

8

AUG 13 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. RE 10-009

DATE: AUGUST 13, 2009

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
R.J. ZEDER, PUBLIC WORKS DIRECTOR
DANIEL W. COOK, DEPUTY PUBLIC WORKS DIRECTOR
SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR
CITY ENGINEER
MIKE MAH, TRANSPORTATION ENGINEER

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: ORDINANCE NO. 4169 AUTHORIZING AND APPROVING THE VACATION OF A PORTION OF RIGHT-OF-WAY ON APPLEBY ROAD, WEST OF ARIZONA AVENUE NEAR HAMILTON HIGH SCHOOL

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4169 authorizing and approving the vacation of a portion of right-of-way on Appleby Road, west of Arizona Avenue near Hamilton High School.

BACKGROUND/DISCUSSION: The City of Chandler received a request from Shea Homes and the Chandler Unified School District to vacate a portion of Appleby Road near Hamilton High School. A bus bypass route was previously constructed to increase the efficiency of bus traffic within and from Hamilton High School by minimizing turning movements onto public roadway. As a result, the subject portion of Appleby Road still remains, but is no longer used as roadway.

Once the portion of roadway has been vacated, Shea Homes will enter into a donation agreement with the Chandler Unified School District – refer to the attached Shea Homes letter, dated December 3, 2003.

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Real Estate has contacted the appropriate City Departments and outside utilities. Each has reviewed this request and there are no objections.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 4169 authorizing and approving the vacation of a portion of right-of-way on Appleby Road, west of Arizona Avenue near Hamilton High School.

Attachments: Ordinance 4169
Map
Shea Homes Letter, dated 12/3/2003

ORDINANCE NO. 4169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF RIGHT-OF-WAY ON APPLEBY ROAD, WEST OF ARIZONA AVENUE NEAR HAMILTON HIGH SCHOOL

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, A.R.S. §28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, A.R.S. §28-7215 provides that a public roadway may be vacated without compensation if the person taking the public roadway agrees to assume the costs of maintaining the public roadway and the liability for the public roadway; and

WHEREAS, Shea Homes and the Chandler Unified School District has requested the City of Chandler vacate a portion of roadway on Appleby Road, west of Arizona Avenue; and

WHEREAS, after the vacation of roadway is completed and title is transferred to the adjacent property owner (Shea Homes), Shea Homes has agreed to enter into a donation agreement with Chandler Unified School District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. The Roadway, which is generally described above and which is legally described in Exhibit "A", attached hereto and incorporated herein by reference, is determined to be no longer necessary for public use as roadway, and has no public use or no market value.

Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

Section 3. The vacating of the Roadway is not intended to vacate or extinguish any easements for existing water, sewer, gas or similar pipelines and appurtenances, and for existing canals, laterals or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the Roadway.

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4169 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*

Section 4. The action taken herein to vacate the Roadway is done solely to dispose of the City's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

Section 5. Pursuant to A. R. S. § 28-7215, the vacation of the Roadway is done without any requirement for monetary compensation to the City, but is made in consideration for the owner of the property agreeing to assume responsibility for maintenance of and liability for the Roadway.

Section 6. The Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, this Ordinance and all other documents required and necessary to complete the abandonment and vacation of the Roadway.

Section 7. The City Clerk is directed to cause this Ordinance No. 4169 to be recorded in the office of the Maricopa County Recorder as directed by the Chandler City Attorney, but in no event earlier than thirty (30) days following the date that this Ordinance No. 4169 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 4169.

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

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2009.

ATTEST:

CITY CLERK

MAYOR

March 26, 2007

LEGAL DESCRIPTION FOR
CITY OF CHANDLER
RIGHT OF WAY VACATION

That part of the Northeast Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 5 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap marking the East Quarter Corner of said Section 16, from which the City of Chandler Brass Cap in handhole marking the Southeast Corner of said Section 16 bears South 00°48'45" West, a distance of 2,645.91 feet;

Thence North 89°43'01" West, along the East West mid-section line of said Section 16, a distance of 877.40 feet to a point on a 450.00 foot radius non-tangent curve, whose center bears North 26°07'30" East, and the True Point of Beginning;

Thence Southeasterly, along said curve, through a central angle of 25°50'31", a distance of 202.96 feet to a point on the Southerly right of way line for Appleby Road as shown on a Map of Dedication for "Hamilton High School" recorded in Book 537 of Maps, Page 43, Maricopa County Records;

Thence North 89°43'01" West, along said Southerly right of way line, a distance of 635.73 feet to a point on the Westerly Boundary line of said Map of Dedication;

Thence North 00°50'37" East, along said Westerly boundary line, a distance of 45.00 feet to a point on said East West mid-section line, also being the Southerly Boundary line of a Final Plat for "Dobson Crossing" recorded in Book 747 of Maps, Page 37, Maricopa County Records;

Thence South 89°43'01" East, along said Southerly Boundary line, a distance of 439.14 feet to the True Point of Beginning.

Containing 0.520 Acres, more or less.



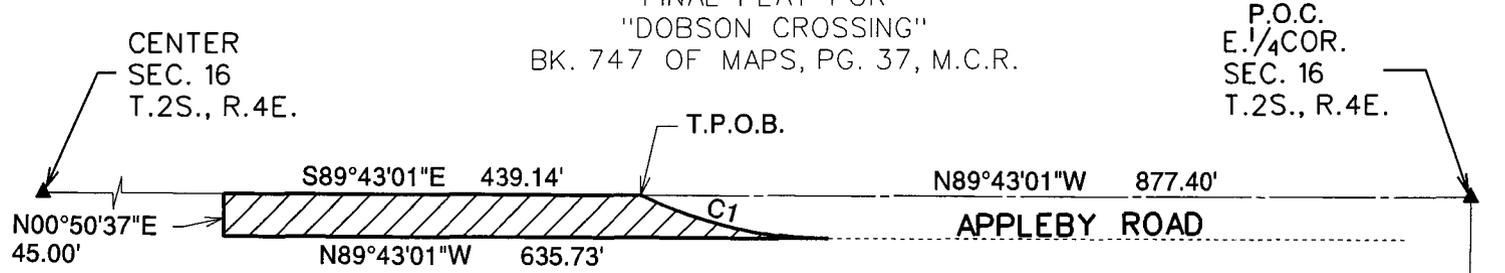


SCALE: 1" = 200'

CURVE TABLE

NO.	RADIUS	ARC	DELTA
1	450.00'	202.96'	025°50'31"

FINAL PLAT FOR
"DOBSON CROSSING"
BK. 747 OF MAPS, PG. 37, M.C.R.



MAP OF DEDICATION FOR
"HAMILTON HIGH SCHOOL"
BK. 537 OF MAPS, PG. 43, M.C.R.

[Handwritten Signature]

SE. COR.
SEC. 16
T.2S., R.4E.

