Staff Summary Report

Tempe

Council Meeting Date: 12/11/08 **Agenda Item Number:** _____

SUBJECT: This is the **second public hearing** to adopt an ordinance abandoning an existing Storm Drainage Easement located at 1200 E Rio Salado Parkway.

DOCUMENT NAME: 20081211PWCH09 **ABANDONMENT (0901)**
ORDINANCE NO. 2008.59

SUPPORTING DOCS: Yes

COMMENTS: Arizona Board of Regents, a body corporate acting for and on behalf of Arizona State University requests the abandonment of an existing Storm Drainage Easement described in the attached Exhibit "A" and shown in Exhibit "A-1"and known as 1200 E. Rio Salado Parkway. A new easement in an adjacent location has been granted by Arizona State University to replace this easement.

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. 2008.59 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.59

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING AN EXISTING STORM DRAINAGE EASEMENT LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LOCATED AT 1200 E. RIO SALADO PARKWAY.
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WHEREAS, the Arizona Board of Regents, a body corporate acting for an on behalf of Arizona State University owns certain real estate within the City of Tempe, on which it has granted a storm drainage easement to the City of Tempe; and

WHEREAS, Arizona State University has requested that the City of Tempe abandon said easement, and the City has agreed to do so.

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 existing Drainage Easement as described on Exhibit "A" and shown on Exhibit"A-1" hereto attached.

Section 2. That all rights of the City in the easement 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 easement is 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

BRADY • AULERICH & ASSOCIATES, INC.

Civil Engineering • Land Surveying
Construction Staking

C.E. Aulerich	P.L.S.
Dennis H. Brady	R.L.S.
Robert N. Hermon	P.E./R.L.S.
E. Terry Holbert	R.L.S.
Blair C. Meggitt	R.L.S.

EXHIBIT A

LEGAL DESCRIPTION: STORM DRAINAGE EASEMENT ABANDONMENT

That United States Department of the Interior Right-of-Way Grant Serial No. AZA 1119 granted to the City of Tempe on April 4, 1968 for storm drainage purposes and amended on April 10, 1970 (unrecorded) which lies within the Southwest quarter of the Northwest quarter of Section 14, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, City of Tempe, Maricopa County, Arizona, being described as follows:

Commencing at the West quarter corner of said Section 14 being a found City of Tempe brass cap;

Thence: South 89° 21' 06" East (Basis of Bearing City of Tempe datum) along the east-west mid-section line of said Section 14, a distance of 1290.82 feet to the center-east 1/16th corner of said section;

Thence: North 00° 22' 49" West along the North-South 1/16th line of said Section 14, a distance of 65.00 feet to the POINT OF BEGINNING;

Thence: South 89° 37' 11" West normal to aforesaid 1/16th line, 100.00 feet;

Thence: North 00° 22' 49" West parallel to said 1/16th line, 200.00 feet;

Thence: North 89° 37' 11" East normal to said 1/16th line, 100.00 feet;

Thence: South 00° 22' 49" East along said 1/16th line, 200.00 feet to the POINT OF BEGINNING.

All as shown on attached Exhibit "A-1" made a part hereof by this reference.

