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FEB 14 2008



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. RE 08-181

DATE: FEBRUARY 14, 2008

TO: MAYOR AND COUNCIL

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

FROM: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

SUBJECT: ORDINANCE NO. 3839 AUTHORIZING AND APPROVING THE VACATION OF A 50 SQUARE FOOT SEGMENT OF THE SOUTH RIGHT-OF-WAY FOR COMMONWEALTH AVENUE LOCATED AT THE NORTHWEST CORNER OF LOT 14 OF CHANDLER (8 S. SAN MARCOS PLACE).

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3839 authorizing and approving the vacation of a 50 square foot segment of the south right-of-way for Commonwealth Avenue located at the northwest corner of Lot 14 of Chandler (8 S. San Marcos Place).

BACKGROUND/DISCUSSION: The City of Chandler previously vacated a 9.0 foot wide portion of the south right-of-way of Commonwealth Avenue to accommodate the construction of a bank. A 9.0 foot by 10.80 foot rectangular shaped portion of the right-of-way of Commonwealth Avenue running east of the alley was not vacated at the time. Desert Viking Holdings, LLC. ("Desert Viking") acquired the property at 8 S. San Marcos Place and is completing renovation and redevelopment of this property. In order to accommodate this redevelopment, Desert Viking has requested that the City vacate a 50 square foot portion of the remaining 9.0 foot by 10.80 foot

BACKGROUND DISCUSSION-CONTINUED:

segment of the south right-of-way for Commonwealth Avenue. Once vacated, this portion of the Commonwealth Avenue right-of-way would combine with the property currently owned by Desert Viking. Desert Viking has requested that the City vacate the parcel at no cost in consideration for Desert Viking agreeing to maintain the property and be responsible for its liability.

Real Estate has contacted the appropriate City Departments and outside utilities. Each has reviewed this request and there are no objections. Desert Viking previously paid the required processing fees for this proposed vacation.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 3839 authorizing and approving the vacation of a 50 square foot segment of the south right-of-way for Commonwealth Avenue located at the northwest corner of Lot 14 of Chandler (8 S. San Marcos Place).

Attachments:
Ordinance 3839
Aerial Map

ORDINANCE NO. 3839

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF A 50 SQUARE FOOT SEGMENT OF THE SOUTH RIGHT-OF-WAY FOR COMMONWEALTH AVENUE LOCATED AT THE NORTHWEST CORNER OF LOT 14 OF CHANDLER (8 S. SAN MARCOS PLACE).

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, A.R.S. §28-7215 provides that a public roadway may be vacated without compensation if the person taking the public roadway agrees to assume the costs of maintaining the public roadway and the liability for the public roadway; and

WHEREAS, the owner of the property located at 8 South San Marcos Place has requested that the City of Chandler (the "City") vacate a 50 square foot segment of Commonwealth Avenue, a public roadway (the "Roadway"), without compensation, but in consideration for the owner assuming responsibility for maintenance of and liability for the Roadway ;

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 roadway, and has no public use or no market value.

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 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 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 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. Pursuant to A. R. S. § 28-7215, the vacation of the Roadway is done without any requirement for monetary compensation to the City, but is made in consideration for the owner of the property at 8 South San Marcos Place agreeing to assume responsibility for maintenance of and liability for the Roadway.

Section 6. 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 7. The City Clerk is directed to cause this Ordinance No.3839 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.3839 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 3839.

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

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.3839 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

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

COMMENCING AT THE NORTHWEST CORNER OF LOT 14 OF SAID CHANDLER;

THENCE NORTH 89 DEGREES 07 MINUTES 32 SECONDS EAST 2.37 FEET ALONG THE NORTH LINE OF SAID LOT 14 TO THE POINT OF BEGINNING;

THENCE NORTH 01 DEGREES 00 MINUTES 22 SECONDS WEST 4.90 FEET;

THENCE NORTH 89 DEGREES 19 MINUTES 14 SECONDS EAST 6.43 FEET;

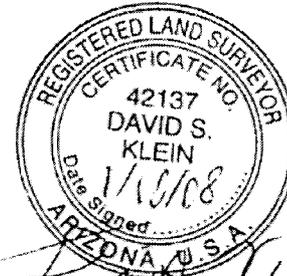
THENCE NORTH 00 DEGREES 39 MINUTES 36 SECONDS WEST 4.12 FEET;

THENCE NORTH 89 DEGREES 07 MINUTES 32 SECONDS EAST 2.14 FEET, ALONG A LINE WHICH IS 21.00 FEET SOUTH OF AND PARALLEL WITH THE MONUMENT LINE OF COMMONWEALTH AVENUE;

THENCE SOUTH 00 DEGREES 01 MINUTES 09 SECONDS WEST 9.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 14;

THENCE SOUTH 89 DEGREES 07 MINUTES 32 SECONDS WEST 8.43 FEET ALONG THE NORTH LINE OF SAID LOT 14 TO THE POINT OF BEGINNING.

