

# Staff Summary Report



Council Meeting Date: 05/15/08

Agenda Item Number: \_\_\_\_\_

**SUBJECT:** This is the **second public hearing** to adopt an ordinance abandoning two existing Water Line Easements located at 777 E. Baseline Road, more particularly described in the attached Exhibits "A" & "A1".

**DOCUMENT NAME:** 20080515PWCH04 **ABANDONMENT (0901)**  
**ORDINANCE NO. 2008.19**

**SUPPORTING DOCS:** Yes

**COMMENTS:** The developers of this site have requested the abandonment of two existing Water Line Easements described and recorded at Docket 12659 Page 165 & Docket 11857 page 798. New Water Line easements shall be dedicated on the "SOUTHWEST RURAL AND BASELINE" plat that will be submitted for City Council approval.

**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 (x8779)

**LEGAL REVIEW AS TO FORM:** Cynthia McCoy, Assistant City Attorney (x2187)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Adopt Ordinance No. 2008.19 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.19

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF  
TEMPE, ARIZONA, ABANDONING TWO WATER LINE  
EASEMENTS LOCATED AT 777 E. BASELINE ROAD.

\*\*\*\*\*

WHEREAS, it has been determined by the City Council that those Water Line Easements, described herein and shown on Exhibit "A" & "A1", consisting of eleven (11) pages, 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 1.** That the City of Tempe does hereby abandon, relinquish and vacate the existing water line easements as shown on Exhibit "A" & "A1" hereto attached.

**Section 2.** That all rights of the City in the easements abandoned shall vest in the record owner(s) of the adjacent property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement are a part.

**Section 3.** The Mayor is hereby authorized to execute any documents that may be necessary to implement this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

Ordinance No. 2008.19  
Page Two

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

This \_\_\_\_\_ day of May, 2008 .

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

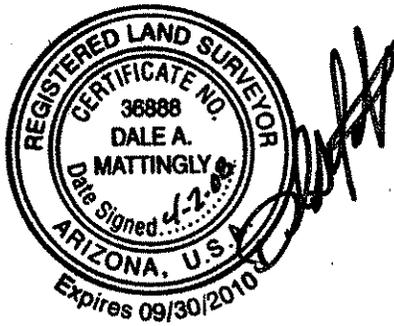
\_\_\_\_\_  
City Attorney



Civil Engineering  
Land Surveying  
Project Management

EXHIBIT "A"

www.deipro.com



MARCH 24, 2008  
JOB# 07179

**LEGAL DESCRIPTION FOR  
ABANDONMENT OF WATER LINE EASEMENT  
RECORDED IN DOCKET 11857 PAGE 798  
RECORDS OF MARICOPA COUNTY, ARIZONA**

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE EAST QUARTER OF SECTION 3, BEING A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HANDHOLE FROM WHICH A MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891, LOCATED AT THE INTERSECTION OF THE ARIZONA HIGHWAY DEPARTMENT SURVEY CENTERLINE FOR BASELINE ROAD AND THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 3, BEARS NORTH 00°16'26" WEST, A DISTANCE OF 2626.96 FEET;

**THENCE** NORTH 00°16'26" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2264.94 FEET;

**THENCE** SOUTH 89°51'39" WEST, DEPARTING SAID LINE, A DISTANCE OF 55.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED;

**THENCE** SOUTH 00°16'26" EAST, A DISTANCE OF 12.00 FEET;

**THENCE** SOUTH 89°51'39" WEST, A DISTANCE OF 8.66 FEET;

**THENCE** SOUTH 00°08'21" EAST, A DISTANCE OF 28.00 FEET;

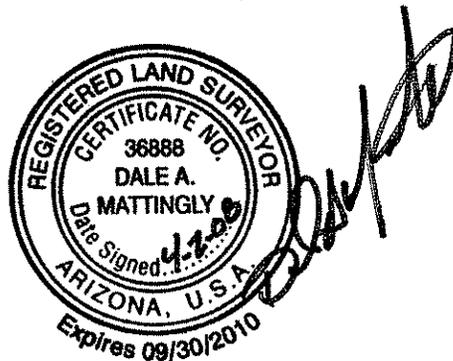
**THENCE** SOUTH 89°51'39" WEST, A DISTANCE OF 12.00 FEET;

