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OCT 25 2007



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Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. DRE 08-012

DATE: OCTOBER 22, 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
MIKE MAH, CITY TRANSPORTATION ENGINEER

FROM: SHARON A. JOYCE, REAL ESTATE MANAGER

SUBJECT: ORDINANCE NO. 3980 AUTHORIZING AND APPROVING THE VACATION OF RIGHT-OF-WAY AT AND NEAR THE SOUTHWEST CORNER OF WASHINGTON STREET AND BOSTON STREET SUBJECT TO EASEMENT RESERVATIONS AND COMPENSATION FOR RIGHT-OF-WAY.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3980 authorizing and approving the vacation of right-of-way at and near the southwest corner of Washington Street and Boston Street subject to easement reservations and compensation for right-of-way.

BACKGROUND/DISCUSSION: Serrano Family Limited Partnership, the owner of three parcels at the southwest corner of Washington Street and Boston Street (the "Owner"), is in the process of developing these parcels into a three-story commercial/office building. The proposed commercial/office building development includes colonnade and foundation improvements that partially extend into City right-of-way. In order to proceed with the development process, the Owner has requested that the City vacate approximately 1,772 square feet of City right-of-way. Staff recommends approval of the proposed vacation of right-of-way subject to the Owner compensating the City the amount equal to the appraised value of \$26,580 or \$15 a square foot for

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the proposed right-of-way vacation area, easement reservations including an easement for the use and benefit of the public for pedestrian traffic and other terms and conditions outlined in the Ordinance.

FINANCIAL IMPLICATIONS:

Cost: N/A

Savings: N/A

Long Term Costs: N/A

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 3980 authorizing and approving the vacation of right-of-way at and near the southwest corner of Washington Street and Boston Street subject to easement reservations and compensation for right-of-way.

Attachments: Location Map and Ordinance 3980

ORDINANCE NO. 3980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING RIGHT-OF-WAY AT AND NEAR THE SOUTHWEST CORNER OF WASHINGTON STREET AND BOSTON STREET SUBJECT TO EASEMENT RESERVATIONS AND COMPENSATION FOR RIGHT-OF-WAY.

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, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 5 of Maps, Page 34, the right-of-way at and near the southwest corner of Washington Street and Boston Street was dedicated to the public use for streets, avenues, roads and alleys; and

WHEREAS, Serrano Family Limited Partnership, the owner of the property that adjoins the Roadway (the "Owner") has requested that the City of Chandler (the "City") vacate approximately 1,772 square feet of right-of-way (the "Roadway") fronting their proposed commercial/office building development at the southwest corner of Washington Street and Boston Street (the "Development"); and

WHEREAS, the Owner of the Roadway will compensate the City the appraised value for the Roadway in the amount equal to \$26,580 or \$15 per square foot; and

WHEREAS, the written recommendation of the staff of the City of Chandler is that the Roadway be vacated so that title thereto vests with Owner, subject to certain conditions.

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 and depicted in Exhibit "A", attached hereto and incorporated herein by reference, is determined to be no longer necessary for public use as roadway.

Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, 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 and shall not be deemed to vacate or extinguish any rights-of-way or 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. This applies to facilities operated and maintained by the City as well as by others.

Section 4. The action taken herein to vacate the Roadway is done solely to dispose of the City'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 vacating of the Roadway is made subject to an easement reserved to the City, for the use and benefit of the public, for ingress and egress in, on, over, under, across and through the Roadway for pedestrian traffic. Such easement shall be maintained in an improved condition sufficient to meet all federal, state and local laws concerning accessibility for persons with disabilities. Such easement shall remain accessible for public use at all times, except for such temporary closures as may be permitted in writing by the City.

Section 6. The Roadway is herein vacated and title shall vest according to law subject to the following additional terms and conditions:

A. Pursuant to A.R.S. § 28-7213, the disposition of Roadway authorized by this Ordinance shall not take effect until this Ordinance, or a certified copy thereof, is recorded by the City of Chandler in the office of the Maricopa County Recorder.

