

SEP 25 2008

RESOLUTION NO. 4201

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE RELEASE OF A TEMPORARY DRAINAGE EASEMENT LOCATED ON THE WEST SIDE OF LINDSAY ROAD APPROXIMATELY 626 FEET NORTH OF OCOTILLO ROAD AND ACCEPTING A NEW TEMPORARY DRAINAGE EASEMENT LOCATED ON THE WEST SIDE OF LINDSAY ROAD APPROXIMATELY 540 FEET NORTH OF OCOTILLO ROAD.

WHEREAS, the City of Chandler acquired a Temporary Drainage Easement on October 15, 2007 on a portion of Assessor's Parcel Number 304-73-008C; and

WHEREAS, pursuant to approved site development plans for the Shea Homes development located to the south of the above parcel the temporary drainage facilities must be moved, or will be moved to new locations approximately 86 feet to the south making the prior Temporary Drainage Easement unnecessary; and

WHEREAS, the property owner is willing to grant the City a new Temporary Drainage Easement on the same property at no cost; and

WHEREAS, the City of Chandler is willing to accept the new Temporary Drainage Easement;

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 Temporary Drainage Easement and accept a replacement Temporary Drainage Easement at a different location on the same parcel.

**Section 2.** The document used to release the Temporary Drainage Easement, and accept the new Temporary Drainage Easement 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 Temporary Drainage Easement and, if necessary, acceptance of the replacement Temporary Drainage Easement.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

#10

SEP 25 2008



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM**

**Real Estate Services Memo No. RE09-012**

**DATE:** SEPTEMBER 25, 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. 4201 AUTHORIZING AND APPROVING THE  
RELEASE OF A TEMPORARY DRAINAGE EASEMENT LOCATED  
ON THE WEST SIDE OF LINDSAY ROAD APPROXIMATELY 626  
FEET NORTH OF OCOTILLO ROAD AND ACCEPTING A NEW  
TEMPORARY DRAINAGE EASEMENT LOCATED ON THE WEST  
SIDE OF LINDSAY ROAD APPROXIMATELY 540 FEET NORTH OF  
OCOTILLO ROAD

RECOMMENDATION: Staff recommends that Council pass and adopt Resolution No. 4201 authorizing and approving the release of a Temporary Drainage Easement located on the west side of Lindsay Road approximately 626 feet north of Ocotillo Road and accepting a new Temporary Drainage Easement located on the west side of Lindsay Road approximately 540 feet north of Ocotillo Road.

BACKGROUND/DISCUSSION: Shea Homes is completing improvements to Lindsay Road as a result of developing their project at the northwest corner of Lindsay Road and Ocotillo Road. Due to these improvements, it was necessary for Shea Homes to improve a portion of roadway in front of the adjacent parcel to the north owned by North American Funding. These improvements made it necessary to relocate an existing temporary drainage easement approximately 86 feet to the south. As a condition of granting the new

Temporary Drainage Easement, North American Funding has requested that the City release the existing Temporary Drainage Easement that will no longer be needed.

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

FINANCIAL IMPLICATIONS:

