

#2

JUN 26 2008

ORDINANCE NO. 4034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING CERTAIN REAL PROPERTY AS NO LONGER NECESSARY FOR USE AS PUBLIC ROADWAY; AUTHORIZING AND APPROVING THE EXCHANGE OF SAID REAL PROPERTY TO AN ABUTTING PROPERTY OWNER FOR NEW PUBLIC ROADWAY; AUTHORIZING A RELATED EASEMENT TO BE EXTINGUISHED; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO COMPLETE THE ROADWAY EXCHANGE AND THE EXTINGUISHMENT OF THE EASEMENT.

WHEREAS, A.R.S. §28-7201 *et seq.* provides for the disposition of unnecessary public roadway, and A.R.S. §28-7203 specifically provides for the exchange of unnecessary public roadway with an abutting property owner for new public roadway; and

WHEREAS, in January, 2008, the Chandler City Council approved the rezoning and preliminary plat for a residential subdivision known as "Stellar Airpark Estates II," which subdivision, when platted, will result in the reconfiguration of public roadway within the subdivision, at which time that certain real property described in Exhibit "A", attached hereto and made a part hereof, being a portion of an existing public roadway known as "North Stellar Parkway" (the "Excess Roadway"), will no longer be necessary for public use as a roadway; and

WHEREAS, Prammar Properties, L.L.C., an Arizona limited liability company (the "Developer"), is the owner of all of the private property that abuts the Excess Roadway and is also the owner of that certain real property to be vested in the City of Chandler as new roadway pursuant to the recording of the final plat for Stellar Airpark Estates II, which shall be in substantial conformance with the previously approved preliminary development plan shown in Exhibit "B", attached hereto and made a part hereof (the "New Roadway"); and

WHEREAS, when Stellar Airpark Estates II is platted, an existing water and drainage easement held by the City of Chandler, which encumbers the land described in Exhibit "C", attached hereto and made a part hereof (the "Easement Property"), will no longer be needed for public use by the City;

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

Section 1. The Excess Roadway, as described in attached Exhibit "A", is determined and declared to be no longer necessary for public use as a roadway.

Section 2. The City is authorized to convey the City's interest in and to the Excess Roadway to the Developer, as the abutting property owner, in exchange for title to the New Roadway, such roadway exchange being approved subject to the requirements of this Ordinance.

Section 3. The Easement Property is determined to be no longer necessary for public use and extinguishment of the City's interest in the Easement Property is hereby authorized and approved.

Section 4. The exchange of roadway authorized in Section 2 above is not intended to vacate or extinguish any rights-of-way or easements lying in, on, over, under, across or through the Excess Roadway for existing sewer, gas, water or similar pipelines and appurtenances, and for canals, laterals, 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 roadway exchange, and the City's conveyance of the Excess Roadway shall be expressly made subject to any such rights-of-way or easements that may exist.

Section 5. The exchange of the Excess Roadway for the New Roadway shall be contingent upon the Developer being both the owner of the property abutting the Excess Roadway and the owner of the property that comprises the New Roadway at the effective date of the roadway exchange.

Section 6. It is the intention of the City of Chandler, Arizona, that the roadway exchange be made effective through the execution and recording of a final plat for Stellar Airpark Estates II in substantially the form of the preliminary plat shown in attached Exhibit "B" and the execution and recording by the City of a quitclaim deed, so that title to the Excess Roadway vests in the Developer concurrent with title to the New Roadway vesting in the City of Chandler.

Section 7. It is the intention of the City of Chandler, Arizona, that the City's interest in the Easement Property shall be extinguished through a separate instrument recorded concurrent with the recording of the final plat for Stellar Airpark Estates II.

Section 8. 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 roadway exchange and to extinguish the City's interest in the Easement Property, provided that such documents have been approved as to form by the Chandler City Attorney.

Section 9. The City Clerk shall cause the original or a certified copy of this Ordinance to be recorded concurrent with the recording of the aforementioned final plat and quitclaim deed. If the roadway exchange is completed through an escrowed transaction, the City Clerk shall cause the original or certified copy of the Ordinance to be deposited with the agent escrowing the transaction so that it will be recorded at the close of the escrow concurrent with the aforementioned final plat and quitclaim deed.