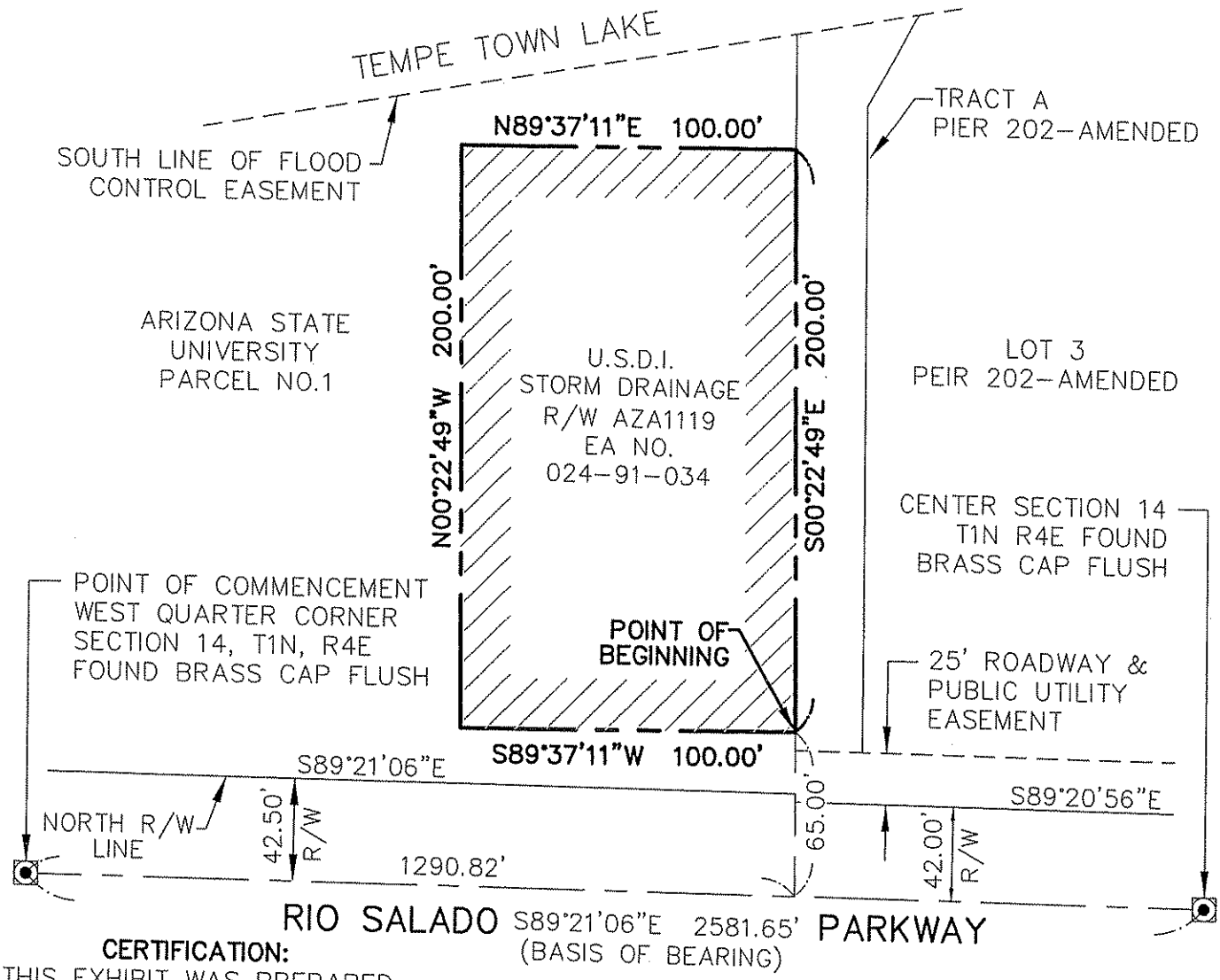
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
18436
BLAIR C.
MEGGITT
Date Signed 10-13-08
ARIZONA, U.S.A.

EXPIRES 09/30/09

1030 East Guadalupe Road • Tempe, Arizona 85283-3044 • (480) 839-4000 • FAX (480) 345-9259
www.baa-survey.com

EXHIBIT "A1"

PART THE SW .1/4 OF THE NW. 1/4, SECTION 14, T.1N., R.4E. GILA SALT RIVER MERIDIAN, CITY OF TEMPE, MARICOPA COUNTY, ARIZONA



CERTIFICATION:

THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION DURING THE MONTH OF OCTOBER, 2008

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
18436
BLAIR C. MEGGITT
Date Signed 10-13-08
ARIZONA, U.S.A.

EXPIRES 09/30/09

N.T.S.

CITY OF TEMPE
STORM DRAINAGE R/W
AZA1119 ABANDONMENT

BRADY•AULERICH & ASSOCIATES, INC.
1030 E. Guadalupe Road
Tempe, Arizona 85283
Phone (480) 839-4000 Fax (480) 345-9259

PROJECT: 080817
080817-EXBT.DWG
DATE: 10/13/08
BY: AH
RLS: BCM