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FEB 26 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. RE09-156

DATE: FEBRUARY 26, 2009

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, TRANSPORTATION SERVICES AND PLANNING
MANAGER

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: RESOLUTION NO. 4246 AUTHORIZING AND APPROVING THE ACQUISITION OF REAL PROPERTY AS NEEDED FOR THE GILBERT ROAD IMPROVEMENTS FROM QUEEN CREEK ROAD SOUTH TO THE HUNT HIGHWAY, PROJECT NO. ST-0809; AUTHORIZING AND APPROVING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING AND APPROVING SUCH RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.

RECOMMENDATION: Staff recommends that Council pass and adopt Resolution No. 4246 authorizing and approving the acquisition of real property as needed for the Gilbert Road Improvements from Queen Creek Road south to the Hunt Highway, Project No. ST-0809; authorizing and approving condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof; and authorizing and approving such relocation assistance as may be required by law.

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BACKGROUND/DISCUSSION: On January 8, 2009, City Council approved the alignment for the Gilbert Road Improvements Project (TR09-015) from Queen Creek Road south to the Hunt Highway (the "Project"). The Project requires acquisition of portions of real property from approximately 83 parcels, including an estimated 2 potential relocations. All acquisitions are adjacent to, or related to the planned improvements, including right of way, permanent and temporary easements.

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. Relocation assistance is authorized where required by law.

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

PROPOSED MOTION: Staff recommends that Council pass and adopt Resolution No. 4246 authorizing and approving the acquisition of real property as needed for the Gilbert Road Improvements from Queen Creek Road south to the Hunt Highway, Project No. ST-0809, authorizing and approving condemnation proceedings as needed to acquire said real property, and to obtain immediate possession thereof; and authorizing and approving such relocation assistance as may be required by law.

Attachments: Resolution 4246
Location/Site Map

RESOLUTION NO. 4246

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR THE GILBERT ROAD IMPROVEMENTS FROM QUEEN CREEK ROAD SOUTH TO THE HUNT HIGHWAY, PROJECT NO. ST-0809 IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY; AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.

WHEREAS, on January 8, 2009, the Chandler City Council approved the alignment for improvements to Gilbert Road from Queen Creek Road to Hunt Highway (the "Project"), which is intended to benefit the public; and

WHEREAS, in order to allow the Project to proceed and be constructed in accordance with its schedule, the City of Chandler needs to acquire certain real property as rights-of-way in fee from private property that is adjacent to, or related to the approved alignment for the Project; and

WHEREAS, the City needs to obtain immediate possession of the real property needed for the Project in order to have access and use during the construction period of the Project; and

WHEREAS, the City is authorized by law to acquire, whether by purchase, dedication or condemnation proceedings (eminent domain), such real property as is needed for public roadway purposes; and

WHEREAS, the acquisition of some of the real property for the Project may result in the relocation of persons, businesses or personal property;

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 real property needed for the construction of the Gilbert Road Improvements, from Queen Creek Road south to the Hunt Highway, in accordance with the previously approved alignment for the Project, and the securing of immediate possession of such real property, is for a public and necessary purpose, and is in the best interest of the citizens of the City of Chandler.

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. Subject to Section 2 above, the City's Real Estate Manager, any City real estate officer acting on the 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 Chandler City Attorney is 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 constructing the Gilbert Road Improvements from Queen Creek Road south to the Hunt Highway, 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.

Section 5. The City is authorized to provide such relocation assistance, including benefits, as may be required by law. The City's Real Estate Manager shall make the initial determination of any claim received for relocation benefits; any administrative appeal from such decision shall be considered and acted upon by and through its Real Estate Manager or persons acting under the Manager's direction or on the Manager's behalf for such purpose, whose decision shall be final in accordance with applicable law.

PASSED AND ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this ___ day of _____, 2009.

