Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number 30
Meeting Date 04/12/01

SUBJECT: **ORDINANCE FOR INTRODUCTION**

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES (350-8417)

REVIEWED BY: NEIL MANN, DEPUTY PUBLIC WORKS MANAGER/CITY ENGINEER (350-8250)

BRIEF: Set a public hearing **April 26, 2001** and **May 10, 2001** for the abandonment of a portion of a twelve foot waterline easement.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 2001.11** Set a public hearing April 26, 2001 and May 10, 2001 for the abandonment of a portion of a twelve foot waterline easement, located at 4909 S. Wendler Drive - Motel 6 property. The portion of easement to be abandoned extends under a parking lot and building on the site. No utilities are installed within this portion of the easement.

Document Name: (20010412PWDR03) Supporting Documents: Yes

SUMMARY: This easement was recorded in Instrument 85-074456, Maricopa County Records, within Lots 3 and 4 of Baseline Business Park, MCR 232-28. Staff supports this abandonment.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 2001.11 and authorize the Mayor to execute any necessary documents.

Approved by: Howard C. Hargis, Public Works Manager

ORDINANCE NO. 2001.11

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PORTION OF A WATERLINE EASEMENT AT 4909 S. WENDLER DRIVE, (MOTEL 6 PROPERTY) WITHIN LOTS 3 AND 4 OF BASELINE BUSINESS PARK, MCR 232-28

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WHEREAS, it has been determined by the City Council of the City of Tempe that a portion of a certain easement which was intended for a waterline 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 portion of the easement, and

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

SECTION I. That the City of Tempe does hereby abandon, relinquish and vacate a certain portion of an existing easement which was intended for a waterline as described and delineated on EXHIBIT "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in that portion of the easement abandoned shall vest in the record owner(s) of the subject 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 IV. That the City Engineer or his designee is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance.

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

ARIZONA this _____ day of _____, 2001.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

DAVID J. BUCHLI ENGINEERS, LTD.
105 N. Ski Court - Gilbert, AZ. 85233

DAVID J. BUCHLI, P.E., R.L.S.
President

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March 12, 2001

EXHIBIT 'A'
LEGAL DESCRIPTION
WATERLINE EASEMENT
ABANDONMENT
FOR
MOTEL 6 OPERATING L.P.

That part of Lots 3 and 4, Baseline Business Park, a subdivision recorded in Book 232 of Maps, Page 28, records of Maricopa County, Arizona more particularly described as follows:

COMMENCING at the Center of Section of Section 32, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
THENCE S 00°00'00" E, along the North-South Midsection line of said Section 32, 1,343.52 feet;
THENCE S 90°00'00" E, 33.00 feet to the East right-of-way line of Wendler Drive and the TRUE POINT OF BEGINNING.

THENCE S 90°00'00" E, 47.50 feet;
THENCE N 00°00'00" W, 132.47 feet;
THENCE S 90°00'00" E, 12.00 feet;
THENCE S 00°00'00" E, 144.47 feet;
THENCE N 90°00'00" W, 59.50 feet;
THENCE N 00°00'00" W, 12.00 feet to the TRUE POINT OF BEGINNING.

APPROVED
K
3/13/01

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
17128
DAVID
BUCHLI
Date Signed 3-12-01
ARIZONA, U.S.A.

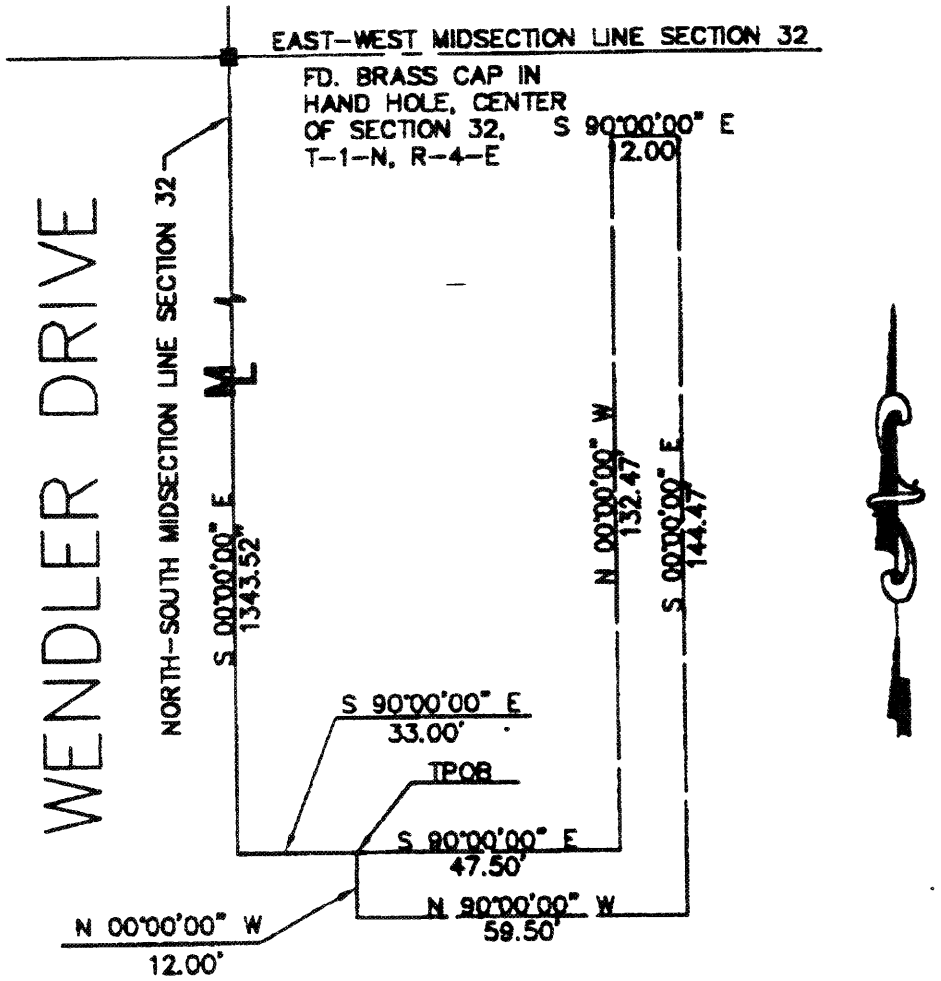
WATERLINE EASEMENT

ABANDONMENT

FOR

MOTEL 6 OPERATING L.P.
ACQUISITION A

PORTIONS OF LOTS 3 AND 4, BASELINE BUSINESS PARK SUBDIVISION, BOOK 232 OF MAPS, PAGE 28, M.C.R. LOCATED IN THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA



APPROVED
3/13/01

EXHIBIT A-1

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 17126
DAVID J. BUCHLI
Date Signed 3-12-01
ARIZONA, U.S.A.