

#9

MAY 10 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. RE 07-286

DATE: MAY 10, 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
SHEINA HUGHES, ACTING ASSISTANT PUBLIC WORKS DIRECTOR/
CITY ENGINEER
MIKE MAH, TRANSPORTATION ENGINEER

FROM: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

SUBJECT: ORDINANCE NO. 3810 AUTHORIZING AND APPROVING VACATING
A PORTION OF THE OLD GERMAN ROAD RIGHT OF WAY ALIGNMENT
LOCATED AT THE SOUTHWEST CORNER OF OLD GERMAN ROAD AT
STEARMAN DRIVE FOR A FEE OF \$48,083.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3810 authorizing and approving vacating a portion of the Old Germann Road right of way alignment located at the southwest corner of Old Germann Road at Stearman Drive for a fee of \$48,083.

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 Mammoth Equities, L.L.C. that a 48,083 square foot area be vacated for a fee of \$48,083 as just compensation to the City. The old roadway vacation area is no longer needed as public roadway because of the new road alignment. Vacating this roadway will allow land south and west of the old roadway to assemble with, and accommodate the development of Chandler Airport Business Park located at the southwest corner of Old Germann Road and Stearman Drive.

Ord. No. 3810 KO
May 10, 2007

Council Memo No. RE07-286

May 10, 2007

Page Two

If the vacating is approved, Mammoth Equities, L.L.C. is responsible for compensation to the City of \$48,083, an amount which reflects Mammoth Equities L.L.C.'s letter of agreement to bear the cost of any future liability, maintenance costs including the relocation, removal and disposal of existing improvements within the vacation area. Real Estate has contacted the appropriate City Departments and outside utilities. Each has reviewed this request and there are no objections. The vacation reserves all existing easements. The published, separate fee for processing a vacation request was previously paid.

FINANCIAL IMPLICATIONS:

Compensation To City: \$48,083, to Arterial Street Impact Fees, Fund 415

Savings: Future Maintenance Costs

Long Term Costs: N/A

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 3810 authorizing and approving vacating a portion of the Old Germann Road right of way alignment located at the southwest corner of Old Germann Road and Stearman Drive for a fee of \$48,083.

Attachments:

Ordinance 3810

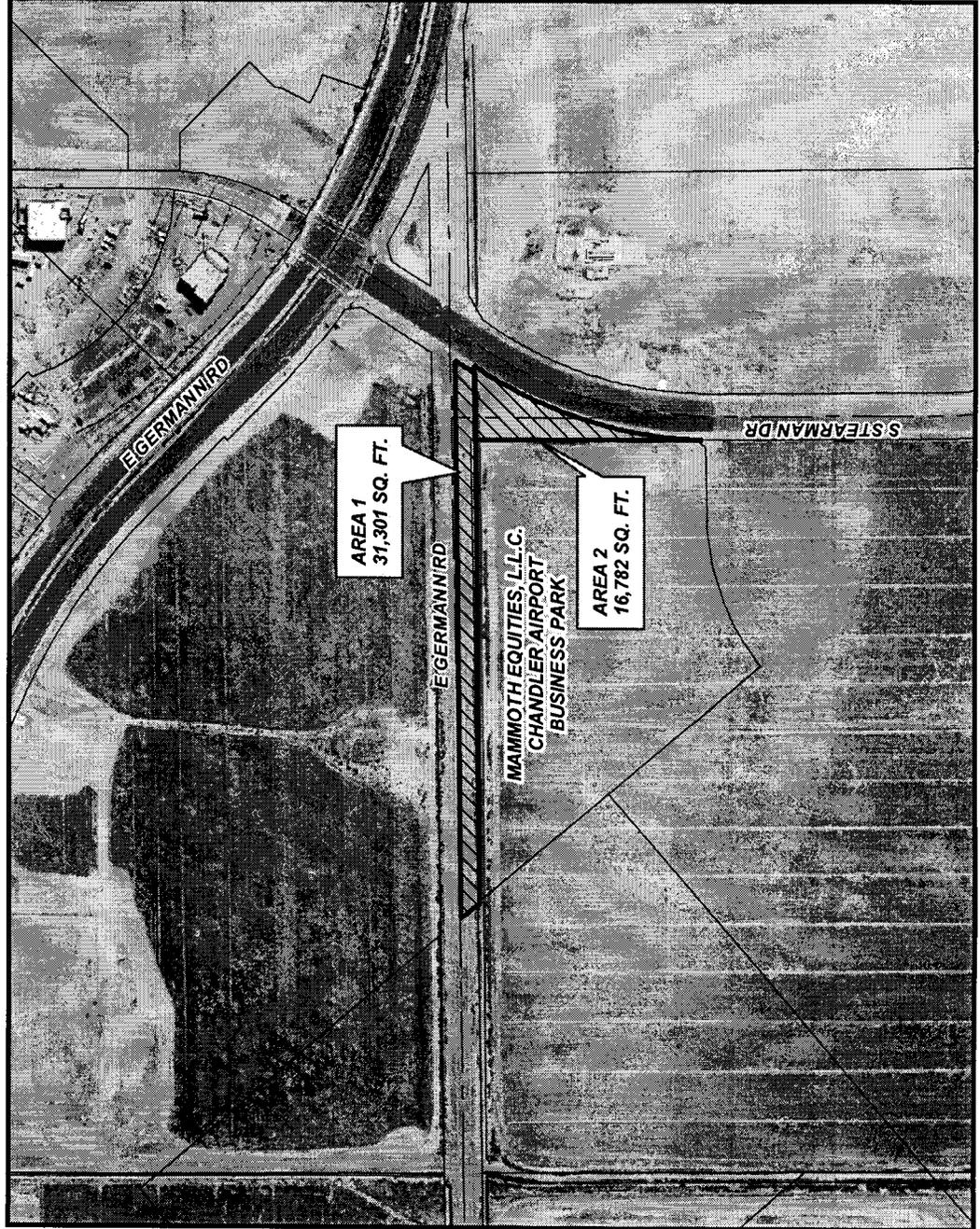
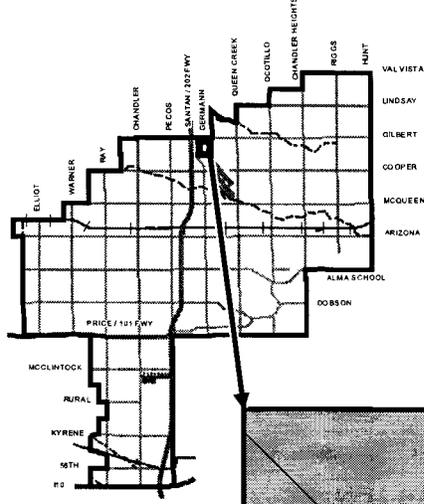
Aerial Map

