

Repl. #2

APR 26 2012

Chandler



2010



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MEMORANDUM

Real Estate Council Memo No. DRE12-017

DATE: APRIL 12, 2012

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
PAT MCDERMOTT, ASSISTANT CITY MANAGER *[Signature]*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *[Signature]*
SHEINA HUGHES, CITY ENGINEER *[Signature]*

FROM: SHARON A. JOYCE, REAL ESTATE COORDINATOR *[Signature]*

SUBJECT: REQUEST TO WITHDRAW ORDINANCE NO. 4353 AUTHORIZING AND APPROVING THE VACATION OF A 5-FOOT STRIP OF RIGHT-OF-WAY AND EXTINGUISHMENT OF AN EASEMENT AT 55 W. CHICAGO STREET

Due to a discrepancy related to the legal descriptions for the referenced item, staff recommends withdrawal of Ordinance 4353. This item will be re-submitted for City Council consideration during the May 10, 2012 and May 24, 2012 meetings.

#2

APR 26 2012

ORDINANCE NO. 4353

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF A 5-FOOT STRIP OF RIGHT OF WAY AND THE EXTINGUISHMENT OF AN EASEMENT AT 55 W. CHICAGO STREET.

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, A.R.S. §28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, the a 5-foot strip of right of way for West Chicago Street is no longer needed for public use as roadway;

WHEREAS, a 15-foot by 30-foot ingress, egress and utility easement at the south property line of 55 W. Chicago Street, recorded at 97-179687, records of Maricopa County is no longer needed;

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

Section 1. The Roadway, which is generally described above and which is legally described in Exhibit "A", attached hereto and incorporated herein by reference, is determined to be no longer necessary for public use as roadway, and has no public use or no market value.

Section 2. The Roadway 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, and retaining a public utility easement in the 5-foot strip.

Section 3. The vacating of the Roadway is not intended to vacate or extinguish any easements for existing water, sewer, gas or similar pipelines and appurtenances, and for existing canals, laterals or ditches and appurtenances, and for 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 Roadway.

Section 4. The action taken herein to vacate the Roadway is done solely to dispose of the City's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4353 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2012 and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*