

RESOLUTION NO. 5891

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY RIGHTS REQUIRED FOR THE WATER MAIN REPLACEMENT PROJECT WA2409 WITHIN THE OLSEN ADDITION; AUTHORIZING THE CITY'S REAL ESTATE ADMINISTRATOR TO SIGN THE PURCHASE AGREEMENTS AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THE PROJECT; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE REAL PROPERTY RIGHTS AND OBTAIN IMMEDIATE POSSESSION THEREOF; AND, RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.

WHEREAS, the replacement of the waterlines in the Olsen Addition, Water Main Replacement Project WA2409 (the "Project"), is intended 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 and provide water service from the new water mains, the City of Chandler needs to acquire property rights in fee, by easement, or by access agreements from adjacent private property owners; 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 by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Determines that the acquisition of real property rights in fee or by easement for the construction of the Project, as depicted in Exhibit "A" attached hereto and made a part hereof, 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 to purchase the real property rights in fee or by easement for an amount equal to the market value of the property right 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. Access Agreements may be acquired for a fair amount determined by negotiation. 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 the 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 the real property interests. In the event that only an access agreement is required, the 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, the real property rights, including any improvements thereon, and to secure immediate possession of the 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 the property.
- Section 5. Authorizes the provision of 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 shall be final in accordance with applicable law.
- Section 6. Directs that if City staff are unable to acquire any needed real property rights through voluntary sale by the property owner, the City Council will meet in executive session pursuant to A.R.S. § 38-431.03 to discuss the matter prior to commencement of condemnation proceedings as described above. This provision does 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 _____, 2025.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5891 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2025, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

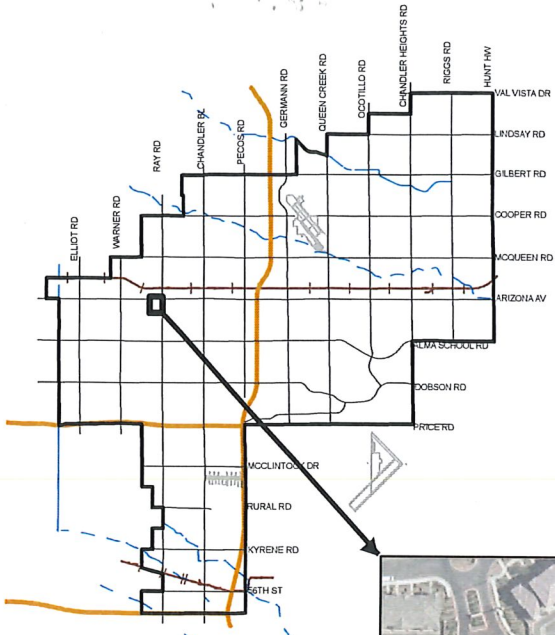
CITY ATTORNEY

DMG

EXHIBIT "A"



RESOLUTION NO. 5891 AUTHORIZING THE ACQUISITION OF REAL PROPERTY RIGHTS REQUIRED FOR THE WATER MAIN REPLACEMENT PROJECT WA2409, WITHIN THE OLSEN ADDITION AS SHOWN ON THE ATTACHED MAP, AUTHORIZING THE CITY'S REAL ESTATE ADMINISTRATOR TO SIGN, ON BEHALF OF THE CITY, THE PURCHASE AGREEMENTS, AUTHORIZATIONS TO ACCESS PROPERTY, AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE THESE ACQUISITIONS AND ACCESS TO THE PROPERTIES; AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF; AND, RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.



MEMO NO. RE25-056

PROJECT LOCATION

