Staff Summary Report

Tempe

Council Meeting Date: 09/11/08 **Agenda Item Number:** _____

SUBJECT: This is the **introduction** and **first public hearing** to adopt an ordinance abandoning a portion of an existing alley located at 1000 East Apache Boulevard. The second public hearing is scheduled for **September 18, 2008**.

DOCUMENT NAME: 20080911PWCH09 **ABANDONMENT (0901)**
ORDINANCE NO. 2008.44

SUPPORTING DOCS: Yes

COMMENTS: 1000 EAST, L. L. C., an Arizona Limited Liability Company, has requested the abandonment of a portion of an existing alley located at 1000 E. Apache Boulevard, more particularly shown on the attached Exhibit "A" consisting of 1 page; and described on Exhibit "B" consisting of 1 page. Upon approval and execution of this alley abandonment the applicant will pay fair market value for the land to the City of Tempe and the City of Tempe will convey the abandoned property to the applicant by quit claim deed

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. 2008.44 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.44

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE CONVEYANCE AND ABANDONMENT OF A PORTION OF AN EXISTING ALLEY LOCATED AT 1000 EAST APACHE BOULEVARD.

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WHEREAS, it has been determined that the City of Tempe owns the portion of the alley described herein and shown on Exhibit "A" hereto and legally described on Exhibit "B" attached hereto; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon a portion of said alley, and

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

Section 1. That subject to compliance with the conditions stated below, the City of Tempe does hereby abandon, relinquish and vacate that portion of the existing alley shown on Exhibit "A" hereto, and legally described on Exhibit "B" hereto, conditioned on payment of the consideration referenced below.

Section 2. That all rights of the City in the portion of the alley abandoned shall be conveyed by quit-claim deed to the record owner(s) of the adjacent property subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the abandoned alley is a part.

Section 3. That in consideration the abandonment and conveyance of the alley, the applicant shall pay to the City an amount equal to the fair market value of the abandoned alley, such value to be determined by the Public Works Manager or his designee.

Section 4. That 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.

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

This _____day of September, 2008 .

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Recorded at the request of CITY OF TEMPE

When recorded return to:
CITY OF TEMPE BASKET

AFFIDAVIT AND FEE EXEMPT PURSUANT
TO ARS SECTION 11-1134.A-3.

Alley Parcel adjacent to 132-73-116A
NW 23N4

1000 East Apache Boulevard

QUIT-CLAIM DEED

For valuable consideration, the CITY OF TEMPE, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona, herein termed "Grantor", hereby quit-claim to 1000 EAST, L. L .C., an Arizona Limited Liability Company, herein termed "Grantee", all of its right, title and interest in the following described property:

SEE EXHIBITS "A" and "B", ATTACHED HERETO
AND BY REFERENCE INCORPORATED HEREIN

Dated this _____ day of _____, 2008.

