

**ORDINANCE NO. 02015.34**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PORTION OF A WATER LINE EASEMENT LOCATED ON EMERALD DRIVE BETWEEN ELLIOT ROAD AND WARNER ROAD.**

WHEREAS, it has been determined by the City Council that the City no longer requires that portion of a waterline easement created by instrument recorded in Document No. 2013-089255, Official Records of the Maricopa County Recorder, and more particularly described in Exhibit "A" attached hereto and depicted on Exhibit "B" attached 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 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 Waterline 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 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 the relocation or abandonment of any existing facilities located within said easement.

**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 easement is a part.

**Section 3.** That the Community Development Director or his 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 \_\_\_\_\_, 2015.

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Mark W. Mitchell, Mayor

ATTEST:

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Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

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Judith R. Baumann, City Attorney