

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 authorizing the annexation of two parcels of land located between the Tempe Market Place development and the Red Mountain Freeway at 2106 E. Rio Salado Parkway. The second public hearing is scheduled for **February 5, 2009**.

DOCUMENT NAME: 20090122PWWS11 ANNEXATION (0402-01)
ORDINANCE NO. 2009.01

SUPPORTING DOCS: Yes

COMMENTS: The owners of the two parcels have requested annexation to facilitate completion of a proposed 64-acre business park on the site. The two parcels are contiguous to the City's existing boundary, and are located in an unincorporated area. 101/ 202 Holdings, L. L .C. owns parcels 132-36-008K and Miravista Holdings L.L.C. owns parcel 132-36-003Q and 132-36-003E

PREPARED BY: Wendy Springborn-Pitman, Engineering Services Administrator (x8250)

REVIEWED BY: Andy Goh, PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (X8779)

LEGAL REVIEW: Cynthia McCoy, Assistant City Attorney(x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2009.01 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2009.01

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF TEMPE, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, AS AMENDED,, BY ANNEXING THERETO TWO PARCELS CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF TEMPE

WHEREAS, 101/ 202 Holdings, L. L .C., as the owner of parcels 132-36-008K and Miravista Holdings L.L.C., as the owner of parcels 132-36-003Q and 132-36-003E, have submitted to the City of Tempe, a written petition accompanied by a map or plot of certain territory and requesting that such territory be annexed into the City of Tempe, and the City has recorded a blank petition pursuant to Section 9-471.A of the Arizona Revised Statutes, as amended, indicating its intent to annex that territory, which territory is contiguous to the City of Tempe, but not now embraced within its limits, and to extend and increase the corporate limits of the City of Tempe so as to embrace the same; and

WHEREAS, the Mayor and Council of the City of Tempe, Arizona, desire to accept and comply with said petition and to extend and increase the corporate limits of the City of Tempe to include said territory; and

WHEREAS, the City has determined that the petition contains a true and correct legal description of all exterior boundaries and an accurate map of the territory to be annexed; and

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the petition was signed by the owner of the real property in the territory to be annexed; and

WHEREAS, the City has determined that the provisions of A.R.S. 9-471, as amended, have been fully observed and complied with; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Tempe, together with a true and correct copy of the original petition referred to herein, which is also on file in the office of the Maricopa County Recorder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AS FOLLOWS:

SECTION 1. That the territory described in Exhibits "A", "A-1", "B", "B-1", "C", "C-1", "D" and "D-1" attached hereto, be, and the same hereby is, annexed to the City of Tempe, and that the present corporate limits of the City of Tempe, be, and the same hereby are, extended and increased to include that territory..

SECTION 2. That a certified copy of this ordinance, together with an accurate map of the territory annexed to the City of Tempe, be recorded in the office of the County Recorder of Maricopa County, Arizona.

SECTION 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA this _____ day of February, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Superior Surveying Services, Inc.

Professional Land Surveying ♦ Arizona ♦ California ♦ Nevada

21415 North 23rd Avenue ♦ Phoenix, Arizona 85027

Phone: (623)869-0223 ♦ Fax: (623)869-0726

info@ssincsz.com

Job Number: 280808

Randy S. Delbridge, President

A. J. Wadsworth, Vice President

David S. Klein, Vice President

EXHIBIT A

August 8, 2008

DESCRIPTION OF 132-36-003-E

A portion of the Northeast quarter of Section 13, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the City of Tempe brass cap in handhole marking the Center of said Section 13, from which a brass cap in handhole marking the East quarter corner of said Section 13 bears North 89 degrees 52 minutes 03 seconds East 2648.69 feet, said line is the South line of the Northeast quarter of said Section 13 and is the basis of bearings in this description;

THENCE North 02 degrees 30 minutes 48 seconds West 2043.84 feet along the West line of the Northeast quarter of said Section 13 to the Southerly right-of-way line of State Route 202L (Red Mountain Freeway), from which point an ADOT aluminum cap flush marking the North quarter corner of said Section 13 bears North 02 degrees 30 minutes 48 seconds West 681.84 feet, said point is also the Northeast corner of Lot 23, TEMPE MARKETPLACE AMENDED, recorded in Book 969, page 20, Maricopa County Records, and the POINT OF BEGINNING;

THENCE along said Southerly right-of-way line of State Route 202L (Red Mountain Freeway) the following two courses and distances:

THENCE North 84 degrees 16 minutes 18 seconds East 231.76 feet;