ATTEST:

CITY CLERK

MAYOR

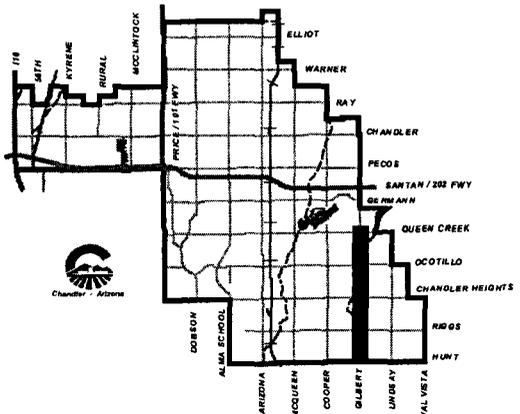
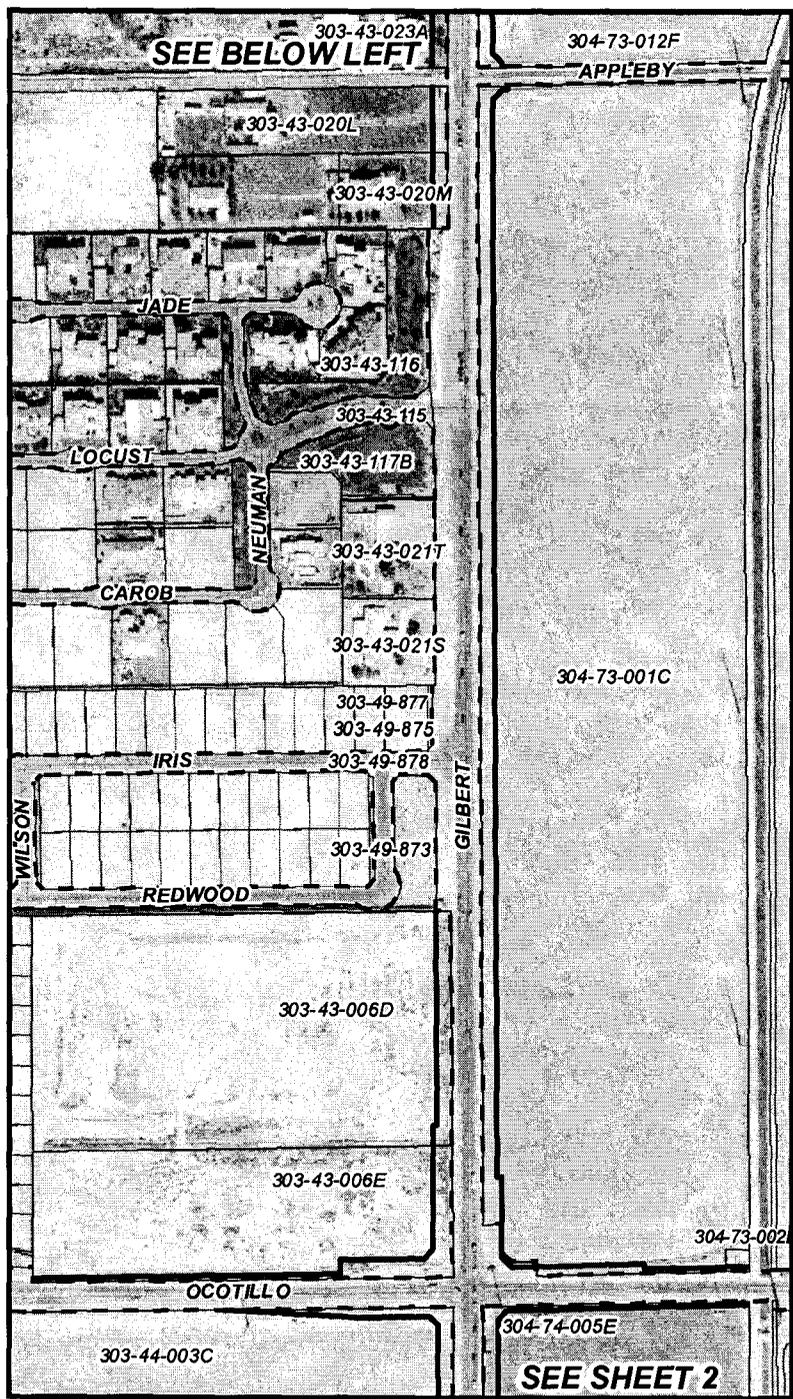
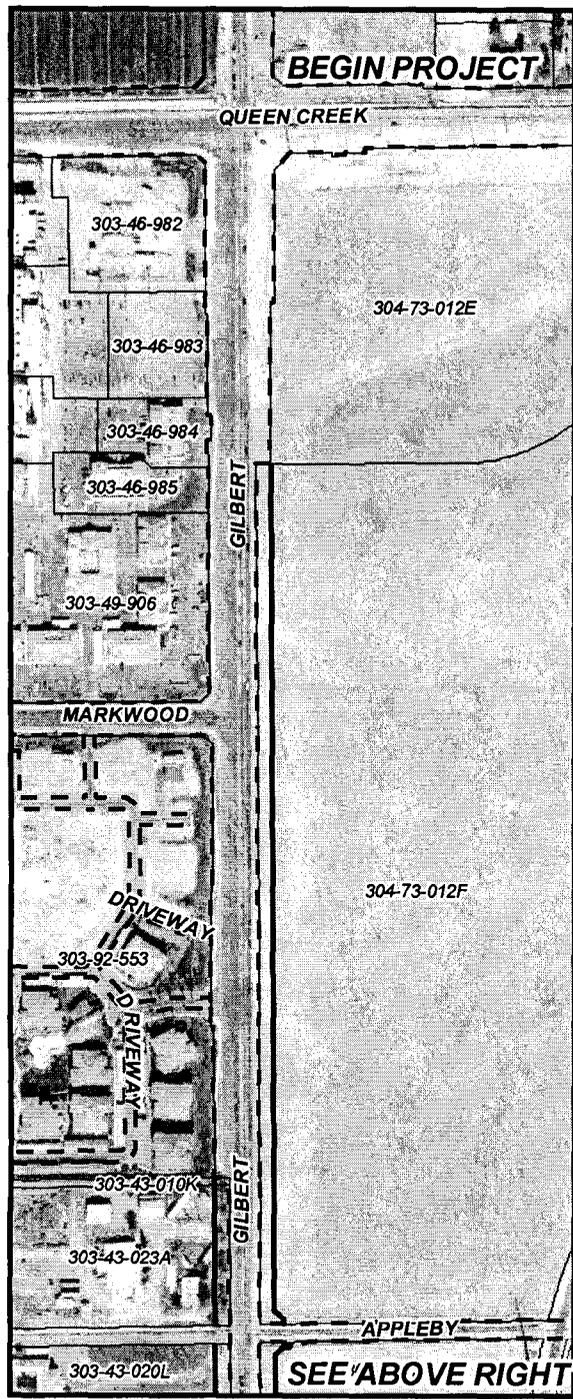
CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4246 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ___ day of _____, 2009, and that a quorum was present thereat.

