

#8

OCT 30 2008



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. RE09-030

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
MIKE NORMAND, TRANSIT SERVICES AND PLANNING
MANAGER

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: RESOLUTION NO. 4217, DETERMINING THAT ACQUISITION OF CERTAIN REAL PROPERTY NEEDED AS PUBLIC ROADWAY FOR THE INSTALLATION AND OPERATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF GERMANN ROAD AND HAMILTON STREET IN CHANDLER, ARIZONA, TO SERVE THE LOOP 202 PARK AND RIDE PROJECT NO. ST-0501 IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AND AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

RECOMMENDATION: Staffs recommends that Council pass and adopt Resolution No. 4217 determining that acquisition of certain real property needed as public roadway for the installation and operation of a traffic signal at the intersection of Germann Road and Hamilton Street in Chandler, Arizona, to serve the Loop 202 Park and Ride Project No. ST-0501 is a matter of public necessity; authorizing the purchase of such real property; and authorizing condemnation proceedings as needed to acquire the real property and to obtain immediate possession thereof.

BACKGROUND/DISCUSSION: On June 9, 2005 City Council approved the Purchase of a site for the Loop 202 Park & Ride in Resolution No. 3868. This purchase is for three parcels of vacant land containing approximately .0083 acres located on the north side of Germann Road and

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Memo # RE09-030

Hamilton Street; this right-of-way is needed for the Loop 202 Park & Ride, which will allow the installation of a new traffic signal.

Subject to City Council approval of the real property needed for the Loop 202 Park & Ride Improvements, this Resolution authorizes acquisition of the real property at fair market value either by purchase or by condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession.