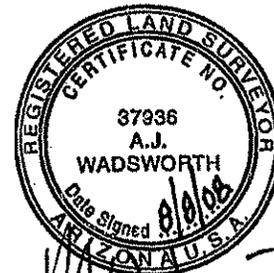
THENCE North 84 degrees 44 minutes 58 seconds East 263.53 feet to the East line of Parcel No. 3, described in 2006-0772962, Maricopa County Records;

THENCE South 02 degrees 30 minutes 48 seconds East 68.01 feet along said East line, being parallel with the West line of the Northeast quarter of said Section 13 to the North line of that property described in 1985-149056, Maricopa County Records;

THENCE South 89 degrees 58 minutes 02 seconds West 495.09 feet along said North line, being parallel with the South line of the Northwest quarter of the Northeast quarter of said Section 13 to the West line of the Northeast quarter of said Section 13 and also the East line of said Lot 23, TEMPE MARKETPLACE AMENDED;

THENCE North 02 degrees 30 minutes 48 seconds West 21.00 feet along said West line to the POINT OF BEGINNING.

COMPRISING 0.511 acres or 22,266 square feet more or less, subject to all easements of record.



EXPIRES: 9/30/08

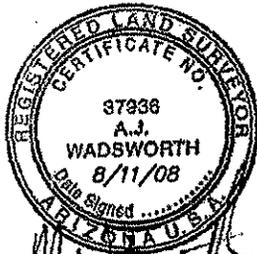
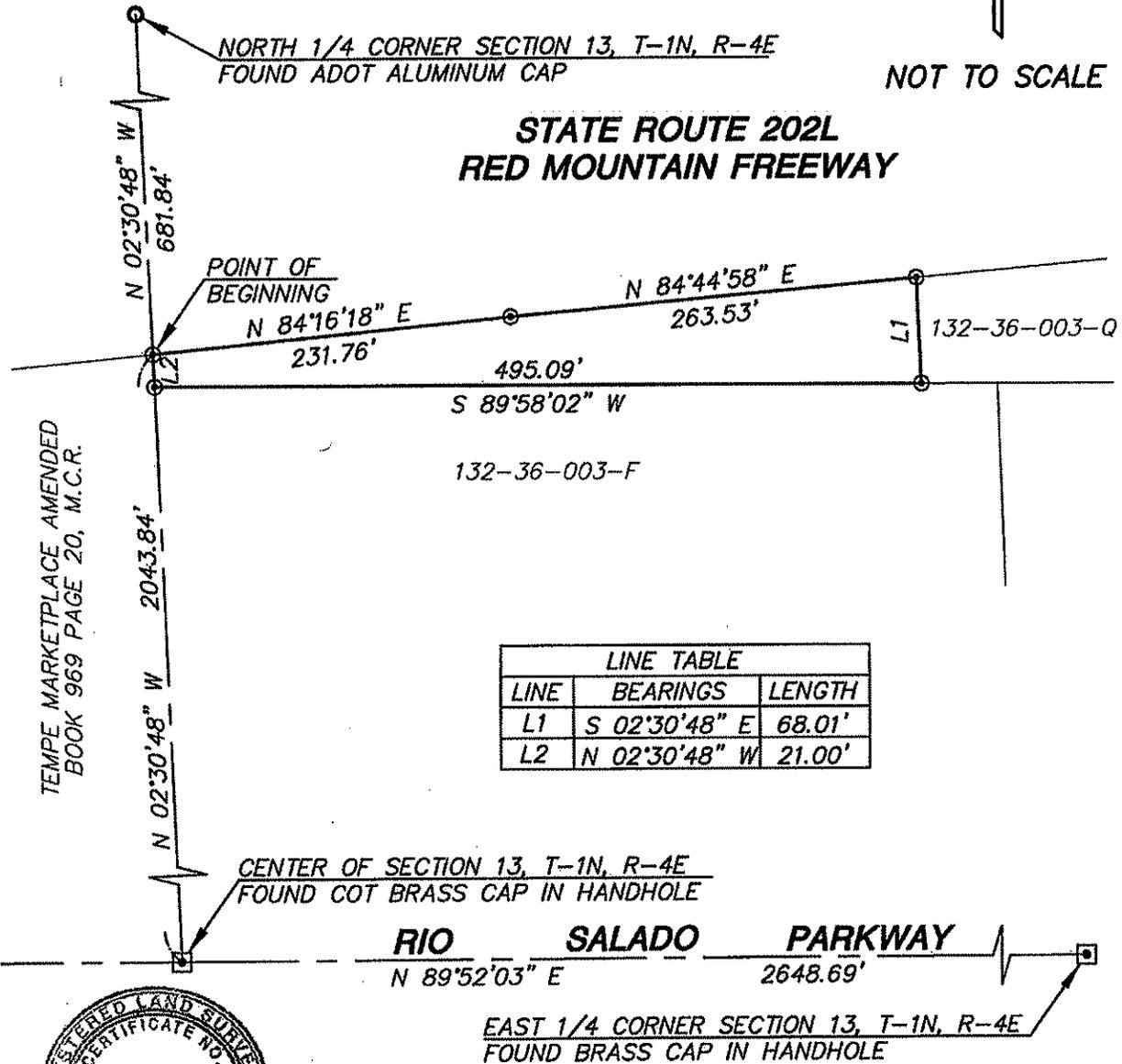
EXHIBIT A 1

