

Staff Summary Report



Council Meeting Date: 06/11/2009

Agenda Item Number: _____

SUBJECT: This is the introduction and first public hearing to adopt an ordinance abandoning a portion of existing Water Line Easement located at 1990 East Third Street (N.W. corner of Smith Road/3rd Street), more particularly described in the attached Exhibits. The second public hearing is scheduled for July 2, 2009.

DOCUMENT NAME: 20090611PWWS11 **ABANDONMENT (0901)** Ordinance No. 2009.24

COMMENTS: N/A.

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

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

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

DEPARTMENT REVIEW BY: Glenn Kephart, Public Works Manager (x8205)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2009.24 and authorize the Mayor to execute any necessary documents.

ADDITIONAL INFO: Fisher's Tools and Handles, Inc., an Arizona Corporation/the owner of the property, requests the abandonment of a portion of an existing Water Line Easement, and will dedicate a new Water Line Easement on their proposed "Fisher's Tools and Handles Plat"

The abandonment of this Water Line Easement shall be contingent upon the approval and recordation of the "Fisher's Tools and Handles Plat" which is to include a new water line easement dedication.

ORDINANCE NO. 2009.24

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PORTION OF AN EXISTING WATER LINE EASEMENT AT 1900 EAST THIRD STREET (N.W. CORNER OF SMITH ROAD AND 3RD STREET) IN THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA AS DESCRIBED IN THE ATTACHED EXHIBITS.

WHEREAS, Fisher's Tools and Handles, Inc., an Arizona Corporation, owns certain real estate within the City of Tempe, on which was granted a Water Line Easement to the City of Tempe; and

WHEREAS, Fisher's Tools and Handles, Inc., an Arizona Corporation, has requested that the City of Tempe abandon a portion of Water Line Easement and has agreed to dedicate new Water Line Easement on their proposed "Fisher's Tools and Handles Plat", and the City has agreed to abandon the proposed portions of the Water Line Easement but only if the Plat is approved and recorded; and

WHEREAS, the City of Tempe has determined that those portions of the Water Line Easement to be abandoned will no longer required by the City if the easement is relocated.

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 authorize the abandonment of those portions of the existing Water Line Easement described in Exhibit "A" and shown on Exhibits "A-1" and "A-2" attached hereto.

Section 2. That upon recordation of appropriate documentation evidencing the abandonment, all rights of the City in the portions of 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 or his designee 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 July, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

FOR RELEASE FOR CITY OF TEMPE WATERLINE EASEMENT

LEGAL DESCRIPTION

RELEASE OF CITY OF TEMPE WATERLINE EASEMENT DOCUMENT 86-575019, PART OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, SECTION 13, T1N, R4E

A RELEASE OF PART OF DOCUMENT 86-575019 A WATERLINE EASEMENT GRANTED TO THE CITY OF TEMPE, ARIZONA, LOCATED IN SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, 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 NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, OF SECTION 13; THENCE SOUTH 00 DEGREES 10 MINUTES 01 SECONDS WEST (BEARINGS BASED ON CITY OF TEMPE, STATE PLANE COORDINATE SYSTEM) ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 13, A DISTANCE OF 389.43 FEET;

THENCE NORTH 89 DEGREES 49 MINUTES 59 SECONDS WEST A DISTANCE OF 40.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SMITH ROAD SAID LINE ALSO BEING THE EAST LINE OF PROPOSED LOT 2, FISHER TOOLS AND HANDLES, A SUBDIVISION LOCATED IN SAID SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 10 MINUTES 01 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SMITH ROAD SAID LINE ALSO BEING THE EAST LINE OF SAID PROPOSED LOT 2, FISHER TOOLS AND HANDLES, A DISTANCE OF 12.00 FEET;

THENCE NORTH 89 DEGREES 49 MINUTES 15 SECONDS WEST, A DISTANCE OF 617.15 FEET TO THE WEST LINE OF SAID PROPOSED LOT 1, FISHER TOOLS AND HANDLES;

THENCE NORTH 00 DEGREES 08 MINUTES 35 SECONDS EAST ALONG SAID WEST LINE OF PROPOSED LOT 1, FISHER TOOLS AND HANDLES, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 15 SECONDS EAST, A DISTANCE OF 155.45 FEET;

THENCE NORTH 00 DEGREES 10 MINUTES 45 SECONDS EAST, A DISTANCE OF 22.00 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 15 SECONDS EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 00 DEGREES 10 MINUTES 45 SECONDS WEST, A DISTANCE OF 22.00 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 15 SECONDS EAST, A DISTANCE OF 269.50 FEET;

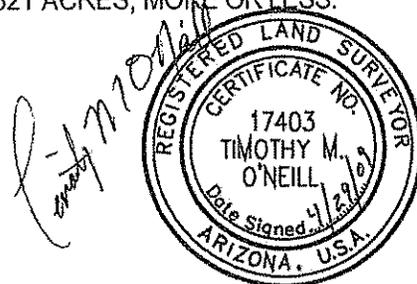
THENCE NORTH 00 DEGREES 10 MINUTES 45 SECONDS EAST, A DISTANCE OF 22.00 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 15 SECONDS EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 00 DEGREES 10 MINUTES 45 SECONDS WEST, A DISTANCE OF 22.00 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 15 SECONDS EAST, A DISTANCE OF 168.21 FEET TO THE POINT OF BEGINNING.

