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FEB 26 2009



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MEMORANDUM Real Estate – Council Memo No. RE09-183

DATE: FEBRUARY 26, 2009

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER *WMP*
 MARK EYNATTEN, COMMUNITY SERVICES DIRECTOR *ME*
 R. J. ZEDER, PUBLIC WORKS DIRECTOR *RJZ*
 DANIEL W. COOK, DEPUTY PUBLIC WORKS DIRECTOR *DWC*
 SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR/CITY ENGINEER *SH*

FROM: MIKE NORMAND, TRANSPORTATION SERVICES AND PLANNING MANAGER *MN*

SUBJECT: ORDINANCE NO. 4130 AUTHORIZING THE DEDICATION IN FEE OF A PORTION OF CITY-OWNED PROPERTY FOR PUBLIC ROADWAY AND THE DEDICATION OF A PUBLIC UTILITY EASEMENT ALONG THE SOUTH SIDE OF TUMBLEWEED PARK BETWEEN THE UNION PACIFIC RAILROAD AND MCQUEEN ROAD.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4130 authorizing the dedication in fee of a portion of City-owned property for public roadway and the dedication of a public utility easement along the south side of Tumbleweed Park between the Union Pacific Railroad and McQueen Road.

BACKGROUND/DISCUSSION: The City of Chandler's Public Works Department is in the process of expanding Ryan Road between the Union Pacific Railroad and McQueen Road. In order to accomplish this it is necessary to change the use of existing City-owned property at Tumbleweed Park to another public use – road right-of-way. In addition, it is necessary to provide a public utility easement along the north side of the new Ryan Road right-of-way for utility services to the park.

By way of a separate instrument in the form of a deed, the City will grant to the Public in trust,

the road right-of-way. In addition, by way of a Public Utility Easement (“PUE”) the City will grant to the Public in Trust a public utility easement. These documents will be in a form approved by the City Attorney.

FINANCIAL IMPLICATIONS:

