

# Staff Summary Report



Council Meeting Date: 1/22/2009

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

**SUBJECT:** This is the **introduction and first public hearing** to adopt an ordinance abandoning a portion of an existing Water Line Easement located at 7414 South Harl Avenue. The second public hearing is scheduled for **February 5, 2009**.

**DOCUMENT NAME:** 20090122PWCH10 **ABANDONMENT (0901)**                      **ORDINANCE**  
NO. 2009.03

**SUPPORTING DOCS:**    Yes

**COMMENTS:** Phoenix Coca-Cola Bottling Co. requests the abandonment of a portion of an existing water line easement located at 7414 South Harl Avenue, (also known as 1850 West Elliot Road). A new easement has been granted to the City by separate instrument.

**PREPARED BY:** Wendy Springborn-Pitman, Engineering Services Administrator (x8520)

**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. 2009.03 and authorize the Mayor to execute any necessary documents.

**ORDINANCE NO. 2009.03**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PORTION OF AN EXISTING WATER LINE EASEMENT LOCATED AT 7414 SOUTH HARL AVENUE (ALSO KNOWN AS 1850 WEST ELLIOT ROAD.)**

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WHEREAS, Coca-Cola Bottling Co. owns certain real estate within the City of Tempe, on which it has granted a water line easement to the City of Tempe; and

WHEREAS, Coca-Cola Bottling Co. has requested that the City of Tempe abandon a portion of 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 existing portions of the Water Line Easement described on Exhibit "A" hereto, and shown on Exhibit "A-1" hereto.

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

Ordinance No. 2009.03  
Page Two

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

this \_\_\_\_\_ day of February, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

# EXHIBIT A

## LEGAL DESCRIPTION WATER LINE EASEMENT ABANDONMENT LOT 1, COCA-COLA BOTTLING CO. TEMPE, ARIZONA

Those portions of the 12' wide water line easement as dedicated and shown on the Map of Dedication for COCA-COLA BOTTLING CO., recorded in Book 549 of Maps, Page 28, and located on Lot 1, COCA-COLA BOTTLING CO., according to the plat of record in the office of the County recorder of Maricopa County, Arizona, recorded in Book 588 of Maps, page 7, said easement being 12 feet wide, the sidelines of said easement lying 6 feet on each side of the following described centerlines of said easement:

COMMENCING at the Northwest corner of said Lot 1;

Thence North 89° 48' 35" East, along the North line of said Lot 1, a distance of 83.90 feet;

Thence South 00° 11' 25" East, leaving said North line, a distance of 10.00 feet to a corner of the centerline of said easement;

Thence South 04° 00' 25" East, along the centerline of said easement, a distance of 659.21 feet to a corner of the centerline of said easement;

Thence North 89° 44' 55" East, along said centerline, a distance of 6.01 feet to a point on the Easterly sideline of said easement, said point being the TRUE POINT OF BEGINNING;

Thence continuing North 89° 44' 55" East, along said centerline, a distance of 207.12 feet to a corner of said centerline, said point herein known as point "A";

Thence continuing North 89° 44' 55" East, along said centerline, a distance of 41.00 feet to a point of terminus; and

BEGINNING at said point "A":

Thence North 00° 08' 09" East, along said centerline, a distance of 20.00 feet to a corner of said centerline, said point herein known as point "B";

Thence South 89° 51' 51" East, along said centerline, a distance of 61.00 feet to a point of terminus; and

BEGINNING at said point "B";

Thence North 00° 08' 09" East, along said centerline, a distance of 128.08 feet to a corner of said centerline, said point herein known as point "C";

Thence North 44° 51' 51" West, along said centerline, a distance of 45.00 feet to a point of terminus; and

# EXHIBIT A

BEGINNING at said point "C";

Thence North 00° 08' 09" East, along said centerline, a distance of 15.00 feet to an angle point of said centerline;

Thence North 01° 32' 44" East, along said centerline, a distance of 289.20 feet to a corner of said centerline, said point herein known as point "D";

Thence North 88° 47' 09" West, along said centerline, a distance of 49.51 feet to a point of terminus; and

BEGINNING at said point "D";

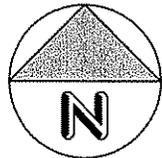
Thence North 01° 32' 44" East, along said centerline, a distance of 73.00 feet to a point of terminus.



