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NOV 19 2009



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MEMORANDUM **Downtown Redevelopment Council Memo No. DT10-006**

DATE: NOVEMBER 19, 2009

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
 R. J. ZEDER, PUBLIC WORKS DIRECTOR
 TERI KILGORE, DOWNTOWN REDEVELOPMENT MANAGER

FROM: SHARON A. JOYCE, DOWNTOWN REAL ESTATE MANAGER

SUBJECT: RESOLUTION NO. 4353, AUTHORIZING THE ACQUISITION OF REAL PROPERTY NEEDED FOR THE PROPOSED EXTENSION OF WASHINGTON STREET FROM FAIRVIEW STREET TO PECOS ROAD AND INCLUDING ACQUISITION FOR A PARK; AUTHORIZING RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW; AND DIRECTING FURTHER ACTION.

RECOMMENDATION: Staff recommends that Council pass and adopt Resolution No. 4353 authorizing the acquisition of real property needed for the proposed extension of Washington Street from Fairview Street to Pecos Road, including acquisition for a park; authorizing relocation assistance as may be required by law; and directing further action.

BACKGROUND/DISCUSSION: Council is scheduled to approve the alignment for the proposed Extension of Washington Street from Fairview Street to Pecos Road at its November 19, 2009 City Council meeting. The project is required to set a boundary between existing residential and future mixed-use commercial/retail/office development along the South Arizona Avenue Improvement Project. Some of the major project elements include the construction of a new Washington Street connection to Pecos Road where a new traffic signal will be installed. A new roadway from the existing Washington Street/Fairview Street intersection to Pecos Road will also be constructed. The proposed improvements require the purchase of additional right-of way, drainage easements, utility easements and temporary construction easements.

The project includes acquisition for and construction of a park that will extend from Kessler north to Morelos. This park would replace Winn Park, which is located just south of the

Salvation Army, as part of the park is required for the project, and the remainder is needed to accommodate the relocated parking lot for the Salvation Army.

The Project will require approximately 11 partial acquisitions and 20 full acquisitions. The full acquisitions will require relocation assistance. The City owns or previously acquired 5 properties needed for the project. The partial and full acquisitions include 2 churches, 1 commercial use and 28 residential properties.

This Resolution authorizes acquisition of the real property at fair market value and relocation assistance.

FINANCIAL IMPLICATIONS:

A portion of the funds budgeted for this project will be used for property acquisition and relocation assistance.

PROPOSED MOTION: Staff recommends that Council pass and adopt Resolution No. 4353 authorizing the acquisition of real property needed for the proposed extension of Washington Street from Fairview Street to Pecos Road, including acquisition for a park; authorizing relocation assistance as may be required by law; and directing further action.

Attachments: Resolution No. 4353
Location/Site Map

RESOLUTION NO. 4353

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, DETERMINING THAT ACQUISITION OF CERTAIN REAL PROPERTY NEEDED FOR EXTENSION OF WASHINGTON STREET FROM FAIRVIEW STREET TO PECOS ROAD IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE ACQUISITION OF REAL PROPERTY NEEDED FOR THE PROJECT; AUTHORIZING RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW; AND DIRECTING FURTHER ACTION.

WHEREAS, at its November 19, 2009 meeting, the Chandler City Council is scheduled to approve the alignment for the Washington Street from Fairview Street to Pecos Road Project (the "Project") which is intended to improve transportation and vehicular traffic movement within the City of Chandler; and

WHEREAS, in order to allow the Project to proceed in accordance with its schedule, the City of Chandler needs to acquire certain real property as rights-of-way in fee and/or easements from private property that is adjacent to, nearby, or related to the approved alignment for the Project, as shown on the parcel list and depicted on the map in Exhibit "A", attached hereto and incorporated herein by this reference; and

WHEREAS, the City is authorized by law to acquire 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 Project, including without limitation the right-of-way in fee and related easements from the tax parcels listed in attached Exhibit "A", is necessary for the public purpose of widening and improvement of a public roadway; is for a public and necessary purpose; is in the best interest of the citizens of the City of Chandler; and is located so that the acquisition for public use will be most compatible with the greatest public good and the least private injury.

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. The City's Downtown Real Estate Manager, any City real estate officer acting on the Downtown Real Estate Manager's behalf, or any retained right of way consultant acting at the direction of the Downtown Real Estate Manager, is authorized to make and present the written offers for the parcels of real property; to make a reasonable effort to negotiate the purchase at the amount of the written offer; and, where accepted by the property owner, 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. For each parcel of real property to be acquired for the Project, the Downtown Real Estate Manager may consider any written counteroffer from the property owner and may administratively settle the purchase of said real property without further Council action provided that (a) the Downtown Real Estate Manager, with the concurrence of the Public Works Director and the City Attorney, or their respective designees, makes a written determination that the amount of the administrative settlement is both reasonable and not substantially greater than the amount of the City's original written offer and (b) provides written justification reasonably sufficient to support such a determination. Settlement at any greater amount requires approval of the Chandler City Council upon a determination that the amount approved is reasonable, prudent, and in the public interest.

Section 5. The City is authorized to provide such relocation assistance, including benefits, as may be required by law. The City's Downtown 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 the Chandler City Manager or the Manager's designee 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. 4353 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.

APPROVED AS TO FORM:

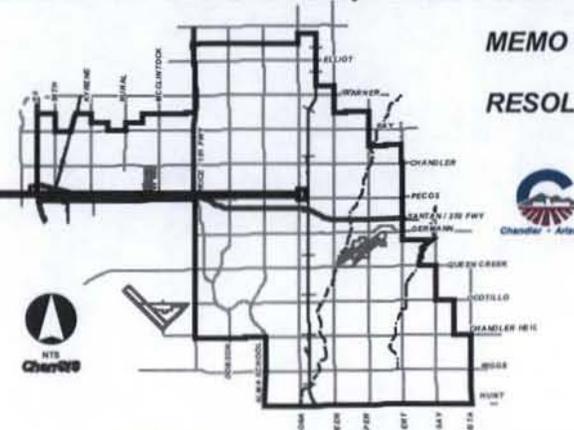
CITY ATTORNEY

CITY CLERK

WASHINGTON STREET AUTHORITY TO ACQUIRE AND RELOCATE

MEMO NO. DT10-006

RESOLUTION NO. 4353



Map Number	Parcel Number
1	303-17-052, 053 & 054
2	303-17-055
3	303-17-056
4	303-17-057 N/A owned by the City of Chandler
5	303-17-058
6	303-17-059
7	303-17-060
8	303-17-061
9	303-17-062
10	303-17-063
11	303-17-082
12	303-17-083A
13	303-17-083B Owned by the City of Chandler small park - will need a change of use by separate action.
14	303-17-103
15	303-17-123
16	303-17-124
17	303-17-125
18	303-17-040F
19	303-17-038
20	303-17-037B
21	303-17-037C
22	303-17-034H
23	303-17-034K
24	303-17-034G N/A owned by the City of Chandler
25	303-17-034E
26	303-17-034D
27	303-17-011
28	303-17-010 & 012 N/A owned by the City of Chandler
29	303-17-126
30	303-17-127 N/A owned by the City of Chandler
31	303-17-128
32	303-17-129
33	303-17-130
34	303-17-131
35	303-17-132
36	303-17-033

**PROPOSED
PARK
PROPERTIES**