Staff Summary Report

Tempe

Council Meeting Date: 02/21/2008 **Agenda Item Number:** _____

SUBJECT: This is the **introduction** and **first public hearing** to adopt an ordinance abandoning a water and sewer line easement located at 352 South Farmer Avenue. The second public hearing is set for March 20, 2008.

DOCUMENT NAME: 20080221PWCH01 **ABANDONMENT (0901)**
ORDINANCE NO. 2008.04

SUPPORTING DOCS: Yes

COMMENTS: Plans have been submitted for the Farmer Avenue Lofts project. The proposed construction will require the abandonment of this public water and sewer line easement. Location of new easements have been reviewed and approved through the Site Plan Review process.

PREPARED BY: LARRY SHOBE, ENGINEERING SERVICES ADMINISTRATOR (x8417)

REVIEWED BY: ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

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

LEGAL REVIEW AS TO FORM: CYNTHIA MCCOY, ASSISTANT CITY ATTORNEY (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.04 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.04

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING A WATER AND SEWER LINE EASEMENT LOCATED AT 352 SOUTH FARMER AVENUE.

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WHEREAS, it has been determined by the City Council that the water and sewer line easement, described herein and shown on Exhibits "A" and "B" (containing 3 pages total), 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 1. That the City of Tempe does hereby abandon, relinquish and vacate the existing the water and sewer line easement as shown and described in Exhibits "A" and "B" hereto attached.

Section 2. That all rights of the City in 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 3. The Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

this _____day of March 2008.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RICK™
ENGINEERING COMPANY

December 07, 2007
Rick No. 3471
SCB

EXHIBIT A

That 20 ' wide Water and Sewer Easement as shown on the plat of FARMER AVENUE LOFTS, recorded in Book 842 of Maps, Page 35 of Maricopa County records, located in the Southeast quarter of Section 16, Township 1 North, Range 4 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Southwest corner of said Farmer Avenue Lofts;
THENCE North 00 degrees 24 minutes 24 seconds West, along the West line of said Farmer Avenue Lofts, 5.72 feet to the POINT OF BEGINNING;
THENCE continuing North 00 degrees 24 minutes 24 seconds West, along said West line, 20.00 feet;
THENCE North 90 degrees 00 minutes 00 seconds East, 292.52 feet to the beginning of a curve with a radius of 16.50 feet to the left;
THENCE northeasterly, along the arc of said curve, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 25.92 feet;
THENCE North 00 degrees 00 minutes 00 seconds East, 103.09 feet to the beginning of a curve with a radius of 50.50 feet to the right;
THENCE northeasterly, along the arc of said curve, through a central angle of 78 degrees 34 minutes 44 seconds, for an arc distance of 69.26 feet to the beginning of a non-tangent line;
THENCE North 90 degrees 00 minutes 00 seconds East, 59.18 feet ;
THENCE South 00 degrees 24 minutes 30 seconds East, along the East line of said Farmer Avenue lofts, 20.00 feet;
THENCE North 90 degrees 00 minutes 00 seconds West, 57.07 feet to the beginning of a non-tangent curve, the center of which bears South 14 degrees 42 minutes 44 seconds East, 30.50 feet;
THENCE southwesterly, along the arc of said curve, through a central angle of 75 degrees 17 minutes 16 seconds for an arc distance of 40.08 feet;
THENCE South 00 degrees 00 minutes 00 seconds West, 103.09 feet to the beginning of a curve with a radius of 36.50 feet to the right;
THENCE southwesterly, along the arc of said curve, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 57.33 feet;

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
26409
STEVEN C.
BURFORD
Date Signed 12-7-07
ARIZONA, U.S.A.

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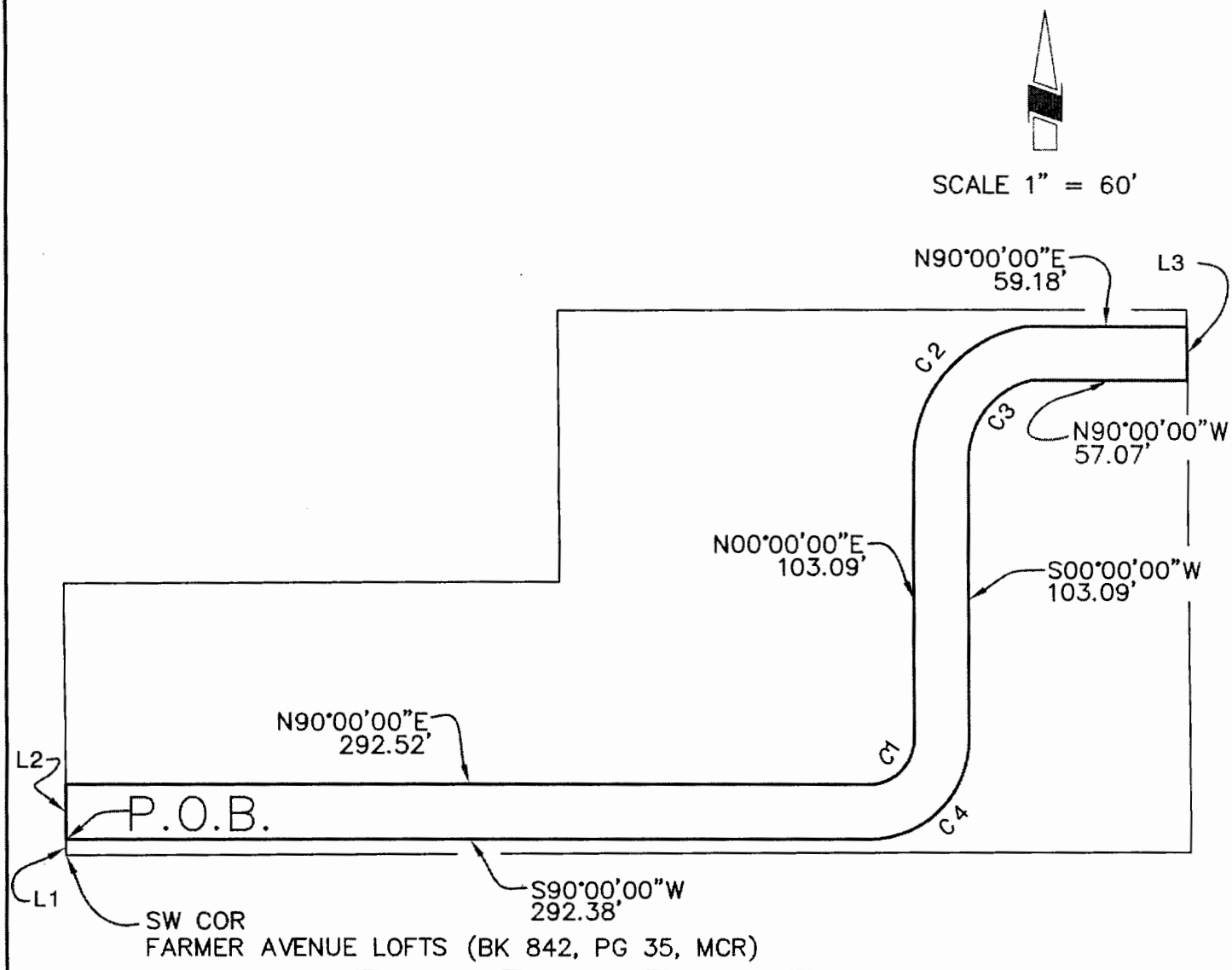
PHOENIX TUCSON SAN DIEGO RIVERSIDE ORANGE SACRAMENTO SAN LUIS OBISPO BAKERSFIELD

THENCE South 90 degrees 00 minutes 00 seconds West, 292.38 feet to the POINT OF BEGINNING, as shown on Exhibit "B" attached herewith as page 3 of 3. Subject parcel comprising 10999 square feet, more or less.



Course	Bearing	Distance
L1	N 00°24'24" W	5.72'
L2	N 00°24'24" W	20.00'
L3	S 00°24'30" E	20.00'

Curve	Radius	Length	Delta
C1	16.50'	25.92'	90°00'00"
C2	50.50'	69.26'	78°34'44"
C3	30.50'	40.08'	75°17'16"
C4	36.50'	57.33'	90°00'00"

EXHIBIT "B"