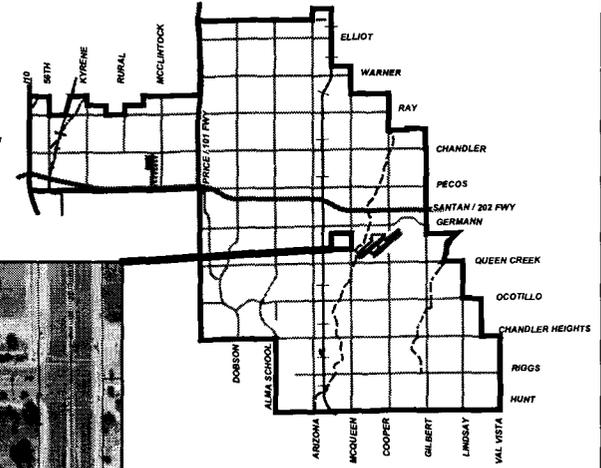
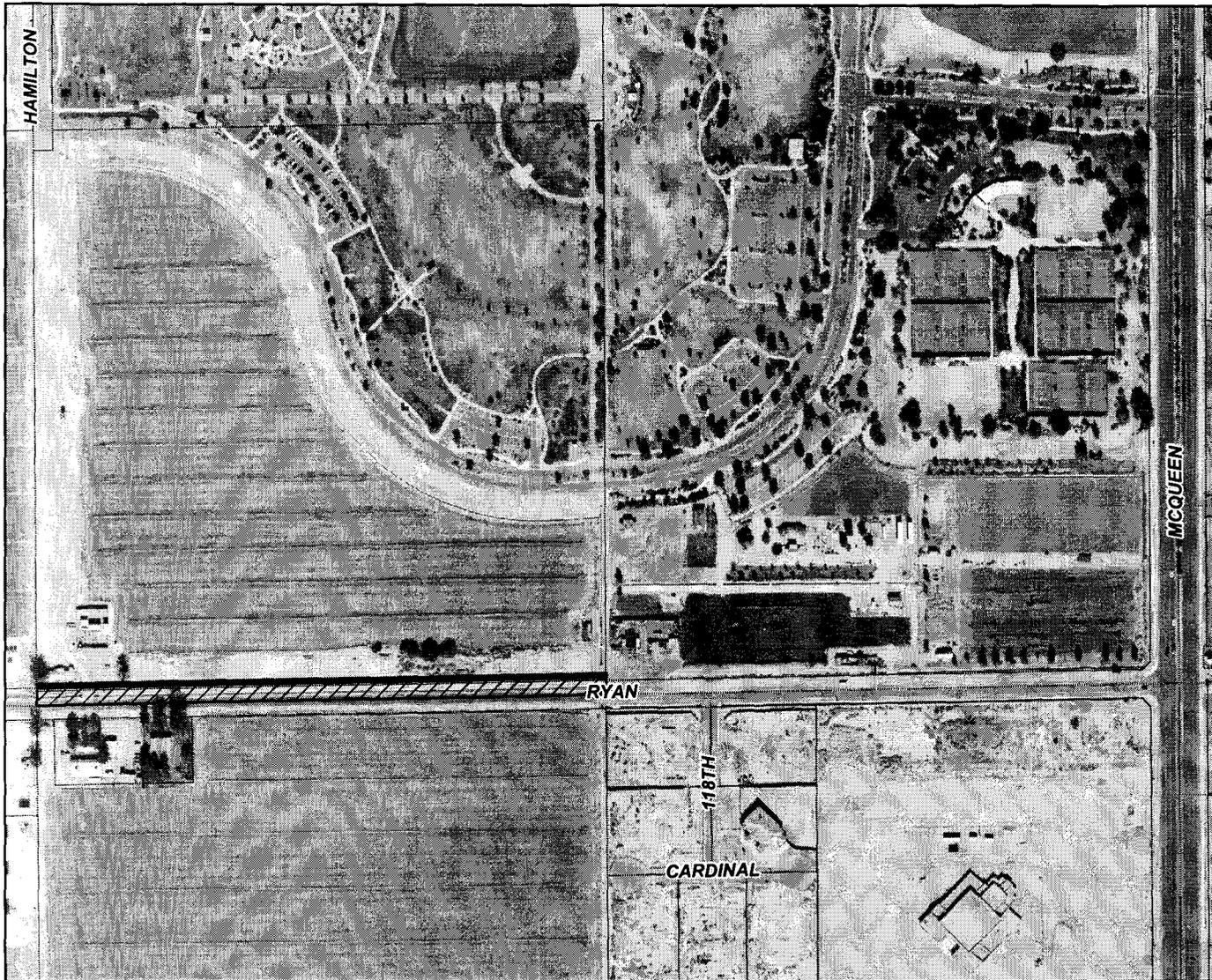
Cost: N/A
Savings: N/A
Long Term Costs: N/A

PROPOSED MOTION: Staff recommends the introduction and tentative approval of Ordinance No. 4130 authorizing the dedication in fee of a portion of City-owned property for public roadway and the dedication of a public utility easement along the south side of Tumbleweed Park between the Union Pacific Railroad and McQueen Road.

Attachments: Location/Site Map
Ordinance No. 4130



AUTHORIZE TO DEDICATE A PORTION OF PARKS PROPERTY FOR ROAD RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT



MEMO NO. RE09-183

ORDINANCE NO. 4130

-  PUBLIC UTILITY EASEMENT
-  RIGHT-OF-WAY



ORDINANCE NO. 4130

AN ORDINANCE OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, TO AUTHORIZE AND APPROVE THE DEDICATION IN FEE OF A PORTION OF CITY OWNED PROPERTY FOR PUBLIC ROADWAY AND THE DEDICATION OF A PUBLIC UTILITY EASEMENT ALONG THE SOUTH SIDE OF TUMBLEWEED PARK BETWEEN THE UNION PACIFIC RAILROAD AND MCQUEEN ROAD.

