

Staff Summary Report



Council Meeting Date: 3/26/2009

Agenda Item Number: _____

SUBJECT: This is the **second public hearing** to adopt an ordinance abandoning an existing Public Utility Easement located at 1949 E. University Drive.

DOCUMENT NAME: 20090326PWWS05 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"

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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.

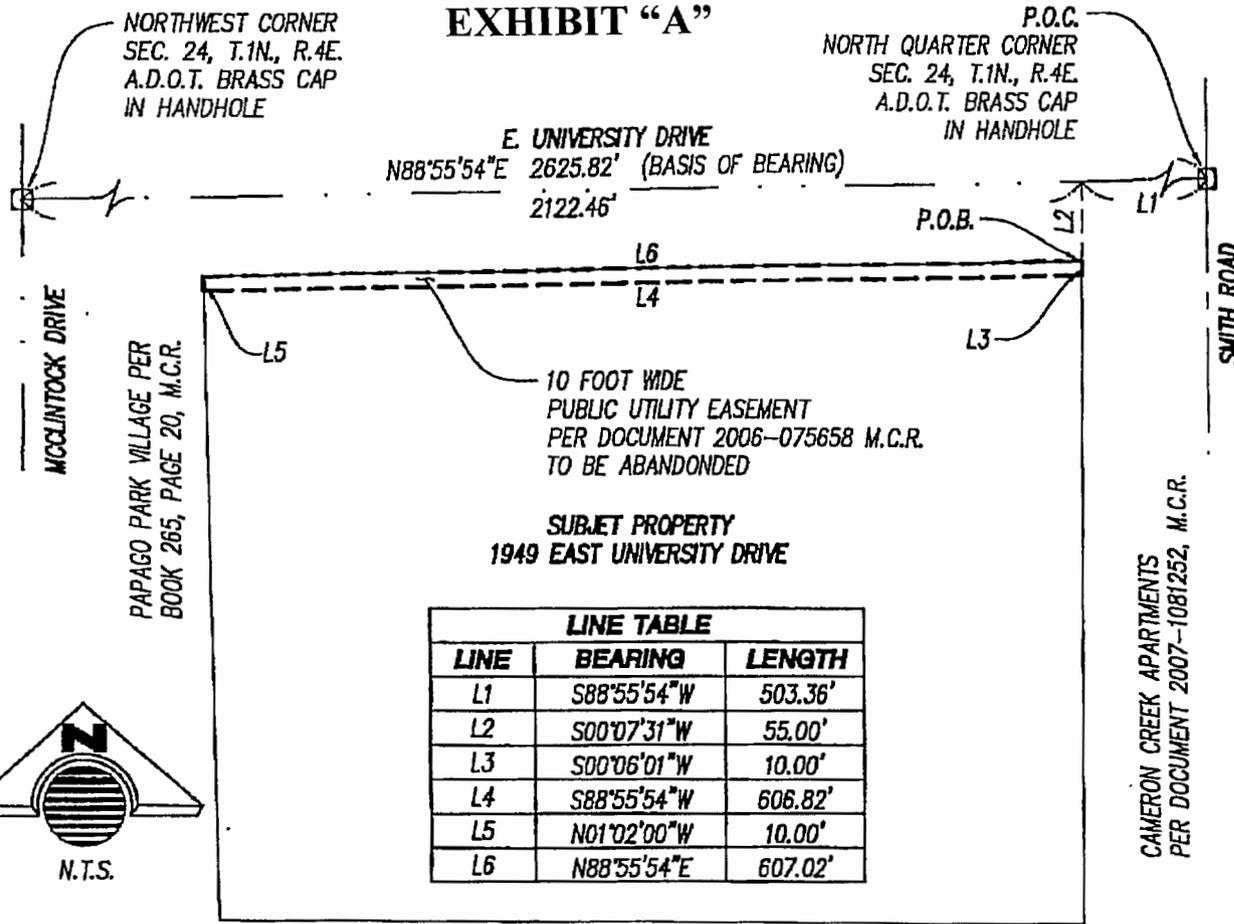
Containing 0.1393 acres or 6,069 square feet of land, more or less.

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).

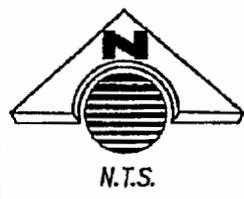


Expires 3-31-2010

EXHIBIT "A"



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



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	JOB NO: A412112.107
	KIMLEY-HORN + ASSOCIATES INC.	DRAWN BY: KAB
	SHEET 2 OF 2	DATE: 12/05/2008
		SHEET 2 OF 2