

Council Meeting Date: 05/01/08

Agenda Item Number: 55

SUBJECT: This is the **introduction and first public hearing** to adopt an ordinance abandoning two existing Water Line Easements located at 777 E. Baseline Road, more particularly described in the attached Exhibits "A" & "A1". **The second public hearing is scheduled for May 15, 2008.**

DOCUMENT NAME: 20080501PWCH06 ABANDONMENT (0901)
ORDINANCE NO. 2008.19

SUPPORTING DOCS: Yes

COMMENTS: The developers of this site have requested the abandonment of two existing Water Line Easements described and recorded at Docket 12659 Page 165 & Docket 11857 page 798. New Water Line easements shall be dedicated on the "SOUTHWEST RURAL AND BASELINE" plat that will be submitted for City Council approval.

PREPARED BY: Larry Shobe, Engineering Services Administrator (x8417)

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

APPROVED BY: Glenn Kephart, Public Works Manager (x8779)

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

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.19 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.19

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, ABANDONING TWO WATER LINE
EASEMENTS LOCATED AT 777 E. BASELINE ROAD.

WHEREAS, it has been determined by the City Council that those Water Line Easements, described herein and shown on Exhibit "A" & "A1", consisting of eleven (11) pages, are 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 easements, 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 water line easements as shown on Exhibit "A" & "A1" hereto attached.

Section 2. That all rights of the City in the easements 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 are 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. 2008.19
Page Two

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

This _____ day of May, 2008 .

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

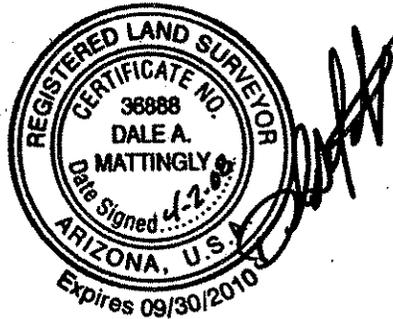
City Attorney



Civil Engineering
Land Surveying
Project Management

EXHIBIT "A"

www.deipro.com



MARCH 24, 2008
JOB# 07179

**LEGAL DESCRIPTION FOR
ABANDONMENT OF WATER LINE EASEMENT
RECORDED IN DOCKET 11857 PAGE 798
RECORDS OF MARICOPA COUNTY, ARIZONA**

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER OF SECTION 3, BEING A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HANDHOLE FROM WHICH A MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891, LOCATED AT THE INTERSECTION OF THE ARIZONA HIGHWAY DEPARTMENT SURVEY CENTERLINE FOR BASELINE ROAD AND THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 3, BEARS NORTH 00°16'26" WEST, A DISTANCE OF 2626.96 FEET;

THENCE NORTH 00°16'26" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2264.94 FEET;

THENCE SOUTH 89°51'39" WEST, DEPARTING SAID LINE, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE SOUTH 00°16'26" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 8.66 FEET;

THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 28.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 12.00 FEET;

THENCE NORTH 00°08'21" WEST, A DISTANCE OF 28.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 379.00 FEET;

THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 33.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 12.00 FEET;
THENCE NORTH 00°08'21" WEST, A DISTANCE OF 33.00 FEET;
THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 232.98 FEET;
THENCE NORTH 00°08'21" WEST, A DISTANCE OF 319.05 FEET;
THENCE NORTH 89°51'47" EAST, A DISTANCE OF 12.00 FEET;
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 149.05 FEET;
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 28.00 FEET;
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;
THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 28.00 FEET;
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 146.00 FEET;
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 632.62 FEET TO THE POINT OF
BEGINNING OF THE EASEMENT HEREIN DESCRIBED.
CONTAINING 12,632.00 SQUARE FEET OR 0.29 ACRES, MORE OR LESS.



NORTH LINE OF
THE NORTHEAST QUARTER
OF SECTION 3

BASELINE RD.

AHD SURVEY CENTERLINE

MONUMENT "C"

MONUMENT "D"

55' R.O.W.