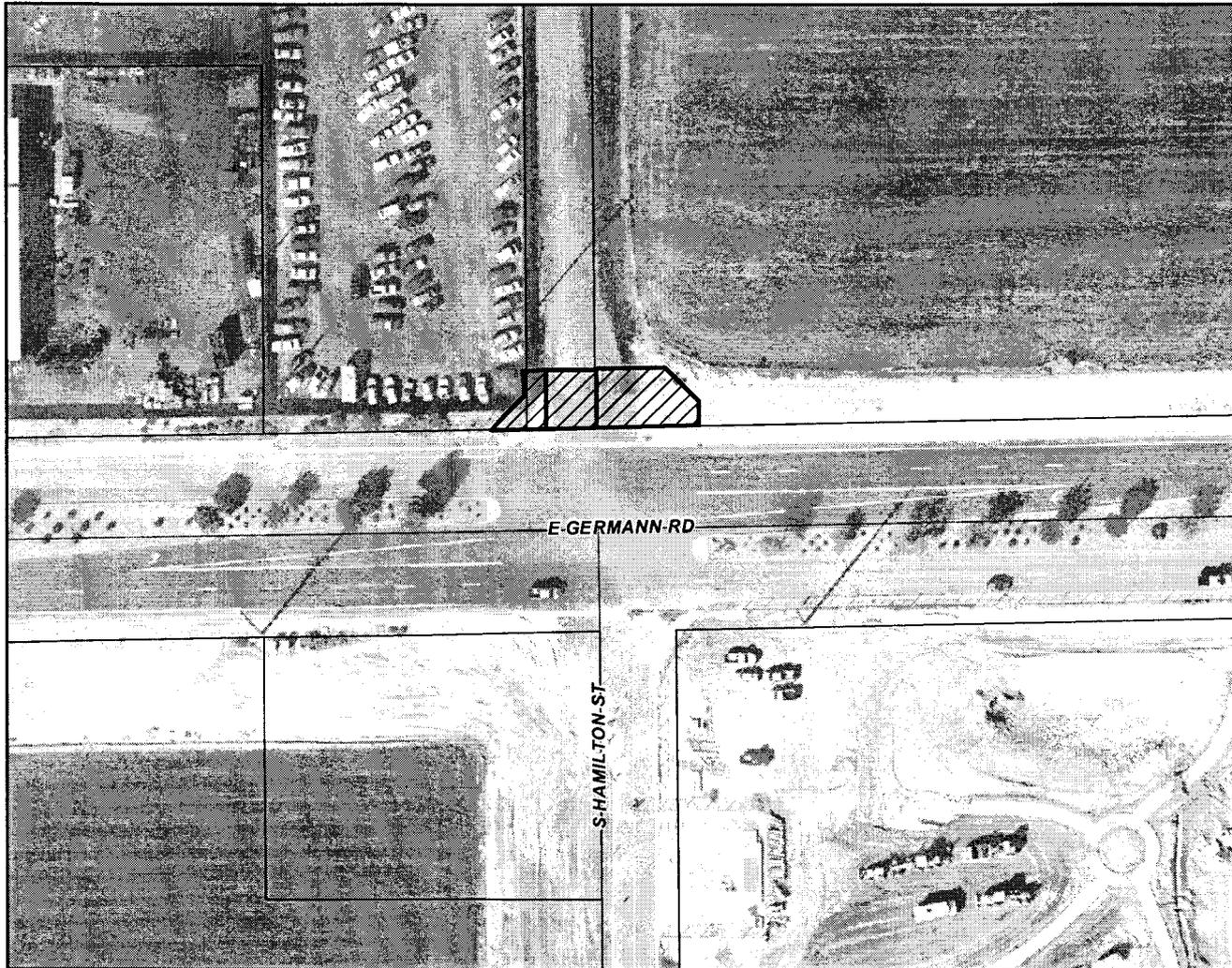
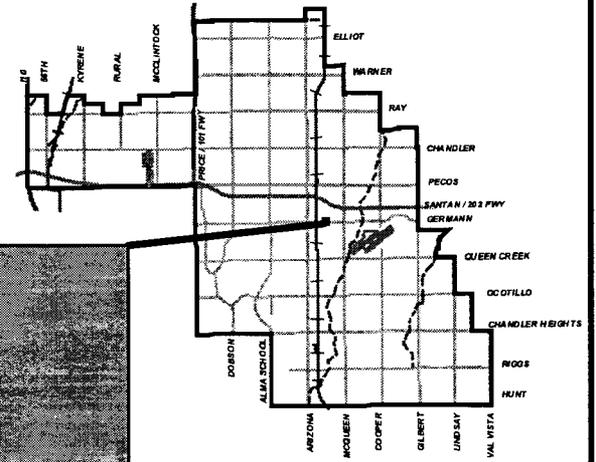
FINANCIAL IMPLICATIONS: A portion of the funds budgeted for the Project will be used for acquisition.

PROPOSED MOTION: Staffs recommends that Council pass and adopt Resolution No. 4217 determining that acquisition of certain real property needed as public roadway for the installation and operation of a traffic signal at the intersection of Germann Road and Hamilton Street in Chandler, Arizona, to serve the Loop 202 Park and Ride Project no. ST-0501 is a matter of public necessity; authorizing the purchase of such real property; and authorizing condemnation proceedings as needed to acquire the real property and to obtain immediate possession thereof.

Attachments: Resolution 4217
Location/Site Map



ACQUISITION LOOP 202 PARK AND RIDE



MEMO NO. RE09-030

RESOLUTION NO. 4217

 **RIGHT OF WAY**



RESOLUTION NO. 4217

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF CERTAIN REAL PROPERTY NEEDED AS PUBLIC ROADWAY FOR THE INSTALLATION AND OPERATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF GERMANN ROAD AND HAMILTON STREET IN CHANDLER, ARIZONA, TO SERVE THE LOOP 202 PARK AND RIDE PROJECT NO. ST-0501 IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AND AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

WHEREAS, the Loop 202 Park and Ride Project ST-0501 (the "Project"), previously approved, is intended to provide parking for citizens using public transportation and to improve traffic movement within the City of Chandler; and

