

#7
APR 26 2007



MEMORANDUM **Real Estate Council Memo No. RE 07-287**

DATE: APRIL 26, 2007

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
 DANIEL W. COOK, ACTING PUBLIC WORKS DIRECTOR
 MICHAEL NORMAND, ACTING ASSISTANT PUBLIC WORKS DIRECTOR/
 TRANSPORTATION AND OPERATIONS
 ELIZABETH M. HUNING, ASSISTANT PUBLIC WORKS DIRECTOR/
 CITY ENGINEER
 MIKE MAH, TRANSPORTATION ENGINEER

FROM: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

SUBJECT: ORDINANCE NO. 3827 AUTHORIZING AND APPROVING
THE VACATION OF A PORTION OF THE GERMANN ROAD RIGHT OF
WAY LOCATED AT THE INTERSECTION OF GERMANN ROAD AND THE
NEW GERMANN ROAD ALIGNMENT NEAR THE SOUTHWEST CORNER
OF GILBERT ROAD AND THE ABUTTING TAX PARCEL 303-31-011B, FOR
A FEE OF \$6,621.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3827 authorizing and approving the vacation of a portion of the Germann Road right of way located at the intersection of Germann Road and the new Germann Road alignment near the southwest corner of Gilbert Road and the abutting tax parcel 303-31-011B, for a fee of \$6,621.

BACKGROUND/DISCUSSION: Germann Road from Airport Boulevard to Gilbert Road was realigned as a part of a recently completed road project. The City of Chandler has received a request from Southwest Gateway, Inc. that a 6,621 square foot area be vacated for a fee of \$6,621 as just compensation to the City. The old roadway area is no longer needed as public roadway because of the new road alignment. The vacation of this roadway will allow the adjacent property owner to assemble the vacated parcel to accommodate the development of Mill Crossing upon Tax Parcel 303-31-011B.

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If the vacation is approved, Southwest Gateway, Inc. will compensate the City \$6,621, an amount which reflects Southwest Gateway Inc.'s agreement to bear the cost of any future liability and maintenance costs including the relocation, removal and disposal of existing improvements within the vacated area. The City's Real Estate Services has contacted the appropriate City Departments and outside utilities. Each has reviewed this request and there are no objections. The vacation reserves an easement for access and maintenance of an irrigation ditch and existing utilities. The published, separate fee for processing a vacation request was previously paid.

FINANCIAL IMPLICATIONS:

Compensation To City: \$6,621

Savings: Future Maintenance Costs

Long Term Costs: N/A

PROPOSED MOTION:

Staff recommends introduction and tentative approval of Ordinance No. 3827 authorizing and approving the vacation of a portion of the Germann Road right of way located at the intersection of Germann Road and the new Germann Road alignment near the southwest corner of Gilbert Road and the abutting tax parcel 303-31-011B, for a fee of \$6,621.

