

# Staff Summary Report

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**Council Meeting Date:** 2/05/2009

**Agenda Item Number:** \_\_\_\_\_

**SUBJECT:** This is the **introduction** and **first public hearing** to adopt an ordinance abandoning an existing Sewer Line Easement and two Driveway Easements located at 3339 and 3345 South Rural Road. The second public hearing is scheduled for **February 19, 2009**.

**DOCUMENT NAME:** 20090205PWCH04 ABANDONMENT (0901)  
**ORDINANCE NO. 2009.05**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Carsten Wilms, the owner of the property, requests the abandonment of an existing Sewer Line Easement and two existing Driveway Easements in conjunction with a proposed new plat.

**PREPARED BY:** Wendy Springborn-Pitman, Engineering Services Administrator (x8520)

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

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

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

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Adopt Ordinance No. 2009.05 and authorize the Mayor to execute any necessary documents.

**ADDITIONAL INFO:** The proposed new plat will be known as "Carsten Institute" and will include a new Sewer Line Easement.

ORDINANCE NO. 2009.05

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF  
TEMPE, ARIZONA, ABANDONING AN EXISTING SEWER  
LINE EASEMENT AND TWO DRIVEWAY EASEMENTS AT  
3339 AND 3345 SOUTH RURAL ROAD

\*\*\*\*\*

WHEREAS, Carsten Wilms owns certain real estate within the City of Tempe, on which it has granted a sewerline and driveway easements to the City of Tempe; and

WHEREAS, Carsten Wilms has requested that the City of Tempe abandon the sewer line easement and driveway easements, and the City has agreed to do so; and

WHEREAS, the City of Tempe has determined that the easements or portions thereof to be abandoned are no longer required by the City and it is in the City's best interest to abandon those easements.

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 Sewer Line Easement and Driveway Easements described on Exhibits "A" and "B" hereto, and shown on Exhibits "A-1" and "B-1" hereto.

**Section 2.** That all rights of the City of Tempe in the easements or portions thereof 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 February, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# EXHIBIT "A"

## ABANDONMENT OF SEWER EASEMENT

THE LAND THROUGH AND ALONG WHICH THIS EASEMENT IS GRANTED ARE SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS MORE PARTICULARLY DESCRIBED AS PART OF TRACT "A", CYPRUS EAST, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA RECORDED IN BOOK 99 OF MAPS, PAGE 30, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHICH IS 415 FEET WEST OF THE NORTHEAST CORNER OF SAID TRACT "A";

THENCE SOUTH ALONG A LINE PARALLEL TO AND 415 FEET WEST OF THE EAST LINE OF SAID TRACT "A" A DISTANCE OF 200 FEET;

THENCE WEST ALONG A LINE WHICH IS 200 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID TRACT "A", A DISTANCE OF 193.33 FEET;

THENCE SOUTH ALONG A LINE WHICH IS 608.33 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 114 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH ALONG SAID LINE PARALLEL TO THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 135 FEET;

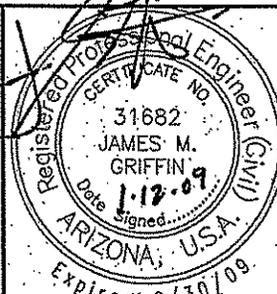
THENCE WEST TO A POINT ON THE WEST LINE OF SAID TRACT "A", WHICH LIES SOUTH 299 FEET FROM THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCKET 5025, PAGE 265;

THENCE NORTH 135 FEET; THENCE EAST TO THE TRUE POINT OF BEGINNING.

EXCEPT THE WEST 5 FEET OF THE NORTH 50 FEET THEREOF.

SAID EASEMENT OVER THE ABOVE DESCRIBED PARCEL BEING 12.00 FEET IN WIDTH, 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST, THENCE SOUTH  $01^{\circ}00'27''$  EAST (ASSUMED BEARING) 383.02 FEET, THENCE NORTH  $88^{\circ}01'00''$  EAST A DISTANCE OF 55.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF RURAL ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING OF SAID CENTERLINE OF SAID 12.00 FOOT EASEMENT, THENCE CONTINUING NORTH  $88^{\circ}01'00''$  EAST 31.09 FEET; THENCE CONTINUING NORTH  $85^{\circ}44'12''$  EAST A DISTANCE OF 153.06 FEET TO THE TERMINUS OF SAID EASEMENT.

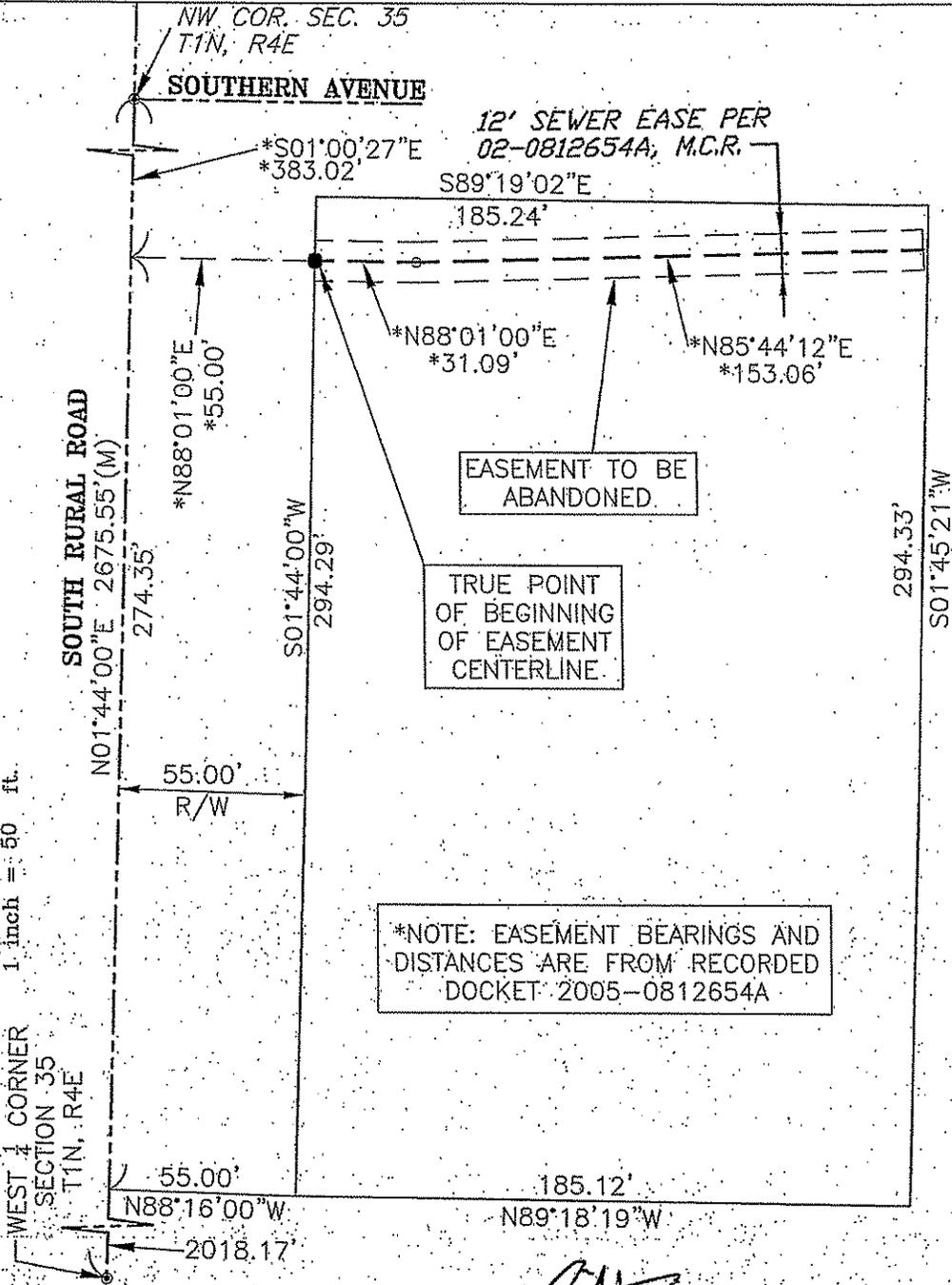
JOB NAME: CARSTEN INSTITUTE			REV. $\triangle$ 1
ABANDONMENT OF SEWER EASEMENT			REV. $\triangle$ 2
	GRIFFIN-JACOBS ENGINEERING, INC.	JOB NO: 0805	
	CIVIL ENGINEERING	SCALE: N.T.S.	
	LAND PLANNING	DATE: JAN 2009	
	6843 N. 8TH AVE. PHOENIX, ARIZONA 85013 T. 602.212.1279 F. 602.212.1553	PAGE: 1 OF 1	

# EXHIBIT "A-1"

## ABANDONMENT OF SEWER EASEMENT

NOTE: ALL EXISTING EASEMENTS ARE NOT SHOWN FOR CLARITY.

