

Staff Summary Report



Council Meeting Date: 11/20/08

Agenda Item Number: _____

SUBJECT: This is the **introduction and first public hearing** to adopt an ordinance to abandon several existing Public Utility Easements located at 110 East University Drive. The second public hearing is scheduled for **December 11, 2008**.

DOCUMENT NAME: 20081120PWCH10 ABANDONMENT (0901)
ORDINANCE NO. 2008.69

SUPPORTING DOCS: Yes

COMMENTS: The abandonment of several existing Public Utility Easements is being requested in conjunction with the recording of a new plat known as "University Square" located at 110 East University Drive

PREPARED BY: Larry Shobe, Engineering Services Administrator (x8417)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8779)

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

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.69 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.69

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING SEVERAL PUBLIC UTILITY EASEMENTS LOCATED AT 110 EAST UNIVERSITY DRIVE.

WHEREAS, it has been determined by the City Council that those public utility easements, described herein and shown on Exhibits "A", "A-1", "A-2" and "A-3", are no longer required by the City for use as such; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easements, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the City of Tempe does hereby abandon, relinquish and vacate the public utility easements as shown on Exhibits "A", "A-1", "A-2", and "A-3" attached hereto.

Section 2. That all rights of the City in the easements abandoned shall vest in the record owner(s) of the adjacent property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easements are a part.

Section 3. The Mayor is hereby authorized to execute any documents that may be necessary to implement this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

This _____ day of December, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

PAGE 1 OF 2

DATE: MAY 16, 2006
JOB# 06023

LEGAL DESCRIPTION TEMPE – BLOCK 14 ALLEY AND UTILITY EASEMENT ABANDONMENT

AN ABANDONMENT OF AN EASEMENT FOR ALLEY AND UTILITY PURPOSES AS RECORDED IN DOCKET 5211, PAGE 89, RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, SAID EASEMENT BEING LOCATED WITHIN BLOCK 14 OF TEMPE AS RECORDED IN BOOK 2 OF MAPS, PAGE 26 RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, ALSO BEING IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ½" REBAR WITH CAP AT THE NORTHEAST CORNER OF SAID BLOCK 14;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK 14, SAID LINE ALSO BEING THE WESTERLY RIGHT OF WAY OF FOREST AVENUE, A DISTANCE OF 165.18 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED, FROM SAID POINT A FOUND NAIL MARKING THE SOUTHEAST CORNER OF SAID BLOCK 14 BEARS SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 201.18 FEET;

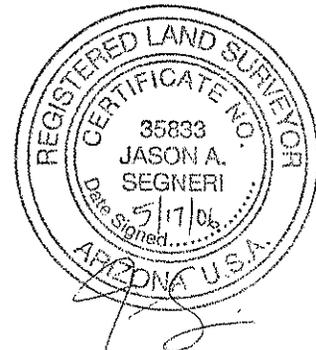
THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID BLOCK 14 AND THE WESTERLY RIGHT OF WAY OF FOREST AVENUE, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, LEAVING THE EAST LINE OF SAID BLOCK 14 AND THE WESTERLY RIGHT OF WAY OF FOREST AVENUE, A DISTANCE OF 49.75 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 31 SECONDS EAST, A DISTANCE OF 49.75 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 497 SQ.FT. OR 0.011 ACRES



49.50'
R/W

7TH STREET

NOTE:
UTILITIES WITHIN THE ABANDONED
AREA WILL BE RELOCATED BY THE
DEVELOPER AT THE DEVELOPER'S
EXPENSE.

PAGE 2 OF 2

NORTHEAST CORNER, BLOCK 14
POINT OF COMMENCEMENT

PARCEL 7

PARCEL 12

36.75'
R/W

PARCEL 11

PARCEL 14

PARCEL 6

PARCEL 13

POINT OF BEGINNING

FOREST AVENUE

L4 L5
L3 L2

10.0' ALLEY AND
UTILITY EASEMENT
PER DKT. 5211, PG. 89
TO BE ABANDONED

PARCEL 18

PARCEL 17

PARCEL 15

LINE TABLE

LINE	BEARING	LENGTH
L1	S00°00'00"E	165.18
L2	S00°00'00"E	10.00
L3	S89°56'31"W	49.75
L4	N00°00'00"E	10.00
L5	N89°56'31"E	49.75

