Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number 34 + 44
Meeting Date 05/10/01

SUBJECT: **ORDINANCE FOR INTRODUCTION**

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

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

BRIEF: This is a public hearing for the abandonment of a public utility easement and declare the existence of an emergency.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 2001.15** Hold a public hearing the abandonment of a public utility easement, located within the South Half of Section 9, Township 1 North, Range 4 East (future stadium site), and declare the existence of an emergency. The easement abandonment will allow the portion of the Grand Canal in conflict with the stadium site to be relocated.

Document Name: (20010510PWDR08) Supporting Documents: Yes

SUMMARY: The public utility easement abandonment is an emergency due to the constraints of the stadium construction schedule. In order for the project to remain on schedule, a portion of the Grand Canal will need to be relocated. For the canal to be relocated, any title encumbrances must be removed from the new subject area. The Bureau of Reclamation has made a verbal commitment to SRP to expedite the USA fee land exchange process, provided the City abandons the public utility easement encumbrance immediately. The easement was recorded in Instrument 90-372323, Maricopa County Records. Staff supports this abandonment.

RECOMMENDATION:

That the City Council adopt Ordinance No. 2001.15 declaring the existence of an emergency so that the Ordinance will become effective immediately, and authorize the Mayor to execute any necessary documents.

Approved by: Howard C. Hargis, Public Works Manager

ORDINANCE NO. 2001.15

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PUBLIC UTILITY EASEMENT WITHIN THE SOUTH HALF OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 4 EAST (FUTURE STADIUM SITE) AND DECLARE THE EXISTENCE OF AN EMERGENCY

****

WHEREAS, it has been determined by the City Council of the City of Tempe that a certain easement which was intended for public utilities 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 I. That the City of Tempe does hereby abandon, relinquish and vacate an existing easement which was intended for public utilities as described and delineated on EXHIBIT "A" 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 III. 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.

SECTION IV. The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, safety, and general welfare of the community, an EMERGENCY is declared to exist and this Ordinance shall be in full force and effect from and after the date of its adoption and passage by the City Council as required by City Charter, and is hereby exempt from the referendum clause of said Charter.

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

DESCRIPTION
PROPOSED PUBLIC UTILITY EASEMENT ABANDONMENT

That portion of the south half of Section 9, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as an easement for public utility purposes in Document No. 90-372323 Maricopa County Records lying northerly of the north line of the lands of Southern Pacific Transportation Company according to Document No. 90-223304 Maricopa County Records, west of the westerly line of Papago Park Center Phase II, according to Book 537, page 23, Maricopa County Records and south of the Existing Grand Canal.

Prepared by: CMX GROUP INC.
PROJECT NO. 6555
APRIL 19, 2001

EXHIBIT A

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19654
PAUL M.
SOWERS
4-19-01
ARIZONA U.S.A.