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Where Values Make The Difference

MEMORANDUM **REAL ESTATE MEMO NO. RE08-230**

DATE: JANUARY 31, 2008

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
R.J. ZEDER, PUBLIC WORKS DIRECTOR
DANIEL W. COOK, DEPUTY PUBLIC WORKS DIRECTOR
SHEINA HUGHES, ACTING ASSISTANT PUBLIC WORKS DIRECTOR/ CITY ENGINEER
MIKE NORMAND, ACTING ASSISTANT PUBLIC WORKS DIRECTOR/ TRANSPORTATION AND OPERATIONS

FROM: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

SUBJECT: ORDINANCE NO. 3993 VACATING A PORTION OF ROAD RIGHT-OF-WAY ON SEAGULL COURT WEST OF BRENTWOOD DRIVE CONTAINING APPROXIMATELY 4525 SQ.FT, AND AUTHORIZING THE EXTINGUISMENT OF AN ADJACENT 8 FOOT WIDE PUBLIC UTILITY EASEMENT CONTAINING APPROXIMATELY 2177 SQ.FT., LOCATED NEAR THE SOUTHEAST CORNER OF DOBSON ROAD AND GERMANN ROAD IN THE STONEFIELD DEVELOPMENT.

RECOMMENDATION: Staff recommends authorizing and approving Ordinance No. 3993 vacating a portion of road right-of-way on Seagull Court west of Brentwood Drive containing approximately 4525 sq.ft., and authorizing the extinguishment of an adjacent 8 foot wide Public Utility Easement containing approximately 2177 sq.ft., located near the southeast corner of Dobson Road and Germann Road in the Stonefield development.

BACKGROUND/DISCUSSION: The Final Plat for the Stonefield development, recorded in Book 911 of Maps, Page 16 dedicated the right-of-way and public utility easement for a cul-de-sac at Seagull Court. The property owner (Maracay Homes), who also owns the property immediately to the west of Stonefield soon to be platted as Stonefield II, wants to eliminate the cul-de-sac on Seagull Court and make it a thru-street that ties into Stonefield II. As a condition of approval of the Final Plat for Stonefield II, City Staff is requiring the replat of Lots 87, 88 and Tract "A" of the original Stonefield subdivision to effect the tie in with Stonefield II, but that cannot happen until a portion of the right-of-way is vacated and a public utility easement is extinguished to remove the

cul-de-sac (see attached Vacation Plat) which will come after this ordinance is approved before Council at a future date.

The Final Plat for Stonefield II and the Replat of Lots 87, 88 and Tract "A" of Stonefield are to be approved separately after the Vacation Plat is approved. Maracay Homes will dedicate 50 feet of right-of-way and an 8 foot public utility easement on both the north and south sides of the thru-street previously known as Seagull Court through the Replat. The total area to be rededicated to the City is approximately 503 sq.ft., and is the consideration for the property being vacated and the easement extinguished through this ordinance.

Staff and outside utilities have been notified and have reviewed this request; there are no objections.

FINANCIAL IMPLICATIONS:

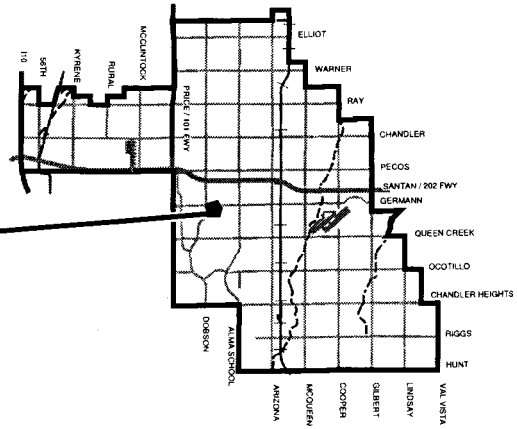
Cost:	N/A
Savings:	N/A
Long Term Costs:	N/A