SCALE: 1"=40'



SIG
SURVEY INNOVATION
GROUP, INC

TEMPE - BLOCK 14
ALLEY/UTILITY EASEMENT ABANDONMENT
TEMPE, ARIZONA

Ph (480) 922 0780 *Land Surveying Services* Fx (480) 922 0781
16414 N. 91ST STREET, STE 102, SCOTTSDALE, AZ 85260

JOB # 06023	DWG: ALLEY-ABAND-EAST	DATE: 05/16/06
SCALE: 1"=40'	DRAWN: RMH	CHK: JAS
		SHEET 1 OF 1

EXHIBIT "A-1"

PAGE 1 OF 2

DATE: MAY 16, 2006

JOB# 06023

LEGAL DESCRIPTION TEMPE – BLOCK 14 ALLEY RIGHT OF WAY ABANDONMENT

AN ABANDONMENT OF THE ALLEY RIGHT OF WAY LOCATED WITHIN BLOCK 14 OF TEMPE AS RECORDED IN BOOK 2 OF MAPS, PAGE 26 RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, SAID RIGHT OF WAY BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ½" REBAR WITH CAP AT THE NORTHEAST CORNER OF SAID BLOCK 14;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK 14, SAID LINE ALSO BEING THE WESTERLY RIGHT OF WAY OF FOREST AVENUE, A DISTANCE OF 165.18 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED, FROM SAID POINT A FOUND NAIL MARKING THE SOUTHEAST CORNER OF SAID BLOCK 14 BEARS SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 201.18 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID BLOCK 14 AND THE WESTERLY RIGHT OF WAY OF FOREST AVENUE, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, LEAVING THE EAST LINE OF SAID BLOCK 14 AND THE WESTERLY RIGHT OF WAY OF FOREST AVENUE, A DISTANCE OF 141.25 FEET;

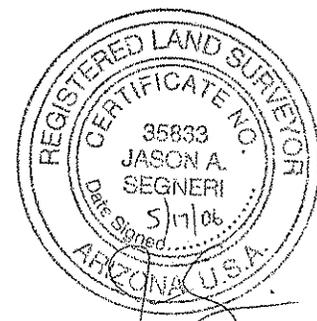
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 31 SECONDS EAST, A DISTANCE OF 41.58 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 31 SECONDS EAST, A DISTANCE OF 99.67 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 2,409 SQ.FT. OR 0.055 ACRES



49.50'
R/W

7TH STREET

PAGE 2 OF 2

NORTHEAST CORNER, BLOCK 14
POINT OF COMMENCEMENT

PARCEL 7

PARCEL 12

36.75'
R/W

PARCEL 11

PARCEL 14

PARCEL 6

PARCEL 13

POINT OF BEGINNING

FOREST AVENUE

L5

L6

L7

L4

L3

L2

PARCEL 18

PARCEL 17

ALLEY RIGHT OF WAY
TO BE ABANDONED

PARCEL 15

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°00'00"E	165.18
L2	S00°00'00"E	20.00
L3	S89°56'31"W	141.25
L4	N00°00'00"E	10.00
L5	N89°56'31"E	41.58
L6	N00°00'00"E	10.00
L7	N89°56'31"E	99.67



SCALE: 1"=40'



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GROUP, INC

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ALLEY RIGHT OF WAY ABANDONMENT
TEMPE, ARIZONA

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16414 N. 91ST STREET, STE 102, SCOTTSDALE, AZ 85260

JOB # 06023	DWG: ALLEY-ABAND-EAST	DATE: 05/16/06
SCALE: 1"=40'	DRAWN: RMH	CHK: JAS
		SHEET 1 OF 1

EXHIBIT "A-2"