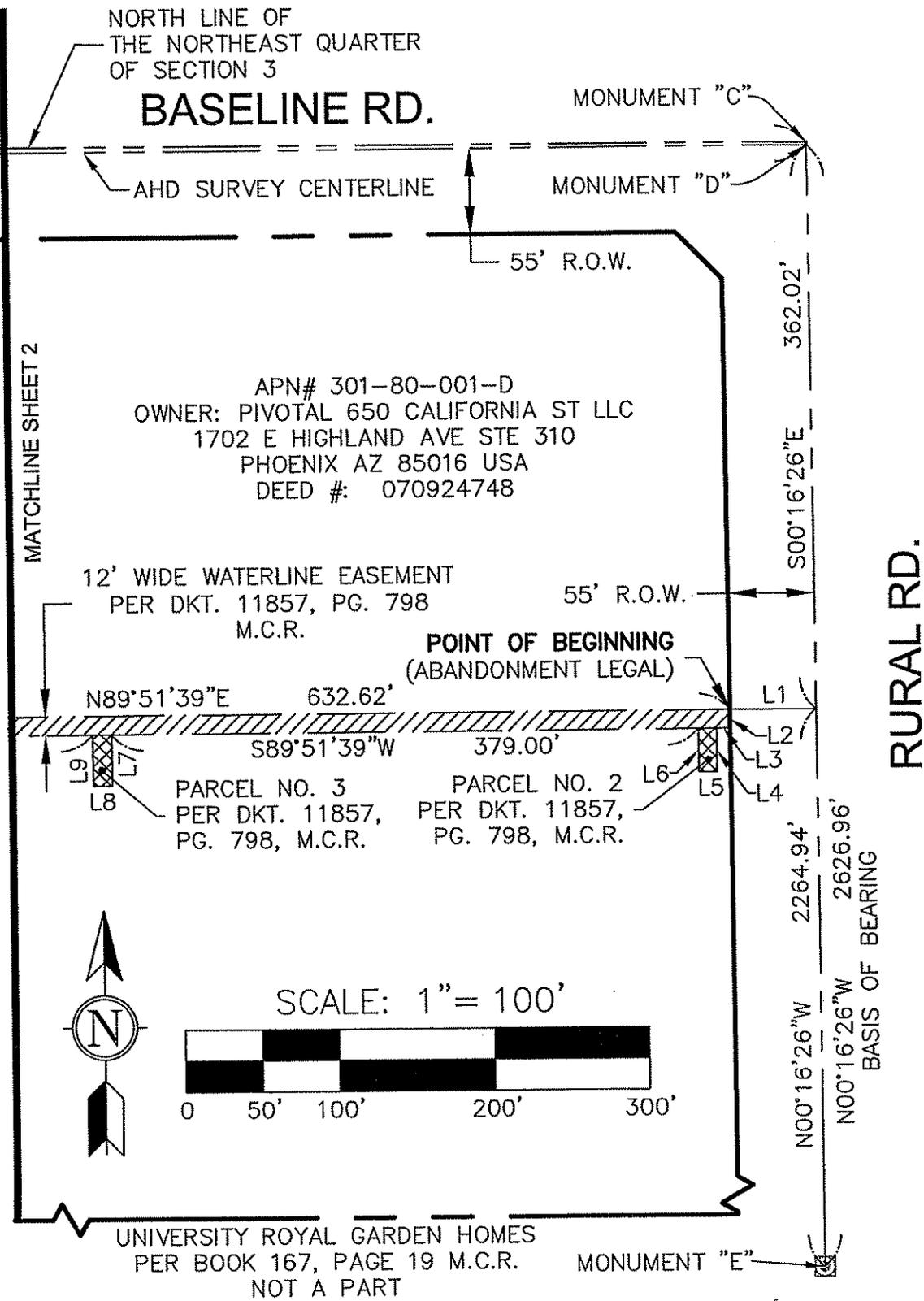
**THENCE** NORTH 00°08'21" WEST, A DISTANCE OF 28.00 FEET;

**THENCE** SOUTH 89°51'39" WEST, A DISTANCE OF 379.00 FEET;

**THENCE** SOUTH 00°08'21" EAST, A DISTANCE OF 33.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 12.00 FEET;  
THENCE NORTH 00°08'21" WEST, A DISTANCE OF 33.00 FEET;  
THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 232.98 FEET;  
THENCE NORTH 00°08'21" WEST, A DISTANCE OF 319.05 FEET;  
THENCE NORTH 89°51'47" EAST, A DISTANCE OF 12.00 FEET;  
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 149.05 FEET;  
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 28.00 FEET;  
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;  
THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 28.00 FEET;  
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 146.00 FEET;  
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 632.62 FEET TO THE POINT OF  
BEGINNING OF THE EASEMENT HEREIN DESCRIBED.  
CONTAINING 12,632.00 SQUARE FEET OR 0.29 ACRES, MORE OR LESS.





M:\Field\_Data\00 LDD\_DATA\07179\_LOWES TEMPE\_TOPO\dwg\07179\_ESMNT EXHIBIT.dwg - 04/02/08

1982-2008  
**26**  
 YEARS OF  
 EXCELLENCE  
 DEI Professional  
 Services, L.L.C.

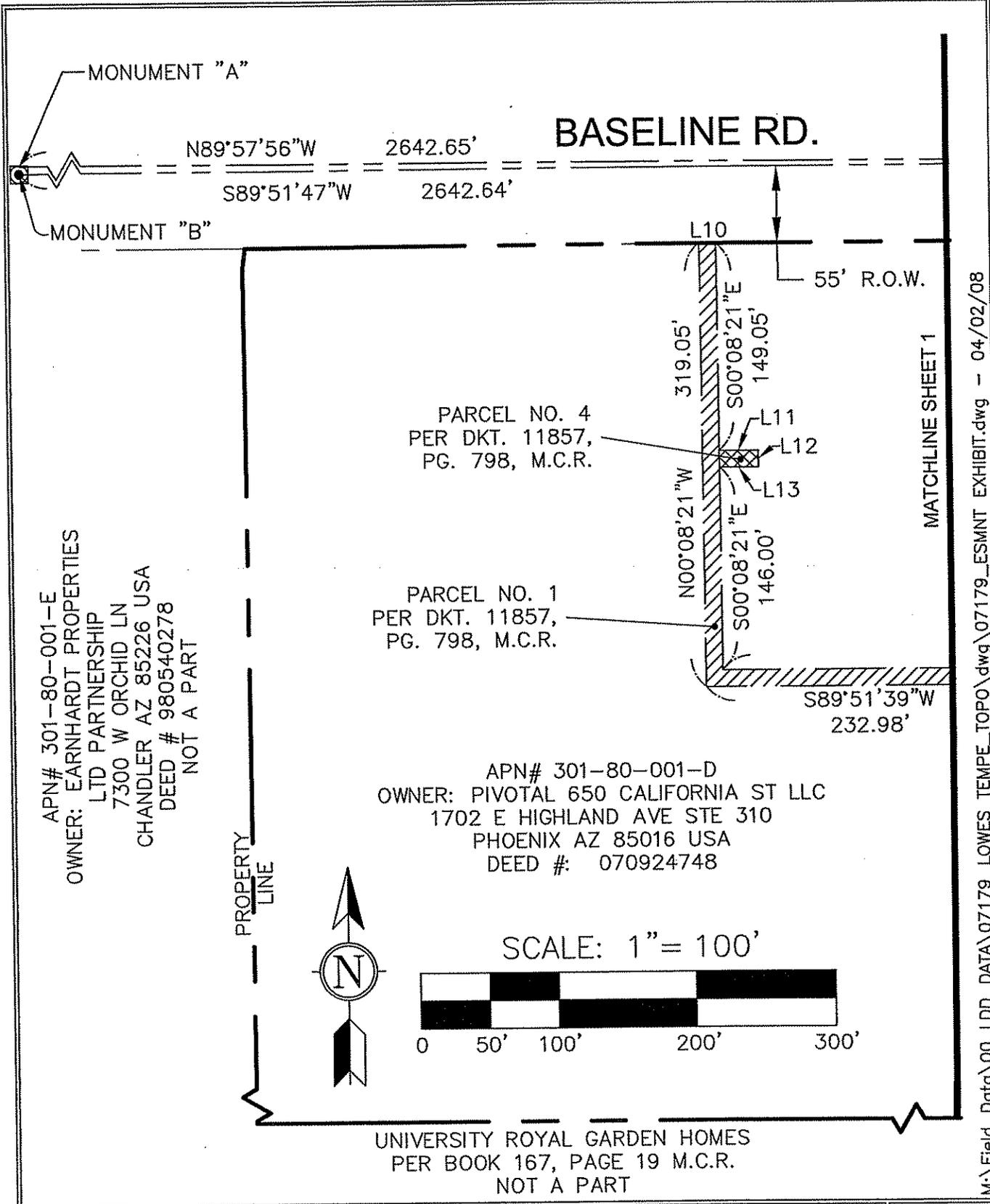
**DEI**  
 Professional  
 Services, LLC  
 6225 N. 24th St., Ste. 200  
 Phoenix, AZ 85016  
 Phone: (602)954-0038  
 Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT  
 PER DKT 11857, PG 798 M.C.R.  
 TEMPE, ARIZONA**