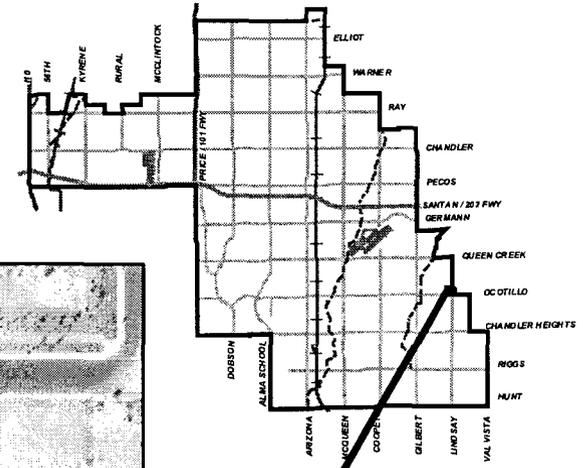
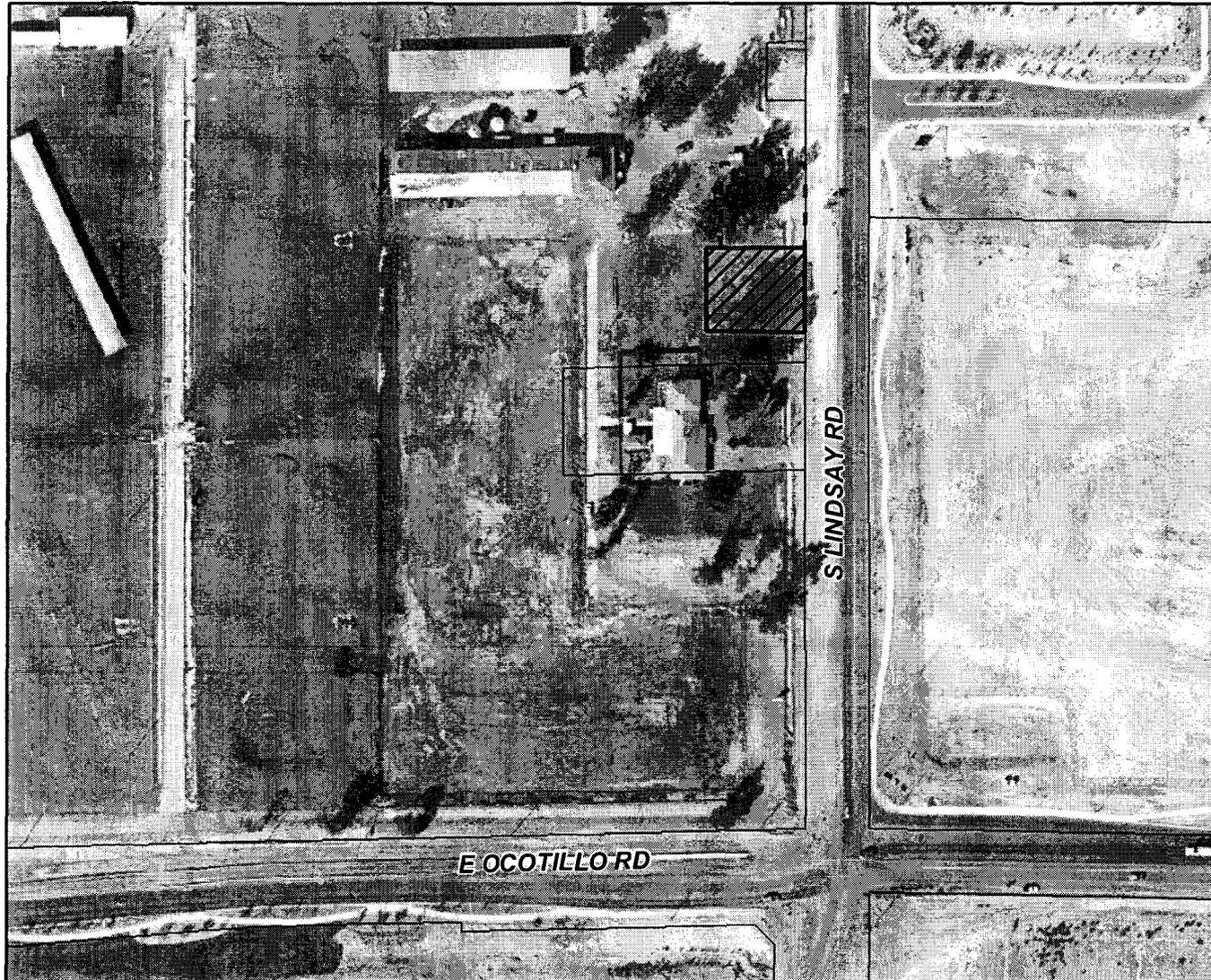
Cost:	N/A
Savings:	\$1,000.00 per year
Long Term Costs:	N/A

PROPOSED MOTION: Move that Council pass and adopt Resolution No. 4201 authorizing and approving the release of a Temporary Drainage Easement located on the west side of Lindsay Road approximately 626 feet north of Ocotillo Road and accepting a new Temporary Drainage Easement located on the west side of Lindsay Road approximately 540 feet north of Ocotillo Road.

