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JUN 14 2007



Chandler • Arizona
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MEMORANDUM REAL ESTATE MEMO NO. RE07-281

DATE: JUNE 14, 2007

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
DANIEL W. COOK, ACTING PUBLIC WORKS DIRECTOR
MIKE NORMAND, ACTING ASSISTANT PUBLIC WORKS DIRECTOR
TRANSPORTATION & OPERATIONS

THRU: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

FROM: PETE SALDIVAR, REAL ESTATE PROPERTY MANAGEMENT OFFICER

SUBJECT: ORDINANCE NO. 3915 VACATING A 28 FOOT BY 15 FOOT PORTION OF PUBLIC RIGHT OF WAY ABUTTING THE NORTHERLY LIMITS OF WEST FLINT STREET EAST OF NORTH EVERGREEN STREET TO HOLY TRINITY CHURCH, AREA CONTAINING APPROXIMATELY 420 SQUARE FEET.

RECOMMENDATION: Staff recommends authorizing and approving Ordinance No. 3915 vacating a 28 foot by 15 foot portion of public right of way abutting the northerly limits of West Flint Street east of North Evergreen Street to Holy Trinity Church, area containing approximately 420 square feet.

BACKGROUND/DISCUSSION: In March of 1990 Holy Trinity Lutheran Church dedicated certain rights of ways to the City of Chandler "at no cost" for road purposes. The Church has requested that the City vacate a portion of the originally dedicated right of way lying north of West Flint Street containing a dumpster enclosure currently utilized by the Church. In conjunction with the vacation of this area, the City shall repair the gate at an estimated cost of \$1,395 and the Church shall be responsible for all future maintenance and liability of the area.

The public will benefit since the City will no longer have any liability and/or maintenance responsibilities for this 420 square foot dumpster area.

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FINANCIAL IMPLICATIONS:

Costs: \$1,395 for gate repairs

Savings: no future maintenance costs or liability

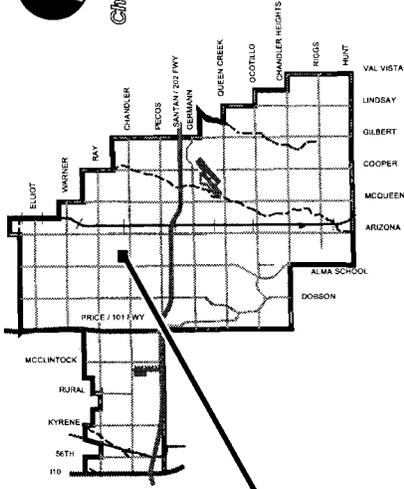
Long term costs: N/A

PROPOSED MOTION: Move that Council authorize and approve Ordinance No. 3915 vacating a 28 foot by 15 foot portion of public right of way abutting the northerly limits of west Flint Street east of North Evergreen Street to Holy Trinity Church, area containing approximately 420 square feet.

