633.57 FEET;

THENCE SOUTH 00°20'27" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, A DISTANCE OF 220.01 FEET;

THENCE NORTH 89°01'05" EAST, A DISTANCE OF 125.01 FEET TO A POINT ON SAID EXISTING MONUMENTATION EASEMENT, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE NORTH 00°20'27" EAST, ALONG SAID EXISTING MONUMENTATION EASEMENT, A DISTANCE OF 20.99 FEET TO A POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHWESTERLY AND HAVING A RADIUS POINT WHICH BEARS NORTH 29°27'44" WEST, A RADIAL DISTANCE OF 155.73 FEET;

THENCE CONTINUING ALONG SAID EXISTING MONUMENTATION EASEMENT, NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°43'17", AN ARC DISTANCE OF 72.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID COOPER ROAD;

THENCE NORTH 89°01'05" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2.06 FEET;

THENCE SOUTH 00°58'55" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 69.00 FEET;

THENCE SOUTH 89°01'05" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 55.91 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 2,354 SQUARE FEET OR 0.0540 ACRES, MORE OR LESS.

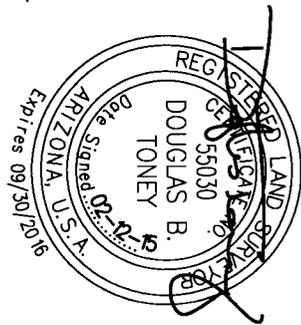
POINT OF COMMENCEMENT
 NORTHWEST CORNER
 SECTION 12, T2S, R5E
 FOUND STONE
 IN HANDHOLE

(BASIS OF BEARING)
 N89°01'05"E 2,633.57'

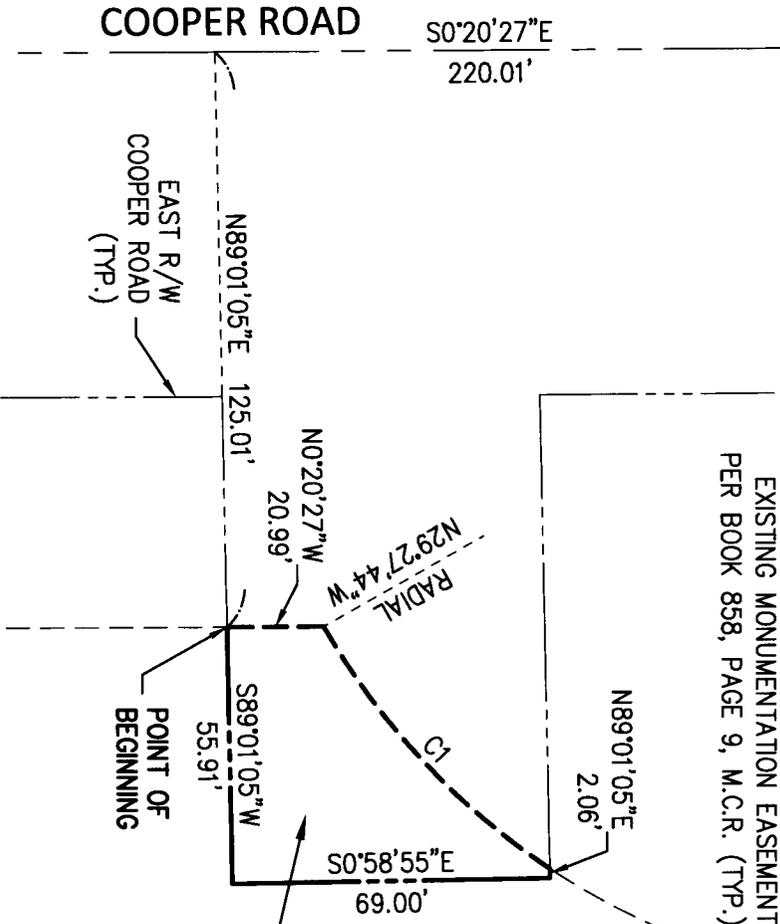
NORTH QUARTER CORNER
 SECTION 12, T2S, R5E
 FOUND ALUMINUM CAP FLUSH

GERMANN ROAD

EXISTING MONUMENTATION EASEMENT
 PER BOOK 858, PAGE 9, M.C.R. (TYP.)



LOT 9
 CHANDLER AIRPORT
 CENTER PHASE 1
 BOOK 858, PAGE 9, M.C.R.
 (NOT-A PART)



COOPER ROAD
 S0°20'27"E
 220.01'

EAST R/W
 COOPER ROAD
 (TYP.)

POINT OF
 BEGINNING

SUBJECT PROPERTY

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	72.63'	155.73'	026°43'17"

NOTE: THIS EXHIBIT IS MEANT SOLELY AS A REFERENCE TO THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT TO BE CONSIDERED A STAND ALONE DOCUMENT, NOR THE RESULT OF A FIELD SURVEY.



N.T.S.

EXHIBIT 'A'			
PROPOSED MONUMENT EASEMENT			
DATE:	02-12-15	BY: AG	CHK: DT
QC: DT		BCG PROJECT NO: 9538-01	TASK: 001
CLIENT REF NO:			

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