



# 7  
SEP 25 2008

**MEMORANDUM**                      **Real Estate Services Memo No. RE09-018**

**DATE:**                      SEPTEMBER 25, 2008

**TO:**                              MAYOR AND COUNCIL

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

**FROM:**                      ERICH KUNTZE, REAL ESTATE MANAGER

**SUBJECT:**                      ORDINANCE NO. 4077 AUTHORIZING AND APPROVING THE  
TRANSFER OF A PARCEL OF LAND TO THE UNITED STATES OF  
AMERICA (USA) FOR THE RELOCATION OF IRRIGATION  
FACILITIES ALONG THE NORTH SIDE OF GERMANN ROAD  
BETWEEN ALMA SCHOOL ROAD AND ARIZONA AVENUE; AND,  
ACCEPTING IN EXCHANGE A QUIT CLAIM DEED FROM THE  
UNITED STATES OF AMERICA FOR ITS EXISTING PROPERTY IN  
THIS AREA.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4077 authorizing and approving the transfer of a parcel of land to the United States of America (USA) for the relocation of irrigation facilities along the north side of Germann Road between Alma School Road and Arizona Avenue; and, accepting in exchange a Quit Claim Deed from the United States of America for its existing property in this area.

BACKGROUND/DISCUSSION: The City of Chandler is currently improving Germann Road between Dobson Road and Arizona Avenue. The project requires that the existing irrigation facilities owned by the USA along the north side of Germann Road between

Alma School Road and Arizona Avenue must be relocated slightly to the north so that they will be outside of the new right-of-way. The existing open irrigation ditch will be piped and placed underground in this area. In order to complete the project, the City must transfer title to property it acquired for this purpose to the USA. In exchange, the USA will transfer title to its existing property in this area to the City of Chandler. The parcel being transferred to the City will become part of the City right-of-way for Germann Road. The parcel being transferred by the City to the USA contains approximately 65,093 square feet of land. The parcel being transferred to the City by the USA contains approximately 53,922 square feet. The difference is due to increased width requirements for the irrigation facilities that are now 20 feet (new standard) compared to 16 feet (old standard).

Staff has determined that the USA has title to the property on which the irrigation facilities currently exist. The exchange is necessary in order to complete the proposed project. Construction has begun and is anticipated to be completed in the Fall of 2008.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 4077 authorizing and approving the transfer of a parcel of land to the United States of America (USA) for the relocation of irrigation facilities along the north side of Germann Road between Alma School Road and Arizona Avenue; and, accepting in exchange a Quit Claim Deed from the United States of America for its existing property in this area.

