Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number 49
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 thirty foot landscape, pedestrian, bike path, drainage and public utility easement.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 2001.13** This is the second public hearing for the abandonment of a thirty foot wide landscape, pedestrian, bike path, drainage and public utility 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: (20010531PWDR02) Supporting Documents: Yes

SUMMARY: This easement was initially dedicated at the request of Salt River Project as a part of the Papago Park Center development. The City of Tempe has sufficient right of way along Washington Street as it exists today. Magellan Development and Salt River Project have requested this abandonment as part of the Riverview at Rio Salado project. The City of Tempe has already granted variances that would allow for the development to proceed contingent upon this abandonment. The abandonment does not effect the location of the proposed light rail along Washington Street nor its service to the Stadium. Portions of this easement will be re-dedicated on the Plat of Riverview.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 2001.13 and authorize the Mayor to execute any necessary documents.

Approved by: Howard C. Hargis, Public Works Manager

ORDINANCE NO. 2001.13

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A LANDSCAPE, PEDESTRIAN, BIKE PATH, DRAINAGE AND PUBLIC UTILITY 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, pedestrian, bike path, drainage and public utilities, 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, pedestrian, bike path, drainage and public utility 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.

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

WASHINGTON ST. LANDSCAPE & UTILITIES EASEMENT ABANDONMENT

A PORTION OF THE SOUTH HALF OF SECTION NINE (9), TOWNSHIP ONE (1) NORTH, RANGE FOUR (4) EAST OF THE SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

