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FEB 14 2008

MEMORANDUM **Real Estate Council Memo No. RE 08-179**

DATE: FEBRUARY 14, 2008

TO: MAYOR AND COUNCIL

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

FROM: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

SUBJECT: ORDINANCE NO. 3996 AUTHORIZING AND APPROVING VACATING
A PORTION OF ROAD RIGHT-OF-WAY AT THE NORTHWEST CORNER OF
GILBERT ROAD AND CHANDLER BOULEVARD CONTAINING
APPROXIMATELY 14,563 SQUARE FEET OF LAND, CONDITIONED UPON
RECEIPT OF AN AMOUNT EQUAL TO THE CITY'S COST BASIS PLUS
CLOSING EXPENSES, AND ACCEPTING AN EASEMENT FOR A FUTURE
CITY MONUMENT SIGN.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3996 authorizing and approving vacating a portion the road right-of-way at the northwest corner of Gilbert Road and Chandler Boulevard containing approximately 14, 563 square feet of land, conditioned upon receipt of an amount equal to the City's cost basis plus closing expenses, and accepting an easement for a future City monument sign.

BACKGROUND/DISCUSSION: In 2002, the City acquired property located at the northwest corner of Gilbert Road and Chandler Boulevard (Norton's Corner) for the East Chandler Boulevard Road Improvement Project. The parcel contained approximately 43,560 square feet and cost the City \$430,332 or \$9.88 per square foot. The intersection improvement project was completed. However, approximately 14,563 square feet of land remained as a remnant.

Starpointe Communities is in the process of developing the property that surrounds the City's land into a mixed-use residential and commercial project. Starpointe has requested that the City vacate the remaining 14,563 square feet of right-of-way so that it can be incorporated into their project. Doing so will benefit the Starpoint parcel, as well as benefit the public by incorporating the

BACKGROUND DISCUSSION-CONTINUED:

remnant City parcel into a revenue generating development. Starpointe is willing to compensate the City for the parcel at its cost basis plus closing costs, less the value of the easement to be granted to the City. The Economic Development Department concurs that vacating the parcel is a benefit to the City.

The City will benefit from the development of the Starpointe Property. Additionally, Starpointe is willing to designate an easement parcel west of the City Parcel, on the north side of Chandler Boulevard for a future monument sign to be used by the City.

In accordance with a previous Intergovernmental Agreement, the City of Chandler and the Town of Gilbert shared costs for developing the Gilbert Road and Chandler Boulevard Improvement Project. Under that agreement, the Town of Gilbert is entitled to receive reimbursement of its contribution to the acquisition of the Norton's Corner parcel at a rate of forty-four (44%) of the proceeds upon sale of the parcel.

Staff recommends vacating the City's remnant parcel at its cost basis plus closing expenses. The calculation is as follows:

14,563 square feet at \$9.88 per square foot:	\$143,880
Less reimbursement to Town of Gilbert (44% of \$143,880):	\$ 63,307
Less credit for sign easement area:	\$ 14,820
Net compensation to the City plus closing costs in cash:	\$ 65,753

Real Estate has contacted the appropriate City Departments and outside utilities. Each has reviewed this request. There were no objections to vacating the parcel. The City's Economic Development Department also supports this request. The published separate fee for processing a vacation request was previously paid by Starpointe.

FINANCIAL IMPLICATIONS:

Cost:	None
Long Term Savings:	\$ 65,753 plus closing costs in cash and \$ 14,820 value of the sign easement area
Long Term Costs:	Maintenance of sign easement area

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 3996 authorizing and approving vacating a portion the road right-of-way at the northwest corner of Gilbert Road and Chandler Boulevard containing approximately 14, 563 square feet of land, conditioned upon receipt of an amount equal to the City's cost basis plus closing expenses, and accepting an easement for a future City monument sign.

Attachments:
Ordinance 3996

Ord. No. 3996 EK

ORDINANCE NO. 3996

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF ROAD RIGHT-OF-WAY AT THE NORTHWEST CORNER OF GILBERT ROAD AND CHANDLER BOULEVARD CONTAINING APPROXIMATELY 14,563 SQUARE FEET OF LAND, CONDITIONED UPON RECEIPT OF AN AMOUNT EQUAL TO THE CITY'S COST BASIS PLUS CLOSING EXPENSES, AND ACCEPTING AN EASEMENT FOR A FUTURE CITY MONUMENT SIGN.