Attachments: Ordinance No. 4077  
Map



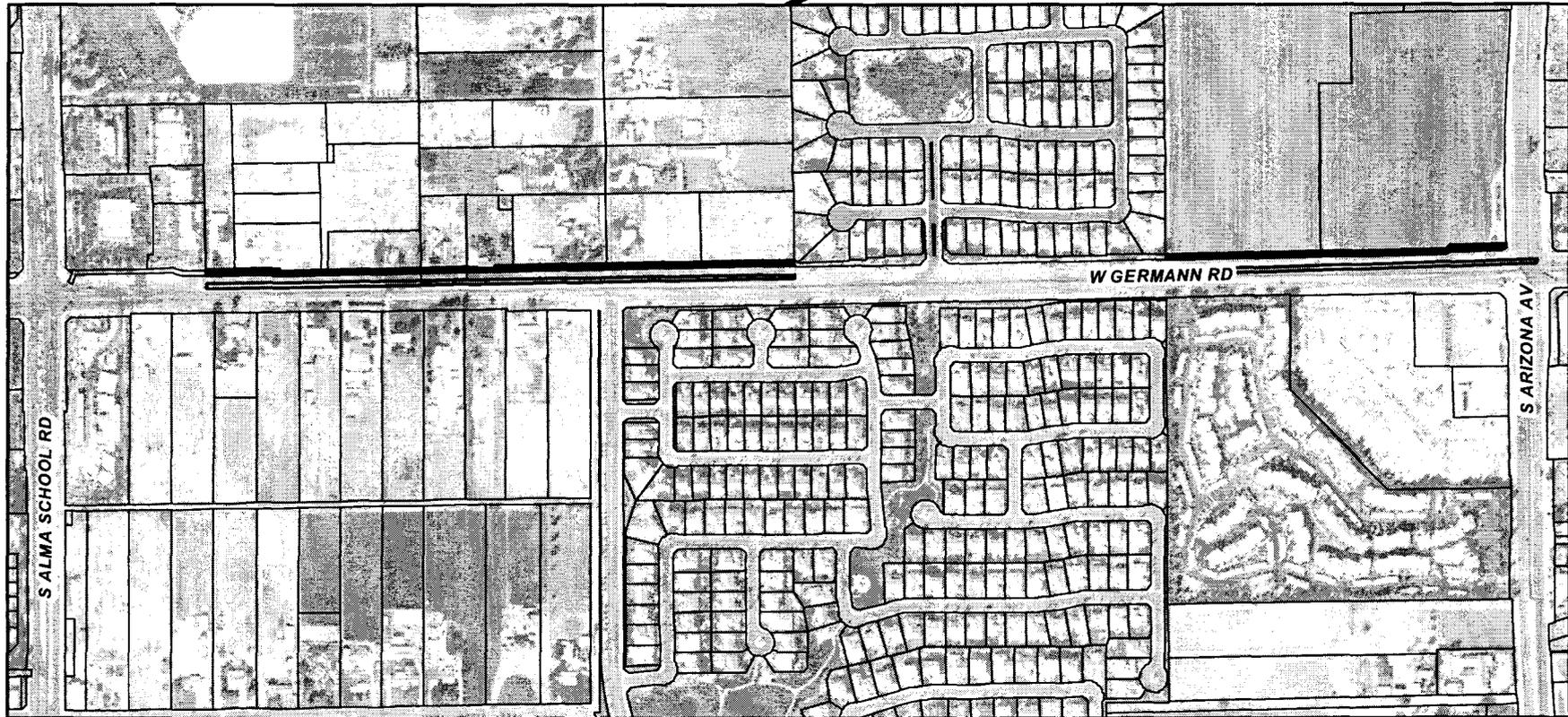
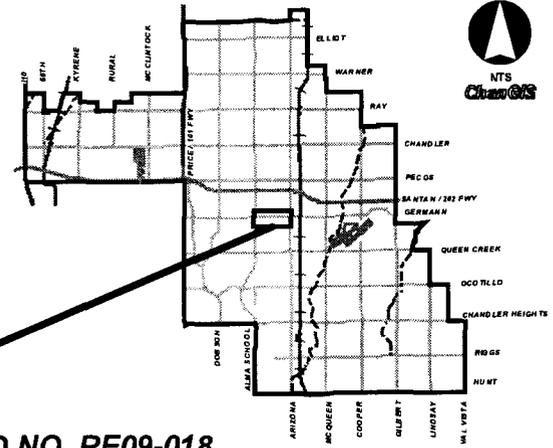
# EXCHANGE OF PROPERTY WITH THE UNITED STATES OF AMERICA



**NOTE:**  
EXCHANGE OF PROPERTY WITH THE UNITED STATES OF AMERICA TO ACCOMMODATE THE RELOCATION OF IRRIGATION FACILITIES ALONG THE NORTH SIDE OF GERMANN RD BETWEEN ALMA SCHOOL RD AND ARIZONA AV.

-  EXISTING USA FEE PROPERTY
-  USA FEE PROPERTY TO BE EXCHANGED

MEMO NO. RE09-018



ORDINANCE NO. 4077

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE TRANSFER A PARCEL OF LAND TO THE UNITED STATES OF AMERICA (USA) FOR THE RELOCATION OF IRRIGATION FACILITIES ALONG THE NORTH SIDE OF GERMANN ROAD BETWEEN ALMA SCHOOL ROAD AND ARIZONA AVENUE; AND, ACCEPTING IN EXCHANGE A QUIT CLAIM DEED FROM THE UNITED STATES OF AMERICA FOR ITS EXISTING PROPERTY IN THIS AREA.

WHEREAS, the relocation of irrigation facilities along the north side of Germann Road between Alma School Road and Arizona Avenue is necessary for the construction of the Germann Road – Dobson Road to Arizona Avenue Improvement Project (the “Project”); and

WHEREAS, in order to complete the Project it is necessary for the City of Chandler to transfer title to property it acquired for the relocation of the USA irrigation facilities along the north side of Germann Road between Alma School Road and Arizona Avenue to the USA; and

WHEREAS, the United States of America has agreed to transfer title to the property it owns in this area on which the existing irrigation facilities are located to the City of Chandler in exchange; and

WHEREAS, the City of Chandler desires to complete said exchange so that the Project can be completed.

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

**Section 1.** That the City Council of the City of Chandler, Arizona does hereby authorize and approve the transfer of approximately 65,093 square feet of land to the USA as described in the attached Exhibit “A” in consideration of receiving approximately 53,922 square feet of land from the USA as described in Exhibit “B”.

**Section 2.** The documents to be used in the exchange of the properties 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 the Warranty Deed to the United States of America. The City's Real Estate Manager is authorized to sign all other documents necessary to complete the exchange.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

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

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

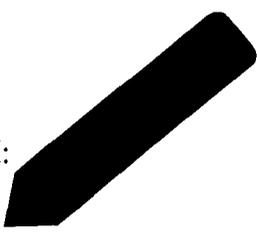
CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4077 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 DESCRIPTION  
PROPOSED USA EXCHANGE PARCEL

EXHIBIT "A"

LEGAL DESCRIPTION  
FOR  
PROPOSED USA FEE S.E. ¼ SECTION 4, T.2S., R.5E.

The following is a description of land located in the SOUTHEAST QUARTER of SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the SOUTHEAST CORNER of SECTION 4, being monumented with a Brass Cap flush, from which the SOUTH QUARTER CORNER of SECTION 4, being monumented with a Brass Cap flush, bears SOUTH 88° 54' 40" WEST a distance of 2603.53 FEET, said line being the South line of the Southeast Quarter of said Section 4 and the basis of bearing for this description;

THENCE, SOUTH 88° 54' 40" WEST, along the South line of the Southeast Quarter of said Section 4, a distance of 1301.77 FEET;

THENCE, NORTH 00° 40' 34" WEST, a distance of 65.00 FEET to a point on the north right of way line of Germann Road, said point also being the TRUE POINT OF BEGINNING;

THENCE, continuing NORTH 00° 40' 34" WEST, a distance of 20.00 FEET

THENCE, NORTH 88° 54' 40" EAST, a distance of 983.77 FEET;

THENCE, NORTH 43° 54' 40" EAST, a distance of 14.14 FEET;

THENCE, NORTH 88° 54' 40" EAST, a distance of 200.20 FEET;

THENCE, SOUTH 00° 32' 00" EAST, a distance of 10.00 FEET;

THENCE, SOUTH 44° 11' 17" WEST, a distance of 14.21 FEET;

THENCE, SOUTH 88° 54' 40" WEST, a distance of 190.01 FEET;

THENCE, SOUTH 44° 28' 00" WEST, a distance of 14.28 FEET;

THENCE, SOUTH 88° 54' 40" WEST, a distance of 983.72 FEET to the TRUE POINT OF BEGINNING.

Containing an area of 23,828 SQUARE FEET or 0.55 ACRE, more or less.



Note: The legal description above is based on recorded documents such as the subject parcel's deed, adjacent parcel deeds and/or plats. It is not based on a boundary survey of the subject parcel.