Attachments: Resolution No. 4201  
Release of Easement  
Map



# LINDSAY ROAD REVISED TEMPORARY DRAINAGE EASEMENT FOR SHEA HOMES



**MEMO NO. RE09-012**  
**RESOLUTION NO. 4201**

-  ORIGINAL EASEMENT
-  REVISED EASEMENT



RESOLUTION NO. 4201

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE RELEASE OF A TEMPORARY DRAINAGE EASEMENT LOCATED ON THE WEST SIDE OF LINDSAY ROAD APPROXIMATELY 626 FEET NORTH OF OCOTILLO ROAD AND ACCEPTING A NEW TEMPORARY DRAINAGE EASEMENT LOCATED ON THE WEST SIDE OF LINDSAY ROAD APPROXIMATELY 540 FEET NORTH OF OCOTILLO ROAD.

WHEREAS, the City of Chandler acquired a Temporary Drainage Easement on October 15, 2007 on a portion of Assessor's Parcel Number 304-73-008D; and

WHEREAS, pursuant to approved site development plans for the Shea Homes development located to the south of the above parcel the temporary drainage facilities must be moved, or will be moved to new locations approximately 86 feet to the south making the prior Temporary Drainage Easement unnecessary; and

WHEREAS, the property owner is willing to grant the City a new Temporary Drainage Easement on the same property at no cost; and

WHEREAS, the City of Chandler is willing to accept the new Temporary Drainage Easement;

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 Temporary Drainage Easement and accept a replacement Temporary Drainage Easement at a different location on the same parcel.

**Section 2.** The document used to release the Temporary Drainage Easement, and accept the new Temporary Drainage Easement 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 Temporary Drainage Easement and, if necessary, acceptance of the replacement Temporary Drainage Easement.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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. 4201 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*

**EASEMENT DESCRIPTION  
NWC LINDSAY & OCOTILLO ROADS  
TEMPORARY DRAINAGE EASEMENT  
(REVISED)**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 18, FROM WHICH THE SOUTH QUARTER CORNER OF SECTION 18 BEARS SOUTH 89°01'17" WEST, A DISTANCE OF 2659.33 FEET;

THENCE NORTH 00°09'58" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 539.91 FEET, FROM WHICH THE EAST QUARTER CORNER OF SECTION 18 BEARS NORTH 00°09'58" EAST, A DISTANCE OF 2093.27 FEET;

THENCE DEPARTING SAID EAST LINE, NORTH 89°50'02" WEST, A DISTANCE OF 33.00 FEET TO THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF LINDSAY ROAD AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°50'02" WEST, A DISTANCE OF 102.35 FEET;

THENCE NORTH 00°09'58" EAST, A DISTANCE OF 86.25 FEET;

THENCE SOUTH 89°50'02" EAST, A DISTANCE OF 102.35 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE SOUTH 00°09'58" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 86.25 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 8,828 SQUARE FEET OR 0.20 ACRE, MORE OR LESS.



