

Staff Summary Report



Council Meeting Date: 09/11/08

Agenda Item Number: 60

SUBJECT: This is the **second public hearing** to adopt an ordinance abandoning an existing waterline easement located at 911 N. Stadem Drive, more particularly described in the attached Exhibit A.

DOCUMENT NAME: 20080911PWCH04 ABANDONMENT (0901)
ORDINANCE NO. 2008.37

SUPPORTING DOCS: Yes

COMMENTS: The City of Tempe desires the abandonment of an existing waterline easement described and recorded in Docket 94-0108316. Exclusive waterline easements are being provided by the City of Scottsdale that will replace the previously existing easement.

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. 2008.37 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.37

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING AN EXISTING WATERLINE EASEMENT AT 911 NORTH STADEM DRIVE, IN THE GILA SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AS DESCRIBED IN THE ATTACHED EXHIBIT.

WHEREAS, it has been determined that the City of Tempe owns certain real estate described herein, 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 underground waterline easement as shown on Exhibit "A" (consisting of four pages) hereto attached.

Section 2. That all rights of the City in the easement 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.

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

This _____ day of September, 2008.

Mayor

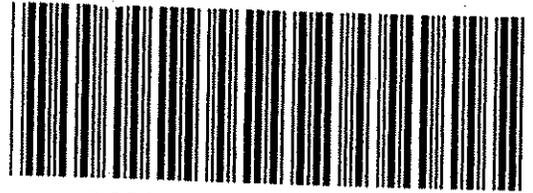
ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

94-0108316 02/08/94 10:55

JOHN 2 OF 2

Recorded at the request of CITY OF TEMPE

When recorded, return to:

CITY OF TEMPE BASKET

SE 11 N4
132-16-004
132-17-005D

911 N. Stadem
E9300098

EASEMENT

For the consideration of One Dollar, and other valuable considerations, I or we,

CITY OF SCOTTSDALE, an Arizona municipal corporation

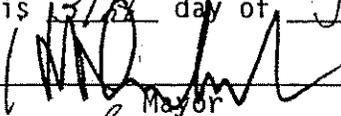
hereby grant to the CITY OF TEMPE, a municipal corporation, organized and existing under and by virtue of the laws of the State of Arizona, an easement for

WATERLINE

purposes together with the right of ingress and egress for the purpose of installations, maintenance and replacement over, under, and across the following described property situated in the County of Maricopa, State of Arizona, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE INCORPORATED HEREIN

Dated this 31st day of January, 1994.


Mayor

Attest: Sonia Robertson
City Clerk

STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this 31st day of January 1994 by Herbert R Drinkwater as Mayor and Sonia Robertson as City Clerk.

My Commission Expires: 10-28-97 Dancy J Richards
Notary Public

SE 11 N4

94-0108316

185



LEGAL DESCRIPTION
for
WATERLINE EASEMENT
CITY OF TEMPE



An easement for water lines located in the southeast quarter of the southeast quarter of Section 11 Township 1 North, Range 4 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Strips of land 12.00 feet in width lying 6.00 feet of each side of the following described centerlines:

Commencing at the northeast corner of the southeast quarter of the southeast quarter of said Section 11, thence westerly along the north line of said southeast quarter of the southeast quarter North 89° 57' 25" West, a distance of 1145.55 feet; thence leaving said North line South 00° 02' 35" West, a distance of 55.00 feet to a point on the south right of way line of Curry Road said point being the TRUE POINT OF BEGINNING of Centerline No. 1;

Centerline No. 1:

THENCE South 00° 52' 58" West, a distance of 42.24 feet; thence North 89° 07' 02" West, a distance of 11.31 feet;

THENCE, South 00° 52' 59" West, a distance of 639.58 feet to a point hereafter referred to as Point "A";

THENCE, continuing South 00° 52' 59" West, a distance of 149.23 feet; thence, North 89° 07' 02" West, a distance of 12.02 feet to a point hereafter referred to as Point "B";

THENCE, continuing North 89° 07' 02" West, a distance of 190.16 feet to a point hereafter referred to as Point "C";

THENCE, North 00° 27' 31" East, a distance of 270.07 feet; thence, South 89° 07' 02" East, a distance of 39.80 feet to a point hereafter referred to as Point "D";

THENCE, continuing South 89° 07' 02" East, a distance of 61.05 feet;

THENCE, North $00^{\circ} 52' 58''$ East, a distance of 243.05' to a point of termination of said Centerline No. 1, said point being on the south right-of-way line of Stadem Drive, the sidelines of the 12' wide easement are to be prolonged or shortened to terminate on said right-of-way line of Stadem Drive.

Centerline No. 2:

Beginning at the aforementioned Point "A";

THENCE, North $89^{\circ} 07' 02''$ West, a distance of 14.08 feet to the point of termination of said Centerline No. 2.

Centerline No. 3:

Beginning at the aforementioned Point "B";

THENCE, South $00^{\circ} 52' 58''$ West, a distance of 13.90 feet to the point of termination of said Centerline No. 3.