INTRODUCED AND TENTATIVELY APPROVED by 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. 4034 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2008, and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY *GMB*

EXHIBIT "A"
ROADWAY
LEGAL DESCRIPTION

That portion of 76th Place (also known as Stellar Parkway) as shown on the subdivision plat of "Stellar City Air Park", recorded in Book 123 of Maps, Page 44, Records of Maricopa County, Arizona, lying within the Northeast quarter of Section 35, Township 1 South, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole found and accepted as the monument North quarter corner of said Section 35 from which a brass cap in hand hole, found and accepted as the monument for the Northeast corner of said section, bears South 89 degrees 41 minutes 19 seconds East (measured) South 88 degrees 40 minutes 00 seconds East (recorded) a distance of 2,673.28 feet;

Thence along the north line of said Northeast quarter, South 89 degrees 41 minutes 19 seconds East (measured) South 88 degrees 40 minutes 00 seconds East (recorded) a distance of 320.41 feet;

Thence departing said north line, South 00 degrees 18 minutes 41 seconds West a distance of 55.00 feet to a point on the southerly right-of-way of Williams Field Road (also known as Chandler Boulevard), said point being the **POINT OF BEGINNING**;

Thence along said southerly right-of-way, South 89 degrees 41 minutes 19 seconds East (measured) South 88 degrees 40 minutes 00 seconds East (recorded) a distance of 120.00 feet to the easterly right-of-way of said 76th place, being the point of cusp of a non-tangent curve concave Southeasterly, the center of which bears South 00 degrees 18 minutes 41 seconds West a distance of 19.85 feet;

Thence along said easterly right-of-way, southwesterly along said curve through a central angle of 90 degrees 25 minutes 14 seconds an arc length of 31.33 feet to a point of tangency;

Thence continuing along said easterly right-of-way, South 00 degrees 06 minutes 33 seconds East (measured) South 00 degrees 54 minutes 46 seconds West (recorded) a distance of 215.21 feet to the beginning of a tangent curve concave northwesterly and having a radius of 275.42 feet;

Thence continuing along said easterly right-of-way, southwesterly along said curve through a central angle of 26 degrees 59 minutes 21 seconds an arc length of 129.74 feet to the beginning of a reverse curve concave southeasterly, having a radius of 275.42 feet, the center of which bears South 63 degrees 07 minutes 03 seconds East;

Thence continuing along said easterly right-of-way, southwesterly along said curve, through a central angle of 26 degrees 59 minutes 23 seconds an arc length of 129.74 feet;

EXHIBIT "C"

WATER & DRAINAGE EASEMENT
LEGAL DESCRIPTION

That certain "Water and Drainage Easement" being a portion of Tract "B" as shown on the subdivision plat of "Stellar City Air Park", recorded in Book 123 of Maps, Page 44, Records of Maricopa County, Arizona, lying within the northeast quarter of Section 35, Township 1 South, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at a brass cap in hand hole found and accepted as the monument north quarter corner of said section 35 from which a brass cap in hand hole, found and accepted as the monument for the northeast corner of said section, bears south 89 degrees 41 minutes 19 seconds east (measured), south 88 degrees 40 minutes 00 seconds east (recorded), a distance of 2,673.28 feet;

Thence along the north line of said northeast quarter, south 89 degrees 41 minutes 19 seconds east (measured), south 88 degrees 40 minutes 00 seconds east (recorded), a distance of 840.00 feet;

Thence departing said north line, south 00 degrees 06 minutes 33 seconds west a distance of 55.00 feet to a point on the southerly right-of-way of Williams Field Road (also known as Chandler Boulevard) also being the northeast corner of said Tract "B", said point being the **Point of Beginning**;

Thence along the easterly line of said Tract "B", continuing south 00 degrees 06 minutes 33 seconds east (measured) south 00 degrees 54 minutes 46 seconds east (recorded), a distance of 468.65 feet to the southerly line of said Tract "B";

Thence along said southerly line, south 89 degrees 53 minutes 27 seconds west (measured), north 89 degrees 05 minutes 14 seconds west (recorded), a distance of 5.00 feet;

Thence departing said southerly line, parallel with and 5.00 feet west of said easterly line of Tract "B", north 00 degrees 06 minutes 33 seconds west (measured), north 00 degrees 54 minutes, 46 seconds east (recorded), a distance of 468.69 feet to said southerly right-of-way of Williams Field Road;

Thence along said southerly right-of-way, south 89 degrees 41 minutes 19 seconds east (measured) south 88 degrees 40 minutes 00 seconds east (recorded) a distance of 5.00 feet to the **Point of Beginning**.