EXPIRES 9.30.2010

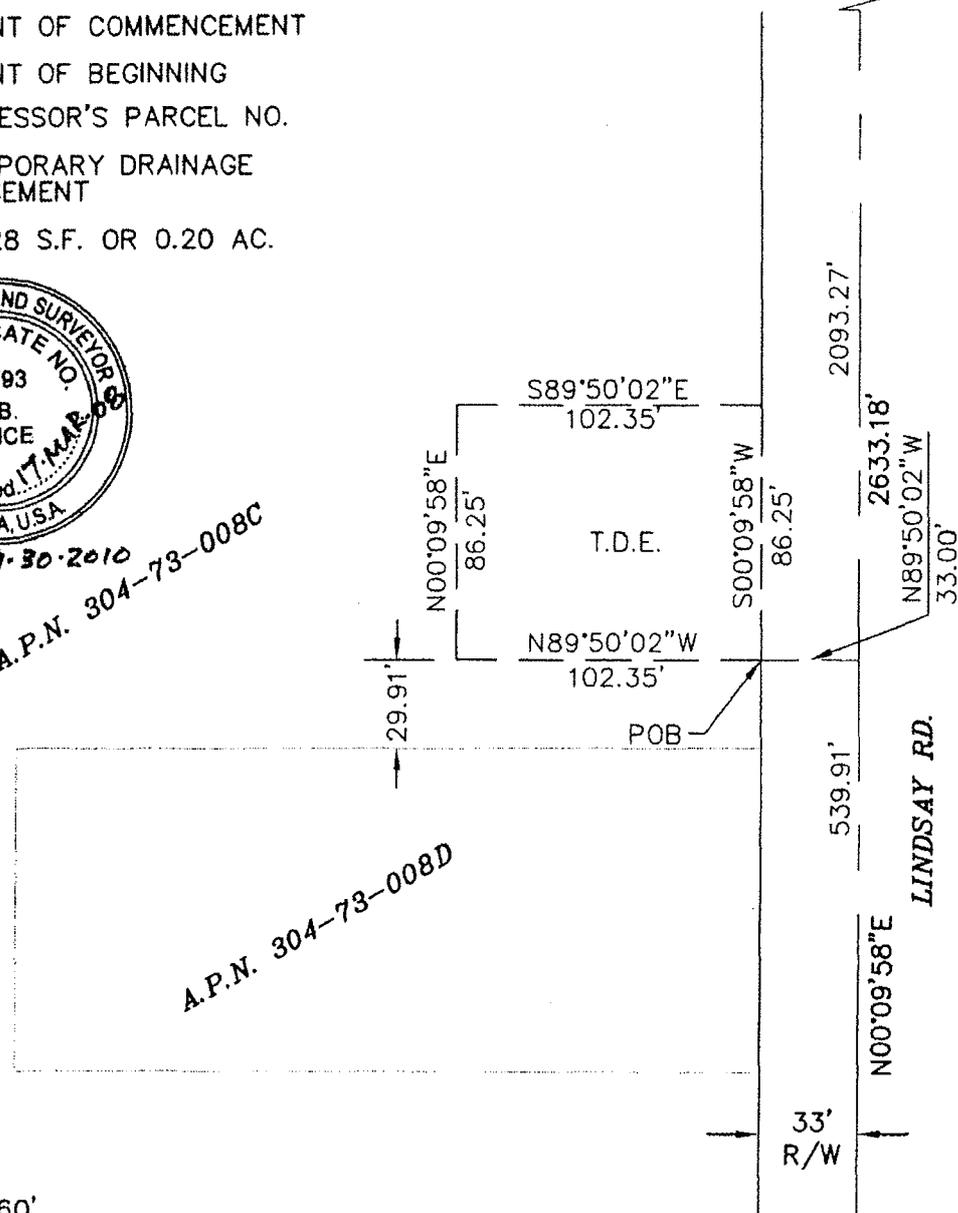
**LEGEND**

- ◆ MONUMENT AS NOTED
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- A.P.N. ASSESSOR'S PARCEL NO.
- T.D.E. TEMPORARY DRAINAGE EASEMENT
- AREA: 8,828 S.F. OR 0.20 AC.



