Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number 48
Meeting Date 05/31/01

SUBJECT: **ORDINANCE FOR ADOPTION**

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

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

BRIEF: This is the second public hearing for the abandonment of a landscape and slope easement.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 2001.12** This is the second public hearing for the abandonment of a landscape and slope easement, located at 981 and 1007 West Washington Street being a portion of Lots 6 and 7 Papago Park Center Phase II Book 537, Page 23 MCR.

Document Name: (20010531PWDR01) Supporting Documents: Yes

SUMMARY: This easement was initially dedicated to provide an area for the fill slope which supports Center Parkway as it approaches State Route 202. The current plans of Magellan Development for the Riverview at Rio Salado replace the fill slopes with retaining walls in order to open up more area for development without compromising the integrity of Center Parkway. The Ordinance stipulates that the walls be constructed in conformance with the improvement plans for the abandonment to be complete.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 2001.12 and authorize the Mayor to execute any necessary documents.

Approved by: Howard C. Hargis, Public Works Manager

ORDINANCE NO. 2001.12

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A LANDSCAPE AND SLOPE EASEMENT LOCATED AT 981 AND 1007 W. WASHINGTON STREET

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WHEREAS, it has been determined by the City Council of the City of Tempe that an easement for landscape and slope purposes being a portion of Lots 6 and 7 of Papago Park Center Phase II as recorded in Book 537, Page 23 Maricopa County Recorder, and whose address is 981 and 1007 West Washington, 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 a certain portion of an existing easement which was intended for landscape and slope 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 III That the abandonment of the foregoing easement is specifically conditioned upon 1) the owners of the property relocating any existing utilities and utility conduit (even if empty) lying within said easement at the owner's expense and with the approval of the affected utility and, 2) that the retaining walls as shown on the approved construction drawing be completed and approved.

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

LOT 6 LANDSCAPE & SLOPE EASEMENT ABANDONMENT

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW 1/4 SE 1/4) OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

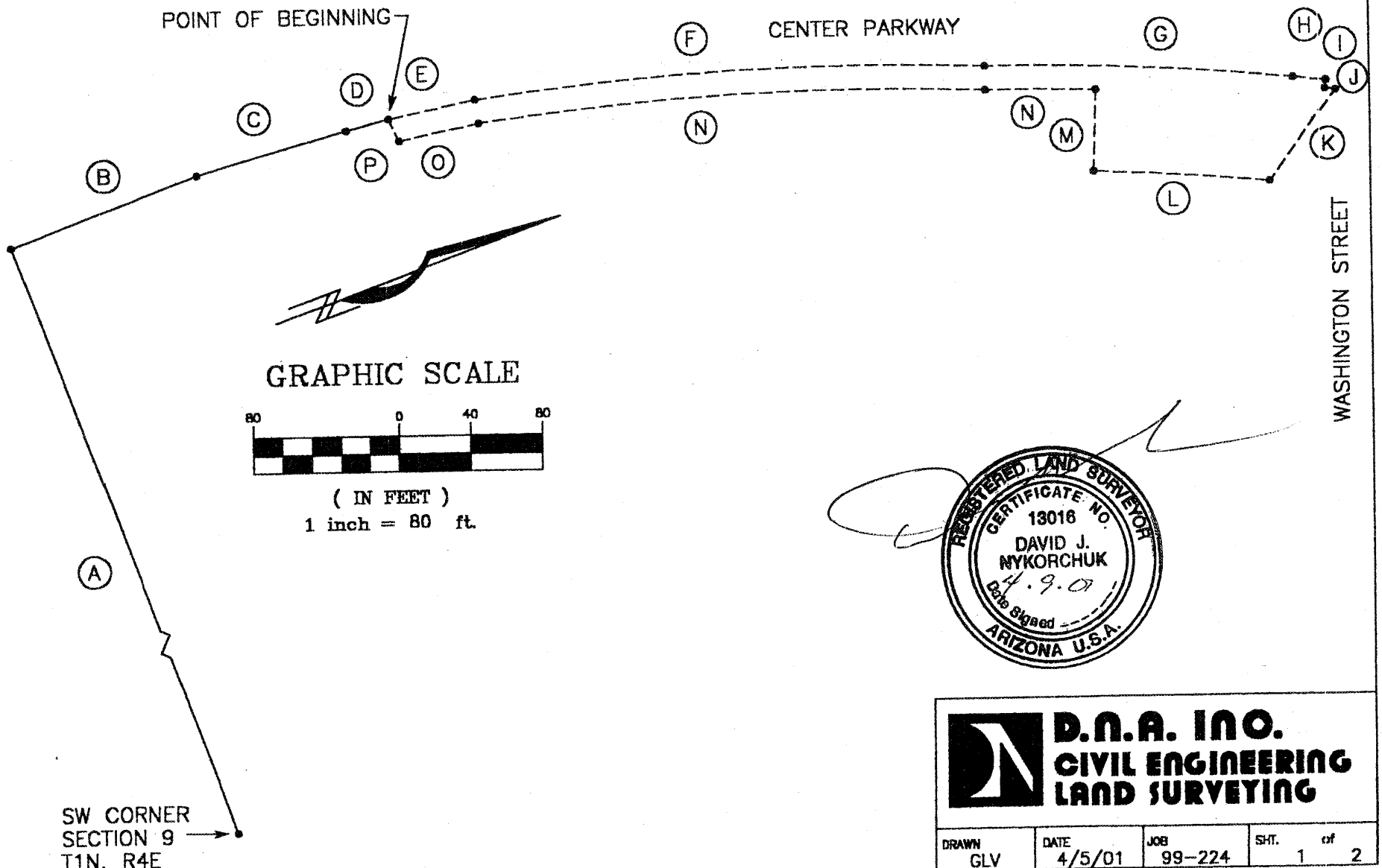
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9;
THENCE SOUTH 89 DEGREES 11 MINUTES 32 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 1749.30 FEET;
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 281.49 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE EAST PAPAGO FREEWAY (202L), AS SHOWN ON DRAWING NUMBER D-7-T-837, PROJECT NUMBER RBA-600-3-708 OF THE ARIZONA DEPARTMENT OF TRANSPORTATION ENGINEERING RECORDS;
THENCE NORTH 04 DEGREES 06 MINUTES 23 SECONDS EAST A DISTANCE OF 216.20 FEET TO THE BEGINNING OF A TANGENT CURVE HAVING A 1148.50 FOOT RADIUS;
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 3 DEGREES 03 MINUTES 59 SECONDS A DISTANCE OF 61.47 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE GRAND CANAL;
THENCE CONTINUING NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 1 DEGREE 50 MINUTES 39 SECONDS A DISTANCE OF 36.97 FEET TO THE BEGINNING OF A 1141.54 FOOT NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 78 DEGREES 04 MINUTES 02 SECONDS EAST;
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 46 MINUTES 15 SECONDS A DISTANCE OF 214.59 FEET TO THE BEGINNING OF A 1137.50 FOOT NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 70 DEGREES 14 MINUTES 23 SECONDS EAST;
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6 DEGREES 31 MINUTES 14 SECONDS A DISTANCE OF 129.46 FEET;
THENCE NORTH 26 DEGREES 16 MINUTES 51 SECONDS EAST A DISTANCE OF 13.43 FEET;
THENCE SOUTH 63 DEGREES 43 MINUTES 02 SECONDS EAST A DISTANCE OF 3.50 FEET TO THE BEGINNING OF A 67.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 63 DEGREES 42 SECONDS 56 SECONDS EAST;
