

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 14C
Amend No. _____

Date prepared: November 28, 2007 **Council Meeting Date:** December 18, 2007

TO: Terry Ellis, City Manager
FROM:  David A. Moody, P.E., Engineering Director
THROUGH: Kris Luna, Real Property Administrator 
PREPARED BY: Angela Manuel, Property Agent 
SUBJECT: Adopt a Resolution abandoning a sixty-five foot strip of right-of-way along the Happy Valley Road Alignment (at the section line) east of 81st Avenue.

RECOMMENDATION:

That Mayor and Council adopt a Resolution abandoning a portion of Happy Valley Road (at the section line) located east of 81st Avenue abutting the parcel owned by J D. Campbell, as described in the attached Resolution and authorize the Mayor and City Clerk to sign and record the Resolution with the Maricopa County Recorder's Office. Also, authorize the City Manager to execute a quit claim deed transferring the property.

SUMMARY:

This sixty-five foot abandonment request is made on behalf of J D. Campbell. In the 1960's the north sixty-five feet of the parcel that is currently owned by Mr. Campbell was dedicated as right of way. As part of the Happy Valley Road Improvement project design process, the alignment of the road was shifted south from its location at the section line between the 79th Avenue alignment and 91st Avenue. Due to this shift in the road alignment, the right of way abutting Mr. Campbell's property will no longer be used by the City for public roadway purposes.

Consistent with City Council Policy 3-3 (Disposal of Abandoned Roadway) and State law, there will be consideration for this abandoned roadway. Engineering staff has been working with the City Attorney's office regarding the establishment of value for the right of way, which is derived from the appraisal prepared for the abutting parcel. The City Attorney's office supports the right of way to be valued at \$70,000 per acre (50% of the appraised value for the abutting property). The total right of way area for the proposed abandonment is 1.61 acres which will come out to \$112,700.

ATTACHMENTS:

1. Vicinity Map
2. Resolution
3. Quit Claim Deed

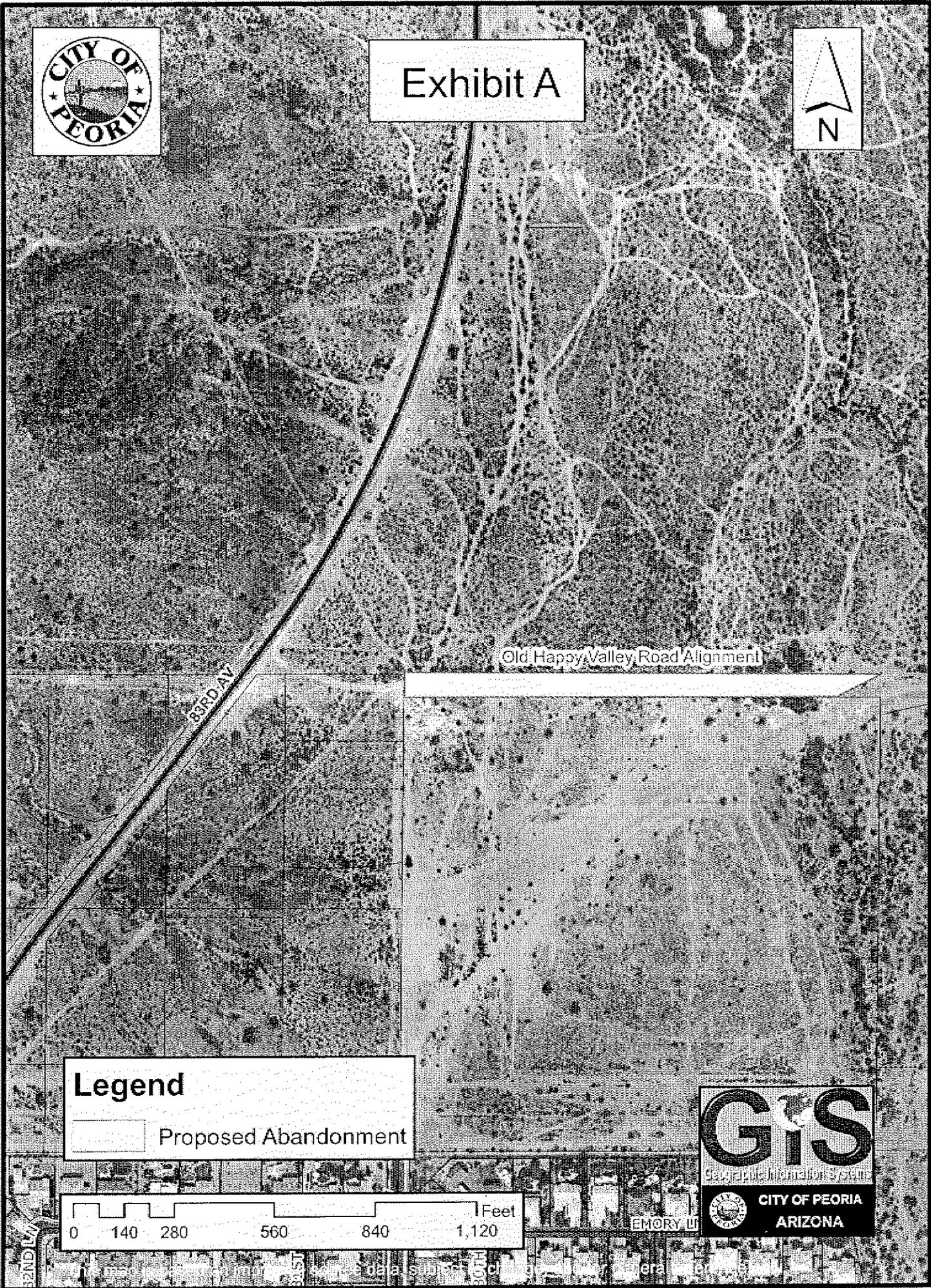
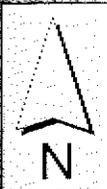
CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # 07-171
LCON# _____ LIC. # _____
Action Date: _____

