

Staff Summary Report



Council Meeting Date: 12/13/07

Agenda Item Number: _____

SUBJECT: This is the **second** public hearing to authorize the Mayor to execute a Special Warranty Deed conveying City Property to Hayden Ferry Lakeside, LLC; authorizing necessary actions; and declaring an emergency.

DOCUMENT NAME: 20071213cdnr01 **RIO SALADO MASTER PLAN (0112-07-03)** Ordinance No. 2007.84

SUPPORTING DOCS: Yes. C2000-63, C2000-63A; C2000-63B, and C2000-63C

COMMENTS: Pursuant to a Development and Disposition Agreement dated April, 3, 2000 (the "DDA"), Hayden Ferry Lakeside has given notice of its intent to acquire a portion of the City property as defined in the DDA. The City property consists of approximately 128,363 square feet and is being acquired by Hayden Ferry Lakeside at the price of \$712,263.66 as set forth in the DDA.

PREPARED BY: Nancy Ryan, Rio Salado Manager (x8096)

REVIEWED BY: Chris Salomone, Community Development Manager (x8294)

LEGAL REVIEW BY: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: The price per square foot of the property being acquired is \$6.0069, as defined in Section 4 of the DDA. The value is set forth on the Schedule of Values attached as Exhibit E to the DDA. Pursuant to the DDA, the purchase price for the portions of the property included within the public transit easements (5,064 sq. ft.) is fifty percent (50%) of the applicable purchase price, or \$3.0035 per square foot. The purchase price for other easements required by the City is to be mutually agreed on, and the parties have agreed on \$4.5052 per square foot for the 29,027 square foot drainage easement. The price for the drainage easement is seventy-five percent (75%) of the full value.

RECOMMENDATION: Staff recommends that Council approve Ordinance No. 2007.84 on an emergency basis to satisfy the City's obligations under the DDA.

ADDITIONAL INFO: The acquisition of this property is necessary for the continued development of the Hayden Ferry Lakeside project at Tempe Town Lake. The property will be improved with condominium buildings identified in the approved Hayden Ferry Lakeside Planned Area Development.

ORDINANCE NO. 2007.84

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA AUTHORIZING THE SALE OF CITY PROPERTY TO HAYDEN FERRY LAKESIDE, LLC; AUTHORIZING NECESSARY ACTIONS; AND DECLARING AN EMERGENCY.

WHEREAS, the City and Hayden Ferry Lakeside, LLC (the “Developer”) entered a Development and Disposition Agreement, dated as of April 3, 2000, as amended (the “DDA”); and

WHEREAS, pursuant to Section 4 of the DDA, the Developer has the right to purchase the City property described on the attached Exhibit A, at the price and on the terms set forth in the DDA; and

WHEREAS, the Developer has indicated its intent to purchase 128,363 square feet of City property for purposes of the continued development of the Hayden Ferry Lakeside project at Tempe Town Lake;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the Mayor is hereby authorized to execute a Special Warranty deed in the form on file with the Clerk’s office conveying the City Property to Hayden Ferry Lakeside, LLC, or its nominee, and to execute such other documents and take such further actions as may be necessary to consummate the conveyance.

Section 2. That pursuant to City Charter, all ordinances become effective thirty (30) days after adoption.

Section 3. Emergency. The immediate operation of the provisions of this Ordinance is necessary to meet a public emergency affecting life, health, property or the public peace. Time is of the essence in satisfying the City’s obligations under the DDA. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Tempe.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA, this _____ day of _____, 2007.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

WHEN RECORDED, RETURN TO:

City of Tempe
31 E. Fifth Street
Tempe, AZ 85281
Attn: City Clerk

EXEMPT from the
requirement for an
Affidavit per
A.R.S. §11-1134A3

SPECIAL WARRANTY DEED

For good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged, the undersigned, **CITY OF TEMPE**, an Arizona municipal corporation ("**Grantor**") does hereby convey to **HAYDEN FERRY LAKESIDE, LLC**, an Arizona limited liability company that certain real property described on Exhibit A attached hereto (the "**Property**").

Subject to taxes and assessments, reservations any and all easements, rights-of-way, covenants, conditions, restrictions, liens and encumbrances of record, and all matters that would be shown by an accurate survey, including, without limitation, the Rio Salado Community Facilities District, the Rio Salado Parkway Improvement District, and the Downtown Enhanced Services District, Grantor does warrant and agree to defend the title against its acts and none other.

Dated _____, 2007.

CITY OF TEMPE, an Arizona municipal
corporation

By _____
Its _____

ATTEST:

By _____
City Clerk

APPROVED AS TO FORM:

By _____

City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____ the _____ of the **CITY OF TEMPE**, an Arizona municipal corporation, for and on behalf of said City.

Notary Public

My Commission Expires:

Exhibit A
Legal Description



BRADY • AULERICH & ASSOCIATES, INC.

Civil Engineering • Land Surveying
Construction Staking

C.E. Aulerich	P.L.S.
Dennis H. Brady	P.L.S.
Brent L. Henderson	P.E.
Robert N. Hermon	P.E./P.L.S.
John R. Colling	P.L.S.
Greg Rugland	P.L.S.

EXHIBIT A

LEGAL DESCRIPTION: CITY OF TEMPE PARCEL

A parcel of land situated in a portion of the Northwest quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at a 5/8 inch rebar found at the center of said Section 15, from which a brass cap located at the West quarter corner of said Section 15 bears South 89° 03' 17" West (basis of bearing), a distance of 2629.81 feet;

thence North 00° 11' 29" East, along the East line of said Northwest quarter of Section 15, a distance of 390.24 feet to the Point of Beginning on the arc of a non-tangent curve concave to the Southwest, a radial line of said curve through said point having a bearing of North 36° 08' 27" East;

thence Northwesterly along the arc of said curve, to the left, having a radius of 801.00 feet, with a chord of North 66° 51' 04" West, 360.15 feet, and a central angle of 25° 59' 02" for an arc distance of 363.26 feet to a non-tangent line;

thence North 07° 25' 19" East, a distance of 381.38 feet to a point on the South line of the FLOOD CONTROL MAINTENANCE EASEMENT recorded in Book 365 of Maps, Page 34, Maricopa County Records;

thence South 84° 54' 20" East, along said South line, a distance of 3.11 feet;

thence South 80° 43' 37" East, along said South line, a distance of 200.82 feet;

thence South 80° 25' 33" East, along said South line, a distance of 83.34 feet to a point on said East line of the Northwest quarter of Section 15;

thence South 00° 11' 29" West, along said East line, a distance of 473.27 feet to the Point of Beginning.

Said parcel lying within and being a part of the City of Tempe, Arizona and containing an area of 128,363 square feet or 2.9468 acres more or less.

Said parcel subject to Easements, Rights-of-Way, Reservations and Restrictions of Record, if any.

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