Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number
Meeting Date 08/01/02

SUBJECT: **ORDINANCE FOR ADOPTION**

PREPARED BY: HEIDI GRAHAM, SR. ENGINEERING ASSOC., LAND SERVICES (x8528)

REVIEWED BY: NEIL MANN, DEPUTY PW MANAGER/CITY ENGINEER (x8250)

BRIEF: This is the **first** public hearing for the abandonment of three landscaping and slope easements at the southwest corner of Rio Salado Parkway and First Street.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 2002.28** This is the first public hearing for the abandonment of three landscaping and slope easements at the southwest corner of Rio Salado Parkway and First Street. The easements (recorded in Instruments 88-572819, 88-615686 and 88-6156867, Maricopa County Records) are being abandoned because they are no longer needed. The landscaping and slope are currently accommodated within the existing right-of-way of Rio Salado Parkway; the easements were conveyed prior to the development of Rio Salado Parkway.

Document Name: (20020801PWDR02) Supporting Documents: Yes

SUMMARY: The easements are no longer needed for landscaping and slope. The landscaping is accommodated within the existing right of way of Rio Salado Parkway. Staff supports the abandonment of the easements.

RECOMMENDATION:

That the City Council hold public hearings and adopt Ordinance No. 2002.28 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE NO. 2002.28

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING THREE LANDSCAPING AND SLOPE EASEMENTS, RECORDED IN INSTRUMENTS 88-572819, 88-615686, AND 88-615687, MARICOPA COUNTY RECORDS, LOCATED AT THE SOUTHWEST CORNER OF RIO SALADO PARKWAY AND FIRST STREET IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST, G&SRB&M.

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WHEREAS, it has been determined by the City Council of the City of Tempe that certain easements which were intended for landscaping and slope are 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 easements, 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 those certain easements which were intended for landscaping and slope as described and delineated on EXHIBIT "A" attached hereto.

SECTION II. That all rights of the City in that portion of the easement to be 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 Mayor 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 _____, 2002.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "A"
Legal Description for Slope and Landscaping Easements
Within the Northwest ¼ of Section 16, T-1N, R-4E

Instrument No. 88-615687, Records of Maricocpa County, Arizona

That portion of lot 48, State Plat No. 9, as recorded in Book 23 of Maps, Page 48, records of Maricopa County, Arizona, further described as follows: A strip of land 10 feet in width lying adjacent to and Southerly of the South line of that parcel as described in Recorder's No. 87-715899 in records of Maricopa County.

Instrument No. 88-615686, Records of Maricopa County, Arizona

That portion of Lot 47, State Plat No. 9, as recorded in Book 23 of Maps, Page 48, records of Maricopa County, Arizona, further described as follows: A strip of land 10 feet in width lying adjacent to and Southerly of the South line of that parcel as described in Recorder's No. 87-715902 in records of Maricopa County.

Instrument No. 88-572819, Records of Maricopa County, Arizona

A portion of Lots 49 and 50, State Plat No. 9, as recorded in Book 23 of Maps, Page 48, records of Maricopa County, Arizona, further described as follows: A strip of land 10 feet in width lying adjacent to and Southerly of the South line of that parcel as described in Recorder's No. 87-032690, records of Maricopa County, Arizona.