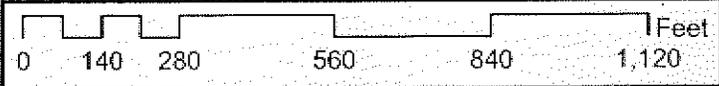


Exhibit A



Legend

 Proposed Abandonment



Geographic Information System



CITY OF PEORIA
ARIZONA

EMORY III

RESOLUTION NO. 07-171

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHT-OF-WAYS TO BE EXCESS PROPERTY AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY PUBLIC RIGHTS-OF-WAY BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND PROVING FOR ANY EFFECTIVE DATE.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

WHEREAS, pursuant to A.R.S. 28-7202, the City Council of the City of Peoria is vested with the power to determine and find that certain public roadways may no longer be necessary to the City; and

WHEREAS, pursuant to A.R.S. 28-7205, the City is vested with the power to vacate such roadways by transferring title to adjacent property owners and others; and

WHEREAS, the Mayor and Council find and determine that certain public roadway located in the City of Peoria, Maricopa County, Arizona commonly known as Happy Valley Road east of 81st Avenue and more specifically described on the legal description attached as Exhibit A to this Resolution is excess property and is no longer needed for public roadway purposes.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That Mayor and Council find and determine that section of public roadway commonly known as Happy Valley Road (at the section line) east of 81st Avenue and more specifically set forth on Exhibit "A" attached to this resolution be and is hereby declared to be excess property and shall be sold or conveyed in the manner provided by Chapter 20, Article 8, Title 28 Arizona Revised Statutes.

Resolution No. 07-171
Right-of-Way Abandonment
Happy Valley east of 81st Ave
Campbell Property
December 18, 2007
Page 2 of 3 Pages

SECTION 2. That City Manager and City Attorney are authorized and directed to take all actions including providing public notices and preparing documents for the sale and or conveyance of such property.

SECTION 3. That the City Engineer is directed to prepare and provide descriptions for the retention of such easements for public utilities, if any, as may be deemed appropriate across the described property.

SECTION 4. That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety of the City of Peoria, an EMERGENCY is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the City of Peoria, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of City of Peoria, Arizona this 18th day of December, 2007.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Steve Kemp, City Attorney

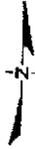
Resolution No. 07-171
Right-of-Way Abandonment
Happy Valley east of 81st Ave
Campbell Property
December 18, 2007
Page 3 of 3 Pages

Attachment:

