

#8

AUG 14 2014



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MEMORANDUM Transportation and Development - Council Memo No. RE15-112

DATE: AUGUST 14, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*
DANIEL W. COOK, INTERIM CITY ENGINEER *DC*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: RESOLUTION NO. 4784 AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF A TEMPORARY CONSTRUCTION EASEMENT ONLY LOCATED ON PROPERTY AT 2222 N. ARIZONA AVENUE, CHANDLER, ARIZONA

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4784 authorizing and approving the extinguishment of a Temporary Construction Easement only located on property at 2222 N. Arizona Avenue, Chandler, Arizona.

BACKGROUND/DISCUSSION: The City obtained a Temporary Construction Easement (TCE) for construction of a bus bay at 2222 N. Arizona Avenue in 2010. The construction work for this facility has been completed and the property owner is requesting that the City extinguish the TCE obtained on their property. Staff has reviewed the request and agrees that the easement is no longer needed.

FINANCIAL IMPLICATIONS:

Cost: N/A
Savings: N/A
Long Term Costs: N/A

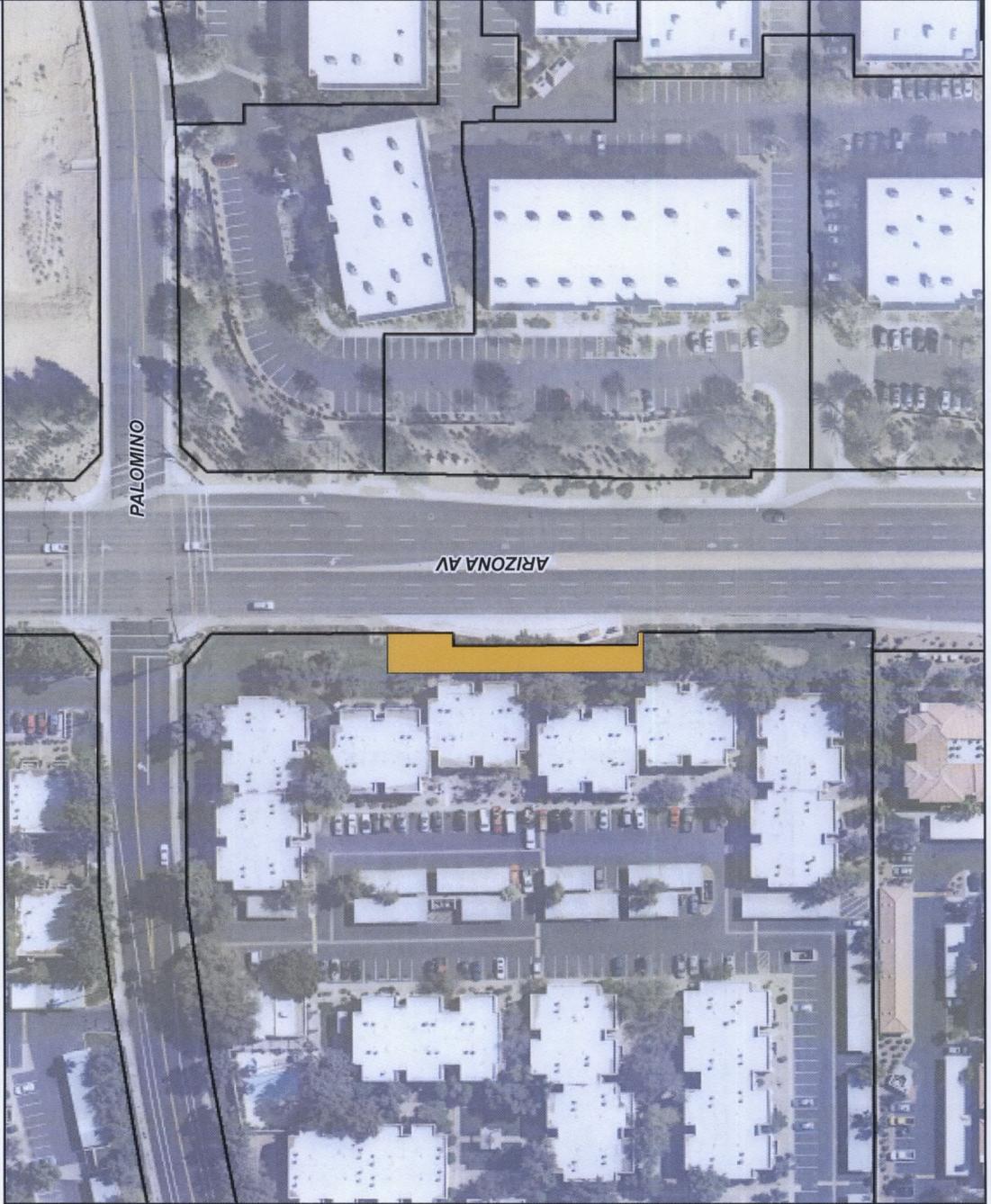
PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4784 authorizing and approving the extinguishment of a Temporary Construction Easement only located on property at 2222. N. Arizona Avenue, Chandler, Arizona.

