

AUG 27 2009



MEMORANDUM

Real Estate Council Memo No. RE10-013

DATE: AUGUST 27, 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

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: RESOLUTION NO. 4319 AUTHORIZING AND APPROVING THE ACQUISITION OF REAL PROPERTY NEEDED FOR THE ARIZONA AVENUE BUS RAPID TRANSIT STATIONS PROJECT, NO. ST-0668; 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. 4319 Authorizing and approving the acquisition of real property needed for the Arizona Avenue Bus Rapid Transit Stations, Project No. ST-0668; 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.

BACKGROUND/DISCUSSION: On June 18, 2009, the Transportation Commission reviewed the Arizona Avenue Bus Rapid Transit Stations Project (the "Project") and recommended that the City enter into an Intergovernmental Agreement ("IGA") with the Regional Public Transit Authority ("RPTA") to build the Project which is required to improve transit services for Chandler residents by providing additional, larger and improved stations for citizens using bus rapid transit services to connect with the light rail system.

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All of the funding for the project will be paid by RPTA to the City of Chandler from Federal Stimulus Funds.

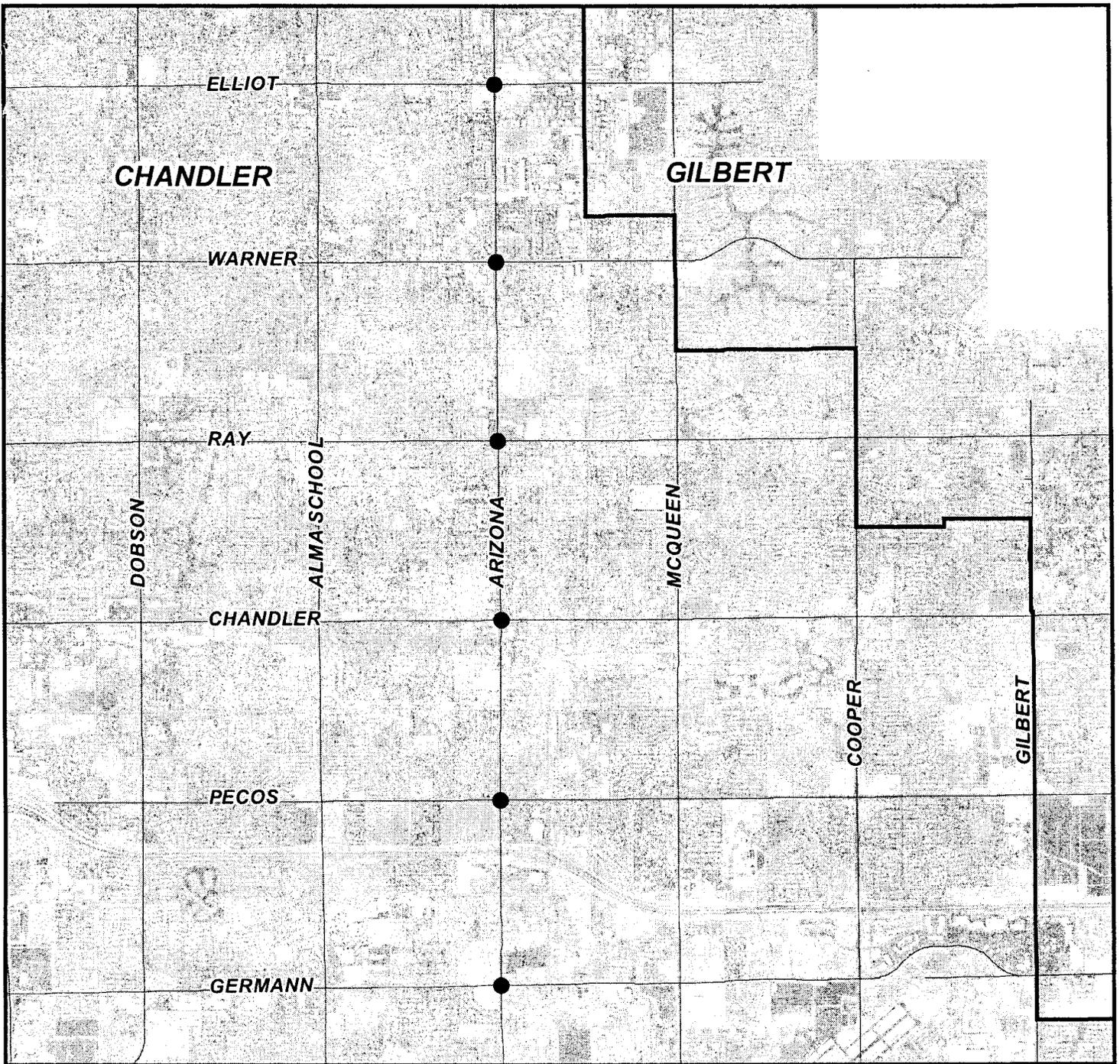
The project requires the partial acquisition of real property rights (road right-of-way and easements) from approximately 15 commercial properties, including the full acquisition of 1 multi-family residential property containing 3 units.

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. 4319 Authorizing and approving the acquisition of real property needed for the Arizona Avenue Bus Rapid Transit Stations, Project No. ST-0668; 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.

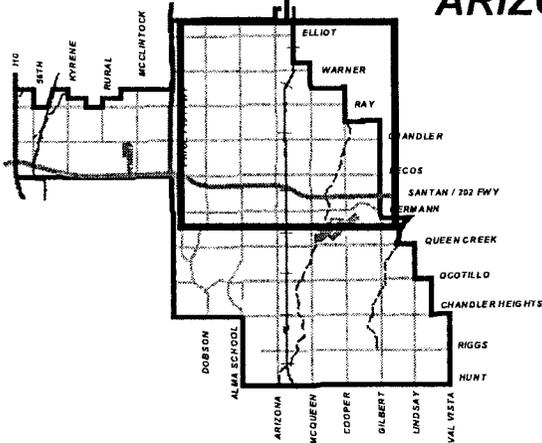
Attachments: Resolution 4319
Location/Site Map



**ACQUISITION OF
ARIZONA AVENUE BUS RAPID TRANSIT STATIONS
PROJECT NO. ST-0668**

MEMO NO. RE10-013

RESOLUTION NO. 4319



● **PROPOSED BRT STATIONS**



RESOLUTION NO. 4319

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR THE ARIZONA AVENUE BUS RAPID TRANSIT STATIONS PROJECT NO. ST-0668 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, the City of Chandler will be entering into an Intergovernmental Agreement (the "Agreement") with the Regional Public Transit Authority ("RPTA") to build the Arizona Avenue Bus Rapid Transit Stations Project No. ST-0668 (the "Project"); 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 and easements from private property that is adjacent to, or related to the Project; and

WHEREAS, the parcels of private property affected are listed by apparent tax parcel numbers in attached Exhibit "A" and the right-of-way and easements to be acquired are depicted in the map attached as Exhibit "B", both exhibits being incorporated herein by reference.

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 Arizona Avenue Bus Rapid Transit Stations Project No. ST-0668, 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 Arizona Avenue Bus Rapid Transit Stations Project No. ST-0668, 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. 4319 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

KAB

EXHIBIT "A"
ARIZONA AVENUE BRT
PARCEL NUMBERS

303-33-009A and B - SEC AZ/Germann

303-28-017C – NEC AZ/Germann

303-28-030D – N NEC AZ/Germann (r/w 33' not 55')

303-17-002 – NEC AZ/Pecos (Pecos Lounge)

303-17-004 – N of NEC AZ/Pecos (auto body shop)

303-27-024Q – SB AZ/Pecos 202 Loop

302-62-041B – Full acquisition 3 residential rental units on C-3 land

302-62-037 – Commercial N of triplex – may need small TCE

302-40-004R – NEC Arizona/Ray

302-56-034A and 027B SWC Arizona/Ray (McDonalds)

302-56-026B – S of SWC AZ/Ray (motel)