JOB NO
990013

SHEET
1 OF 1

CITY OF CHANDLER
RIGHT OF WAY VACATION

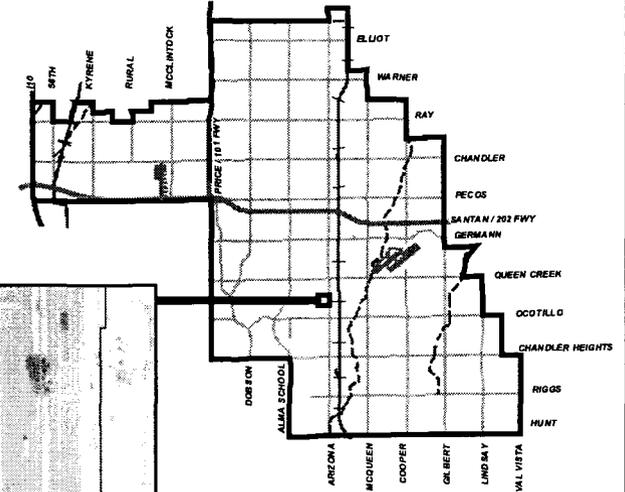
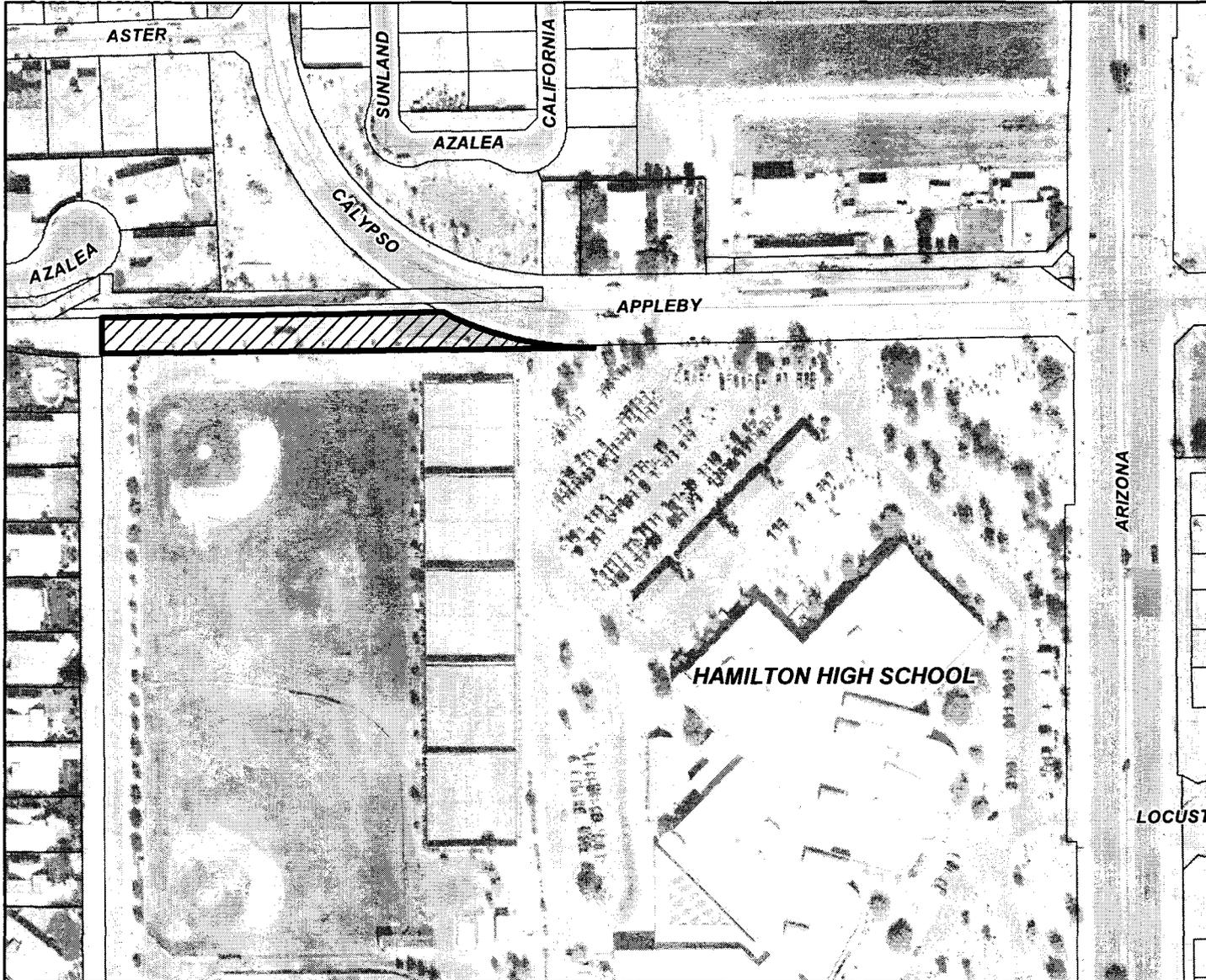
COE & VAN LOO
PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE

EXHIBIT

N:\990013\LAND\EHCOCVAC.DGN
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
TELEPHONE (602) 264-6831