GRAPHIC SCALE

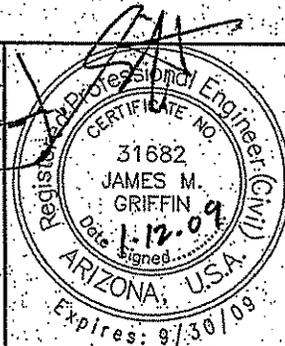


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REV. **1**

REV. **2**

JOB NO: 0805

SCALE: 1"=50'

DATE: JAN. 2009

PAGE: 1 OF 1

# EXHIBIT "B"

## ABANDONMENT OF SOUTH COMMON DRIVE EASEMENT

A PORTION OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF TRACT "A" OF CYPRUS EAST PER PLAT MAP RECORDED IN BOOK 99, PAGE 30, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 4 EAST;

THENCE SOUTH 01°44'00" WEST, A DISTANCE OF 363.08 FEET;

THENCE SOUTH 86°16'00" EAST A DISTANCE OF 55.00 FEET;

THENCE SOUTH 01°44'00" WEST A DISTANCE OF 249.30 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°18'19" EAST A DISTANCE OF 141.13 FEET;

THENCE NORTH 01°45'21" EAST A DISTANCE OF 115.09 FEET;

THENCE SOUTH 88°14'39" EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTH 01°45'21" WEST A DISTANCE OF 134.73 FEET;

THENCE NORTH 89°18'19" WEST A DISTANCE OF 176.13 FEET;

THENCE NORTH 01°44'00" EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89°18'19" EAST A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

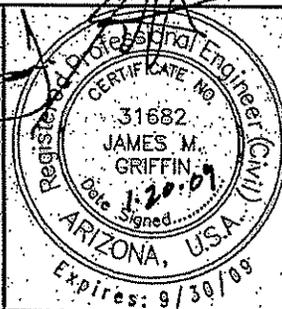
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ABANDONMENT OF NORTH COMMON DRIVE EASEMENT



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REV. 1

REV. 2

JOB NO: 0805

SCALE: N.T.S.

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## ABANDONMENT OF NORTH COMMON DRIVE EASEMENT

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THENCE SOUTH 01°44'00" WEST, A DISTANCE OF 363.08 FEET;

THENCE SOUTH 86°16'00" EAST A DISTANCE OF 55.00 FEET;

THENCE SOUTH 01°44'00" WEST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°19'02" EAST A DISTANCE OF 161.23 FEET;

THENCE SOUTH 01°45'21" WEST A DISTANCE OF 109.59 FEET;

THENCE NORTH 88°14'39" WEST A DISTANCE OF 20.00 FEET;

THENCE NORTH 01°45'21" EAST A DISTANCE OF 89.21 FEET;

THENCE NORTH 89°19'02" WEST A DISTANCE OF 156.22 FEET;

THENCE NORTH 01°44'00" EAST A DISTANCE OF 20.00 FEET;

THENCE NORTH 89°19'02" WEST A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

