ORDINANCE NO. O2017.50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE DEDICATION OF CERTAIN CITY-OWNED LAND LOCATED ON THE SOUTHWEST CORNER OF SOUTHERN AVENUE AND RURAL ROAD FOR USE AS PUBLIC RIGHT OF WAY AND AUTHORIZING THE CITY ENGINEER OR HER DESIGNEE TO EXECUTE A DECLARATION MEMORIALIZING SUCH DEDICATION AND RELATED DOCUMENTS.

WHEREAS, Section 2.11(g) of the Tempe City Charter, requires an ordinance to convey or authorize the conveyance or lease of any interest in City-owned lands; and

WHEREAS, it would serve the public interest for the City to dedicate a portion of that certain City-owned land more particularly identified on Exhibits A & B attached hereto (the “Property”) as right of way to facilitate access to the adjacent private and public properties.

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

Section 1. The dedication of the Property for use as a public roadway and right of way is hereby approved, subject to the all existing encumbrances, liens, limitations, restrictions, and estates of record.

Section 2. That the City Engineer or her designee is hereby authorized to (a) execute the Declaration of Dedication of Public Right of Way in substantially the form attached hereto and (b) take such actions and execute such documents as may be necessary or appropriate to complete the dedication, and the payment of all costs associated therewith, all in accordance with the usual and customary procedures of the Engineering Department.

Section 3. 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 ______________, 2017

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney
EXHIBIT A

ROW Exhibit
A PORTION OF LAND LOCATED
IN THE NE ¼ OF SEC 34,
T1N, R4E, G&SRBM

N1/4 CORNER
SEC. 34
T.1N., R.4E.
S89°53'00"E
N89°53'00"W (BASIS OF BEARING)

E. SOUTHERN AVE.

APN 133-41-348B

S. RURAL RD.

P.O.B.

5.00

50.00

2621.79

E 1/4 CORNER
SEC. 34
T.1N., R.4E.

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR
THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT
MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A
FIELD SURVEY.

ALPHA ENGINEERING, INC
5320 N. 16TH ST. STE. 100
PHOENIX, ARIZONA 85016
PHONE (602) 266.7200

APN: 133-41-348B CITY OF TEMPE

DRAWN BY: ST
CHECKED BY: SG
DATE: 2/1/17
SHEET 1 OF 1
LEGAL DESCRIPTION
RIGHT-OF-WAY
APN 133-41-348B

RIGHT-OF-WAY:

A portion of the North 170 feet of the East 170 feet of Tract B, TEMPE ROYAL PALMS UNIT FIVE, according to Book 115 of Maps, Page 2, records of Maricopa County, Arizona. Except those parcels as set forth in dedication recorded in Recording No. 1989-135393, records of Maricopa County, Arizona being in the Northeast quarter of Section 34, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 34, from which the North quarter corner of said Section 34 bears North 89 Degrees 53 Minutes 00 Seconds West (Basis of Bearing per Book 115 of Maps, Page 2 M.C.R.) a distance of 2621.79 feet;

Thence North 89 Degrees 53 Minutes 00 Seconds West a along the North line of said Northeast quarter a distance of 221.32 feet;

Thence South 00 Degrees 07 Minutes 00 Seconds East a distance of 50.00 feet to the Northwest corner of said North 170 feet of the East 170 feet of Tract B, TEMPE ROYAL PALMS UNIT FIVE, said point also being the POINT OF BEGINNING;

Thence South 89 Degrees 53 Minutes 00 Seconds East along the South Right-of-Way line of East Southern Avenue a distance of 140.04 feet to a point on the West Right-of-Way line of South Rural Road as described in instrument 1989-135393;

Thence South 38 Degrees 50 Minutes 27 Seconds East along said Right-of-Way line a distance of 38.58 feet;

Thence South 01 Degrees 33 Minutes 03 Seconds West a distance of 62.85 feet;

Thence departing last said Right-of-Way North 88 Degrees 26 Minutes 57 Seconds West a distance of 10.00 feet;

February 1, 2017
LEGAL DESCRIPTION
RIGHT-OF-WAY
APN 133-41-348B
(Continued)