WHEREAS, City of Chandler owns property located at the north side of Ryan Road between the Union Pacific Railroad and McQueen Road which it acquired for use as a public park land; and

WHEREAS, a portion of the property needs to be dedicated in trust to the public for public roadway and for a public utility easement; and

WHEREAS, it is necessary for Council to authorize the dedication in fee of the proposed public roadway and the dedication of a public utility easement along the north side of said right-of-way to accommodate the widening of Ryan Road adjacent to the City owned property.

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 authorizes and approves the dedication in fee of a portion of City owned property for public roadway and the dedication of a public utility easement as described and depicted in Exhibit "A" attached hereto and made a part hereof by this reference.

Section 2. That the approval of the dedications shall not become final until a deed granting the right-of-way and Public Utility Easement granting a Public Utility Easement to the Public in trust have been recorded by the City Clerk.

Section 3. That the deed and Public Utility Easement shall be in a form approved by the City Attorney.

Section 4. All dedications shall be subject to existing liens, easements or other encumbrances of record existing at the time the dedication is completed.

Section 5. That 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 dedications including signing this Ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this
_____ day of _____, 2009.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____ 2009

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4130 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*

**LEGAL DESCRIPTION
RYAN ROAD
40' RIGHT-OF-WAY**

That Portion of the Northeast One-Quarter (NE ¼) of Section 10, Township 2 South, Range 5 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the East One-Quarter (E ¼) Corner of said Section 10;

Thence S 88°55'23" W, along the East-West Mid-section line, a distance of 1320.35 feet, to the **POINT OF BEGINNING**;

Thence N 01°04'37" W, a distance of 40.00 feet;

Thence S 88°55'23" W, a distance of 1319.87 feet, to a point on the North-South Mid-section line;

Thence S 00°23'32" E, along the said North-South Mid-section line, a distance of 40.00 feet, to a point on the East-West Mid-section line;

Thence N 88°55'23" E, along the said East-West Mid-section line, a distance of 1320.35 feet, to the **POINT OF BEGINNING**.

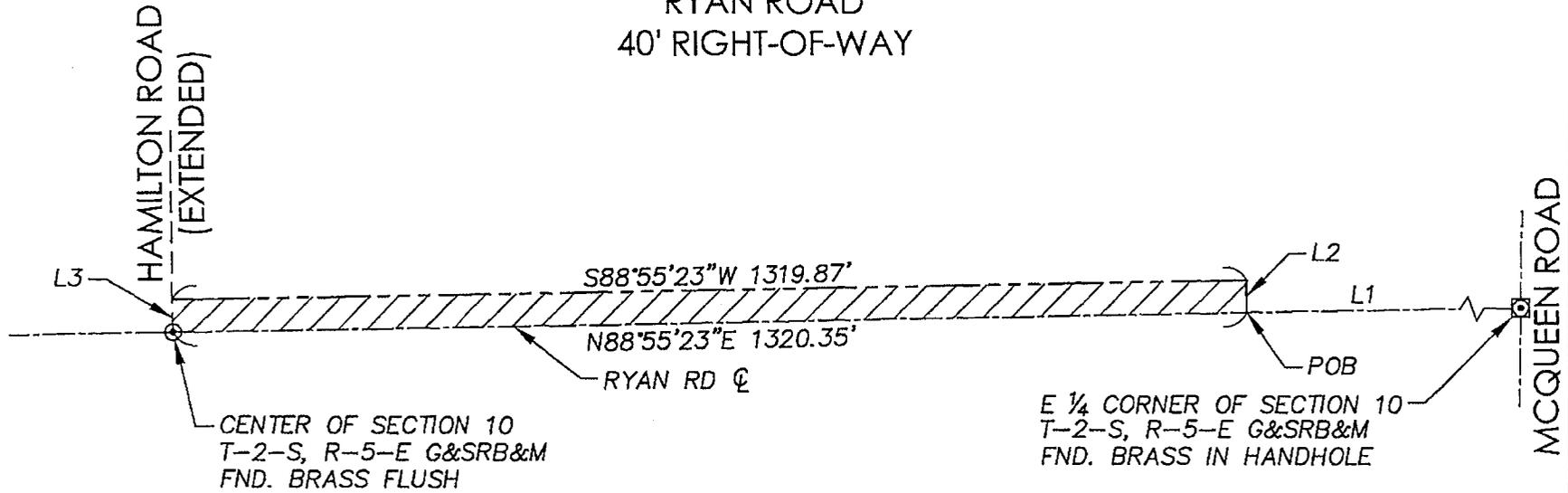
Containing 1.21 acres, more or less.