ATTACHMENTS: Map
Ordinance No. 3915

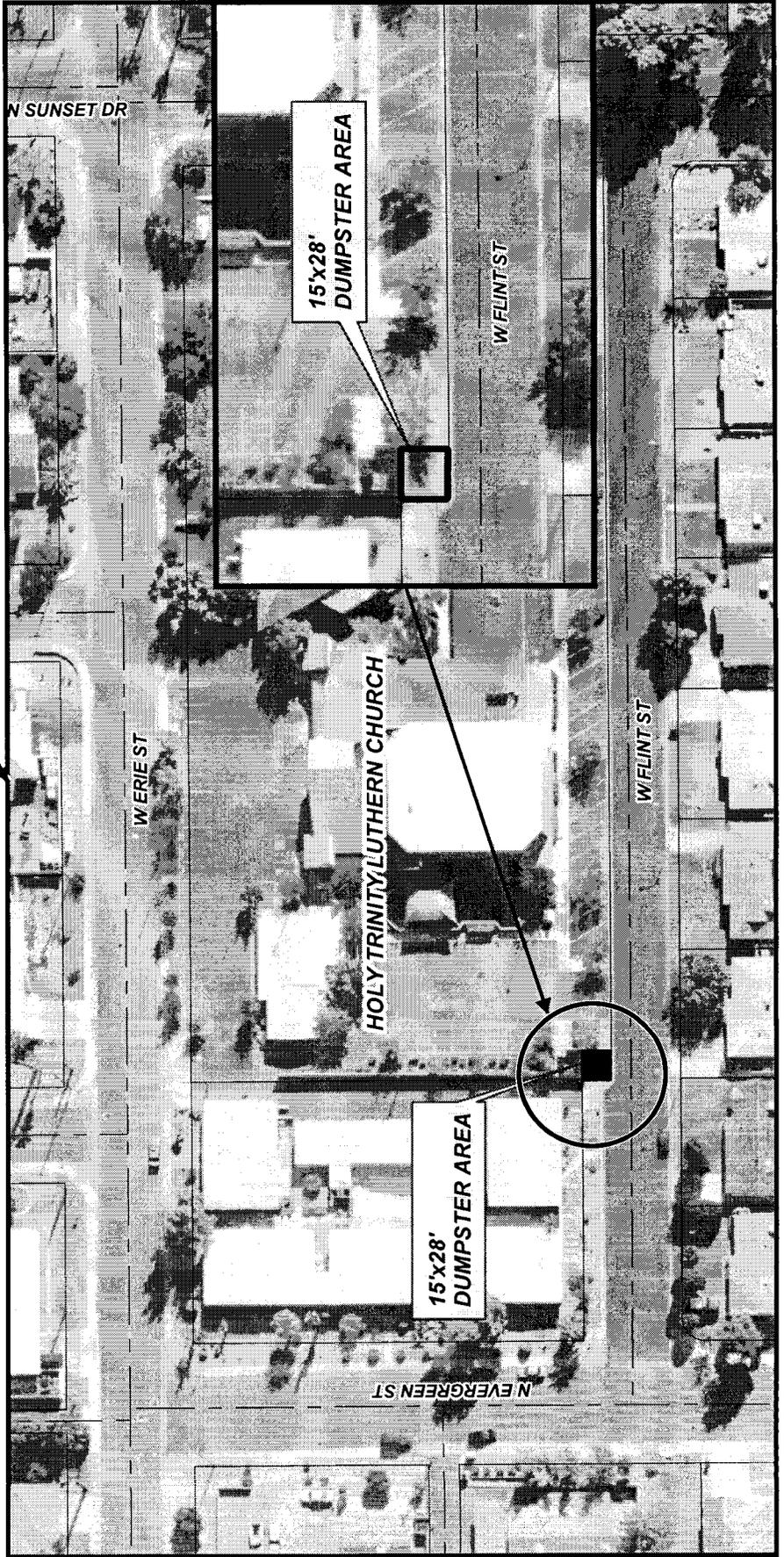


VACATION OF RIGHT-OF-WAY



MEMO NO. RE07-281

ORDINANCE NO. 3915



ORDINANCE NO. 3915

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A 28 FOOT BY 15 FOOT PORTION OF PUBLIC RIGHT OF WAY ABUTTING THE NORTHERLY LIMITS OF WEST FLINT STREET EAST OF NORTH EVERGREEN STREET TO HOLY TRINITY CHURCH, AREA CONTAINING APPROXIMATELY 420 SQUARE FEET.

WHEREAS, A.R.S. §28-7201 et seq., provides for the disposition of unnecessary public roadway, specifically including the vacating of such roadway so as to allow title to vest according to law, and

WHEREAS, the plat of Sunset Park, according to Book 38 of Maps, Page 38, and that Warranty Deed from Holy Trinity Lutheran church recorded March 19 1990 instrument 90 118813, sets forth certain dedications for public use; and

WHEREAS, Holy Trinity Lutheran Church has requested that the City vacate a portion of the public right of way as described in Exhibit "A"; and

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

Section 1. That the portion of public right-of-way and described in attached the Exhibit "A" (the "Roadway"), together with any City improvements thereon, is determined to be no longer necessary for public use.

Section 2. That the public right of way is hereby declared vacated, so that title to the right of way shall be vacated to the original Grantors, Holy Trinity Lutheran Church, subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land, in accordance with law.

Section 3. That the vacating of the public right of way is not intended to vacate or extinguish any easements for existing sewer, gas, water or similar pipelines and appurtenances, and for electric, telephone and similar lines and appurtenances, and the same, if there are any, they shall continue as they existed prior to this vacating of the right of way.

Section 4. That the vacation of the public right of way is intended solely to dispose of the City's interest, if any, in the right of way, subject to the terms stated in this Ordinance, and in no event is the vacation intended to warrant that any title or other interest in said right of way is held by the City.

Section 5. That the abandonment and vacation of the public right of way shall be effective with the recording of this Ordinance with the Maricopa County Recorder.

Section 6. That the Mayor of the City of Chandler, Arizona is hereby authorized to sign, on behalf of the City, all documents required and necessary to complete the disposition and vacation of the subject public right of way including, without limitation, this Ordinance.

Section 7. That all documents required to undertake and complete the vacation of the public right of way shall be approved as to form by the City Attorney's Office.

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

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3915 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

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

EXHIBIT A

LEGAL DESCRIPTION

The South 38 feet of the West 15 feet of Lot 8, Sunset Park, according to Book 38 of Maps, Page 38, in the office of the Maricopa County Recorder, except the South 10 feet, thereof.

Re: vacation of r/w
Holy Trinity Church
3/19/07 PS