

ORDINANCE NO. O2016.54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE PARTIAL ABANDONMENT OF A MAINTENANCE EASEMENT FOR RECOVERY WELL #1. THIS EASEMENT IS 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 a portion of one of the Maintenance Easements, specifically Recovery Well #1 recorded in Document 19970432440, Maricopa County Records, retaining only the portion 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 a portion of 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 a portion of the maintenance easement, retaining only that which is 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 portion of the maintenance 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 portion of the maintenance 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 maintenance 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