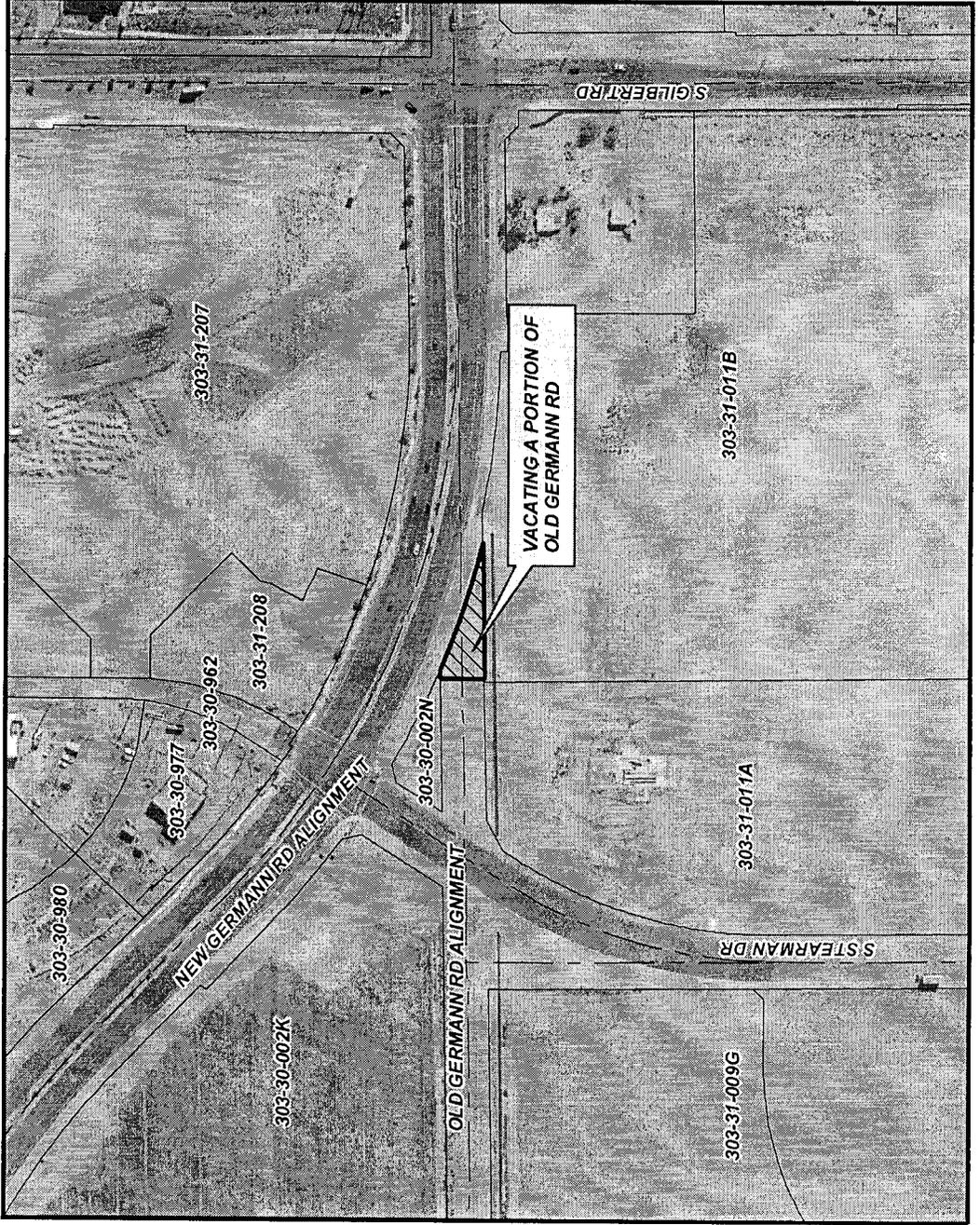
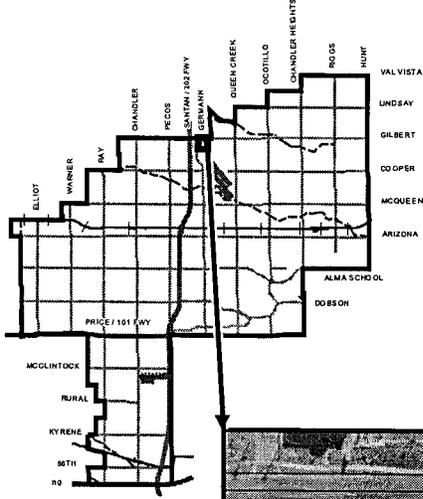
Attachments:

Ordinance 3827

Aerial Map



VACATION OF ROAD RIGHT-OF-WAY OF A PORTION OF OLD GERMANN RD NEAR GILBERT RD



ORDINANCE NO. 3827
MEMO NO. RE07-287

LEGEND



GERMANN RD ROW VACATION



NTS
Chandler

ORDINANCE NO. 3827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF THE GERMANN ROAD RIGHT OF WAY LOCATED AT THE INTERSECTION OF THE GERMANN ROAD AND NEW GERMANN ROAD ALIGNMENT NEAR THE SOUTHWEST CORNER OF OLD GERMANN ROAD AND GILBERT ROAD AND ABUTTING TAX PARCEL 303-31-011B.

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, A.R.S. §28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, that certain portion of the Germann Road right of way alignment that is located just west of the southwest corner of Germann Road and Gilbert Road and that abuts the north property line of Tax Parcel No. 303-31-011B, and which is more fully described in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by reference, is no longer needed as public roadway because of the new road alignment.

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

Section 1. The Roadway, which is generally described above and which is legally described in Exhibit "A", attached hereto and incorporated herein by reference, is determined to be no longer necessary for public use as a roadway.

Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, subject to payment of \$6,621 by Southwest Gateway, Inc. to the City as just compensation, and is subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

Section 3. The vacating of the Roadway is not intended to vacate or extinguish any easements for existing water, sewer, gas or similar pipelines and appurtenances, and for existing canals, laterals or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the Roadway.

Section 4. The action taken herein to vacate the Roadway pursuant to this Ordinance is done solely to dispose of the City of Chandler's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance, and to any easements reserved herein by the City, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

Section 5. The Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, this Ordinance and all other documents required and necessary to complete the abandonment and vacation of the Roadway.

Section 6. The City Clerk is directed to cause this Ordinance No. 3827 to be recorded in the office of the Maricopa County Recorder as directed by the Chandler City Attorney, but in no event earlier than thirty (30) days following the date that this Ordinance No. 3827 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 3827.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3827 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007 and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

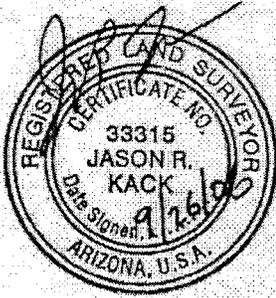


EXHIBIT "A"

REVISED SEPTEMBER 26, 2006
JULY 14, 2006
PROJECT NO. 05139

**LEGAL DESCRIPTION
GERMANN ROAD
RIGHT OF WAY VACATION**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 5 EAST AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 5 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 1, BEING A BRASS CAP IN HANDHOLE, FROM WHICH THE EAST QUARTER CORNER OF SECTION 12, BEING A BRASS CAP IN HANDHOLE, BEARS SOUTH 00°06'42" EAST A DISTANCE OF 2639.64 FEET;

THENCE SOUTH 89°21'22" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 686.50 FEET;

THENCE SOUTH 00°38'38" EAST A DISTANCE OF 33.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF GERMANN ROAD AND THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 89°21'22" WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 202.78 FEET;

THENCE NORTH 00°38'38" WEST A DISTANCE OF 66.00 FEET;

THENCE NORTH 89°21'22" EAST, A DISTANCE OF 13.77 FEET TO SAID SOUTHERLY RIGHT OF WAY OF GERMANN ROAD AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1275.00 FEET, THE CENTER OF WHICH BEARS NORTH 23°06'31" EAST;

THENCE SOUTHEASTERLY, ALONG SAID CURVE AND ALONG SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 09°00'22", AN ARC LENGTH OF 200.41 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL.

SUBJECT PARCEL CONTAINS 6,621.3 SQUARE FEET OR 0.1520 ACRES, MORE OR LESS.



NOT TO SCALE

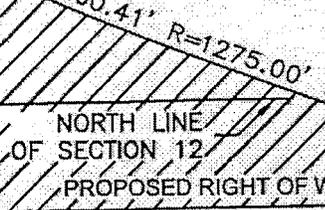
GERMANN ROAD

EXISTING 75' ROW
PER FINAL PLAT OF
CROSSROADS TOWNE
CENTER-CHANDLER
BOOK 720, PAGE 3, M.C.R.

APN#303-30-002N
EXISTING 33'
ROW PER BOOK 1
OF ROAD MAPS,
PAGE 25, M.C.R.

N89°21'22"E
13.77'

N00°38'38"W
66.00'



SOUTH LINE
OF SECTION 12

NORTH LINE
OF SECTION 12

PROPOSED RIGHT OF WAY VACATION

S89°21'22"W
686.50'

S00°38'38"E
33.00'

EXISTING 33'
ROW PER BOOK 1
OF ROAD MAPS, APN# 303-31-011B
PAGE 25, M.C.R.

