

ORDINANCE NO. O2016.30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF WATERLINE EASEMENTS LOCATED NEAR 500 AND 508 WEST FIRST STREET, TEMPE, ARIZONA.

WHEREAS, the City was granted easements for waterline purposes by various instruments recorded in the Official Records of the Maricopa County Recorder at Docket 2006-1603117, 2003-0653275, 2003-0738570, 2008-945965, 2000-0901723 and 2001-0262299 and depicted on Exhibit A attached hereto (collectively, the “Easements”); and

WHEREAS, the waterlines and any associated improvements located within the Easement areas will be abandoned, and new waterline easements as required for completion of the project will be recorded in accordance with the approved design plan for the Broadstone Lakeside apartment development; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon the 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 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 Easements so abandoned and the land on which they are located, 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 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