

ORDINANCE NO. O2016.52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENTS OF AN INGRESS-EGRESS EASEMENT FOR REFUSE COLLECTION AND EMERGENCY CITY VEHICLES, AN EASEMENT FOR BIKE PATH AND LIGHTING, AN EASEMENT FOR STORM SEWER AND AN EASEMENT FOR REFUSE COLLECTION AND CITY EMERGENCY SERVICES, 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 Easements recorded in 1984-0477489; Docket 14602, Page 732; Docket 14602, Page 734; and 1996-0372996, Maricopa County Records, more particularly described in the legal descriptions and exhibits attached herein, and,

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon these easements, 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 easements identified on the legal descriptions and exhibits 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 areas 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 relocations or abandonments of any existing facilities located within said easement areas.

Section 2. That all rights of the City with regard to the public easements 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 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