Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number
Meeting Date 08/08/02

SUBJECT: **ORDINANCE FOR ADOPTION**

PREPARED BY: MARY O'CONNOR, DEPUTY PUBLIC WORKS MANAGER (x8819)

REVIEWED BY: GLENN KEPHART, PUBLIC WORKS MANAGER (x8205)

BRIEF: This is the **second** public hearing to authorize the transfer of real property.

COMMENTS: **REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2002.27** This is the second public hearing to authorize the transfer of real property to the Tempe Elementary School District No. 3. This 10-foot strip of land is adjacent to a portion of ADOT right-of-way for U.S. 60 and the Ward Elementary School.

Document Name: (20020808PW01) Supporting Documents: Yes

SUMMARY: The subject property is a remnant of ADOT right-of-way owned by the City of Tempe and adjacent to Ward Elementary School. In order to grant the City of Tempe an easement for the construction, operation and use of the pedestrian bridge on school property, the Tempe Elementary School District No. 3 requires either fair market value compensation for the easement grant or a parcel of land of a similar value. This transfer authorization satisfies that requirement.

RECOMMENDATION:

That the City Council hold public hearings and adopt Ordinance No. 2002.27 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE 2002.27

AN ORDINANCE BY THE CITY COUNCIL OF TEMPE, ARIZONA, AUTHORIZING THE TRANSFER OF REAL PROPERTY LOCATED ADJACENT TO U.S. 60 AND THE WARD SCHOOL TO THE TEMPE ELEMENTARY SCHOOL DISTRICT NO. 3, WITHIN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 4 EAST.

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WHEREAS, it has been determined that the City of Tempe owns real property as described herein; and

WHEREAS, the property can be exchanged for the acquisition of an easement from the Tempe Elementary School District No. 3 of Maricopa County, a political subdivision of the State of Arizona ("The School District") for the construction, operation and use of a pedestrian bridge; and

WHEREAS, the exchange is deemed necessary for the public welfare; and

WHEREAS; the value of the real property and easement are similar; and

WHEREAS, it would be in the best interest of the citizens of the City of Tempe to exchange the herein described property;

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 agree to transfer to the Tempe Elementary School District No. 3 of Maricopa County, a political subdivision of the State of Arizona ("The School District") the property described on attached Exhibit "A" and as delineated on attached Exhibit "A-1".

SECTION II: That the City of Tempe does hereby agree to accept from The School District an easement for the construction, operation and use of a pedestrian bridge as described on the attached Exhibit "B" and as delineated on attached Exhibit "B-1".

SECTION III: That the Mayor is authorized to execute the necessary documents to complete the transfer described herein.

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
LAND USE EASEMENT

A portion of the Northwest quarter of Section 36, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Beginning at the Southwest corner of Tract "A," according to the plat of Tempe Royal Palms, Unit Seven, as recorded in Book 122 of Maps, Page 43, Maricopa County Recorder;

Thence East along the South line of said Tract "A," 599.70 feet to the Southeast corner of said Tract "A";

Thence South 00° 21' 20" West along the Southerly prolongation of the East line of said Tract "A," said line also being the North/South midsection line of said Section 36, 10.00 feet;

Thence West along a line parallel to and 10.00 feet South of the South line of said Tract 'A," 599.64 feet to a point on the Southerly prolongation of the West line of said Tract "A";

Thence North, 10.00 feet to the Beginning of the parcel of land herein described.

Said parcel contains 5,997.00 square feet.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
15089
JAMES R.
CRISTEA
Date Signed 5/31/02
ARIZONA, U.S.A.

