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JUN 23 2016



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

**MEMORANDUM                      Transportation & Development - Memo No. RE16-091**

**DATE:**            JUNE 23, 2016

**TO:**                MAYOR AND COUNCIL

**THRU:**            MARSHA REED, CITY MANAGER *MR*  
                          NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*  
                          R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*  
                          DANIEL W. COOK, CITY ENGINEER *DC*

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

**SUBJECT:**        RESOLUTION NO. 4951 AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN FEE OR BY EASEMENT AS NEEDED FOR OCOTILLO ROAD IMPROVEMENTS FROM COOPER ROAD TO GILBERT ROAD, PROJECT NO. ST1602, AT MARKET VALUE PLUS CLOSING COSTS AND ESCROW FEES; AUTHORIZING THE CITY'S REAL ESTATE MANAGER TO SIGN, ON BEHALF OF THE CITY, THE PURCHASE AGREEMENTS AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THESE ACQUISITIONS; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF, AND AUTHORIZING RELOCATION SERVICES AS MAY BE NEEDED AND REQUIRED BY LAW

**RECOMMENDATION:** Staff recommends City Council pass and adopt Resolution No. 4951 authorizing the acquisition of real property in fee or by easement as needed for the Ocotillo Road Improvements from Cooper Road to Gilbert Road, Project No. ST1602, at market value plus closing costs and escrow fees; authorizing the City's Real Estate Manager to sign, on behalf of the City, the purchase agreements and any other documents necessary to facilitate these acquisitions; authorizing eminent domain proceedings as needed to acquire said real property and obtain immediate possession thereof, and authorizing relocation services as may be needed and required by law.

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BACKGROUND/DISCUSSION: Transportation & Development plans to complete approximately a one-half mile portion along the south side of Ocotillo Road between Cooper Road and Gilbert Road that was not completed during the development of several subdivisions in this area. The project requires the partial acquisition of right-of-way in fee and by easement from three residential owners and two homeowners associations for a total of nine parcels of land along the south side of Ocotillo Road. The City will appraise the parcels and make offers at market value based upon the appraisal. A reasonable time will be provided to work with the property owners to negotiate the property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. While it is not anticipated that any relocation services will be required for this project, we are also requesting authority to provide those services should the need arise.

FINANCIAL IMPLICATIONS: Funds for this acquisition are provided for in the project budget.

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4951 authorizing the acquisition of real property in fee or by easement as needed for the Ocotillo Road Improvements from Cooper Road to Gilbert Road, Project No. ST1602, at market value plus closing costs and escrow fees; authorizing the City's Real Estate Manager to sign, on behalf of the City, the purchase agreements and any other documents necessary to facilitate these acquisitions; authorizing eminent domain proceedings as needed to acquire said real property and obtain immediate possession thereof, and authorizing relocation services as may be needed and required by law.

Attachments: Map  
Resolution No. 4951



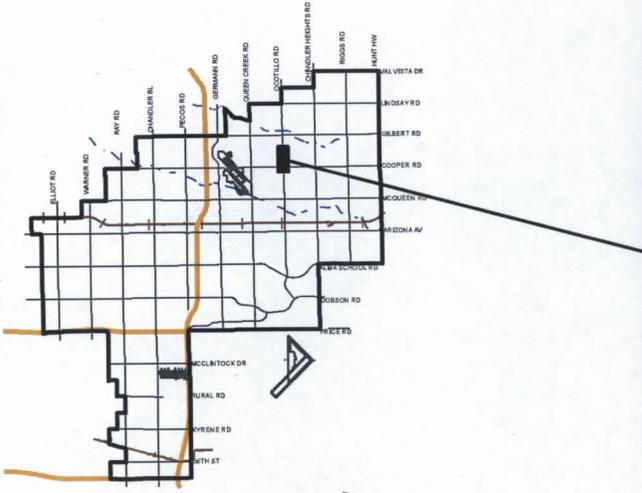
# AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN FEE OR BY EASEMENT AS NEEDED FOR OCOTILLO RD IMPROVEMENTS FROM COOPER RD TO GILBERT RD PROJECT NO. ST1602

