

ORDINANCE NO. O2017.01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF A 5' PUBLIC UTILITY EASEMENT LOCATED ON PARCEL 301-82-025, AT 6116 SOUTH ASH AVENUE.

WHEREAS, it has been determined by the City Council that the City no longer requires that 5' Public Utility Easement dedicated by Plat as recorded in Book 231 Page 25, Official Records of the Maricopa County Recorder, and more particularly described in Exhibit "A" attached hereto and depicted on Exhibit "B" attached hereto; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon the 5' Public Utility Easement.

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 5' Public Utility Easement. 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 so 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.

Section 2. That all rights of the City with regard to the 5' Public Utility Easement so abandoned shall vest in the record owner(s) of the adjacent property and shall be subject to the same encumbrances, liens, limitations, restrictions, easements and estates as exist on the land of which the easement is a part.

Section 3. That the Community Development Director or his 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 _____, 2017.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney