

RESOLUTION NO. 5676

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DETERMINING THAT ACQUISITION OF REAL PROPERTY WITHIN GERMANN ROAD, ALMA SCHOOL ROAD, AND KINGBIRD DRIVE IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING THE PURCHASE OF SUCH REAL PROPERTY AT MARKET VALUE PLUS CLOSING AND ESCROW COSTS; 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; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND TO OBTAIN IMMEDIATE POSSESSION THEREOF.

WHEREAS, City staff has determined that certain portions of the existing roadway within Germann Road, Alma School Road, and Kingbird Drive, as described in Exhibit "A" attached hereto and as depicted on the attached aerial map, are owned by the Denny Weinberg Hay Company, a defunct Arizona corporation; and

WHEREAS, in order to clear up title to the underlying fee interest in said strips of land it is necessary to acquire the fee interest from the current owner; and

WHEREAS, because the Denny Weinberg Hay Company is a defunct Arizona corporation, staff believes that the use of eminent domain will be required in order to obtain title to said property;

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 in order to clear up title to portions of Germann Road, Alma School Road and Kingbird Drive owned by the Denny Weinberg Hay Company, and the securing of immediate possession of such real property as described in Exhibit "A" attached hereto and as depicted in the attached aerial map, 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 Administrator'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 acquiring the roadway, 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.

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. 5676 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"

EXHIBIT "A"

LEGAL DESCRIPTION

The North 33 feet, the West 25 feet, and the West 1,948.45 feet of the South 30 feet of the following described property:

The North half of the Northwest quarter and the North 150 feet of the South half of the Northwest quarter of Section Nine (9), Township Two (2) South, Range Five (5) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.