WHEREAS, the park and ride facility constructed as part of the Project will necessitate the installation of a traffic signal system at the intersection of two roadways in the municipality -- Germann Road and Hamilton Street -- to assure safe and efficient ingress and egress to and from the facility; and

WHEREAS, the City of Chandler needs to acquire those three parcels of real property described and depicted in Exhibit "A", attached hereto and incorporated herein by reference, as part of the City's public roadway in order to install the traffic signal system; and

WHEREAS, the City needs to obtain immediate possession of the real property described and depicted in attached Exhibit "A" in order to be able to construct the traffic signal system in time for it coincide with the operation of the park and ride facility; and

WHEREAS, the City is authorized by law to acquire, by purchase or condemnation, real property as is needed for the improvement of public roadway in the municipality;

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

Section 1. It is hereby determined that the acquisition of the real property described and depicted in attached Exhibit "A", and the securing of immediate possession of such real property, is necessary for the public purpose of installing and operating a traffic signal system as part of the improvement of public roadway within the municipality made necessary as the result of the pending installation of a park and ride facility, is for a public and necessary purpose, is in the best interest of the citizens of the City of Chandler, and is located so that the acquisition for public use will be most compatible with the greatest public good and the least private injury.

Section 2. The City is authorized and directed to purchase said real property for an amount equal to the fair market value of the property as determined by appraisal. Written offers shall be in a form approved by the Chandler City Attorney and each purchase agreement entered

into with a property owner shall be individually approved as to form by the Chandler City Attorney prior to being deposited into escrow.

Section 3. The City’s Real Estate Manager, any City real estate officer acting on the Real Estate Manager’s behalf, or any retained right of way consultant acting at the direction of the Real Estate Manager, is authorized to make written offers for said real property and, where accepted, to execute, deliver and deposit into escrow the approved purchase agreement, along with all other documents and instructions necessary to consummate the purchase of said real property.

Section 4. Where any such written offer is not accepted within a reasonable period of time for negotiation, the City Attorney of the City of Chandler is hereby authorized and directed to commence condemnation (eminent domain) proceedings to acquire, in the name of the City of Chandler, said real property, including any improvements thereon, and to secure immediate possession of such real property, for the public purpose of installing and operating a traffic signal system at the intersection of Germann Road and Hamilton Street as part of the improvement of public roadway in the municipality needed to serve a park and ride facility, and is further directed to do and to perform all acts necessary in furtherance of the acquisition of title to and immediate possession of said real property.

PASSED AND ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this ___ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4217 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 *SAB*

EXHIBIT "A"

LEGAL DESCRIPTION
CITY OF CHANDLER
RIGHT-OF-WAY #1 (PARCEL 303-28-001K)

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3 AT WHICH A BRASS CAP IN HANDHOLE WAS FOUND, AND FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS NORTH 88 DEGREES 57 MINUTES 51 SECONDS EAST A DISTANCE OF 2644.44 FEET, AND AT WHICH A BRASS CAP IN HANDHOLE WAS FOUND;

THENCE NORTH 00 DEGRESS 20 MINUTES 48 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGRESS 20 MINUTES 48 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 35.00 FEET;

THENCE NORTH 88 DEGREES 57 MINUTES 51 SECONDS EAST ALONG A LINE 95.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 40.00 FEET;

THENCE SOUTH 45 DEGREES 41 MINUTES 28 SECONDS EAST, A DISTANCE OF 28.12 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 48 SECONDS EAST ALONG A LINE 60.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 51 SECONDS WEST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 1,900.2 SQ. FT. (0.044 ACRES) AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