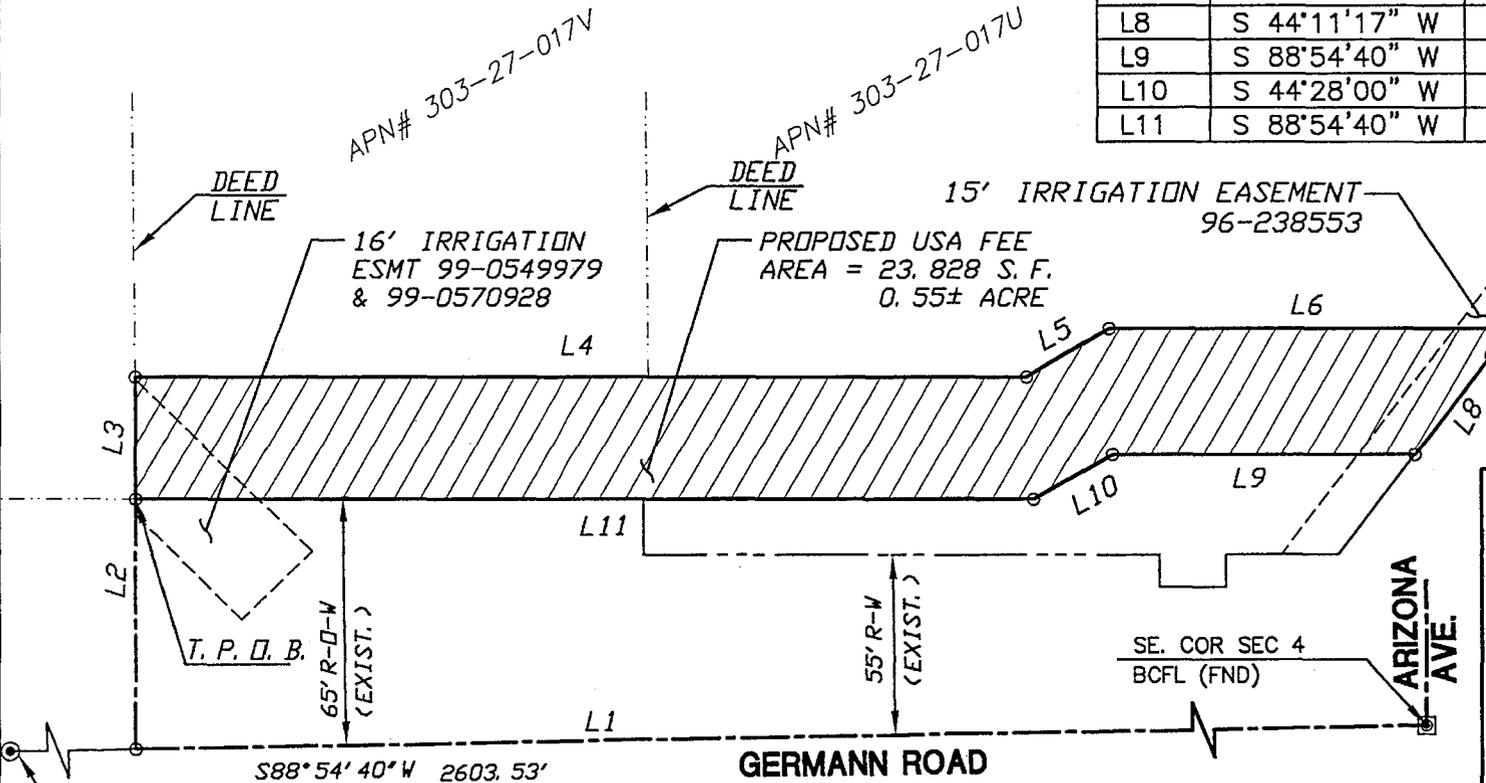
NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJACENT DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

PROPOSED USA FEE  
S.E. 1/4 SEC. 4, T.2S., R.5E.

LINE	BEARING	DISTANCE
L1	S 88°54'40" W	1301.77'
L2	N 00°40'34" W	65.00'
L3	N 00°40'34" W	20.00'
L4	N 88°54'40" E	983.77'
L5	N 43°54'40" E	14.14'
L6	N 88°54'40" E	200.20'
L7	S 00°32'00" E	10.00'
L8	S 44°11'17" W	14.21'
L9	S 88°54'40" W	190.01'
L10	S 44°28'00" W	14.28'
L11	S 88°54'40" W	983.72'



SCALE: N.T.S.