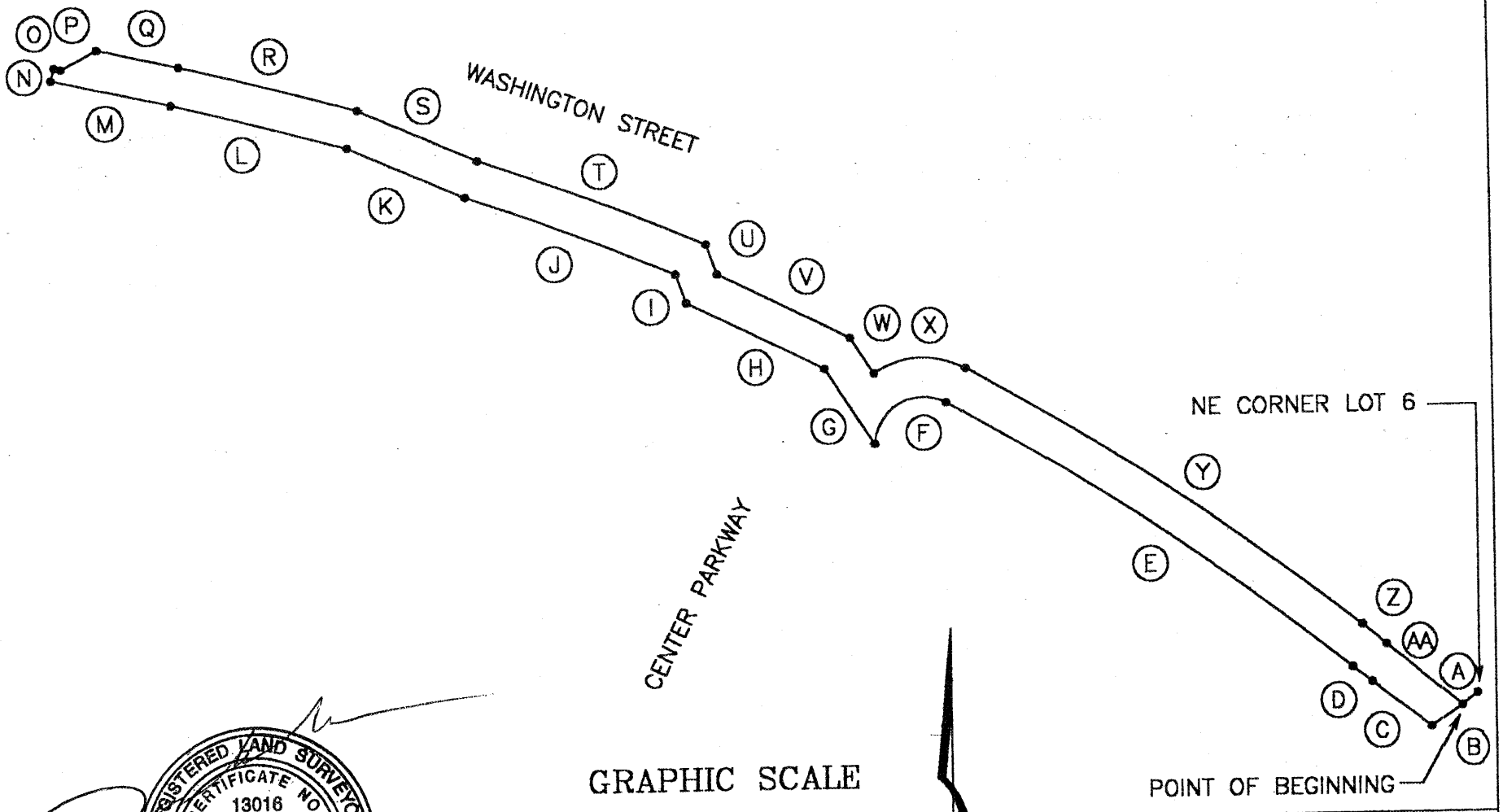
BEGINNING AT THE NORTHEAST CORNER OF LOT 6, PAPAGO PARK CENTER PHASE II, AS RECORDED IN BOOK 537, PAGE 23 AND DOCUMENT # 2000-0516707;
THENCE SOUTH 55 DEGREES 34 MINUTES 53 SECONDS WEST, 2.38 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 55 DEGREES 34 MINUTES 53 SECONDS WEST, 28.49 FEET;
THENCE NORTH 52 DEGREES 57 MINUTES 54 SECONDS WEST, 57.88 FEET;
THENCE NORTH 51 DEGREES 35 MINUTES 15 SECONDS WEST, 18.61 FEET TO A POINT ON A TANGENT CURVE TO THE LEFT OF RADIUS 2283.18 FEET;
THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9 DEGREES 23 MINUTES 46 SECONDS, AN ARC LENGTH OF 374.43 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS BEARS SOUTH 29 DEGREES 00 MINUTES 38 SECONDS WEST, 37.50 FEET;
THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 115 DEGREES 41 MINUTES 53 SECONDS, AN ARC LENGTH OF 75.72 FEET;
THENCE NORTH 33 DEGREES 35 MINUTES 17 SECONDS WEST, 69.84 FEET;
THENCE NORTH 63 DEGREES 43 MINUTES 09 SECONDS WEST, 117.93 FEET;
THENCE NORTH 19 DEGREES 55 MINUTES 51 SECONDS WEST, 23.61 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS BEARS SOUTH 23 DEGREES 11 MINUTES 59 SECONDS WEST, 2283.18 FEET;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4 DEGREES 19 MINUTES 37 SECONDS, AN ARC LENGTH OF 172.42 FEET;
THENCE NORTH 65 DEGREES 58 MINUTES 00 SECONDS WEST, 98.82 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS BEARS SOUTH 16 DEGREES 24 MINUTES 51 SECONDS WEST, 2294.18 FEET;
THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3 DEGREES 30 MINUTES 05 SECONDS, AN ARC LENGTH OF 140.20 FEET;
THENCE NORTH 77 DEGREES 05 MINUTES 14 SECONDS WEST, 93.56 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS BEARS NORTH 74 DEGREES 18 MINUTES 23 SECONDS WEST, 476.00 FEET;
THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1 DEGREE 11 MINUTES 59 SECONDS, AN ARC LENGTH OF 9.97 FEET;
THENCE SOUTH 77 DEGREES 05 MINUTES 14 SECONDS EAST, 5.34 FEET;
THENCE NORTH 63 DEGREES 06 MINUTES 26 SECONDS EAST, 31.24 FEET;
THENCE SOUTH 77 DEGREES 05 MINUTES 14 SECONDS EAST, 63.82 FEET TO A POINT ON A TANGENT CURVE TO THE RIGHT OF RADIUS 2324.18 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3 DEGREES 30 MINUTES 05 SECONDS. AN ARC LENGTH OF 142.03 FEET;
THENCE SOUTH 66 DEGREES 02 MINUTES 55 SECONDS EAST, 100.10 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT WHOSE RADIUS BEARS SOUTH 18 DEGREES 52 MINUTES 22 SECONDS WEST, 2313.18 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4 DEGREES 39 MINUTES 00 SECONDS, AN ARC LENGTH OF 187.68 FEET;
THENCE SOUTH 19 DEGREES 55 MINUTES 51 SECONDS EAST, 24.50 FEET;
THENCE SOUTH 63 DEGREES 43 MINUTES 09 SECONDS EAST, 113.95 FEET;
THENCE SOUTH 33 DEGREES 35 MINUTES 17 SECONDS EAST, 32.93 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT WHOSE RADIUS BEARS SOUTH 33 DEGREES 34 MINUTES 40 SECONDS EAST, 67.50 FEET;
THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62 DEGREES 35 MINUTES 18 SECONDS, AN ARC LENGTH OF 73.74 FEET TO A POINT ON A TANGENT CURVE TO THE RIGHT OF RADIUS 2313.18 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9 DEGREES 02 MINUTES 43 SECONDS, AN ARC LENGTH OF 365.18 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT WHOSE RADIUS BEARS SOUTH 38 DEGREES 39 MINUTES 52 SECONDS WEST, 2324.83 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 0 DEGREES 35 MINUTES 54 SECONDS, AN ARC LENGTH OF 24.28 FEET;
THENCE SOUTH 50 DEGREES 44 MINUTES 14 SECONDS EAST, 74.78 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 36,454.04 SQUARE FEET 0.837 ACRES

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

WASHINGTON STREET – LANDSCAPE & UTILITIES EASEMENT ABANDONMENT



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GRAPHIC SCALE

100 0 50 100

(IN FEET)
1 inch = 100 ft.

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

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GLV	4/5/01	99-224	1 of 2