Attachments: Location Map
Resolution No. 4784

Resol.4784
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EXTINGUISH A TEMPORARY CONSTRUCTION EASEMENT AT 2222 N. ARIZONA AVE



**MEMO NO. RE15-112
RESOLUTION NO. 4784**

**EXTINGUISH A TEMPORARY
CONSTRUCTION EASEMENT**



RESOLUTION NO. 4784

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE EXTINGUISHMENT OF A TEMPORARY CONSTRUCTION EASEMENT ONLY LOCATED ON PROPERTY AT 2222 N. ARIZONA AVENUE, CHANDLER, ARIZONA.

WHEREAS, a Temporary Construction Easement was obtained on the property at 2222 N. Arizona Avenue, Chandler, Arizona as part of a document recorded at 2011-0762173 records of Maricopa County, Arizona; and

WHEREAS, construction of the bus bay facility has been completed and the Temporary Construction Easement is no longer needed; and,

WHEREAS, the property owner has requested that the City extinguish the easement.

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

Section 1. That the City of Chandler is authorized to extinguish the Temporary Construction Easement only that was recorded at 2011-0762173, Records of Maricopa County, Arizona, upon the property as described in the attached Exhibit "A".

Section 2. The document used to release the Easement for Highway Purposes shall be in the form as approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler is authorized to execute and deliver all documents necessary to effect the extinguishment of the above described Temporary Construction Easement.

Section 4. The City Clerk is authorized to record all documents necessary to release said Easement.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2014.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4784 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2014, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

When recorded, mail to
City Clerk's Office
City of Chandler
Mail Stop 606
P.O. Box 4008
Chandler, AZ. 85244-4008

RELEASE OF EASEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, CITY OF CHANDLER, an Arizona municipal corporation ("City"), does hereby release and extinguish any and all interest that it may have in that certain real property described in Exhibit "A" only as to that certain Temporary Construction Easement recorded with the Maricopa County Recorder on September 1, 2011, at 2011-0762173, attached hereto and made a part hereof, arising by virtue of the execution and recording of said easement. This Release of Easement is not intended to release any interest that City may have in any portion of the subject real property arising by virtue of any other instrument recorded with the Maricopa County Recorder, including without limitation, any deed, easement other than the aforementioned easement, or final order of condemnation.

Dated this _____ day of _____, 2014.

CITY OF CHANDLER, an Arizona municipal
corporation

By: _____
Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the _____ day of _____, 2014, before me, the undersigned, a Notary Public, personally appeared _____, who acknowledged himself/herself to be the _____ of the City of Chandler, an Arizona municipal corporation, and that he/she as such officer of the municipal corporation being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the municipal corporation as such officer.

Notary Public

APPROVED AS TO FORM:

City Attorney *GAB*

EXHIBIT 'A'

LEGAL DESCRIPTION FOR A TEMPORARY CONSTRUCTION EASEMENT

OVER A PORTION OF TRACT II OF CHANDLER MEADOWS AS RECORDED IN BOOK 238 OF MAPS, PAGE 15, MARICOPA COUNTY RECORDS, MARICOPA COUNTY, ARIZONA.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY ARIZONA FROM WHICH THE NORTHEAST CORNER OF SECTION 16 BEARS N00°18'37" WEST A DISTANCE OF 2653.71 FEET;

THENCE NORTH 00°18'37" WEST, ALONG THE EAST LINE OF SAID SECTION 16, A DISTANCE OF 46.38 FEET;

THENCE SOUTH 89°41'23" WEST A DISTANCE OF 55.00 FEET TO THE WEST RIGHT OF WAY OF ARIZONA AVENUE, BEING ALSO THE EAST LINE OF THE ABOVE DESCRIBED PARCEL, AND THE POINT OF BEGINNING;

THENCE SOUTH 89°41'23" WEST A DISTANCE OF 30.00 FEET;

THENCE NORTH 00°18'37" WEST, PARALLEL WITH AND 30.00 FEET FROM THE EAST LINE OF THE PARCEL, A DISTANCE OF 193.00 FEET;

THENCE NORTH 89°41'23" EAST A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST LINE OF THE PARCEL AND THE WEST RIGHT OF WAY LINE OF ARIZONA AVENUE;

THENCE SOUTH 00°18'37" EAST 49.00 FEET;

THENCE SOUTH 89°41'23" WEST A DISTANCE OF 10.00 FEET;

THENCE SOUTH 00°18'37" EAST, PARALLEL WITH AND 10.00 FEET FROM THE EAST LINE OF THE PARCEL, A DISTANCE OF 140.00 FEET;

THENCE NORTH 89°41'23" EAST A DISTANCE OF 10.00 FEET TO A POINT ON THE EAST LINE OF THE PARCEL;

THENCE SOUTH 00°18'37" EAST, ALONG SAID LINE, A DISTANCE OF 4.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4390.00 SQUARE FEET MORE OR LESS.



EXHIBIT 'A'