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 northwest corner of Gilbert Road and Chandler Boulevard located north of the USA irrigation canal and west of Gilbert Road and which is more fully described in Exhibit "A", attached hereto and incorporated herein by reference, is no longer needed as public roadway;

WHEREAS, Starpointe Communities is willing to reimburse the City for its cost basis in the remaining right-of-way and grant an easement for a future monument sign at a location to be agreed to between Starpointe and the City as part of the consideration;

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.

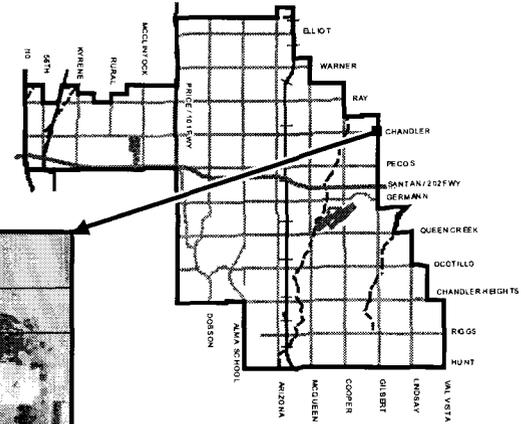
Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, subject to payment of \$143,880 consisting of \$129,060 plus closing costs in cash, and a sign easement valued at \$14,820 by Star Pointe Communities to the City as just compensation, and is subject to the same 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,



VACATE A PORTION OF ROAD RIGHT-OF-WAY AT THE NORTHWEST CORNER OF GILBERT RD AND CHANDLER BL



MEMO NO. RE08-179

ORDINANCE NO. 3996

 ROAD RIGHT-OF-WAY TO BE VACATED



EXHIBIT "A"

LEGAL DESCRIPTION
City of Chandler
Parcel to be Vacated
Northwest Corner of Gilbert Road
and Chandler Boulevard

That portion of the Southeast quarter of the Southeast quarter of Section 25, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

Commencing at the Southeast corner of said Section 25;

Thence, South 89 degrees, 50 minutes 00 seconds West a distance of 208.71 feet along the South line of said Section 25;

Thence, North 00 degrees, 20 minutes, 08 seconds West a distance of 98.50 feet to the POINT OF BEGINNING;

Thence, continuing North 00 degrees, 20 minutes, 08 seconds West a distance of 110.21 feet;