**Entellus**  
2255 N. 44th Street Suite 125  
Phoenix, AZ 85008-3279  
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E-Mail: www.entellus.com



S. 1/4 COR SEC 4  
BCFL (FND)

**LEGEND**



PROPOSED USA FEE

**BASIS OF BEARING**

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4 BEARING S 88°54'40" W

**EXHIBIT**

SECTION 4 - SE 1/4  
SECTION 4, T.2S., R.5E.  
PROPOSED USE FEE

DRAWN: 12/12/06 REVISED: 05/05/08  
DRAWN BY: DG CHECKED: SB

EXHIBIT "A"

LEGAL DESCRIPTION  
FOR  
PROPOSED USA FEE S.W. ¼ SECTION 4, T. 2 S., R. 5 E.

The following is a description of land located in the SOUTHWEST QUARTER of SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the SOUTHWEST CORNER of SECTION 4, being monumented with a Brass Cap flush, from which the SOUTH QUARTER CORNER of SECTION 4, being monumented with a Brass Cap flush, bears NORTH 89° 12' 35" EAST a distance of 2635.71 FEET, said line being the South line of the Southwest Quarter of said Section 4 and the basis of bearing for this description;

THENCE, NORTH 89° 12' 35" EAST, along the South line of the Southwest Quarter of said Section 4, a distance of 559.93 FEET;

THENCE, NORTH 01° 00' 55" WEST, a distance of 65.00 FEET to the TRUE POINT OF BEGINNING;

THENCE, continuing NORTH 01° 00' 55" WEST, a distance of 20.00 FEET;

THENCE, NORTH 89° 12' 35" EAST, parallel to and 85.00 feet north of the South line of the Southwest Quarter of said Section 4, a distance of 253.66 FEET;

THENCE, SOUTH 00° 47' 25" EAST, a distance of 7.00 FEET;

THENCE, NORTH 89° 12' 35" EAST, parallel to and 78.00 feet north of the South line of the Southwest Quarter of said Section 4, a distance of 703.03 FEET;

THENCE, SOUTH 00° 47' 25" EAST, a distance of 6.00 FEET;

THENCE, NORTH 89° 12' 35" EAST, parallel to and 72.00 feet north of the South line of the Southwest Quarter of said Section 4, a distance of 65.60 FEET;

THENCE, NORTH 00° 47' 25" WEST, a distance of 6.00 FEET;

THENCE, NORTH 89° 12' 35" EAST, parallel to and 78.00 feet north of the South line of the Southwest Quarter of said Section 4, a distance of 1053.66 FEET;

THENCE, SOUTH 00° 54' 54" EAST, a distance of 20.00 FEET to a point 58.00 feet north of the South line of the Southwest Quarter of said Section 4;

THENCE, SOUTH 89° 12' 35" WEST, parallel to and 58.00 feet north of the South line of the Southwest Quarter of said Section 4, a distance of 1842.33 FEET;

THENCE, NORTH 00° 47' 25" WEST, a distance of 7.00 FEET;

THENCE, SOUTH 89° 12' 35" WEST, parallel to and 65.00 feet north of the South line of the Southwest Quarter of said Section 4, a distance of 233.58 FEET to the TRUE POINT OF BEGINNING;

Containing an area of 41,265 SQUARE FEET, OR 0.947 ACRE, MORE OR LESS.

Note: The legal description above is based on recorded documents such as the subject parcel's deed, adjacent parcel deeds and/or plats. It is not based on a boundary survey of the subject parcel.



NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJACENT DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

