

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 20R  
Amend No. \_\_\_\_\_

Date Prepared: January 24, 2008      Council Meeting Date: February 19, 2008

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TO: Terry Ellis, City Manager

FROM: David A. Moody, P. E., Engineering Director *DMO*

PREPARED BY: Kristine Luna, Real Property Administrator *DMO*

SUBJECT: Adoption of a Resolution authorizing the acquisition of approximately 2.6 acres of property for the expansion of the site at the Pinnacle Peak Public Safety Facility, located on Lake Pleasant Parkway.

**RECOMMENDATION:**

That Mayor and Council have discussion and possible action to adopt Resolution 08-23, authorizing the acquisition of property for the expansion of the Pinnacle Peak Public Safety Facility (PPPSF), Support Services Facility Project Number FD00101, by donation, outright purchase or the exercise of the power of eminent domain. Staff recommends funding from Half Cent Sales Tax, and will request a budget transfer upon completion of negotiation.

**SUMMARY:**

In February of 2007, Mayor and Council authorized the purchase of approximately 4.78 acres of land on the north side of the existing PPPSF, located on Lake Pleasant Parkway, north of Williams Road.

Since that time, staff has been working with the Police and Fire Departments to assess future needs that may be met by acquiring additional land in the same location, and adding to the existing site, rather than an alternative site in another location. Staff was directed to pursue an additional 2.6 acres of vacant land, located south of the existing facility.

The City of Peoria (City) had the property appraised in September 2006, and has made several attempts and offers to purchase the parcel over the past year. The offers made to the property owner were based on the appraised value of \$3.00 per square-foot, or a total of approximately \$340,000.00. The owner rejected the offer and made a counter offer at \$5.00 per square-foot, with a condition that the City also acquires additional acreage they

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**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business

ORD. # \_\_\_\_\_ RES. # 08-23  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

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own on the east side of Lake Pleasant Parkway, which the City has no use for. Although staff has had discussions with the family, including an effort to negotiate with a developer that may be interested in the easterly parcel, the owner has not responded in the past 30 days.

The City has initiated an updated appraisal to verify the current offer is still in line with market value, and will send a final offer letter to the owner based on the updated appraisal. The Lauterbach family has been notified that this item will be brought before Mayor and Council for approval.

Staff requests that Mayor and Council adopt the attached Resolution, authorizing the acquisition of the property described, by donation, outright purchase or the exercise of the power of eminent domain. At time of purchase, staff will make recommendation for a budget transfer and the use of reserves from the Half-Cent Sales Tax Fund Contingency Account Number 1210-0350-570000 to the Support Services Facility Project, Half-Cent Sales Tax Fund Land Account 1210-0350-540000-CIPPS-FD00101.

**ATTACHMENT:**

1. Resolution to acquire properties for roadway purposes 08-23
2. Sketch

# Pinnacle Peak Road Alignment



## Legend

Proposed Acquisition

Peoria Parcels



## City of Peoria Pinnacle Peak Public Safety Facility

### Reference:

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Maps by William\PP\_PPK\_Alignment.mxd

ENG WRB 2008-01-28

### NOTE:

This Map is based on imprecise  
source data, subject to change and  
FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 08-23

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ACQUIRE ON BEHALF OF THE CITY OF PEORIA THROUGH DONATION, OUTRIGHT PURCHASE OR UNDER THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES OF ALL INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, IN ORDER FOR THE CITY TO PROPERLY AND ADEQUATELY PROVIDE FOR THE EXPANSION OF A PUBLIC SAFETY FACILITY AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

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

SECTION 1. AUTHORIZATION TO ACQUIRE

That the City Attorney on behalf of the City of Peoria, Arizona is authorized and directed to acquire and/or condemn all the real property described in the attached Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Arizona Revised Statutes and to file on behalf of the City such litigation as necessary to consummate the acquisition of such property under the power of eminent domain and to do all things necessary to accomplish this purpose, including but not limited to obtaining title reports and appraisals and other expert assistance for such purposes.

**SECTION 2. EMINENT DOMAIN AUTHORITY PURSUANT TO TITLE 12 OF  
STATE LAW: AUTHORIZATION TO OBTAIN IMMEDIATE  
POSSESSION**

That the City Attorney on behalf of the City of Peoria, Arizona is authorized to petition the Superior Court to enter an order that the City of Peoria be allowed immediate possession and full use of all of the real property described in Exhibit "A" pursuant to Title 12, Chapter 8, Article 2, Section 12-1116 and to immediately determine the probable damages resulting from City of Peoria being allowed to have immediate possession of the real property described in Exhibit "A" and to set the amount of a bond in a form to be approved by the Court or to deposit the equivalent amount of City funds budgeted and appropriated and to do all things necessary to accomplish this purpose.

**SECTION 3. DETERMINATION OF CONFORMITY WITH GENERAL PLAN**

That the Community Development Department, which is the designated "planning agency" for the City of Peoria for purposes of Arizona Revised Statutes Title 9, Chapter 4, Article 6 ("Municipal Planning"), has reviewed the acquisition of the Property for conformity with the adopted Peoria General Plan pursuant to A.R.S. § 9-461.07(C) and reported that the location, purpose, and extent of the acquisition of the Property conforms with the Peoria General Plan.

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an Emergency is declared to exist and this Resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is exempted from the referendum clause of the Charter.

PASSED AND ADOPTED by a two thirds vote of all the members of the Mayor and Council of the City of Peoria, Maricopa County, Arizona, as set forth below this 19<sup>th</sup> day of February, 2008.

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Bob Barrett, Mayor

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ATTEST:

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Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

ATTACHMENTS:

1. Legal Description

**Exhibit "A"**

**Property Description**

**The North half of the Northeast quarter of the Southwest quarter of the Northeast quarter of Section 17, Township 4 North, Range 1 East of the Gila and Salt River Base & Meridian**

**Except any portion located east of Lake Pleasant Parkway as granted to Maricopa County as recorded in document number 10471-111, Maricopa County Recorder's Office, Maricopa County Arizona.**

**And;**

**Except any portion of Lake Pleasant Parkway as granted to the City of Peoria as recorded in document number 2005-0681609, Maricopa County Recorder's Office, Maricopa County, Arizona**