

#7
MAY 14 2009



MEMORANDUM **Real Estate – Council Memo No. RE09-235**

DATE: MAY 14, 2009

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
RICH DLUGAS, ASSISTANT CITY MANAGER
JEFF CLARK, FIRE CHIEF
MARK EYNATTEN, COMMUNITY SERVICES DIRECTOR
SHERRY KIYLER, POLICE DEPARTMENT CHIEF
R.J. ZEDER, PUBLIC WORKS DIRECTOR
DANIEL W. COOK, PUBLIC WORKS DEPUTY DIRECTOR
SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR/
CITY ENGINEER

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: ORDINANCE NO. 4149 AUTHORIZING THE DEDICATION IN FEE OF PORTIONS OF CITY-OWNED FIRE/PARKS/POLICE PROPERTIES FOR THREE (3) PUBLIC ROADWAYS AND THE DEDICATION OF THREE (3) PUBLIC UTILITY EASEMENTS LOCATED AT THE DESERT BREEZE PARK FACILITY DESCRIBED IN EXHIBIT "A"

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4149 authorizing the dedication in fee of portions of City-owned Fire/Parks/Police properties for three (3) public roadways and the dedication of three (3) public utility easements located at the Desert Breeze Park facility described in Exhibit "A".

BACKGROUND/DISCUSSION: Improvements have been made to a portion of three City-owned (Fire/Parks/Police) properties located within the Desert Breeze Park facility as indicated below:

APN #301-67-010K: completion of the east half of Desert Breeze Boulevard West from Chandler Boulevard north to just shy of the park entrance, a public

utility easement, and the addition of a westbound deceleration lane on Chandler Boulevard. A traffic signal was also installed at the intersection of Chandler Boulevard and Desert Breeze Drive.

APN #301-67-001C: completion of road improvements to Desert Breeze Boulevard West, including a public utility easement.

APN #301-67-003D: completion of road improvements to Desert Breeze Boulevard East, including a public utility easement.

By way of a separate instrument in the form of a deed, the City will grant to the public in trust, the three (3) road right-of-ways. In addition, by way of a public utility easement ("PUE"), the City will grant to the public in trust three (3) public utility easements. These documents will be in a form approved by the City Attorney.

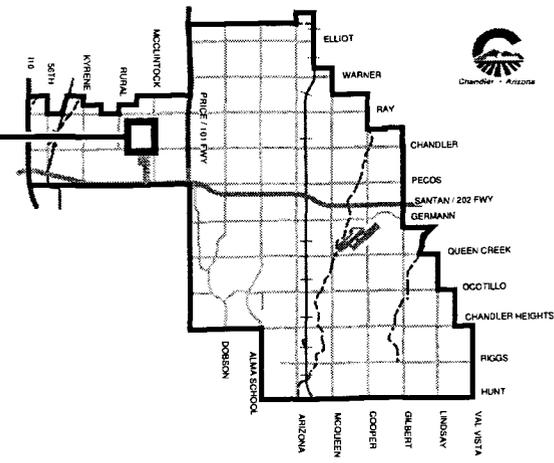
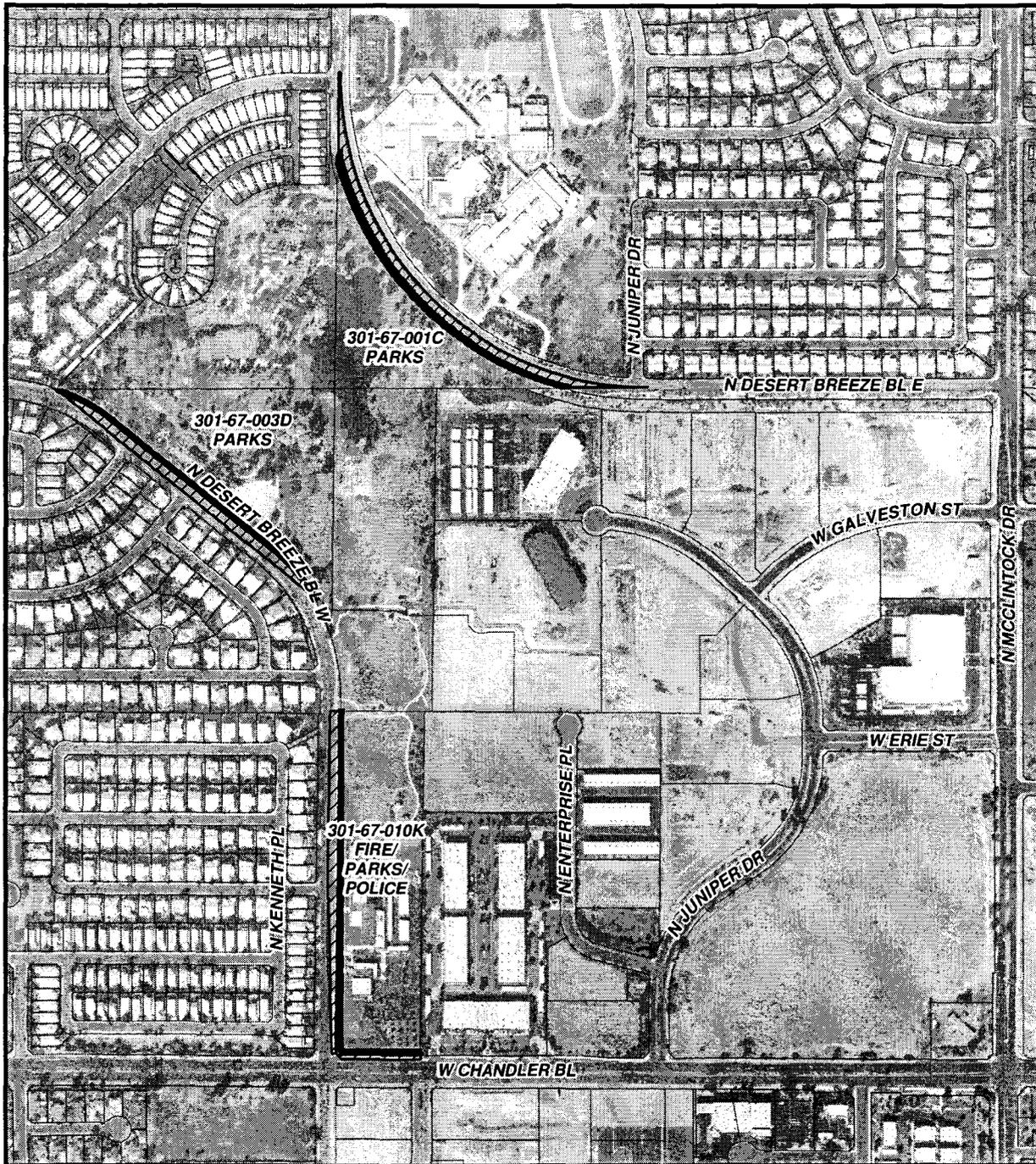
FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Staff recommends the introduction and tentative approval of Ordinance No. 4149 authorizing the dedication in fee of portions of City-owned Fire/Parks/Police properties for three (3) public roadways and the dedication of three (3) public utility easements located at the Desert Breeze Park facility described in Exhibit "A".