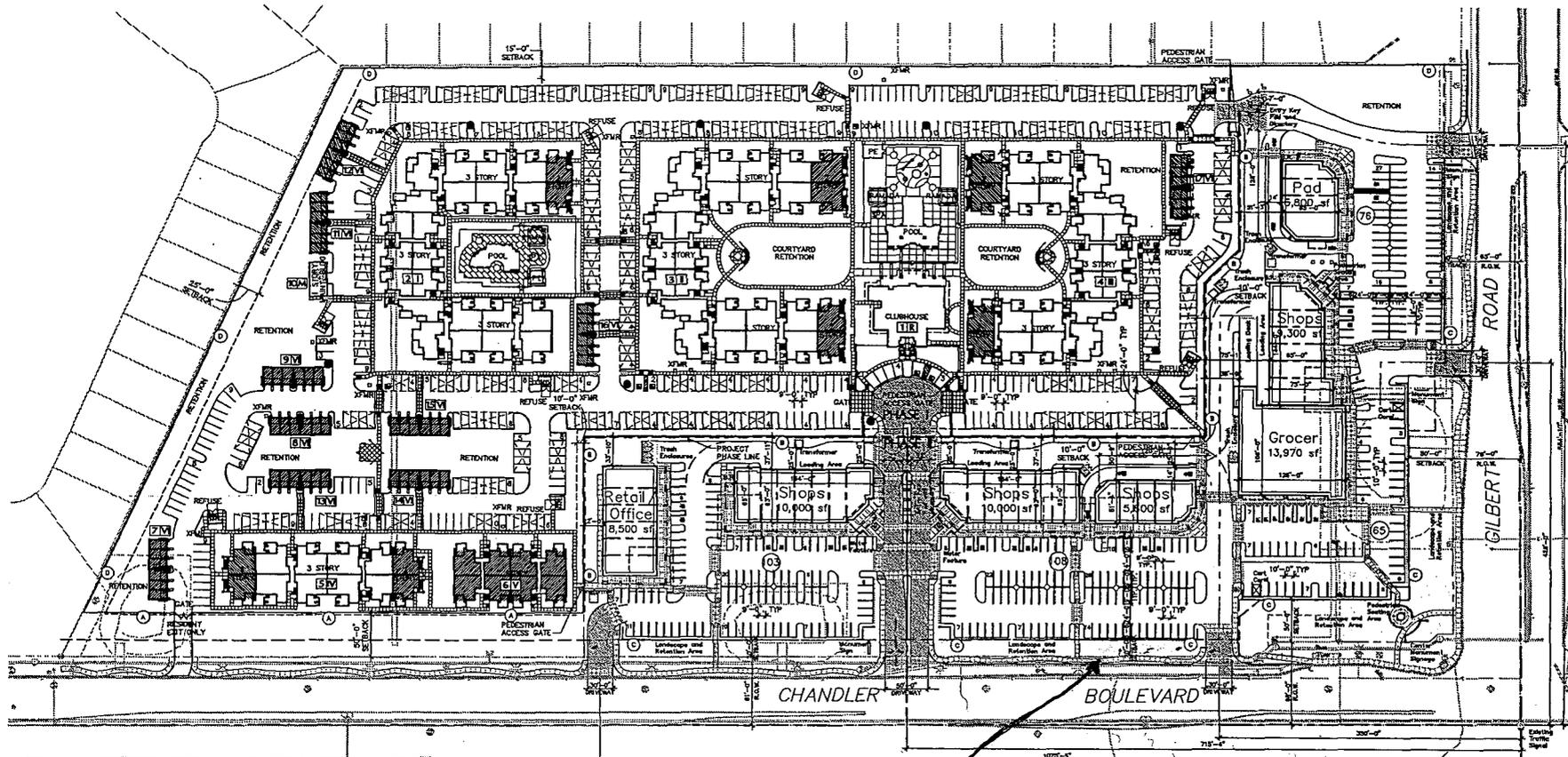
Thence, North 89 degrees, 50 minutes, 00 seconds East as distance of 132.21 feet to the west right-of-way line of Gilbert Road;

Thence, South along the West right-of-way line of Gilbert Road a distance of 100.71 feet;

Thence, South 89 degrees, fifty minutes, 00 seconds West a distance of 17.09 feet;

Thence, South 44 degrees, 44 minutes, 56 seconds West a distance of 13.42 feet;

Thence, South 89 degrees, 50 minutes, 00 seconds West a distance of 105.62 feet to the POINT OF BEGINNING.



Area of proposed sign easement

PROJECT DATA-RESIDENTIAL

SITE AREA:	
RESIDENTIAL NET AREA:	+/- 15,223 NET ACRES
OFFICE NET AREA:	+/- 8,300 NET ACRES
TOTAL SITE AREA:	+/- 23,523 NET ACRES
LOCATION:	
CITY:	CHANDLER, ARIZONA
ZONING:	
EXISTING:	P.A.D. C-2
PROPOSED:	P.A.D. C-2 WITH UNDERLYING ZONING OF MF-2
RESIDENTIAL DENSITY:	
ALLOWABLE:	18 D.U./NET ACRES
PROVIDED:	+/- 18.00 D.U./NET ACRES
UNIT MIX:	
1 BEDROOM CARTRAGE UNITS	20 D.U. (7%)
1 BEDROOM STACKED FLATS	102 D.U. (57%)
2 BEDROOM	152 D.U. (86%)
TOTAL:	274 D.U. (100%)

