

#6

MAY 12 2016



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

**MEMORANDUM                      Transportation & Development - Memo No. RE16-093**

**DATE:**            MAY 12, 2016

**TO:**                MAYOR AND COUNCIL

**THRU:**            MARSHA REED, CITY MANAGER *MR*  
                  NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*  
                  JOHN KNUDSON, MUNICIPAL UTILITIES DIRECTOR *R*  
                  DANIEL W. COOK, CITY ENGINEER

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

**SUBJECT:**        INTRODUCTION AND TENTATIVE ADOPTION OF ORDINANCE NO. 4702 GRANTING AND APPROVING AN EASEMENT, MAINTENANCE, AND ACCESS AGREEMENT, AT NO COST, TO THE PROPERTY OWNER OF LOT 186 OF THE ARTESIAN RANCH SUBDIVISION, OVER A PORTION OF THE CITY WELL SITE LOCATED AT THE NORTHWEST CORNER OF GILBERT ROAD AND IRIS DRIVE

RECOMMENDATION: Staff recommends introduction and tentative adoption of Ordinance No. 4702 granting and approving an Easement, Maintenance, and Access Agreement, at no cost, to the property owner of Lot 186, over a portion of the City well site located at the northwest corner of Gilbert Road and Iris Drive.

BACKGROUND/DISCUSSION: The City owns Tract V in the Artesian Ranch subdivision ("Tract V"). Tract V is located at the northwest corner of Gilbert Road and Iris Lane and is currently being equipped with well improvements. In preparation for the well equipping, the City enclosed a portion of Tract V with a perimeter wall (the "Wall Improvements"). The Wall Improvements were constructed approximately one foot inside the west property line of Tract V to ensure that the footings did not extend beyond its west property line. In doing so, a strip of land measuring approximately one (1) foot in width by one hundred and eleven (111) feet in length (the "Land") remains between the Wall Improvements and the west line of Tract V and/or the east property line of Lot 186 of the Artesian Ranch subdivision ("Lot 186").

City staff and the current owner of Lot 186, Maracay 91, LLC (the “Developer”), agree that it would be inconsistent with good construction practices for the Developer to build an additional wall along the east property line of Lot 186 as it would make it difficult, if not impossible, for the City to maintain its Wall Improvements and Land. As a solution, City staff and the Developer prepared an Easement, Maintenance, and Access Agreement whereby the City agrees to grant the Developer or subsequent property owner, permission to maintain and use the Land for landscaping and for a block column to support a swing gate on the east side of the home that is currently being built on Lot 186. In exchange, the Developer is willing to grant the City an easement along the easterly five feet of Lot 186 for access and maintenance of the west Wall Improvements on Tract V. This solution will ensure that the Land is being maintained and that the City will have access to Lot 186 for maintenance of its Wall Improvements.

Staff has reviewed and approved the legal descriptions for the requested easement.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Move City Council introduce and tentatively adopt Ordinance No. 4702 granting and approving an Easement, Maintenance, and Access Agreement, at no cost, to the property owner of Lot 186, over a portion of the City well site located at the northwest corner of Gilbert Road and Iris Drive.

Attachments: Location/Site Map  
Ordinance No. 4702



LOT 186  
ARTESIAN RANCH  
BK 878, PG 24

EASEMENT TO BE GRANTED  
TO PROPERTY OWNER OF LOT 186  
FOR USE AND MAINTENANCE

TRACT V  
ARTESIAN RANCH  
BK 878, PG 24

CITY OF CHANDLER  
IRIS WELL SITE

WALL IMPROVEMENTS

5' ACCESS AND  
MAINTENANCE  
EASEMENT TO CITY

GILBERT RD

IRIS DR

SCOTT DR



**INTRODUCTION AND TENTATIVE ADOPTION OF  
ORDINANCE NO. 4702 GRANTING AND APPROVING AN  
EASEMENT, MAINTENANCE AND ACCESS AGREEMENT,  
AT NO COST, TO THE PROPERTY OWNER OF LOT 186  
OF THE ARTESIAN RANCH SUBDIVISION, OVER A  
PORTION OF THE CITY WELL SITE LOCATED AT THE  
NWC OF GILBERT RD AND IRIS LANE.**

MEMO NO. RE16-093

ORDINANCE NO. 4702



- 5' ACCESS AND MAINTENANCE EASEMENT TO CITY
- EASEMENT TO BE GRANTED TO PROPERTY OWNER OF LOT 186 FOR USE AND MAINTENANCE

ORDINANCE NO. 4702

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, GRANTING AND APPROVING AN EASEMENT, MAINTENANCE AND ACCESS AGREEMENT OR ITS SUCCESSOR OR ASSIGNS, AT NO COST, TO THE PROPERTY OF LOT 186 OF THE ARTESIAN RANCH SUBDIVISION, OVER A PORTION OF THE CITY WELL SITE LOCATED AT THE NORTHWEST CORNER OF GILBERT ROAD AND IRIS LANE.