Attachments: Map
Ordinance 4149
Quit Claim Deed of Dedication
Dedication Easement (Public Utilities)

**AUTHORIZATION TO DEDICATE A
PORTION OF CITY-OWNED PROPERTY
FOR ROAD RIGHT-OF-WAY AND
PUBLIC UTILITY EASEMENT**



MEMO NO. RE09-235

RESOLUTION NO. 4149

-  RIGHT-OF-WAY
-  PUBLIC UTILITY EASEMENTS



ORDINANCE NO. 4149

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE THE DEDICATION IN FEE OF PORTIONS OF CITY-OWNED FIRE/PARKS/POLICE PROPERTIES FOR THREE (3) PUBLIC ROADWAYS AND THE DEDICATION OF THREE (3) PUBLIC UTILITY EASEMENTS LOCATED AT THE DESERT BREEZE PARK FACILITY DESCRIBED IN EXHIBIT "A"

WHEREAS, City of Chandler owns property located near the northwest corner of McClintock Drive and Chandler Boulevard which it acquired for use as public facilities for fire, parks & police; and

WHEREAS, a portion of the properties need to be dedicated in trust to the public for public roadway and for public utility easements; and

WHEREAS, it is necessary for Council to authorize the dedication in fee of the proposed public roadways and the dedication of public utility easements that will run along the said right-of-ways and 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 portions of City owned properties for public roadways and the dedication of public utility easements 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 three (3) right-of-ways and a public utility easement granting the three (3) Public Utility Easements 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.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4149 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

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

LEGAL DESCRIPTION

APN 301-67-001C
Right of Way

That portion of the Northeast quarter of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying southwesterly of Desert Breeze Boulevard East as shown in the plat "Kyrene De La Brisas Elementary/Aprende Middle School" recorded in Book 497, Page 45, Records of Maricopa County, said portion being more particularly described as follows:

COMMENCING at the North quarter corner of said Section 26;

Thence S00°43'31"W along the West line of said Northeast quarter a distance of 1426.44 feet to the POINT OF BEGINNING, and beginning of a tangent curve concave Northeasterly with a radius of 1212.00 feet;

Thence Southeasterly along said curve and the existing monument line of said Desert Breeze Boulevard East a length of 1917.90 feet through a central angle of 90°39'59" to the South line of said Northeast quarter;

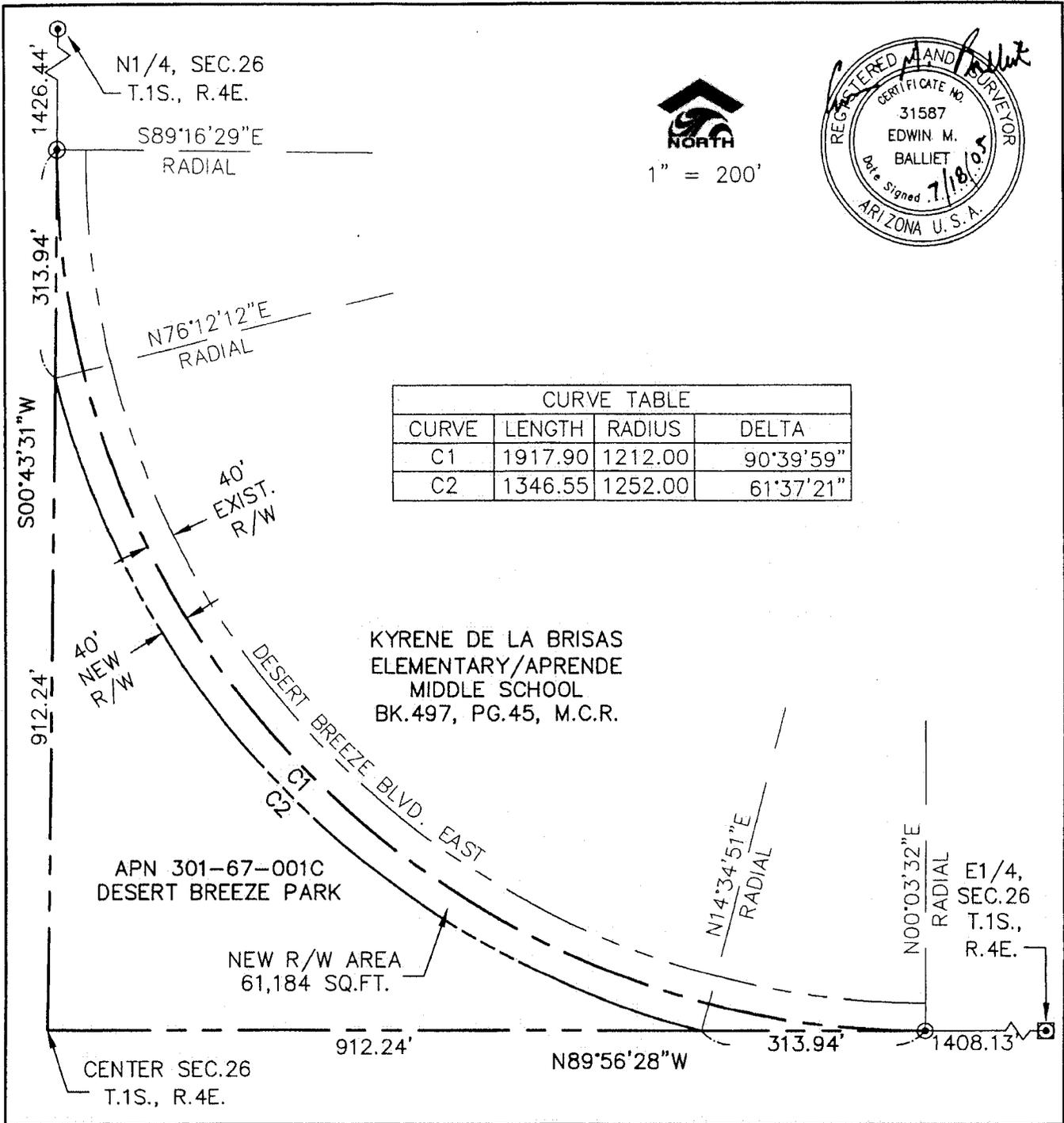
Thence N89°56'28"W a distance of 313.94 feet along said South line to the beginning of a non-tangent curve concave Northeasterly, from which the radius bears N14°34'51"E a distance of 1252.00 feet;

Thence Northwesterly along said curve a length of 1346.55 feet through a central angle of 61°37'21" to the West line of said Northeast quarter, said curve being 40.00 feet Southerly of and concentric with the existing monument line of said Desert Breeze Boulevard East;

Thence N00°43'31"E a distance of 313.94 feet along said West line to the POINT OF BEGINNING.

Contains an area of 61,184 square feet (or 1.40 acres more or less) and is subject to all easements or restrictions of record.





CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	1917.90	1212.00	90°39'59"
C2	1346.55	1252.00	61°37'21"



Stantec Consulting Inc.

8211 South 48th Street
Phoenix, Arizona 85044 USA

Stantec

Phone: (602) 438-2200 Fax: (602) 431-9582
Fax: (602) 431-9809 (Land Development)

EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION

DATE: 07/14/05
DSN:
DRN: CML
CHK: EMB

PROJECT NUMBER
181922076
SHEET
1 OF 1

LEGAL DESCRIPTION

APN 301-67-003D
Right of Way

That portion of the Southwest quarter of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying Northeasterly of the subdivision "Carrillo Ranch", a plat recorded in Book 348, Page 49, Maricopa County Records, said portion being more particularly described as follows:

COMMENCING at the West quarter corner of said Section 26, from which the Southwest corner of said Section 26 bears $S01^{\circ}27'32''W$ a distance of 2645.78 feet;

Thence $S89^{\circ}59'53''E$ a distance of 1553.34 feet along the North line of said subdivision;

Thence $S51^{\circ}12'21''E$ a distance of 6.46 feet along the North line of said subdivision to the POINT OF BEGINNING and beginning of a non-tangent curve concave Southwesterly, from which the radius bears $S19^{\circ}52'11''W$ a distance of 740.00 feet;

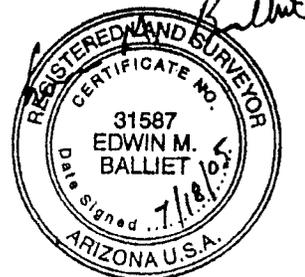
Thence departing the Northeasterly line of said subdivision Southeasterly along said curve a length of 244.42 feet through a central angle of $18^{\circ}55'28''$ to a point of tangency;