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3 DEGREES 45 MINUTES 11 SECONDS A DISTANCE OF 4.42 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING LANDSCAPE, BIKEPATH, DRAINAGE AND PUBLIC UTILITY EASEMENT AS DESCRIBED IN DOCUMENT NO. 90-223304 RECORDED ON MAY 18, 1990 IN MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 33 DEGREES 35 MINUTES 17 SECONDS EAST, ALONG SAID SOUTHERLY EASEMENT LINE, A DISTANCE OF 46.68 FEET TO THE BEGINNING OF A 1093.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 64 DEGREES 00 MINUTES 42 SECONDS EAST;
THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3 DEGREES 53 MINUTES 27 SECONDS A DISTANCE OF 74.26 FEET;
THENCE NORTH 67 DEGREES 54 MINUTES 09 SECONDS WEST A DISTANCE OF 34.00 FEET TO THE BEGINNING OF A 1127.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 67 DEGREES 54 MINUTES 09 SECONDS EAST;
THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2 DEGREES 20 MINUTES 15 SECONDS A DISTANCE OF 46.00 FEET TO THE BEGINNING OF A 1131.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 67 DEGREES 16 MINUTES 13 SECONDS EAST;
THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 46 MINUTES 16 SECONDS A DISTANCE OF 212.72 FEET TO THE BEGINNING OF A 1138.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 80 DEGREES 58 MINUTES 58 SECONDS EAST;
THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1 DEGREES 44 MINUTES 07 SECONDS A DISTANCE OF 34.48 FEET TO A POINT ON NORTHERLY RIGHT-OF-WAY LINE OF THE GRAND CANAL;
THENCE SOUTH 84 DEGREES 57 MINUTES 33 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 10.23 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 6834 SQUARE FEET OR 0.159 ACRES MORE OR LESS.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
13016
DAVID J.
NYKORCHUK
Date Signed 4.9.01
ARIZONA U.S.A.

