

#11
JUN 26 2008



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM **Real Estate Services Memo No. RE08-326**

DATE: JUNE 26, 2008

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
R.J. ZEDER, PUBLIC WORKS DIRECTOR
SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR/
CITY ENGINEER
MIKE NORMAND, TRANSPORTATION SERVICES & PLANNING
MANAGER

FROM: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

SUBJECT: RESOLUTION NO. 4175 AUTHORIZING AND APPROVING THE
RELEASE OF TWO DRAINAGE EASEMENTS THAT ARE NO
LONGER NEEDED LOCATED NEAR THE NORTHEAST CORNER OF
56TH STREET AND CHANDLER BOULEVARD, APN #'S 301-68-006V
AND 301-68-006Y

RECOMMENDATION: Staff recommends that Council pass and adopt Resolution No. 4175 authorizing and approving the release of two drainage easements that are no longer needed located near the northeast corner of 56th Street and Chandler Boulevard, APN #'s 301-68-006V and 301-68-006Y.

BACKGROUND/DISCUSSION: The developer for Cottman Transmission development has requested that the City of Chandler extinguish the following: (1) one drainage easement located within APN #301-68-006V, having a gross surface area of approximately 2,420 square feet for its portion of 56th Street runoff; and (2) one drainage easement located within APN #301-68-006Y, having a gross surface area of approximately 1,681 square feet for its portion of Chandler Boulevard runoff. This site is currently being developed and these drainage easements are no longer required because the approved plans for this development provides for adequate retention and drainage on site. The planned onsite improvements provide for the half street runoff from 56th Street and Chandler

Boulevard and will direct storm water to new retention areas. Both drainage easements were obtained by the City of Chandler through condemnation actions as the result of the 56th Street and Chandler Boulevard Stormwater Drainage project-CIP #ST0016.

In exchange for the City extinguishing the two drainage easements at no cost, the developer will dedicate two public utility easements and two additional rights-of-way adjacent to their property along Chandler Boulevard, APN #301-68-006V and along 56th Street, APN #301-68-006Y.

Civil Engineering Staff has confirmed that the volume of water to be retained in the new retention areas is adequate for on-site and roadway drainage. Staff and outside utilities have been notified and have reviewed this request; there are no objections.

FINANCIAL IMPLICATIONS:

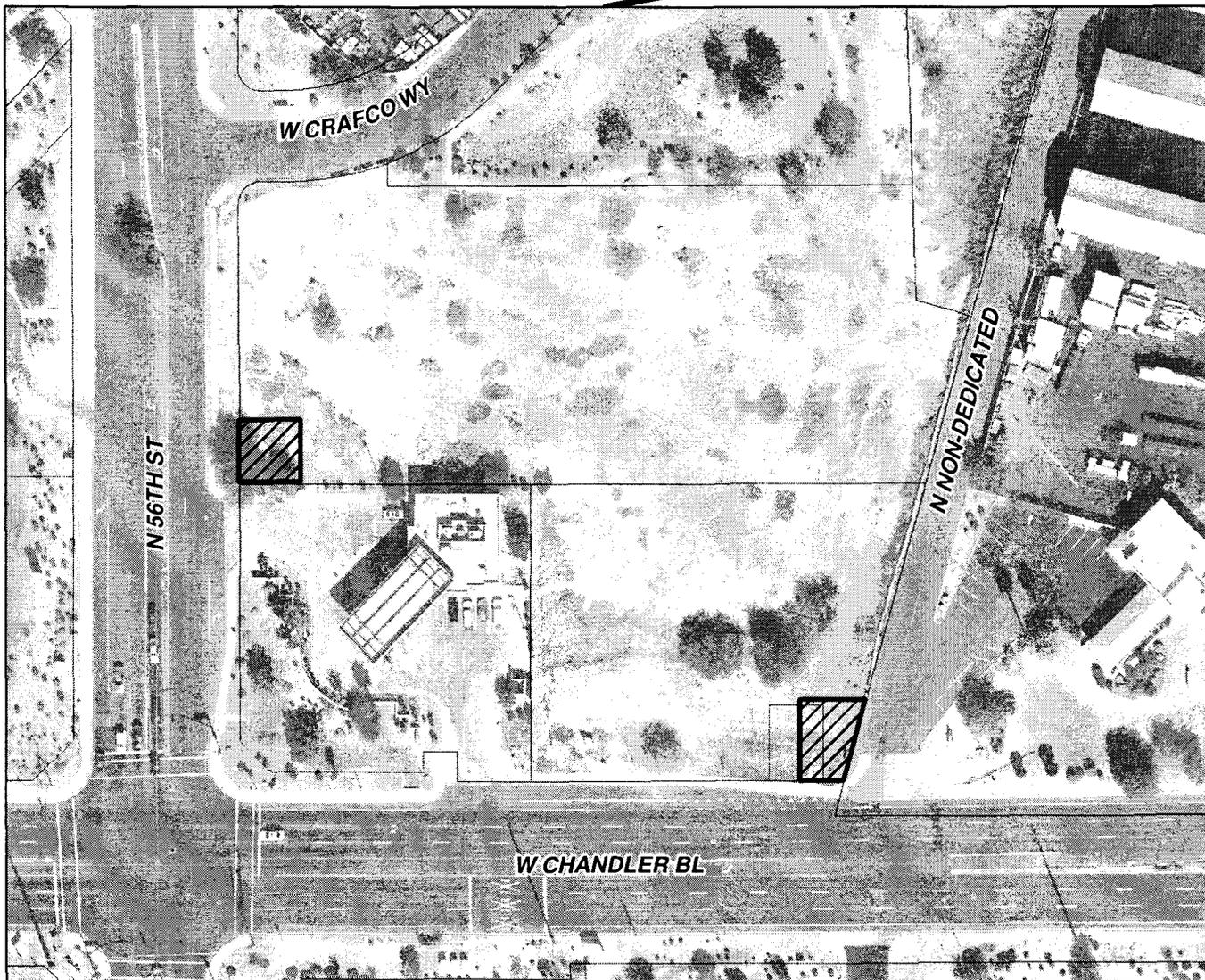
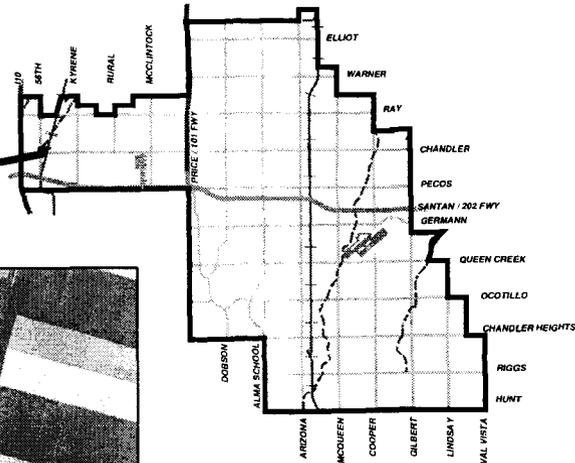
Cost:	N/A
Savings:	\$1,000.00
Long Term Costs:	N/A

PROPOSED MOTION: Move that Council pass and adopt Resolution No. 4175 authorizing and approving the release of two drainage easements that are no longer needed located near the northeast corner of 56th Street and Chandler Boulevard, APN #'s 301-68-006V and 301-68-006Y.

Attachments: Resolution No. 4175
Release of Easement
Map



RELEASE OF TWO DRAINAGE EASEMENTS AT 56TH ST & CHANDLER BLVD



MEMO NO. RE08-326

RESOLUTION NO. 4175

 EASEMENTS



RESOLUTION NO. 4175

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE RELEASE OF TWO DRAINAGE EASEMENTS LOCATED NEAR THE NORTHEAST CORNER OF 56TH STREET AND CHANDLER BOULEVARD, APN #'S 301-68-006V AND 301-68-006Y.

WHEREAS, the City of Chandler acquired two drainage easements as part of a Final Order of Condemnation, entered and recorded in 1987, which affects the parcels described in attached Exhibit "A" the ("Drainage Easements"), being portions of Assessor parcel numbers 301-68-006V and 301-68-006Y; and

WHEREAS, pursuant to approved site development plans for the Cottman Transmission development, the drainage facilities have been moved or will be moved to new locations making the 1987 Drainage Easements unnecessary;

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

Section 1. That the City of Chandler is authorized to release the Drainage Easements.

Section 2. The document used to release the Drainage Easements shall be in the form as approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler is authorized to execute and deliver all documents necessary to affect the release of the Drainage Easements.