OF
132-36-003-E



NOT TO SCALE

STATE ROUTE 202L RED MOUNTAIN FREEWAY



A.J. Wadsworth

**Superior
Surveying
Services, Inc.**

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PROFESSIONAL LAND SURVEYING - ARIZONA, CALIFORNIA, NEVADA
ARIZONA NO. 18214 - CALIFORNIA NO. L6060 - NEVADA NO. 7880

DATE: 8/11/08

REVISED:

JOB NO.: 280808

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Job Number: 280808

Randy S. Delbridge, President

A. J. Wadsworth, Vice President

David S. Klein, Vice President

EXHIBIT B

August 8, 2008

DESCRIPTION OF 132-36-003-Q

A portion of the Northeast quarter of Section 13, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the City of Tempe brass cap in handhole marking the Center of said Section 13, from which a brass cap in handhole marking the East quarter corner of said Section 13 bears North 89 degrees 52 minutes 03 seconds East 2648.69 feet, said line is the South line of the Northeast quarter of said Section 13 and is the basis of bearings in this description;

THENCE North 02 degrees 30 minutes 48 seconds West 2043.84 feet along the West line of the Northeast quarter of said Section 13 to the Southerly right-of-way line of State Route 202L (Red Mountain Freeway), from which point an ADOT aluminum cap flush marking the North quarter corner of said Section 13 bears North 02 degrees 30 minutes 48 seconds West 681.84 feet, said point is also the Northeast corner of Lot 23, TEMPE MARKETPLACE AMENDED, recorded in Book 969, page 20, Maricopa County Records;

THENCE along said Southerly right-of-way line of State Route 202L (Red Mountain Freeway) the following three courses and distances:

THENCE North 84 degrees 16 minutes 18 seconds East 231.76 feet;

THENCE North 84 degrees 44 minutes 58 seconds East 263.53 feet to the East line of Parcel No. 3, described in 2006-0772962, Maricopa County Records, and the POINT OF BEGINNING;

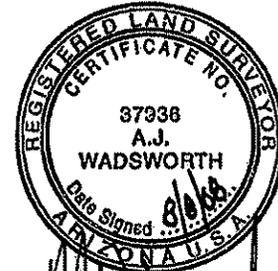
THENCE North 84 degrees 44 minutes 58 seconds East 375.99 feet to the Westerly line of that property described in 2006-1482998, Maricopa County Records;

THENCE South 73 degrees 59 minutes 25 seconds East 369.59 feet along said Westerly line to the North line of that property described in 2007-1181466, Maricopa County Records;

THENCE South 89 degrees 58 minutes 02 seconds West 726.69 feet along said North line, being parallel with the South line of the Northwest quarter of the Northeast quarter of said Section 13 to the East line of said Parcel No. 3, described in 2006-0772962;

THENCE North 02 degrees 30 minutes 48 seconds West 68.01 feet along said East line to the POINT OF BEGINNING.

COMPRISING 1.145 acres or 49,881 square feet more or less, subject to all easements of record.



EXPIRES: 9/30/08

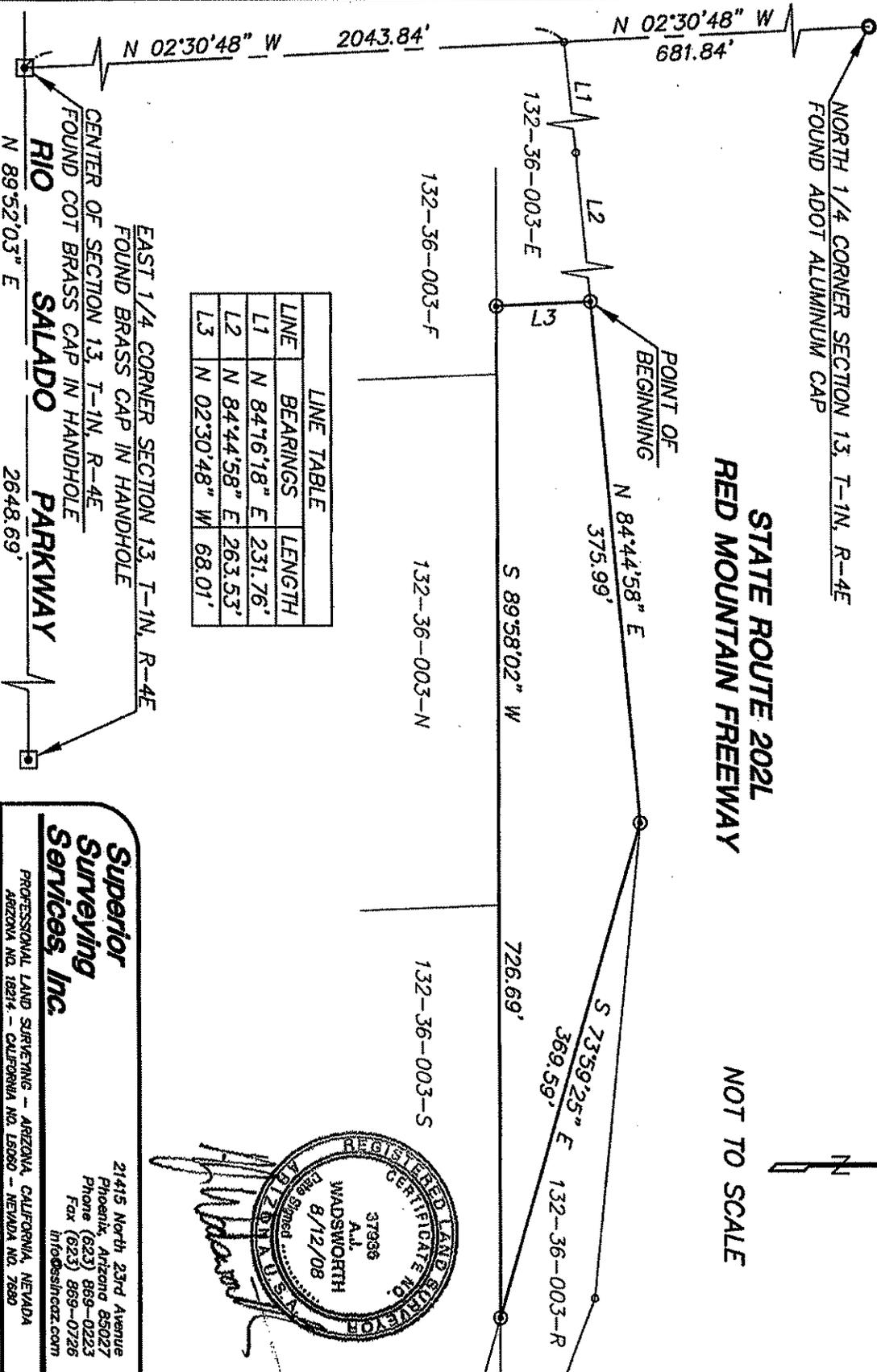
EXHIBIT B 1

OF _____
132-36-003-Q

NORTH 1/4 CORNER SECTION 13, T-1N, R-4E
FOUND ADOT ALUMINUM CAP

STATE ROUTE 202L RED MOUNTAIN FREEWAY

NOT TO SCALE

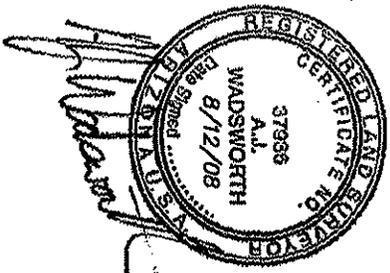


LINE	BEARINGS	LENGTH
L1	N 84°44'58" E	231.76'
L2	N 84°44'58" E	263.53'
L3	N 02°30'48" W	68.01'

EAST 1/4 CORNER SECTION 13, T-1N, R-4E
FOUND BRASS CAP IN HANDHOLE

CENTER OF SECTION 13, T-1N, R-4E
FOUND COT BRASS CAP IN HANDHOLE

RIO SALADO PARKWAY
N 89°52'03" E 2648.69'



Superior Surveying Services, Inc.