COMPRISING 0.001 ACRES OR 50 SQUARE FEET, MORE OR LESS.

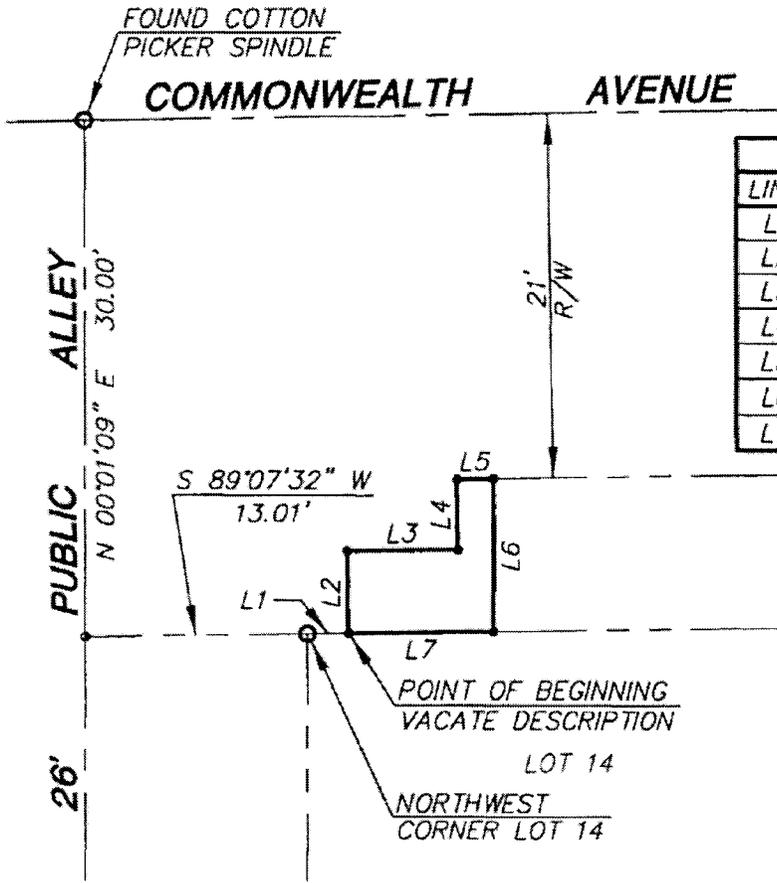


EXHIBIT

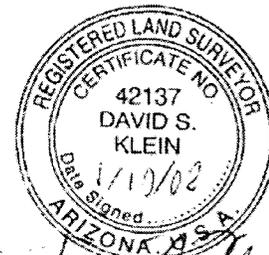
OF ROADWAY VACATION AREA AT COMMONWEALTH & CALIFORNIA, CHANDLER, ARIZONA



NOT TO SCALE



LINE TABLE		
LINE	BEARINGS	LENGTH
L1	S 89°07'32" W	2.37'
L2	N 01°00'22" W	4.90'
L3	N 89°19'14" E	6.43'
L4	N 00°39'36" W	4.12'
L5	N 89°07'32" E	2.14'
L6	S 00°01'09" W	9.00'
L7	S 89°07'32" W	8.43'



NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY A DESCRIPTION, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

**Superior
Surveying
Services, Inc.**

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PROFESSIONAL LAND SURVEYING - ARIZONA, CALIFORNIA, NEVADA
ARIZONA NO. 18214 - CALIFORNIA NO. L6060 - NEVADA NO. 7690