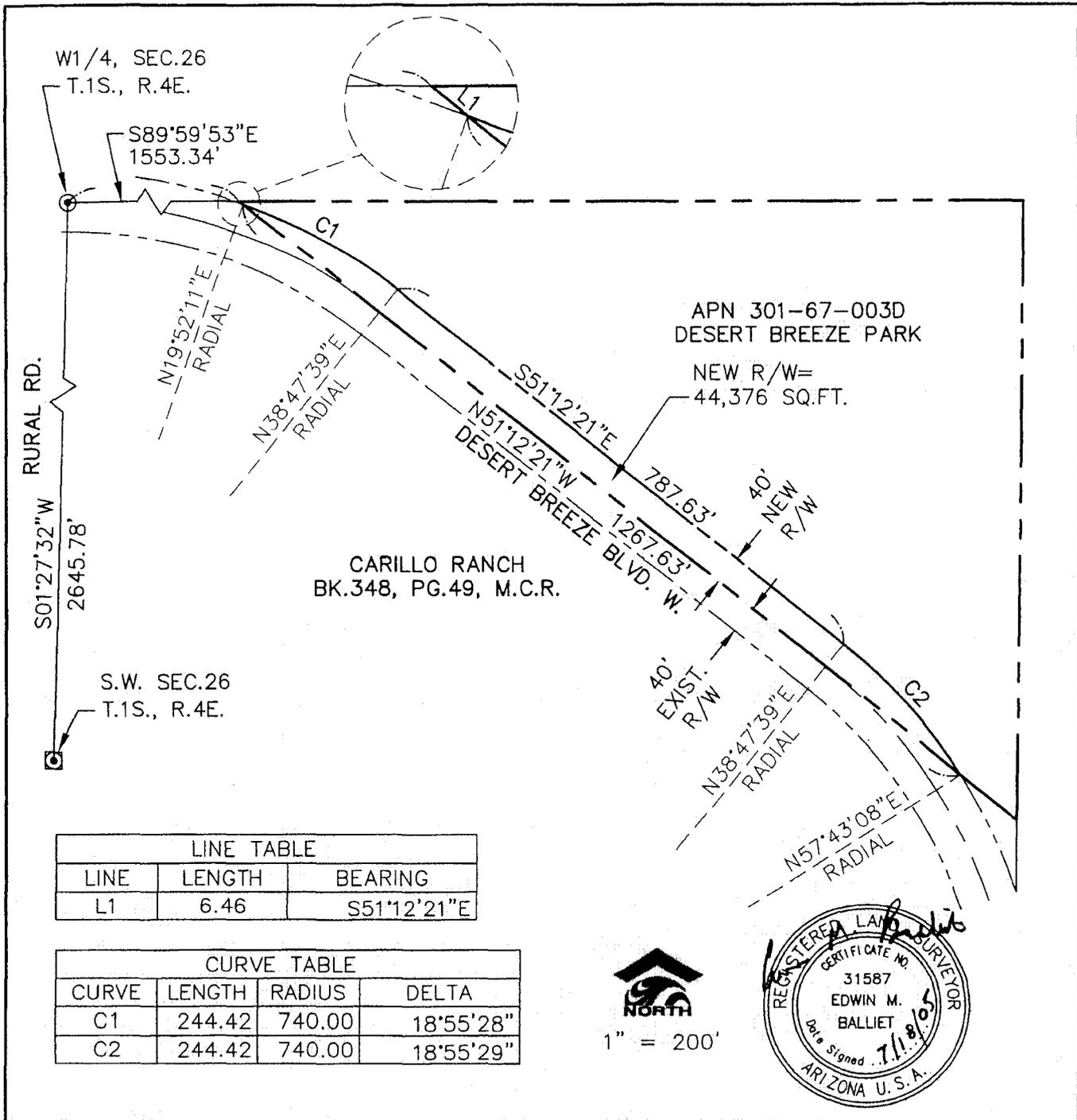
Thence $S51^{\circ}12'21''E$ a distance of 787.63 feet to the beginning of a tangent curve concave Southwesterly with a radius of 740.00 feet;

Thence Southeasterly along said curve a length of 244.42 feet through a central angle of $18^{\circ}55'29''$ to the Northeasterly line of said subdivision;

Thence $N51^{\circ}12'21''W$ along said Northeasterly line a distance of 1267.63 feet to the POINT OF BEGINNING.

Area contains 44,376 square feet (or 1.02 acres more or less) and is subject to all easements and restrictions of record.





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LEGAL DESCRIPTION

APN 301-67-010K
Right of Way

Those portions of the Southeast quarter of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portions being more particularly described as follows:

AREA 1

COMMENCING at the South quarter corner of said Section 26, from which the Southeast corner of said Section 26 bears S89°45'56"E a distance of 2673.35;

Thence N00°39'50"E a distance of 675.00 feet along the West line of said Southeast quarter to the POINT OF BEGINNING;

Thence continuing N00°39'50"E a distance of 725.16 feet;

Thence S89°45'14"East a distance of 40.00 feet;

Thence S00°39'50"W a distance of 1325.15 feet along a line 40.00 feet East of and parallel with the West line of said Southeast quarter;

Thence N89°45'56"West a distance of 16.00 feet to a point on the East line of an existing road right-of-way per Document No. 97-426162, Maricopa County Records;

Thence N01°37'39"West a distance of 600.30 feet along the East line of said existing right-of-way to the POINT OF BEGINNING.

Area 1 contains 45,806 square feet (or 1.05 acres more or less) and is subject to all easements or restrictions of record.

AREA 2

COMMENCING at the South quarter corner of said Section 26, from which the Southeast corner of said Section 26 bears S89°45'56"E a distance of 2673.35;

Thence S89°45'56"E a distance of 374.77 feet along the South line of said Southeast quarter;

Thence N00°32'47"E a distance of 55.00 feet to the POINT OF BEGINNING;

Thence N89°45'56"W a distance of 314.66 feet along a line 55.00 North of and parallel with the South line of said Southeast quarter;

Thence N44°33'26"W a distance of 22.55 feet to point on a line 71.00 feet North of the South line of said Southeast quarter;

Thence S89°45'56"E a distance of 330.63 feet along a line 71.00 feet North of and parallel with the South line of said Southeast quarter;

Thence S00°32'47"West a distance of 16.00 feet to the POINT OF BEGINNING.

Area 2 contains 5,162 square feet and is subject to all easements and restrictions of record.



40'
EXIST.
R/W

CHANDLER CORPORATE CENTER
BK. 315, PG. 34 M.C.R.

S89°45'14"E
371.90'

LINE TABLE		
LINE	LENGTH	BEARING
L1	75.00	N00°39'50"E
L2	40.00	S89°45'14"E
L3	16.00	N89°45'56"W
L4	55.00	N00°32'47"E
L5	314.66	N89°45'56"W
L6	22.55	N44°33'26"W
L7	330.63	S89°45'56"E
L8	16.00	S00°32'47"W

WILD TREE
BK.375, PG.40 M.C.R.

DESERT BREEZE BLVD. W.

NEW R/W
AREA 1
=45,806 SQ.FT.

APN 301-67-010K
CITY OF CHANDLER

STELLAR BUSINESS PARK
BK.665, PG.05 M.C.R.



1" = 200'

EXCEPTION
DOC#97-426162



600.00'

NEW R/W
AREA 2 =
5,162 SQ.FT.

S.1/4, SEC.26
T.1S., R.4E.

SE. COR.
SEC.26
T.1S., R.4E.

N00°39'50"E

N01°37'39"W

600.30'

S00°39'50"W

1325.16'

725.16'

600.30'

S00°39'50"W

1400.06'

S00°32'47"W

1400.06'

N00°39'50"E

N01°37'39"W

600.30'

S00°39'50"W

1325.16'

725.16'

600.30'

S00°39'50"W

1400.06'

S00°32'47"W

1400.06'

374.77'

S89°45'56"E

2673.35'

CHANDLER BLVD.



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PROJECT NUMBER
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LEGAL DESCRIPTION

APN 301-67-001C
Public Utility Easement

That portion of the Northeast quarter of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying southwesterly of Desert Breeze Boulevard East as shown in the plat "Kyrene De La Brisas Elementary/Aprende Middle School" recorded in Book 497, Page 45, Records of Maricopa County, said portion being more particularly described as follows:

COMMENCING at the North quarter corner of said Section 26;

Thence S00°43'31"W along the West line of said Northeast quarter a distance of 1746.38 feet to the POINT OF BEGINNING, and beginning of a non-tangent curve concave Northeasterly, from which the radius bears N76°12'12"E a distance of 1252.00 feet;

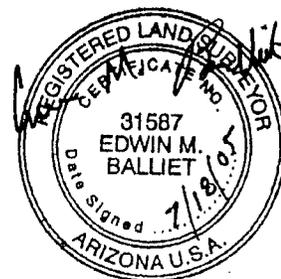
Thence Southeasterly along said curve a length of 1346.55 feet through a central angle of 61°37'21" to the South line of said Northeast quarter, said curve being 40.00 feet Southerly of and concentric with the existing monument line of said Desert Breeze Boulevard East;

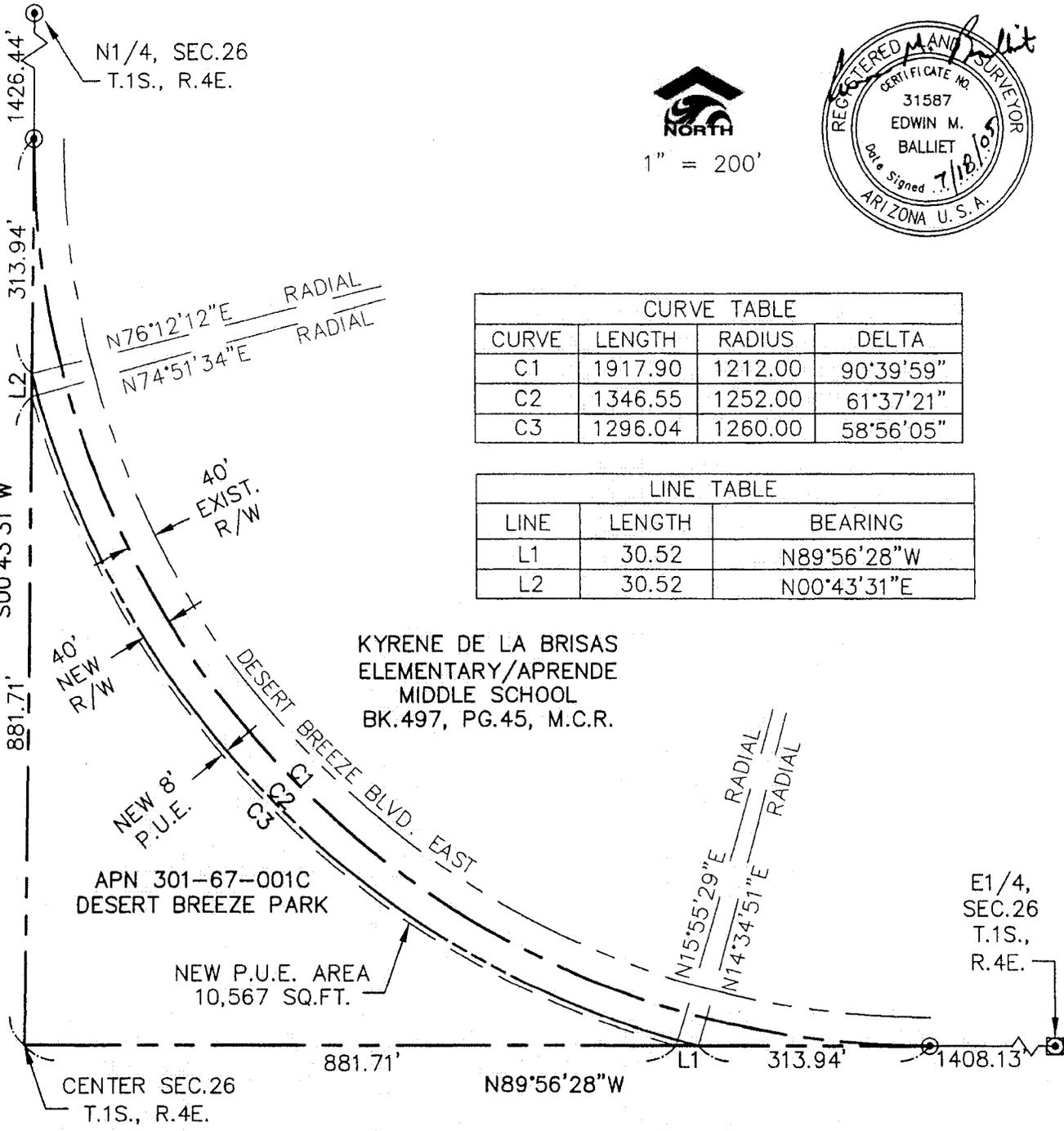
Thence N89°56'28"W a distance of 30.52 feet along said South line to the beginning of a non-tangent curve concave Northeasterly, from which the radius bears N15°55'29"E a distance of 1260.00 feet;

Thence Northwesterly along said curve a length of 1296.04 feet through a central angle of 58°56'05" to the West line of said Northeast quarter, said curve being 48.00 feet Southerly of and concentric with the existing monument line of said Desert Breeze Boulevard East;

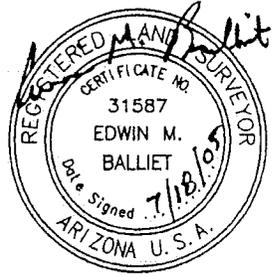
Thence N00°43'31"E a distance of 30.52 feet along said West line to the POINT OF BEGINNING.

Contains an area of 10,567 square feet and is subject to all easements or restrictions of record.





1" = 200'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	1917.90	1212.00	90°39'59"
C2	1346.55	1252.00	61°37'21"
C3	1296.04	1260.00	58°56'05"

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.52	N89°56'28"W
L2	30.52	N00°43'31"E

KYRENE DE LA BRISAS
ELEMENTARY/APRENDE
MIDDLE SCHOOL
BK.497, PG.45, M.C.R.



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Stantec

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LEGAL DESCRIPTION

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LEGAL DESCRIPTION

APN 301-67-003D
Public Utility Easement

That portion of the Southwest quarter of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying Northeasterly of the subdivision "Carrillo Ranch", a plat recorded in Book 348, Page 49, Maricopa County Records, said portion being more particularly described as follows:

COMMENCING at the West quarter corner of said Section 26, from which the Southwest corner of said Section 26 bears $S01^{\circ}27'32''W$ a distance of 2645.78 feet;

Thence $S89^{\circ}59'53''E$ a distance of 1553.34 feet along the North line of said subdivision to the POINT OF BEGINNING;

Thence continuing $S89^{\circ}59'53''E$ a distance of 17.18 feet to the beginning of a non-tangent curve concave Southwesterly, from which the radius bears $S20^{\circ}38'21''W$ a distance of 748.00 feet;

Thence Southeasterly along said curve a length of 237.01 feet through a central angle of $18^{\circ}09'18''$ to a point of tangency;

Thence $S51^{\circ}12'21''E$ a distance of 787.63 feet to the beginning of a tangent curve concave Southwesterly with a radius of 748.00 feet;

Thence Southeasterly along said curve a length of 269.42 feet through a central angle of $20^{\circ}38'15''$ to the Northeasterly line of said subdivision;

Thence $N51^{\circ}12'21''W$ a distance of 23.64 along the Northeasterly line of said subdivision to the beginning of a non-tangent curve concave Southwesterly, from which the radius bears $S57^{\circ}43'08''W$ a distance of 740.00 feet;