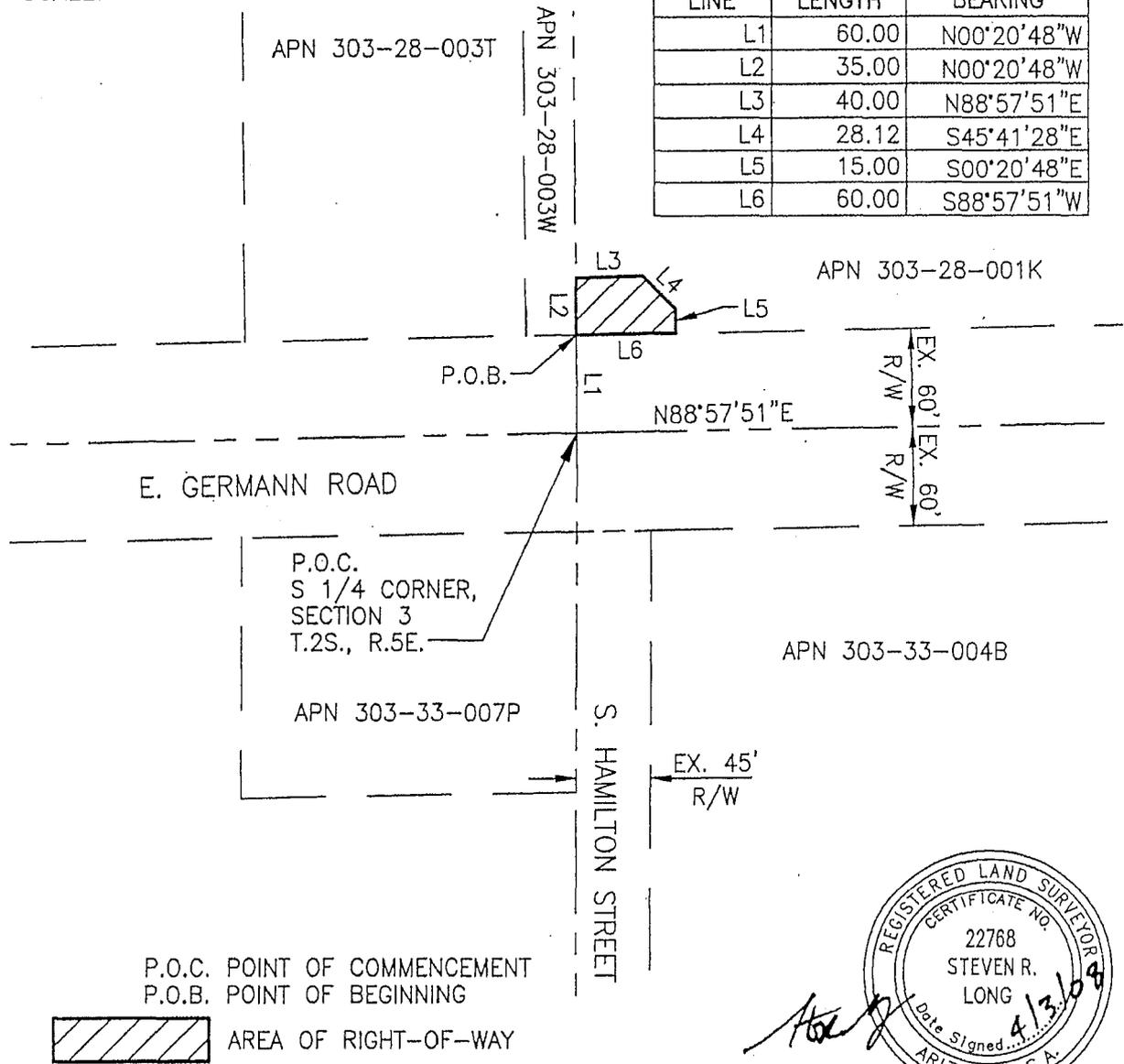


EXPIRES 6/30/09

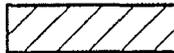


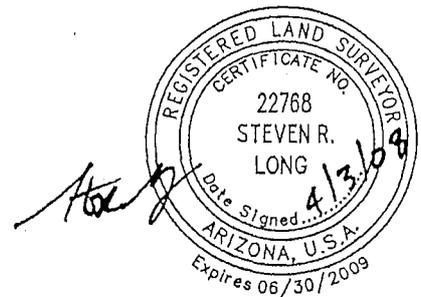
0 50' 100' 150'
SCALE: 1" = 100'