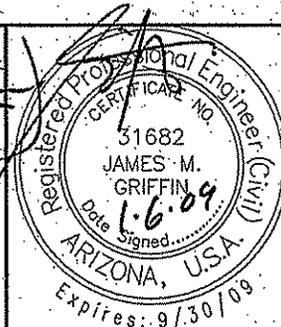
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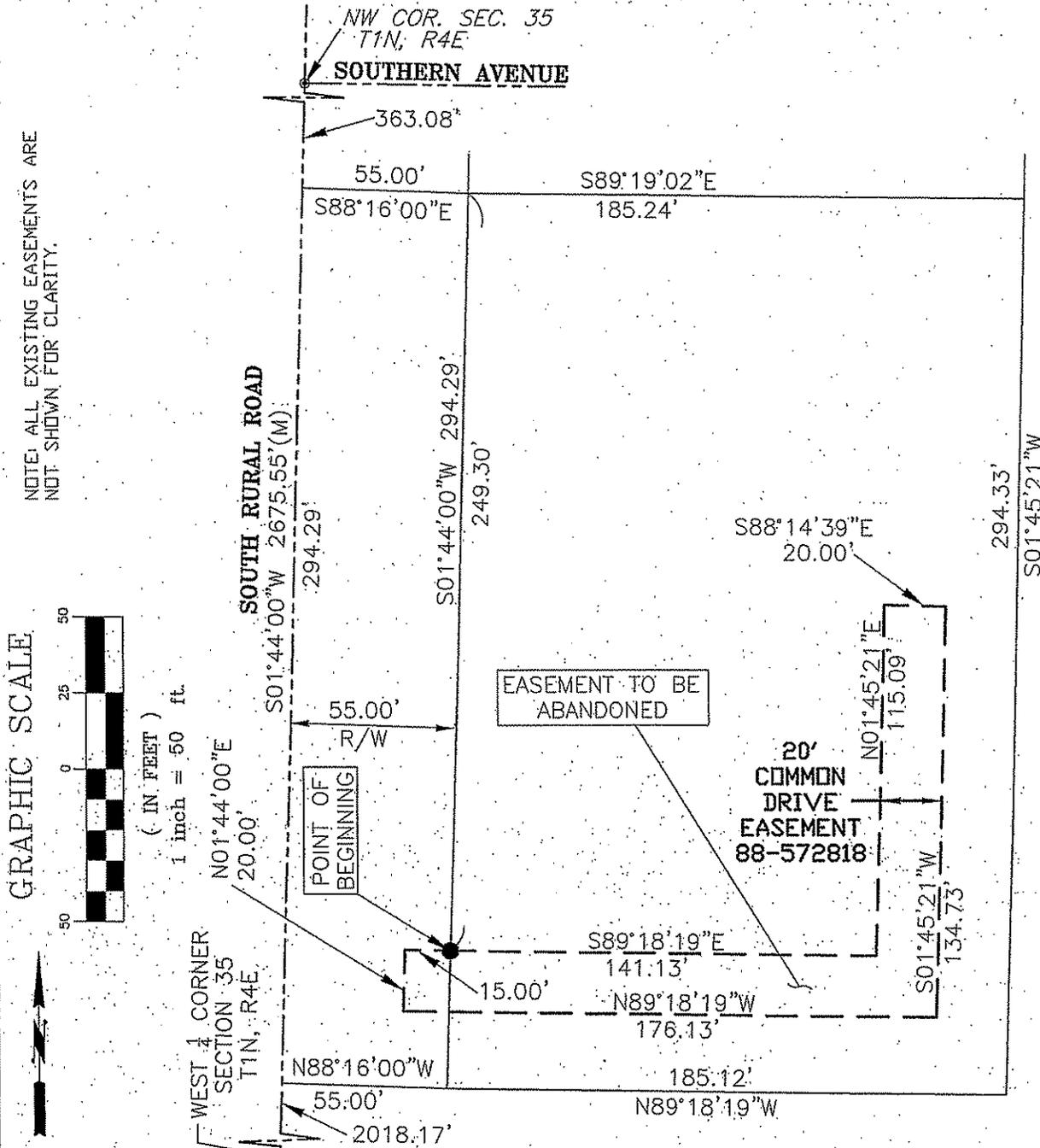
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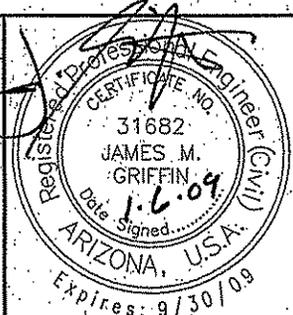
# EXHIBIT "B-1"

## ABANDONMENT OF SOUTH COMMON DRIVE EASEMENT



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 ABANDONMENT OF NORTH COMMON DRIVE EASEMENT

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 LAND PLANNING  
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