ORDINANCE NO. O2014.62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF AN EXISTING SEWER/WATER EASEMENT LOCATED NEAR THE NORTHWEST CORNER OF TERRACE ROAD AND LEMON AVENUE.

WHEREAS, it has been determined by the City Council that the City no longer requires a Sewer/Water Easement created by Instrument recorded at Docket 2874, Page 397, Official Records of the Maricopa County Recorder (the "Sewer/Water Easement"); and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon the Sewer/Water 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 Sewer/Water 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 easement so abandoned, the granting 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 easement.

Section 2. That all rights of the City with regard to the portion of 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 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 October, 2014.

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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