Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number 32
Meeting Date 10/18/01

SUBJECT: **ORDINANCE FOR INTRODUCTION**

PREPARED BY: LARRY SCHMALZ, MUNICIPAL PROPERTY SPECIALIST

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

BRIEF: Set a public hearing for **November 1**and **November 29, 2001,** to abandon a portion of excess City right-of-way.

COMMENTS: **ABANDONMENTS (0901) ORDINANCE NO. 2001.33** Set a public hearing for **November 1, 2001,** and **November 29, 2001,** to abandon a portion of excess City right of way (old First Street) east of Priest Drive, within the Northwest Quarter of Section 16, Township 1 North, Range 4 East, Maricopa County, Arizona.

Document Name: (20011018PWDR06) Supporting Documents: Yes

SUMMARY: Staff is recommending City Council abandon a portion of First Street, east of Priest Drive. First Street was re-routed to intersect with Rio Salado Parkway, thus causing the requested abandoned parcel to have no further public use. The City of Tempe will be retaining an easement for all existing utilities (both public and private) to be maintained within the portion of right of way to be abandoned. The adjacent property owners requested the abandonment and have agreed to compensate the City in exchange for the abandonment. The compensation will represent 50% of the fee value due to the encumbrances of the existing utilities and the easement to be reserved. The adjacent property owners will compensate the City based on $4.00 per square foot for the 30,213 square foot area to be abandoned. The total amount of compensation is $120,852.00. Staff supports the abandonment.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 2001.33 and authorize the Mayor to execute any necessary documents.

Approved by: Glenn Kephart, Public Works Manager

ORDINANCE NO. 2001.33

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A PORTION OF RIGHT-OF-WAY (OLD FIRST STREET) EAST OF PRIEST DRIVE, WITHIN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST, MARICOPA COUNTY, ARIZONA

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WHEREAS, it has been determined that the City of Tempe owns certain real property as described herein on Exhibits "A" and "A-1", and,

WHEREAS, the excess right of way is not required by the City of Tempe:

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 portion of excess right of way for old First Street as delineated on Exhibits "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in that portion of the right of way shall vest in the adjacent record owner(s) to immediate north and south of the subject property, as agreed to by the property owners as delineated in Exhibits "B" and "B-1" and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as may currently exist on the land.

SECTION III: The abandonment is conditioned upon the adjacent property owners agreement to purchase the excess right of way.

SECTION IV: An easement for all existing facilities will be reserved over the entire parcel for future operation and maintenance purposes.

SECTION V: That the Mayor 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

EXHIBIT "A"

1ST STREET ABANDONMENT - TEMPE

A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 16;
THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 127.13 FEET TO THE TRUE POINT OF BEGINNING;

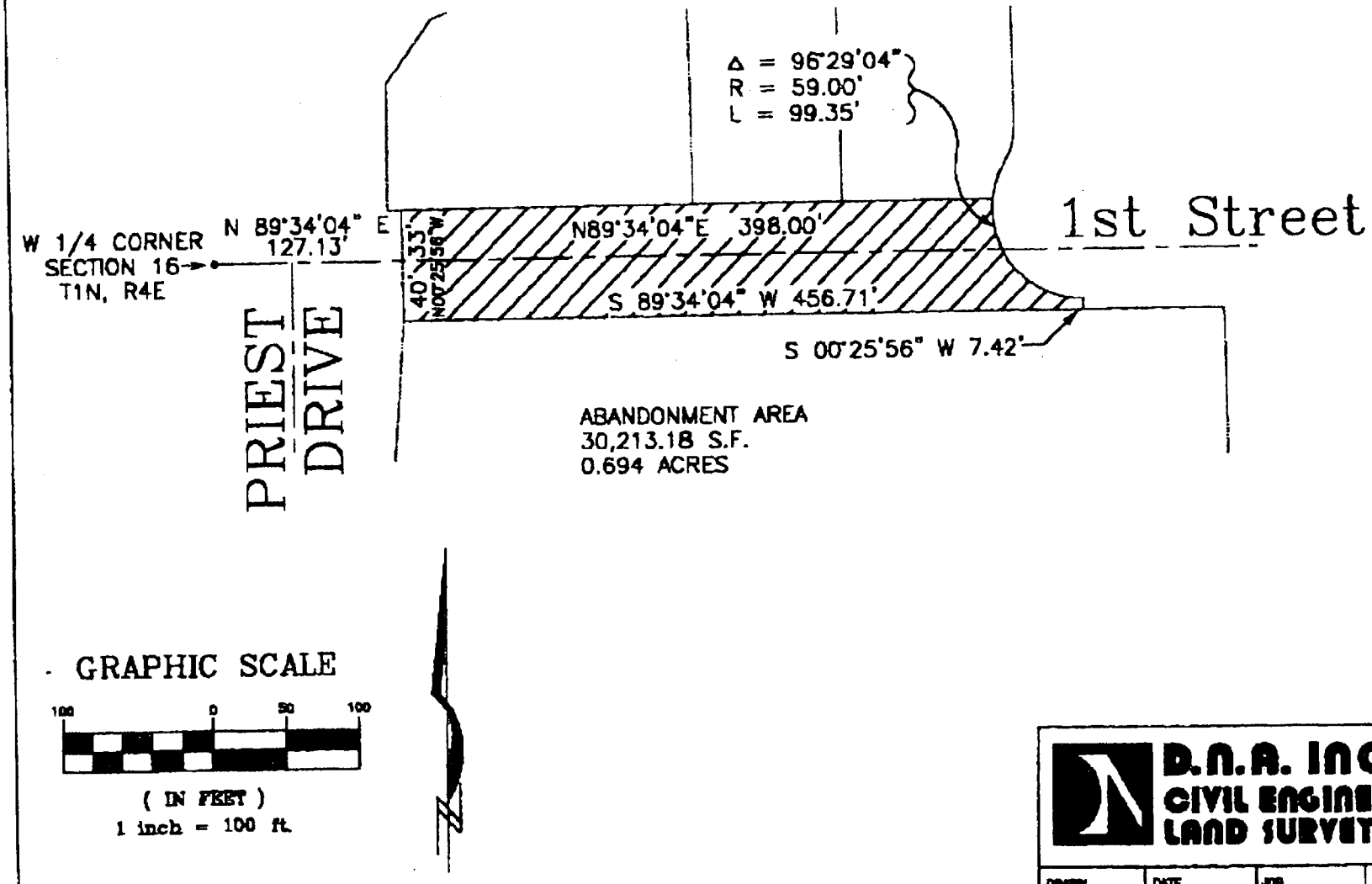
THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 33.00 FEET;
THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 398.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHEASTERLY WHOSE RADIUS BEARS SOUTH 84 DEGREES 01 MINUTES 34 SECONDS EAST A DISTANCE OF 59.00 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 96 DEGREES 29 MINUTES 04 SECONDS, AN ARC LENGTH OF 99.35 FEET;
THENCE SOUTH 00 DEGREES 25 MINUTES 56 SECONDS EAST A DISTANCE OF 7.42 FEET;
THENCE SOUTH 89 DEGREES 34 MINUTES 04 SECONDS WEST A DISTANCE OF 456.71 FEET;
THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING

CONTAINING 30,213.18 SQUARE FEET 0.694 ACRES

DNA INC.
01100LEG
APRIL 26, 2001

EXHIBIT "A-1"

FIRST STREET ABANDONMENT EXHIBIT



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

DRAWN	DATE	JOB	SHT. of
GLV	04/27/01	01-100	1 1

EXHIBIT "B"

1ST STREET ABANDONMENT - TEMPE

WEST PARCEL

A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 16;
THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 127.13 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 33.00 FEET;
THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 203.50 FEET;
THENCE SOUTH 00 DEGREES 25 MINUTES 56 SECONDS EAST A DISTANCE OF 73.00 FEET;
THENCE SOUTH 89 DEGREES 34 MINUTES 04 SECONDS WEST A DISTANCE OF 203.50 FEET;
THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING

CONTAINING 14,855.50 SQUARE FEET 0.341 ACRES

DNA INC.
01100LEG
APRIL 26, 2001

EXHIBIT "B-1"

1ST STREET ABANDONMENT - TEMPE

EAST PARCEL

A PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 16;
THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 330.63 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 33.00 FEET;
THENCE NORTH 89 DEGREES 34 MINUTES 04 SECONDS EAST A DISTANCE OF 194.50 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHEASTERLY WHOSE RADIUS BEARS SOUTH 84 DEGREES 01 MINUTES 34 SECONDS EAST A DISTANCE OF 59.00 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 96 DEGREES 29 MINUTES 04 SECONDS, AN ARC LENGTH OF 99.35 FEET;
THENCE SOUTH 00 DEGREES 25 MINUTES 56 SECONDS EAST A DISTANCE OF 7.42 FEET;
THENCE SOUTH 89 DEGREES 34 MINUTES 04 SECONDS WEST A DISTANCE OF 253.21 FEET;
THENCE NORTH 00 DEGREES 25 MINUTES 56 SECONDS WEST A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING

CONTAINING 15,357.68 SQUARE FEET 0.353 ACRES

DNA INC.
01100LEG
APRIL 26, 2001