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JUL 28 2016



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Transportation & Development – Memo No. RE17-011

DATE: JULY 28, 2016

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, CITY MANAGER *MR*
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *713*
 DANIEL W. COOK, CITY ENGINEER *DWC*

FROM: ERICH KUNTZE, REAL ESTATE MANAGER *EK*

SUBJECT: RESOLUTION NO. 4976 AUTHORIZING THE EXTINGUISHMENT OF A TEMPORARY CONSTRUCTION EASEMENT NO LONGER NEEDED FOR PUBLIC USE LOCATED AT THE NORTHWEST CORNER OF CHANDLER BOULEVARD AND MCCLINTOCK DRIVE AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER ALL DOCUMENTS NECESSARY TO EFFECT THE EXTINGUISHMENT OF THE TEMPORARY CONSTRUCTION EASEMENT

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4976 authorizing the extinguishment of a temporary construction easement no longer needed for public use located at the northwest corner of Chandler Boulevard and McClintock Drive and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the temporary construction easement.

BACKGROUND/DISCUSSION: In 2003, the City acquired a temporary construction easement (the "Easement") from the Mobil Oil Corporation. The Easement was acquired as part of the McClintock Road Improvements. The Easement is no longer required and can be extinguished. Circle K, who is the current owner of the property, has requested that the City extinguish this Easement in order to clear up their title. Staff reviewed the request and concurs that the Easement can be extinguished.

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FINANCIAL IMPLICATIONS:

Cost: N/A

Savings: N/A

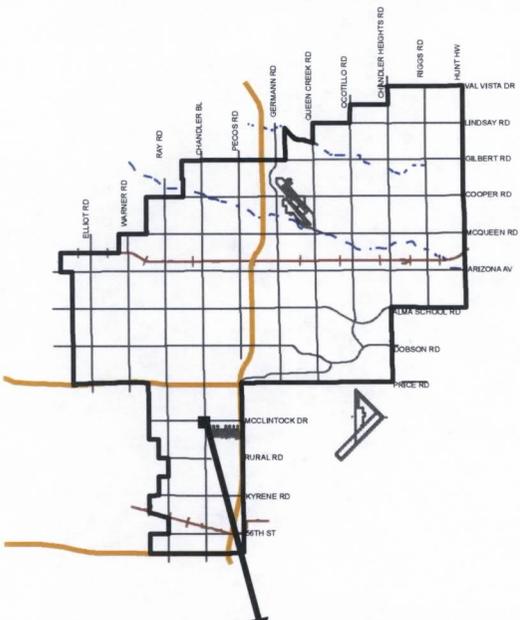
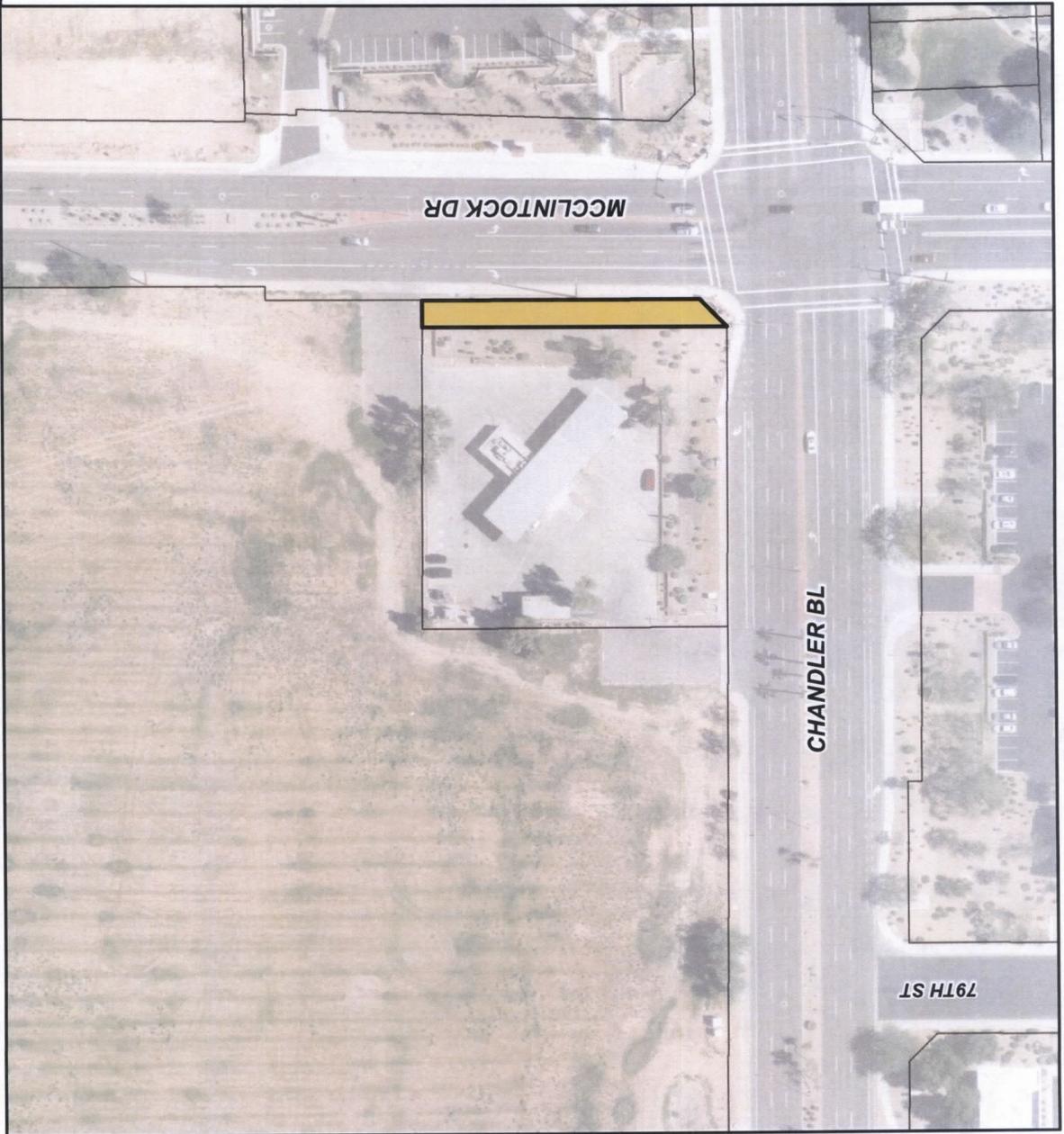
Long Term Costs: N/A

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4976 authorizing the extinguishment of a temporary construction easement no longer needed for public use located at the northwest corner of Chandler Boulevard and McClintock Drive and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the temporary construction easement.

Attachments: Location Map
Resolution No. 4976



**AUTHORIZING THE EXTINGUISHMENT OF A
 TEMPORARY CONSTRUCTION EASEMENT
 NO LONGER NEEDED FOR PUBLIC USE LOCATED
 AT THE NWC OF CHANDLER BL AND McCLINTOCK DR**



MEMO NO. RE17-011

RESOLUTION NO. 4976

**EXTINGUISHMENT OF A
 TEMPORARY CONSTRUCTION
 EASEMENT**



RESOLUTION NO. 4976

RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE EXTINGUISHMENT OF A TEMPORARY CONSTRUCTION EASEMENT NO LONGER NEEDED FOR PUBLIC USE LOCATED AT THE NORTHWEST CORNER OF CHANDLER BOULEVARD AND MCCLINTOCK DRIVE.

WHEREAS, as part of the McClintock Road Project, the City acquired a temporary construction easement (the "Easement") at the northwest corner of Chandler Boulevard and McClintock Drive; and

WHEREAS, the owner of the property is requesting the extinguishment of the Easement recorded as document number 2003-0602981, records of Maricopa County, Arizona, and attached hereto as Exhibit "A"; and

WHEREAS, 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 attached hereto as Exhibit B 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 _____, 2016.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4976 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*

Unofficial Document



RETURN TO
E-Z MESSENGER

OF
MARI... ..
HELEN PURCELL
2003-0602981 05/12/03 16:48
3 OF 11
5010R

CAPTION HEADING : _____

DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT

FILED
5-9-03 8:40am
MICHAEL K. JEANES, Clerk
By: *L. Faerkeburg*
Deputy

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JAMES R. CAIRNS III, SBN 010177
GLENN A. BROCKMAN, SBN 004821
Assistant City Attorney
City of Chandler
P.O. Box 4008, MS 602
Chandler, Arizona 85244-4008
(480) 782-4640

Attorney for Plaintiff

CERTIFIED COPY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

CITY OF CHANDLER, an Arizona municipal Corporation,

Plaintiff,

v.

MOBIL OIL CORPORATION, a New York Corporation; MARICOPA COUNTY ^{Trustee} TREASURER; JOHN DOES I-X; JANE DOES I-X; ABC COMPANIES I-X; UNKNOWN OWNERS; UNKNOWN HEIRS, SUCCESSORS AND DEVISEES OF ANY OF THE ABOVE-NAMED DEFENDANTS, IF DECEASED,

Defendants.

Cause No. CV2002-022523

FINAL ORDER
IN CONDEMNATION

(Assigned to the Honorable Anna Baca)

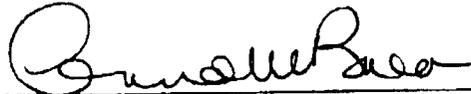
In this cause, Judgment in Condemnation was signed by the Court on April 9, 2003 and filed (entered) with the Clerk of the Court on April 15, 2003; and it has been shown to the Court that Plaintiff's obligation under the Judgment in Condemnation has been fully satisfied;

NOW, THEREFORE, IT IS ORDERED, that Plaintiff, City of Chandler, have, and it is hereby granted, a final order and decree in condemnation in connection with the Judgment in condemnation signed on April 9, 2003 and entered on April 15, 2003, and that title to and right to possession of the temporary construction easement over and across the real property described

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in attached Exhibit "A", and all right, title and interest therein belonging to any defendant in this
action be, and the same is, hereby condemned for the public purpose of constructing, maintaining
and operating a roadway for public use within the City of Chandler, Arizona, and upon recording
a copy of this Final Order of Condemnation with the County Recorder of Maricopa County,
easement interests in the property described in attached Exhibit "A" shall vest in Plaintiff, City
of Chandler, an Arizona municipal corporation.

DONE IN OPEN COURT this 8th day of May, 2003.


The Honorable Anna Baca
Judge of the Superior Court

The foregoing instrument is a full, true and correct copy
of the original on file in this office.

Unofficial Document

Attest 5-9 20 03
MICHAEL K. JEANES, Clerk of the Superior Court of the
State of Arizona, in and for the County of Maricopa.

By M. Faackenburg Deputy



CONSULTING LAND SURVEYORS

37617 North Cave Creek Road ♦ Cave Creek, Arizona 85331
Phone (480) 990-0545 ♦ Fax (480) 994-8097
Job No. 010723

**LEGAL DESCRIPTION
FOR
CONSTRUCTION EASEMENT
PART OF APN 301-67-002D**

A portion of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 26; thence N. 89° 41' 15" W. along the South line of said Section 26 a distance of 85.00 feet; thence N. 00° 06' 11" W. parallel with and 85.00 feet West of the East line of said Section 26 a distance of 65.00 feet to a point on the South right-of-way line of Chandler Boulevard and the TRUE POINT OF BEGINNING; thence continuing N. 00° 06' 11" W. parallel with and 85.00 feet West of said East line a distance of 221.56 feet; thence S. 89° 53' 49" E. a distance of 20.00 feet to a point on the West right-of-way line of McClintock Drive; thence S. 00° 06' 11" E. along last said right-of-way line, parallel with and 65.00 feet West of said East line a distance of 201.71 feet; thence S. 45° 06' 17" W. continuing along last said right-of-way a distance of 28.18 feet to the TRUE POINT OF BEGINNING.

Containing 4,233 square feet, more or less.

See Exhibit "Q".



EXHIBIT "A"

EXHIBIT "B"
RELEASE OF TEMPORARY CONTRSTRUCTION EASEMENT

When recorded, mail to
City Clerk's Office
City of Chandler
Mail Stop 606
P.O. Box 4008
Chandler, AZ. 85244-4008

RELEASE OF TEMPORARY CONSTRUCTION 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 the temporary construction easement on that certain real property described in Exhibit "A" to that certain Easement recorded with the Maricopa County Recorder on May 12, 2003 as Docket No. 2003-0602981 attached hereto and made a part hereof, arising by virtue of the final order of condemnation and recording of order granting said easement.

Dated this ____ day of _____, 2016.

CITY OF CHANDLER, an Arizona municipal
corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the ____ day of June, 2016, before me, the undersigned, a Notary Public, personally appeared Jay Tibshraeny, who acknowledged himself to be the Mayor of the City of Chandler, an Arizona municipal corporation, and that he 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 *KB*

EXHIBIT "A"

A PORTION OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26; THENCE NORTH 89° 41' 15" WEST ALONG THE SOUTH LINE OF SAID SECTION 26 A DISTANCE OF 85.00 FEET; THENCE NORTH 00° 06' 11" WEST PARALLEL WITH AND 85.00 FEET WEST OF THE EAST LINE OF SAID SECTION 26 A DISTANCE OF 65.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CHANDLER BOULEVARD AND THE TRUE **POINT OF BEGINNING**; THENCE CONTINUING NORTH 00° 06' 11" WEST PARALLEL WITH AND 85.00 FEET WEST OF SAID EAST LINE A DISTANCE OF 221.56 FEET; THENCE SOUTH 89° 53' 49" EAST, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MCCLINTOCK DRIVE; THENCE SOUTH 00° 06' 11" EAST ALONG LAST SAID RIGHT-OF-WAY LINE, PARALLEL WITH AND 65.00 FEET WEST OF SAID EAST LINE A DISTANCE OF 201.71 FEET; THENCE SOUTH 45° 06' 17" WEST CONTINUING ALONG LAST SAID RIGHT-OF-WAY A DISTANCE OF 28.18 FEET TO THE **TRUE POINT OF BEGINNING**.