

ORDINANCE NO. O2016.34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PORTION OF AN EXISTING PUBLIC UTILITY EASEMENT LOCATED AT THE SOUTHWEST CORNER OF BROADWAY ROAD AND DORSEY LANE IN TEMPE, ARIZONA.

WHEREAS, it has been determined by the City Council that the City no longer requires that portion of a public utility easement located on the southwest corner of Broadway Road and Dorsey Lane, more particularly described in Exhibit A attached hereto (the "Easement"); and

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

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

Section 1. That the Community Development Director 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 Easement. Such abandonment shall be completed in accordance with the usual and customary procedures of the Community Development Department, including, without limitation, satisfactory relocation of any facilities located within the easement area to be abandoned, and payment by the applicant of all applicable costs, fees, and expenses associated with the abandonment and removal of any existing facilities located within said Easement.

Section 2. That all rights of the City with regard to the 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 Easement is a part.

Section 3. That the Community Development Director or designee is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance. Pursuant to the 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 _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney