

# Staff Summary Report



Council Meeting Date: 11/20/08

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

**SUBJECT:** This is the **introduction** and **first public hearing** to adopt an ordinance abandoning an existing Storm Drainage Easement located at 1200 E Rio Salado Parkway. The second public hearing is scheduled for **December 11, 2008**.

**DOCUMENT NAME:** 20081120PWCH09 ABANDONMENT (0901)  
**ORDINANCE NO. 2008.59**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Arizona Board of Regents, a body corporate acting for and on behalf of Arizona State University requests the abandonment of an existing Storm Drainage Easement described in the attached Exhibit "A" and shown in Exhibit "A-1" and known as 1200 E. Rio Salado Parkway. A new easement in an adjacent location has been granted by Arizona State University to replace this 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 BY:** Cynthia McCoy, Assistant City Attorney (x2187)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Adopt Ordinance No. 2008.59 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.59

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING AN EXISTING STORM DRAINAGE EASEMENT LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LOCATED AT 1200 E. RIO SALADO PARKWAY.

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WHEREAS, the Arizona Board of Regents, a body corporate acting for an on behalf of Arizona State University owns certain real estate within the City of Tempe, on which it has granted a storm drainage easement to the City of Tempe; and

WHEREAS, Arizona State University has requested that the City of Tempe abandon said easement, and the City has agreed to do so.

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 Drainage Easement as described on Exhibit "A" and shown on Exhibit "A-1" hereto attached.

**Section 2.** That all rights of the City in the easement 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.

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

This \_\_\_\_\_ day of December, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



**BRADY • AULERICH & ASSOCIATES, INC.**

Civil Engineering • Land Surveying  
Construction Staking

C.E. Aulerich	P.L.S.
Dennis H. Brady	R.L.S.
Robert N. Hermon	P.E./R.L.S.
E. Terry Holbert	R.L.S.
Blair C. Meggitt	R.L.S.

EXHIBIT A

LEGAL DESCRIPTION: STORM DRAINAGE EASEMENT ABANDONMENT

That United States Department of the Interior Right-of-Way Grant Serial No. AZA 1119 granted to the City of Tempe on April 4, 1968 for storm drainage purposes and amended on April 10, 1970 (unrecorded) which lies within the Southwest quarter of the Northwest quarter of Section 14, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, City of Tempe, Maricopa County, Arizona, being described as follows:

Commencing at the West quarter corner of said Section 14 being a found City of Tempe brass cap;

Thence: South 89° 21' 06" East (Basis of Bearing City of Tempe datum) along the east-west mid-section line of said Section 14, a distance of 1290.82 feet to the center-east 1/16<sup>th</sup> corner of said section;

Thence: North 00° 22' 49" West along the North-South 1/16<sup>th</sup> line of said Section 14, a distance of 65.00 feet to the POINT OF BEGINNING;

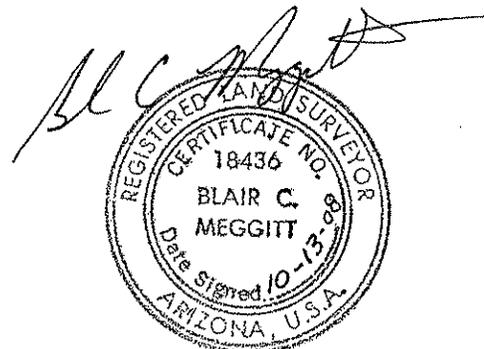
Thence: South 89° 37' 11" West normal to aforesaid 1/16<sup>th</sup> line, 100.00 feet;

Thence: North 00° 22' 49" West parallel to said 1/16<sup>th</sup> line, 200.00 feet;

Thence: North 89° 37' 11" East normal to said 1/16<sup>th</sup> line, 100.00 feet;

Thence: South 00° 22' 49" East along said 1/16<sup>th</sup> line, 200.00 feet to the POINT OF BEGINNING.