DATE: 4/2/08 | SCALE: 1"=100' | PROJ. NO: 07179 | CAD FILE: SEE RIGHT

EXHIBIT

1 of 3



M:\Field\_Data\00\_LDD\_DATA\07179\_LOWES\_TEMPE\_TOPO\dwg\07179\_ESMNT\_EXHIBIT.dwg - 04/02/08

1982-2008

**26**  
YEARS OF  
EXCELLENCE

DEI Professional Services, L.L.C.

**DEI**  
Professional Services, LLC

6225 N. 24th St., Ste. 200  
Phoenix, AZ 85016  
Phone: (602)954-0038  
Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT  
PER DKT 11857, PG 798 M.C.R.  
TEMPE, ARIZONA**

DATE: 4/2/08 SCALE: 1"=100' PROJ. NO: 07179 CAD FILE: SEE RIGHT

EXHIBIT

2 of 3

# LEGEND

- ⊙ ALUMINUM CAP FLUSH
- ⊠ BRASS CAP IN HANDHOLE
- AHD ARIZONA HIGHWAY DEPARTMENT
- R.O.W. RIGHT OF WAY
- M.C.R. MARICOPA COUNTY RECORDER
- DKT. DOCKET
- PG. PAGE



# NOTES

THE NORTH LINE OF SECTION 3 WAS CALCULATED USING A RECORD OF SURVEY PERFORMED BY EPS GROUP INC. RECORDED IN BOOK 973 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY. REFERENCED ON THIS EXHIBIT AS (R1)

# MONUMENTS

- "A" NORTH QUARTER CORNER OF SECTION 3, T1S, R4E, G&SRB&M  
CALCULATED POSITION PER (R1)
- "B" FOUND CITY OF TEMPE BRASS CAP IN HANDHOLE
- "C" NORTHEAST CORNER OF SECTION 3, T1S, R4E, G&SRB&M CALCULATED POSITION PER (R1)
- "D" MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891
- "E" EAST QUARTER CORNER SECTION 3, T1S, R4E, G&SRB&M  
FOUND MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE

LINE TABLE		
LINE	LENGTH	BEARING
L1	55.00	S89°51'39"W
L2	12.00	S00°16'26"E
L3	8.66	S89°51'39"W
L4	28.00	S00°08'21"E
L5	12.00	S89°51'39"W
L6	28.00	N00°08'21"W
L7	33.00	S00°08'21"E
L8	12.00	S89°51'39"W
L9	33.00	N00°08'21"W
L10	12.00	N89°51'47"E
L11	28.00	N89°51'39"E
L12	12.00	S00°08'21"E
L13	28.00	S89°51'39"W

M:\Field\_Data\00\_LDD\_DATA\07179\_TEMPE\_TOPO\dwg\07179\_ESMNT\_EXHIBIT.dwg - 04/02/08



**DEI**  
Professional Services, LLC  
6225 N. 24th St., Ste. 200  
Phoenix, AZ 85016  
Phone: (602)954-0038  
Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT  
PER DKT 11857, PG 798 M.C.R.  
TEMPE, ARIZONA**

DATE: 4/2/08 SCALE: N.T.S. PROJ. NO: 07179 CAD FILE: SEE RIGHT

EXHIBIT  
3 of 3

**DEI**Professional  
Services, LLCCivil Engineering  
Land Surveying  
Project ManagementMARCH 24, 2008  
JOB# 07179

**LEGAL DESCRIPTION FOR  
ABANDONMENT OF WATER LINE EASEMENT  
RECORDED IN DOCKET 12659 PAGE 165  
RECORDS OF MARICOPA COUNTY, ARIZONA**

