Staff Summary Report

Tempe

Council Meeting Date: 11/06/08 **Agenda Item Number:** _____

SUBJECT: This is the **second public hearing** to adopt an ordinance abandoning existing Public Utility Easements located at 2235 E. Apache Boulevard.

DOCUMENT NAME: 20081106PWCH06 **ABANDONMENT (0901)**
ORDINANCE NO. 2008.55

SUPPORTING DOCS: Yes

COMMENTS: The abandonment of existing Public Utility Easements located at 2235 E. Apache Boulevard are being processed in conjunction with the recording of a new plat known as "Price/Apache Park and Ride" at the Southeast corner of Apache Boulevard and Price Road. The plat includes a new waterline 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 AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.55 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.55

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A WATERLINE EASEMENT AND VARIOUS OTHER PUBLIC UTILITY EASEMENTS LOCATED AT 2235 E. APACHE BOULEVARD.

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WHEREAS, it has been determined by the City Council that those water and other public utility easements, described herein and shown on Exhibits "A", "B" "B-1", "C" and "D", 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 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 water and other public utility easements as shown on Exhibits A, B, B-1, C and D attached hereto.

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.

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

This _____day of November, 2008.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

LEGAL DESCRIPTION

WATERLINE EASEMENT ABANDONMENT

EXHIBIT "A"

AN EASEMENT ABANDONMENT OF THE WATERLINE RECORDED IN DOCUMENT 92-0183017 LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 8.00 FEET OF THE NORTH 58.00 FEET OF THE EAST 77.00 FEET OF THE WEST 545.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

LEGAL DESCRIPTION

EXCLUSIVE EASEMENT ABANDONMENT

EXHIBIT "B"

AN EASEMENT ABANDONMENT OF THE EXCLUSIVE EASEMENT RECORDED IN DOCUMENT 00-0199894 LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 19, SAID POINT BEING A FOUND BRASS CAP IN HAND HOLE, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 19 BEARS SOUTH 00°22'30" WEST, A DISTANCE OF 2652.05 FEET; THENCE SOUTH 89°59'46"EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 937.80 FEET; THENCE SOUTH 00°22'30" WEST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 520.00 FEET; THENCE SOUTH 89°59'46" EAST AND ALONG A LINE PARALLEL WITH AND 520.00 FEET SOUTH OF SAID NORTH LINE, A DISTANCE OF 199.61 FEET; THENCE SOUTH 51°19'30"'WEST, A DISTANCE OF 77.13 FEET; THENCE SOUTH 48°49'50" WEST AND ALONG THE EAST LINE OF A PARCEL OF LAND FURTHER DESCRIBED IN DOCUMENT 94-886187 OF OFFICIAL RECORDS OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, A DISTANCE OF 22.49 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING SOUTH 48°49'50" WEST, A DISTANCE OF 12.04 FEET;
THENCE NORTH 45°54'53" WEST, A DISTANCE OF 4.04 FEET;
THENCE WEST, A DISTANCE OF 313.07 FEET;
THENCE NORTH, A DISTANCE OF 12.00 FEET;
THENCE EAST, A DISTANCE OF 317.93 FEET;
THENCE SOUTH 45° 54' 53" EAST, A DISTANCE OF 9.90 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT B-1

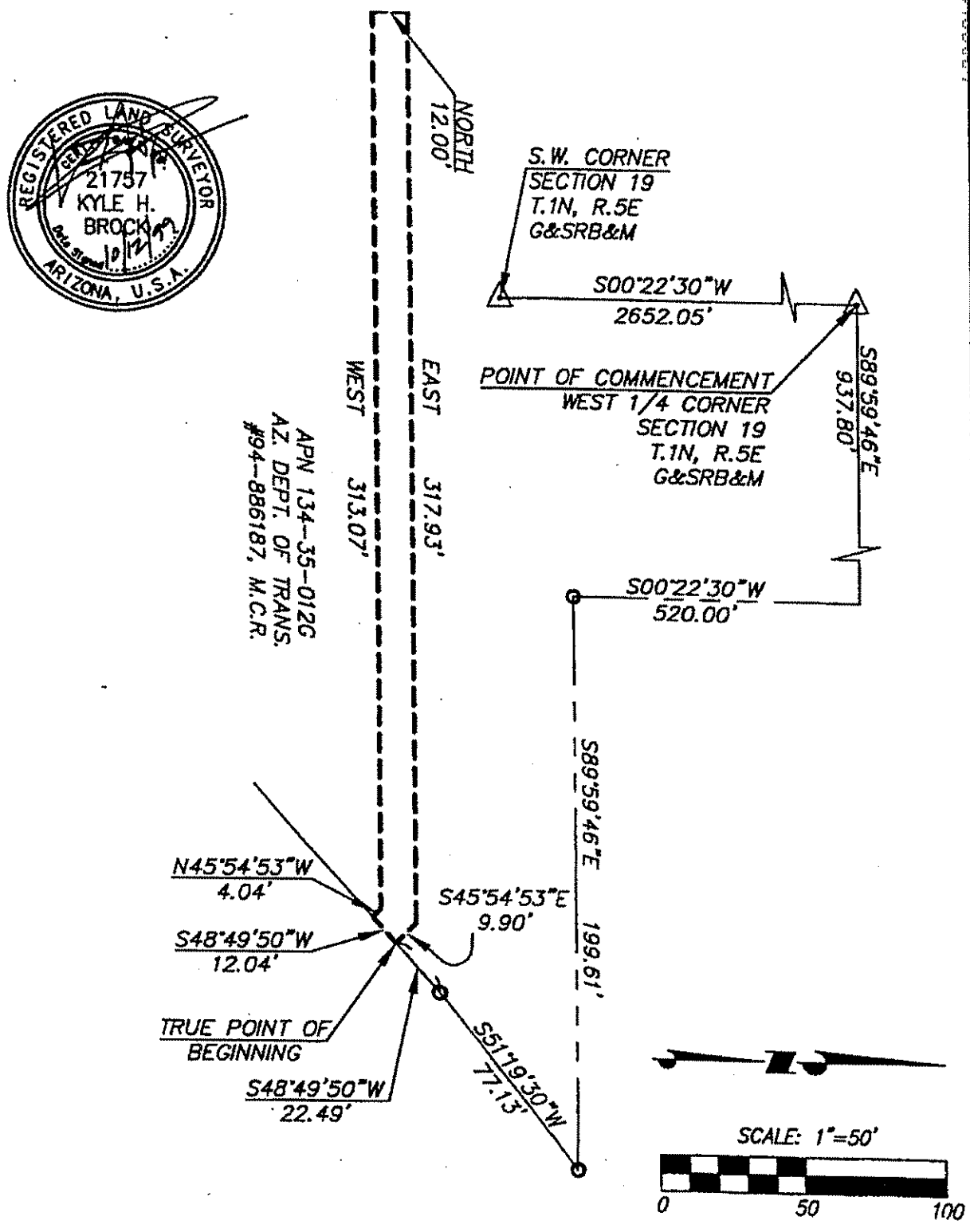

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EXHIBIT B-1

GeoDimensions
3030 E CAMELBACK ROAD
SUITE 260
PHOENIX, ARIZONA 85016
PHONE (602) 952-8788 FAX 952-9905

DATE
10/99

LEGAL DESCRIPTION

PUBLIC UTILITIES EASEMENT ABANDONMENT

EXHIBIT "C"

AN EASEMENT ABANDONMENT OF THE PUBLIC UTILITIES EASEMENT RECORDED IN DOCUMENT 92-0150707 LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 8 FEET OF THE NORTH 58 FEET OF THE EAST 77.00 FEET OF THE WEST 468 FEET OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

LEGAL DESCRIPTION

PUBLIC UTILITIES INCLUDING UNDERGROUND POWER EASEMENT ABANDONMENT

EXHIBIT "D"

AN EASEMENT ABANDONMENT OF THE PUBLIC UTILITIES INCLUDING UNDERGROUND POWER EASEMENT RECORDED IN DOCUMENT 92-0072463 LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 5.00 FEET OF THE NORTH 55.00 FEET OF THE EAST 5.00 FEET OF THE WEST 550.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.