



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

**MEMORANDUM**

**Real Estate – Council Memo No. RE09-104**

DATE: OCTOBER 30, 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, TRANSPORTATION SERVICES  
& PLANNING MANAGER

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: GILBERT ROAD GERMANN TO QUEEN CREEK ST-0625

Request: Approve accepting a Quitclaim Deed from Qwest that reserves an easement for their facilities and requiring that the City be responsible for any loss or damage to Qwest’s facilities on the property resulting from the City’s traffic control and street construction, maintenance and repair activities upon the Property.

Location: North side of Queen Creek Road approximately 864 feet east of Gilbert Road.

**RECOMMENDATION:** Approve accepting a Quitclaim Deed from Qwest for Road Right-of-Way needed for the Gilbert Road – Germann Road to Queen Creek Road Improvement Project that reserves an easement for Qwest’s facilities and provides that the City be responsible for any loss of damage to Qwest’s facilities on the property resulting from the City’s traffic control and street construction, maintenance and repair activities upon the Property.

**BACKGROUND:** The City is currently under construction with the improvements for the Gilbert Road - Germann to Queen Creek project ST-0625. The authority to acquire the needed land for this project was approved and adopted by Resolution No. 4017. This project includes improvements on Queen Creek Road east of Gilbert Road. Qwest owns an affected parcel on the north side of Queen Creek Road, approximately 864 feet east of Gilbert Road.

After a lengthy negotiation period Qwest has agreed to sell the City a portion of its property for road right-of-way. However, as part of the transfer of the property, Qwest is requiring that an easement be reserved in the deed form for its existing facilities that will remain in the parcel to be transferred to the City. In addition, the deed form requires the City to “be responsible for any loss or damage to Grantor’s (Qwest’s) facilities resulting from Grantee’s (Chandler’s) traffic control and street construction, maintenance and repair activities upon the easement Property.” A copy of the proposed Quitclaim Deed is attached

At this time there is no way of determining the cost of accepting the responsibility for such loss or damage, or if any such loss or damage would ever occur.

The right-of-way is needed so that construction of the Gilbert Road – Germann to Queen Creek project may continue without interruption.

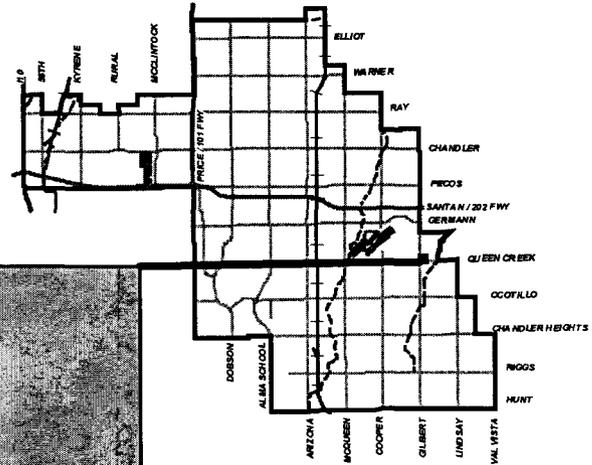
**PROPOSED MOTION:**

Move to approve the acceptance of a Quitclaim Deed from Qwest for Road Right-of-Way needed for the Gilbert Road – Germann Road to Queen Creek Road Improvement Project that reserves an easement for Qwest’s facilities and provides that the City be responsible for any loss of damage to Qwest’s facilities on the property resulting from the City’s traffic control and street construction, maintenance and repair activities upon the Property.

Attachments: Quitclaim Deed  
Map



# PROPOSED RIGHT-OF-WAY ACQUISITION FOR APN 304-56-004D



2,560 S.F. OF RIGHT-OF-WAY  
ACQUISITION FOR  
APN 304-56-004D

MEMO NO. RE09-104

 PROPOSED ROW



RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:  
**QWEST CORPORATION**  
**1801 California Street, 10<sup>th</sup> Floor**  
**Denver, CO 80202**  
**Attn: Real Estate Attorney**

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## QUITCLAIM DEED

File No.

For the consideration of TEN AND NO/100 DOLLARS, and other valuable consideration, the receipt and sufficiency of which are acknowledged, QWEST CORPORATION, a Colorado corporation, formerly known as U S WEST Communications, Inc., the successor by merger to The Mountain States Telephone and Telegraph Co. ("Grantor"), hereby quitclaims to THE CITY OF CHANDLER, an Arizona municipal corporation ("Grantee"), all right, title, and interest in and to the following described real property situated in Maricopa County, Arizona, without any representation or warranty whatsoever:

See Exhibit A attached hereto and incorporated herein (the "Property"),

SAVE AND EXCEPT any telecommunications facilities located upon, over, under and across the Property, which are retained by Grantor and are not conveyed to Grantee hereby, and

RESERVING HOWEVER, unto Grantor and its successor, assigns, affiliates, lessees, licensees and agents, a perpetual non-exclusive easement over, under and across said Property, to construct, reconstruct, modify, change, add to, operate, repair, upgrade, maintain, and remove telecommunications facilities, electrical and gas facilities, and other appurtenances, from time to time, as Grantee may require, and for access to undertake such activities and to travel to and from adjacent property owned by Grantor to undertake such activities with respect to Grantor's telecommunications facilities located on such adjacent property.