Thence departing said easterly right-of-way, North 00 degrees 06 minutes 33 seconds West a distance of 94.26 feet;

Thence North 89 degrees 41 minutes 19 seconds West a distance of 49.47 feet to a point on the westerly right-of-way of said 76th place, being a point of cusp of a non-tangent curve concave southeasterly, the center of which bears South 77 degrees 24 minutes 50 seconds East a distance of 430.62 feet;

Thence along said westerly right-of-way, northeasterly along said curve through a central angle of 03 degrees 29 minutes 07 seconds an arc length of 41.23 feet to the beginning of a reverse curve concave westerly having a radius of 370.63 feet;

Thence continuing along said westerly right-of-way, northerly along said curve through a central angle of 18 degrees 10 minutes 45 seconds an arc length of 117.60 feet to a point of tangency;

Thence continuing along said westerly right-of-way, North 00 degrees 06 minutes 33 seconds West (measured) North 00 degrees 54 minutes 46 seconds East (recorded) a distance of 215.80 feet to the beginning of a tangent curve concave southwesterly and having a radius of 20.15 feet;

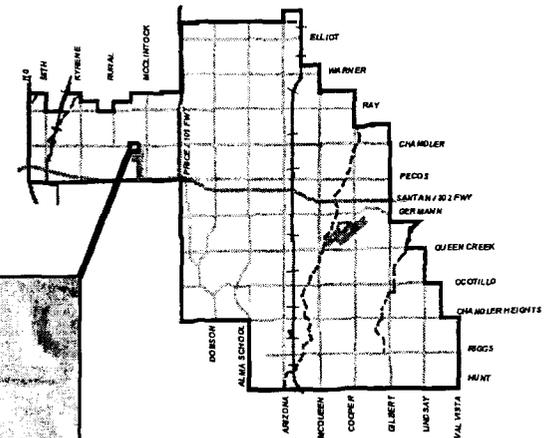
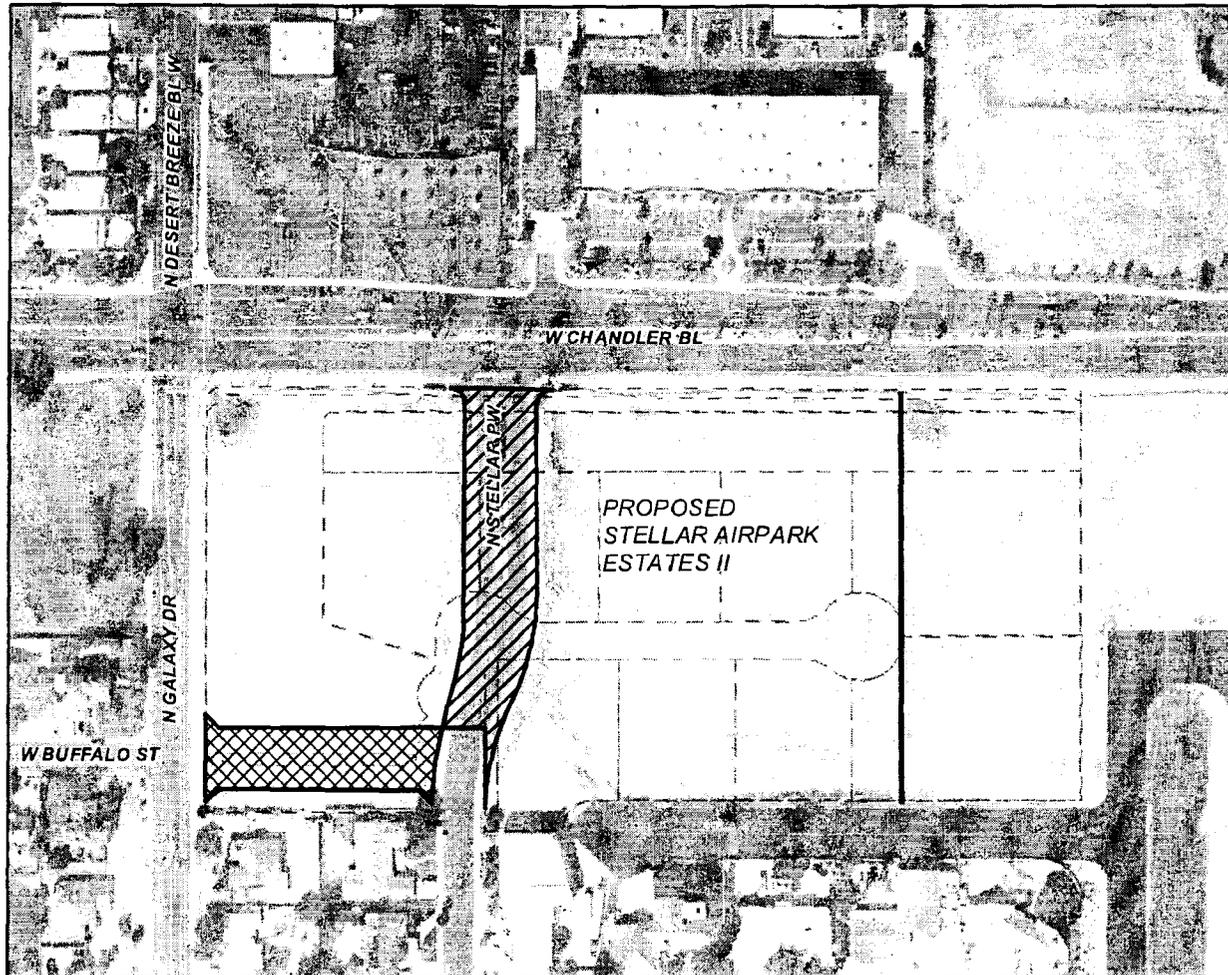
Thence continuing along said westerly right-of-way, northwesterly along said curve through a central angle of 89 degrees 34 minutes 46 seconds an arc length of 31.50 feet to the **POINT OF BEGINNING**.