MEMO NO. RE16-091

RESOLUTION NO. 4951

NUMBER	APN	ACQUISITION TYPE	AREA REQUIRED (SF)
1	303-44-573	DE	12,215.00
2	303-44-013J	ROADWAY	10,665.00
3	303-44-574	TCE	1,280.00
4	303-44-575	DE	5,595.00
5	303-44-001A	TCE	1,035.00
5A	303-44-001A	ROADWAY	1,385.00
6	303-44-014B	TCE	7,245.00
6A	303-44-014B	ROADWAY	8,680.00
7	303-44-014D	TCE	7,695.00
7A	303-44-014D	ROADWAY	9,355.00
8	303-44-499	TCE	13,370.00
9	303-44-500	TCE	6,500.00

- DRAINAGE EASEMENT (DE)
- TEMPORARY CONSTRUCTION EASEMENT (TCE)
- TO BE ACQUIRED IN FEE SIMPLE (ROADWAY)



**RESOLUTION NO. 4951**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DETERMINING ACQUISITION OF REAL PROPERTY IN FEE OR BY EASEMENT AS NEEDED FOR OCOTILLO ROAD IMPROVEMENTS FROM COOPER ROAD TO GILBERT ROAD, PROJECT NO. ST1602, AT MARKET VALUE PLUS CLOSING COSTS AND ESCROW FEES; AUTHORIZING THE CITY'S REAL ESTATE MANAGER TO SIGN, ON BEHALF OF THE CITY, THE PURCHASE AGREEMENTS AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THESE ACQUISITIONS; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF, AND AUTHORIZING RELOCATION SERVICES AS MAY BE NEEDED AND REQUIRED BY LAW

WHEREAS, Transportation and Development plans to complete approximately a one-half mile portion along the south side of Ocotillo Road between Cooper Road and Gilbert Road Project No. ST1602 (the "Project"); and

WHEREAS, in order to allow the Project to proceed and be constructed in accordance with its schedule, the City needs to acquire certain real property in fee and by easement from private property that is adjacent to the Project identified in the attached Exhibit "A"; and

WHEREAS, the City needs to obtain immediate possession of the real property needed for the Project in order to have access and use during the construction period of the Project; and

WHEREAS, relocation services and assistance may be necessary for some property owners as required by law;

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

Section 1. It is hereby determined that the acquisition of the interests in real properties in the approximate locations on the real property parcels as identified in the attached Exhibit "A" is needed for the Project, and the securing of immediate possession of such real property, is for a public and necessary purpose, and is in the best interest of the citizens of the City of Chandler.

Section 2. The City is authorized and directed to purchase said real property for an amount equal to the market value of the property as determined by appraisal or as approved by the Transportation and Development Director if within the lesser amount of ten percent (10%) or \$50,000 of the appraisal. Written offers shall be in a form approved by the Chandler City Attorney and each purchase agreement entered into with a property owner shall be individually approved as to form by the Chandler City Attorney prior to being deposited into escrow.

Section 3. Subject to Section 2 above, the City's Real Estate Manager, any City real estate officer acting on the Real Estate Manager's behalf, or any retained right-of-way consultant acting at the direction of the Real Estate Manager, is authorized to make written offers for said real property and, where accepted, to execute, deliver and deposit into escrow the approved purchase agreement, along with all other documents and instructions necessary to consummate the purchase of said real property.

Section 4. Where if any such written offer is not accepted within a reasonable period of time for negotiation, the Chandler City Attorney is authorized and directed to commence condemnation (eminent domain) proceedings to acquire, in the name of the City of Chandler, said real property, including any improvements thereon, and to secure immediate possession of such real property, for the public purpose of constructing the Project, and is further directed to do and to perform all acts necessary in furtherance of the acquisition of title to and immediate possession of said real property.

Section 5. Where if any property owner requires relocation services or assistance as required by law, staff is authorized to arrange for such assistance.

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

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

\_\_\_\_\_  
MAYOR

#### CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4951 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 a quorum was present thereat.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY (*kb*)

EXHIBIT A

ASSESSOR PARCEL NUMBER	ACQUISITION TYPE	AREA REQUIRED (SF)
303-44-573	DRAINAGE EASEMENT	12,215.00
303-44-013J	FEE SIMPLE	10,665.00
303-44-574	TEMPORARY CONSTRUCTION EASEMENT	1,280.00
303-44-575	DRAINAGE EASEMENT	5,595.00
303-44-001A	FEE SIMPLE	1,385.00
	TEMPORARY CONSTRUCTION EASEMENT	1,035.00
303-44-014B	FEE SIMPLE	8,680.00
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