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DATE: 8/12/08 REVISED: _____
JOB NO.: 280808

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Page 1 of 2

Randy S. Delbridge, President

A. J. Wadsworth, Vice President

David S. Klein, Vice President

August 8, 2008

EXHIBIT C

DESCRIPTION OF 132-36-008-K

A portion of the Northeast quarter of Section 13, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the City of Tempe brass cap in handhole marking the Center of said Section 13, from which a brass cap in handhole marking the East quarter corner of said Section 13 bears North 89 degrees 52 minutes 03 seconds East 2648.69 feet, said line is the South line of the Northeast quarter of said Section 13 and is the basis of bearings in this description;

THENCE North 02 degrees 30 minutes 48 seconds West 2043.84 feet along the West line of the Northeast quarter of said Section 13 to the Southerly right-of-way line of State Route 202L (Red Mountain Freeway), from which point an ADOT aluminum cap flush marking the North quarter corner of said Section 13 bears North 02 degrees 30 minutes 48 seconds West 681.84 feet, said point is also the Northeast corner of Lot 23, TEMPE MARKETPLACE AMENDED, recorded in Book 969, page 20, Maricopa County Records;

THENCE along said Southerly right-of-way line of State Route 202L (Red Mountain Freeway) the following five courses and distances:

THENCE North 84 degrees 16 minutes 18 seconds East 231.76 feet;

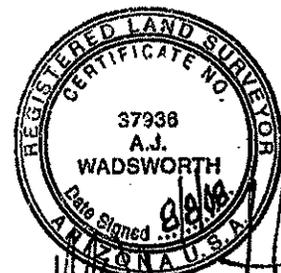
THENCE North 84 degrees 44 minutes 58 seconds East 639.52 feet;

THENCE South 84 degrees 23 minutes 37 seconds East 343.33 feet;

THENCE South 69 degrees 17 minutes 19 seconds East 176.74 feet;

THENCE South 11 degrees 37 minutes 27 seconds East 62.67 feet to the Northwest corner of Parcel No. 2, described in 2007-1181334, Maricopa County Records, and the POINT OF BEGINNING:

CONTINUED on Page 2 of 2...



EXPIRES: 9/30/08

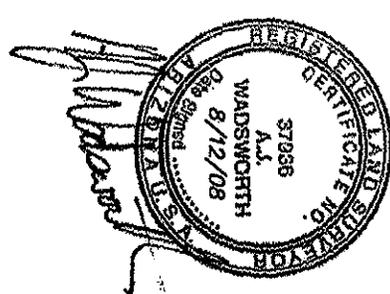
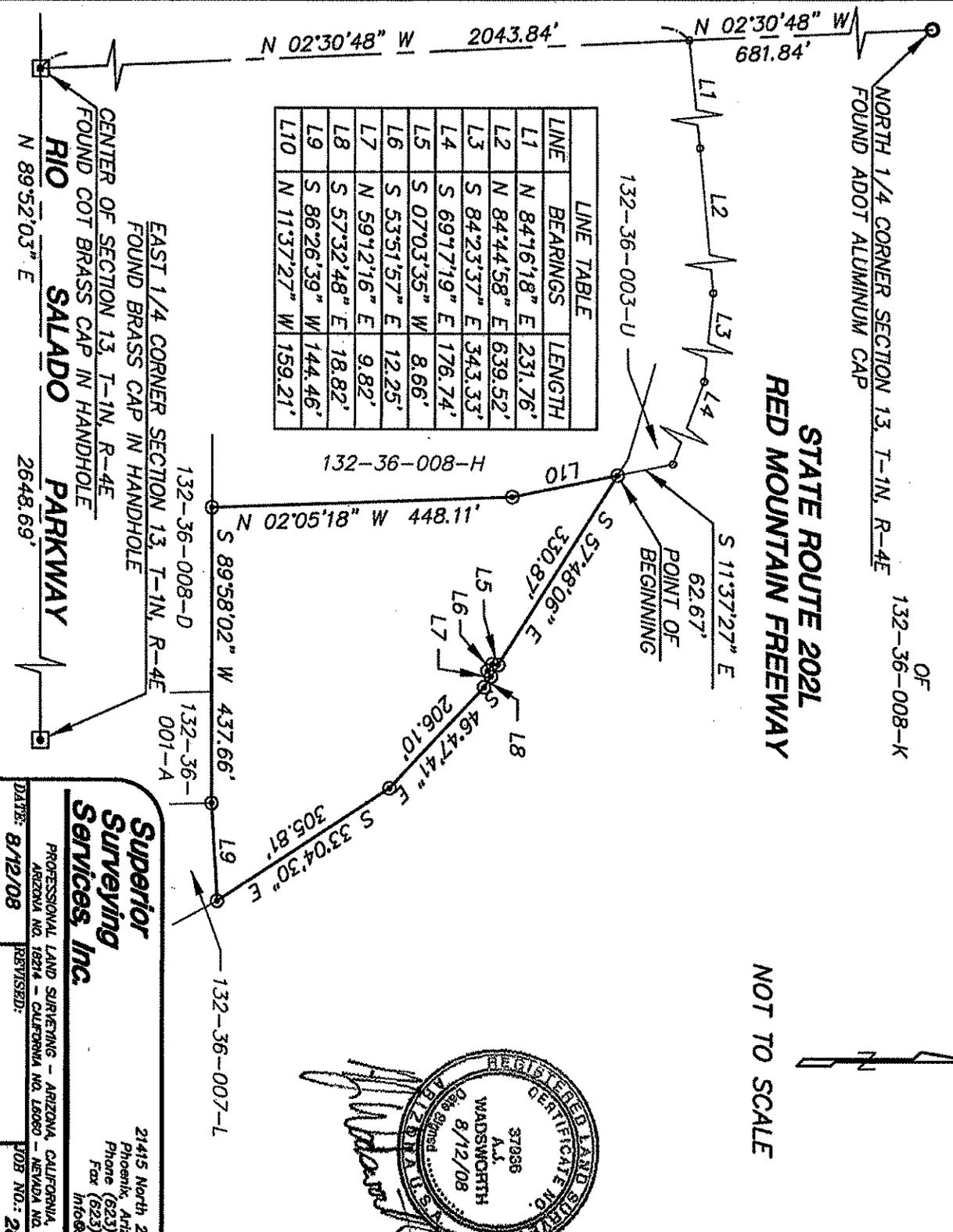
EXHIBIT C 1

