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SEP 10 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate Council Memo No. RE10-033

DATE: SEPTEMBER 10, 2009

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
R. J. ZEDER, PUBLIC WORKS DIRECTOR *[Signature]*

FROM: SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR/CITY
ENGINEER *[Signature]* FOR

SUBJECT: ORDINANCE NO. 4180 AUTHORIZING AND APPROVING THE VACATION OF AN APPROXIMATELY 19 SQUARE FOOT SEGMENT OF THE WEST HALF OF RIGHT-OF-WAY FOR SALIDA DEL SOL STREET, LOCATED NEAR THE SOUTHEAST CORNER OF LOT 32 OF THE HOME PLACE (2101 W. FLINT STREET).

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4180 authorizing and approving the vacation of an approximately 19 square foot segment of the west half of right-of-way for Salida del Sol Street, located near the southeast corner of Lot 32 of The Home Place (2101 W. Flint Street).

BACKGROUND/DISCUSSION: City staff has received a request from Robert Moreno Martinez, the property owner of 2101 W. Flint Street to vacate a section of right-of-way. This request is due to improvements made by the property owner that creates an encroachment into the right-of-way along Salida del Sol Street that is approximately 1.03 feet wide by 18.83 feet long. The improvements consist of a room addition, roof overhang and fencing.

City staff discussed a variety of options to resolve this issue and recommends the vacation of the approximately 19 square foot segment at no cost in consideration for the property owner agreeing to be responsible for maintenance and liability. This will allow the property owner to vest title to the property and protect the City from future liability.

Mr. Martinez previously paid the required processing fees for this proposed vacation.

Council Memo No. RE10-033
September 10, 2009
Page 2

FINANCIAL IMPLICATIONS:

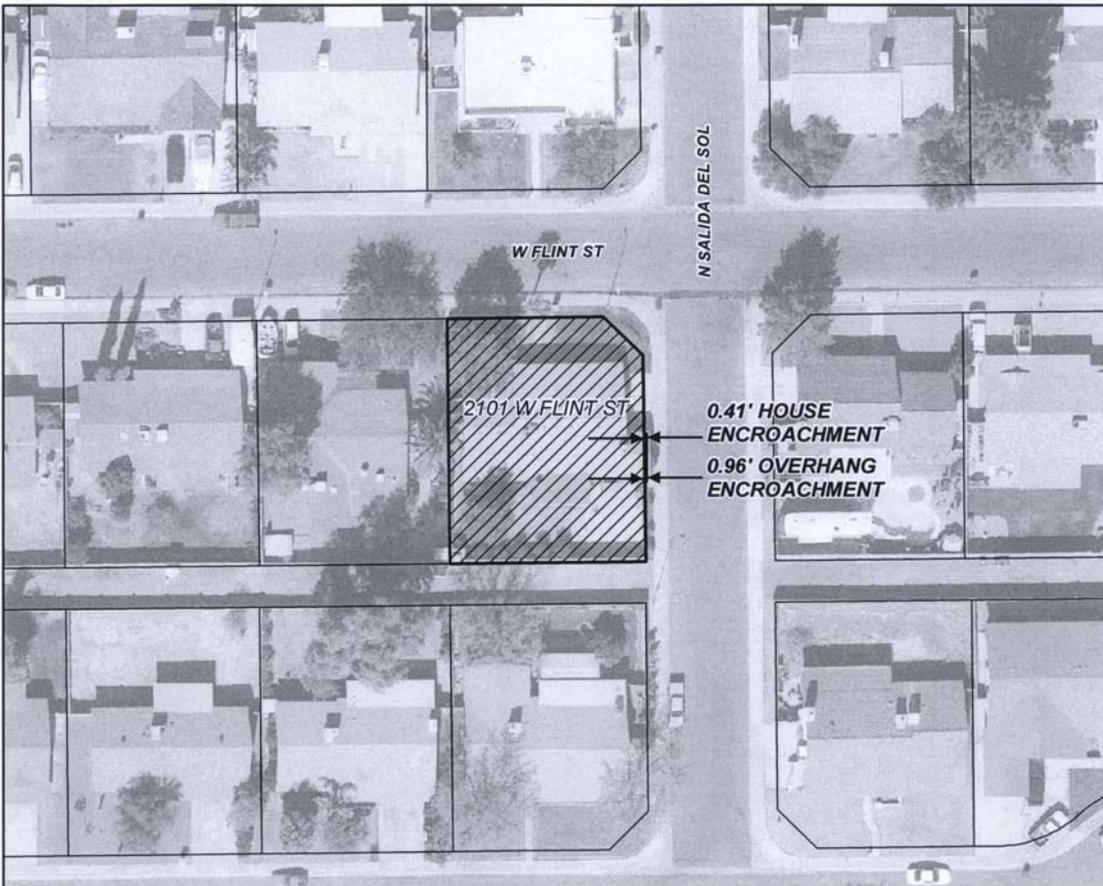
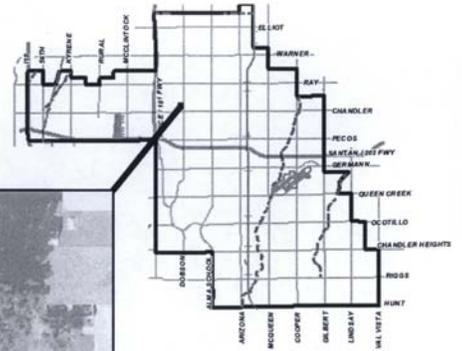
Cost: N/A
Savings: Future Maintenance & Liability Costs
Long Term Costs: N/A

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 4180 authorizing and approving the vacation of an approximately 19 square foot segment of the west half of right-of-way for Salida del Sol Street, located near the southeast corner of Lot 32 of The Home Place (2101 W. Flint Street).

Attachments: Ordinance No. 4180
Site Map
Plat Map



VACATION OF A PORTION OF RIGHT-OF-WAY 2101 W. FLINT ST.



MEMO NO. RE10-033
ORDINANCE NO. 4180

- ENCROACHMENT
- 2101 W FLINT ST



ORDINANCE NO. 4180

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF AN APPROXIMATELY 19 SQUARE FOOT SEGMENT OF THE WEST HALF OF RIGHT-OF-WAY FOR SALIDA DEL SOL STREET, LOCATED NEAR THE SOUTHEAST CORNER OF LOT 32 OF THE HOME PLACE (2101 W. FLINT STREET).

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, the owner of the property located at 2101 W. Flint Street has requested that the City of Chandler (the "City") vacate an approximately 19 square foot segment of Salida del Sol, a public roadway (the "Roadway"), without compensation, but in consideration for the owner assuming responsibility for maintenance of and liability for the Roadway;

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.

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 at 2101 West Flint Street 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.4180 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.4180 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 4180.

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

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.4180 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

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

EXHIBIT "A"

LEGAL DESCRIPTION OF
HOUSE ENCROACHMENT
ROBERT MARTINEZ RESIDENCE
2101 W FLINT STREET CHANDLER, ARIZONA.

A PORTION OF LOT 32 OF "THE HOME PLACE" AS RECORDED IN BOOK 205 PAGE 28 MCR.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 32;

THENCE NORTH 00 DEGREES 06 MINUTES 49 SECONDS EAST A DISTANCE OF 31.08 FEET TO THE TRUE POINT OF BEGINNING.

THENCE NORTH 00 DEGREES 06 MINUTES 49 SECONDS EAST A DISTANCE OF 18.83 FEET;

THENCE NORTH 89 DEGREES 02 MINUTES 22 SECONDS EAST A DISTANCE OF .91 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 05 SECONDS EAST A DISTANCE OF 18.83 FEET;

THENCE SOUTH 89 DEGREES 02 MINUTES 22 SECONDS WEST A DISTANCE OF 1.03 FEET TO THE TRUE POINT OF BEGINNING.

FOUND CITY OF CHANDLER
BRASS CAP FLUSH

FOUND CITY OF CHANDLER
BRASS CAP FLUSH

FLINT STREET
N89°53'11"W
727.40'

25.0'
R.O.W.

N89°53'11"W
61.20'

N44°53'11"W
21.21'

258.00'

OVERHANG

BSL 20'

25.0'
R.O.W.

EXTERIOR WALL

81.00'

0.41'
HOUSE
ENCROACHMENT

LOT 32
7,203 sq.ft.
0.17 acres

0.96'
OVERHANG
ENCROACHMENT

N00°06'49"E
96.00'

BSL 5'

BSL 10'

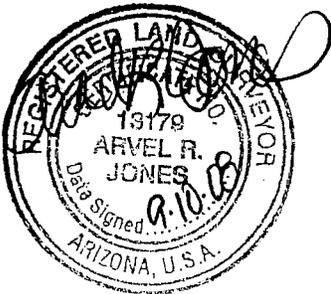
BSL 10'

N00°06'49"E

SALIDA DEL SOL

N00°06'49"E

N89°53'11"W
76.20'

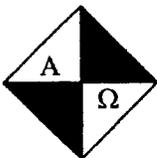


ENCROACHMENT EXHIBIT
OF LOT 32 OF "THE HOME PLACE"
AT 2101 W. FLINT STREET
CHANDLER
OWNER: ROBERT MARTINEZ

FOUND CITY OF CHANDLER
BRASS CAP FLUSH

SHEET 1 OF 1

SCALE: 1"=20'



ALPHA-OMEGA SURVEYING

P.O. BOX 30747 * MESA, ARIZONA
85275-0747

OFFICE MOBILE
(480) 962-0864 (480)330-1762

WILLIAM E. NAU

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LOT SPLITS
PARCEL MAPS
SUBDIVISION MAPS
LEGAL DESCRIPTIONS
FINISH FLOOR CERTIFICATIONS