

Staff Summary Report



Council Meeting Date: 3/05/2009

Agenda Item Number: _____

SUBJECT: This is the **introduction and first public hearing** to adopt an ordinance abandoning an existing Public Utility Easement located at 1949 E. University Drive. The second public hearing is scheduled for **March 26, 2009**.

DOCUMENT NAME: 20090305PWWS01 ABANDONMENT (0901)
ORDINANCE 2009.08

SUPPORTING DOCS: Yes

COMMENTS: The City of Tempe desires the abandonment of an existing Public Utility Easement described in Exhibit "A" attached. This Public Utility Easement is no longer in use and a future utility easement is being included in the development of subject property.

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

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

APPROVED BY: Glenn Kephart, Public Works Manager (x8205)

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

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2009.08 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2009.08

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PORTION OF AN EXISTING PUBLIC UTILITY EASEMENT AT 1949 EAST UNIVERSITY DRIVE, IN THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA AS DESCRIBED IN THE ATTACHED EXHIBIT.

WHEREAS, it has been determined by the City Council that the portion of the Public Utility Easement, described herein and shown on Exhibit "A", is 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 easement, 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 existing public utility easement as described in Exhibit "A" attached hereto.

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.

Ordinance No. 2009.08
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PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

This _____ day of March, 2009 .

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

Page 1 of 2

PARCEL DESCRIPTION 10 FOOT PUBLIC UTILITY EASEMENT AREA TO BE ABANDONED

A portion of land located in the northwest quarter of Section 24, Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Arizona Department of Transportation brass cap in handhole, which marks the north quarter corner of said Section, from which an Arizona Department of Transportation brass cap in handhole, marking the northwest corner of said Section, Bears South 88°55'54" West (basis of bearing), a distance of 2625.82 feet;

Thence along the north line of the northwest quarter of said section, South 88°55'54" West, a distance of 503.36 feet;

Thence leaving said north line, South 00°07'31" West, a distance of 55.00 feet, to the northwest corner of "Cameron Creek Apartments", as recorded in Document 07-1081252, Maricopa County Records, said point also being the Point of Beginning;

Thence along the west line of said "Cameron Creek Apartments", South 00°06'01" West, a distance of 10.00 feet;

Thence leaving said west line, South 88°55'54" West, a distance of 606.82 feet, to the east line of "Papago Park Village 2", as recorded in Book 265, Page 20, Maricopa County Records;

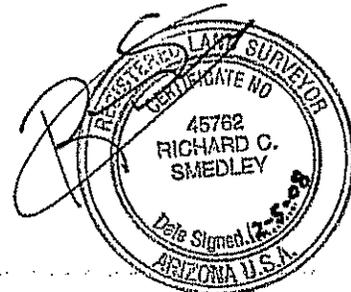
Thence along said east line, North 01°02'00" West, a distance of 10.00 feet, to the south right-of-way line of East University Drive;

Thence along said southerly right-of-way line, North 88°55'54" East, a distance of 607.02 feet to the Point of Beginning;

End Description.

Containing 0.1393 acres or 6,069 square feet of land, more or less.

This parcel description is based on an unrecorded ALTA, prepared by Horizon Consultants of Arizona, and is located within an area surveyed by Horizon Consultants of Arizona during the month of November, 2008. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002).



Expires 3-31-2010

EXHIBIT "A"

NORTHWEST CORNER
SEC. 24, T.1N., R.4E.
A.D.O.T. BRASS CAP
IN HANDHOLE

P.O.C.
NORTH QUARTER CORNER
SEC. 24, T.1N., R.4E.
A.D.O.T. BRASS CAP
IN HANDHOLE

E. UNIVERSITY DRIVE
N88°55'54"E 2625.82' (BASIS OF BEARING)
2122.46'

MCCLINTOCK DRIVE

PAPAGO PARK VILLAGE PER
BOOK 265, PAGE 20, M.C.R.

P.O.B.

SMITH ROAD

CAMERON CREEK APARTMENTS
PER DOCUMENT 2007-1081252, M.C.R.

10 FOOT WIDE
PUBLIC UTILITY EASEMENT
PER DOCUMENT 2006-075658 M.C.R.
TO BE ABANDONED

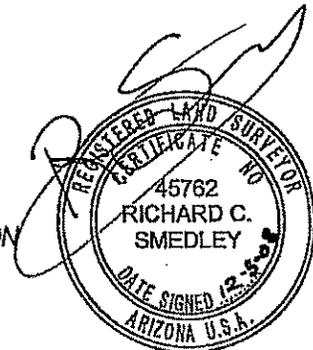
SUBJECT PROPERTY
1949 EAST UNIVERSITY DRIVE

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°55'54"W	503.36'
L2	S00°07'31"W	55.00'
L3	S00°06'01"W	10.00'
L4	S88°55'54"W	606.82'
L5	N01°02'00"W	10.00'
L6	N88°55'54"E	607.02'



LEGEND

- PROPERTY LINE
 - - - - - EASEMENT LINE
 - - - - - PROPERTY TIE LINE
 - SECTION LINE
 - CENTER LINE
- A.D.O.T. ARIZONA DEPARTMENT OF TRANSPORTATION
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
M.C.R. MARICOPA COUNTY RECORDS
N.T.S. NOT TO SCALE
☐ FND. MONUMENT IN HANDHOLE, AS NOTED



Expires 3-31-2010

HORIZON CONSULTANTS OF ARIZONA



8037 NORTH 43rd AVENUE, SUITE 100
PHOENIX, ARIZONA 85051
PHONE (602) 870-1657
FAX (602) 870-1660
WWW.HORIZONSURVEYS.COM

EXHIBIT TO ACCOMPANY
10' PUBLIC UTILITY
EASEMENT ABANDONMENT

KIMLEY-HORN + ASSOCIATES INC.

JOB NO.: A412.112.107

DRAWN BY: KAB

DATE: 12/05/2008

SHEET 2 OF 2