Prepared by: CMX
3100 W. Ray Road
Suite 201
Chandler, Arizona 85226
Project No. 7154
January 24, 2008





EXCHANGE OF ROADWAY AND EXTINGUISHMENT OF WATER AND DRAINAGE EASEMENT FOR STELLAR AIRPARK ESTATES



MEMO NO. RE08-262

ORDINANCE NO. 4034

-  CURRENT RIGHT-OF-WAY
-  EXTINGUISHMENT OF EASEMENT
-  PROPOSED RIGHT-OF-WAY



WHEN RECORDED, RETURN TO:
City Clerk's Office
City of Chandler
Mail Stop 606
P.O. Box 4008
Chandler, Arizona 85244-4008

Sec 35, T1S, R4E
5/12/08 / DH

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 that certain real property described in Exhibit "A", to that certain Water and Drainage Easement being a portion of Tract "B" as shown on the subdivision plat of "Stellar City Air Park", recorded in Book 123 of Maps, Page 44 by Maricopa County on May 7, 1969, attached hereto and made a part hereof, arising by virtue of execution and recording of said document.

This Release of Easement is not intended to release any interest that City may have in any portion of the subject real property arising by virtue of any other instrument recorded with the Maricopa County Recorder, including without limitation, any deed, easement other than the aforementioned easement, or final order of condemnation.

Dated this ____ day of _____, 2008.