WHEREAS, the City of Chandler, the owner Tract V in the Artesian Ranch subdivision, is currently equipping this property with well improvements. In preparation for the well equipping, the City enclosed a portion of Tract V with a perimeter wall (the "Wall Improvements"); and

WHEREAS, the Wall Improvements are constructed approximately one foot inside the west property line of Tract V to ensure that the footings do not extend beyond its west property line and into the adjacent lot 186 of the Artesian Ranch subdivision ("Lot 186"). In doing so, a narrow strip of land (the "Land") described and depicted in Exhibit "A" remains between the Wall Improvements and the west property line of Tract V; and

WHEREAS, the City and the current owner of Lot 186, Maracay 91, LLC (the "Developer") agree that it would be inconsistent with good construction practices for the Developer to build a wall along their east property line, just inches from the Wall Improvements; and

WHEREAS, City staff and the Developer are proposing an Easement, Maintenance and Access Agreement whereby the City agrees to grant the Developer or the subsequent property owner of Lot 186, permission to maintain and use the Land for landscaping and for a block wall column for a walk gate on the east side of the home that is being built on Lot 186. In exchange, the Developer or subsequent owner will grant the City an easement along the easterly five feet of Lot 186 described and depicted in Exhibit "B" for access and maintenance of the Wall Improvements on the west side of Tract V.

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

Section 1. That the City Council of the City of Chandler, Arizona, authorizes and approves the Easement, Maintenance and Access Agreement, at no cost to the Developer or subsequent owner.

Section 2. That the granting of said Easement, Maintenance and Access Agreement shall be in a form approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to execute the Easement, Maintenance and Access Agreement on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4702 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and that the vote was \_\_\_\_\_ ayes, and \_\_\_\_\_ nays.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM

\_\_\_\_\_  
CITY ATTORNEY 

EXHIBIT "A"

**LEGAL DESCRIPTION  
EASEMENT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, ALSO BEING A PORTION OF TRACT V, ARTESIAN RANCH, A SUBDIVISION RECORDED IN BOOK 878, PAGE 24, MARICOPA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID ARTESIAN RANCH, BEING A POINT ON THE EAST LINE OF SAID SECTION 13 FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 13 BEARS  $N00^{\circ}15'53''W$ , A DISTANCE OF 1325.44 FEET, AND FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 13 BEARS  $S00^{\circ}15'53''E$  A DISTANCE OF 1325.35 FEET;

**THENCE** ALONG THE NORTH LINE OF SAID ARTESIAN RANCH  $S89^{\circ}04'19''W$ , A DISTANCE OF 176.48 FEET TO A ONE-HALF INCH REBAR WITH CAP STAMPED "LS 22782" MARKING THE NORTHWEST CORNER OF SAID TRACT V, AND THE **POINT OF BEGINNING**;

**THENCE** ALONG THE WEST LINE OF SAID TRACT V,  $S00^{\circ}52'18''E$ , A DISTANCE OF 111.80 FEET TO A POINT OF INTERSECTION OF SAID WEST LINE WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF AN EXISTING BLOCK WALL;

**THENCE**  $N89^{\circ}19'45E$  ALONG SAID WESTERLY PROLONGATION, A DISTANCE OF 0.99 FEET TO THE SOUTHWEST CORNER OF SAID EXISTING BLOCK WALL;

**THENCE** ALONG THE WEST FACE OF SAID BLOCK WALL AND ITS NORTHERLY PROLONGATION  $N01^{\circ}00'31''W$ , A DISTANCE OF 111.81 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT V;

**THENCE** ALONG THE NORTH LINE OF SAID TRACT V  $S89^{\circ}04'18''W$  A DISTANCE OF 0.72 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 96 SQ. FT. ±.