CITY CLERK

APPROVE AS TO FORM

CITY ATTORNEY



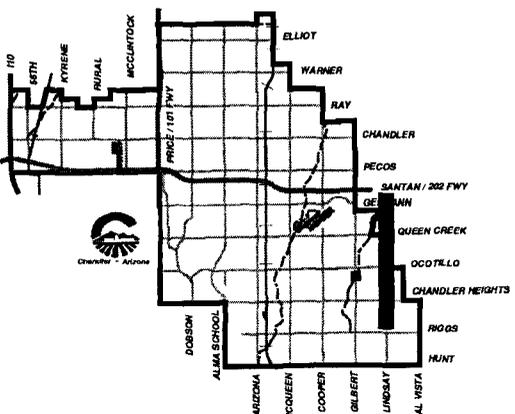
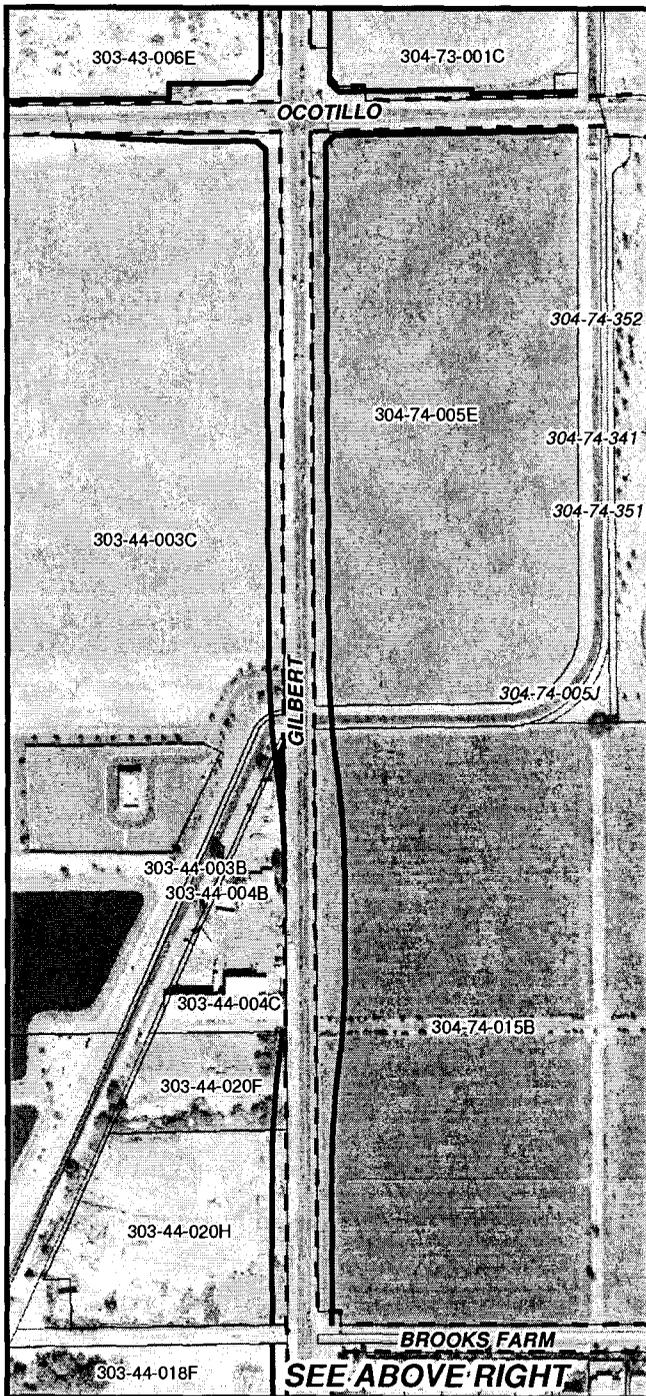
GILBERT RD IMPROVEMENTS QUEEN CREEK RD TO HUNT HWY

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— PROPOSED RW
- - - EXISTING RW