EXPIRES 9-30-2010  
A.P.N. 304-73-008C

E1/4 COR. SEC. 18  
T 2 S., R 6 E., G&SRM



SCALE: 1"=60'

◆ S1/4 COR. SEC. 18  
T 2 S., R 6 E., G&SRM

OCOTILLO RD.  
S89°01'17"W 2659.33'

POC  
SE COR. SEC. 18  
T 2 S., R 6 E., G&SRM

SHEET 1 OF 1

**NWC LINDSAY & OCOTILLO ROAD**  
Exhibit to Accompany Easement Description  
TEMPORARY DRAINAGE EASEMENT-REVISED

JOB NO: 193024  
DATE: 3-17-08  
DRAWN BY: MHR  
CHECKED BY: TBP

**Carter#Burgess**  
101 NORTH FIRST AVE.  
PHOENIX, AZ 85003  
(602) 253-1200

TDE\_Revised

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Parcel name: TDE\_Revised

North: 10540.0053	East : 9968.5662
Line Course: N 89-50-02 W	Length: 102.35
North: 10540.3020	East : 9866.2167
Line Course: N 00-09-58 E	Length: 86.25
North: 10626.5516	East : 9866.4667
Line Course: S 89-50-02 E	Length: 102.35
North: 10626.2549	East : 9968.8163
Line Course: S 00-09-58 W	Length: 86.25
North: 10540.0053	East : 9968.5662

Perimeter: 377.20 Area: 8,828 sq.ft. 0.20 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)  
Error Closure: 0.0000 Course: S 90-00-00 E  
Error North: 0.00000 East : 0.00000  
Precision 1: 377,200,000.00



EXPIRES 9.30.2010

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

APN 304-73-008D  
Sec 18, T2S, R5E  
DH 8/20/08

**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 Temporary Drainage Easement vested in City and recorded with the Maricopa County Recorder on October 15, 2007 as Instrument No. 20071123485

This Release of Easement is provided in light of the owner of the property on which the easement is located is granting a new easement to the City of Chandler at another location on the property at no cost. 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 new Temporary Drainage Easement to the City; and (c) completion of the construction of the new retention basin. 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: \_\_\_\_\_

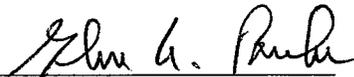
STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

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

**When recorded, return to:**

Shea Homes Limited Partnership  
ATTN: Ms. Tricia Kelly  
8800 N. Gainey Center Dr.  
Scottsdale, AZ 85296

**COURTESY RECORDING  
NO TITLE LIABILITY**

**Temporary Drainage Easement**

For Good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, THE RESERVE AT OCOTILLO, LLC, an Arizona limited liability company ("Grantor"), hereby grant and convey to the CITY OF CHANDLER, a political subdivision of the state of Arizona, and its successors and assigns ("Grantee"), the non-exclusive right and privilege to a temporary drainage easement for the purposes of retaining storm water runoff from Lindsay Road and improvements related thereto under that certain real property situated in Maricopa County, Arizona, more particularly described in the legal description "Exhibit A" and depicted in "Exhibit B" attached hereto and incorporated herein by this reference (the "Easement Area").

The Grantee shall at all times have the right of full and free ingress and egress to said easement for the purpose heretofore specified.

The Grantor agrees not to construct any improvements within the Easement Area that would impede the passage of storm water into the Easement Area from Lindsay Road.

The Grantor and Grantee agree that the Easement Area is only intended to retain storm water draining from the west one-half of Lindsay Road for a distance that is equivalent to the frontage that the Grantor owns adjacent to Lindsay Road.

The covenants, agreements herein set forth shall inure to the favor and to the benefit of and shall be binding on the heirs, successors in ownership, estate, and assigns, of the respective parties hereto.

Dated this 11 day of Oct, 2007.