BUILDING HEIGHT:	ALLOWED:	NO BUILDING SHALL EXCEED 25' IN HEIGHT AT THE BUILDING SETBACK LINE, EXCEPT ANY BUILDING MAY EXCEED SUCH HEIGHT PROVIDED THAT AT NO POINT IT PROJECTS ABOVE A LINE SLOPING INWARD AND UPWARD AT A 45° ANGLE AT THE REQUIRED SETBACK LINE TO A MAXIMUM HEIGHT OF 45'
	PROVIDED:	2 AND 3 STORY
PARKING STANDARDS:	5% OF PARKING STALLS 24' DRIVE AISLES	
	1 PARKING ISLAND PER 10 P.S.	
REQUIRED PARKING:		
1 BEDROOM (122 D.U. x 1.50 P.S./D.U.)	183 P.S.	
2 BEDROOM (152 D.U. x 2.00 P.S./D.U.)	304 P.S.	
GUEST (1 P.S./2 D.U.)	59 P.S.	
TOTAL REQUIRED PARKING	550 P.S. (2.03 P.S./D.U.)	
PROVIDED PARKING:		
COURTYARDS	366 P.S.	
OPEN	157 P.S.	
GARAGE	50 P.S.	
TOTAL PROVIDED PARKING	573 P.S. (2.13 P.S./D.U.)	

BUILDING SQUARE FOOTAGE	USE
BLDG. TYPE II	
1ST FLOOR 28,360	DWELLING UNITS
2ND FLOOR 28,360	DWELLING UNITS
TOTAL AREA 56,720	
BLDG. TYPE III	
1ST FLOOR 31,290	DWELLING UNITS
2ND FLOOR 31,290	DWELLING UNITS
3RD FLOOR 28,560	DWELLING UNITS
TOTAL AREA 91,140	
BLDG. TYPE III	
1ST FLOOR 25,600	DWELLING UNITS
2ND FLOOR 25,600	DWELLING UNITS
3RD FLOOR 25,600	DWELLING UNITS
TOTAL AREA 76,800	

OPEN SPACE CALCULATIONS
OPEN SPACE REQUIRED:
TOTAL BEDROOMS x 150 sf = 428 x 150 = 64,200 sf
63,900 sf / 852,853sf (Res. Net Area) = 6.6%

BUILDING SQUARE FOOTAGE	USE
BLDG. TYPE IV	
1ST FLOOR 12,800	DWELLING UNITS
2ND FLOOR 12,800	DWELLING UNITS
3RD FLOOR 8,375	DWELLING UNITS
TOTAL AREA 34,975	
BLDG. TYPE V	
1ST FLOOR 7,320	DWELLING UNITS
2ND FLOOR 2,320	DWELLING UNITS
TOTAL AREA 14,640	
BLDG. TYPE VI	
1ST FLOOR 1,500	GARAGE
2ND FLOOR 1,830	DWELLING UNITS
TOTAL AREA 3,330	
CLUBHOUSE: 6,482	RECREATION
MAINTENANCE: 850	UTILITY

OPEN SPACE CALCULATIONS - cont'd
OPEN SPACE PROVIDED:
182,667 sf / 852,853sf (Res. Net Area) = 24.5%

PROJECT DATA-RETAIL

Net Site - Grocer	+/- 56,317 sf
Net Site - Other	+/- 304,956 sf
Net Site - Overall	+/- 361,273 sf
	+/- 8.30 ac
LOADING AREAS	
Grocer	13,970 sf
Retail/Office	43,500 sf
Pod	5,800 sf
Total Building Area	63,370 sf
Lot Coverage Provided	+/- 17.4 %
Parking Required	348 spaces (5.50/1000)
Parking Provided	352 spaces (5.55/1000)

PROJECT PHASING

PHASE I:	RESIDENTIAL PARCEL
PHASE II:	RETAIL PARCELS

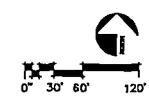
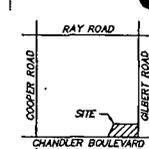
SYMBOLS:

- BUILDING TYPE
- BUILDING NUMBER
- PARKING CANOPY
- PROJECT PHASE LINE
- FIRE HYDRANT
- TRANSFORMER

SITE WALLS

- (A) TYPICAL 4" WALL WITH MORTAR FROM AND OUT - ALONG CHANDLER BLVD.
- (B) TYPICAL 4" SOLID WALL - BETWEEN APARTMENTS AND RETAIL.
- (C) TYPICAL 3" SCREEN WALL
- (D) EXISTING SOLID GRS WALL

VICINITY MAP



REZONING/PDP SUBMITTAL & PRELIMINARY PLAT

NORTON'S CROSSING

STARPOINTE COMMUNITIES

PRELIMINARY SITE PLAN -3

Todd Associates, Inc.

suiley