B. Pursuant to A.R.S. § 28-7208, the vesting of title is made subject to the Owner paying to the City as consideration the sum of \$26,580.00, said amount being deemed by the Chandler City Council to be commensurate with the value of the Roadway. Said funds shall be paid in cash or cash equivalent on or before the recording of this Ordinance.

Section 7. This Ordinance shall be recorded concurrent with the recording of an approved final plat or replat for the Development, but shall be the first of the two documents to record. If the plat or replat for the Development has not been executed, approved and recorded within one (1) year from the date on which this Ordinance is passed and adopted by the Chandler City Council, then this Ordinance shall be deemed to no longer be of any force and effect, and the Roadway shall not be deemed to have been vacated, but shall remain as part of the City's public

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3980 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 SAB

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "A"

SOUTHWESTERN STATES SURVEYING, INC.

Professional Land Surveying

Randy S. Delbridge, President

21415 North 23rd Avenue • Phoenix, Arizona 85027
Phone (623) 869-0223 Fax (623) 869-0726

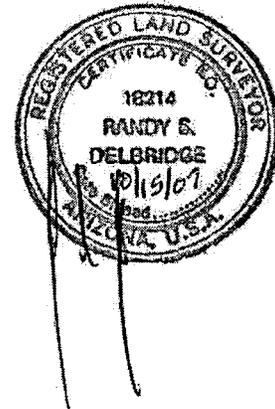
DESCRIPTION OF VACATION
OF RIGHT-OF-WAY

Job Number: 270918EX1

September 12, 2007
Revised October 15, 2007

A portion of the Northeast quarter of Section 34, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more particularly described as follows:

COMMENCING at the Northeast corner of Lot 49 of "TOWNSITE OF CHANDLER" as recorded in Book 5 of Maps, page 34, records of Maricopa County, Arizona;
THENCE South 89 degrees 44 minutes 31 seconds West, along the North line of said Lot 49 a distance of 13.51 feet to the POINT OF BEGINNING;
THENCE South 89 degrees 44 minutes 31 seconds West, continuing along said North line and the North lines of Lots 48 and 47 of said "TOWNSITE OF CHANDLER" 68.18 feet to a point which lies North 89 degrees 44 minutes 31 seconds East 13.43 feet from the Northwest corner of said Lot 47;
THENCE North 00 degrees 46 minutes 41 seconds East, departing said North line 1.70 feet;
THENCE South 89 degrees 18 minutes 48 seconds East 5.31 feet;
THENCE North 00 degrees 41 minutes 12 seconds East 11.56 feet;
THENCE South 89 degrees 19 minutes 09 seconds East 47.37 feet;
THENCE South 00 degrees 40 minutes 50 seconds West 10.31 feet;
THENCE South 89 degrees 18 minutes 48 seconds East 15.48 feet;
THENCE South 00 degrees 41 minutes 12 seconds West 1.83 feet to the POINT OF BEGINNING.



R.L.S. Arizona #18214
Member of A.C.S.M., A.P.L.S., G.L.I.S.

SOUTHWESTERN STATES SURVEYING, INC.
Professional Land Surveying

Randy S. Delbridge, President

21415 North 23rd Avenue • Phoenix, Arizona 85027
Phone (623) 869-0223 Fax (623) 869-0726

DESCRIPTION OF VACATION
OF RIGHT-OF-WAY

Job Number: 270918EX2

September 12, 2007
Revised October 15, 2007

A portion of the Northeast quarter of Section 34, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 49 of "TOWNSITE OF CHANDLER" as recorded in Book 5 of Maps, page 34, records of Maricopa County, Arizona;
THENCE South 89 degrees 44 minutes 31 seconds West, along the North line of said Lot 49 a distance of 3.59 feet;
THENCE North 00 degrees 40 minutes 50 seconds East 1.17 feet;
THENCE South 89 degrees 18 minutes 48 seconds East 5.50 feet;
THENCE South 00 degrees 40 minutes 50 seconds West 10.00 feet;
THENCE North 89 degrees 19 minutes 10 seconds West 1.91 to the East line of said Lot 49;
THENCE North 00 degrees 40 minutes 50 seconds East, along said East line 8.89 feet to the POINT OF BEGINNING.