NORTH 1/4 CORNER SECTION 13, T-1N, R-4E
 FOUND ADOT ALUMINUM CAP
 OF
 132-36-008-K

STATE ROUTE 202L RED MOUNTAIN FREEWAY

NOT TO SCALE

LINE	BEARINGS	LENGTH
L1	N 84°16'18" E	231.76'
L2	N 84°44'58" E	639.52'
L3	S 84°23'37" E	343.33'
L4	S 69°17'19" E	176.74'
L5	S 07°03'35" W	8.66'
L6	S 53°51'57" E	12.25'
L7	N 59°12'16" E	9.82'
L8	S 57°32'48" E	18.82'
L9	S 86°26'39" W	144.46'
L10	N 11°37'27" W	159.21'



CENTER OF SECTION 13, T-1N, R-4E
 FOUND COT BRASS CAP IN HANDHOLE
RIO SALADO PARKWAY
 N 89°52'03" E 2648.69'

EAST 1/4 CORNER SECTION 13, T-1N, R-4E
 FOUND BRASS CAP IN HANDHOLE
 132-36-008-D 437.66'
 132-36-001-A
 132-36-007-L

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DATE: 8/12/08
 REVISED:
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David S. Klein, Vice President

Job Number: 280808

Page 1 of 3

EXHIBIT D

August 22, 2008

Revised: December 11, 2008

DESCRIPTION OF TEMPE MARKETPLACE BUSINESS PARK ANNEXATION AREA

Parcel No. 1:

A portion of the Northeast quarter of Section 13, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the City of Tempe brass cap in handhole marking the Center of said Section 13, from which a brass cap in handhole marking the East quarter corner of said Section 13 bears North 89 degrees 52 minutes 03 seconds East 2648.69 feet, said line is the South line of the Northeast quarter of said Section 13 and is the basis of bearings in this description;

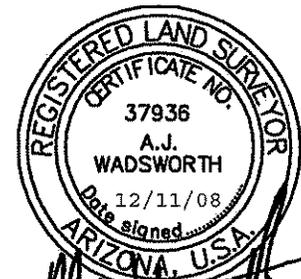
THENCE North 02 degrees 30 minutes 48 seconds West 2022.84 feet along the West line of the Northeast quarter of said Section 13 to the Southwest corner of Parcel No. 3, described in 2006-0772962, Maricopa County Records and the POINT OF BEGINNING;

THENCE continuing North 02 degrees 30 minutes 48 seconds West 21.00 feet to the Southerly right-of-way line of State Route 202L (Red Mountain Freeway), from which point an ADOT aluminum cap flush marking the North quarter corner of said Section 13 bears North 02 degrees 30 minutes 48 seconds West 681.84 feet, said point is also the Northeast corner of Lot 23, TEMPE MARKETPLACE AMENDED, recorded in Book 969, page 20, Maricopa County Records;

THENCE along said Southerly right-of-way line of State Route 202L (Red Mountain Freeway) the following two courses and distances:

THENCE North 84 degrees 16 minutes 18 seconds East 231.76 feet;

CONTINUED on Page 2 of 3...



EXPIRES 9/30/2011

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David S. Klein, Vice President

Job Number: 280808

Page 2 of 3

EXHIBIT D

August 22, 2008

Revised: December 11, 2008

...CONTINUED from Page 1 of 3

THENCE North 84 degrees 44 minutes 58 seconds East 639.52 feet to the North line of that property described in 2007-1181466, Maricopa County Records;

THENCE South 73 degrees 59 minutes 25 seconds East 369.59 feet along said Westerly line to the North line of that property described in 2007-1181466, Maricopa County Records;

THENCE South 89 degrees 58 minutes 02 seconds West 1221.78 feet along said North line, being parallel with the South line of the Northwest quarter of the Northeast quarter of said Section 13 to the POINT OF BEGINNING .

