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OCT 13 2016

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MEMORANDUM **Transportation & Development - Memo No. RE17-030**

DATE: OCTOBER 13, 2016

TO: MAYOR AND COUNCIL

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

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: RESOLUTION NO. 4996 AUTHORIZING THE ACQUISITION OF A DRAINAGE EASEMENT NEEDED FOR OCOTILLO ROAD IMPROVEMENTS FROM COOPER ROAD TO GILBERT ROAD, 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 AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THIS ACQUISITION; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID DRAINAGE EASEMENT 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. 4996 authorizing the acquisition of a drainage easement needed for the Ocotillo Road Improvements from Cooper Road to Gilbert Road, 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 agreement and any other documents necessary to facilitate this acquisition; authorizing eminent domain proceedings as needed to acquire said drainage easement and obtain immediate possession thereof, and authorizing relocation services as may be needed and required by law.

BACKGROUND/DISCUSSION: On June 23, 2016, City Council approved Resolution 4951 authorizing the partial acquisition of right-of-way in fee and by easement from three residential owners and from two residential subdivisions (Arizona Country and Fonte Al Sole) for a total of nine parcels of land along the south side of Ocotillo Road. Subsequent to this approval, it was determined that the existing basins in the Arizona Country subdivision lack the capacity necessary to accommodate the drainage runoff for a portion of the Ocotillo Road improvements. To accommodate the drainage runoff, the water will be piped to a much larger and deeper basin on the north side of Ocotillo Road in the Markwood South – Parcel 9A subdivision (Redwood Estates Homeowners Association). The City will need to acquire a drainage easement from the Redwood Estates Homeowners Association to cover the additional drainage volume and the associated drainage improvements.

The City will appraise the parcel and make an offer for this drainage easement at market value based upon the appraisal. A reasonable time will be provided to work with the property owner to negotiate the property purchase, after which condemnation proceedings will be initiated as needed to acquire the drainage easement and to obtain immediate possession. While it is not anticipated that any relocation services will be required for this parcel, we are also requesting authority to provide those services should the need arise.

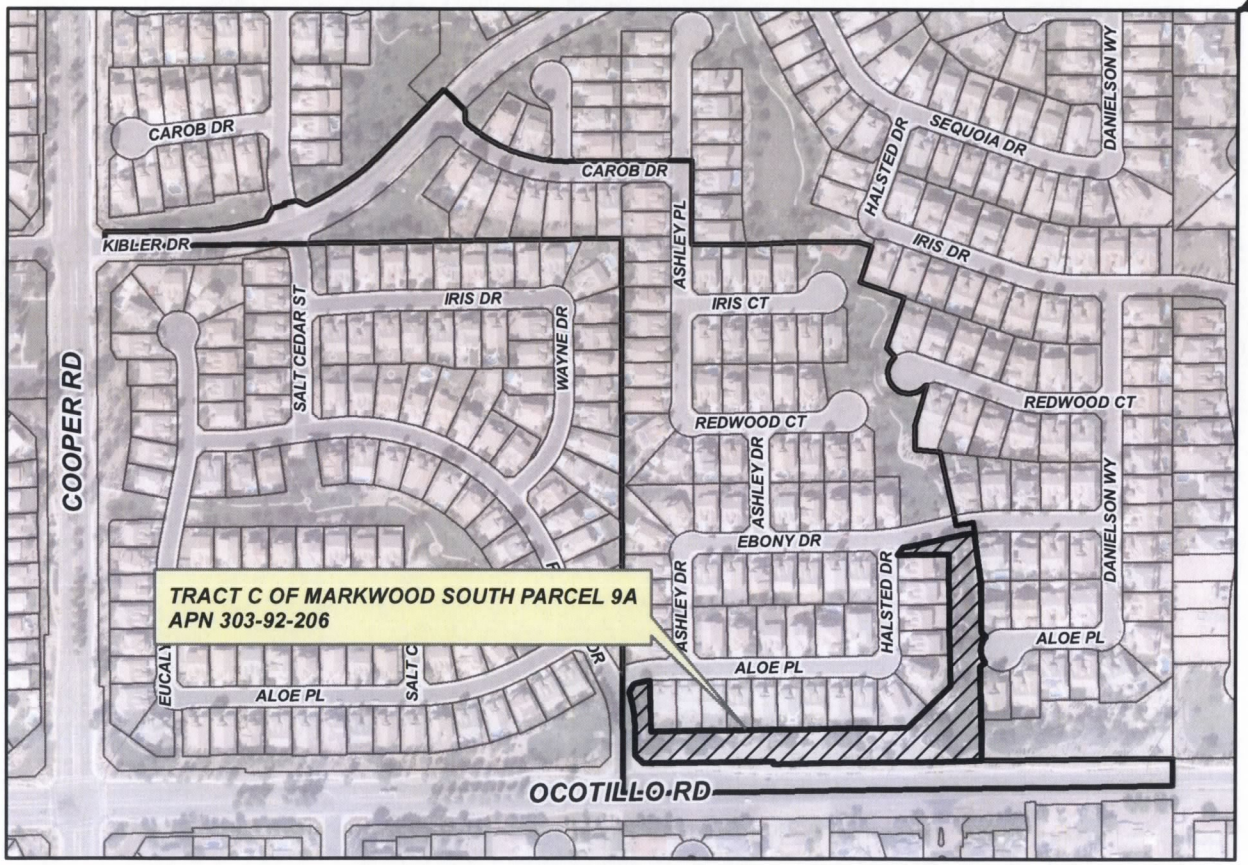
FINANCIAL IMPLICATIONS: Funds for this acquisition are provided for in the project budget.