APN #303-31-011A

POINT OF
BEGINNING

SOUTHEAST CORNER
OF SECTION 1 &
NORTHEAST CORNER
SECTION 12, T2S, R5E
FOUND BRASS CAP
IN HANDHOLE
POINT OF
COMMENCEMENT

BASIS OF BEARING
S00°06'42"E 2639.64'



LEGEND

 TO BE ABANDONED

EAST QUARTER CORNER
SECTION 12, T2S, R5E
FOUND BRASS CAP
IN HANDHOLE

24 YEARS OF CHALLENGE
DKI Professional Services, L.L.C.

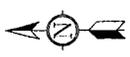
DKI Professional Services, L.L.C.
6225 N. 24th St., Ste. 200
Phoenix, AZ 85016
Phone: (602)954-0918
Fax: (602)954-8605

PROPOSED
RIGHT OF WAY VACATION
CHANDLER, ARIZONA
DATE: 6/19/06 SCALE: N.T.S. PROJ. NO: 05139 CAD FILE: 05139_VACATION-PLAT

EXHIBIT
B
1 of 1

PLAT TO VACATE RIGHT-OF-WAY

AS DEDICATED IN BOOK 1 OF MAPS, PAGE 25, RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1 AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



SCALE: 1" = 20'

VACATION AND DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS, THAT THE CITY OF CHANDLER HAS CAUSED TO BE VACATED AND ABANDONED IN ACCORDANCE WITH ARIZONA REVISED STATUTES CHAPTER 25, ARTICLE 1, SECTION 25-101, THE AREA SHOWN HEREON FOR THE AREA DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 5 EAST AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 5 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 1, THENCE SOUTH 07°28'18" EAST A DISTANCE OF 13.77 FEET TO A BRASS CAP IN THE CENTER OF THE SOUTHWEST CORNER OF SECTION 12, BEING A BRASS CAP IN HANDSON, BEARS SOUTH 07°16'12" EAST A DISTANCE OF 686.50 FEET;

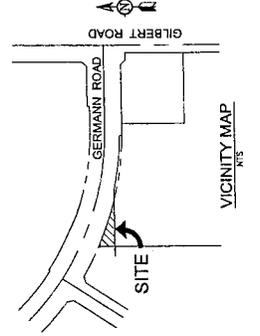
THENCE SOUTH 07°28'18" EAST A DISTANCE OF 13.77 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 89°21'22" WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 202.78 FEET;

THENCE NORTH 07°28'18" WEST A DISTANCE OF 68.00 FEET;

THENCE NORTH 89°21'22" EAST, A DISTANCE OF 13.77 FEET TO SAID SOUTHERLY RIGHT OF WAY OF GERMAN ROAD AND THE CENTER OF THE RIGHT OF WAY OF GERMAN ROAD, BEING THE CENTER OF WHICH BEARS NORTH 23°08'31" EAST;

THENCE SOUTHEASTERLY, ALONG SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 99°04'22", A DISTANCE OF 202.78 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.



OWNER
CITY OF CHANDLER, ARIZONA
P.O. BOX 4008, MS 408
CHANDLER, ARIZONA 85244-4008

SURVEYOR
JASON R. KACK, RLS #33315
DEI PROFESSIONAL SERVICES, LLC
10000 W. WILLOW AVE., SUITE 240
PHOENIX, ARIZONA 85016
602-951-0038

PARCEL AREA
PARCEL CONTAINS 6621.3 SQ. FT. OR 0.1520 ACRES NET

BASIS OF BEARINGS
THE BASIS OF BEARINGS IS THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 12, T2S, R5E WHICH BEARS S00°06'42"E.

ACCEPTANCE
BY ACCEPTANCE OF THIS PLAT, THE CITY OF CHANDLER, ARIZONA, HEREBY CERTIFIES THAT THE PLAT IS THE BEST OF CHANDLER, ARIZONA, AND IS BEING VACATED OR ABANDONED.

APPROVED AS TO FORM AND CONTENT BY:
CITY ENGINEER _____ DATE _____
PLANNING DIRECTOR _____ DATE _____

APPROVALS
THIS VACATION AND ABANDONMENT HAS BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA PER ORDINANCE NO. _____ ON _____ 2006

BY: _____ DATE _____
ATTEST: _____ DATE _____
CITY CLERK _____ DATE _____

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE MAP OF THE PARCEL DESCRIBED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF JANUARY, 2006 AND IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.



JASON R. KACK, RLS #33315
DATE: 1/16/06

C.O.C. LOG NO. _____

PLAT TO VACATE RIGHT-OF-WAY
GERMAN ROAD
CHANDLER, ARIZONA

DATE	2/16/06
PROJ. NO.	65108
DESIGN	DLK
DRAWING	DLK
CHECK	JK
SCALE	1"=20'
CITY FILE NUMBER	
VACATION PLAT	