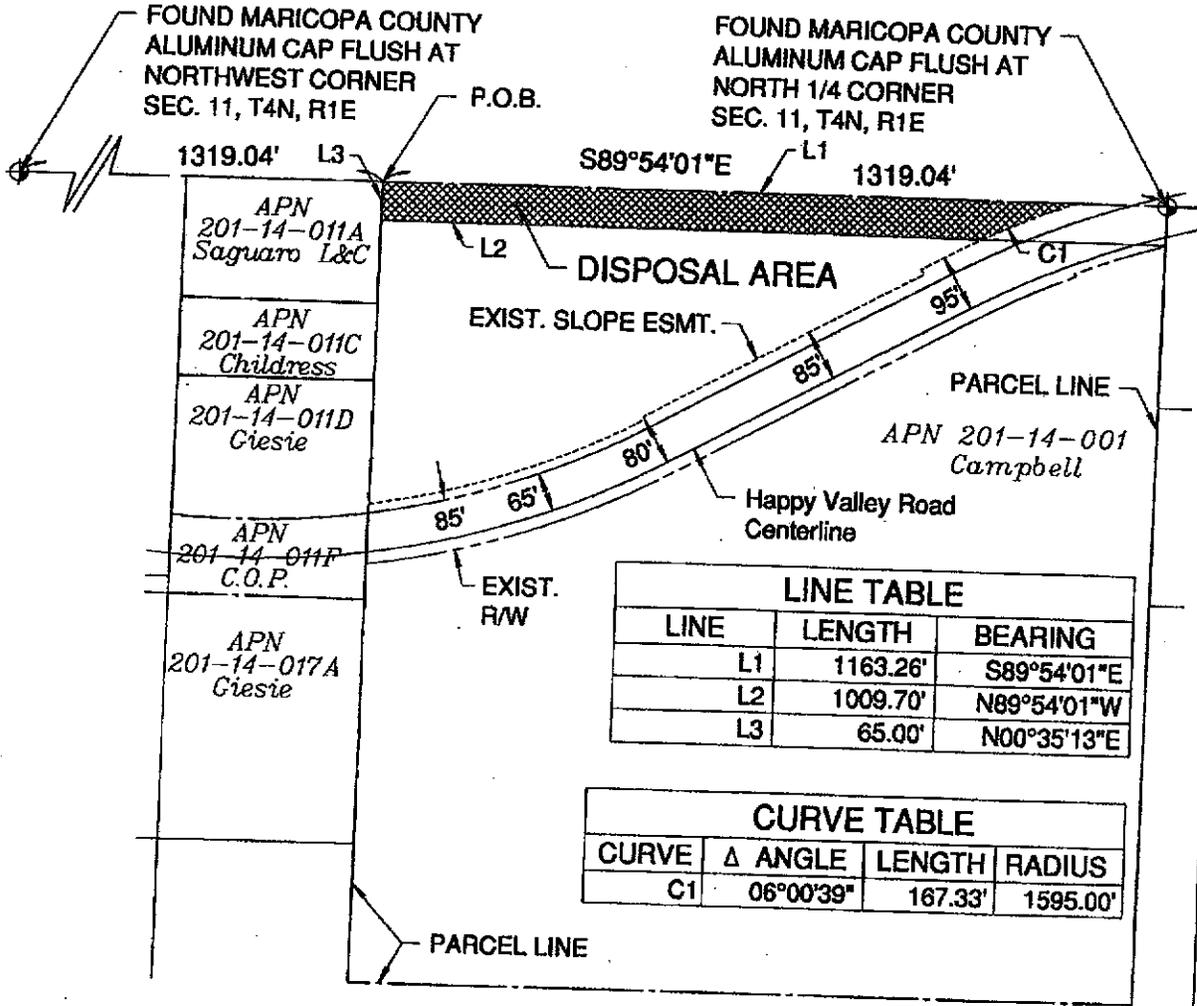
1. Exhibit A – Disposal Area



PARCEL NO. 201-14-001 EXHIBIT A SKETCH



SCALE: 1"=300'



LINE TABLE		
LINE	LENGTH	BEARING
L1	1163.26'	S89°54'01"E
L2	1009.70'	N89°54'01"W
L3	65.00'	N00°35'13"E

CURVE TABLE			
CURVE	Δ ANGLE	LENGTH	RADIUS
C1	06°00'39"	167.33'	1595.00'

DISPOSAL AREA = 70,377.44 S.F.

**City of Peoria - Happy Valley Road
Interim Roadway Improvements
83rd Avenue to Terramar Boulevard**

Date: 11/07

Preparing Firm: **RITTOCH-POWELL & ASSOCIATES, INC.**
3800 N. Central Ave., Suite 605
Phoenix, AZ 85012
Ph: 602-263-1177
Fax: 602-277-6286





PARCEL NO. 201-14-001 EXHIBIT A LEGAL DESCRIPTION

LEGAL DESCRIPTION – AREA TO BE DISPOSED

COMMENCING AT A MARICOPA COUNTY ALUMINUM CAP FLUSH, LOCATED AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, GILA AND SALT RIVER BASE AND MERIDIAN;