N.E.G. #2336  
11-12-08

T:\2336 COCA COLA TEMPE - 2336 WLE-ABAN.dwg - Model - Nov 13, 2008 - 9:41am - Filescale 100

# EXHIBIT A 1



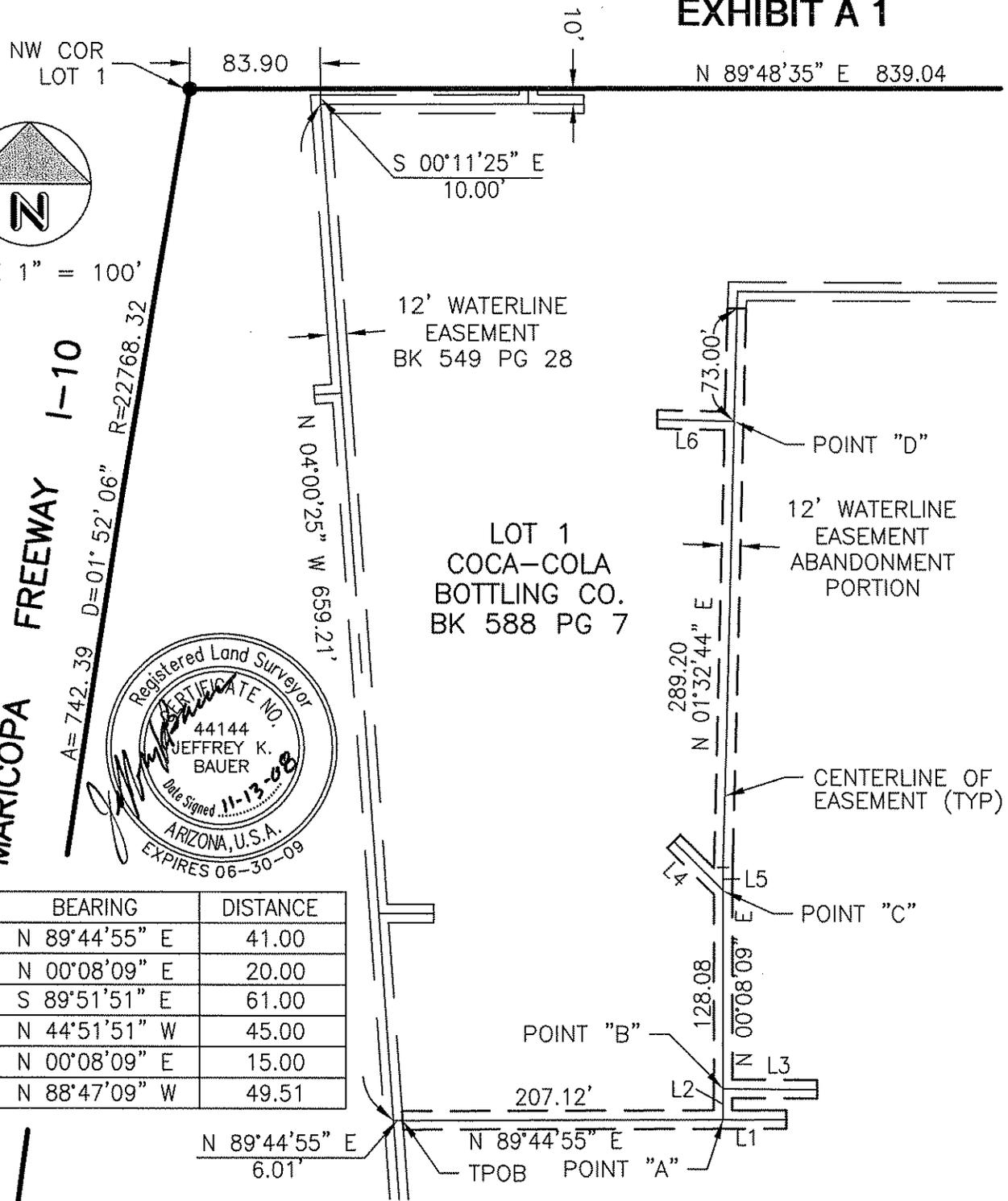
SCALE 1" = 100'

**MARICOPA  
FREEWAY I-10**

A=742.39 D=01°52'06" R=22768.32



LINE	BEARING	DISTANCE
L1	N 89°44'55" E	41.00
L2	N 00°08'09" E	20.00
L3	S 89°51'51" E	61.00
L4	N 44°51'51" W	45.00
L5	N 00°08'09" E	15.00
L6	N 88°47'09" W	49.51



**NORMAN ENGINEERING GROUP, INC.**

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WATERLINE EASEMENT ABANDONMENT  
 COCA-COLA BOTTLING CO. TEMPE AZ.

DRN: JB	SCALE: 1" = 100'
CHK: KZ	JOB NO.: 2336
DES:	SHT 1 OF 1
DATE: 11-12-08	

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