362.02'

S00°16'26"E

MATCHLINE SHEET 2

APN# 301-80-001-D
OWNER: PIVOTAL 650 CALIFORNIA ST LLC
1702 E HIGHLAND AVE STE 310
PHOENIX AZ 85016 USA
DEED #: 070924748

12' WIDE WATERLINE EASEMENT
PER DKT. 11857, PG. 798
M.C.R.

55' R.O.W.

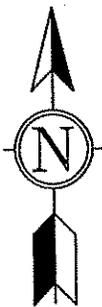
POINT OF BEGINNING
(ABANDONMENT LEGAL)

N89°51'39"E 632.62'

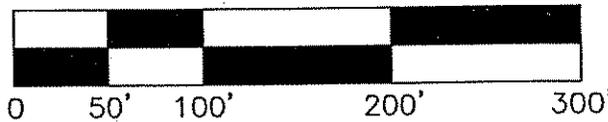
S89°51'39"W 379.00'

PARCEL NO. 3
PER DKT. 11857,
PG. 798, M.C.R.

PARCEL NO. 2
PER DKT. 11857,
PG. 798, M.C.R.



SCALE: 1" = 100'



N00°16'26"W 2264.94'

N00°16'26"W 2626.96'

BASIS OF BEARING

RURAL RD.

UNIVERSITY ROYAL GARDEN HOMES
PER BOOK 167, PAGE 19 M.C.R.
NOT A PART

MONUMENT "E"

M:\Field_Data\00_LDD_DATA\07179_LOWES_TEMPE_TOPO\dwg\07179_ESMNT_EXHIBIT.dwg - 04/02/08

1982-2008

26
YEARS OF
EXCELLENCE

DEI Professional
Services, L.L.C.



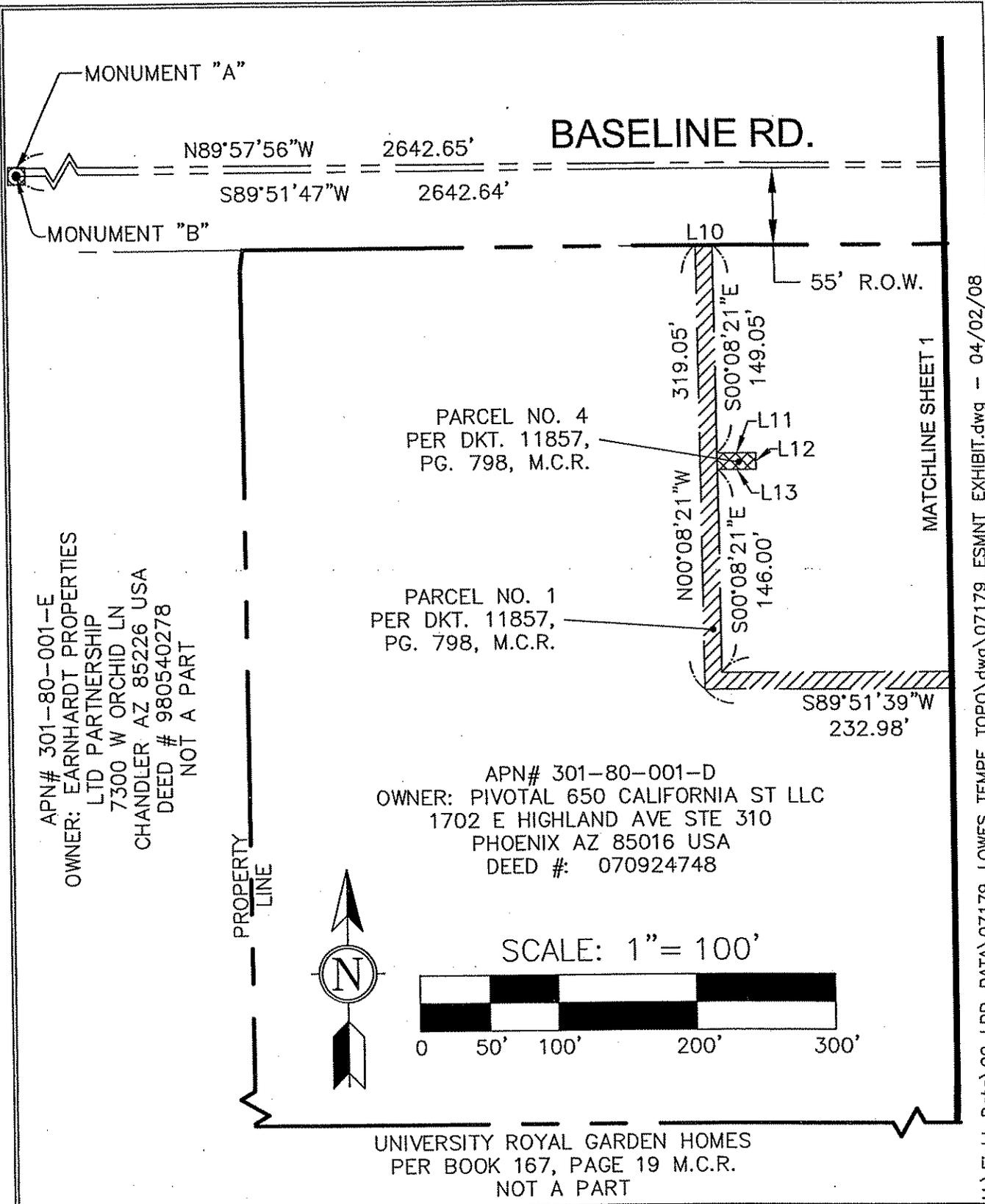
6225 N. 24th St., Ste. 200
Phoenix, AZ 85016
Phone: (602)954-0038
Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT
PER DKT 11857, PG 798 M.C.R.
TEMPE, ARIZONA**