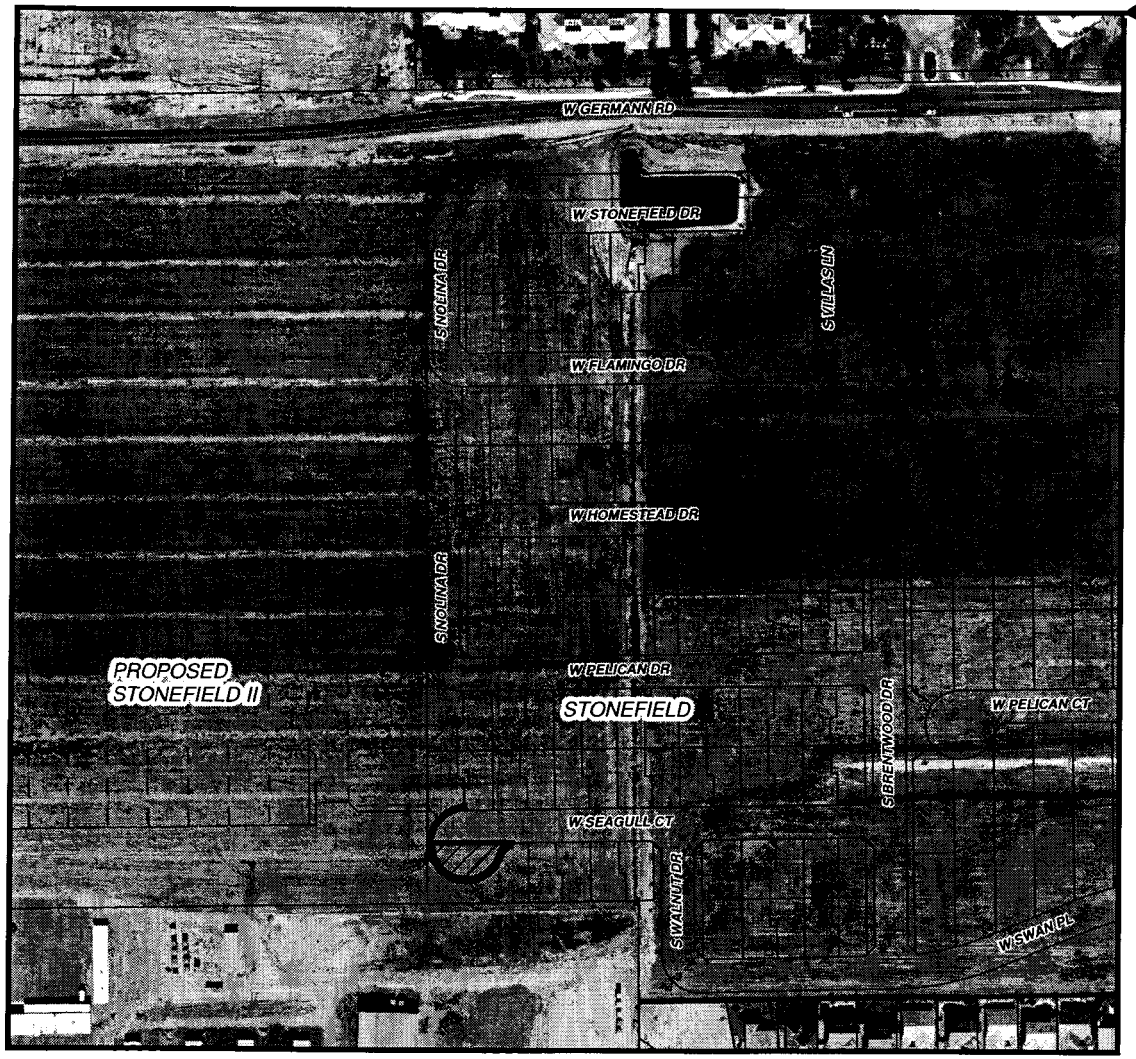
PROPOSED MOTION: Move that Council authorize and approve Ordinance No. 3993 vacating a portion of road right-of-way on Seagull Court west of Brentwood Drive containing approximately 4525 sq.ft., and authorizing the extinguishment of an adjacent 8 foot wide Public Utility Easement containing approximately 2177 sq.ft., located near the southeast corner of Dobson Road and Germann Road in the Stonefield development.