**GRANTORS:**

THE RESERVE AT OCOTILLO, LLC, an  
Arizona limited liability company

Chad Kennedy

By:

Member Manager

Its:

**EASEMENT DESCRIPTION  
NWC LINDSAY & OCOTILLO ROAD  
TEMPORARY DRAINAGE EASEMENT**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 6 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 18, FROM WHICH THE SOUTH QUARTER CORNER OF SECTION 18 BEARS SOUTH 89°01'17" WEST, A DISTANCE OF 2659.33 FEET;

THENCE NORTH 00°09'58" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 626.53 FEET, FROM WHICH THE EAST QUARTER CORNER OF SECTION 18 BEARS NORTH 00°09'58" EAST, A DISTANCE OF 2006.65 FEET;

THENCE DEPARTING SAID EAST LINE, NORTH 89°50'02" WEST, A DISTANCE OF 33.00 FEET TO THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF LINDSAY ROAD AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°50'02" WEST, A DISTANCE OF 86.65 FEET;

THENCE NORTH 00°09'58" EAST, A DISTANCE OF 85.00 FEET;

THENCE SOUTH 89°50'02" EAST, A DISTANCE OF 86.65 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE SOUTH 00°09'58" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 7,365 SQUARE FEET OR 0.17 ACRE, MORE OR LESS.



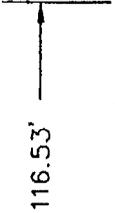
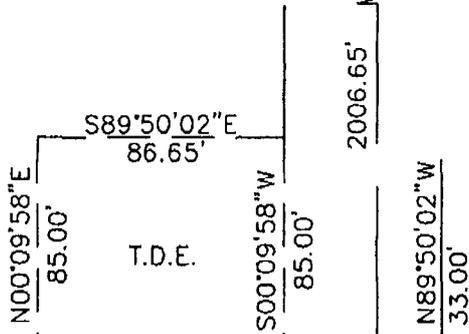
**LEGEND**

- ◆ MONUMENT AS NOTED
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- A.P.N. ASSESSOR'S PARCEL NO.
- T.D.E. TEMPORARY DRAINAGE EASEMENT
- AREA: 7,365 S.F. OR 0.17 AC.

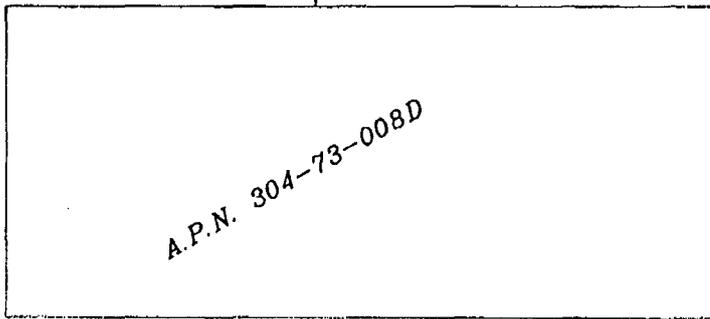


A.P.N. 304-73-008C

E1/4 COR. SEC. 18  
T 2 S., R 6 E., G&SRM



Unofficial Document



A.P.N. 304-73-008D

SCALE: 1"=60'

S1/4 COR. SEC. 18  
T 2 S., R 6 E., G&SRM

POC  
SE COR. SEC. 18  
T 2 S., R 6 E., G&SRM

SHEET 1 OF 1

**NWC LINDSAY & OCOTILLO ROAD**  
Exhibit to Accompany Easement Description  
TEMPORARY DRAINAGE EASEMENT

JOB NO:	193024
DATE:	19-JUL-07
DRAWN BY:	TBP
CHECKED BY:	TBP

**Carter-Burgess**  
101 NORTH FIRST AVE.  
PHOENIX, AZ 85003  
(602) 253-1200



TDE CLOSURE\_UPDATE

-----  
Parcel name: TDE CLOSURE\_UPDATE

North: 10626.6276	East : 9968.8175
Line Course: N 89-50-02 W	Length: 86.65
North: 10626.8788	East : 9882.1679
Line Course: N 00-09-58 E	Length: 85.00
North: 10711.8784	East : 9882.4143
Line Course: S 89-50-02 E	Length: 86.65
North: 10711.6272	East : 9969.0639
Line Course: S 00-09-58 W	Length: 85.00
North: 10626.6276	East : 9968.8175

Perimeter: 343.30 Area: 7,365 sq.ft. 0.17 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E

Error North: 0.00000 East : 0.00000

Precision 1: 343,300,000.00