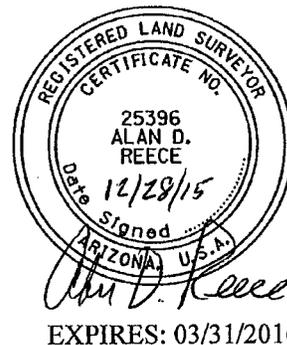
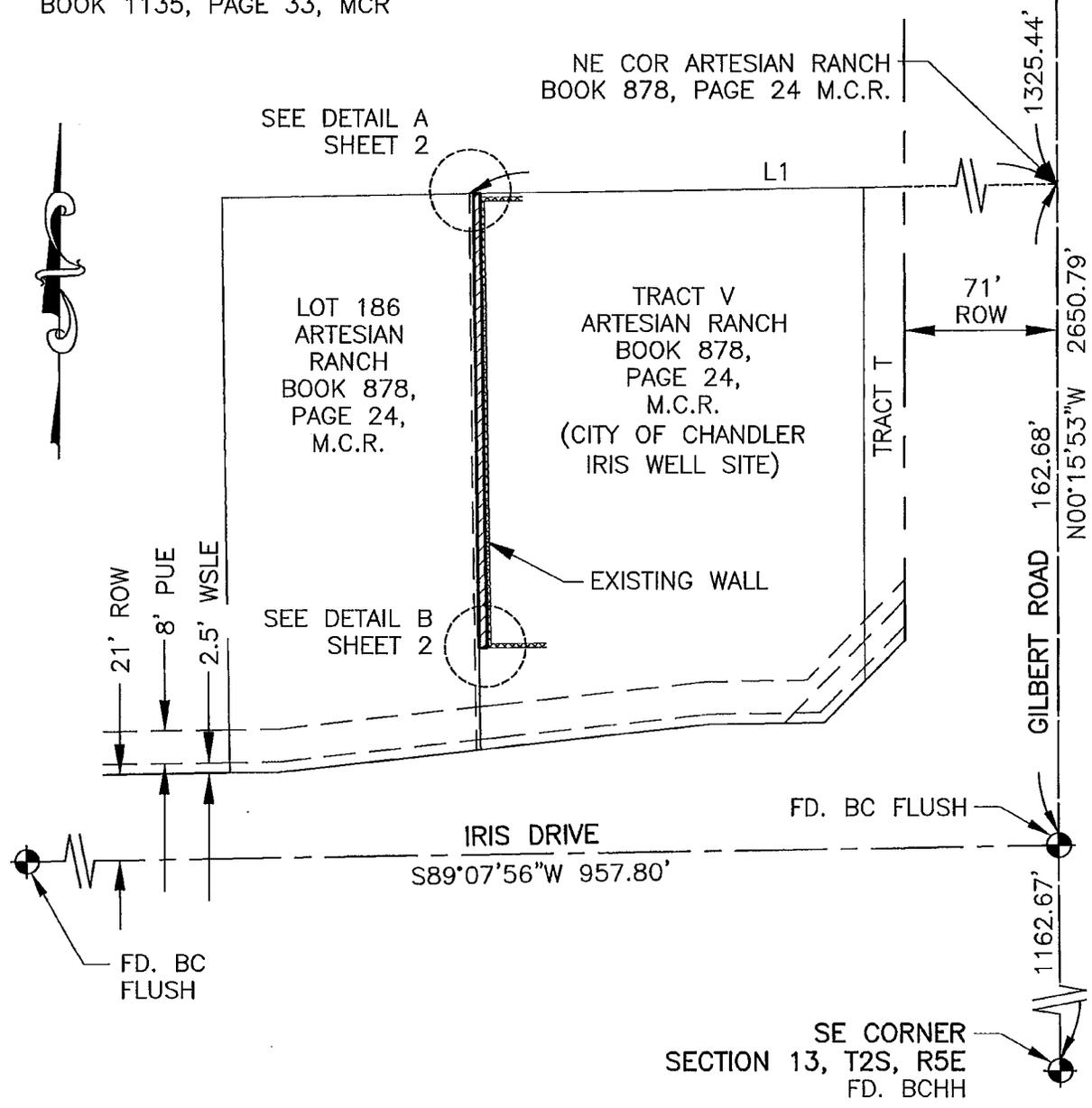


EXHIBIT "B"

**REFERENCE DOCUMENTS**

1. ARTESIAN RANCH FINAL PLAT  
BOOK 878, PAGE 24, MCR
2. ARTESIAN RANCH RECORD OF SURVEY  
BOOK 1135, PAGE 33, MCR

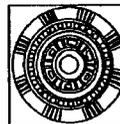
E 1/4 CORNER  
SECTION 13, T2S, R5E  
FD. BC FLUSH