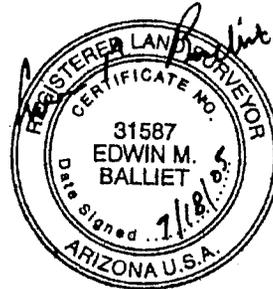
Thence Northwesterly along said curve a length of 244.42 feet through a central angle of $18^{\circ}55'29''$ to a point of tangency;

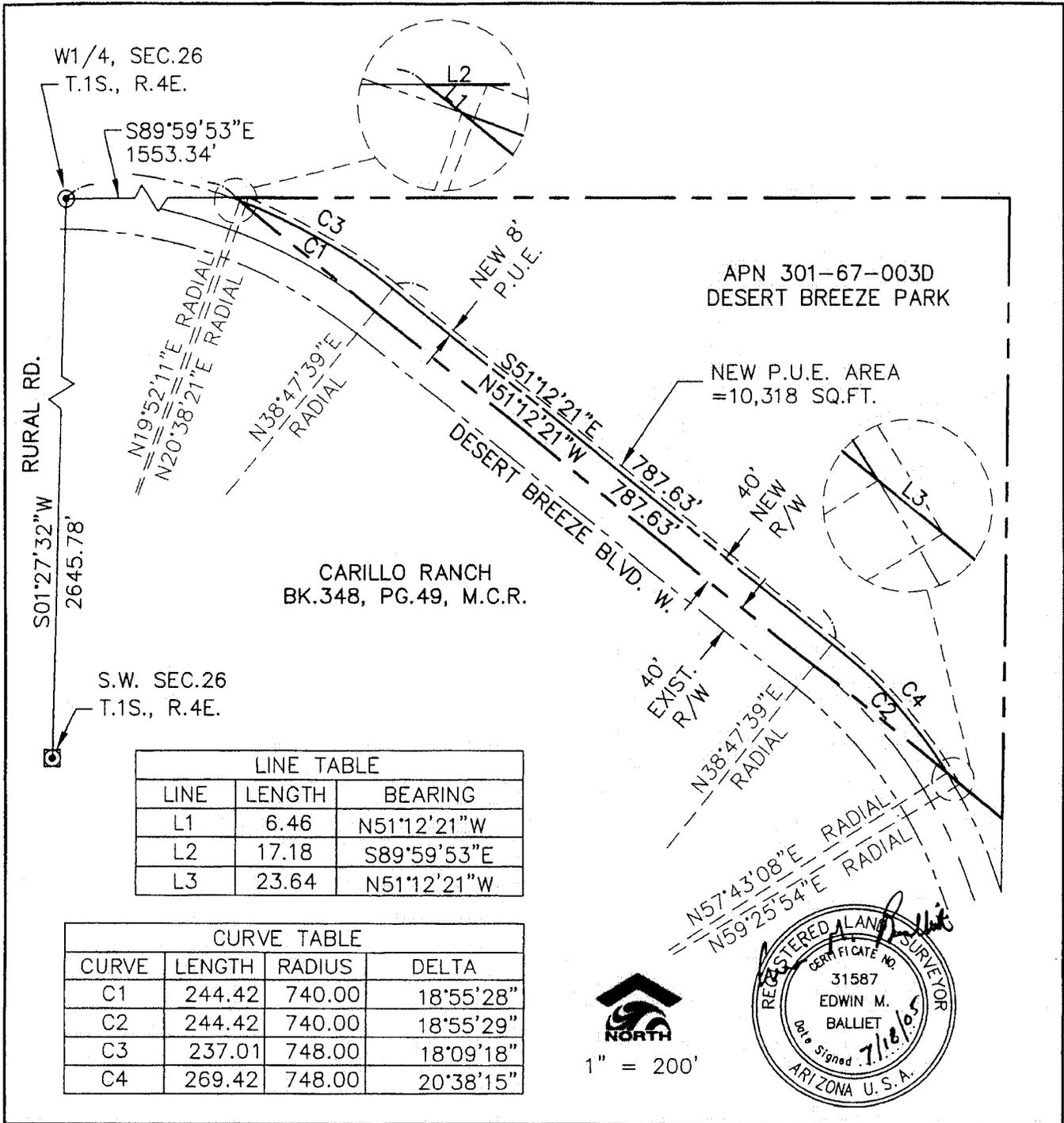
Thence $N51^{\circ}12'21''W$ a distance of 787.63 feet to the beginning of a tangent curve concave Southwesterly with a radius of 740.00 feet;

Thence Northwesterly along said curve a length of 244.42 feet through a central angle of 18°55'28" to the Northeasterly line of said subdivision;

Thence N51°12'21"W along said Northeasterly line a distance of 6.46 feet to the POINT OF BEGINNING.

Area contains 10,318 square feet (or 1.02 acres more or less) and is subject to all easements and restrictions of record.