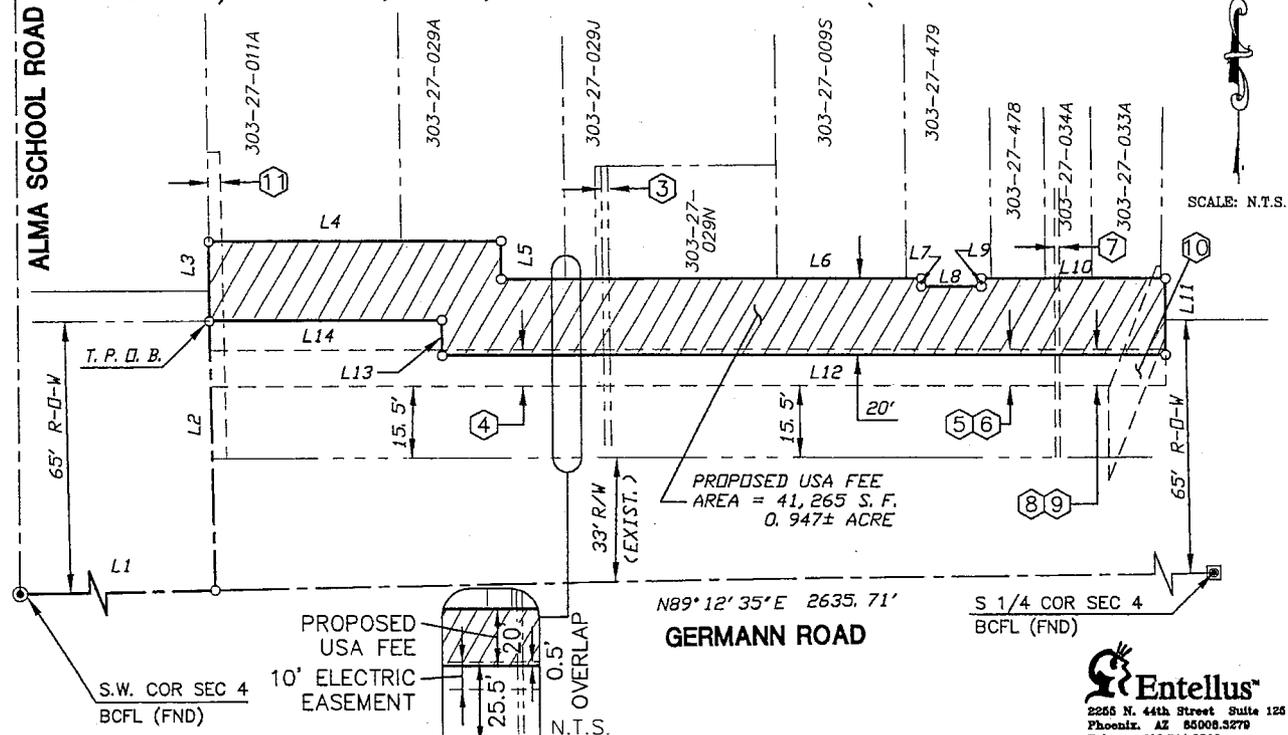
**SCHEDULE "B" ITEMS**

FIRST AMERICAN TITLE PRO FORMA POLICY NO. NCS-322995-PHX

3. 7' ELECTRIC LINE ESMT. DKT. 10420, PG. 812.
4. 10' TRANSMISSION LINE 86-125758, 86-144550.
5. 10' ELECTRIC O/H & G/G 85-182032.
6. 10' ELECTRIC O/H & U/G 85-182031
7. 3' ELECTRIC O/H & U/G DKT. 8626, PG. 507
8. 10' ELECTRIC O/H & U/G 85-216652.
9. 10' ELECTRIC O/H & U/G 85-353505.
10. 16' IRRIGATION ESMT. 99-0570963.
11. 2' IRRIGATION ESMT. 2003-814048.

LINE	BEARING	DISTANCE
L1	N 89°12'35" E	559.93'
L2	N 01°00'55" W	65.00'
L3	N 01°00'55" W	20.00'
L4	N 89°12'35" E	253.66'
L5	S 00°47'25" E	7.00'
L6	N 89°12'35" E	703.03'
L7	S 00°47'25" E	6.00'
L8	N 89°12'35" E	65.60'
L9	N 00°47'25" W	6.00'
L10	N 89°12'35" E	1053.66'
L11	S 00°54'54" E	20.00'
L12	S 89°12'35" W	1842.33'
L13	N 00°47'25" W	7.00'
L14	S 89°12'35" W	233.58'

**PROPOSED USA FEE**  
S.W. 1/4 SEC. 4, T.2S., R.5E.



**LEGEND**

PROPOSED USA FEE

**BASIS OF BEARING**

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 4 BEARING N 89°12'35" E



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Fax 602.244.8947  
E-Mail: www.entellus.com

**EXHIBIT**

SECTION 4 - SOUTHWEST 1/4  
SECTION 4, T.2S., R.5E.