Prepared by:
Gavan & Barker, Inc.



Mark T. Gavan, P.E., R.L.S.

LEGAL DESCRIPTION EXHIBIT
 RYAN ROAD
 40' RIGHT-OF-WAY

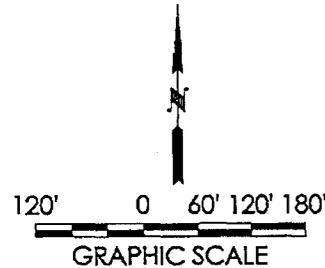


LINE DATA		
LINE	BEARING	LENGTH
L1	S88°55'23\"W	1320.35'
L2	N01°04'37\"W	40.00'
L3	S00°23'32\"E	40.00'



LEGEND

- NEW RIGHT-OF-WAY
- POB POINT OF BEGINNING



PROJECT NO.:
 PR0805-201

PROJECT NAME:
 TUMBLEWEED PARK
 ROADWAY IMPROVEMENTS

Gavan & Barker
 inc.

Civil Engineering - Landscape Architecture
 3030 North Central Avenue, Suite 1530, Phoenix
 Arizona 85012 Pfx: 602-200-0031 Fax: 602-200-0032

ROW.txt

Select figure: Figure Name: FIGURE

Course: N 01-04-37 W	Distance: 40.00
Course: S 88-55-23 W	Distance: 1319.87
Course: S 00-23-32 E	Distance: 40.00
Course: N 88-55-23 E	Distance: 1320.35

Perimeter: 2720.22

Area: 52804.28 1.21 acres

Mapcheck Closure - (Uses listed courses & COGO Units)

Error of Closure: 0.003 Course: S 33-43-18 W

Precision 1: 782034.12

**LEGAL DESCRIPTION
RYAN ROAD
8' PUBLIC UTILITY EASEMENT**

That Portion of the Northeast One-Quarter (NE ¼) of Section 10, Township 2 South, Range 5 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the East One-Quarter (E ¼) Corner of said Section 10;

Thence S 88°55'23" W, along the east-west mid-section line, a distance of 1320.35 feet;

Thence N 01°04'37" W, a distance of 40.00 feet, to a point on the North right-of-way line of Ryan Road, said point being the **POINT OF BEGINNING**;

Thence N 01°04'37" W, a distance of 8.00 feet;

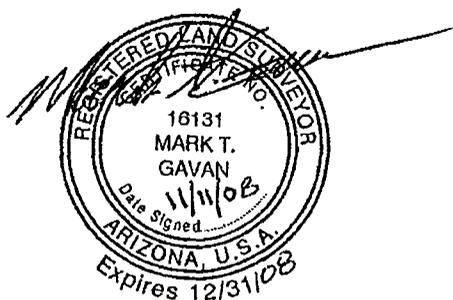
Thence S 88°55'23" W, a distance of 1319.77 feet, to a point on the North-South Mid-section line;

Thence S 00°23'32" E, along the said North-South Mid-section line, a distance of 8.00 feet, to a point on the North right-of-way line of Ryan Road;

Thence N 88°55'23" E, along the said North right-of-way line, a distance of 1319.87 feet, to the **POINT OF BEGINNING**.

