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FEB 10 2011

ORDINANCE NO. 4269

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF THE ALLEY LOCATED SOUTH OF BOSTON STREET, NORTH OF FRYE ROAD, EAST OF ARIZONA AVENUE, AND WEST OF WASHINGTON STREET, CONTAINING APPROXIMATELY 0.2310 ACRES.

WHEREAS, Arizona Revised Statutes Section 28-7201 *et seq.*, provides for the disposition of unnecessary public roadways, which includes alleys; and

WHEREAS, Arizona Revised Statutes Section 28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, a portion of the north-south alley located south of Boston Street, north of Frye Road, east of Arizona Avenue, and west of Washington Street, as legally described in Exhibit "A", attached hereto and incorporated herein by reference, is no longer necessary for public use as an alley;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That the alley described in attached Exhibit "A" is determined to be no longer necessary for public use as a public roadway.

Section 2. That the alley described in attached Exhibit "A" is hereby declared abandoned and vacated, so that title shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

Section 3. That the vacating of the alley is not intended to vacate or extinguish any rights-of-way or easements for existing sewer, gas, water or similar pipelines and appurtenances, and for existing canals, laterals, ditches and appurtenances, and for existing electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the alley.

Section 4. That in as much as the real property abutting the alley is owned by the City of Chandler and is part of the building and grounds that comprise the site of the new City Hall, the vesting of title to the alley pursuant to this Ordinance is done without monetary compensation in as much as the owner of the abutting real property has agreed to assume the liability for and the cost of maintaining the alley area described in attached Exhibit "A."

Section 5. That the Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, all documents required and necessary to complete the abandonment and vacation of the alley, including this Ordinance.

Section 6. That this Ordinance shall not become effective and the vacation of the alley shall not take effect until after the recordation of this Ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this ____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4269 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2011, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY GAB

EXHIBIT "A"

DESCRIPTION FOR ALLEY VACATION, PARCEL NO. 1

That part of Block H, of the Townsite of Chandler, according to the plat of record in the office of the county recorder of Maricopa County, Arizona, as recorded in Book 5 of Maps, Page 34, more particularly described as follows:

Commencing at the Southwest corner of said Block H;

THENCE North 00 degrees 37 minutes 24 seconds East, along the West line of said Block H, a distance of 300.00 feet;

THENCE North 89 degrees 44 minutes 50 seconds East, parallel to the South line of said Block H. a distance of 149.97 feet to the Southeast corner of tract recorded as instrument no. 20070413588, M.C.R., being the **Point of Beginning of Parcel No. 1**;

THENCE North 00 degrees 37 minutes 52 seconds East a distance of 253.21 feet to a point on the South right-of-way line of Chicago Street, said point being the Northeast corner of tract recorded as instrument no. 2007-0458641, M.C.R.;

THENCE North 89 degrees 48 minutes 45 seconds East, along said right-of-way line, a distance of 20.00 feet to the Northwest corner of tract recorded as instrument no. 2008-0683699, M.C.R.;

THENCE South 00 degrees 37 minutes 52 seconds West, a distance of 253.18 feet to the Southwest corner of tract recorded as instrument no. 2007-0179157, M.C.R.;

THENCE South 89 degrees 44 minutes 50 seconds West, a distance of 20.00 feet to the **Point of Beginning of Parcel No. 1**.

DESCRIPTION FOR ALLEY VACATION, PARCEL 2

That part of the Townsite of Chandler, according to the plat of record in the office of the county recorder of Maricopa County, Arizona, as recorded in Book 5 of Maps, Page 34, more particularly described as follows:

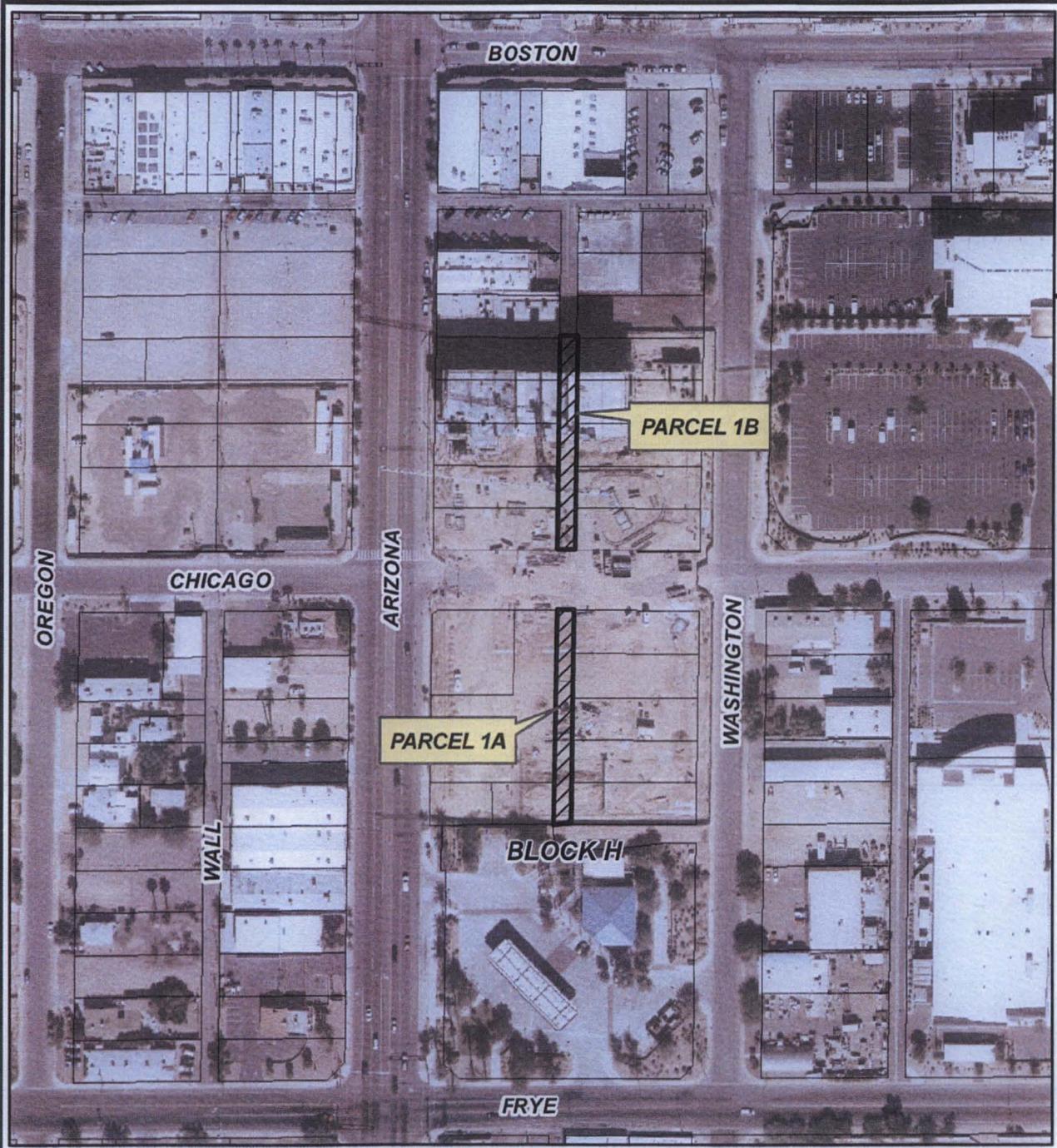
Beginning at the Southeast corner of Lot 497 of said Chandler Plat, being on the North right-of-way line of Chicago Street;

THENCE North 00 degrees 37 minutes 51 seconds East, a distance of 250.11 feet to the Northeast corner of Lot 489 of said Chandler Plat;

THENCE North 89 degrees 48 minutes 09 seconds East, a distance of 20.01 feet to the Northwest corner of Lot 488 of said Chandler Plat;

THENCE South 00 degrees 38 minutes 00 seconds West, a distance of 250.11 feet to the Southwest corner of Lot 496 of said Chandler Plat, being on said North right-of-way line;

THENCE South 89 degrees 48 minutes 45 seconds West, along said North right-of-way line, a distance of 20.01 feet to the **Point of Beginning of Parcel No. 2.**



VACATION OF ALLEY'S FOR CITY HALL



MEMO NO. DRE11-007

ORDINANCE NO. 4269

 **VACATION OF ALLEY'S**