**PROPOSED USA FEE**

DRAWN: 12/12/06 REVISED: 05/04/08  
DRAWN BY: DG CHECKED: SB  
FILE: USA\_FEE

P:\SURV\EXHIBITS\1004\LEGALS\SEC 4 SW QP WITHIN FROM USA FEE COMPILED EAST OF ALMA SCHOOL ROAD-03-08.dwg  
July 28, 2008 - 7:58am

**EXHIBIT "B"**

**LEGAL DESCRIPTION  
EXISTING USA PARCEL**

EXHIBIT "A"

EXISTING USA FEE PROPERTY

Those portions hereinafter referred to as "Portion 1" and "Portion 2" of that certain ditch known as a sub-lateral from the Chandler Lateral, granted to the United States of America by that certain Quit-Claim Deed dated January 31, 1916 and recorded in Book 115 of Deeds, Pages 447-449, records of Maricopa County, Arizona as constructed and operated and lying within the Southeast Quarter of Section 4 and Southwest Quarter of Section 4, Township 2 South, Range 5 East, G. & S. R. B. & M., Maricopa County, Arizona. Said ditch having an assumed width of 16 feet, 8 feet being on each side of the following described record centerline:

Commencing at the SOUTHEAST CORNER of SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST; Thence North along the East section line of said Section 4 a distance of 33.7 feet; (the said section line being used as a base, having a bearing North 0° 28' West based on a magnetic bearing of North 14° 50' West) to a **POINT OF BEGINNING** for "**PORTION 1**"; (which is a point on the East line of Section 4 a distance of 33.7 feet North 0° 28' West of the Southeast (SE) corner and a distance of 2609.7 feet South 0° 28' East of the East Quarter (E1/4) corner of said Section 4); Thence South 88° 33' West a distance of 1300.7 feet to the **POINT OF ENDING** for "**PORTION 1**";

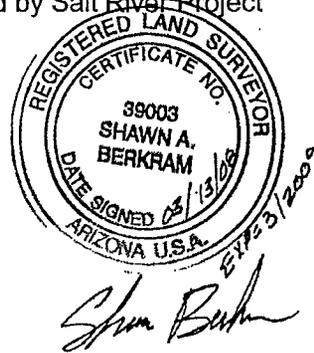
Thence South 88° 33' West a distance of 1300.7 feet to the **POINT OF BEGINNING** for "**PORTION 2**" (which is a point 23 feet North of the South Quarter (S1/4) corner of said Section 4); Thence South 89° 07' West a distance of 2069.46 feet to the **POINT OF ENDING** FOR "**PORTION 2**"; (which is a point falling 559.94 feet North 89° 07' East and 23 feet North 1° 10' West of the Southwest (SW) corner of Section 4;)

Resulting in areas as follows:

"Portion 1": 20,811 SQUARE FEET or 0.478 ACRE, more or less, based on a 16' width as determined by Salt River Project

"Portion 2": 33,111 SQUARE FEET or 0.760 ACRE, more or less, based on a 16' width as determined by Salt River Project

Combined Portions "1" and "2" total 53,922 SQUARE FEET or 1.238 ACRES, more or less, based on a 16' width as determined by Salt River Project