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4996 authorizing the acquisition of a drainage easement needed for the Ocotillo Road Improvements from Cooper Road to Gilbert Road, 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 agreement and any other documents necessary to facilitate this acquisition; authorizing eminent domain proceedings as needed to acquire said drainage easement and obtain immediate possession thereof, and authorizing relocation services as may be needed and required by law.

Attachments: Map
Resolution No. 4996

Chandler + Arizona

AUTHORIZING THE ACQUISITION OF A DRAINAGE EASEMENT NEEDED FOR OCOTILLO RD IMPROVEMENTS FROM COOPER RD TO GILBERT RD, 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 AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THIS ACQUISITION; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID DRAINAGE EASEMENT AND OBTAIN IMMEDIATE POSSESSION THEREOF, AND AUTHORIZING RELOCATION SERVICES AS MAY BE NEEDED AND REQUIRED BY LAW



MEMO NO. RE17-030

RESOLUTION NO 4996

MARKWOOD SOUTH - PARCEL 9A

TRACT C- APN 303-92-206

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RESOLUTION NO. 4996

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DETERMINING THAT ACQUISITION OF A DRAINAGE EASEMENT IS NEEDED FOR OCOTILLO ROAD IMPROVEMENTS FROM COOPER ROAD TO GILBERT ROAD, 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 AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THIS ACQUISITION; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID DRAINAGE EASEMENT 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, on June 23, 2016, City Council approved 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, 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.; and

WHEREAS, subsequent to the approval of Resolution No. 4951, it was determined that the drainage basins in the Arizona Country subdivision lack the volume capacities necessary to handle the runoff from the future Ocotillo Road improvements. In order to accommodate this runoff, the water will be piped to a basin across street on the north side of Ocotillo Road in the Markwood South – Parcel 9A subdivision. The City will need to acquire a drainage easement from this property owner; and

WHEREAS, relocation services and assistance may be necessary for this property owner 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 a drainage easement in the location described in the attached Exhibit "A" is needed for the Project, and the securing of immediate possession of such drainage easement, 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 drainage easement at 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. The written offer shall be in a form approved by the Chandler City Attorney and the 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 a written offer for said drainage easement 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 drainage easement.

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 drainage easement, 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 drainage easement.

Section 5. Where if the 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. 4996 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 GAB