

ORDINANCE NO. O2016.62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

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

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Sections 2-106 and 2-107, by removing the below described property from the TOD, Transportation Overlay District on 1.48 acres.

LEGAL DESCRIPTION

Lot 1, PRICE ROAD BUSINESS PARK PHASE ONE, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 247 of Maps, page 41;

EXCEPT that portion deeded to the State of Arizona, by and through its Department of Transportation, described as follows:

Those portions of Lots 1 and 2, PRICE ROAD BUSINESS PARK PHASE ONE, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 247 of Maps, page 41, which lies within the following described tract of land:

COMMENCING at the Southeast corner of Section 24, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE along the East line of said Section 24, North 0 degrees 06 minutes 52 seconds East, a distance of 1355.72 feet;

THENCE South 89 degrees 53 minutes 08 seconds West, 55.00 feet to the Southeast corner of said Lot 2;

THENCE along the East line of said Lot 2, North 0 degrees 06 minutes 52 seconds East, 55.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing along the East line of said Lot 2 and Lot 1, North 0 degrees 06 minutes 52 seconds East, 280.00 feet;

THENCE North 89 degrees 53 minutes 08 seconds West, 5.00 feet;

THENCE South 0 degrees 06 minutes 52 seconds West, 280.00 feet;

THENCE South 89 degrees 53 minutes 08 seconds East, 5.00 feet to the TRUE POINT OF BEGINNING.

TOTAL AREA IS 1.48 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # PL160239** are hereby expressly incorporated into and adopted as part of this ordinance as follows:

1. *The property owner(s) shall sign a waiver of rights and remedies form. By signing the form, the Owner(s) voluntarily waive(s) any right to claim compensation for diminution of Property value under A.R.S. §12-1134 that may now or in the future exist, as a result of the City's approval of this Application, including any conditions, stipulations and/or modifications imposed as a condition of approval. The signed form shall be submitted to the Community Development Department no later than 30 days from the date of City Council approval, or the Zoning Map Amendment approval shall be null and void.*

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 _____, 20____.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney