

Staff Summary Report



Council Meeting Date: 09/11/08

Agenda Item Number: _____

SUBJECT: This is the **introduction** and **first public hearing** to adopt an ordinance abandoning an existing Public Utility Easement and Sewer Easement located at 1240 E. University Drive. The second public hearing is set for **September 18, 2008**.

DOCUMENT NAME: 20080911PWCH05 ABANDONMENT (0901)
ORDINANCE NO. 2008.39

SUPPORTING DOCS: Yes

COMMENTS: St. Paul Properties, Inc. has requested the abandonment of an existing public utility easement and a sewer easement located at 1240 E. University Drive and more particularly described in the attached Exhibits "A" and "A-1." These abandonments are being processed in conjunction with a new plat known as "University Center III" located at the northwest corner of Dorsey Lane and 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 AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.39 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.39

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING AN EXISTING PUBLIC UTILITY EASEMENT AND A SEWER EASEMENT, LOCATED AT 1240 E. UNIVERSITY DRIVE.

WHEREAS, it has been determined by the City Council that the portions of the public utility and sewer easements, described herein and shown on Exhibits "A" and "A-1", 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.

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 Public Utility Easement and Sewer Easement as shown on the Exhibits "A" and "A-1" hereto attached.

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.

Ordinance No. 2008.39
Page Two

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

This _____ day of September, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

UNIVERSITY CENTER III PUBLIC UTILITY EASEMENT ABANDONMENT LEGAL DESCRIPTION

That certain easement for Public Utility Purposes according to Document no. 2004-1285537, Records of Maricopa County, Arizona, being a portion of the Southwest Quarter of the Southwest Quarter of Section 14, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 14;

Thence North 00 degrees 52 minutes 15 seconds West, a distance of 55.00 feet to the **POINT OF BEGINNING**;

Thence Continuing North 00 degrees 52 minutes 15 seconds West a distance of 156.00 feet;

Thence North 89 degrees 54 minutes 28 seconds West a distance of 40.00 feet;

Thence South 00 degrees 52 minutes 15 seconds East, a distance of 156.00 feet;

Thence South 89 degrees 54 minutes 28 seconds East to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 6,240 Sq. Ft. (0.1433 acres) more or less and being subject to any easements, restrictions, or rights of way of record or otherwise.

Prepared by: CMX
16165 North 83rd Avenue, Suite 201
Peoria, Arizona 85382
Project No. 7507
July 18, 2008



EXHIBIT A-1



CENTER OF SECTION 14
T1N, R4E FOUND CITY OF
TEMPE 3" BRASS CAP 0.3'
BELOW GROUND IN MEDIAN
OF RIO SALADO PARKWAY

PUBLIC UTILITY
EASEMENT PER
DOC. 2004-1285537



N89°54'28"W
40.00'

S00°52'15"E
156.00'

DORSEY LANE

N00°52'15"W

S89°54'28"E

40.00'
P.O.B.

UNIVERSITY DRIVE

SOUTHWEST CORNER
OF SECTION 14, T1N
R4E FOUND 3" BRASS
CAP IN HAND HOLE
0.5' DOWN AT INTERSECTION
OR RURAL ROAD AND
UNIVERSITY DRIVE

N89°54'28"W

SOUTH QUARTER CORNER
OF SECTION 14, T1N, R4E
FOUND CITY OF TEMPE 3"
BRASS CAP IN HAND HOLE
0.5' DOWN AT INTERSECTION
OF DORSEY LAND AND
UNIVERSITY DRIVE

SITE AREA CONTAINS 6,240 SQ.FT. OR 0.1433 ACRES MORE OR LESS

CMX PROJ.	7507
DATE:	JULY 2008
SCALE:	N.T.S.
DRAWN BY:	JR/JDL
CHECKED BY:	GS/BJB

UNIVERSITY CENTER III
1240 EAST UNIVERSITY DRIVE
TEMPE, ARIZONA

PUBLIC UTILITY EASEMENT ABANDONMENT

CMX
PEORIA OFFICE
16165 N. 83RD AVE. STE 201, PEORIA, AZ
PH (623) 466-6040 FAX (623) 466-6041

EXHIBIT A

UNIVERSITY CENTER III SEWER EASEMENT ABANDONMENT LEGAL DESCRIPTION

That certain easement for Sewer Purposes according to Document no. 92-700994, Records of Maricopa County, Arizona, described as follows:

The North 20.00 feet of the South 75.00 feet of the East 40.00 feet of the Southwest Quarter of Section 14, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

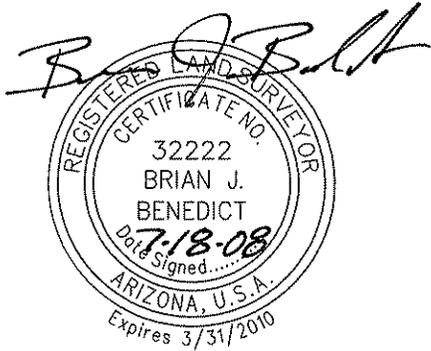
The above described parcel contains a computed area of 800 Sq. Ft. (0.0184 acres) more or less and being subject to any easements, restrictions, or rights of way of record or otherwise.

Prepared by: CMX
16165 North 83rd Avenue, Suite 201
Peoria, Arizona 85382
Project No. 7507
July 18, 2008



EXHIBIT A-1

CENTER OF SECTION 14
T1N, R4E FOUND CITY OF
TEMPE 3" BRASS CAP 0.3'
BELOW GROUND IN MEDIAN
OF RIO SALADO PARKWAY



DORSEY LANE

2642.71'
S00°41'08"E

SEWER EASEMENT PER
DOCUMENT 92-700994

40.00'

20.00'

SOUTHWEST CORNER
OF SECTION 14, T1N
R4E FOUND 3" BRASS
CAP IN HAND HOLE
0.5' DOWN AT INTERSECTION
OR RURAL ROAD AND
UNIVERSITY DRIVE

UNIVERSITY DRIVE

55.00'

SOUTH QUARTER CORNER
OF SECTION 14, T1N, R4E
FOUND CITY OF TEMPE 3"
BRASS CAP IN HAND HOLE
0.5' DOWN AT INTERSECTION
OF DORSEY LAND AND
UNIVERSITY DRIVE

N89°43'17"W 2627.99'

SITE AREA CONTAINS 800 SQ.FT. OR 0.0184 ACRES MORE OR LESS

CMX PROJ.	7507
DATE:	JULY 2008
SCALE:	N.T.S.
DRAWN BY:	JR/JDL
CHECKED BY:	GS/BJB

UNIVERSITY CENTER III
1240 EAST UNIVERSITY DRIVE
TEMPE, ARIZONA

SEWER EASEMENT ABANDONMENT

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