**ORDINANCE NO. O2015.20**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF AN EXISTING EXCLUSIVE WATERLINE EASEMENT LOCATED NEAR THE SOUTHWEST CORNER OF ELLIOT ROAD AND RIVER PARKWAY.**

WHEREAS, it has been determined by the City Council that the City no longer requires the Exclusive Waterline Easement created by instrument recorded in Document 2014-0548790, Official Records of the Maricopa County Recorder, more particularly depicted on Exhibit "A" hereto (the "Waterline Easement"); and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon the Waterline Easement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AS FOLLOWS:

**Section 1.** That City Engineer is hereby authorized to take such actions as are necessary, at the sole cost and expense of the applicant, to abandon, relinquish and vacate the Waterline Easement. Such abandonment shall be completed in accordance with the usual and customary procedures of the Engineering Department, including without limitation, satisfactory relocation of any facilities located within the easements so abandoned, the granting or acceptance of new easements for such facilities, notification of affected utilities and payment by the applicant of all applicable costs, fees, and expenses associated with relocation or abandonment of any existing facilities located within said easements.

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

**Section 3.** That the City Engineer 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 May, 2015.

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Mark W. Mitchell, Mayor

ATTEST:

_____
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

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Judith R. Baumann, City Attorney