Ord. No. 3810 KO

May 10, 2007



VACATION OF ROAD RIGHT-OF-WAY OF A PORTION OF OLD GERMAN RD. AT STEARMANN DR.



MEMO NO. RE07-286

ORDINANCE NO. 3810

AREA 1 = 31,301 SQ. FT.

AREA 2 = 16,782 SQ. FT.

GROSS VACATION

AREA = 48,083 SQ. FT.

LEGEND



ROW ABANDONMENT



NTS
ChandlerGIS

ORDINANCE NO. 3810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF THE OLD GERMAN ROAD RIGHT OF WAY ALIGNMENT LOCATED AT THE SOUTHWEST CORNER OF OLD GERMAN ROAD AT STEARMAN DRIVE AND ABUTTING TAX PARCEL 303-31-009G.

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 Old Germann Road right of way alignment that is located at the southwest corner of Old Germann Road and Stearman Drive and that abuts the north property line of Tax Parcel No. 303-31-009G, and which is more fully described in Exhibit "A", 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 \$48,083 by Mammoth Equities L.L.C. 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. 3810 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. 3810 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 3810.

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. 3810 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"
AREA 1
RIGHT-OF-WAY VACATION

THAT 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 AN ALUMINUM CAP IN HANDHOLE, LOCATING THE NORTH QUARTER CORNER OF SAID SECTION 12;

THENCE NORTH 89° 21' 03" EAST 441.40 FEET, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89° 21' 03" EAST 973.05 FEET;

THENCE SOUTH 32° 59' 32" WEST 39.64 FEET;

THENCE SOUTH 89° 21' 03" WEST 923.97 FEET;

THENCE NORTH 40° 03' 49" WEST 42.71 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 31,301 SQUARE FEET OR 0.719 ACRES, MORE OR LESS.



EXHIBIT "A"
AREA 2
RIGHT-OF-WAY VACATION

THAT 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 AN ALUMINUM CAP IN HANDHOLE, LOCATING THE NORTH QUARTER CORNER OF SAID SECTION 12;

THENCE NORTH 89° 21' 03" EAST 441.40 FEET, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 40° 03' 49" EAST 42.71 FEET;

THENCE NORTH 89° 21' 03" EAST 809.31 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89° 21' 03" EAST 126.67 FEET;

THENCE SOUTH 32° 59' 31" WEST 12.44 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 740.00 FEET, WITH A RADIAL LINE IN OF SOUTH 57° 03' 55" EAST AND A RADIAL LINE OUT OF NORTH 88° 29' 08" WEST;

THENCE SOUTHERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 31° 25' 13" AND AN ARC DISTANCE OF 405.81 FEET;

THENCE SOUTH 44° 37' 20" WEST 0.44 FEET;

THENCE NORTH 00° 08' 03" WEST 392.08 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 16,782 SQUARE FEET OR 0.385 ACRES, MORE OR LESS.