EXHIBIT

DATE: 4/2/08 SCALE: 1"=100' PROJ. NO: 07179 CAD FILE: SEE RIGHT

1 of 3



M:\Field_Data\00 LDD_DATA\07179_LOWES TEMPE_TOPO\dwg\07179_ESMNT EXHIBIT.dwg - 04/02/08

1982-2008
26
YEARS OF
EXCELLENCE
DEI Professional
Services, L.L.C.

DEI
Professional
Services, LLC
6225 N. 24th St., Ste. 200
Phoenix, AZ 85016
Phone: (602)954-0038
Fax: (602)944-8605

WATERLINE EASEMENT ABANDONMENT
PER DKT 11857, PG 798 M.C.R.
TEMPE, ARIZONA

DATE: 4/2/08 | SCALE: 1"=100' | PROJ. NO: 07179 | CAD FILE: SEE RIGHT

EXHIBIT
2 of 3

LEGEND

- ALUMINUM CAP FLUSH
- ⊙ BRASS CAP IN HANDHOLE
- AHD ARIZONA HIGHWAY DEPARTMENT
- R.O.W. RIGHT OF WAY
- M.C.R. MARICOPA COUNTY RECORDER
- DKT. DOCKET
- PG. PAGE



NOTES

THE NORTH LINE OF SECTION 3 WAS CALCULATED USING A RECORD OF SURVEY PERFORMED BY EPS GROUP INC. RECORDED IN BOOK 973 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY. REFERENCED ON THIS EXHIBIT AS (R1)

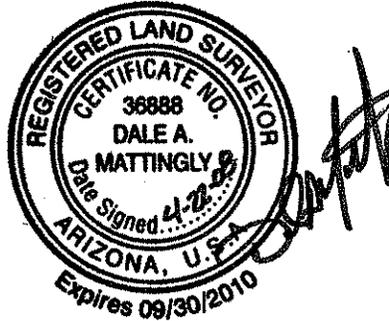
MONUMENTS

- "A" NORTH QUARTER CORNER OF SECTION 3, T1S, R4E, G&SRB&M CALCULATED POSITION PER (R1)
- "B" FOUND CITY OF TEMPE BRASS CAP IN HANDHOLE
- "C" NORTHEAST CORNER OF SECTION 3, T1S, R4E, G&SRB&M CALCULATED POSITION PER (R1)
- "D" MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891
- "E" EAST QUARTER CORNER SECTION 3, T1S, R4E, G&SRB&M FOUND MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE

LINE TABLE		
LINE	LENGTH	BEARING
L1	55.00	S89°51'39"W
L2	12.00	S00°16'26"E
L3	8.66	S89°51'39"W
L4	28.00	S00°08'21"E
L5	12.00	S89°51'39"W
L6	28.00	N00°08'21"W
L7	33.00	S00°08'21"E
L8	12.00	S89°51'39"W
L9	33.00	N00°08'21"W
L10	12.00	N89°51'47"E
L11	28.00	N89°51'39"E
L12	12.00	S00°08'21"E
L13	28.00	S89°51'39"W

M:\Field_Data\00 LDD_DATA\07179_LOWES TEMPE_TOPO\dwg\07179_ESMNT EXHIBIT.dwg - 04/02/08

1982-2008 26 YEARS OF EXCELLENCE DEI Professional Services, L.L.C.	 6225 N. 24th St., Ste. 200 Phoenix, AZ 85016 Phone: (602)954-0038 Fax: (602)944-8605	WATERLINE EASEMENT ABANDONMENT PER DKT 11857, PG 798 M.C.R. TEMPE, ARIZONA	EXHIBIT 3 of 3
DATE: 4/2/08 SCALE: N.T.S. PROJ. NO: 07179 CAD FILE: SEE RIGHT			

DEIProfessional
Services, LLCCivil Engineering
Land Surveying
Project ManagementMARCH 24, 2008
REVISED APRIL 22, 2008
JOB# 07179

**LEGAL DESCRIPTION FOR
ABANDONMENT OF WATER LINE EASEMENT
RECORDED IN DOCKET 12659 PAGE 165
RECORDS OF MARICOPA COUNTY, ARIZONA**

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 1

COMMENCING AT THE EAST QUARTER OF SECTION 3, BEING A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HANDHOLE FROM WHICH A MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891, LOCATED AT THE INTERSECTION OF THE ARIZONA HIGHWAY DEPARTMENT SURVEY CENTERLINE FOR BASELINE ROAD AND THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 3, BEARS NORTH 00°16'26" WEST, A DISTANCE OF 2626.96 FEET;

THENCE NORTH 00°16'26" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2264.94 FEET;

THENCE SOUTH 89°51'39" WEST, DEPARTING SAID LINE, A DISTANCE OF 699.62 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED;

THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 330.45 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN DOCUMENT # 2007-0924748, RECORDS OF MARICOPA COUNTY;

THENCE NORTH 00°16'31" WEST, ALONG SAID LINE, A DISTANCE OF 12.00 FEET;

THENCE NORTH 89°51'39" EAST, DEPARTING SAID LINE, A DISTANCE OF 48.46 FEET;

THENCE NORTH 00°18'21" WEST, A DISTANCE OF 41.98 FEET;
THENCE NORTH 89°41'39" EAST, A DISTANCE OF 12.00 FEET;
THENCE SOUTH 00°18'21" EAST, A DISTANCE OF 42.02 FEET;
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 166.02 FEET;
THENCE NORTH 00°08'21" WEST, A DISTANCE OF 63.00 FEET;
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 110.00 FEET;
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;
THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 98.00 FEET;
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 51.00 FEET;
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 92.00 FEET TO THE POINT OF
BEGINNING OF THE EASEMENT HEREIN DESCRIBED.