302-29-010L – NEC AZ/Warner

302-41-311A – SWC AZ/Warner

302-24-421A – NEC AZ/Elliot

302-26-005L – SWC AZ/Elliot



ACQUISITION OF ARIZONA AVENUE BUS RAPID TRANSIT STATIONS PROJECT NO. ST-0668

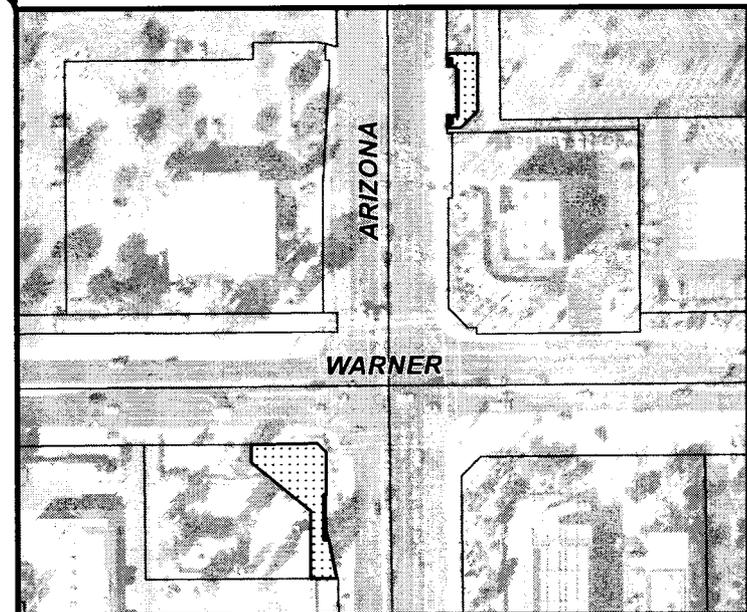
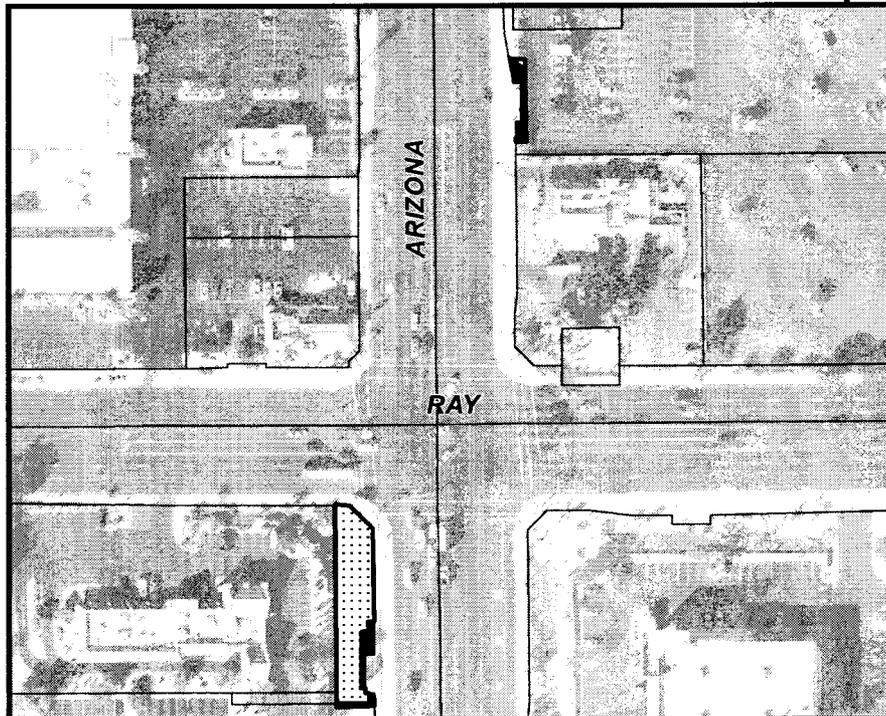
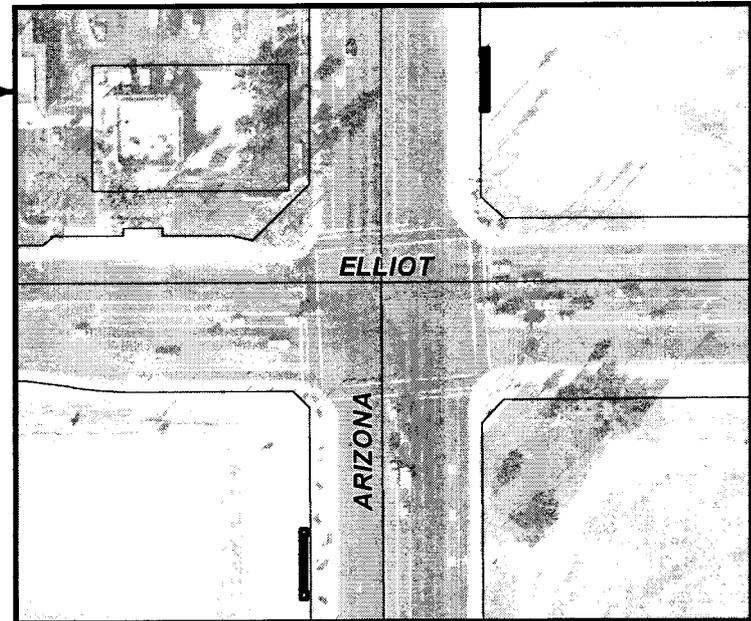
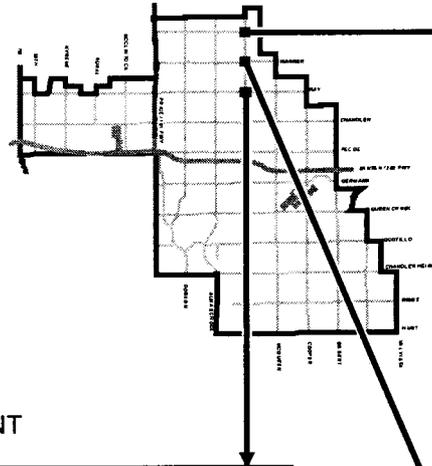


MEMO NO. RE10-013

RESOLUTION NO. 4319

SHEET 1 OF 2

-  RIGHT OF WAY
-  TEMPORARY CONSTRUCTION EASEMENT





ACQUISITION OF ARIZONA AVENUE BUS RAPID TRANSIT STATIONS PROJECT NO. ST-0668



MEMO NO. RE10-013

RESOLUTION NO. 4319

SHEET 2 OF 2

-  FULL ACQUISITION
-  RIGHT OF WAY
-  TEMPORARY CONSTRUCTION EASEMENT