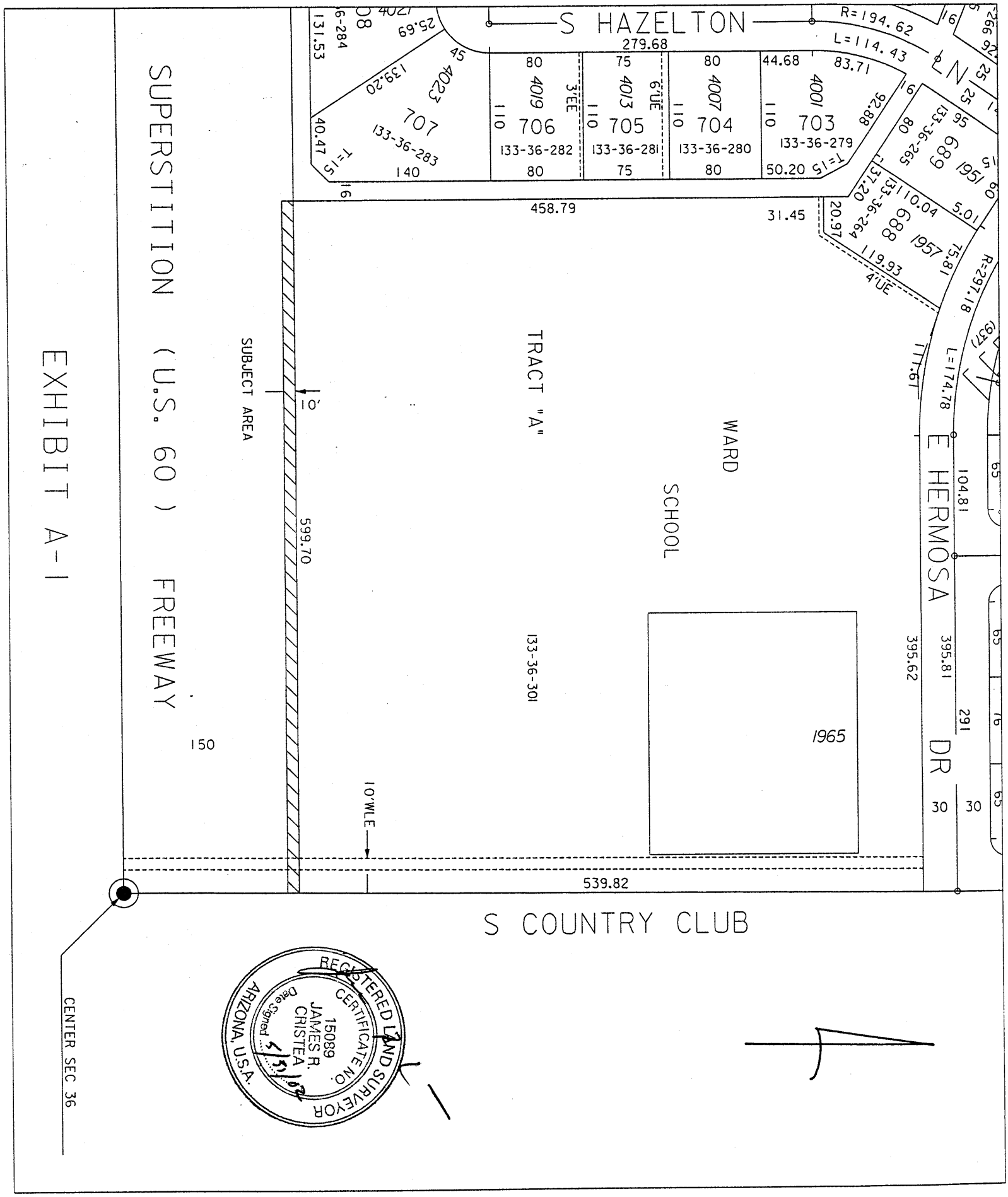


EXHIBIT A-1
SUPERSTITION (U.S. 60) FREEWAY
S HAZELTON LN
E HERMOSA DR
S COUNTRY CLUB
CENTER SEC 36
SUBJECT AREA
TRACT "A"
WARD SCHOOL
133-36-301
1965
707
133-36-283
706
133-36-282
705
133-36-281
704
133-36-280
703
133-36-279
689
133-36-265
688
133-36-264
1957
1951
R=194.62
L=114.43
R=297.18
L=174.78
279.68
458.79
31.45
599.70
395.62
395.81
104.81
291
539.82
10'
10'WLE
150
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
15089
JAMES R. CRISTEA
Date Signed 5/31/02
ARIZONA, U.S.A.