CONTAINING 6,419.00 SQUARE FEET OR 0.15 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:

PARCEL NO 2:

COMMENCING AT THE EAST QUARTER OF SECTION 3, BEING A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HANDHOLE FROM WHICH A MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891, LOCATED AT THE INTERSECTION OF THE ARIZONA HIGHWAY DEPARTMENT SURVEY CENTERLINE FOR BASELINE ROAD AND THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 3, BEARS NORTH 00°16'26" WEST, A DISTANCE OF 2626.96 FEET;

THENCE NORTH 00°16'26" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2264.94 FEET;

THENCE SOUTH 89°51'39" WEST, DEPARTING SAID LINE, A DISTANCE OF 580.63 FEET;

THENCE SOUTH 00°16'26" EAST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 198.00 FEET;

THENCE NORTH 89°51'39" EAST, A DISTANCE OF 33.00 FEET;

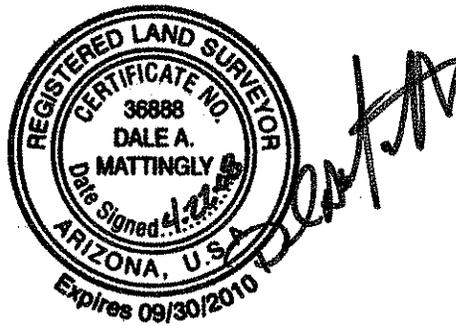
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 45.00 FEET;

THENCE NORTH 00°08'21" WEST, A DISTANCE OF 210.00 FEET;

THENCE NORTH 89°51'39" EAST, A DISTANCE OF 12.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED.

CONTAINING 2,916.00 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.



NORTH LINE OF
THE NORTHEAST QUARTER
OF SECTION 3

BASELINE RD.

MONUMENT "C"

AHD SURVEY CENTERLINE

MONUMENT "D"

55' R.O.W.

362.02'



MATCHLINE SHEET 2

55' R.O.W.

S00°16'26"E

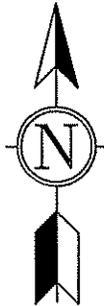
S89°51'39"W

699.62'

580.63'

RURAL RD.

APN# 301-80-001-D
OWNER: PIVOTAL 650 CALIFORNIA ST LLC
1702 E HIGHLAND AVE STE 310
PHOENIX AZ 85016 USA
DEED #: 070924748



SCALE: 1" = 100'



2264.94'

N00°16'26"W

2626.96'

N00°16'26"W

BASIS OF BEARING

UNIVERSITY ROYAL GARDEN HOMES
PER BOOK 167, PAGE 19 M.C.R.
NOT A PART

MONUMENT "E"

M:\Field_Data\00_LDD_DATA\07179_LOWES_TEMPE_TOPO\dwg\07179_ESMNT_EXHIBIT.dwg - 04/02/08

1982-2008

26
YEARS OF
EXCELLENCE

DEI Professional
Services, L.L.C.