CITY OF CHANDLER, an Arizona municipal corporation

By: _____
Its: Mayor

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"

WATER & DRAINAGE EASEMENT
LEGAL DESCRIPTION

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Commencing at a brass cap in hand hole found and accepted as the monument north quarter corner of said section 35 from which a brass cap in hand hole, found and accepted as the monument for the northeast corner of said section, bears south 89 degrees 41 minutes 19 seconds east (measured), south 88 degrees 40 minutes 00 seconds east (recorded), a distance of 2,673.28 feet;

Thence along the north line of said northeast quarter, south 89 degrees 41 minutes 19 seconds east (measured), south 88 degrees 40 minutes 00 seconds east (recorded), a distance of 840.00 feet;

Thence departing said north line, south 00 degrees 06 minutes 33 seconds west a distance of 55.00 feet to a point on the southerly right-of-way of Williams Field Road (also known as Chandler Boulevard) also being the northeast corner of said Tract "B", said point being the **Point of Beginning**;

Thence along the easterly line of said Tract "B", continuing south 00 degrees 06 minutes 33 seconds east (measured) south 00 degrees 54 minutes 46 seconds east (recorded), a distance of 468.65 feet to the southerly line of said Tract "B";

Thence along said southerly line, south 89 degrees 53 minutes 27 seconds west (measured), north 89 degrees 05 minutes 14 seconds west (recorded), a distance of 5.00 feet;

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Thence along said southerly right-of-way, south 89 degrees 41 minutes 19 seconds east (measured) south 88 degrees 40 minutes 00 seconds east (recorded) a distance of 5.00 feet to the **Point of Beginning**.

WHEN RECORDED, RETURN TO:
City Clerk's Office
P.O. Box 4008, Mail Stop 606
Chandler, Arizona 85244-4008
Attn: Marla Paddock

S35, T1S, R4E
5/12/08 DH

This document is exempt from Affidavit and Fee requirements pursuant to A.R.S.
11-1134.A.3.

QUIT CLAIM DEED

For the consideration of TEN AND NO/100 DOLLARS, (\$10.00), and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged,

CITY OF CHANDLER, an Arizona municipal corporation (Grantor),

do/does hereby quit claim, without Warranty, unto the **Pramar Properties, L.L.C., an Arizona limited liability company** ("Grantee"), all right, title and interest in that certain real property ("the Property") situated in Maricopa County, Arizona, more particularly described in **Exhibit A** attached hereto and made a part hereof.

DATED this _____ day of _____, 2008.

GRANTOR:

BY: _____

ITS: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the _____ day of _____, 2008, before
me, the undersigned Notary Public, personally appeared _____
_____, who acknowledged himself to be the _____
of _____.

Notary Public

My Commission Expires:

APPROVED AS TO FORM:

City Attorney

GAB

EXHIBIT "A"
ROADWAY
LEGAL DESCRIPTION

That portion of 76th Place (also known as Stellar Parkway) as shown on the subdivision plat of "Stellar City Air Park", recorded in Book 123 of Maps, Page 44, Records of Maricopa County, Arizona, lying within the Northeast quarter of Section 35, Township 1 South, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

