

Staff Summary Report



Council Meeting Date: 05/15/08

Agenda Item Number: _____

SUBJECT: This is the **second public hearing** to adopt an ordinance abandoning portions of Water & Sewer Line Easements located at 1900 E. Apache Boulevard, more particularly described in the attached copy of the recorded easement.

DOCUMENT NAME: 20080515PWCH03 **ABANDONMENT (0901)**
ORDINANCE NO. 2008.18

SUPPORTING DOCS: Yes

COMMENTS: The developers of this site have requested the abandonment of portions of those Water & Sewer Line Easements described in the attached copy of the recorded easements (recorded at Docket 3898 Page 247-249). The easements are to be re-dedicated on the "Campus Suites on the Rail" plat that was submitted for City Council approval on April 17, 2008.

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 AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.18 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.18

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING PORTIONS OF WATER & SEWER LINE EASEMENTS LOCATED AT 1900 E. APACHE BOULEVARD.

WHEREAS, it has been determined by the City Council that those portions of the Water & Sewer Easements, described herein and shown on Exhibit "A", consisting of six(6) pages, is 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 portions of 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 portions of the existing water & sewer easements as shown on Exhibit "A" hereto attached.

Section 2. That all rights of the City in the portions of 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 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.

Ordinance No. 2008.18
Page Two

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

This _____ day of May, 2008 .

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

March 27, 2008

LEGAL DESCRIPTION FOR
CAMPUS SUITES ON THE RAIL
WATER AND SEWER EASEMENT ABANDONMENT

That certain parcel of land described in Docket 3898, Page 247, Maricopa County Records, Arizona, more particularly described as follows:

The North 10 feet; the West 10 feet of the North 300 feet; and the North 10 feet of the South 351 feet of a tract described as the South-west one-quarter of the Southeast one-quarter of the Northwest one-quarter, except the East 480 feet and except the South 50 feet for road, of Section 24, T1N, R4E, G&SRB&M.



Expires: 9/30/ 2010



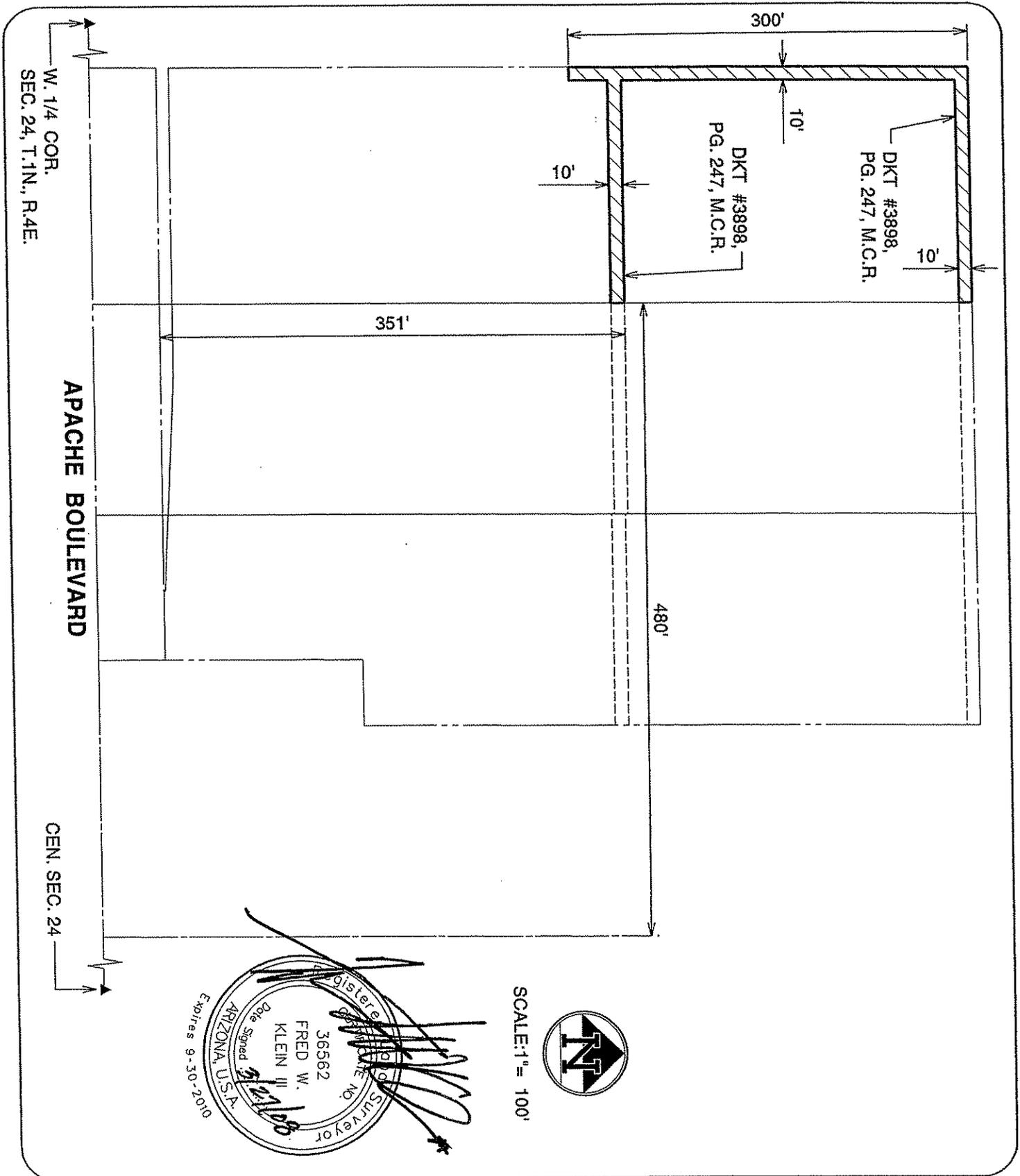


EXHIBIT
N:\01\0182201\CADD\EHABAND3.DGN
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
TELEPHONE (602) 264-6831

**CAMPUS SUITES ON THE RAIL
WATER & SEWER EASEMENT ABANDONMENT**

COE & VAN LOO
PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE

JOB NO
1-01-0182201
SHEET
1 OF 1

March 27, 2008

LEGAL DESCRIPTION FOR
CAMPUS SUITES ON THE RAIL
WATER AND SEWER EASEMENT ABANDONMENT

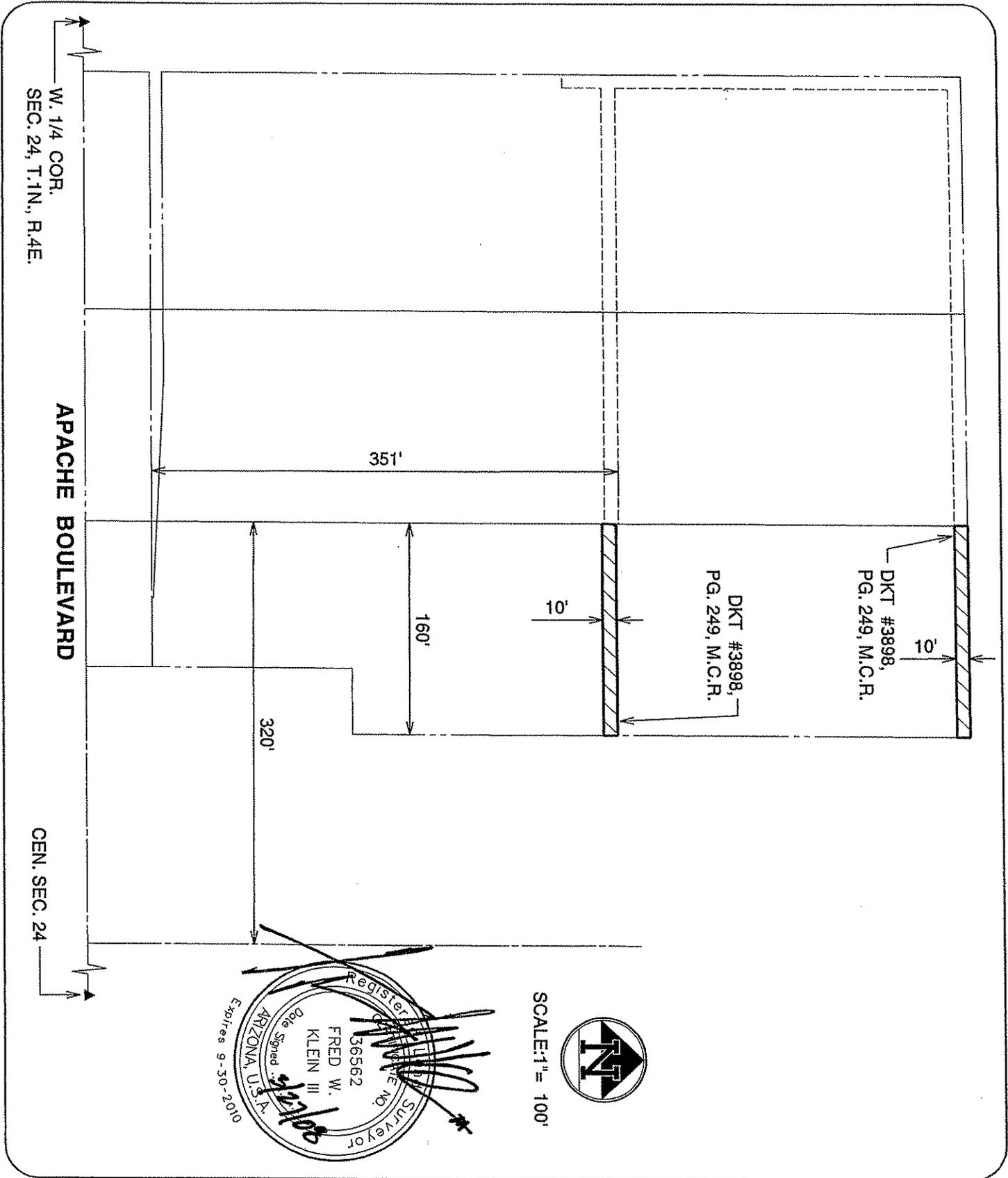
That certain parcel of land described in Docket 3898, Page 249, Maricopa County Records, Arizona, more particularly described as follows:

The North 10 feet, and the North 10 feet of the South 349 feet of a tract described as the West 160 feet of the East 320 feet, except the South 200 feet of the East 50 feet and except the South 50 feet for road, of the Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter of Section 24, T1N, R4E, G&SRB&M.



Expires: 9/30/2010





<p>EXHIBIT N:\01\0182201\CADD\EHABAND1.DGN</p>	<p>CAMPUS SUITES ON THE RAIL WATER & SEWER EASEMENT ABANDONMENT</p>	<p>JOB NO 1-01-0182201</p>
<p>4550 NORTH 12TH STREET PHOENIX, ARIZONA 85014 TELEPHONE (602) 264-6831</p>	<p>COE & VAN LOO PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE</p>	<p>SHEET 1 OF 1</p>

March 27, 2008

LEGAL DESCRIPTION FOR
CAMPUS SUITES ON THE RAIL
WATER AND SEWER EASEMENT ABANDONMENT

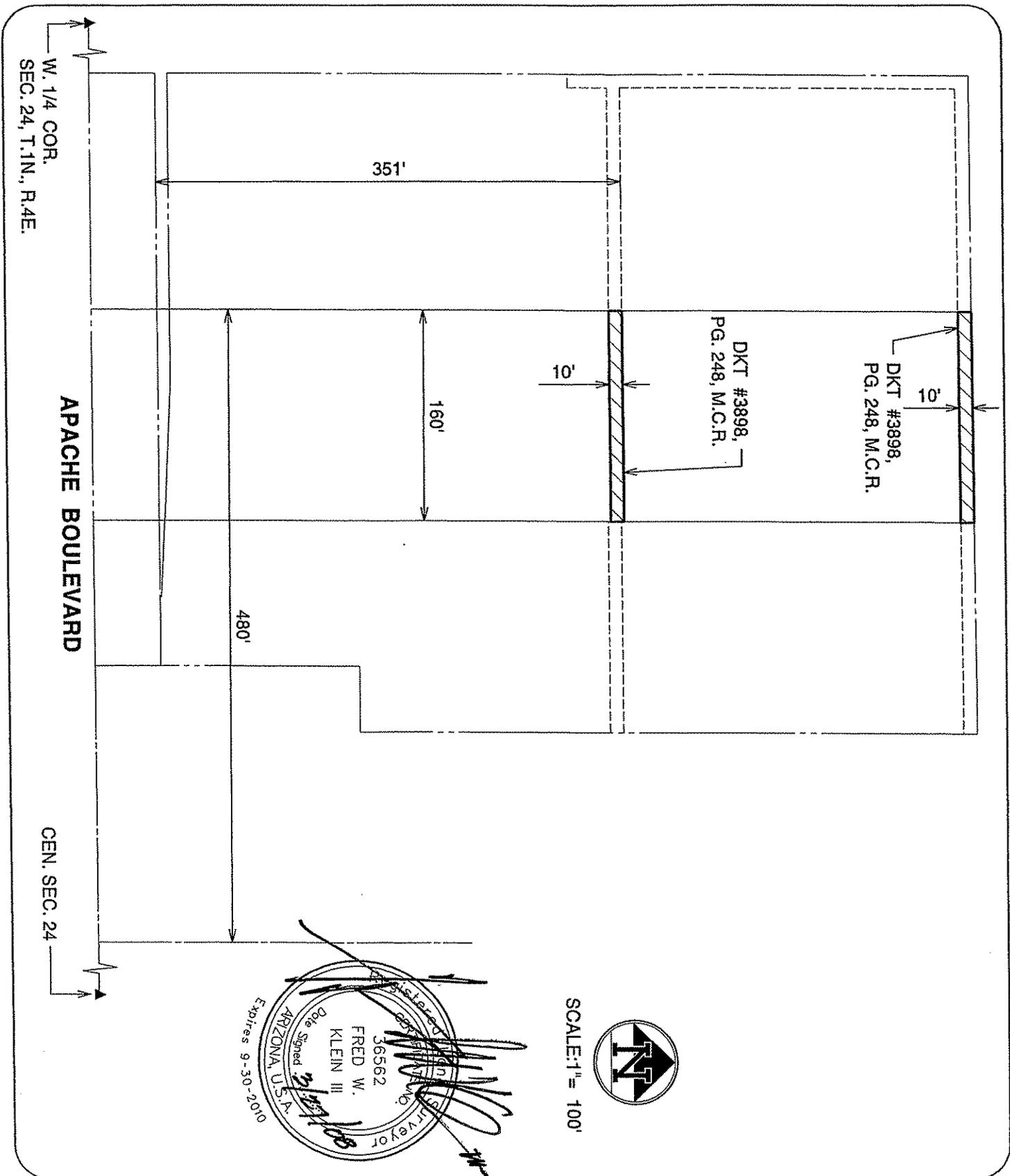
That certain parcel of land described in Docket 3898, Page 248, Maricopa County Records, Arizona, more particularly described as follows:

The North 10 feet and the North 10 feet of the South 351 feet of a tract described as the West 160 feet of the East 480 feet, except the South 50 feet for road, of the Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter of Section 24, T1N, R4E, G&SRB&M.



Expires: 9/30/2010





Surveyor
 No. 36562
 FRED W.
 KLEIN III
 Date Signed 9/15/10
 ARIZONA, U.S.A.
 Expires 9-30-11

SCALE: 1" = 100'



EXHIBIT N:\01\0182201\CADD\EHABAND2.DGN	CAMPUS SITES ON THE RAIL WATER & SEWER EASEMENT ABANDONMENT	JOB NO 1-01-0182201
4550 NORTH 12TH STREET PHOENIX, ARIZONA 85014 TELEPHONE (602) 264-6831	COE & VAN LOO PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE	SHEET 1 OF 1

OCTOBER 26, 1961

3898-247

NEW 10 1/2

1961, C. C. Carroll, Sheriff, and the CITY OF TEMPE, a

Whereas the said grantors, for and in consideration of the sum of \$10,000.00... have granted, and by this instrument do hereby grant, sell, and convey unto the said grantees, and to their successors and assigns forever, together with the right to enter upon the property...

The North 10 feet and the West 10 feet of the North 380 feet; and the North 10 feet of the South 351 feet of a tract described as the southwest one-quarter of the southeast one-quarter of the Northwest one-quarter, except the East 480 feet and except the South 50 feet for road, of Section 24, T1N, R4E, S30R28M.

TO HAVE AND TO HOLD the same together with all the appurtenances thereto belonging to the grantees, their successors and assigns forever. IN WITNESS WHEREOF, the said grantors have hereunto set their hands the day and date above written.

C. C. Carroll

STATE OF ARIZONA } ss. COUNTY OF MARICOPA } On this the 17 day of February, 1961, before me, H. L. Wilson, the undersigned Notary Public, personally appeared C. C. Carroll

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

My Commission expires August 18, 1964

Notary Public seal and signature area with 'OLD-DEED' stamp and '185634' number.

DKT 3898 247

15 24NW

3898-247

OCTOBER 26, 1961

Handwritten notes: 1/10 - 1/10

Handwritten note: 2578

Handwritten note: 248

92-17-11

DWTS'S 248 E A B E E E E X

THIS INSTRUMENT, made the 17 day of February, 1961, between Glen E. Richardson and Berta E. Richardson Grantors, and the CITY OF TEMPE, a municipal corporation, Grantee,

WITNESSETH: That the said grantors, for and in consideration of the sum of ONE DOLLAR (\$1.00) to them in hand paid by the said grantee, the receipt whereof is hereby confessed and acknowledged, have granted, and by these presents do grant unto the said grantee, and to its successors, and assigns forever, an easement for sewer and water purposes, together with the necessary right of ingress and egress and the right to enter upon the property for the purpose of installation, maintenance, and replacement, over and across the following described property situated in the County of Maricopa and State of Arizona, to-wit:

The North 10 feet and the North 10 feet of the South 351 feet of a tract described as the West 160 feet of the East 480 feet, except the South 50 feet for road, of the Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter of Section 24, T1N, R2E, S22R24N.

TO HAVE AND TO HOLD the same together with all the appurtenances thereunto belonging to the grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantors have hereunto set their hands the day and year above written.

Signatures of Glen E. Richardson and Berta E. Richardson

STATE OF ARIZONA } ss. COUNTY OF MARICOPA }

On this the 17 day of February, 1961, before me, E. L. Wilson, the undersigned Notary Public, personally appeared Glen E. Richardson and Berta E. Richardson known to me (or satisfactorily proved) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

My Commission expires: My Commission Expires Aug. 15, 1964

Notary Public seal and stamps: City of Tempe, Arizona, Notary Public, Deputy Notary Public

SN

185635

Handwritten circled number: 16

Handwritten text: 24NW

Handwritten text: 3898-248

OCTOBER 26, 1961

12/11/61
249-110001E

2898

249

E A S E M E N T

THIS INSTRUMENT, made the 10 day of JANUARY, 1961, between Richard A. Lynch and Mrs. Richard A. Lynch Grantors, and the CITY OF TEMPE, a municipal corporation, Grantee,

WITNESSETH: That the said grantors, for and in consideration of the sum of ONE DOLLAR (\$1.00) to them in hand paid by the said grantee, the receipt whereof is hereby confessed and acknowledged, have granted, and by these presents do grant unto the said grantee, and to its successors and assigns forever, an easement for sewer and water purposes, together with the necessary right of ingress and egress and the right to enter upon the property for the purpose of installation, maintenance, and replacement, over and across the following described property situated in the County of Maricopa and State of Arizona, to-wit:

The North 10 feet, and the North 10 feet of the South 3/4 of a tract described as the West 160 feet of the East 120 feet, except the South 200 feet of the East 50 feet and except the South 50 feet for road, of the Southwest one-quarter of the Southeast one-quarter of the Northwest one-quarter of Section 24, T1N, R4E, G2SR24M.

TO HAVE AND TO HOLD the same together with all the appurtenances thereunto belonging to the grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantors have hereunto set their hands the day and year above written.

Richard A. Lynch
Mrs. Richard A. Lynch

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.

On this the 10 day of January, 1961, before me, H. L. Wilson, the undersigned Notary Public, personally appeared Richard A. Lynch and Mrs. Richard A. Lynch known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

H. L. Wilson
Notary Public

My Commission expires:
My Commission Expires Aug. 15, 1964

BN INT 3898-249

155636 21-DEED

STATE OF ARIZONA
County of Maricopa
I hereby certify that the foregoing instrument was duly acknowledged to me by the persons whose names are subscribed to the same on this day and year above written.
H. L. Wilson
Notary Public
My Commission Expires Aug. 15, 1964



17
249
3898-249