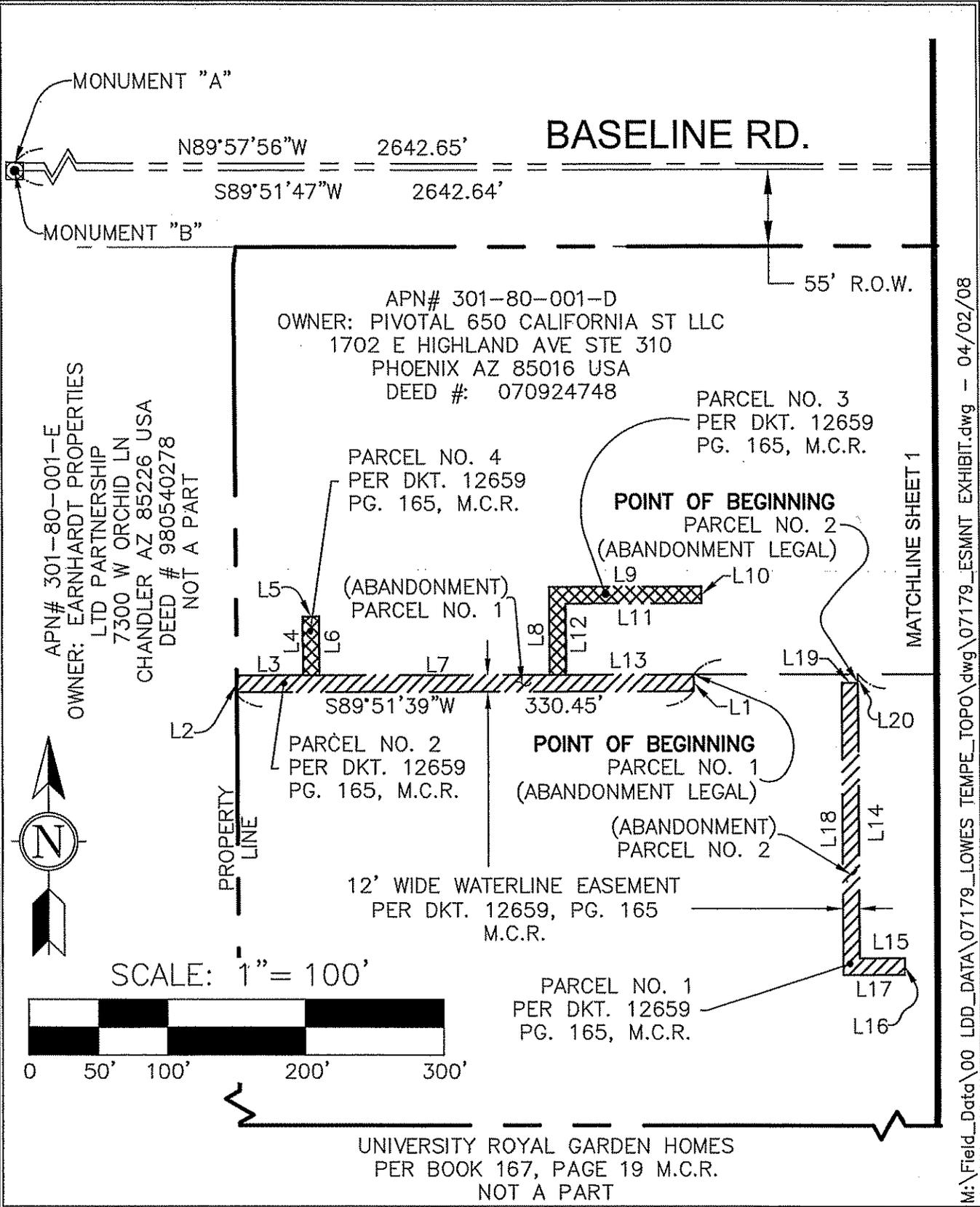
6225 N. 24th St., Ste. 200
Phoenix, AZ 85016
Phone: (602)954-0038
Fax: (602)944-8605

WATERLINE EASEMENT ABANDONMENT
PER DKT 12659, PG 165 M.C.R.
TEMPE, ARIZONA

DATE: 4/2/08 | SCALE: 1"=100' | PROJ. NO: 07179 | CAD FILE: SEE RIGHT

EXHIBIT

1 of 3



APN# 301-80-001-E
 OWNER: EARNHARDT PROPERTIES
 LTD PARTNERSHIP
 7300 W ORCHID LN
 CHANDLER AZ 85226 USA
 DEED # 980540278
 NOT A PART

APN# 301-80-001-D
 OWNER: PIVOTAL 650 CALIFORNIA ST LLC
 1702 E HIGHLAND AVE STE 310
 PHOENIX AZ 85016 USA
 DEED #: 070924748

PARCEL NO. 3
 PER DKT. 12659
 PG. 165, M.C.R.

PARCEL NO. 4
 PER DKT. 12659
 PG. 165, M.C.R.

(ABANDONMENT)
 PARCEL NO. 1

POINT OF BEGINNING
 PARCEL NO. 2
 (ABANDONMENT LEGAL)

PARCEL NO. 2
 PER DKT. 12659
 PG. 165, M.C.R.

POINT OF BEGINNING
 PARCEL NO. 1
 (ABANDONMENT LEGAL)

(ABANDONMENT)
 PARCEL NO. 2

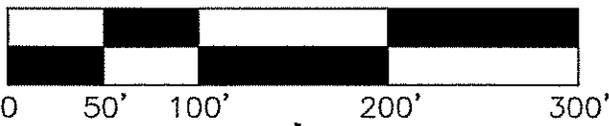
12' WIDE WATERLINE EASEMENT
 PER DKT. 12659, PG. 165
 M.C.R.

PARCEL NO. 1
 PER DKT. 12659
 PG. 165, M.C.R.

UNIVERSITY ROYAL GARDEN HOMES
 PER BOOK 167, PAGE 19 M.C.R.
 NOT A PART



SCALE: 1" = 100'



M:\Field_Data\00_LDD_DATA\07179_LOWES_TEMPE_TOPO.dwg\07179_ESMNT_EXHIBIT.dwg - 04/02/08

1982-2008
26
 YEARS OF
 EXCELLENCE
 DEI Professional
 Services, L.L.C.

DEI
 Professional
 Services, LLC
 6225 N. 24th St., Ste. 200
 Phoenix, AZ 85016
 Phone: (602)954-0038
 Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT
 PER DKT 12659, PG 165 M.C.R.**
 TEMPE, ARIZONA
 DATE: 4/2/08 SCALE: 1"=100' PROJ. NO: 07179 CAD FILE: SEE RIGHT

EXHIBIT
 2 of 3

LEGEND

- ALUMINUM CAP FLUSH
- ◻ BRASS CAP IN HANDHOLE
- AHD ARIZONA HIGHWAY DEPARTMENT
- R.O.W. RIGHT OF WAY
- M.C.R. MARICOPA COUNTY RECORDER
- DKT. DOCKET
- PG. PAGE



NOTES

THE NORTH LINE OF SECTION 3 WAS CALCULATED USING A RECORD OF SURVEY PERFORMED BY EPS GROUP INC. RECORDED IN BOOK 973 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY. REFERENCED ON THIS EXHIBIT AS (R1)

MONUMENTS

- "A" NORTH QUARTER CORNER OF SECTION 3, T1S, R4E, G&SRB&M
CALCULATED POSITION PER (R1)
- "B" FOUND CITY OF TEMPE BRASS CAP IN HANDHOLE
- "C" NORTHEAST CORNER OF SECTION 3, T1S, R4E, G&SRB&M
CALCULATED POSITION PER (R1)
- "D" MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891
- "E" EAST QUARTER CORNER SECTION 3, T1S, R4E, G&SRB&M
FOUND MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE

LINE TABLE

LINE	LENGTH	BEARING
L1	12.00	S00°08'21"E
L2	12.00	N00°16'31"W
L3	48.46	N89°51'39"E
L4	41.98	N00°18'21"W
L5	12.00	N89°41'39"E
L6	42.02	S00°18'21"E
L7	166.02	N89°51'39"E
L8	63.00	N00°08'21"W
L9	110.00	N89°51'39"E
L10	12.00	S00°08'21"E
L11	98.00	S89°51'39"W
L12	51.00	S00°08'21"E
L13	92.00	N89°51'39"E
L14	198.00	S00°08'21"E
L15	33.00	N89°51'39"E
L16	12.00	S00°08'21"E
L17	45.00	S89°51'39"W
L18	210.00	N00°08'21"W
L19	12.00	N89°51'39"E
L20	6.00	N00°16'26"W

M:\Field_Data\00_LDD_DATA\07179_LOWES_TEMPE_TOPO\dwg\07179_ESMNT_EXHIBIT.dwg - 04/02/08



6225 N. 24th St., Ste. 200
Phoenix, AZ 85016
Phone: (602)954-0038
Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT
PER DKT 12659, PG 165 M.C.R.
TEMPE, ARIZONA**

EXHIBIT

DATE: 4/2/08 SCALE: N.T.S. PROJ. NO: 07179 CAD FILE: SEE RIGHT

3 of 3