Thence North 01 Degrees 33 Minutes 03 Seconds East parallel with and 65.00 feet West of the East line of said Northeast quarter a distance of 53.60 feet;

Thence North 29 Degrees 04 Minutes 07 Seconds West a distance of 27.48 feet;

Thence North 89 Degrees 53 Minutes 00 Seconds West parallel with and 65.00 feet South of said North line of the Northeast quarter a distance of 141.05 feet to a point on the West line of said North 170 feet of the East 170 feet of Tract B, TEMPE ROYAL PALMS UNIT FIVE;

Thence North 01 Degrees 33 Minutes 03 Seconds East along said West line a distance of 15.00 feet to the POINT OF BEGINNING

The above described parcel contains 3046 sq. ft. more or less.

February 1, 2017
TCE Exhibit
A PORTION OF LAND LOCATED
IN THE NE ¼ OF SEC 34,
T1N, R4E, G&SRBM

NE CORNER
SEC. 34
T.1N., R.4E.
P.O.C.

E. SOUTHERN AVE.

APN 133-41-348B

S. RURAL RD.

NOT TO SCALE

LEGEND

T.C.E. TO BE ACQUIRED
AREA = 2,564 SQ.FT. ±
EXP 06/30/17

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR
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FIELD SURVEY.

ALPHA ENGINEERING, INC
5320 N. 16TH ST. STE. 100
PHOENIX, ARIZONA 85016
PHONE (602) 266.7200

APN: 133-41-348B CITY OF TEMPE

DRAWN BY: ST DATE: 2/1/17
CHECKED BY: SG SHEET 1 OF 1
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN 133-41-348B

TEMPORARY CONSTRUCTION EASEMENT:

A portion of the North 170 feet of the East 170 feet of Tract B, TEMPE ROYAL PALMS UNIT FIVE, according to Book 115 of Maps, Page 2, records of Maricopa County, Arizona. Except those parcels as set forth in dedication recorded in Recording No. 1989-135393, records of Maricopa County, Arizona being in the Northeast quarter of Section 34, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 34, from which the North quarter corner of said Section 34 bears North 89 Degrees 53 Minutes 00 Seconds West (Basis of Bearing per Book 115 of Maps, Page 2 M.C.R.) a distance of 2621.79 feet;

Thence North 89 Degrees 53 Minutes 00 Seconds West along the North line of said Northeast quarter a distance of 221.32 feet;

Thence South 00 Degrees 07 Minutes 00 Seconds West a distance of 50.00 feet to the Northwest corner of said North 170 feet of the East 170 feet of Tract B, TEMPE ROYAL PALMS UNIT FIVE;

Thence South 01 Degrees 33 Minutes 03 Seconds West along the West line of said North 170 feet of the East 170 feet of Tract B, TEMPE ROYAL PALMS UNIT FIVE a distance of 15.00 feet to the POINT OF BEGINNING;

Thence South 89 Degrees 53 Minutes 00 Seconds East parallel with and 65.00 feet South of said North line a distance of 141.05 feet;

Thence South 29 Degrees 04 Minutes 07 Seconds East a distance of 27.48 feet;

Thence South 01 Degrees 33 Minutes 03 Seconds West parallel with and 65.00 feet West of the East line of said Northeast quarter a distance of 53.60 feet;

Thence North 88 Degrees 26 Minutes 57 Seconds West a distance of 10.00 feet;

Thence North 01 Degrees 33 Minutes 03 Seconds East parallel with and 75.00 feet West of said East line a distance of 40.50 feet;

Thence North 89 Degrees 27 Minutes 24 Seconds West a distance of 38.48 feet;

Thence North 00 Degrees 07 Minutes 00 Seconds East a distance of 31.55 feet;

February 1, 2017
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN 133-41-348B
(Continued)

Thence North 89 Degrees 53 Minutes 00 Seconds West parallel with and 70.00 feet South of said North line a distance of 105.77 feet to a point on said West line;

Thence North 01 Degrees 33 Minutes 03 Seconds East a distance of 5.00 feet to the POINT OF BEGINNING.

