

ORDINANCE NO. O2016.04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF CERTAIN STORM DRAIN EASEMENTS IN THE VICINITY OF SOUTH CEDAR STREET AND EAST APACHE BOULEVARD TO FACILITATE DEVELOPMENT OF THE PROJECT AT 1221 EAST APACHE BOULEVARD.

WHEREAS, it has been determined by the City Council that the City no longer requires a portion of the storm drain easements created by instruments recorded in Docket 7463, Pages 385 and 386, Official Records of the Maricopa County Recorder, more particularly described or depicted on Exhibit "A" attached hereto.

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, 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 storm drain easements. 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 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 the relocation or abandonment of any existing facilities located within said easements.

Section 2. That all rights of the City with regard to the storm drain easements 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 storm drain easements are 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