

RESOLUTION NO. 5924

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 HAMILTON STREET AND ARMSTRONG WAY IMPROVEMENT PROJECT ST2301; 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, RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW.

WHEREAS, the City of Chandler is planning to improve Hamilton Street and Armstrong Way north of Queen Creek Road in the area depicted in Exhibit "A" attached hereto and made a part hereof (the "Project") in order 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 Hamilton Street and Armstrong Way Improvement Project ST2301 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 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 the real property.

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 Hamilton Street and Armstrong Way Improvement Project ST2301, and further directs staff 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 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 claim received for relocation benefits; any administrative appeal from such decision will 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 is 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 ARS § 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. 5924 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"

AUTHORIZING THE ACQUISITION OF REAL PROPERTY
IN FEE OR BY EASEMENT REQUIRED FOR THE HAMILTON
STREET AND ARMSTRONG WAY IMPROVEMENT MAP,
PROJECT ST2301, AS SHOWN ON THE ATTACHED MAP,
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
SAID REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF;
AND, RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW

**MEMO NO. RE26-004
RESOLUTION NO. 5924**

 PROJECT LOCATION