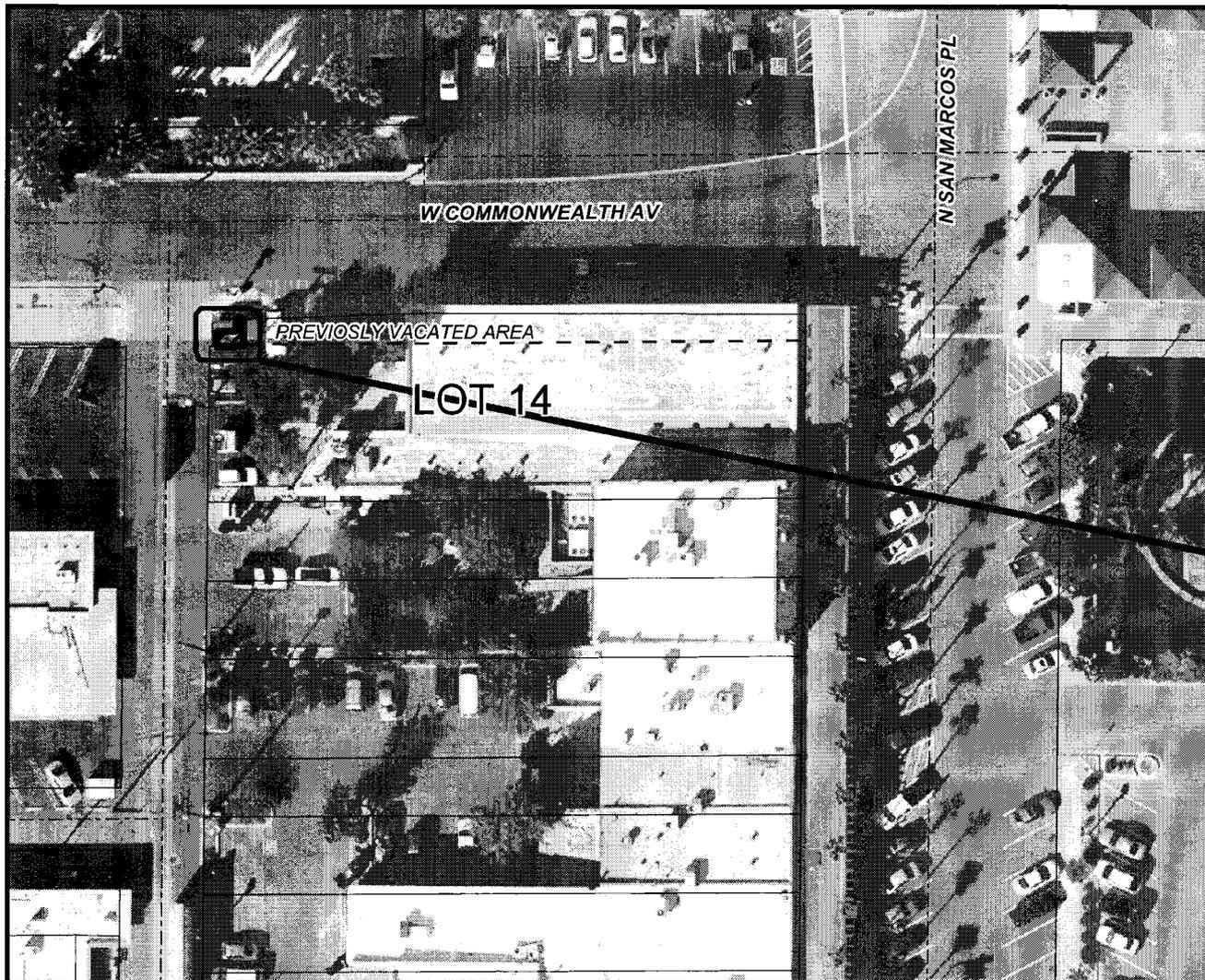
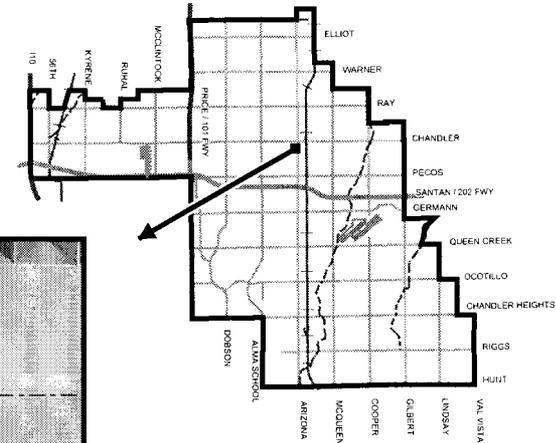
DATE: 1/10/08

REVISED:

JOB NO.: 271028



PROPOSED VACATION OF 50 SQUARE FEET PORTION OF COMMONWEALTH AVE



MEMO NO. RE08-181

ORDINANCE NO. 3839

LEGEND

 PROP. VACATION

