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NOV 19 2015



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Transportation & Development – Memo No. RE16-037

DATE: NOVEMBER 19, 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. 4905 AUTHORIZING THE EXTINGUISHMENT OF A DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE AT THE NORTHWEST CORNER OF COOPER ROAD AND THE SANTAN 202 FREEWAY AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER ALL DOCUMENTS NECESSARY TO EFFECT THE EXTINGUISHMENT OF THE DRAINAGE EASEMENT

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4905 authorizing the extinguishment of a drainage easement no longer needed for public use at the northwest corner of Cooper Road and the Santan 202 Freeway and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the drainage easement.

BACKGROUND/DISCUSSION: In 2008, the City obtained a drainage easement (the "Easement") on a parcel of land located at the northwest corner of Cooper Road and the Santan 202 Freeway to accommodate road improvements associated with the Cooper Road and Pecos Road Improvement Project. The Easement encumbers land that is in the process of being improved as a multi-family development known as 202 Cooper Place. 202 Cooper Place is incorporating the required retention provided by this Easement into their development. As a result, the Easement is no longer required and can be extinguished. The property owner has requested that the City extinguish this Easement in order to clear up their title.

Memo No. RE16-037
November 19, 2015
Page 2

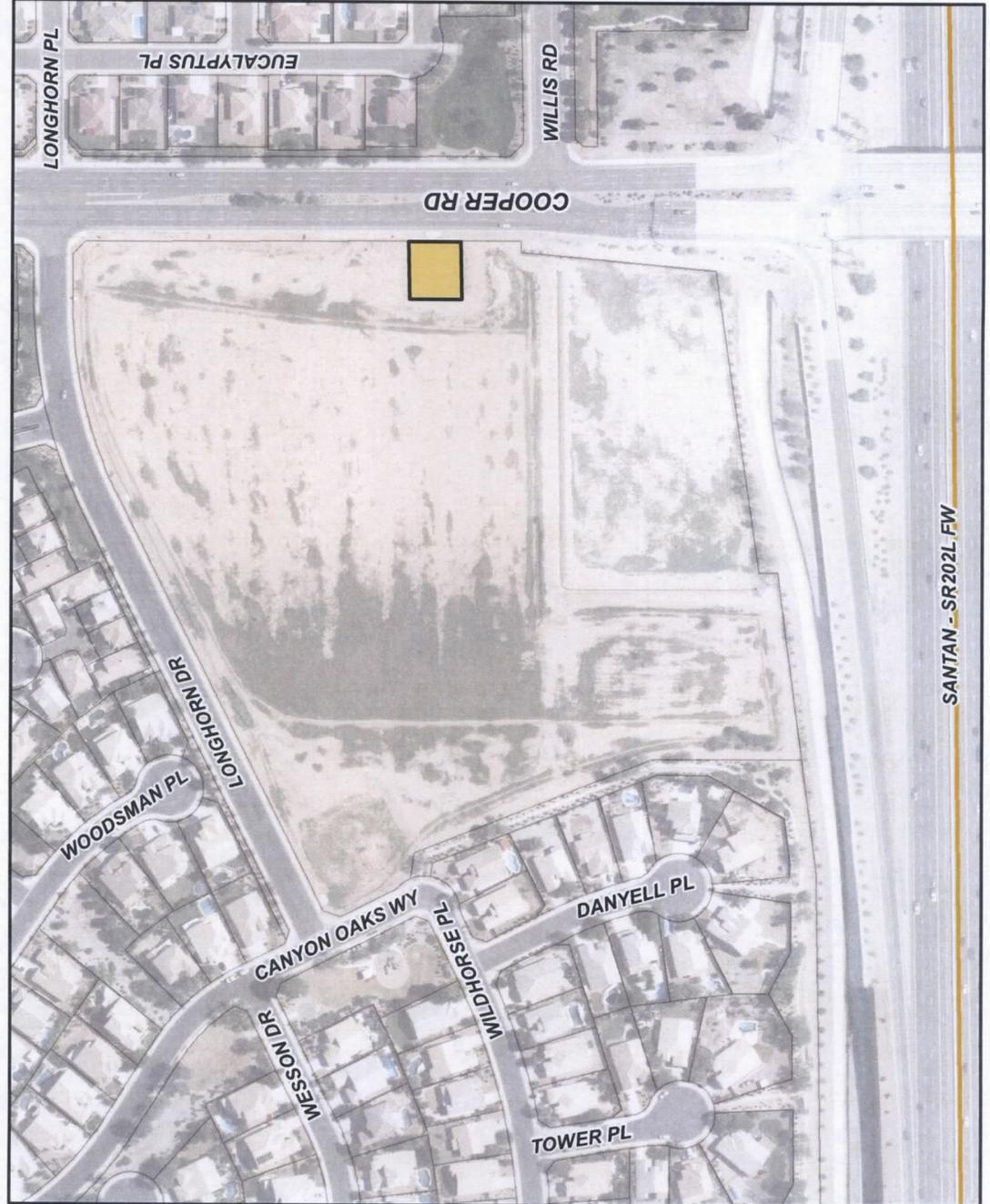
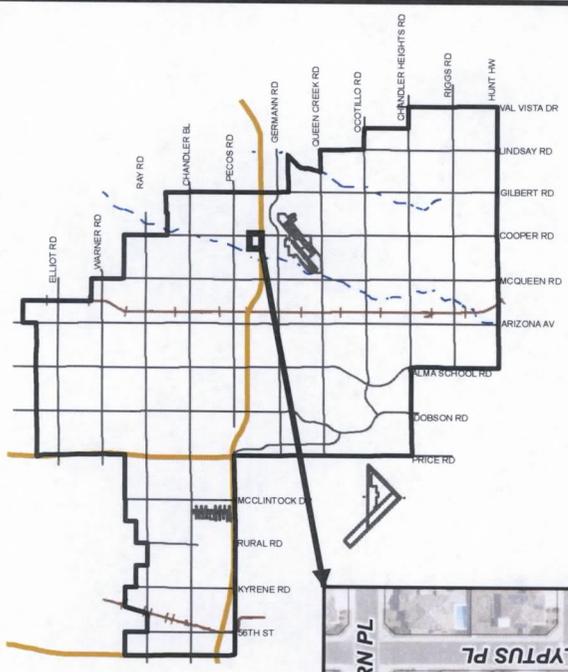
FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4905 authorizing the extinguishment of a drainage easement no longer needed for public use at the northwest corner of Cooper Road and the Santan 202 Freeway and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the drainage easement.