The above described parcel contains 2564 sq. ft. more or less.

EXP 06/30/17
EXHIBIT B

ROW Exhibit

A PORTION OF LAND LOCATED
IN THE NE 1/4 OF SEC 34,
T1N, R4E, G&SRBM

E. SOUTHERN AVE.

See detail on
sheet 2 of 2

APN 133-41-348C

NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR
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FIELD SURVEY.

R.O.W. TO BE ACQUIRED
AREA = 4,617 SQ. FT. ±

SOUTHERN AND RURAL
APN: 133-41-348C CITY OF TEMPE
DRAWN BY: ST
CHECKED BY: SG
DATE: 2/1/17
SHEET 1 OF 2
ROW Exhibit

A PORTION OF LAND LOCATED
IN THE NE \frac{1}{4} OF SEC 34,
T1N, R4E, G&SRBM

NE CORNER
SEC. 34
T.1N., R.4E.
P.O.C.

E. SOUTHERN AVE.

APN 133-41-348C

NOT TO SCALE

LEGEND

\[ \text{R.O.W. TO BE ACQUIRED} \]
\[ \text{AREA = 4,617 SQ.FT. ±} \]

SOUTHERN AND RURAL

APN: 133-41-348C CITY OF TEMPE

DRAWN BY: ST
CHECKED BY: SG
DATE: 2/1/17
SHEET 2 OF 2
LEGAL DESCRIPTION
RIGHT-OF-WAY
APN 133-41-348C

RIGHT-OF-WAY:

A portion of Tract B, TEMPE ROYAL PALMS UNIT FIVE, according to Book 115 of Maps, page 2, records of Maricopa County, Arizona.
TOGETHER WITH the Easterly 10 feet of that certain alley lying between Tract B and Tract C, TEMPE ROYAL PALMS UNIT 5, according to Book 115 of Maps, page 2, being abandoned by Resolution No. 1015 recorded April 11, 1969 in Docket 7560, page 51 and also by Ordinance No. 603 recorded June 22, 1988 in Recording No. 88-302830, records of Maricopa County, Arizona.
EXCEPT the North 170 feet of the East 170 feet; and
EXCEPT the East 5.0 feet as set forth in dedication recorded in Recording No. 89-135393, records of Maricopa County, Arizona being in the Northeast quarter of Section 34, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 34, from which the North quarter corner of said Section 34 bears North 89 Degrees 53 Minutes 00 Seconds West (Basis of Bearing per Book 115 of Maps, Page 02 M.C.R.) a distance of 2621.79 feet;

Thence North 89 Degrees 53 Minutes 00 Seconds West along the North line of said Northeast quarter a distance of 221.32 feet;

Thence South 00 Degrees 07 Minutes 00 Seconds West a distance of 50.00 feet to the Northeast corner of said portion of Tract B, TEMPE ROYAL PALMS UNIT FIVE, said point also being the POINT OF BEGINNING;

Thence South 01 Degrees 33 Minutes 03 Seconds West along the East line of said portion of Tract B, TEMPE ROYAL PALMS UNIT FIVE a distance of 15.00 feet;

Thence North 89 Degrees 53 Minutes 00 Seconds West parallel with and 65.00 feet south of said North line a distance of 307.64 feet;

Thence North 00 Degrees 07 Minutes 00 Seconds East a distance of 15.00 feet to a point on the South Right-of-Way line of East Southern Avenue;

Thence South 89 Degrees 53 Minutes 00 Seconds East along said Right-of-Way line a distance of 308.01 feet to the POINT OF BEGINNING.

The above described parcel contains 4,617 sq. ft. more or less.
EXHIBIT B

TCE Exhibit
A PORTION OF LAND LOCATED IN THE NE 1/4 OF SEC 34, T1N, R4E, G&SRBM
E. SOUTHERN AVE.

NOT TO SCALE

LEGEND

T.C.E. TO BE ACQUIRED
AREA = 2,563 SQ.FT. ±
NOTE: THIS EXHIBIT WAS PREPARED SOLELY AS A REFERENCE FOR THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT MEANT TO BE A STANDALONE DOCUMENT NOR THE RESULT OF A FIELD SURVEY.