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.00	N00°20'48"W
L2	35.00	N00°20'48"W
L3	40.00	N88°57'51"E
L4	28.12	S45°41'28"E
L5	15.00	S00°20'48"E
L6	60.00	S88°57'51"W



P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

 AREA OF RIGHT-OF-WAY



CLIENT/PROJECT
CITY OF CHANDLER
RIGHT-OF-WAY #1

FIGURE NO.

2

TITLE

**EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION**

04/03/08
181922102



Stantec

LEGAL DESCRIPTION
CITY OF CHANDLER
RIGHT-OF-WAY #2 (PARCEL 303-28-003W)

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3 AT WHICH A BRASS CAP IN HANDHOLE WAS FOUND AND FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 3 BEARS SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST A DISTANCE OF 2644.60 FEET, AND AT WHICH A BRASS CAP IN HANDHOLE WAS FOUND;

THENCE NORTH 00 DEGREES 20 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 30.00 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 48 SECONDS WEST ALONG A LINE 30.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 35.00 FEET;

THENCE NORTH 88 DEGREES 57 MINUTES 19 SECONDS EAST ALONG A LINE 95.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO SAID EAST LINE;

THENCE SOUTH 00 DEGREES 20 MINUTES 48 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 1,050.0 SQ. FT. (0.024 ACRES) AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