Grantee agrees to be responsible for any loss or damage to Grantor's facilities resulting from Grantee's traffic control and street construction, maintenance and repair activities upon the Property.

A.P.N.:

Quitclaim Deed continued

File No.:

Date: \_\_\_\_\_, 2008

DATED: Sept 8, 2008

QWEST CORPORATION, a Colorado corporation

By: *LaRae Dodson*  
LaRae Dodson, Director of Real Estate

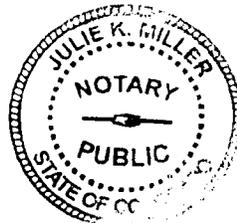
STATE OF COLORADO )  
 )ss.  
City and County of DENVER )

On Sept 8, 2008, before me, the undersigned Notary Public, personally appeared, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:  
Nov. 22, 2008

*Julie K. Miller*  
Notary Public



My Commission Expires: \_\_\_\_\_

A.P.N.:

Quitclaim Deed continued

File No.:

Date: \_\_\_\_\_, 2008

ATTEST:

THE CITY OF CHANDLER, an Arizona municipal corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Name:  
Title: City Clerk

Name:  
Erich Kuntze, Real Estate Manager

ERICK TO SIGN IN FRONT OF NOTARY

STATE OF ARIZONA )  
 )ss.  
County of MARICOPA )

On \_\_\_\_\_, before me, the undersigned Notary Public, personally appeared, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: \_\_\_\_\_ Notary Public

A.P.N.:

Quitclaim Deed continued

File No.:

Date: \_\_\_\_\_, 2008

**EXHIBIT A**

Legal Description

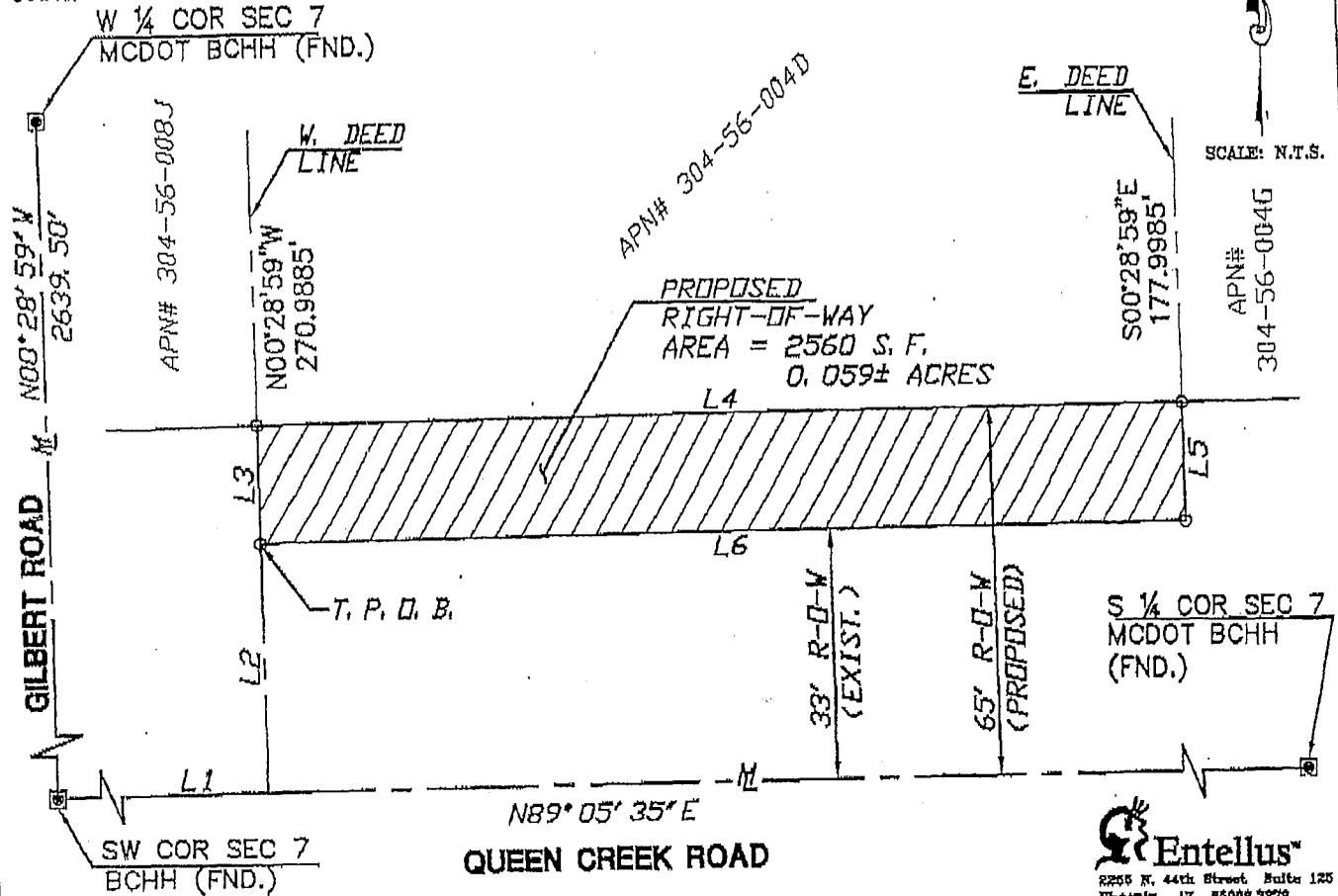
LEGAL DESCRIPTION  
FOR  
PARCEL NO. 304-56-004-D  
GILBERT ROAD-QUEEN CREEK ROAD TO GERMANN ROAD  
RIGHT OF WAY