SHEET 1 OF 4





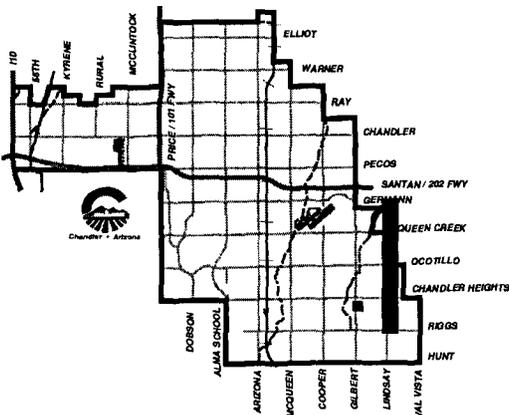
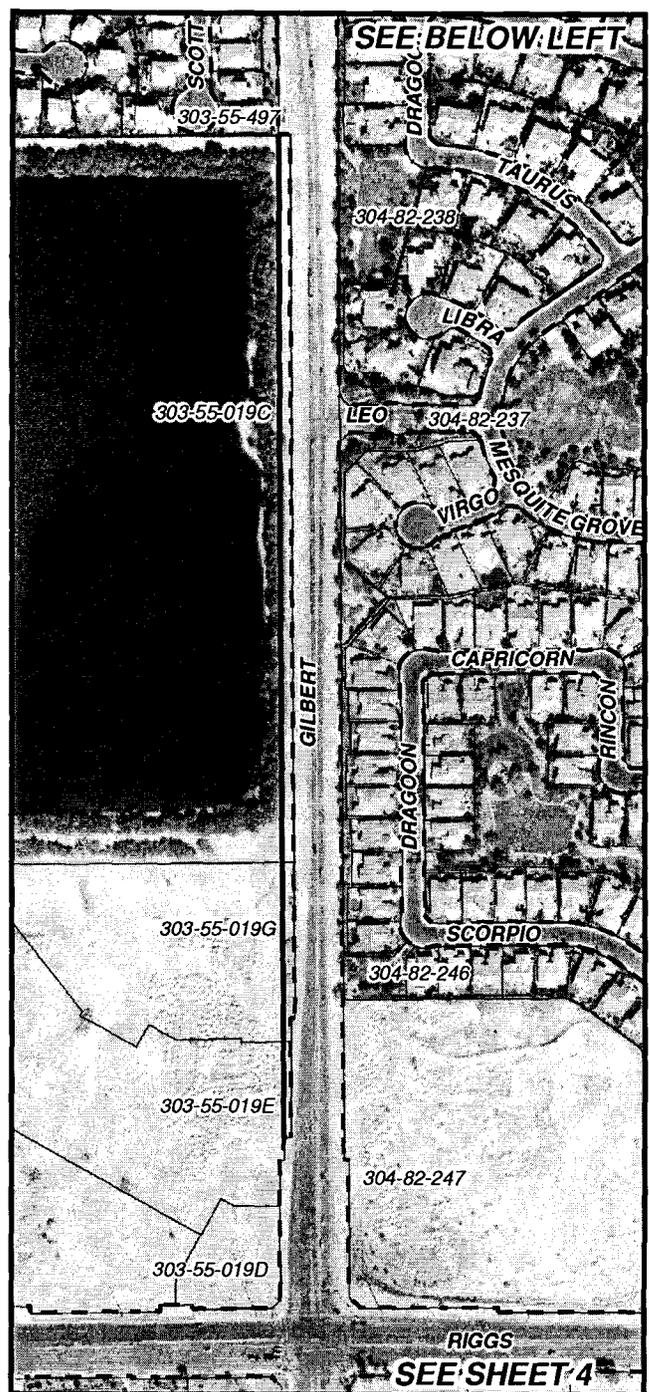
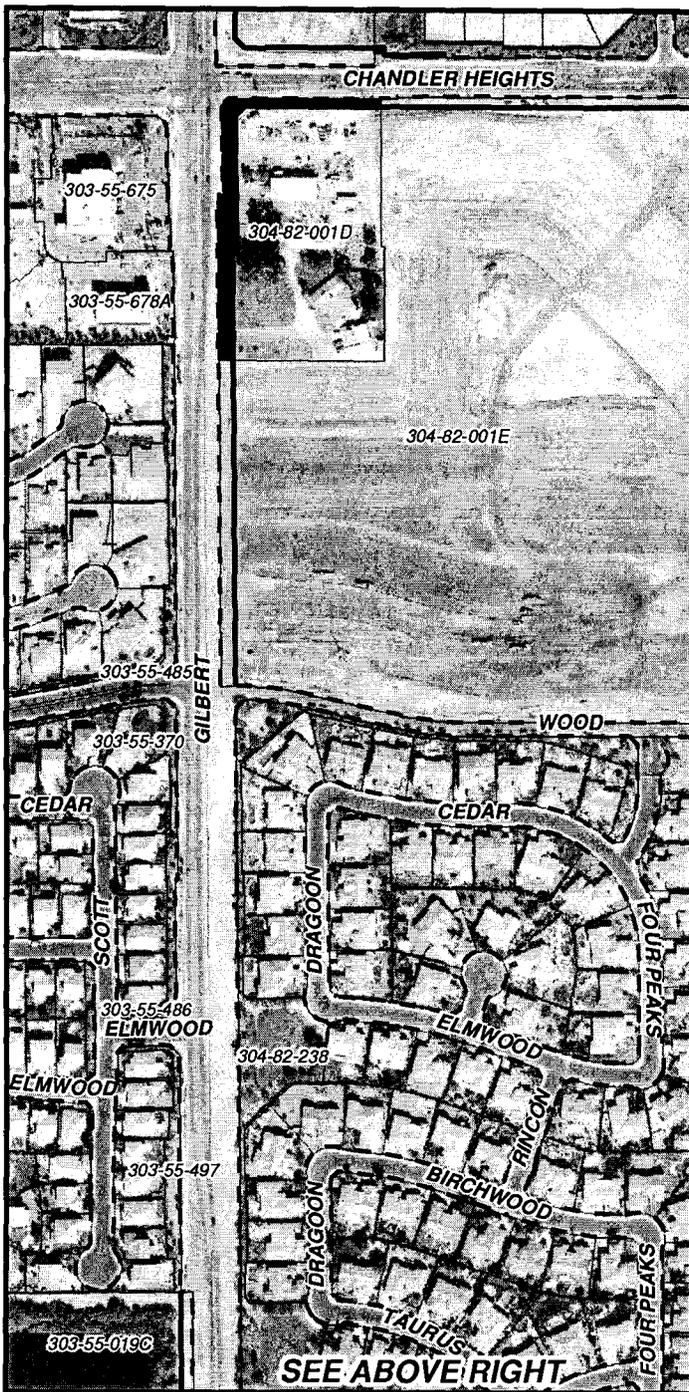
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- POTENTIAL RELOCATION
- PROPOSED R/W
- EXISTING R/W

