



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: September 20, 2017

DEPARTMENT: City Attorney's Office

DIVISION: Legal

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Vacate Surplus Alley Right-of-Way: Lot South of 501 S. 4th Avenue

SUMMARY RECOMMENDATION:

Declare certain described right-of-way surplus for City use, and authorize vacating the surplus right-of-way to the abutting property owner upon payment of the purchase price and recording of a quit claim deed. (City Attorney) (Richard W. Files)

REPORT:

Owners of the property adjacent to the City alley depicted in the attached location map have approached City staff, requesting that the City declare the described portion of the City-owned alley surplus. Owners intend to expand the tortilla factory for Mr. G's, and the purchase of the surplus alley shown will allow the expansion without crowding of the adjacent lot.

With the change from alley to curbside collection of refuse, there is now an additional 10 feet width (1000 square feet total) of right-of-way associated with parcel 633-51-011, described in Exhibit A to the ordinance. The proposed ordinance declares this 10 feet of alley right-of-way surplus for City use, and provides for vacating title to the surplus right-of-way by quit claim deed to the adjacent parcel owner as provided for by Arizona statute. The City will be paid for the additional square footage based on market value in accordance with a comparable market analysis. All costs associated with the vacation of the portion of the right-of-way, including, but not limited to, recording fees and any desired title insurance will be the responsibility of the buyer.

Returning the described right-of-way to the tax rolls will be in the best interest of the City, as this sliver of right-of-way is no longer needed for refuse collection, and will benefit the owner of the adjacent parcel who is seeking to develop the parcel.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="radio"/> Department <input type="radio"/> City Clerk's Office <input checked="" type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/30/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		8/29/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Richard W. Files		8/18/2017		
WRITTEN/SUBMITTED BY:		DATE:		
Erica Ruiz		8/9/2017		