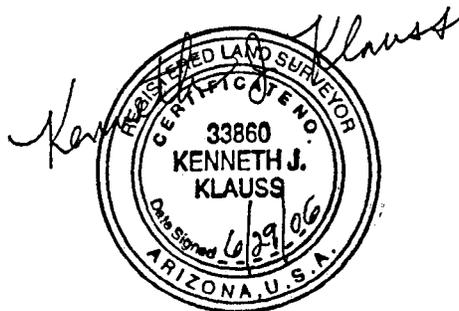
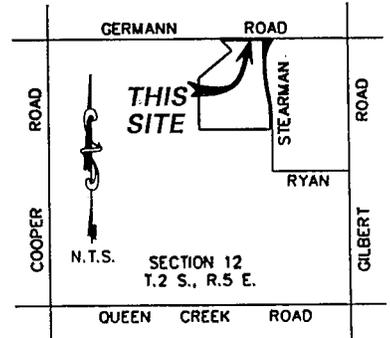


EXHIBIT "A"

POINT OF COMMENCEMENT
N. 1/4 COR. SEC. 12
FND. ALUM. CAP
IN HANDHOLE

N.W. COR. SEC. 12
FND. BRASS CAP
IN HANDHOLE

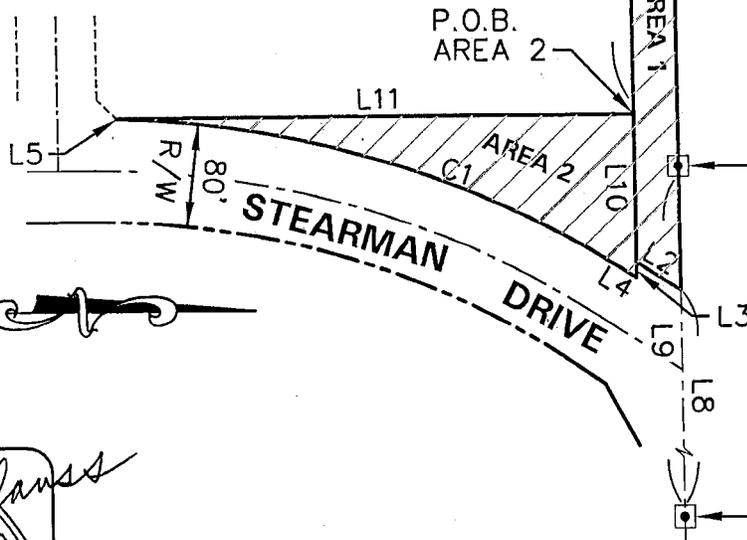


VICINITY MAP

LINE TABLE		
LINE	LENGTH	BEARING
L1	42.71'	N40°03'49"W
L2	39.64'	S32°59'32"W
L3	12.01'	N89°21'03"E
L4	12.44'	S32°59'32"W
L5	0.44'	S44°37'20"W
L6	2633.65'	N89°21'13"E
L7	441.40'	N89°21'03"E
L8	1220.42'	N89°21'03"E
L9	1316.74'	N89°21'03"E
L10	126.67'	N89°21'03"E
L11	392.08'	N00°08'03"W
L12	973.05'	N89°21'03"E
L13	923.97'	N89°21'03"E
L14	809.31'	N89°21'03"E

33' EXISTING RIGHT-OF-WAY
BK. 30 ROAD MAPS, PG. 87

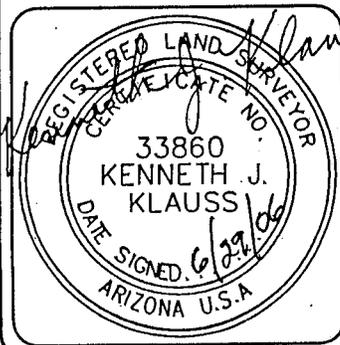
CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	31°25'13"	405.81'	740.00'



FND. C.O.C. B.C. (FLUSH)
0.64' NORTH

N.E. COR. SEC. 12
FND. 1/2" PIPE
IN HANDHOLE

PAGE 3 OF 3



TITLE: EXHIBIT "A"
SCALE: 1"=150'
DATE: 6/29/06
DESC: RIGHT-OF-WAY
VACATION

HUNTER
ENGINEERING CIVIL AND SURVEY

8283 N. HAYDEN RD, SUITE 275
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

PROJ.NO. FIND014-AP