SHEET 2 OF 4





GILBERT RD IMPROVEMENTS QUEEN CREEK RD TO HUNT HWY

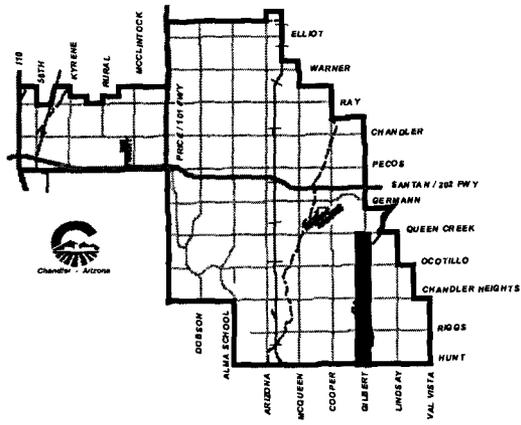
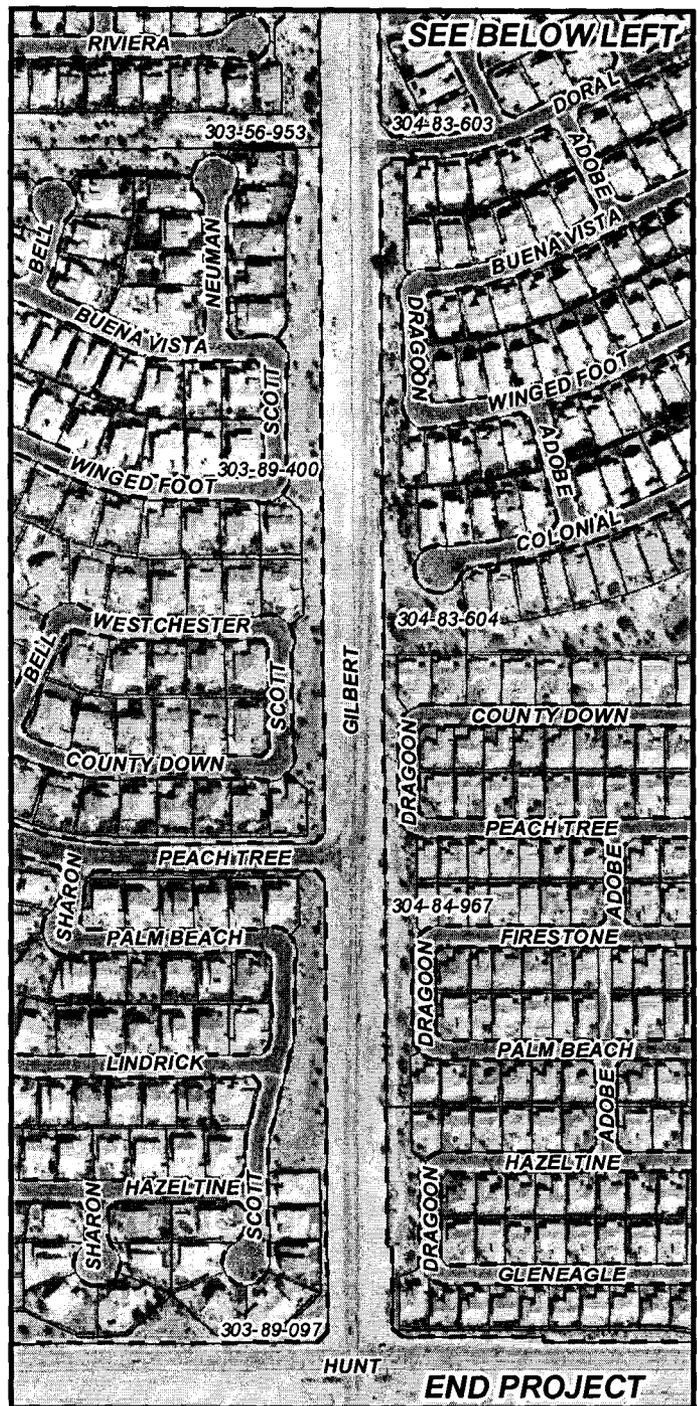
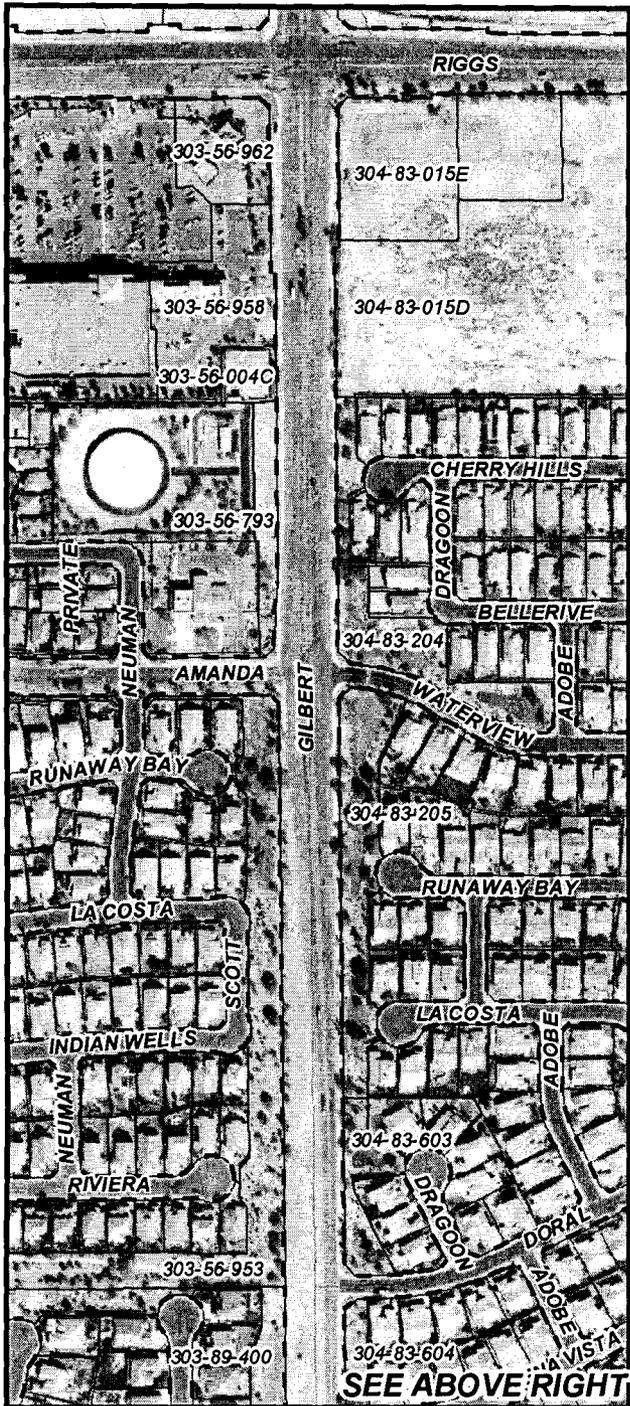
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- POTENTIAL RELOCATION
- PROPOSED R/W
- EXISTING R/W

SHEET 3 OF 4





GILBERT RD IMPROVEMENTS QUEEN CREEK RD TO HUNT HWY

MEMO NO. RE09-156
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———— PROPOSED R/W
- - - - EXISTING R/W

SHEET 4 OF 4