APN: 133-41-348C CITY OF TEMPE

DRAWN BY: ST  DATE: 2/1/17
CHECKED BY: SG  SHEET 1 OF 2
TCE Exhibit
A PORTION OF LAND LOCATED
IN THE NE ¼ OF SEC 34,
T1N, R4E, G&SRBM

E. SOUTHERN AVE.

APN 133-41-348C

NOT TO SCALE

LEGEND

T.C.E. TO BE ACQUIRED
AREA = 2,563 SQ.FT. ±

SOUTHERN AND RURAL

APN: 133-41-348C CITY OF TEMPE

DRAWN BY: ST DATE: 2/1/17
CHECKED BY: SG SHEET 2 OF 2

ALPHA ENGINEERING, INC
5320 N. 16TH ST. STE. 100
PHOENIX, ARIZONA 85016
PHONE (602) 266.7200
TEMPORARY CONSTRUCTION EASEMENT 1:

A portion of Tract B, TEMPE ROYAL PALMS UNIT FIVE, according to Book 115 of Maps, page 2, records of Maricopa County, Arizona.

TOGETHER WITH the Easterly 10 feet of that certain alley lying between Tract B and Tract C, TEMPE ROYAL PALMS UNIT 5, according to Book 115 of Maps, page 2, being abandoned by Resolution No. 1015 recorded April 11, 1969 in Docket 7560, page 51 and also by Ordinance No. 603 recorded June 22, 1988 in Recording No. 88-302830, records of Maricopa County, Arizona.

EXCEPT the North 170 feet of the East 170 feet; and

EXCEPT the East 5.0 feet as set forth in dedication recorded in Recording No. 89-135393, records of Maricopa County, Arizona being in the Northeast quarter of Section 34, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 34, from which the North quarter corner of said Section 34 bears North 89 Degrees 53 Minutes 00 Seconds West (Basis of Bearing per Book 115 of Maps, Page 02 M.C.R.) a distance of 2621.79 feet;

Thence North 89 Degrees 53 Minutes 00 Seconds West a along the North line of said Northeast quarter a distance of 221.32 feet;

Thence South 00 Degrees 07 Minutes 00 Seconds West a distance of 50.00 feet to the Northeast corner of said portion of Tract B, TEMPE ROYAL PALMS UNIT FIVE;

Thence South 01 Degrees 33 Minutes 03 Seconds West along the East line of said portion of Tract B, TEMPE ROYAL PALMS UNIT FIVE a distance of 15.00 feet to the POINT OF BEGINNING;

Thence continuing South 01 Degrees 33 Minutes 03 Seconds West along said East line a distance of 5.00 feet;

Thence North 89 Degrees 53 Minutes 00 Seconds West parallel with and 70.00 feet South of said North line a distance of 307.51 feet;

Thence North 00 Degrees 07 Minutes 00 Seconds East a distance of 5.00 feet to a point, said point hereinafter being referred to as point "A";

Thence South 89 Degrees 53 Minutes 00 Seconds East parallel with and 65.00 feet South of said North line a distance of 307.64 feet to the POINT OF BEGINNING.

The above described parcel contains 1,538 sq. ft. more or less.

February 1, 2017
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
APN 133-41-348C
(continued)

TEMPORARY CONSTRUCTION EASEMENT 2:

Beginning at the aforementioned point “A”,

Thence North 89 Degrees 53 Minutes 00 Seconds West parallel with and 65.00 feet south of said North line a distance of 68.35 feet;

Thence North 00 Degrees 07 Minutes 00 Seconds East a distance of 15.00 feet to a point on the South Right-of-Way line of East Southern Avenue;

Thence South 89 Degrees 53 Minutes 00 Seconds East along said Right-of-Way a distance of 68.35 feet;

Thence South 00 Degrees 07 Minutes 00 Seconds West a distance of 15.00 feet to the POINT OF BEGINNING and said point “A”

The above described parcel contains 1,025 sq. ft. more or less.

EXP 06/30/17

February 1, 2017