Parcel No. 2:

A portion of the Northeast quarter of Section 13, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the City of Tempe brass cap in handhole marking the Center of said Section 13, from which a brass cap in handhole marking the East quarter corner of said Section 13 bears North 89 degrees 52 minutes 03 seconds East 2648.69 feet, said line is the South line of the Northeast quarter of said Section 13 and is the basis of bearings in this description;

THENCE North 02 degrees 30 minutes 48 seconds West 2043.84 feet along the West line of the Northeast quarter of said Section 13 to the Southerly right-of-way line of State Route 202L (Red Mountain Freeway), from which point an ADOT aluminum cap flush marking the North quarter corner of said Section 13 bears North 02 degrees 30 minutes 48 seconds West 681.84 feet, said point is also the Northeast corner of Lot 23, TEMPE MARKETPLACE AMENDED, recorded in Book 969, page 20, Maricopa County Records;

THENCE along said Southerly right-of-way line of State Route 202L (Red Mountain Freeway) the following five courses and distances:

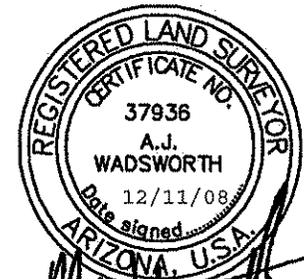
THENCE North 84 degrees 16 minutes 18 seconds East 231.76 feet;

THENCE North 84 degrees 44 minutes 58 seconds East 639.52 feet;

THENCE South 84 degrees 23 minutes 37 seconds East 343.33 feet;

THENCE South 69 degrees 17 minutes 19 seconds East 176.74 feet;

CONTINUED on Page 3 of 3...



EXPIRES 9/30/2011

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Page 3 of 3

EXHIBIT D

August 22, 2008
Revised: December 11, 2008

...CONTINUED from Page 2 of 3

THENCE South 11 degrees 37 minutes 27 seconds East 62.67 feet to the Northwest corner of Parcel No. 2, described in 2007-1181334, Maricopa County Records, and the POINT OF BEGINNING;

THENCE along the Easterly line of that property described in said 2007-1181334, the following seven courses and distances:

THENCE South 57 degrees 48 minutes 06 seconds East 330.87 feet;

THENCE South 07 degrees 03 minutes 35 seconds West 8.66 feet;

THENCE South 53 degrees 51 minutes 57 seconds East 12.25 feet;

THENCE North 59 degrees 12 minutes 16 seconds East 9.82 feet;

THENCE South 57 degrees 32 minutes 48 seconds East 18.82 feet;

THENCE South 46 degrees 47 minutes 41 seconds East 206.10 feet;

THENCE South 33 degrees 04 minutes 30 seconds East 305.81 feet to the Northerly boundary of Parcel No. 2 described in 2007-0466715, Maricopa County Records;

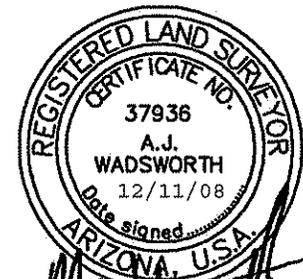
THENCE South 86 degrees 26 minutes 39 seconds West 144.46 feet along said Northerly boundary to the South line of the Northeast quarter of the Northeast quarter of said Section 13;

THENCE South 89 degrees 58 minutes 02 seconds West 437.66 feet along said North line to the Westerly line of Parcel No. 2 described in said 2007-1181334;

THENCE North 02 degrees 05 minutes 18 seconds West 448.11 feet along said West line;

THENCE North 11 degrees 37 minutes 27 seconds West 159.21 feet to the POINT OF BEGINNING.

COMPRISING 4.825 acres or 210,190 square feet more or less,
subject to all easements of record.