That portion of a parcel of land as described in Docket #15680, Page 324, records of MARICOPA COUNTY, ARIZONA located in the SOUTHWEST QUARTER of SECTION 7, TOWNSHIP 2 SOUTH, RANGE 6 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 7, being monumented with a Brass Cap in Hand Hole, from which the WEST QUARTER CORNER of SECTION 7 bears North 00 degrees 28 minutes 59 seconds West a distance of 2639.50 feet, said line being the West line of the Southwest Quarter of said Section 7 and the basis of bearing for this description;  
Thence along the south line of said Southwest Quarter, North 89 degrees 05 minutes 35 seconds East a distance of 864.00 feet:  
Thence North 00 degrees 28 minutes 59 seconds East a distance of 33.00 feet to a point falling on the existing North right of way line of Queen Creek Road and the West deed line as described per Docket 15680, Page 324 (M.C.R.), said point being THE POINT OF BEGINNING;  
Thence along said West deed line, continuing North 00 degrees 28 minutes 59 seconds East a distance of 32.00 feet to a point on a line parallel with and 85.00 feet North of the South line of said Southwest Quarter;  
Thence along said parallel line, North 89 degrees 05 minutes 35 seconds East, a distance of 80.00 feet to the East deed line as described per Docket 15680, Page 324 (M.C.R.);  
Thence along said East deed line, South 00 degrees 28 minutes 59 seconds East a distance of 32.00 feet to a point on a line parallel with and 33.00 feet distant from the South line of said Southwest Quarter, said line also being the existing North right of way lined of Queen Creek Road;  
Thence along said existing right of way line, South 89 degrees 05 minutes 35 seconds West a distance of 80.00 feet to the POINT OF BEGINNING.  
Containing an area of 2,560 SQUARE FEET or 0.059 ACRES, more or less.

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.

# EXHIBIT "B"

APN# 304-56-004D  
RIGHT-OF-WAY

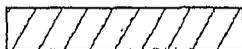


**Entellus**  
 8255 N. 44th Street, Suite 125  
 Phoenix, AZ 85044-3279  
 Tel: 602.244.2505  
 Fax: 602.244.0947  
 E-Mail: www.entellus.com

LINE	BEARING	DISTANCE
L1	N 89°05'35" E	864.00'
L2	N 00°28'59" W	33.00'
L3	N 00°28'59" W	32.00'
L4	N 89°05'35" E	80.00'
L5	S 00°28'59" E	32.00'
L6	S 89°05'35" W	80.00'



**LEGEND**



PROPOSED RIGHT-OF-WAY

**BASIS OF BEARING**

THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 7 BEARING N 00°28'59" W

**CITY OF CHANDLER**

GILBERT ROAD IMPROVEMENTS

SECTION 7, T.2S., R.8E.

**PROPOSED RIGHT-OF-WAY**

DATE: 05/16/07 REV'D: 03/25/08  
 DRAWN BY: ARM | CHK'D: JF | PAGE: 2 OF 2  
 FILE: P/615055/RD/W/GILBERT/303.56.004D.RW01