Attachments: Location Map
Resolution No. 4905
Release of Easement

**AUTHORIZING THE EXTINGUISHMENT
OF A DRAINAGE EASEMENT NO LONGER
NEEDED FOR PUBLIC USE AT THE NWC
OF COOPER RD AND THE 202 FWY**



**MEMO NO. RE16-037
RESOLUTION NO 4905**

DRAINAGE_EASEMENT



SANTAN - SR202L FW

RESOLUTION NO. 4905

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF A DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE AT THE 202 COOPER PLACE DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF COOPER ROAD AND THE SANTAN 202 FREEWAY.

WHEREAS, as part of the Cooper Road and Pecos Road Improvement Project, the City acquired, by Final Order of Condemnation, a drainage easement (the "Easement") recorded as document number 2008-0715449, records of Maricopa County, Arizona, and attached hereto as Exhibit "A"; and

WHEREAS, the developer of the 202 Cooper Place development is requesting the extinguishment of the Easement; and

WHEREAS, due to the final built condition as approved by the City, the Easement acquired by the City is no longer required and 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. 4905 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

for

EXHIBIT "B"

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 that certain Final Order in Condemnation recorded with the Maricopa County Recorder on August 15, 2008 as Docket No. 2008-0715449 attached hereto and made a part hereof, arising by virtue of the execution and recording of said easement. 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/herself to be the _____ of the City of Chandler, an Arizona municipal corporation, and that he/she 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 *ks*

 **Entellus**
2255 N. 44th Street Suite 125
Phoenix, AZ 85008-3279
Tel: 602.241.2566
Fax: 602.241.8947
Email: www.entellus.com

303-29-483A & 303-29-484A

LEGAL DESCRIPTION
FOR
PARCEL NO. 303-29-483A (TRACT "S") &
PARCEL NO. 303-29-484A (TRACT "T")
COOPER ROADWAY IMPROVEMENTS
DRAINAGE EASEMENT



That portion of a parcel of land as described in Deed #05-1153340, records of MARICOPA COUNTY, ARIZONA located in the NORTHEAST QUARTER of SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 EAST of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the NORTHEAST CORNER of SECTION 2, being monumented with a Brass Cap in Hand Hole, from which the EAST QUARTER CORNER of SECTION 35 bears NORTH 00° 03' 46" EAST a distance of 2659.20 FEET, said line being the EAST line of the Southeast Quarter of said Section 35 and the basis of bearing for this description;

Thence, SOUTH 00° 22' 33" EAST, from the North East Corner of Section 2, along the East line of the Northeast Quarter of Section 2, a distance of 2,472.68 FEET;