SAID RELEASE OF PART OF DOCUMENT 86-575019 A WATERLINE EASEMENT CONTAINS AN AREA OF 7,934 SQUARE FEET OR 0.1821 ACRES, MORE OR LESS.



Date: APRIL 2009

Job #:08.279

O'NEILL ENGINEERING, L.L.C.

2001 West Camelback Road
Suite 200

Phoenix, Arizona 85015
(602) 242-0020

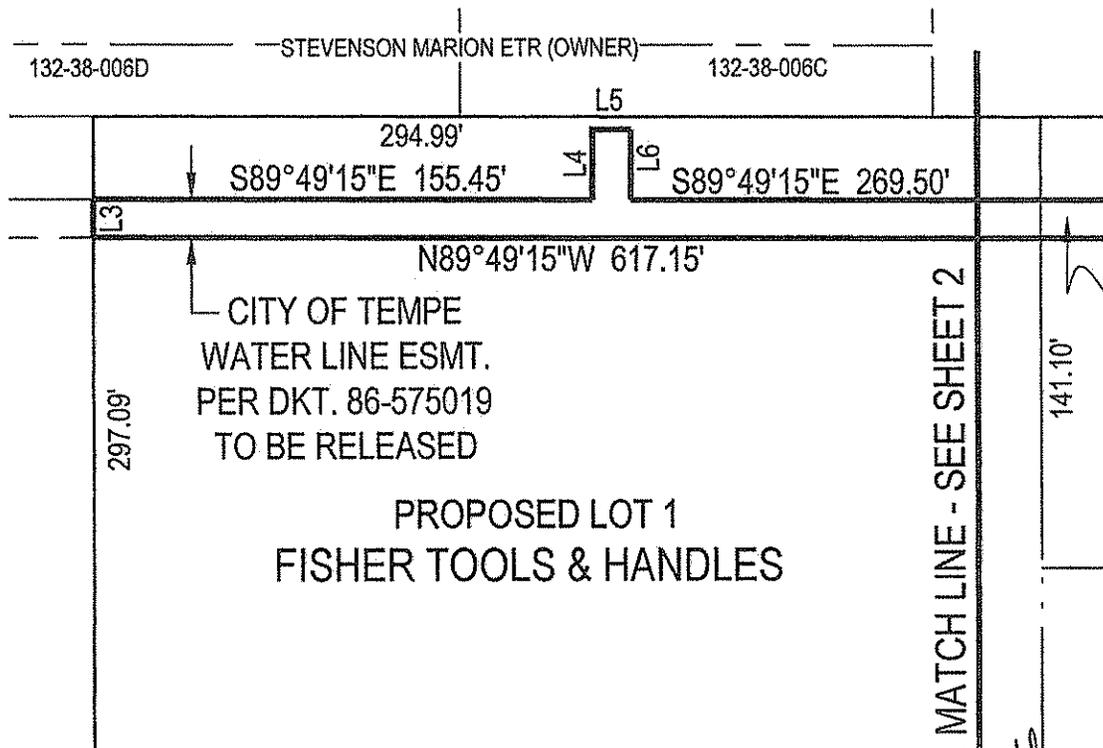
EXPIRES 12/31/09

EXHIBIT A - 1

FOR RELEASE FOR CITY OF TEMPE WATERLINE EASEMENT

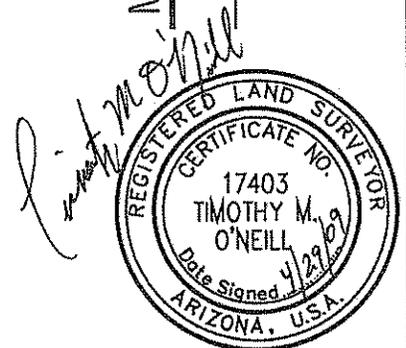


SCALE: 1"=60'



LINE TABLE		
LINE	LENGTH	BEARING
1	40.00	N89°49'59"W
2	12.00	S00°10'01"W
3	12.00	N00°08'35"E
4	22.00	N00°10'45"E
5	12.00	S89°49'15"E
6	22.00	S00°10'45"W