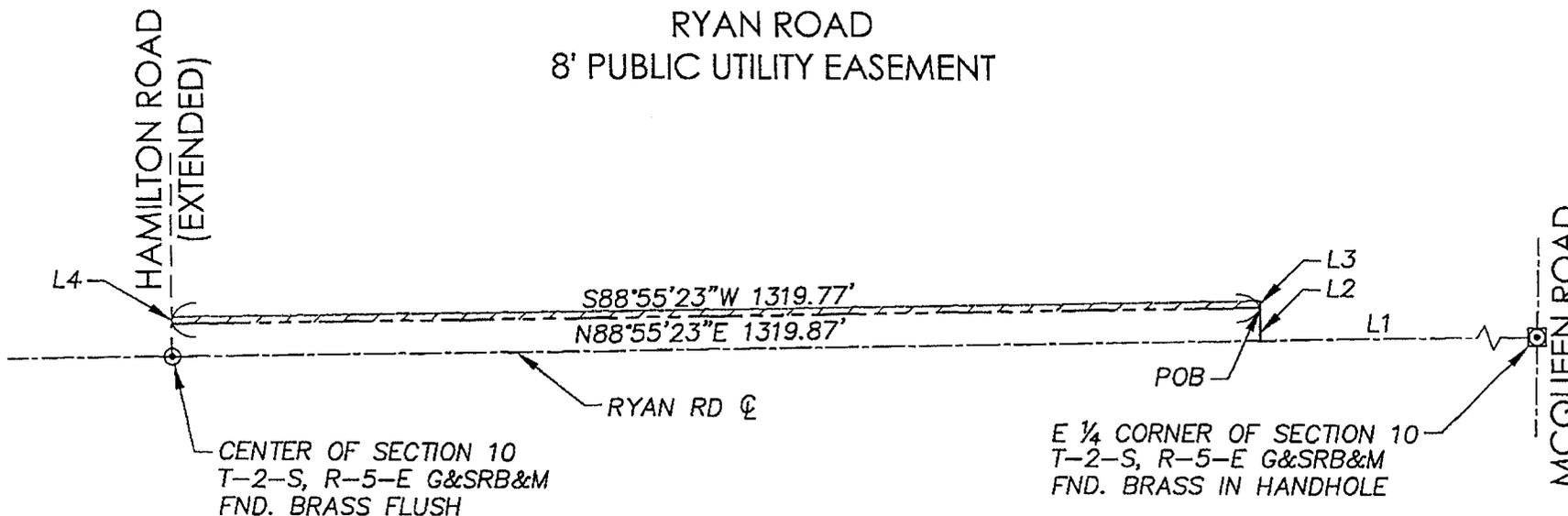
Containing 0.24 acres, more or less.

Prepared by:
Gavan & Barker, Inc.



Mark T. Gavan, P.E., R.L.S.

LEGAL DESCRIPTION EXHIBIT
 RYAN ROAD
 8' PUBLIC UTILITY EASEMENT



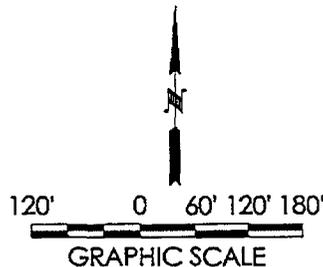
LINE DATA		
LINE	BEARING	LENGTH
L1	S88°55'23"W	1320.35'
L2	N01°04'37"W	40.00'
L3	N01°04'37"W	8.00'
L4	S00°23'32"E	8.00'



LEGEND

 NEW PUBLIC UTILITY EASEMENT

POB POINT OF BEGINNING



PROJECT NO.:
 PR0805-201

PROJECT NAME:
 TUMBLEWEED PARK
 ROADWAY IMPROVEMENTS

Gavan & Barker Inc.
 Civil Engineering - Landscape Architecture
 3200 North Central Avenue, Suite 1530, Phoenix
 Arizona 85012 Ph: 602-200-0031 Fax: 602-200-0032

select figure: Figure Name: FIGURE

Course: N 01-04-37 W
Course: S 88-55-23 W
Course: S 00-23-32 E
Course: N 88-55-23 E

PUE.txt

Distance: 8.00
Distance: 1319.77
Distance: 8.00
Distance: 1319.87

Perimeter: 2655.64

Area: 10558.56

0.24 acres

Mapcheck Closure - (Uses listed courses & COGO Units)

Error of Closure: 0.004

Course: S 81-31-14 W

Precision 1: 598930.22