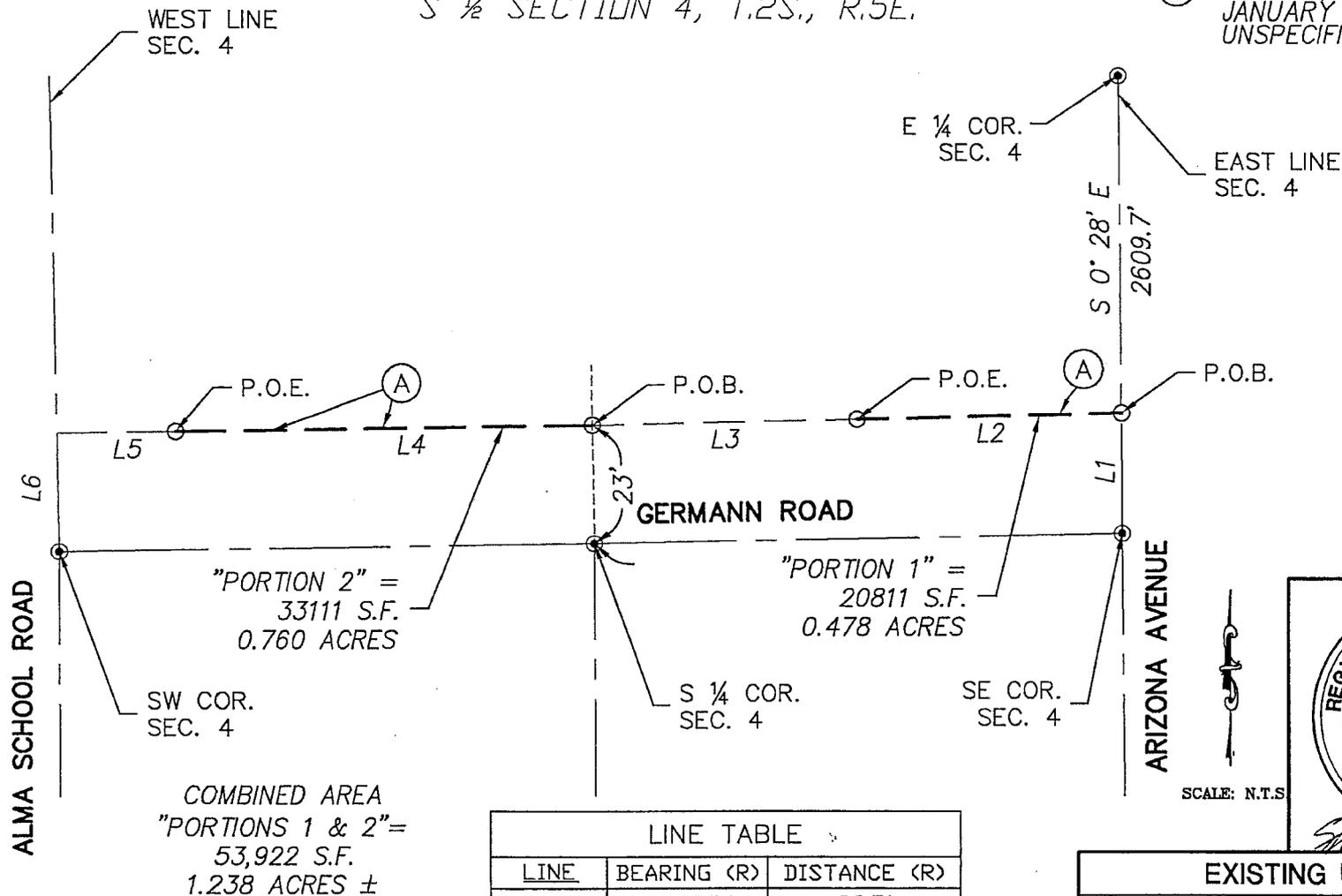


# EXISTING USA FEE EXHIBIT

S ½ SECTION 4, T.2S., R.5E.

REFERENCE DOCUMENTS

(A) DKT 115, PG. 447 (M.C.R.)  
JANUARY 31, 1916  
UNSPECIFIED WIDTH



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LINE TABLE		
LINE	BEARING (R)	DISTANCE (R)
L1	N0°28'W	33.7'
L2	S88°33'W	1300.7'
L3	S88°33'W	1300.7'
L4	S89°07'W	2069.46'
L5	N89°07'E	559.94'
L6	N01°10'W	23.0'

EXISTING USA FEE		
SECTION 4		
SECTION 4, T.2S., R.5E.		
DATE: 9/26/07	REV'D: 03/13/08	
DRAWN BY: DG	CHK'D: SB	PAGE: 1 OF 1
FILE P/SS/APRJ/615043/LEGALS/USA FEE		

NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJACENT DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.