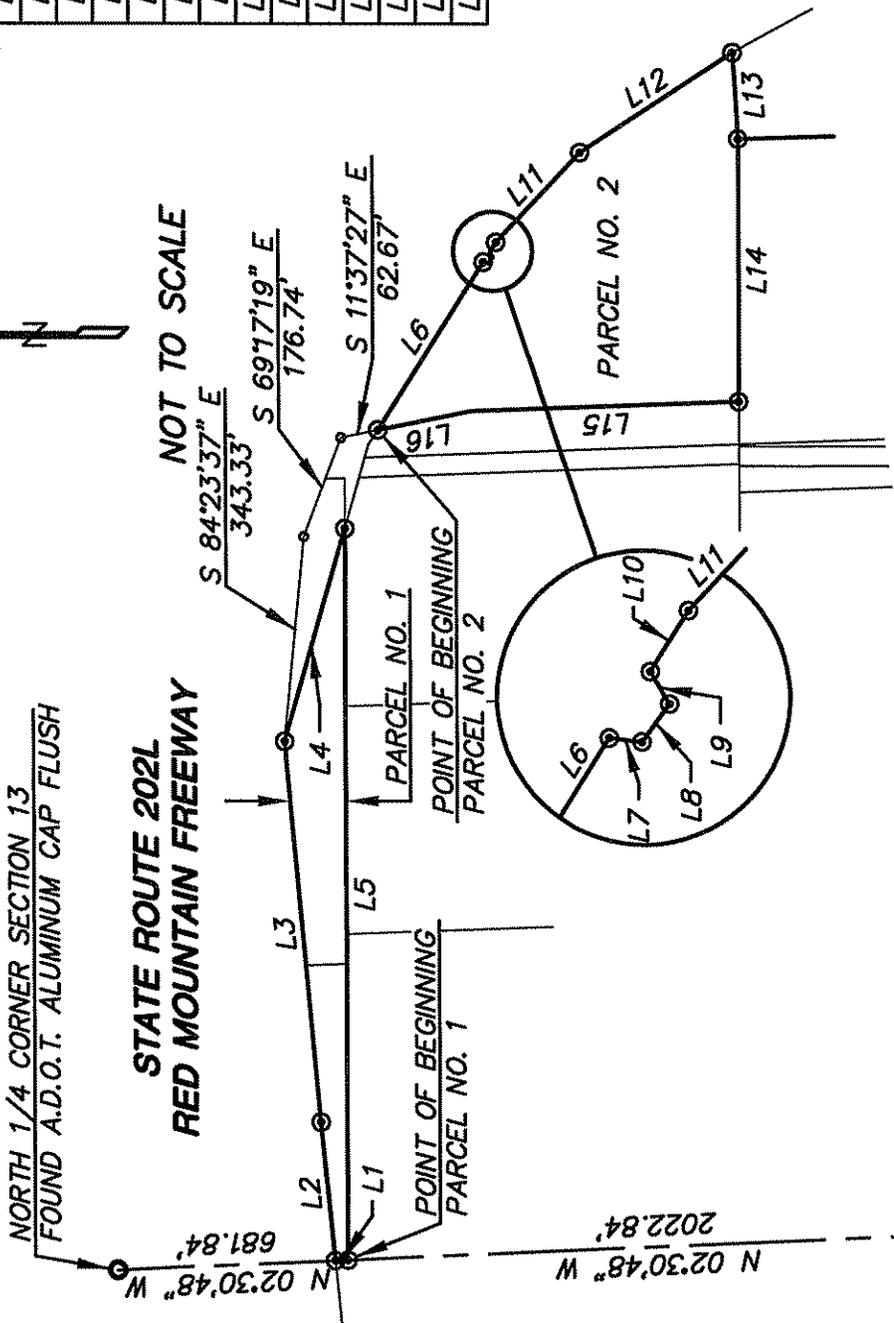
EXPIRES 9/30/2011

EXHIBIT "D" -1

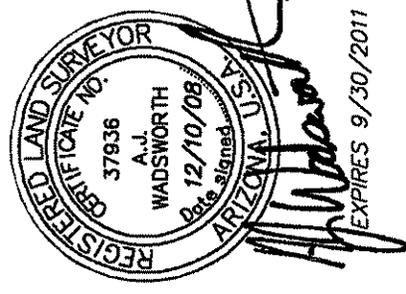
NORTH 1/4 CORNER SECTION 13
 FOUND A.D.O.T. ALUMINUM CAP FLUSH

STATE ROUTE 202L
 RED MOUNTAIN FREEWAY

NOT TO SCALE



LINE	BEARINGS	LENGTH
L1	N 02°30'48" W	21.00'
L2	N 84°16'18" E	231.76'
L3	N 84°44'58" E	639.52'
L4	S 73°59'25" E	369.59'
L5	S 89°58'02" W	1221.78'
L6	S 57°48'06" E	330.87'
L7	S 07°03'35" W	8.66'
L8	S 53°51'57" E	12.25'
L9	N 59°12'16" E	9.82'
L10	S 57°32'48" E	18.82'
L11	S 46°47'41" E	206.10'
L12	S 33°04'30" E	305.81'
L13	S 86°26'39" W	144.46'
L14	S 89°58'02" W	437.66'
L15	N 02°05'18" W	448.11'
L16	N 11°37'27" W	159.21'



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DATE: 12/10/08 REVISIONS:
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