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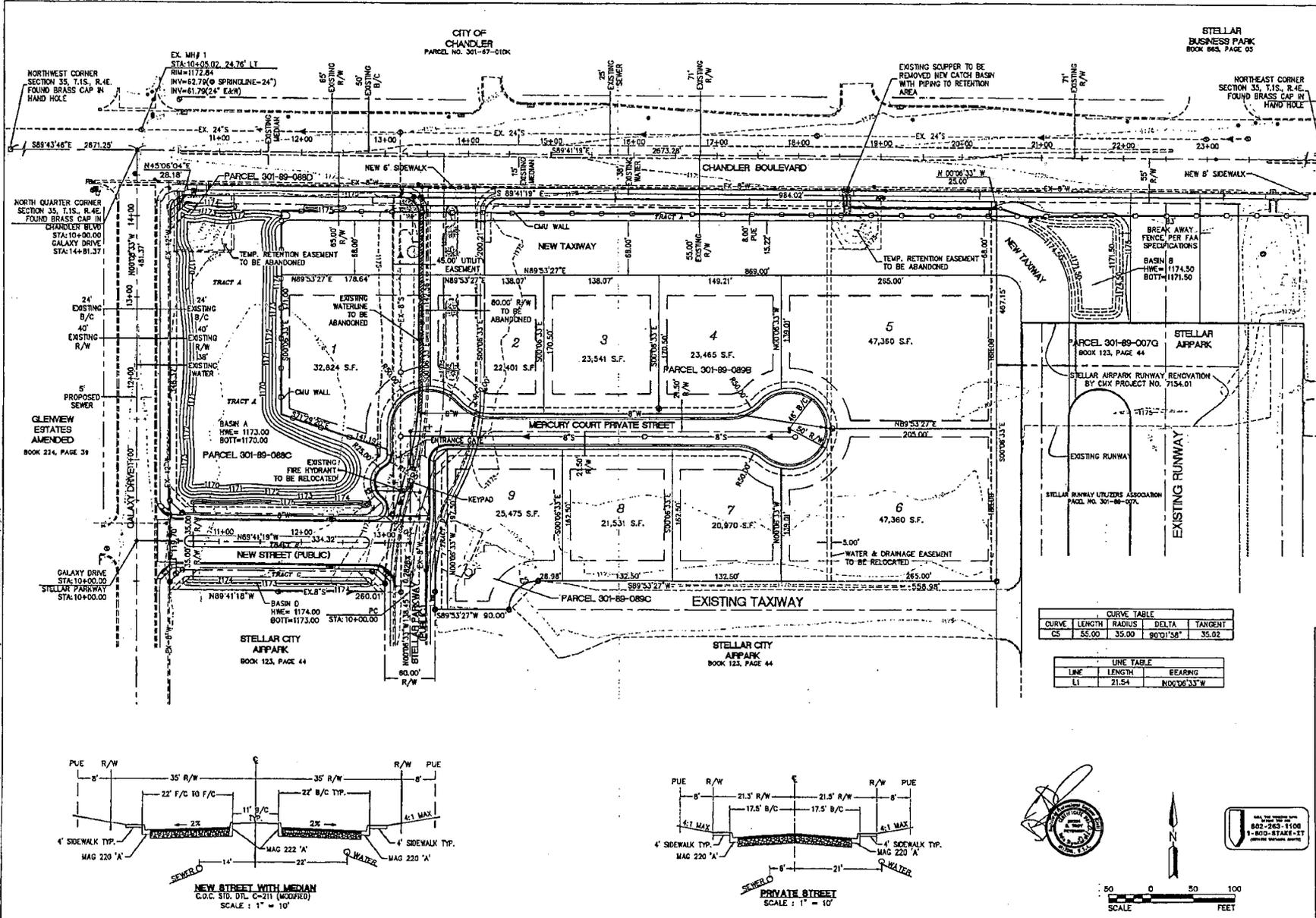
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Prepared by: CMX
3100 W. Ray Road
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Project No. 7154
January 24, 2008

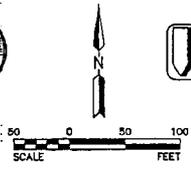
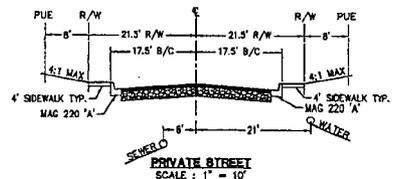
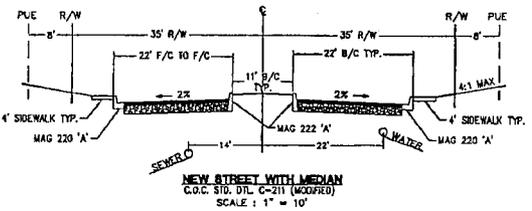


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CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C5	55.00	35.00	90°15'58"	35.02

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.54	N00°06'33"W



STELLAR BUSINESS PARK
BOOK 865, PAGE 03

STELLAR AIRPARK
BOOK 123, PAGE 44

STELLAR AIRPARK RENOVATION
BY CMX PROJECT NO. 3154.01

STELLAR RUNWAY UTILIZING ASSOCIATION
PARCEL NO. 301-89-0894

CMX

ARIZONA, CALIFORNIA, MISSISSIPPI, NEW JERSEY

STELLAR AIRPARK ESTATES II
CHANDLER BLVD. & GALAXY DR.
CHANDLER, ARIZONA

PRELIMINARY PLAT

C.O.C. FILE NO. PPT07-0051
 CMX PROJ: 7154 DATE: DEC 2007 SCALE: 1" = 50'
 DESIGNED: DTP DRAWN: DSB APPROVED: DTP
 PPO2 REV.
 SHEET 8 OF 2