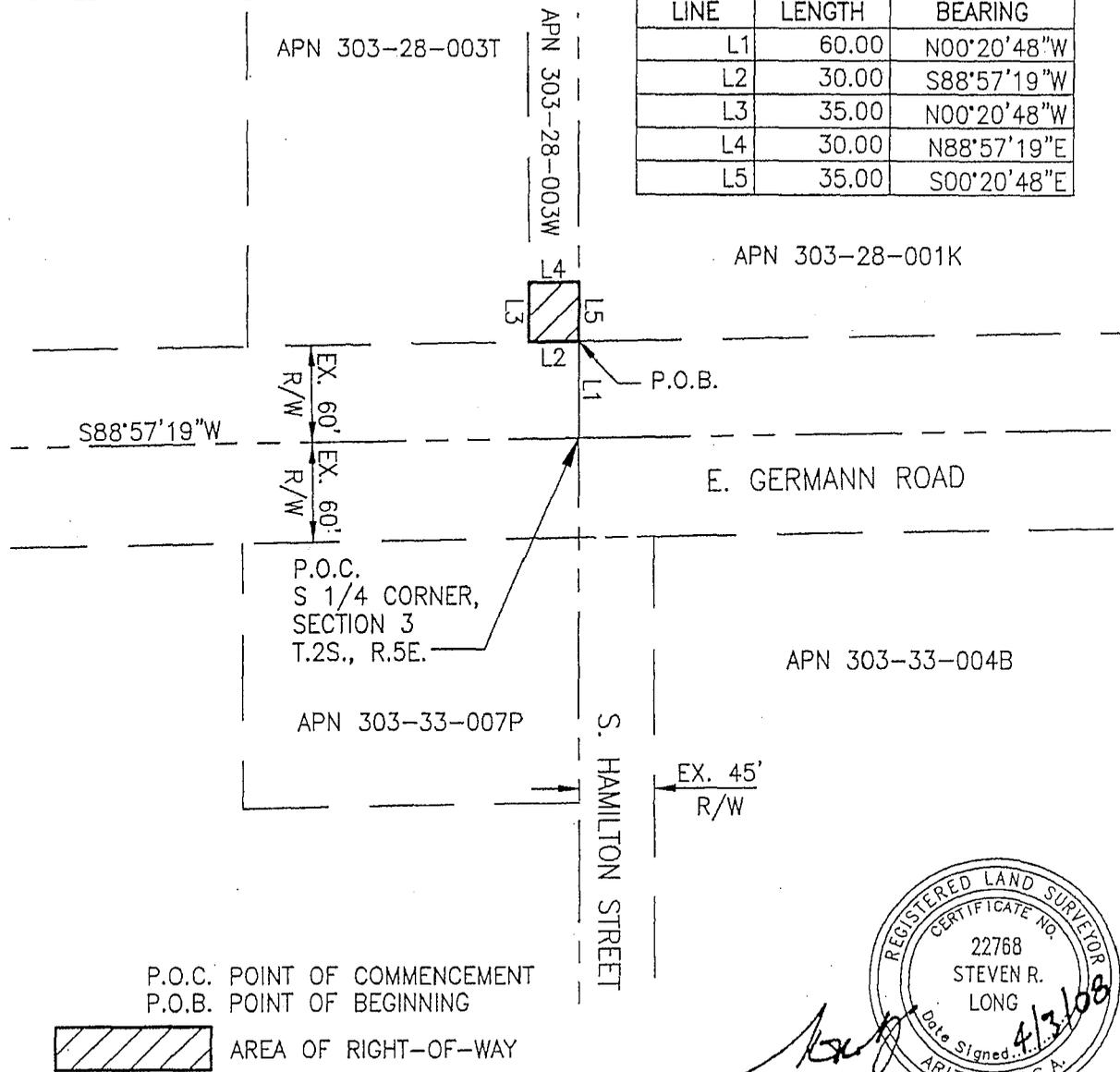


EXPIRES 6/30/09

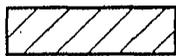


0 50' 100' 150'
SCALE: 1" = 100'

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.00	N00°20'48"W
L2	30.00	S88°57'19"W
L3	35.00	N00°20'48"W
L4	30.00	N88°57'19"E
L5	35.00	S00°20'48"E



P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

 AREA OF RIGHT-OF-WAY



CLIENT/PROJECT
CITY OF CHANDLER
RIGHT-OF-WAY #2

FIGURE NO.

2

TITLE

EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION

04/03/08
181922102



Stantec

LEGAL DESCRIPTION
CITY OF CHANDLER
RIGHT-OF-WAY #3 (PARCEL 303-28-003T)

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3 AT WHICH A BRASS CAP IN HANDHOLE WAS FOUND;

THENCE NORTH 00 DEGREES 20 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 60.00 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 33.00 FEET;

THENCE NORTH 44 DEGREES 18 MINUTES 16 SECONDS EAST, A DISTANCE OF 28.46 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 48 SECONDS WEST ALONG A LINE 43.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 15.00 FEET;

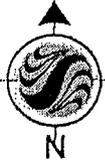
THENCE NORTH 88 DEGREES 57 MINUTES 19 SECONDS EAST ALONG A LINE 95.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 13.00 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 48 SECONDS EAST ALONG A LINE 30.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 655.0 SQ. FT. (0.015 ACRES) AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

