



## Staff Summary Report

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Council Meeting Date: 11/6/08

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

**SUBJECT:** The second public hearing of an ordinance authorizing the Mayor to sign a Covenant and Agreement to Hold Property as One Parcel.

**DOCUMENT NAME:** 20081106cdcm01 **DEVELOPMENT PROJECT (0406)** ORDINANCE # 2008.54

**COMMENTS:** The property is located in Downtown Tempe adjacent to 4<sup>th</sup> Street and Maple Avenue.

**PREPARED BY:** Chris Messer, Principal Planner Ext. X 8562

**REVIEWED BY:** Michael Williams, Deputy Development Services Manager Ext. X 8670

**LEGAL REVIEW BY:** Cynthia McCoy, Assistant City Attorney Ext. X 2187

**DEPARTMENT APPROVAL:** Chris Salomone, Community Development Manager Ext. X 8294

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff recommends Approval of this Ordinance.

**ADDITIONAL INFO:** The City will be constructing a storage building at the Hackett in the near future. Currently the Hackett House is located on seven individual lots owned by the City of Tempe. The Building Code requires that these lots be held as one before a Building Permit can be issued. The attached Ordinance authorizes the Mayor to sign, as property owner, the necessary documents needed to submit for a building permit.

**ORDINANCE NO. 2008.54**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL.**

**WHEREAS**, The City of Tempe is owner of two parcels of land located in Downtown Tempe and described in Exhibit A and more commonly known as the Hackett House.

**WHEREAS**, The City wishes to combine the two parcels and hold them as one for the purpose of conforming to the Tempe Building Code as adopted by Chapter 8 of the Tempe City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA**, as follows:

Section 1: That the Mayor is authorized to execute the Covenant and Agreement to Hold Property as One Parcel and further actions as are necessary to implement its terms.

Section 2: Pursuant to City Charter, Part 1, Article II, Section 2.12 (c), ordinances are effective thirty (30) days after adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Hugh L. Hallman, Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

WHEN RECORDED, RETURN TO:

CITY OF TEMPE - BASKET  
Development Services/Building Safety

**COVENANT AND AGREEMENT  
TO HOLD PROPERTY AS ONE PARCEL  
(Legal Entity)**

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Tempe, County of Maricopa, State of Arizona.

**LEGAL DESCRIPTION:** *See Attached*

As recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Records of Maricopa County, which property is located and known as Hackett House 23 West 4th Street (Address), and for the purpose of Constructing a storage building and pursuant to the Tempe Building Code as adopted by Chapter 8 of the Tempe City Code, we do hereby covenant and agree with said City that the above legally described land shall be held as one parcel and no portion shall be sold separately.

This Covenant and Agreement shall run with the land and shall be binding upon ourselves, all future owners, encumbrancers, their successors, heirs and assignees; and shall continue in effect until such time that the Tempe City Code unconditionally permits the use or purpose herein above referred to or unless otherwise released by authority of the Deputy Development Services Manager/Building Safety of the City of Tempe, in accordance with the Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signed) (Title)

\_\_\_\_\_  
(Signed) (Title)

STATE OF ARIZONA  
County of Maricopa

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(Official Seal)

\_\_\_\_\_  
Official Signature of Notary

\_\_\_\_\_, Notary Public  
Notary's printed or typed name

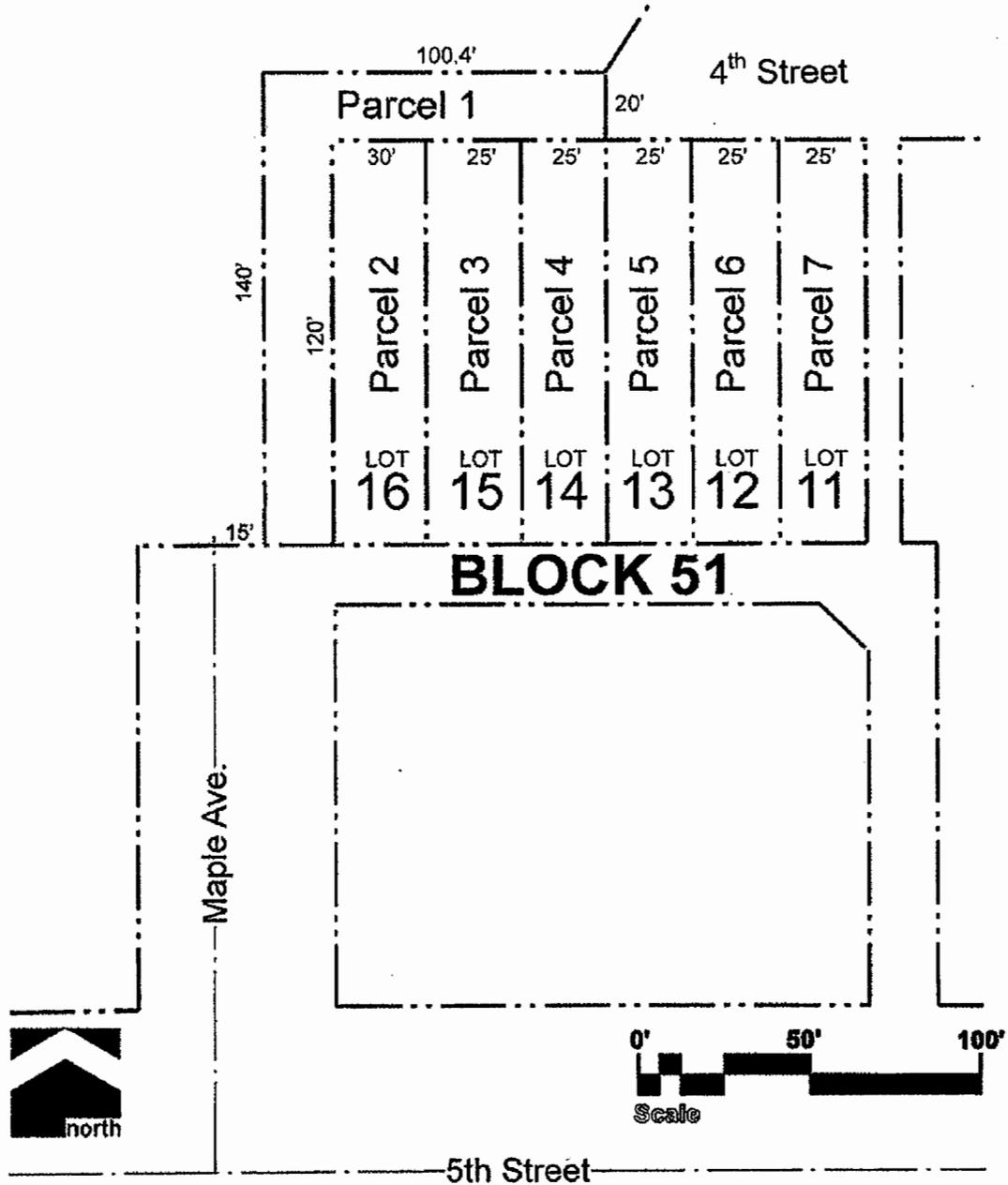
My commission expires: \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

Approved by: \_\_\_\_\_  
Development Services Department/Building Safety

# EXHIBIT "A"

## LEGAL DESCRIPTIONS FOR LOT TIES AT THE HACKETT HOUSE



**Legal Descriptions**  
(for lot ties at the Hackett House)

**Parcel 1**

That certain property lying within the Southwest quarter of Section 15, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as shown on Tempe, a subdivision according to Book 2 of Maps, Page 26 records of Maricopa County, Arizona and described as follows:

Beginning at the Northwest Corner of lot 16, Block 51 of said Tempe subdivision;

thence South along the West line of said Lot 16, a distance of 120 feet to the Southwest corner of Lot 16;

thence Westerly along the Westerly prolongation of the South line of said Lot 16 to an intersection with a line, parallel to and 15 feet East of the centerline of Maple Avenue;

thence North parallel to the West line of said Lot 16 and its Northerly prolongation, a distance of 140 feet to an intersection with a line parallel to and 20 feet North of the westerly prolongation of the North Line of said Block 51;

thence Easterly parallel to said Westerly prolongation of the North line of said Block 51 and the North line of said Block 51, a distance of 100.04 feet;

thence Southerly parallel to the centerline of Maple Street a distance of 20 feet to an intersection with the North Line of said Block 51;

thence Westerly along the North line of said Block 51 a distance of 80.04 feet to the Northwest corner of said Lot 16 and the point of Beginning.

**Parcel 2**

Lot 16, Block 51, map of Tempe Book 2 of Maps, Page 26, records of Maricopa County, Arizona,

**Parcel 3**

Lot 15, Block 51, map of Tempe Book 2 of Maps, Page 26, records of Maricopa County, Arizona,

**Parcel 4**

Lot 14, Block 51, map of Tempe Book 2 of Maps, Page 26, records of Maricopa County, Arizona,

**Parcel 5**

Lot 13, Block 51, map of Tempe Book 2 of Maps, Page 26, records of Maricopa County, Arizona,

**Parcel 6**

Lot 12, Block 51, map of Tempe Book 2 of Maps, Page 26, records of Maricopa County, Arizona,

**Parcel 7**

Lot 11, Block 51, map of Tempe Book 2 of Maps, Page 26, records of Maricopa County, Arizona,