Thence, SOUTH 89° 17' 18" WEST, a distance of 65.00 FEET to a point on the West right-of-way line of Cooper Road, also being the TRUE POINT OF BEGINNING;

Thence, SOUTH 00° 22' 33" EAST, parallel to and 65.00 FEET West of the East line of the Northeast Quarter of said Section 2, a distance of 80.00 FEET;

Thence, SOUTH 89° 17' 18" WEST, a distance of 88.00 FEET;

Thence, NORTH 00° 22' 33" WEST, parallel to and 153 FEET West of the East line of the Northeast Quarter of said Section 2, a distance of 80.00 FEET;

Thence, NORTH 89° 17' 18" EAST, a distance of 88.00 FEET to the TRUE POINT OF BEGINNING.

Containing an area of 7,039.9 SQUARE FEET or 0.16 ACRES, more or less.

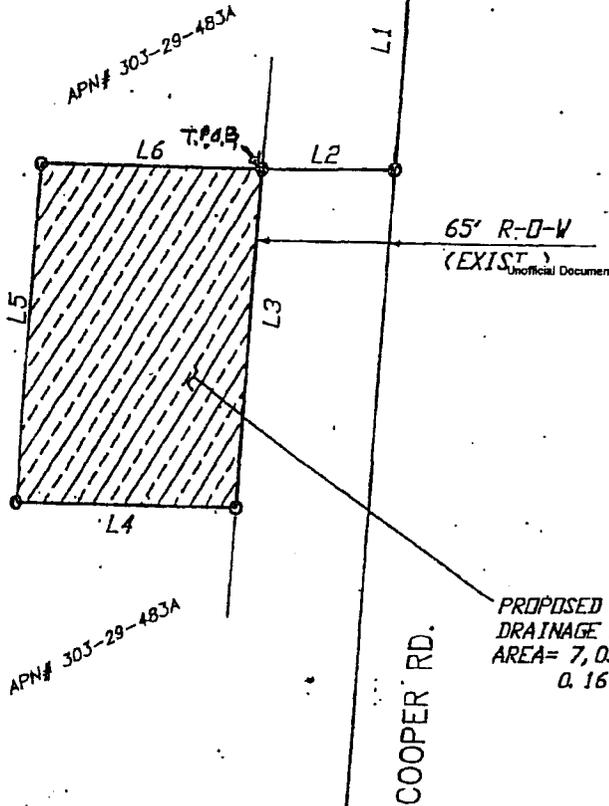
E 1/4 COR. SEC. 35
BCHH (FND. BURIED)

APN# 303-29-483A
DRAINAGE EASEMENT

SCALE: N.T.S.

N.E. COR. SEC 2
FOUND BCHH

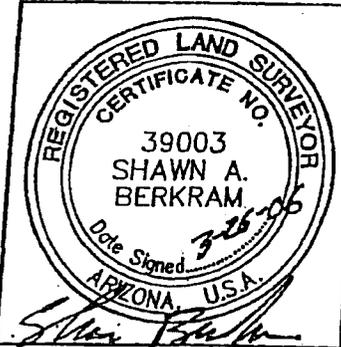
L1	S 00°22'33" E	2472.68'
L2	S 89°17'18" W	65.00'
L3	S 00°22'33" E	80.00'
L4	S 89°17'18" W	88.00'
L5	N 00°22'33" W	80.00'
L6	N 89°17'18" E	88.00'



NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJACENT DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

PROPOSED DRAINAGE EASEMENT
AREA= 7,039.9 SF
0.16 ACRES±

Entellus
2255 N. 44th Street Suite 125
Phoenix, AZ 85008-3279
Tel 602.244.2568
Fax 602.244.8927
E-Mail: www.entellus.com



E. 1/4 COR. SEC 2
(CALC. POSITION)
ESTABLISHED FROM BK 589, PG 48;
BK 613, PG19;
AND C.O.C. CORNER RECORDS

LEGEND



PROPOSED DRAINAGE EASEMENT

BASIS OF BEARING

THE EAST LINE OF THE SOUTHEAST QUARTER
OF SECTION 35 BEARING N 00°03'46" E

CITY OF CHANDLER

COOPER ROAD IMPROVEMENTS

SECTION 2, T.2S., R.5E.

PROPOSED DRAINAGE EASEMENT

DFT: 03/21/06

REVISED: -/-/-

DRAWN BY: GAP

CHECKED: SB

FILE: 303-29-483A

PAGE: 2 OF 2