PASSED AND ADOPTED by the 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 Resolution No. 4175 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*

EXHIBIT "A"
Legal Descriptions

Parcel No. 1

Beginning at the Southwest corner of Section 28, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; thence East along the South line of said Section 28 a distance of 427 feet; thence North 55 feet to the TRUE POINT OF BEGINNING; thence continuing North 53 feet; thence East 63 feet; thence South 53 feet; thence West 63 feet to the TRUE POINT OF BEGINNING;

EXCEPT any portion thereof lying East of a line located 400 feet Northwesterly at right angles from the center line of the main track of the Arizona Eastern Railroad Company; and

EXCEPT any portion thereof included as part of that certain real property identified as Parcel No. 1 and legally described in that certain Special Warranty Deed dated September 19, 1997, and recorded with the Maricopa County Recorder on September 24, 1997, as Instrument No. 97-0663666.

Parcel No. 2

Beginning at the Southwest corner of Section 28, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; thence North along the West line of said Section 28 a distance of 250 feet to a point; thence East perpendicular to said West line of Section 28 a distance of 55 feet to the TRUE POINT OF BEGINNING; thence continuing East a distance of 41 feet to a point; thence North along a line parallel to and 96 feet East of said West line of Section 28 a distance of 41 feet to a point; thence West a distance of 41 feet to a point; thence South a distance of 41 feet to the TRUE POINT OF BEGINNING.

When recorded, mail to
City Clerk's Office
City of Chandler
Mail Stop 606
P.O. Box 4008
Chandler, AZ. 85244-4008

APN 301-68-006V and 301-68-006Y
Sec 28, T1S, R4E
DH / 5/7/08

RELEASE OF EASEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, CITY OF CHANDLER, an Arizona municipal corporation ("City"), does hereby release and extinguish any and all interest that it may have in those certain parcels of real property described in Exhibit "A", attached hereto and made a part hereof, arising by virtue of the retention easements vested in City pursuant to that Final Order of Condemnation entered on January 6, 1987, in the *City of Chandler v. Diskin*, Maricopa County Cause No. C-533605, a certified copy of which was recorded with the Maricopa County Recorder on January 20, 1987, as Instrument No. 87-035623, and also recorded on January 21, 1987, as Instrument No. 87-038902.

This Release of Easement is provided in light of the development of the larger parcels of real property of which the easements being released and extinguished are a part. As part of the development of the larger parcels, the landowner(s) of the larger parcels are dedicating to City additional right-of-way and easements and creating new retention basins, all in accordance with a plat to be recorded. Accordingly, this Release of Easement shall be effective upon the occurrence of each of the following three (3) events: (a) the execution and recording this Release of Easement with the Maricopa County Recorder; (b) the execution and recording of the aforementioned plat, as approved by City, with the Maricopa County Recorder; and (c) completion of the construction of the new retention basins. Until this Release of Easement is effective, City shall retain a right to use the property described herein for retention purposes, as needed and as provided by the document that originally created the easements being released herein.

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the ____ day of _____, 2008, before me, the undersigned, a Notary Public, personally appeared _____, who acknowledged himself/herself to be the _____ of the City of Chandler, an Arizona municipal corporation, and that he/she as such officer of the municipal corporation being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the municipal corporation as such officer.

Notary Public

My Commission Expires:

APPROVED AS TO FORM:

City Attorney *GAB*

EXHIBIT "A"
Legal Descriptions

Parcel No. 1

Beginning at the Southwest corner of Section 28, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; thence East along the South line of said Section 28 a distance of 427 feet; thence North 55 feet to the TRUE POINT OF BEGINNING; thence continuing North 53 feet; thence East 63 feet; thence South 53 feet; thence West 63 feet to the TRUE POINT OF BEGINNING;

EXCEPT any portion thereof lying East of a line located 400 feet Northwesterly at right angles from the center line of the main track of the Arizona Eastern Railroad Company; and

EXCEPT any portion thereof included as part of that certain real property identified as Parcel No. 1 and legally described in that certain Special Warranty Deed dated September 19, 1997, and recorded with the Maricopa County Recorder on September 24, 1997, as Instrument No. 97-0663666.

Parcel No. 2

Beginning at the Southwest corner of Section 28, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; thence North along the West line of said Section 28 a distance of 250 feet to a point; thence East perpendicular to said West line of Section 28 a distance of 55 feet to the TRUE POINT OF BEGINNING; thence continuing East a distance of 41 feet to a point; thence North along a line parallel to and 96 feet East of said West line of Section 28 a distance of 41 feet to a point; thence West a distance of 41 feet to a point; thence South a distance of 41 feet to the TRUE POINT OF BEGINNING.