

RESOLUTION NO. 5772

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN FEE OR BY EASEMENT REQUIRED FOR THE PRICE ROAD SEWER REHABILITATION PROJECT WW2302; AUTHORIZING THE CITY'S REAL ESTATE ADMINISTRATOR TO SIGN, ON BEHALF OF THE CITY, THE PURCHASE AGREEMENTS AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THE ACQUISITIONS; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE THE REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.

WHEREAS, the City of Chandler is planning to rehabilitate and/or replace its sewer piping along Price from just south of the Route 202 Freeway to Queen Creek Road as depicted in Exhibit "A" attached hereto and made a part hereof, to improve service within the city and to be a benefit to the public; 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 real property rights in fee or by easement along the alignment depicted in the attached aerial map; and

WHEREAS, the City is authorized by law to acquire, whether by purchase or dedication, such real property rights as are needed for public purposes; and

WHEREAS, the acquisition of some of the real property rights for the Project may result in the relocation of personal property.

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

- Section 1. Determines that the acquisition of real property rights by fee or by easement for the Price Road Sewer Rehab project WW2302, as depicted in Exhibit "A," is for a public and necessary purpose, and is in the best interest of the citizens of the City of Chandler.
- Section 2. Authorizes and directs the City of Chandler to purchase the real property rights in fee or by easement for an amount equal to the market value to be acquired 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 must be in a form approved by the Chandler City Attorney and each purchase agreement entered into with a

property owner must be approved as to form by the Chandler City Attorney prior to being deposited into escrow.

Section 3. Subject to Section 2 above, authorizes 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, to make written offers for said real property and, where accepted, to execute, deliver and deposit into escrow as required, the approved purchase agreements along with all other documents and instructions necessary to consummate the purchase of said real property. In the event that only an access agreement is required, said access agreement may be recorded as determined by staff without using an escrow agent.

Section 4. Where any such written offer is not accepted within a reasonable period of time for negotiation, authorizes and directs the Chandler City Attorney 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 Price Road Sewer Rehabilitation Project WW2302, and further directs the Chandler City Attorney 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. Authorizes the City of Chandler to provide such relocation assistance, including benefits, as may be required by law. The City's Real Estate Administrator will make the initial determination of any of any claim received for relocation benefits; any administrative appeal from such decision shall be considered and acted upon by and through the Real Estate Administrator or persons acting under the Administrator's direction or on the Administrator's behalf for such purpose, whose decision will be final in accordance with applicable law.

Section 6. Directs that if City of Chandler staff are unable to acquire any needed real property rights through voluntary sale by the property owner, the City Council shall meet in executive session pursuant to ARS § 38-431.03 to discuss the matter prior to commencement of condemnation proceedings as described above. This provision shall not apply to condemnation proceedings requested by the property owner or properties located outside the City's incorporated limits.

PASSED AND ADOPTED by the City Council this _____ day of _____, 2024.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5772 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2024, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

DMG