Centerline No. 4:

Beginning at the aforementioned Point "C"; thence, South $00^{\circ} 36' 46''$ West, a distance of 9.90 feet;

THENCE, North $89^{\circ} 03' 52''$ West, a distance of 12.41 feet to the point of termination of Centerline No. 4.

Centerline No. 5:

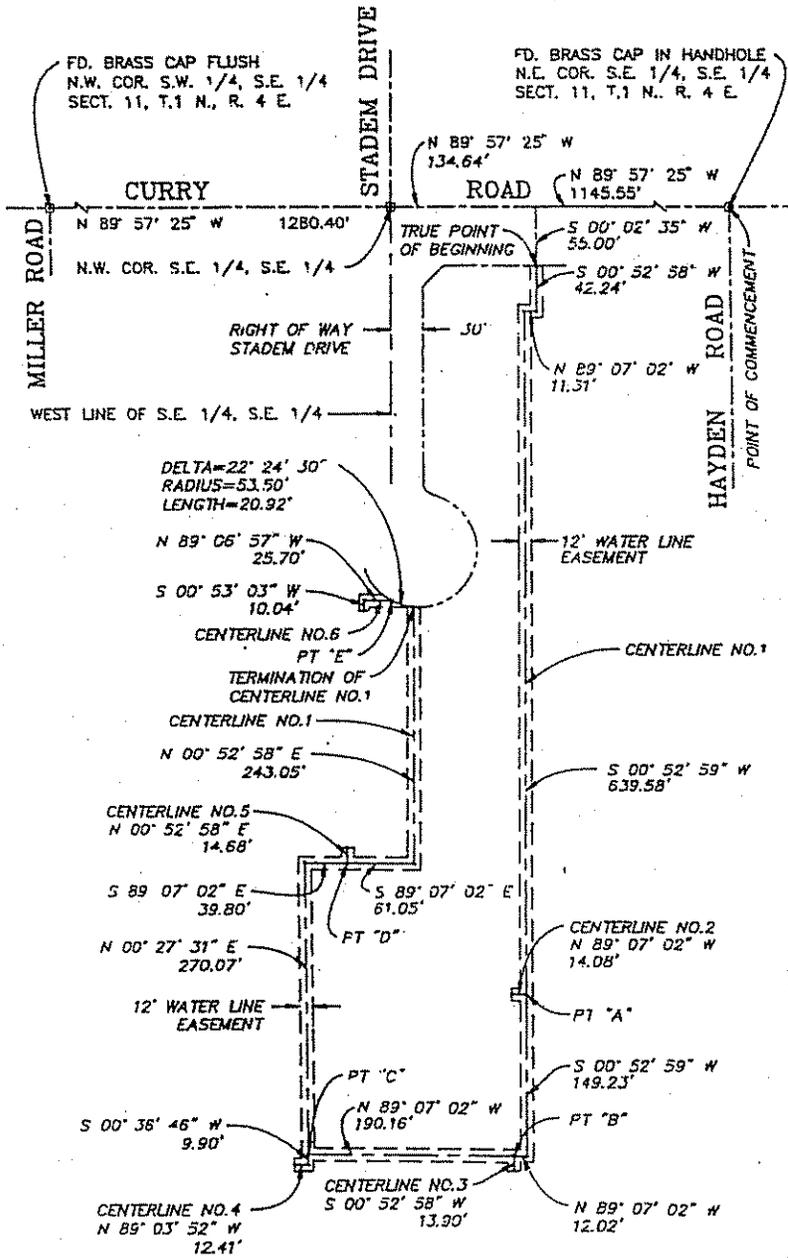
Beginning at aforementioned Point "D"; thence, North $00^{\circ} 52' 58''$ East, a distance of 14.68 feet to the point of termination of Centerline No. 5.

Centerline No. 6:

COMMENCING at the aforementioned termination of Centerline No. 1 said point being on the South right-of-way of Stadem Drive; thence northwesterly along a curve on the right-of-way line of Stadem Drive, a distance of 20.92', said curve having a central angle of $22^{\circ} 24' 30''$ and a radius of 53.50 feet to a point hereafter referred to as Point "E" and the beginning of Centerline No. 6; thence, North $89^{\circ} 06' 57''$ West, a distance of 25.70 feet; thence, South $00^{\circ} 53' 03''$ West, a distance of 10.04 feet to the point of termination of Centerline No. 6. The sidelines of the 12 foot wide easement are to be prolonged or shortened to terminate on the right-of-way of Stadem Drive

CITY OF TEMPE - WATER LINE EASEMENT

S.E. 1/4, S.E. 1/4, SECTION 11, T.1 N., R.4 E.
 GILA AND SALT RIVER BASE AND MERIDIAN,
 MARICOPA COUNTY, ARIZONA



NOT TO SCALE



DATED: OCTOBER 28, 1993

W **WILDAN ASSOCIATES**
 MUNICIPAL ENGINEERS

3177EAS1.DWG