VACATION OF A PORTION OF RIGHT-OF-WAY ON APPLEBY RD, WEST OF ARIZONA AVE. NEAR HAMILTON HIGH SCHOOL



MEMO NO. RE10-009

ORDINANCE NO. 4169

 ROW TO BE VACATED



DEC-19-2003 11:27

CUSD

602 812 7014 P.01

SheaHomes

Limited Partnership

AZ Contractor's License No. ROC 681359-006

December 3, 2003

Via Facsimile (480) 812-7014 and Courier

Ms. Jeanette Shipley Polvani
Assistant Superintendent for Administrative Services
Chandler Unified School District No. 80
Administration Center
1525 West Frye Road
Chandler, Arizona 85224

**SUBJECT: Dobson Crossing
Proposed Bus Bypass Route- Hamilton High School**

Dear Ms. Polvani:

Thank you for meeting with Chandler city staff so quickly after our meeting last Tuesday. I am happy to hear that the City is agreeable to the bypass plan. As we discussed, this bypass plan is designed to increase the efficiency of bus traffic within and from Hamilton High School (HHS) by minimizing turning movements onto public roadway.

I understand that the City of Chandler (COC) is looking for a written acceptance by the Chandler Unified School District (District) related to the bypass before sending the rezoning of Dobson Crossing (also known as Avalon) to public hearing. As such, I would like to put some of our discussions in writing.

- The attached schematic represents a rough idea of what the bypass will look like. Both Shea and CUSD are in agreement that this schematic represents the general alignment and scope of the bus bypass route. Upon receiving HHS improvement plans for this area and upon receiving preliminary plat approval for Dobson Crossing, Shea Homes will cause to be prepared more detailed improvement plans related to the bypass. These improvements will be designed to commercially reasonable standards, typical of existing driveways within HHS. Shea will fund the design of these improvements.
- Upon receipt of final plat approval for Dobson Crossing, Shea will work with the COC to cause the abandonment of that portion of the existing Appleby Rd. ROW that would be exclusively used as a bus bypass. Shea will work with the COC to cause this property to be dedicated to the District.
- Upon receipt of final plat approval for Dobson Crossing and during the course of lot development at this community, Shea will cause the improvements to the bypass road to be constructed. Shea will fund all costs related to the installation of these improvements. CUSD will grant Shea commercially reasonable construction easements for those improvements on CUSD property.

Enhancing people's lives through the construction of the finest homes and communities in America.

DEC-19-2003 11:27

CUSD

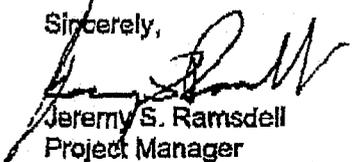
602 812 7014 P.02

Ms. Jeanette Shipley Polvani
Chandler Unified School District No. 80
December 4, 2003
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- Shea will work with the COC and CUSD with respect to yield signage on the proposed Appleby Rd. alignment to allow for reasonable efficiency of bus turning movements out of HHS onto Appleby. Shea will incorporate such signage into its improvement plans for Dobson Crossing.
- Shea Homes will enter into a donation agreement with CUSD.

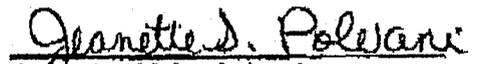
I believe this covers everything; please let me know if I have omitted or mischaracterized anything. We may want to cause a more formal agreement to be executed regarding these arrangements prior to final design and construction. If this letter accurately reflects our understandings, please sign below and return to me. I can be reached at (480) 348-6065, should you have any questions or comments.

Sincerely,



Jeremy S. Ramsdell
Project Manager
Land Acquisition and Development

AGREED AND ACCEPTED:



Jeanette Shipley Polvani
Chandler Unified School District

Enclosures: Bypass Exhibit
Signed Donation Agreement

cc: Dave Garcia, Shea Homes
Ralph Pew, Pew and Lake
Joe Walsh, Coe and Van Loo
file

Jeremy -
The City of Chandler is going to review plan for appropriate sites distance requirements & alignments.