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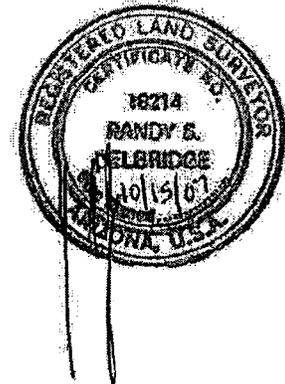
DESCRIPTION OF VACATION OF RIGHT-OF-WAY

Job Number: 270918EX3

September 12, 2007
Revised October 15, 2007

A portion of the Northeast quarter of Section 34, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 49 of "TOWNSITE OF CHANDLER" as recorded in Book 5 of Maps, page 34, records of Maricopa County, Arizona;
THENCE South 00 degrees 40 minutes 50 seconds West, along the East line of said Lot 49 a distance of 17.56 feet to the POINT OF BEGINNING;
THENCE South 89 degrees 19 minutes 10 seconds East 3.55 feet;
THENCE South 00 degrees 40 minutes 50 seconds West 12.31 feet;
THENCE South 89 degrees 19 minutes 10 seconds East 9.17 feet;
THENCE South 00 degrees 40 minutes 50 seconds West 83.37 feet;
THENCE North 89 degrees 19 minutes 10 seconds West 12.72 feet to the East line of said Lot 49;
THENCE North 00 degrees 40 minutes 50 seconds East 95.69 feet to the POINT OF BEGINNING.



R.L.S. Arizona #18214
Member of A.C.S.M., A.P.L.S., G.L.I.S.

EXISTING 1 STORY BUILDING
 PARCEL 130M - 1322

N 89°45'47" E 108.00' R 130.00' M

47

48

PROPOSED 3 STORY
 RETAIL / OFFICE BUILDING
 SITE AREA - 11,418.24 SF - 262 AC.

20' PUBLIC ALLEYWAY

N 89°45'47" E 95.00' R 95.11' M

49

N 89°44'31" E 95.00' R 95.12' M

BOSTON STREET

WASHINGTON STREET

THE SERANO BUILDING
 SWC BOSTON & WASHINGTON STREETS
 CHANDLER, ARIZONA 85225

Michael S. Flinders Architect

REMARKS - NOT FOR CONSTRUCTION USE
 ALL CALCULATIONS ARE APPROXIMATE

3933 WEST RENE DRIVE • CHANDLER, ARIZONA • 85226
 480 • 853 • 8000 FAX • 480 • 788 • 1083

SITE PLAN

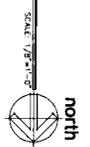


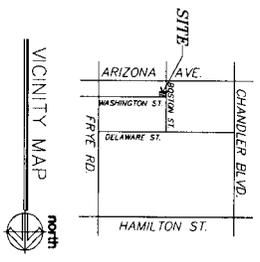
EXHIBIT 'A'

SHEET 0824 OF
 PROTECT P. 08-204

LEGAL DESCRIPTION

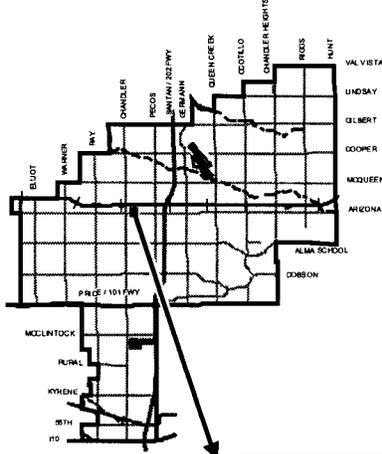
SITE OF 49 AC. 10.78 AC. BE QUANTIFIED ACCORDING TO BOOK 9 OF MAPS
 FILE 14, RECORDS OF MARICOPA COUNTY, ARIZONA.

Assessor's Parcel Numbers
 01 14 00 00 00 00 00 00
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VACATING RIGHT-OF-WAY AT SOUTHWEST CORNER OF BOSTON ST AND WASHINGTON ST



MEMO NO. DRE08-012

ORDINANCE NO. 3980

 VACATING RIGHT-OF-WAY
 DEVELOPMENT PARCEL