Attachments: Ordinance No. 3993
Vacation Plat
Replat of Lots 87, 88 and Tract "A"
Preliminary Plat for Stonefield II
Map

Chandler · Arizona

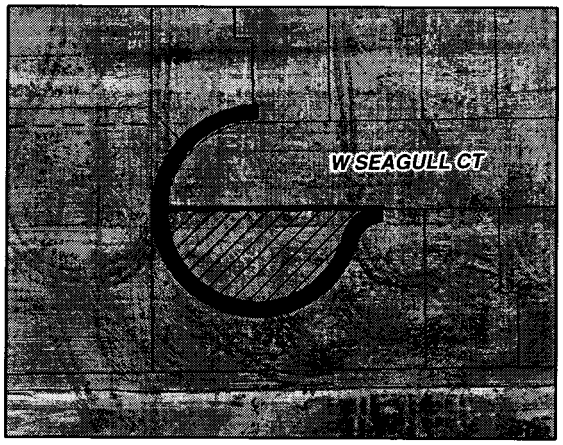
VACATION OF RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT AT SEAGULL COURT





MEMO NO. RE08-230

ORDINANCE NO. 3993



R.O.W

P.U.E.

NTS

ChanGIS

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ORDINANCE NO. 3993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF ROAD RIGHT-OF-WAY ON SEAGULL COURT WEST OF BRENTWOOD DRIVE CONTAINING APPROXIMATELY 4525 SQ.FT, AND AUTHORIZING THE EXTINGUISMENT OF AN ADJACENT 8 FOOT WIDE PUBLIC UTILITY EASEMENT CONTAINING APPROXIMATELY 2177 SQ.FT., LOCATED NEAR THE SOUTHEAST CORNER OF DOBSON ROAD AND GERMANN ROAD IN THE STONEFIELD DEVELOPMENT.

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 Final Plat for the Stonefield subdivision, recorded in Book 911 of Maps, Page 16, Maricopa County Recorder, includes the dedication of public roadway, together with an adjacent 8-foot wide public utility easement, sufficient to establish a cul-de-sac at Seagull Court west of Brentwood Drive; and

WHEREAS, Maracay Homes has submitted a proposed plat for Stonefield II, a residential subdivision immediately adjacent to the west side of Stonefield, that anticipates the elimination of the aforementioned cul-de-sac and making Seagull Court a thru-road that ties into Stonefield II; and

WHEREAS, in order to eliminate the cul-de-sac and tie Seagull Court into Stonefield II, Maracay Homes has requested that the City vacate that portion of the public roadway included in the existing cul-de-sac that is described in Exhibit "A" (the "Roadway"), attached hereto and incorporated herein by this reference, and extinguish that portion of the existing public utility easement described in Exhibit "B", attached hereto and incorporated herein by this reference (the "PUE"); and

WHEREAS, Maracay Homes has represented that, in consideration for the City vacating the Roadway and extinguishing the PUE, it will proceed with a replat of Lots 87, 88 and Tract "A" of Stonefield in order to dedicate land for new roadway in fee and public utility easement to allow Seagull Court to tie into Stonefield II as a thru-street (the "Replat");

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

Section 1. That the Roadway together with any City improvements thereon, is determined to be no longer necessary for public use as roadway.

Section 2. That the PUE is determined to be no longer necessary.

Section 3. That the Roadway is hereby declared vacated, so that title to the Roadway 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 4. That the City is authorized to record a Release of Easement sufficient to extinguish the PUE.

Section 5. That the vacating of the Roadway 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, shall continue as they existed prior to this vacating of the Roadway.

Section 6. That the vacation of the Roadway is intended solely to dispose of the City's interest, if any, in the Roadway, 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 the Roadway is held by the City.

Section 7. That the vacation of the Roadway and extinguishment of the PUE shall be in consideration for the dedication of new roadway and public utility easement through the Replat, which dedication is deemed to be consideration commensurate with the value of the Roadway and PUE.

Section 8. That the vacation of the Roadway shall be effective with the recording of this Ordinance with the Maricopa County Recorder, and the extinguishment of the PUE upon recording of the Release of Easement document.

Section 9. 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 Roadway, including, without limitation, this Ordinance, and to cause the extinguishment of the PUE.

Section 10. That all documents required to undertake and complete the vacation of the Roadway and extinguish the PUE shall be in such format and approved by the City Attorney's Office.

Section 11. Recording to occur concurrent with the Replat.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this _____ day of _____, 2008.

