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DEC 10 2015



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM**

**Transportation & Development – Memo No. RE16-051**

**DATE:** DECEMBER 10, 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 *for*

**FROM:** ERICH KUNTZE, REAL ESTATE MANAGER *EK*

**SUBJECT:** RESOLUTION NO. 4916 AUTHORIZING THE EXTINGUISHMENT OF A DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE NEAR THE NORTHWEST CORNER OF GILBERT ROAD AND GERMANN ROAD 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. 4916 authorizing the extinguishment of a drainage easement no longer needed for public use near the northwest corner of Gilbert Road and Germann Road and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the drainage easement.

BACKGROUND/DISCUSSION: In 2004, the City acquired a drainage easement (the "Easement") on a parcel of land located near the northwest corner of Gilbert Road and Germann Road as part of the Germann Road from Airport Boulevard to Gilbert Road Improvement Project. The Easement encumbers portions of lots 27 and 28 of the Crossroads Towne Center development (the "Crossroads"). Crossroads incorporated the required retention provided by this Easement into their development. The property owner has requested that the City extinguish this Easement in order to clear up their title. Staff concurs that the Easement is no longer required and can be extinguished.

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FINANCIAL IMPLICATIONS:

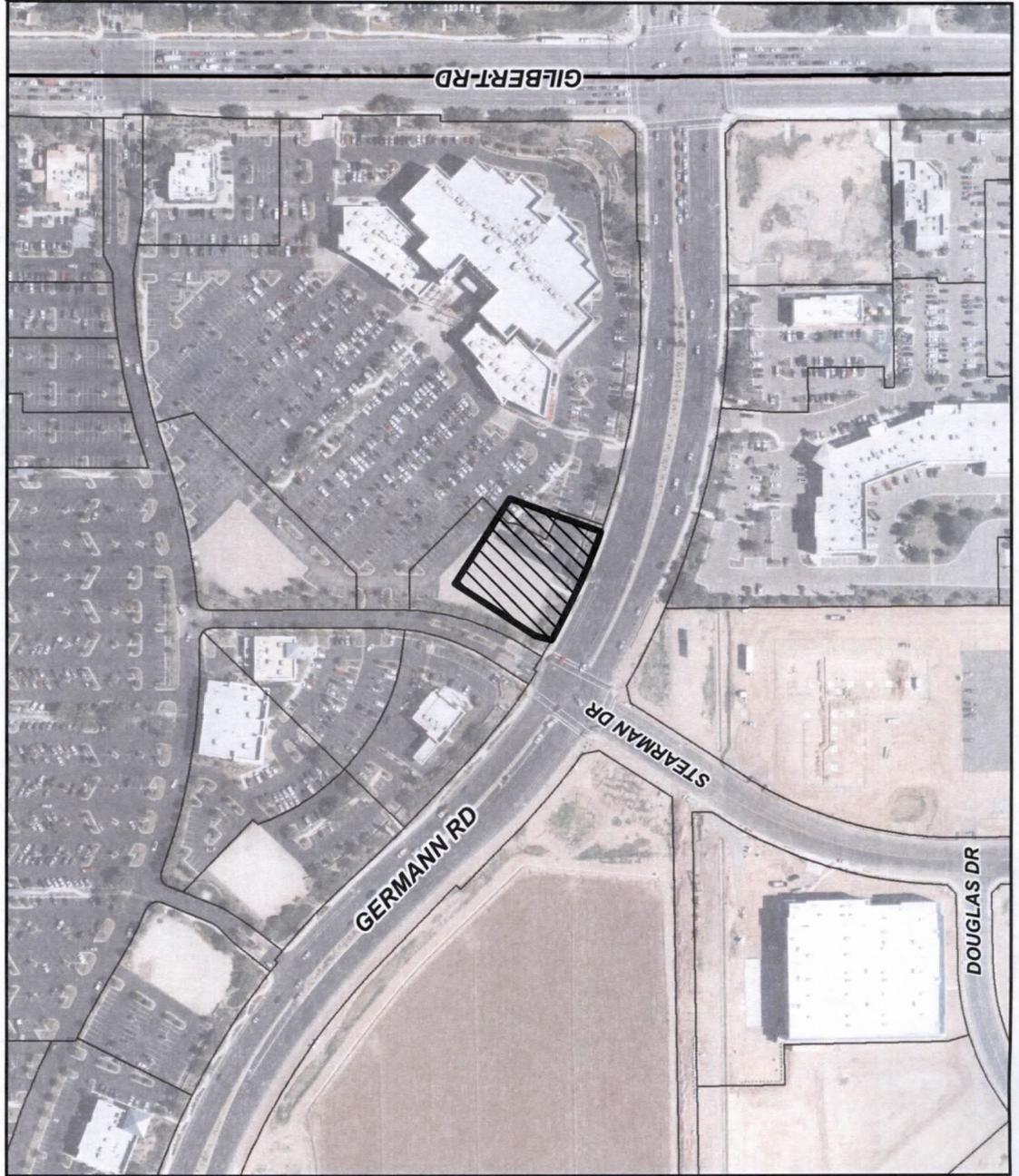
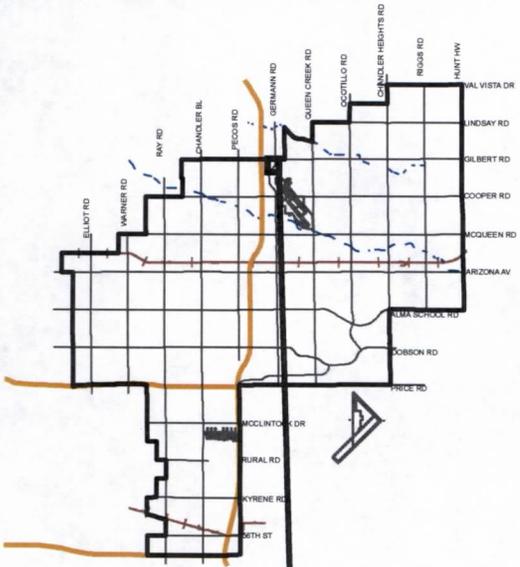
Cost: N/A  
Savings: N/A  
Long Term Costs: N/A