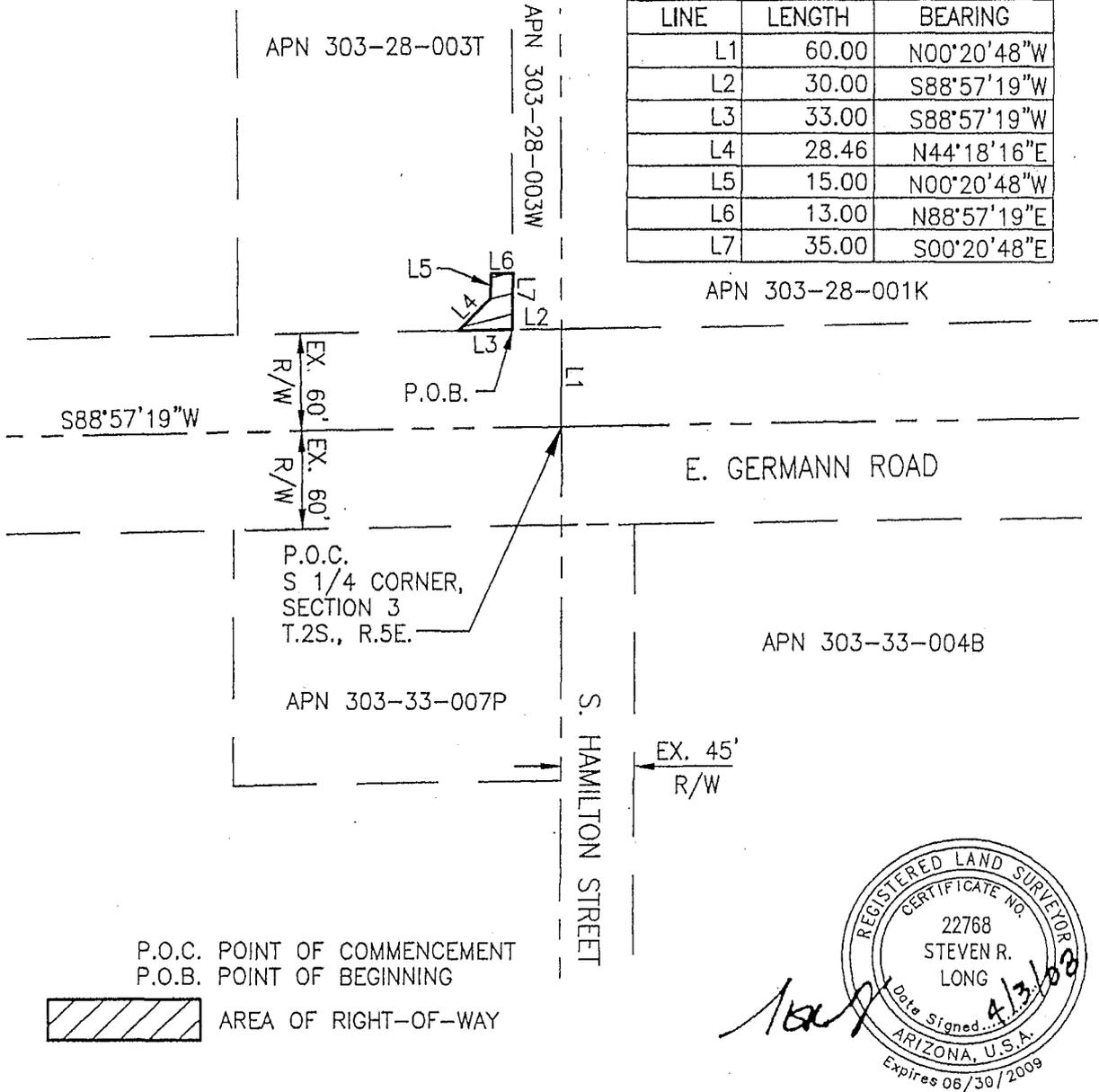


EXPIRES 6/30/09

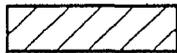


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SCALE: 1" = 100'

LINE TABLE		
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L3	33.00	S88°57'19"W
L4	28.46	N44°18'16"E
L5	15.00	N00°20'48"W
L6	13.00	N88°57'19"E
L7	35.00	S00°20'48"E



P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

 AREA OF RIGHT-OF-WAY



Stantec

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CLIENT/PROJECT
CITY OF CHANDLER
RIGHT-OF-WAY #3

FIGURE NO.

2

TITLE

**EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION**

04/03/08
181922102