THENCE S89°54'01"E ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1319.04 FEET TO A POINT, ALSO BEING THE NORTHWEST CORNER OF PARCEL 201-14-001 AS DESCRIBED IN RECORDING NO. 19950635327, M.C.R, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING S89°54'01"E ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1163.26 FEET TO A POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1595.00 FEET AND WHOSE CURVE CENTER BEARS S19°45'51"E;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°00'39", AN ARC DISTANCE OF 167.33 FEET TO A POINT ON A LINE 65 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 11;

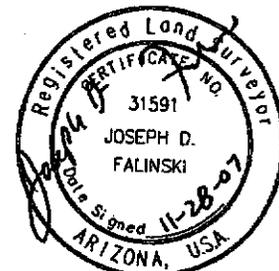
THENCE N89°54'01"W ALONG SAID PARALLEL LINE, A DISTANCE OF 1009.70 FEET TO A POINT, SAID POINT BEING ON THE WEST LINE OF SAID PARCEL 201-14-001;

THENCE N00°35'13"E ALONG SAID WEST PARCEL LINE, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

SAID AREA TO BE DISPOSED CONTAINS 70,376.44 SQUARE FEET MORE OR LESS.

Date: 11/07
**City of Peoria - Happy Valley Road
Interim Roadway Improvements
83rd Avenue to Terramar Boulevard**

Preparing Firm: RITTOCH-POWELL & ASSOCIATES, INC.
3800 N. Central Ave., Suite 605
Phoenix, AZ 85012
Ph: 602-263-1177
Fax: 602-277-6286



WHEN RECORDED MAIL TO:

CITY CLERK
City of Peoria
8401 West Monroe Street
Peoria, Arizona 85345

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That the City of Peoria, an Arizona municipal corporation, (Grantor) for the consideration of One (\$1.00) Dollar, and other valuable considerations, do hereby release, remise, and forever quit claim unto J D. Campbell (Grantee), all right, title and interest in that certain property situated in Maricopa County, State of Arizona (the "Subject Property"), and described in Exhibit "A".

Subject property was included in a City of Peoria, Arizona Abandonment Resolution #07-_____ dated December 18, 2007. Said Abandonment Resolution #07-_____ recorded December ____, 2007, by the City of Peoria, Arizona in Maricopa County Recorded Document 2007-_____. Resolution #07-_____ released said parcel from City public roadway purposes and deemed it excess property to be conveyed in the manner provided by Chapter 20, Article 8, Title 28 Arizona Revised Statutes.

EXEMPT FROM AFIDAVIT AND FEES PURSUANT TO A.R.S. 11-1134, A.3.

DATED this _____ day of December, 2007.

CITY OF PEORIA, an Arizona Municipal Corporation

By: _____
Terrence L. Ellis
City Manager

Attest:

Mary Jo Kief, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

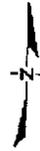
The foregoing was subscribed and sworn to before me this _____ day of December, 2007, by Terrence L. Ellis, City Manager of the City of Peoria, for the purposes contained therein.

