

ORDINANCE NO. O2016.60

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT FOR A BUILDING ENCROACHMENT TO TEMPE 425 MILL, LP OVER CERTAIN PUBLIC RIGHT OF WAY WITHIN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST, OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

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

WHEREAS, Tempe 425 Mill, LP, a Delaware limited partnership (“425 MILL”) has requested that the City grant an easement over certain public right of way for an existing building encroachment, and the City has determined that it is in the best interests of the City to grant such an easement; and

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

**Section 1.** That the City of Tempe does hereby authorize the granting of an easement to Tempe 425 Mill, LP in over and across the real property described in Exhibits A and A-1, attached hereto, subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part. The granting of such easement shall be completed in accordance with the usual and customary procedures of the Engineering Department, including without limitation, of any conflicting easements and payment by the applicant of all applicable costs, fees and expenses associated therewith, including a one-time payment of \$2,400.00 as consideration for the easement grant.

**Section 2.** The Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance, including, without limitation the easement.

**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 \_\_\_\_\_, 2016.

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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