LOT 6 – LANDSCAPE & SLOPE EASEMENT ABANDONMENT



D.N.A. INC.
CIVIL ENGINEERING
LAND SURVEYING

DRAWN	DATE	JOB	SHT.	of
GLV	4/5/01	99-224	1	2

LOT 7 LANDSCAPE & SLOPE EASEMENT ABANDONMENT

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW 1/4 SE 1/4) OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

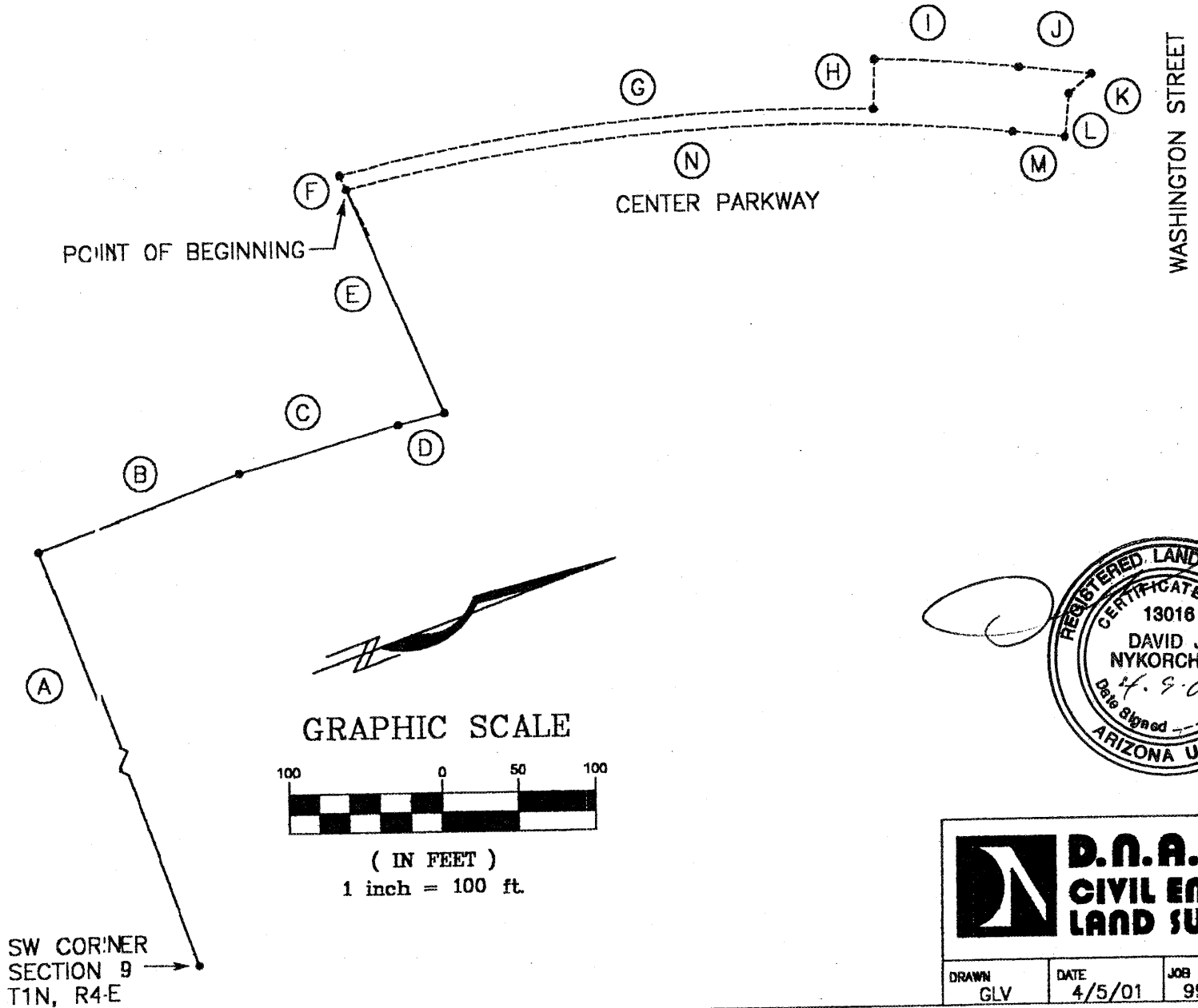
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9;
THENCE SOUTH 89 DEGREES 11 MINUTES 32 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 9, A DISTANCE OF 1749.30 FEET;
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 281.49 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE EAST PAPAGO FREEWAY (202L), AS SHOWN ON DRAWING NUMBER D-7-T-837, PROJECT NUMBER RBA-600-3-708 OF THE ARIZONA DEPARTMENT OF TRANSPORTATION ENGINEERING RECORDS;
THENCE NORTH 04 DEGREES 06 MINUTES 23 SECONDS EAST A DISTANCE OF 216.20 FEET TO THE BEGINNING OF A TANGENT CURVE HAVING A 1148.50 FOOT RADIUS;
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 3 DEGREES 03 MINUTES 59 SECONDS A DISTANCE OF 61.47 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE GRAND CANAL;
THENCE SOUTH 84 DEGREES 57 MINUTES 33 SECONDS WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 105.18 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 84 DEGREES 57 MINUTES 33 SECONDS WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 10.19 FEET TO THE BEGINNING OF A 1261.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 83 DEGREES 56 MINUTES 09 SECONDS EAST;
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE 16 DEGREES 02 MINUTES 00 SECONDS A DISTANCE OF 353.01 FEET;
THENCE NORTH 67 DEGREES 54 MINUTES 09 SECONDS WEST A DISTANCE OF 32.00 FEET TO THE BEGINNING OF A 1293.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 67 DEGREES 54 MINUTES 09 SECONDS EAST;
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4 DEGREES 11 MINUTES 00 SECONDS A DISTANCE OF 94.44 FEET;
THENCE NORTH 26 DEGREES 16 MINUTES 51 SECONDS EAST A DISTANCE OF 47.41 FEET TO A POINT ON THE SOUTHERLY LINE OF AN EXISTING LANDSCAPE, BIKEPATH, DRAINAGE AND PUBLIC UTILITY EASEMENT AS DESCRIBED IN DOCUMENT NO. 90-223304 RECORDED ON MAY 18, 1990 IN MARICOPA COUNTY, ARIZONA;
THENCE SOUTH 19 DEGREES 55 MINUTES 51 SECONDS EAST, ALONG SAID SOUTHERLY EASEMENT LINE, A DISTANCE OF 19.59 FEET;
THENCE SOUTH 63 DEGREES 43 MINUTES 09 SECONDS EAST, ALONG SAID SOUTHERLY EASEMENT LINE, A DISTANCE OF 27.86 FEET;

THENCE SOUTH 26 DEGREES 16 MINUTES 51 SECONDS WEST A DISTANCE OF 33.85 FEET TO THE BEGINNING OF A TANGENT CURVE HAVING A RADIUS OF 1251.50 FEET;
THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 20 DEGREES 07 MINUTES 36 SECONDS A DISTANCE OF 439.62 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 8926 SQUARE FEET OF 0.205 ACRES MORE OR LESS.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
13016
DAVID J.
NYKORCHUK
Date Signed 4.9.01
ARIZONA U.S.A.

LOT 7 – LANDSCAPE & SLOPE EASEMENT ABANDONMENT



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