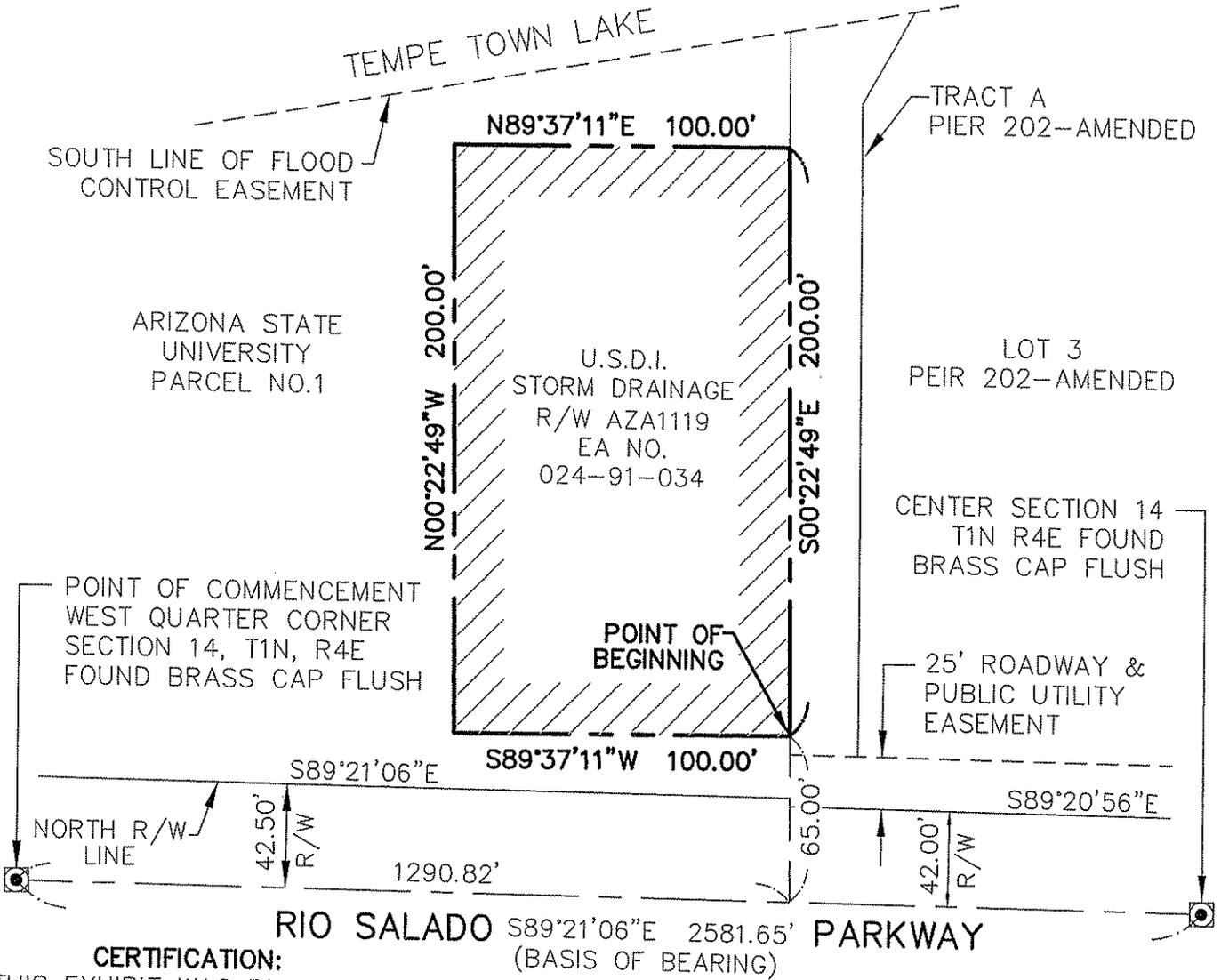
All as shown on attached Exhibit "A-1" made a part hereof by this reference.



EXPIRES 09/30/09

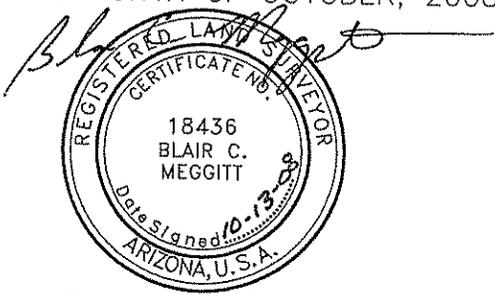
# EXHIBIT "A1"

PART THE SW .1/4 OF THE NW. 1/4, SECTION 14,  
T.1N., R.4E. GILA SALT RIVER MERIDIAN, CITY OF  
TEMPE, MARICOPA COUNTY, ARIZONA



**CERTIFICATION:**

THIS EXHIBIT WAS PREPARED  
UNDER MY SUPERVISION DURING  
THE MONTH OF OCTOBER, 2008



CITY OF TEMPE  
STORM DRAINAGE R/W  
AZA1119 ABANDONMENT



**BRADY • AULERICH & ASSOCIATES, INC.**  
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Tempe, Arizona 85283  
Phone (480) 839-4000 Fax (480) 345-9259

**PROJECT: 080817**  
080817-EXBT.DWG  
DATE: 10/13/08  
BY: AH  
RLS: BCM