THE CITY OF TEMPE, a municipal corporation as Grantor

STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008,

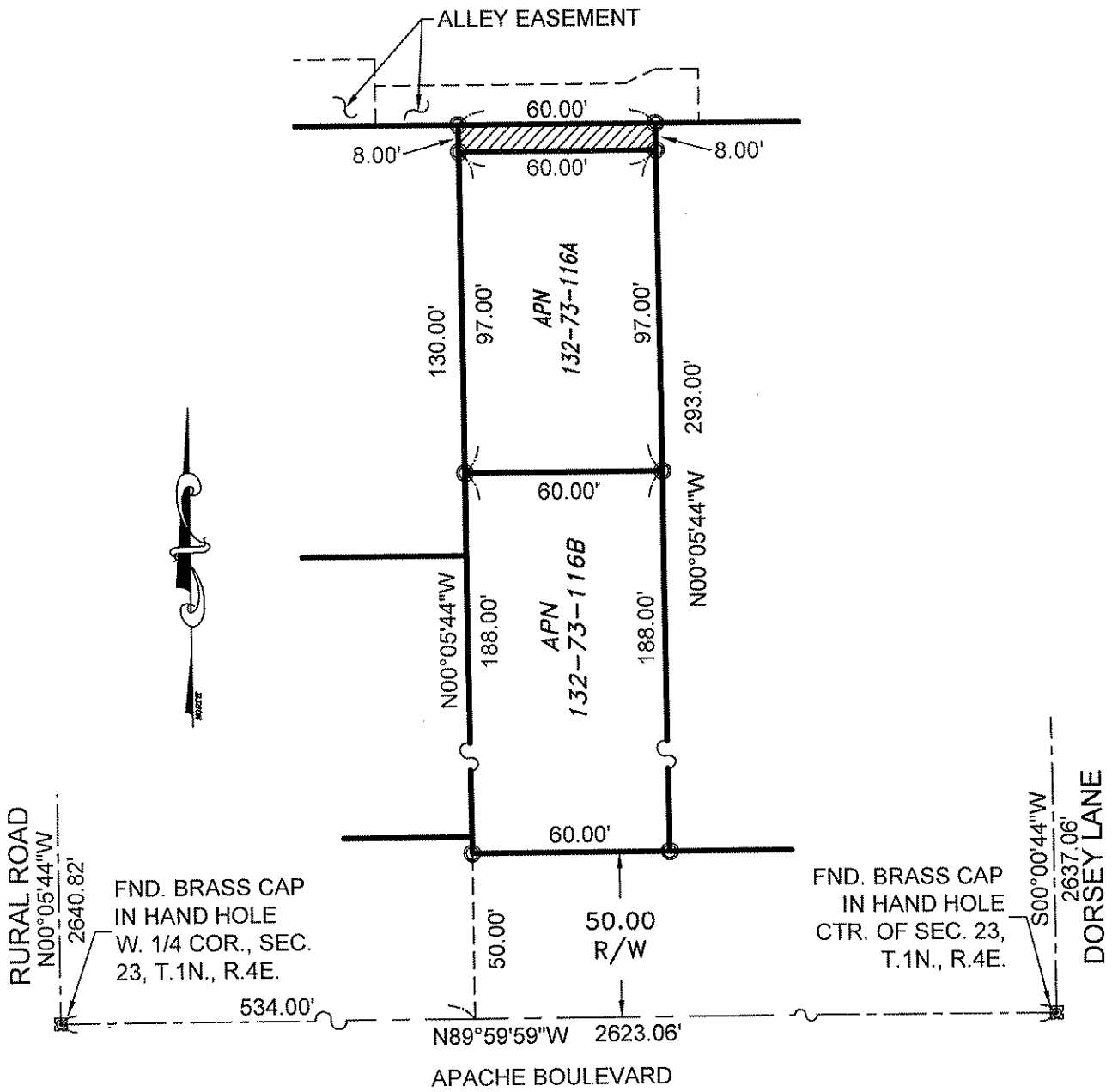
by the CITY OF TEMPE , a municipal corporation as Grantor

BY_____DATE:_____
HUGH HALLMAN
ITS: MAYOR

My Commission Expires:

Notary Public

EXHIBIT "A"



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
45204
JOHN "DANE"
BUMPUS
Date Signed 6-23-08
ARIZONA, U.S.A.

EXPIRES 12/31/09

DENOTES AREA OF ALLEY WAY TO BE ABANDONED

SHEET	1 OF 1
SCALE:	1"=50'
DATE:	6/14/08

EXHIBIT "B"

LEGAL DESCRIPTION FOR ALLEY ABANDONMENT

THE NORTH 8.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE NORTH 105 FEET OF THE EAST 60 FEET OF THE WEST 594 FEET OF THE SOUTH 343 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
45204
JOHN "DANE"
BUMPUS
Date Signed 6-23-08
ARIZONA U.S.A.

EXPIRES 12/31/09