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL NO. 1**

**COMMENCING** AT THE EAST QUARTER OF SECTION 3, BEING A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HANDHOLE FROM WHICH A MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891, LOCATED AT THE INTERSECTION OF THE ARIZONA HIGHWAY DEPARTMENT SURVEY CENTERLINE FOR BASELINE ROAD AND THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 3, BEARS NORTH 00°16'26" WEST, A DISTANCE OF 2626.96 FEET;

**THENCE** NORTH 00°16'26" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2264.94 FEET;

**THENCE** SOUTH 89°51'39" WEST, DEPARTING SAID LINE, A DISTANCE OF 699.62 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED;

**THENCE** SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;

**THENCE** SOUTH 89°51'39" WEST, A DISTANCE OF 330.45 FEET;

**THENCE** NORTH 00°16'31" WEST, A DISTANCE OF 12.00 FEET;

**THENCE** NORTH 89°51'39" EAST, A DISTANCE OF 48.46 FEET;

**THENCE** NORTH 00°18'21" WEST, A DISTANCE OF 41.98 FEET;

**THENCE** NORTH 89°41'39" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 00°18'21" EAST, A DISTANCE OF 42.02 FEET;  
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 166.02 FEET;  
THENCE NORTH 00°08'21" WEST, A DISTANCE OF 63.00 FEET;  
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 110.00 FEET;  
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;  
THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 98.00 FEET;  
THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 51.00 FEET;  
THENCE NORTH 89°51'39" EAST, A DISTANCE OF 92.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED.

CONTAINING 6,419.00 SQUARE FEET OR 0.15 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:

**PARCEL NO 2:**

**COMMENCING** AT THE EAST QUARTER OF SECTION 3, BEING A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HANDHOLE FROM WHICH A MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891, LOCATED AT THE INTERSECTION OF THE ARIZONA HIGHWAY DEPARTMENT SURVEY CENTERLINE FOR BASELINE ROAD AND THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 3, BEARS NORTH 00°16'26" WEST, A DISTANCE OF 2626.96 FEET;

THENCE NORTH 00°16'26" WEST, ALONG SAID EAST LINE, A DISTANCE OF 2264.94 FEET;

THENCE SOUTH 89°51'39" WEST, DEPARTING SAID LINE, A DISTANCE OF 580.63 FEET;

THENCE SOUTH 00°16'26" EAST, A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED;

THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 198.00 FEET;

THENCE NORTH 89°51'39" EAST, A DISTANCE OF 33.00 FEET;

THENCE SOUTH 00°08'21" EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 89°51'39" WEST, A DISTANCE OF 45.00 FEET;

THENCE NORTH 00°08'21" WEST, A DISTANCE OF 210.00 FEET;

THENCE NORTH 89°51'39" EAST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED.

CONTAINING 2,916.00 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.



NORTH LINE OF  
THE NORTHEAST QUARTER  
OF SECTION 3

**BASELINE RD.**

MONUMENT "C"

AHD SURVEY CENTERLINE

MONUMENT "D"

55' R.O.W.

362.02'

S00°16'26"E



55' R.O.W.

MATCHLINE SHEET 2

S89°51'39"W

699.62'

580.63'

**RURAL RD.**

APN# 301-80-001-D  
OWNER: PIVOTAL 650 CALIFORNIA ST LLC  
1702 E HIGHLAND AVE STE 310  
PHOENIX AZ 85016 USA  
DEED #: 070924748

2264.94'

2626.96'

N00°16'26"W

N00°16'26"W

BASIS OF BEARING



SCALE: 1" = 100'



UNIVERSITY ROYAL GARDEN HOMES  
PER BOOK 167, PAGE 19 M.C.R.  
NOT A PART

MONUMENT "E"

M:\Field\_Data\00\_LDD\_DATA\07179\_LOWES\_TEMPE\_TOPO\dwg\07179\_ESMNT\_EXHIBIT.dwg - 04/02/08

1982-2008

**26**  
YEARS OF  
EXCELLENCE

DEI Professional Services, L.L.C.