EXHIBIT "B"

LEGAL DESCRIPTION
CONSTRUCTION OPERATION AND USE EASEMENT

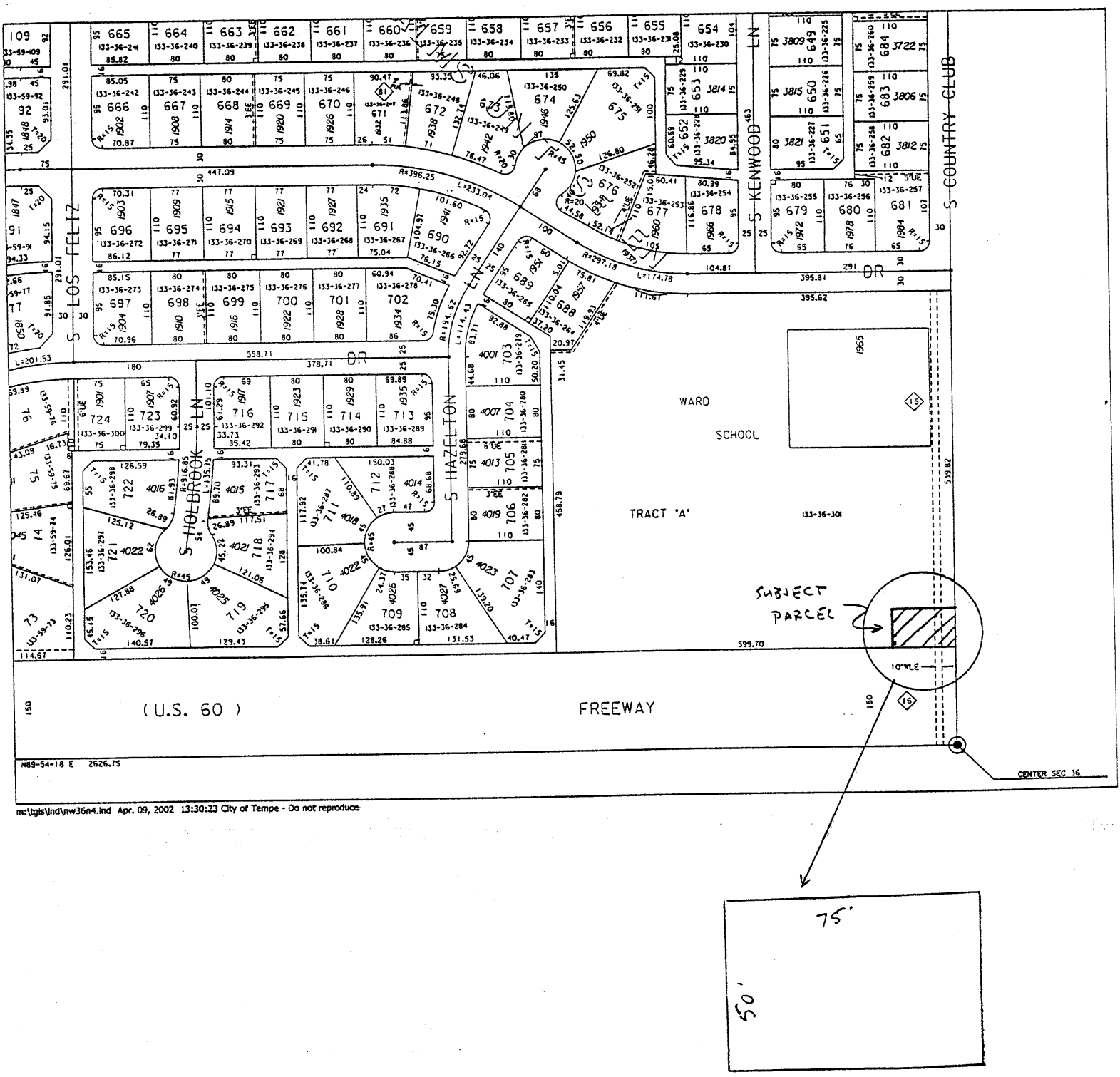
A parcel of land being a portion of Tract A, Tempe Royal Palms – Unit 7, a subdivision recorded in Book 122 of Maps, Page 43, Maricopa County Recorder, being more particularly described as follows:

The South 50.00 feet of the East 75.00 feet of said Tract A.

Said parcel contains 3750 square feet.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
15089
JAMES R.
CRISTEA
Date Signed 4/9/02
ARIZONA, U.S.A.

EXHIBIT "B-1"


S LOS FELIZ
S HOLBROOK LN
S HAZELTON
S KENWOOD LN
S COUNTRY CLUB
DR
WARD
SCHOOL
TRACT "A"
SUBJECT
PARCEL
10'WLE
(U.S. 60)
FREEWAY
N89-54-18 E 2626.75
CENTER SEC 36
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75'
50'