Staff Summary Report

Tempe

Council Meeting Date:04/09/2009 **Agenda Item Number:** _____

SUBJECT:	This is the second public hearing to adopt an ordinance authorizing the Mayor to execute a Covenant and Agreement Regarding Maintenance of Yards for an Oversized Building located at 809 East Southern Avenue, on which the Tempe Historical Museum is located more particularly described in the attached Exhibit "A".
DOCUMENT NAME:	20090409PWWS06 TEMPE HISTORICAL MUSEUM (0705-04) ORDINANCE 2009.16
COMMENTS:	The City of Tempe desires the Covenant and Agreement Regarding Maintenance of Yards for an Oversized Building located at 809 East Southern Avenue, on which the Tempe Historical Museum is located described in Exhibit "A" attached.
PREPARED BY:	Wendy Springborn-Pitman, Engineering Services Administrator (x8250)
REVIEWED BY:	Andy Goh, Deputy PW Manager/City Engineer (x8896)
APPROVED BY:	Glenn Kephart, Public Works Manager (x8205)
LEGAL REVIEW BY:	Cynthia McCoy, Assistant City Attorney (x2187)
FISCAL NOTE:	N/A
RECOMMENDATION:	Adopt Ordinance No. 2009.16 and authorize the Mayor to execute any necessary documents.
ADDITIONAL INFO:	To meet Tempe Building Code and City Code as part of the Historical Museum renovation, the city must provide and maintain a yard of 60 feet in width, completely surrounding the building, to remain clear of other structures.

ORDINANCE NO. 2009.16

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A COVENANT AND AGREEMENT REGARDING MAINTENANCE OF YARDS FOR AN OVERSIZED BUILDING.

WHEREAS, the City of Tempe owns the real property located at 809 East Southern Avenue, on which the Tempe Historical Museum is located.

WHEREAS, the Museum building is being renovated and expanded, and to comply with the applicable provisions of the Tempe Building Code as adopted by Chapter 8 of the Tempe City Code, an area of open space must be maintained around the building perimeter.

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

Section 1: That the Mayor is authorized to execute a Covenant and Agreement Regarding Maintenance of Yards for an Oversized Building in the form attached hereto as Exhibit A, and to take such further actions as are necessary to obtain building permits for the renovation of the Tempe Historical Museum.

Section 2: Pursuant to City Charter, Part 1, Article II, Section 2.12 (c), ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of April, 2009.

_____
Hugh L. Hallman, Mayor

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

WHEN RECORDED, RETURN TO

CITY OF TEMPE - BASKET
Development Services/Building Safety

EXHIBIT A

COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF YARDS FOR AN OVERSIZED BUILDING
(Legal Entity)

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Tempe, County of Maricopa, State of Arizona.

LEGAL DESCRIPTION: (SEE FOLLOWING PAGES)
As recorded in Book _____, Page _____, Records of Maricopa County, which property is located and known as 809 E. SOUTHERN AVENUE, TEMPE, AZ 85282 (Address), and, in consideration of the issuance of a building permit by the City of Tempe for the construction of an oversized building on said property, we do hereby covenant and agree to and with said City, pursuant to the Tempe Building Code as adopted in Chapter 8 of the Tempe City Code, to provide and maintain on said property a yard of 60 feet in width, for 100 percent of the building perimeter, unobstructed from ground to sky, as shown on the attached plot plan.

This Covenant and Agreement shall run with the land and shall be binding upon ourselves, all future owners, encumbrancers, their successors, heirs and assignees; and shall continue in effect so long as said oversized building shall remain thereon or unless otherwise released by authority of the Deputy Development Services Manager/Building Safety of the City of Tempe, in accordance with the Code.

Dated this _____ day of _____, 20_____.

_____ _____
(Signed) *(Title)*

_____ _____
(Signed) *(Title)*

STATE OF ARIZONA
County of Maricopa

Witness my hand and official seal, this the _____ day of _____, 20_____
(Official Seal)