**LEGEND**

- ROW = RIGHT-OF-WAY
- BCHH = BRASS CAP IN HANDHOLE
- ESMT = EASEMENT
- MCR = MARICOPA COUNTY RECORDER
- ROW = RIGHT-OF-WAY
- PUE = PUBLIC UTILITY EASEMENT
- WSLE = WATER AND STREET LIGHT EASEMENT
- VNAE = VEHICLE NON-ACCESS EASEMENT
- = NEW EASEMENT

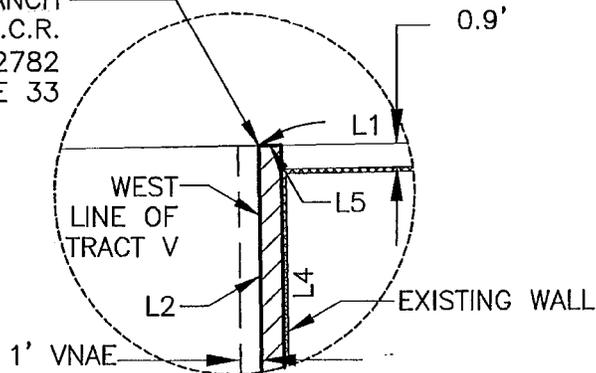
**EASEMENT EXHIBIT**



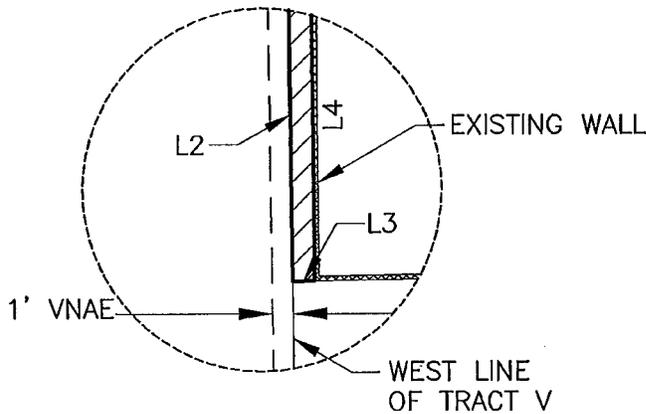
**AZTEC ENGINEERING**  
4561 E. McDowell Rd., Phoenix, AZ 85008  
Tel(602)454-0402 Fax(602)454-0403  
website: www.aztec.us

DR: CWH	CK: ADR	SHEET NO.	TOTAL SHEETS
DATE: 12-22-15	REV:	1	2
SCALE: N/A			

NW COR TRACT V, ARTESIAN RANCH  
 BOOK 878, PG. 24 M.C.R.  
 FD. 1/2" REBAR WITH CAP LS 22782  
 PER BOOK 1135, PAGE 33



DETAIL A



DETAIL B

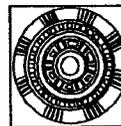
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°04'19"W	176.48'
L2	S00°52'18"E	111.80'
L3	N89°19'45"E	0.99'
L4	N01°00'31"W	111.81'
L5	S89°04'18"W	0.72'



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- ▨ = NEW EASEMENT

**EASEMENT EXHIBIT**



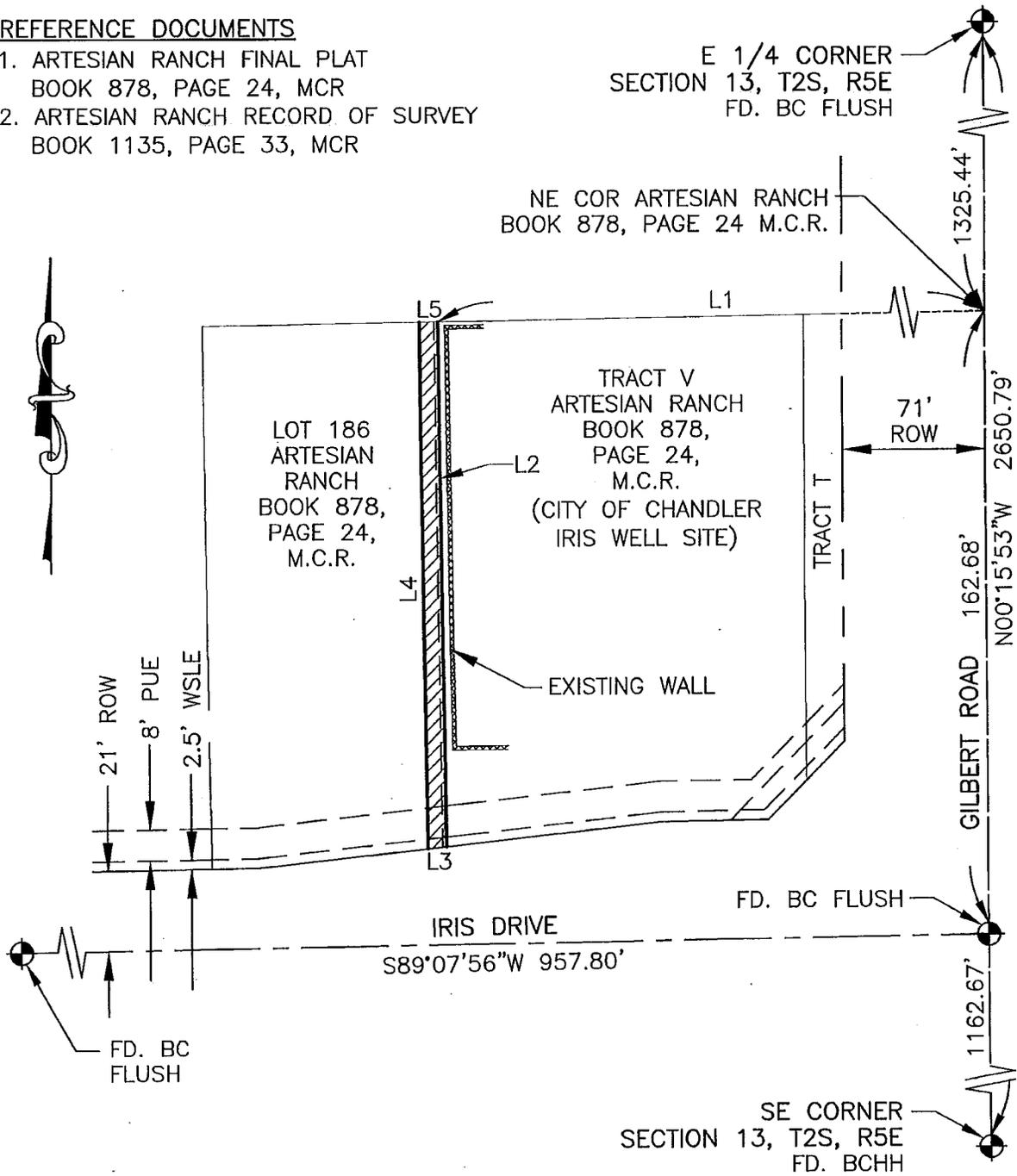
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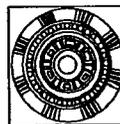
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SECTION 13, T2S, R5E  
FD. BC FLUSH



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DATE: 4-27-16	REV:	1	2
SCALE: N/A			

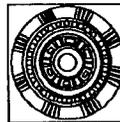
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°04'19"W	176.48'
L2	S00°52'18"E	136.84'
L3	S83°46'21"W	5.02'
L4	N00°52'18"W	137.30'
L5	N89°04'19"E	5.00'



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**EASEMENT EXHIBIT**



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DR: CWH	CK: ADR	SHEET NO.	TOTAL SHEETS
DATE: 4-27-16	REV:	2	2
SCALE: N/A			

**LEGAL DESCRIPTION  
EASEMENT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, ALSO BEING A PORTION OF LOT 186, ARTESIAN RANCH, A SUBDIVISION RECORDED IN BOOK 878, PAGE 24, MARICOPA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID ARTESIAN RANCH, BEING A POINT ON THE EAST LINE OF SAID SECTION 13 FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 13 BEARS N00°15'53"W, A DISTANCE OF 1325.44 FEET, AND FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 13 BEARS S00°15'53"E A DISTANCE OF 1325.35 FEET;

**THENCE** ALONG THE NORTH LINE OF SAID ARTESIAN RANCH S89°04'19"W, A DISTANCE OF 176.48 FEET TO A ONE-HALF INCH REBAR WITH CAP STAMPED "LS 22782" MARKING THE NORTHEAST CORNER OF SAID LOT 186, AND THE **POINT OF BEGINNING**;

**THENCE** ALONG THE EAST LINE OF SAID LOT 186, S00°52'18"E, A DISTANCE OF 136.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 186;

**THENCE** S83°46'21"W ALONG THE SOUTH LINE OF SAID LOT 186, A DISTANCE OF 5.02 FEET;

**THENCE** LEAVING SAID SOUTH LINE, N00°52'18"W, A DISTANCE OF 137.30 FEET TO THE NORTH LINE OF SAID LOT 186;

**THENCE** ALONG THE NORTH LINE OF SAID LOT 186, N89°04'19"E A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 685 SQ. FT. ±.



EXPIRES: 03/31/2019