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4916 authorizing the extinguishment of a drainage easement no longer needed for public use near the northwest corner of Gilbert Road and Germann Road and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the drainage easement.

Attachments: Location Map  
Resolution No. 4916  
Release of Easement



**AUTHORIZING THE EXTINGUISHMENT OF A  
DRAINAGE EASEMENT NO LONGER NEEDED  
FOR PUBLIC USE AT NORTHWEST CORNER  
OF GILBERT RD / GERMANN RD**



**MEMO NO. RE16-051**

**RESOLUTION NO. 4916**



**DRAINAGE EASEMENT**



RESOLUTION NO. 4916

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 CROSSROADS TOWNE CENTER DEVELOPMENT LOCATED NEAR THE NORTHWEST CORNER OF GILBERT ROAD AND GERMANN ROAD.

WHEREAS, as part of the Germann Road from Airport Boulevard to Gilbert Road Improvement Project, the City acquired a drainage easement (the "Easement") recorded as document number 2004-0469489, records of Maricopa County, Arizona, and attached hereto as Exhibit "A"; and

WHEREAS, the property owner of the Crossroads Towne Center 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. 4916 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

## EXHIBIT "A"

That portion of the Southeast quarter of Section 1, Township 2 South, Range 5 East, G & S.R.B. & M., Maricopa County, Arizona, described as follows:

COMMENCING at the Southeast corner of said Section 1;

Thence, south 89 degrees 04 minutes 45 seconds West along the South line of said Section 1 a distance of 361.96 feet to a point of curvature right;

Thence, along said curve right having a radius of 1200.00 feet, a central angle of 21 degrees 07 minutes 57 seconds, and a length of 442.60 feet;

Thence, North 20 degrees 12 minutes 46 seconds East a distance of 75 feet to a point on a non-tangent curve right having a radial bearing of North 20 degrees 12 minutes 46 seconds East, said point being the **POINT OF BEGINNING**;

Thence, along said curve right having a radius of 1125.00 feet, a central angle of 09 degrees 26 minutes 58 seconds, and a length of 185.54 feet;

Thence, North 13 degrees 33 minutes 50 seconds East a distance of 27.64 feet;

Thence, North 32 degrees 43 minutes 03 seconds East a distance of 160.00 feet;

Thence, South 57 degrees 16 minutes 57 seconds East a distance of 170 feet;

Thence, South 20 degrees 12 minutes 46 seconds West a distance of 157.82 feet to a point on the Northerly right-of-way line of Germann Road, said point being the **POINT OF BEGINNING**.

**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 Drainage Easement recorded with the Maricopa County Recorder on April 29, 2004 as Docket No. 2004-0469489 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 *GMB*

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