_____
Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My commission expires: _____

FOR DEPARTMENT USE ONLY

Approved by: _____
Development Services Department/Building Safety

LEGAL DESCRIPTION FOR PREPARATION OF COVENANT AGREEMENTS

For The "TED PE HISTORY D h SEh D " @ 809 E. Southern Avenue, Tempe, AZ 85282

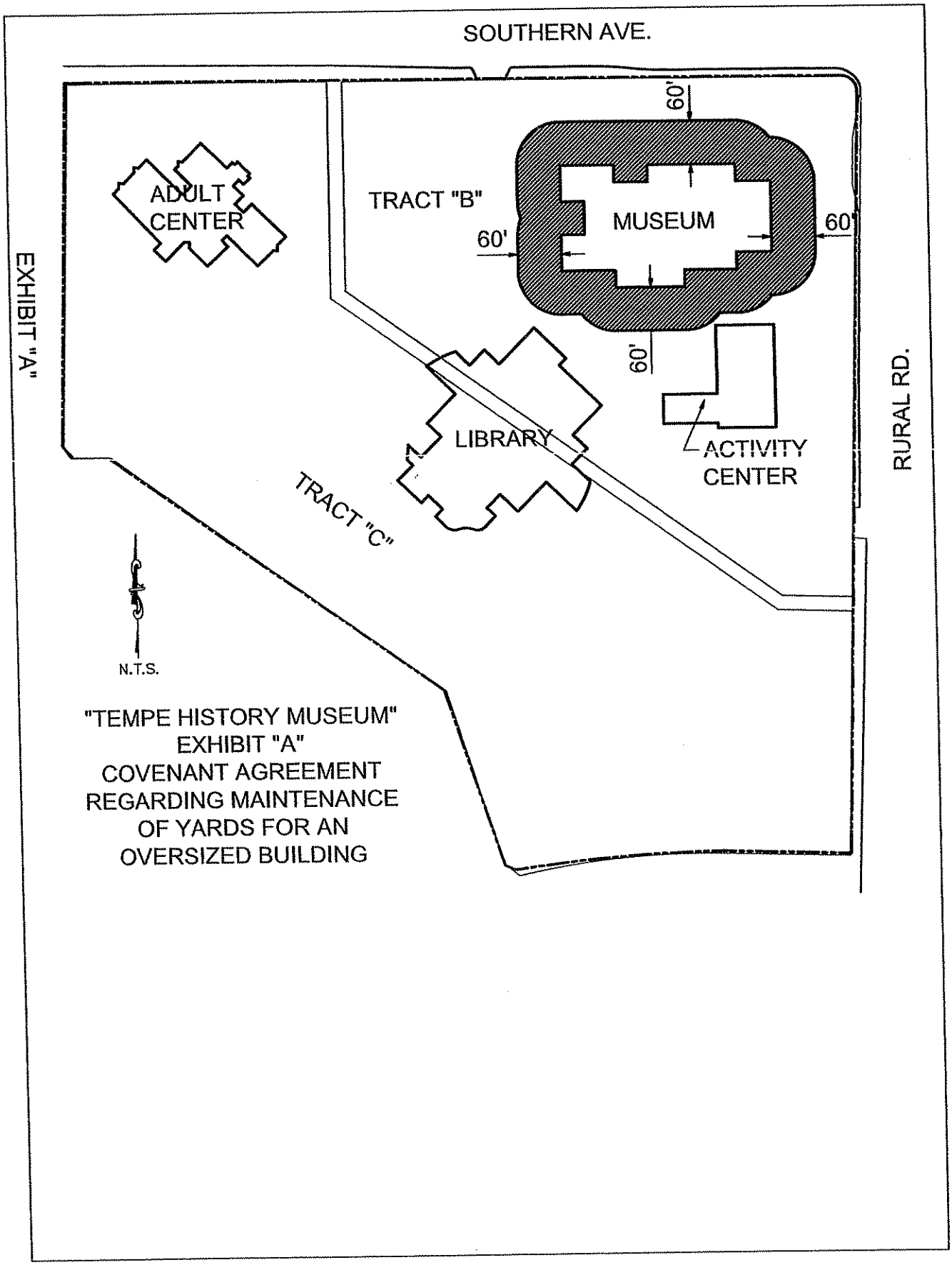
SITUATE IN MARICOPA COUNTY, ARIZONA:

LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY FOUR (34), TOWNSHIP ONE (1) NORTH, RANGE FOUR (4) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: (APN 133-41-348C)
TEMPE ROYAL PALMS 5 TRACT B EX NORTH 170' OF EAST 170' AND ALSO EAST 10' OF THE ABANDONDED ALLEY ADJACENT ON SOUTH AND WEST EX RD P/D 89-135393.

PARCEL 2: (APN 133-41-348B)
TEMPE ROYAL PALMS 5 TRACT B EX NORTH 170' OF EAST 170' EX P/D 89-135393.

PARCEL 3: (APN 133-41-349A)
TEMPE ROYAL PALMS 5 TRACT C ALSO W 10' OF ABAND ALLEY ADJ ON N & E EX RD P/D 89-135393



"TEMPE HISTORY MUSEUM"
EXHIBIT "A"
COVENANT AGREEMENT
REGARDING MAINTENANCE
OF YARDS FOR AN
OVERSIZED BUILDING