

#9
JAN 28 2016



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM **Municipal Utilities Department – Memo No. MUA16-050**

DATE: JANUARY 28, 2016

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, ACTING CITY MANAGER *MR*
 NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*
 GREGG CAPPS, ACTING MUNICIPAL UTILITIES DIRECTOR *JWC*
 JOHN KNUDSON, UTILITIES ENGINEERING MANAGER *JK*

FROM: ERICH KUNTZE, REAL ESTATE MANAGER *EK*

SUBJECT: RESOLUTION NO. 4922 AUTHORIZING THE EXTINGUISHMENT OF A WATER LINE EASEMENT THAT IS NOT NEEDED FOR PUBLIC USE AT THE SOUTHEAST CORNER OF KYRENE ROAD AND RAY ROAD AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER ALL DOCUMENTS NECESSARY TO EFFECT THE EXTINGUISHMENT OF THE WATER LINE EASEMENT

RECOMMENDATION: Staff recommends City Council pass and adopt Resolution No. 4922 authorizing the extinguishment of a water line easement that is not needed for public use at the southeast corner of Kyrene Road and Ray Road and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the water line easement.

BACKGROUND/DISCUSSION: In 1987, the City was granted a water line easement (the “Easement”) on a parcel of land located at the southeast corner of Kyrene and Ray roads in the Laguna Village Plaza. The property owner requested the removal of the Easement, as there is no corresponding water line within the Easement area. Staff from the Municipal Utilities Department inspected the Easement and confirmed that a public water line does not exist within the Easement. Staff concurs that the Easement is not required and can be extinguished.

Memo No. MUA16-050

January 28, 2016

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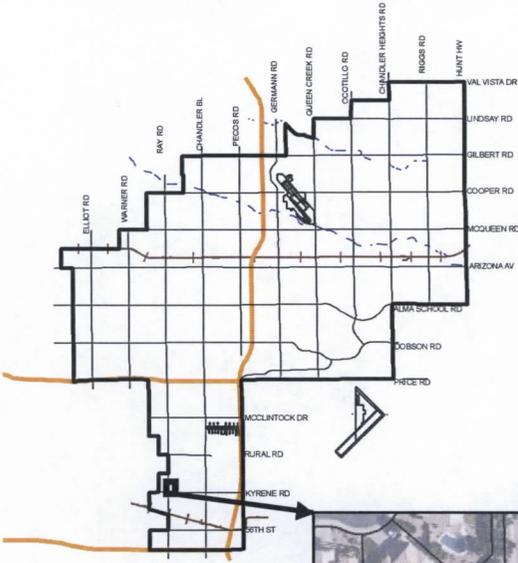
FINANCIAL IMPLICATIONS: Not Applicable.

PROPOSED MOTION: Move City Council pass and adopt Resolution No. 4922 authorizing the extinguishment of a water line easement that is not needed for public use at the southeast corner of Kyrene Road and Ray Road and authorizing the Mayor to execute and deliver all documents necessary to effect the extinguishment of the water line easement.

Attachments: Location Map
Resolution No. 4922
Release of Easement



**AUTHORIZING THE EXTINGUISHMENT OF A
WATERLINE EASEMENT THAT IS NOT NEEDED
FOR PUBLIC USE AT THE SOUTHEAST CORNER
OF KYRENE AND RAY ROADS**



MEMO NO. MUA16-050

RESOLUTION NO. 4922

WATERLINE EASEMENT



RESOLUTION NO. 4922

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE EXTINGUISHMENT OF A WATER LINE EASEMENT THAT IS NOT NEEDED FOR PUBLIC USE AT THE SOUTHEAST CORNER OF KYRENE ROAD AND RAY ROAD.

WHEREAS, on June 17, 1987, the City was granted a water line easement (the "Easement") recorded as document number 87-384167, in the records of Maricopa County, Arizona, and attached as Exhibit "A"; and

WHEREAS, the property owner requested the extinguishment of the Easement, which is located at the southeast corner of Kyrene Road and Ray Road in the Laguna Village Plaza; and

WHEREAS, City staff verified that a public water line does not exist within the Easement and therefore, can be extinguished.