SHEET 3 OF 3
SEE SHEET 1 OF 3
FOR LEGAL DESCRIPTION



EXPIRES 12/31/09

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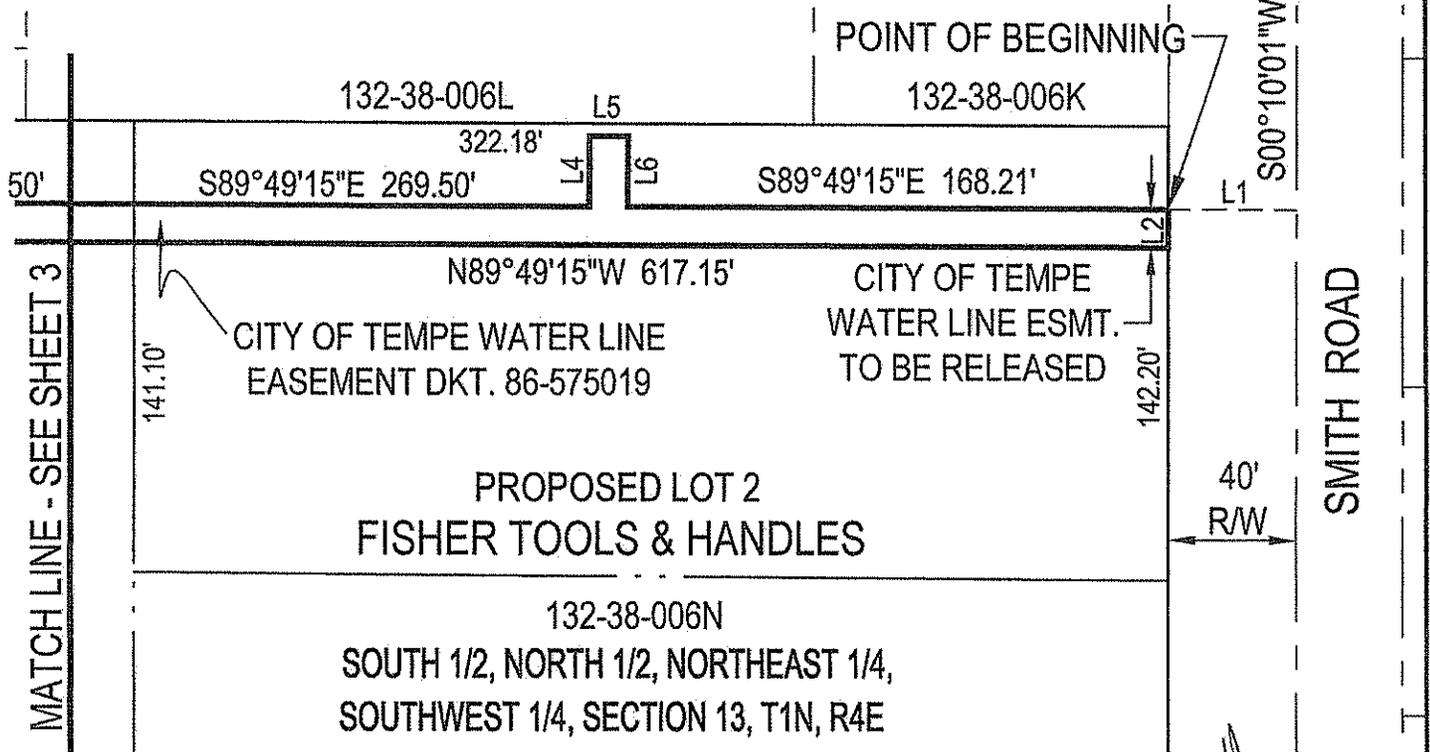
EXHIBIT A - 2

FOR RELEASE FOR CITY OF TEMPE WATERLINE EASEMENT

NE CORNER OF THE SOUTHWEST 1/4
OF SECTION 13, T1N, R4E
(CENTER OF SECTION)
COMMENCING POINT

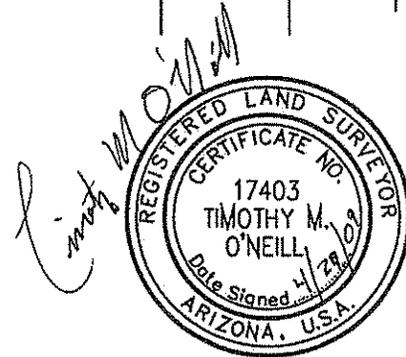
SCALE: 1"=60'

NORTH 1/2, NORTH 1/2, NORTHEAST 1/4, SOUTHWEST 1/4, SECTION 13, T1N, R4E



LINE TABLE

LINE	LENGTH	BEARING
1	40.00	N89°49'59"W
2	12.00	S00°10'01"W
3	12.00	N00°08'35"E
4	22.00	N00°10'45"E
5	12.00	S89°49'15"E
6	22.00	S00°10'45"W



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SHEET 2 OF 3
SEE SHEET 1 OF 3
FOR LEGAL DESCRIPTION