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SHEET
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LEGAL DESCRIPTION

APN 301-67-010K
Public Utility Easement

That portion of the Southeast quarter of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

COMMENCING at the South quarter corner of said Section 26, from which the Southeast corner of said Section 26 bears S89°45'56"E a distance of 2673.35;

Thence N00°39'50"E a distance of 1400.16 feet along the West line of said Southeast quarter;

Thence departing said West line S89°45'14"E a distance of 40.00 feet to the POINT OF BEGINNING;

Thence continuing S89°45'14"E a distance of 8.00 feet;

Thence S00°39'50"W a distance of 1321.15 feet along a line 48.00 feet Easterly of and parallel with the West line of said Southeast quarter;

Thence S89°45'56"E a distance of 326.61 feet along a line 79.00 feet Northerly of and parallel with the South line of said Southeast quarter;

Thence S00°32'47"W a distance of 8.00 feet;

Thence N89°45'56"W a distance of 330.63 feet along a line 71.00 feet Northerly of and parallel with the South line of said Southeast quarter;

Thence N44°31'02"W a distance of 5.63 feet;

Thence N00°39'50"E a distance of 1325.16 feet along a line 40.00 feet Easterly of and parallel with the West line of said Southeast quarter to the POINT OF BEGINNING.

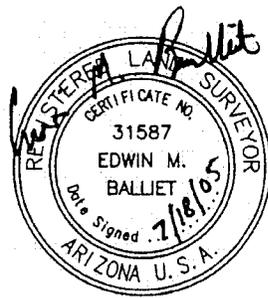
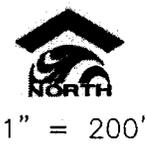
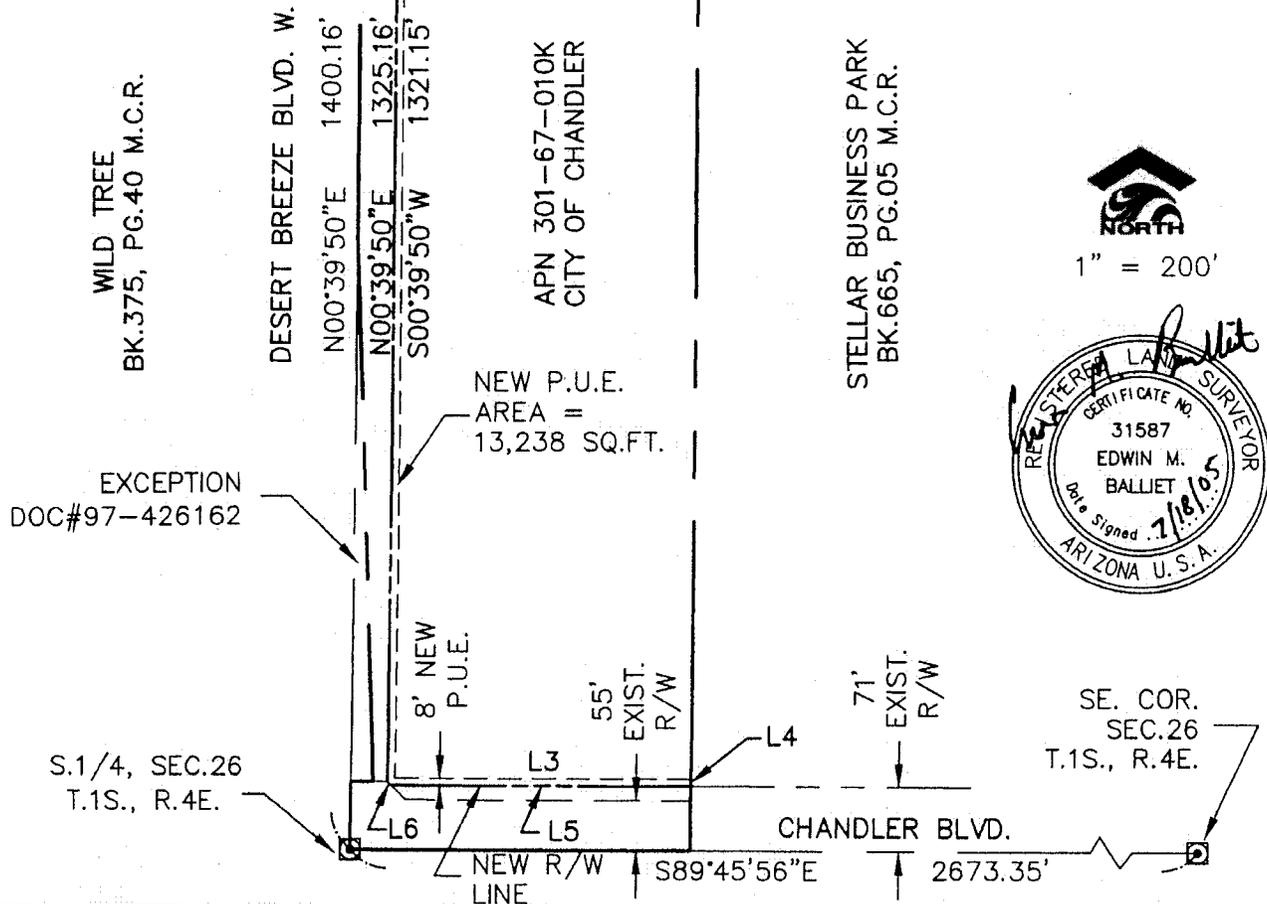
Area contains 13,238 square feet and is subject to all easements or restrictions of record.



40'
EXIST.
R/W

CHANDLER CORPORATE CENTER
BK. 315, PG. 34 M.C.R.

LINE TABLE		
LINE	LENGTH	BEARING
L1	40.00	S89°45'14"E
L2	8.00	S89°45'14"E
L3	326.61	S89°45'56"E
L4	8.00	S00°32'47"W
L5	330.63	N89°45'56"W
L6	5.63	N44°33'26"W



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