PAGE 1 OF 2

DATE: MAY 16, 2006
JOB# 06023

LEGAL DESCRIPTION TEMPE – BLOCK 14 ALLEY RIGHT OF WAY ABANDONMENT

AN ABANDONMENT OF THE ALLEY RIGHT OF WAY LOCATED WITHIN BLOCK 14 OF TEMPE AS RECORDED IN BOOK 2 OF MAPS, PAGE 26 AND WITHIN LOT 4 OF THE BIRCHETT TRACT AS RECORDED IN BOOK 27 OF MAPS, PAGE 9, RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, SAID RIGHT OF WAY BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ½" REBAR WITH CAP AT THE NORTHWEST CORNER OF SAID BLOCK 14;

THENCE SOUTH 00 DEGREES 03 MINUTES 35 SECONDS EAST, ALONG THE WEST LINE OF SAID BLOCK 14, SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF MYRTLE AVENUE, A DISTANCE OF 175.13 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED, SAID POINT BEING THE NORTHEAST CORNER OF LOT 4 OF SAID BIRCHETT TRACT, FROM SAID POINT A FOUND NAIL MARKING THE SOUTHWEST CORNER OF SAID BLOCK 14 BEARS SOUTH 00 DEGREES 03 MINUTES 35 SECONDS EAST A DISTANCE OF 191.13 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 31 SECONDS EAST, LEAVING THE WEST LINE OF SAID BLOCK 14 AND THE EASTERLY RIGHT OF WAY OF MYRTLE AVENUE, AND ALONG THE NORTH LINE OF LOT 4 OF SAID BIRCHETT TRACT, A DISTANCE OF 120.13 FEET TO A POINT ON THE EAST LINE OF LOT 4 OF SAID BIRCHETT TRACT;

THENCE SOUTH 00 DEGREES 02 MINUTES 28 SECONDS EAST, LEAVING SAID NORTH LINE OF LOT 4 AND ALONG SAID EAST LINE OF LOT 4, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, LEAVING SAID EAST LINE OF LOT 4, A DISTANCE OF 120.13 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 14 AND THE EASTERLY RIGHT OF WAY OF MYRTLE AVENUE;

THENCE NORTH 00 DEGREES 03 MINUTES 35 SECONDS WEST, ALONG THE WEST LINE OF SAID BLOCK 14 AND THE EASTERLY RIGHT OF WAY OF MYRTLE AVENUE, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED.

SAID PARCEL CONTAINS 1,201 SQ.FT. OR 0.028 ACRES



49.50'
R/W
7TH STREET

NORTHWEST CORNER, BLOCK 14
POINT OF COMMENCEMENT

LOT 7
BK. 27, PG. 9

PARCEL 5

PARCEL 11

36.50'
R/W

MYRTLE AVENUE

PARCEL 4

POINT OF BEGINNING
COMMON LINE TO
LOTS 4 AND 5
BK. 27, PG. 9

SCLAE: 1"=40'

L1
L2
L3
L4
L5

ALLEY RIGHT OF WAY
TO BE ABANDONED

PARCEL 2

PARCEL 3

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°03'35"E	175.13
L2	N89°56'31"E	120.13
L3	S00°02'28"E	10.00
L4	S89°56'31"W	120.13
L5	N00°03'35"W	10.00



SIG

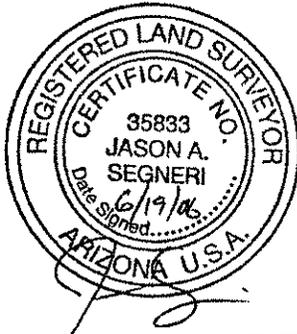
**SURVEY INNOVATION
GROUP, INC**

**TEMPE - BLOCK 14
ALLEY RIGHT OF WAY ABANDONMENT
TEMPE, ARIZONA**

EXHIBIT "A-3"

PAGE 1 OF 2

DATE: JUNE 19, 2006
JOB# 06023



LEGAL DESCRIPTION TEMPE - BLOCK 14 SEWER EASEMENT ABANDONMENT

AN ABANDONMENT OF THE SEWER EASEMENT RECORDED IN DOCKET 5459, PAGE 243, RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, SAID EASEMENT BEING LOCATED WITHIN BLOCK 14 OF TEMPE AS RECORDED IN BOOK 2 OF MAPS, PAGE 26 AND WITHIN LOT 4 OF THE BIRCHETT TRACT AS RECORDED IN BOOK 27 OF MAPS, PAGE 9, RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, SAID RIGHT OF WAY BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ½" REBAR WITH CAP AT THE NORTHWEST CORNER OF SAID BLOCK 14;