ATTEST:

_____ _____

CITY CLERK MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2008.

ATTEST:

_____ _____

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3993 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008, and that a quorum was present thereat.

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

GAB

ORD 3993
DH

RICK™
ENGINEERING COMPANY

EXHIBIT "A"
VACATION OF RIGHT-OF-WAY

January 24, 2008
Rick No. 3564
SCB

DESCRIPTION

A portion of Seagull Court as dedicated by the Final Plat for Stonefield, recorded in Book 911 of Maps, Page 16, Maricopa County Records, located in the Northwest quarter of Section 8, Township 2 South, Range 5 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the most easterly Northeast corner of Tract A of said Stonefield, and being the Northwest corner of Lot 109 of said Stonefield;
THENCE South 89 degrees 55 minutes 57 seconds West, along the common North line of said Tract "A" and the South line of said Seagull Court, a distance of 22.69 feet to the POINT OF BEGINNING, said point also being the beginning of a tangent curve with a radius of 22.50 feet to the left;
THENCE southwesterly, continuing along said common line and along the arc of said curve, through a central angle of 74 degrees 01 minute 41 seconds, for an arc distance of 29.07 feet to the beginning of a curve with a radius of 52.00 feet to the right;
THENCE southerly to northwesterly, continuing along said common line and along the arc of said curve, through a central angle of 166 degrees 13 minutes 56 seconds, for an arc distance of 150.87 feet to the beginning of a non-tangent line;
THENCE North 89 degrees 55 minutes 57 seconds East, 123.59 feet to the POINT OF BEGINNING. This parcel comprising 4525 square feet, more or less, and subject to all easements of record.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
26409
STEVEN C.
BURFORD
Date Signed 1-24-08
ARIZONA, U.S.A.

2008VACATE.doc

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RICK™
ENGINEERING COMPANY

EXHIBIT "B"
EXTINGUISHMENT OF A PUBLIC UTILITY EASEMENT

January 24, 2008
Rick No. 3564
SCB

DESCRIPTION

A portion of an 8 foot Public Utility Easement as dedicated by the Final Plat for Stonefield, recorded in Book 911 of Maps, Page 16, Maricopa County Records, located in the Northwest quarter of Section 8, Township 2 South, Range 5 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the most easterly Northeast corner of Tract "A" of said Stonefield, and being the Northwest corner of Lot 109 of said Stonefield;
THENCE South 89 degrees 55 minutes 57 seconds West, along the common North line of said Tract "A" and the South line of said Seagull Court, a distance of 22.69 feet to the POINT OF BEGINNING;
THENCE South 00 degrees 04 minutes 03 seconds East, 8.00 feet to the beginning of a non-tangent curve, the center of which bears South 00 degrees 04 minutes 03 seconds East, 14.50 feet;
THENCE southwesterly, along the arc of said curve, through a central angle of 74 degrees 01 minute 41 seconds for an arc distance of 18.73 feet to the beginning of a curve with a radius of 60.00 feet to the right;
THENCE in a southwesterly to a northeasterly direction, along the arc of said curve, through a central angle of 254 degrees 01 minute 41 seconds, for an arc distance of 266.02 feet to the beginning of a non-tangent line;
THENCE South 00 degrees 04 minutes 03 seconds East, 8.00 feet to the beginning of a non-tangent curve, the center of which bears South 00 degrees 04 minutes 03 seconds East, 52.00 feet;
THENCE in a southwesterly to a northeasterly direction, along the common south line of Lots 88 and 87 of said Stonefield, the North and South line of said Seagull Court and the North line of said Tract "A" and along the arc of said curve, through a central angle of 254 degrees 01 minute 41 seconds for an arc distance of 230.55 feet to the beginning of a curve with a radius of 22.50 feet to the right;
THENCE northeasterly, along the common South line of said Seagull Court and the North line of said Tract "A" and along the arc of said curve, through a central angle of 74 degrees 01 minute 41 seconds, for an arc distance of 29.07 feet to the POINT OF BEGINNING.
This parcel comprising 2177 square feet, more or less, and subject to all easements of record.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
26409
STEVEN C.
BURFORD
Date Signed
ARIZONA, U.S.A.

2008VACPUE.doc

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