

RESOLUTION NO. 5561

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY NEEDED FOR THE HAMILTON STREET IMPROVEMENTS FROM APPLEBY ROAD TO OCOTILLO ROAD IS A MATTER OF PUBLIC NECESSITY, APPROVING THE PURCHASE OF SUCH REAL PROPERTY AT MARKET VALUE PLUS CLOSING AND ESCROW FEES; AUTHORIZING THE CITY'S REAL ESTATE ADMINISTRATOR TO SIGN, ON BEHALF OF THE CITY, THE PURCHASE AGREEMENTS AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THESE ACQUISITIONS; APPROVING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF; AND APPROVING RELOCATION SERVICES AS MAY BE NEEDED AND REQUIRED BY LAW.

WHEREAS, the Chandler City Council entered into an Intergovernmental Agreement (IGA) with the Chandler Unified School District No. 80 ("District") on May 10, 2019 regarding the District property at Ocotillo Road and Centre Pointe Parkway; and

WHEREAS, in order to comply with the intent of the IGA, the City will be improving Hamilton Street, Carob Drive, and an extension of Centre Ponte Parkway the ("Project"); and

WHEREAS, to allow the Project to proceed and be constructed in accordance with its schedule, the City needs to acquire certain real property as rights-of-way in fee and by easement from private property that is within, adjacent to, or is related to the Project as depicted on the attached Exhibit "A"; and

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, relocation services and assistance may be necessary for some property owners as required by law;

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

Section 1. It is hereby determined that the acquisition of real property needed for the construction of the Project in accordance with the previously approved alignment,

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 market value of the property as determined by appraisal or as approved by the Public Works & Utilities Director at an amount not exceeding the appraisal by ten percent (10%) or up to \$50,000. 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 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 Administrator, 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 Administrator, 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 Project, 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. Where any property owner requires relocation services or assistance as required by law Staff is authorized to arrange for such assistance.

PASSED AND ADOPTED by the City Council this _____ day of _____, 2023.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5561 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2023, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

DMG

EXHIBIT "A"