THENCE SOUTH 00 DEGREES 03 MINUTES 35 SECONDS EAST, ALONG THE WEST LINE OF SAID BLOCK 14, SAID LINE ALSO BEING THE EASTERLY RIGHT OF WAY OF MYRTLE AVENUE, A DISTANCE OF 175.13 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID BIRCHETT TRACT, FROM SAID POINT A FOUND NAIL MARKING THE SOUTHWEST CORNER OF SAID BLOCK 14 BEARS SOUTH 00 DEGREES 03 MINUTES 35 SECONDS EAST A DISTANCE OF 191.13 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 31 SECONDS EAST, LEAVING THE WEST LINE OF SAID BLOCK 14 AND THE EASTERLY RIGHT OF WAY OF MYRTLE AVENUE, AND ALONG THE NORTH LINE OF LOT 4 OF SAID BIRCHETT TRACT, A DISTANCE OF 120.13 FEET TO A POINT ON THE EAST LINE OF LOT 4 OF SAID BIRCHETT TRACT;

THENCE SOUTH 00 DEGREES 02 MINUTES 28 SECONDS EAST, LEAVING SAID NORTH LINE OF LOT 4 AND ALONG SAID EAST LINE OF LOT 4, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT ABANDONMENT HEREIN DESCRIBED;

THENCE SOUTH 00 DEGREES 02 MINUTES 28 SECONDS EAST, CONTINUING ALONG SAID EAST LINE OF LOT 4 A DISTANCE OF 40.04 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4;

THENCE SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, LEAVING SAID EAST LINE OF LOT 4 AND ALONG SAID SOUTH LINE OF LOT 4, A DISTANCE OF 5.00 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 28 SECONDS WEST, LEAVING SAID SOUTH LINE OF LOT 4 A DISTANCE OF 40.04 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 31 SECONDS EAST, A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT ABANDONMENT HEREIN DESCRIBED

SAID EASEMENT ABANDONMENT CONTAINS 200 SQ.FT. OR 0.005 ACRES

49.50'
R/W

7TH STREET

NORTHWEST CORNER, BLOCK 14
POINT OF COMMENCEMENT

LOT 7
BK. 27, PG. 9

PARCEL 5

PARCEL 11

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°03'35"E	175.13
L2	N89°56'31"E	120.13
L3	S00°02'28"E	10.00
L4	S00°02'28"E	40.04
L5	S89°56'31"W	5.00
L6	N00°02'28"W	40.04
L7	N89°56'31"E	5.00

36.50'
R/W

MYRTLE AVENUE

PARCEL 4

COMMON LINE TO
LOTS 4 AND 5
BK. 27, PG. 9

L2

5' SEWER EASEMENT
DKT. 5459, PG. 243 M.C.R.
TO BE ABANDONED

L7

POINT OF BEGINNING

SCLAE: 1"=40'

L4

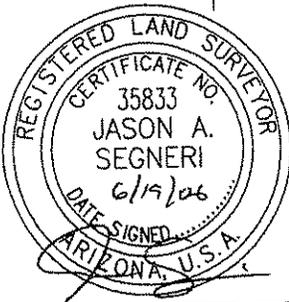
PARCEL 2

PARCEL 3

COMMON LINE TO
LOTS 1 AND 4
BK. 27, PG. 9

L5

COMMON LINE TO
LOTS 2 AND 4
BK. 27, PG. 9



SIG

**SURVEY INNOVATION
GROUP, INC**

TEMPE - BLOCK 14

SEWER EASEMENT ABANDONMENT

TEMPE, ARIZONA

Ph (480) 922 0780 *Land Surveying Services* Fx (480) 922 0781
16414 N. 91ST STREET, STE 102, SCOTTSDALE, AZ 85260

JOB # 06023	DWG: SEWER-ESMT-ABAND	DATE: 06/19/06
SCALE: 1"=40'	DRAWN: RMH	CHK: JAS
		SHEET 1 OF 1