

ORDINANCE NO. O2016.53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF A 40' EASEMENT FOR ROADS, STREETS, ALLEYS AND PUBLIC UTILITY PURPOSES LOCATED AT THE NORTHWEST CORNER OF TEMPE TOWN LAKE AND SCOTTSDALE ROAD, IN TEMPE, ARIZONA.

WHEREAS, it has been determined by the City Council that the City no longer requires the Easement recorded in Docket 4689, Page 202 Maricopa County Records, more particularly described in the legal description and exhibit attached herein, and,

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon the easement, and

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 public easement identified on the legal description and exhibit attached hereto and incorporated herein by this reference. 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 area to be 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 area.

Section 2. That all rights of the City with regard to the public easement abandoned shall vest in the record owner(s) of the property and shall be subject to the same encumbrances, liens, limitations, restrictions, easements, and estates as exist on the land of which the public easement is 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