Notary Public

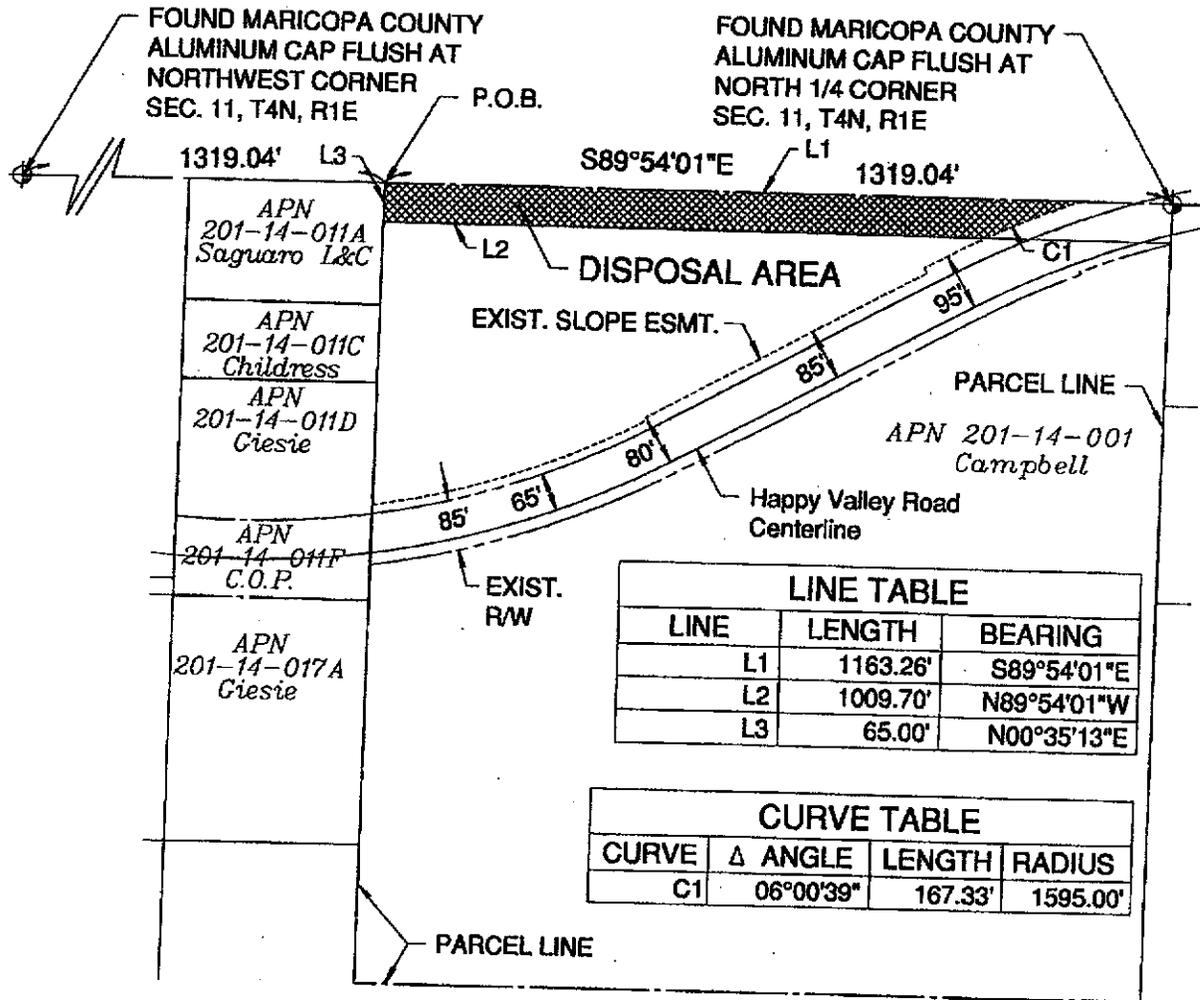
My Commission Expires:



PARCEL NO. 201-14-001 EXHIBIT A SKETCH



SCALE: 1"=300'



LINE TABLE		
LINE	LENGTH	BEARING
L1	1163.26'	S89°54'01"E
L2	1009.70'	N89°54'01"W
L3	65.00'	N00°35'13"E

CURVE TABLE			
CURVE	Δ ANGLE	LENGTH	RADIUS
C1	06°00'39"	167.33'	1595.00'

DISPOSAL AREA = 70,377.44 S.F.

Page 1 of 2

**City of Peoria - Happy Valley Road
Interim Roadway Improvements
83rd Avenue to Terramar Boulevard**

Date: 11/07

Preparing Firm: **RITCOH-POWELL & ASSOCIATES, INC.**
3800 N. Central Ave., Suite 605
Phoenix, AZ 85012
Ph: 602-263-1177
Fax: 602-277-6286





**PARCEL NO. 201-14-001
EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION -- AREA TO BE DISPOSED

COMMENCING AT A MARICOPA COUNTY ALUMINUM CAP FLUSH, LOCATED AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, GILA AND SALT RIVER BASE AND MERIDIAN;

THENCE S89°54'01"E ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1319.04 FEET TO A POINT, ALSO BEING THE NORTHWEST CORNER OF PARCEL 201-14-001 AS DESCRIBED IN RECORDING NO. 19950635327, M.C.R, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING S89°54'01"E ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1163.26 FEET TO A POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1595.00 FEET AND WHOSE CURVE CENTER BEARS S19°45'51"E;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°00'39", AN ARC DISTANCE OF 167.33 FEET TO A POINT ON A LINE 65 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 11;

THENCE N89°54'01"W ALONG SAID PARALLEL LINE, A DISTANCE OF 1009.70 FEET TO A POINT, SAID POINT BEING ON THE WEST LINE OF SAID PARCEL 201-14-001;

THENCE N00°35'13"E ALONG SAID WEST PARCEL LINE, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION.

SAID AREA TO BE DISPOSED CONTAINS 70,376.44 SQUARE FEET MORE OR LESS.

<p>City of Peoria - Happy Valley Road Interim Roadway Improvements 83rd Avenue to Terramar Boulevard</p> <p>Date: 11/07</p>	
<p>Preparing Firm: RITTOCH-POWELL & ASSOCIATES, INC. 3800 N. Central Ave., Suite 605 Phoenix, AZ 85012 Ph: 602-263-1177 Fax: 602-277-6286</p>	