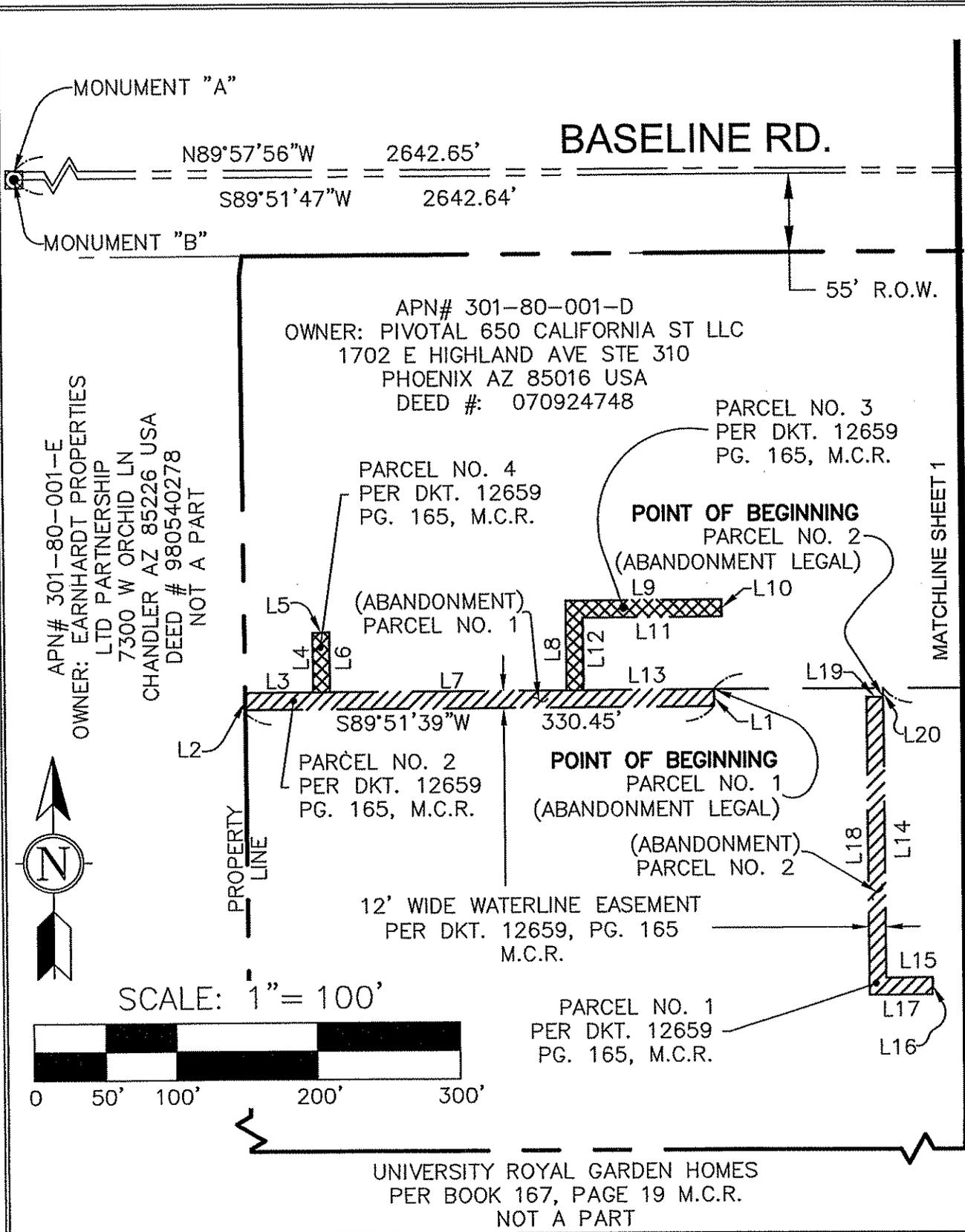
6225 N. 24th St., Ste. 200  
Phoenix, AZ 85016  
Phone: (602)954-0038  
Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT**  
**PER DKT 12659, PG 165 M.C.R.**  
TEMPE, ARIZONA

EXHIBIT

DATE: 4/2/08 | SCALE: 1"=100' | PROJ. NO: 07179 | CAD FILE: SEE RIGHT

1 of 3



APN# 301-80-001-E  
 OWNER: EARNHARDT PROPERTIES  
 LTD PARTNERSHIP  
 7300 W ORCHID LN  
 CHANDLER AZ 85226 USA  
 DEED # 980540278  
 NOT A PART

APN# 301-80-001-D  
 OWNER: PIVOTAL 650 CALIFORNIA ST LLC  
 1702 E HIGHLAND AVE STE 310  
 PHOENIX AZ 85016 USA  
 DEED #: 070924748

PARCEL NO. 4  
 PER DKT. 12659  
 PG. 165, M.C.R.

PARCEL NO. 3  
 PER DKT. 12659  
 PG. 165, M.C.R.

(ABANDONMENT)  
 PARCEL NO. 1

POINT OF BEGINNING  
 PARCEL NO. 2  
 (ABANDONMENT LEGAL)

PARCEL NO. 2  
 PER DKT. 12659  
 PG. 165, M.C.R.

POINT OF BEGINNING  
 PARCEL NO. 1  
 (ABANDONMENT LEGAL)

(ABANDONMENT)  
 PARCEL NO. 2

12' WIDE WATERLINE EASEMENT  
 PER DKT. 12659, PG. 165  
 M.C.R.

PARCEL NO. 1  
 PER DKT. 12659  
 PG. 165, M.C.R.

UNIVERSITY ROYAL GARDEN HOMES  
 PER BOOK 167, PAGE 19 M.C.R.  
 NOT A PART

M:\Field\_Data\00\_LDD\_DATA\07179\_LOWES\_TEMPE\_TOPO\dwg\07179\_ESMNT\_EXHIBIT.dwg -- 04/02/08



**DEI**  
 Professional  
 Services, LLC  
 6225 N. 24th St., Ste. 200  
 Phoenix, AZ 85016  
 Phone: (602)954-0038  
 Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT  
 PER DKT 12659, PG 165 M.C.R.  
 TEMPE, ARIZONA**

EXHIBIT

DATE: 4/2/08 SCALE: 1"=100' PROJ. NO: 07179 CAD FILE: SEE RIGHT

2 of 3

# LEGEND

- ⊙ ALUMINUM CAP FLUSH
- ⊠ BRASS CAP IN HANDHOLE
- AHD ARIZONA HIGHWAY DEPARTMENT
- R.O.W. RIGHT OF WAY
- M.C.R. MARICOPA COUNTY RECORDER
- DKT. DOCKET
- PG. PAGE



# NOTES

THE NORTH LINE OF SECTION 3 WAS CALCULATED USING A RECORD OF SURVEY PERFORMED BY EPS GROUP INC. RECORDED IN BOOK 973 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY. REFERENCED ON THIS EXHIBIT AS (R1)

# MONUMENTS

- "A" NORTH QUARTER CORNER OF SECTION 3, T1S, R4E, G&SRB&M CALCULATED POSITION PER (R1)
- "B" FOUND CITY OF TEMPE BRASS CAP IN HANDHOLE
- "C" NORTHEAST CORNER OF SECTION 3, T1S, R4E, G&SRB&M CALCULATED POSITION PER (R1)
- "D" MARICOPA COUNTY ALUMINUM CAP FLUSH STAMPED LS NO. 29891
- "E" EAST QUARTER CORNER SECTION 3, T1S, R4E, G&SRB&M FOUND MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.00	S00°08'21"E
L2	12.00	N00°16'31"W
L3	48.46	N89°51'39"E
L4	41.98	N00°18'21"W
L5	12.00	N89°41'39"E
L6	42.02	S00°18'21"E
L7	166.02	N89°51'39"E
L8	63.00	N00°08'21"W
L9	110.00	N89°51'39"E
L10	12.00	S00°08'21"E
L11	98.00	S89°51'39"W
L12	51.00	S00°08'21"E
L13	92.00	N89°51'39"E
L14	198.00	S00°08'21"E
L15	33.00	N89°51'39"E
L16	12.00	S00°08'21"E
L17	45.00	S89°51'39"W
L18	210.00	N00°08'21"W
L19	12.00	N89°51'39"E
L20	6.00	N00°16'26"W

M:\Field\_Data\00\_LDD\_DATA\07179\_LOWES\_TEMPE\_TOPO\dwg\07179\_ESMNT\_EXHIBIT.dwg - 04/02/08

1982-2008  
**26**  
 YEARS OF  
 EXCELLENCE  
 DEI Professional  
 Services, L.L.C.

**DEI**  
 Professional  
 Services, LLC  
 6225 N. 24th St., Ste. 200  
 Phoenix, AZ 85016  
 Phone: (602)954-0038  
 Fax: (602)944-8605

**WATERLINE EASEMENT ABANDONMENT  
 PER DKT 12659, PG 165 M.C.R.  
 TEMPE, ARIZONA**

EXHIBIT

DATE: 4/2/08 SCALE: N.T.S. PROJ. NO: 07179 CAD FILE: SEE RIGHT

3 of 3