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 Easement described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the document used to extinguish the Easement shall be in the form as approved by the City Attorney (Exhibit "B") attached hereto and made a part hereof.

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 Easement.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2016.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4922 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2016, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

340

STATE OF ARIZONA)
)ss
County of Maricopa)

I hereby, certify that the within instrument was
filed and recorded Fee No.

IN DOCKET

and indexed in deeds 87 384167 7

At the request of CITY OF CHANDLER

When recorded, mail to:

Witness my hand and official seal.

Compared
photostat-d
Fee:

CITY CLERK
CITY OF CHANDLER
200 E. COMMONWEALTH
CHANDLER, ARIZONA 85224

By

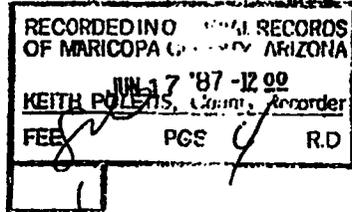
County Recorder
Deputy Recorder

EASEMENT

For the consideration of One Dollar, and other valuable considerations, I or we,
Ray and Kyrene Partners, an Arizona General Partnership.

and my or our heirs, hereby grant to the CITY OF CHANDLER, a Municipal Corporation,
organized and existing under and by virtue of the laws of the State of Arizona, an
easement for: water line.

purposes together with the right of ingress and egress for the purpose of installations,
maintenance and replacement over, under, and across the following described property
situated in the County of Maricopa, State of Arizona to-wit: per attached Exhibit 'A'.



Dated this _____ day of _____, 19____.

[Handwritten signature]

EASEMENT, Page Two

PARTNERSHIP
ACKNOWLEDGEMENT

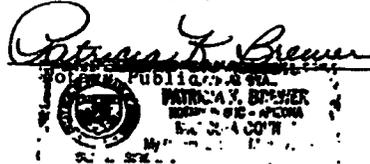
87 384167

STATE OF ARIZONA)
)ss
County of Maricopa)

On this 31st day of MARCH, 19 87, before me, the undersigned
Notary Public, personally appeared Ray A. Dye, III,
who acknowledged himself to be the GENERAL PARTNER
of RAY & KRYENE PARTNERS, an Arizona Partnership, and
who acknowledged himself to be the _____ of _____,
an Arizona Partnership, and that they, as such officers, being authorized so
to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires 5/27/90



ACCEPTANCE

The City of Chandler, Arizona, a Municipal Corporation does hereby accept
the foregoing grant and easement and the terms and conditions thereof.

In witness whereof the City of Chandler has caused this acceptance to
be executed by its Mayor pursuant to authority granted by its City Council
this _____ day of _____, 19____.

City of Chandler

By: _____
Mayor

ATTEST:

City Clerk



ellis-murphy inc.
consulting engineers / land surveyors

87 384167

7875 North Hayden Road
Suite A-105
Scottsdale, AZ 85258
(602) 483-9148

March 6, 1987
EM Job No. 24768.005

Phoenix Office at
2411 West Colter
Phoenix, AZ 85015
(602) 242-4411

EXHIBIT 'A'

Describing a 12.00 foot wide waterline easement centered on a line within a portion of Section 27, T.1S., R.4E., of the G. & S.R.B. & M., Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the NW corner of said Section 27; THENCE S.00&32'35"W., along the West line of said Section 27, a distance of 199.68 feet; THENCE S.89&27'25"E., a distance of 55.00 feet to the TRUE POINT OF BEGINNING being on the East right of way line at Kyrene Road;

COMMENCING from the TRUE POINT OF BEGINNING;

THENCE S.89&27'25"E., a distance of 70.63 feet;

THENCE S.01&11'03"E., a distance of 72.35 feet;

THENCE S.21&18'57"W., a distance of 44.59 feet;

THENCE N.88&48'57"E., a distance of 110.00 feet to a Point 'A';

THENCE N.88&48'57"E., a distance of 167.00 feet to a Point 'B';

THENCE N.88&48'57"E., a distance of 305.00 feet to a Point 'C';

THENCE N.88&48'57"E., a distance of 118.00 feet;

THENCE S.68&41'03"E., a distance of 43.12 feet;

THENCE N.88&48'57"E., a distance of 26.45 feet to a Point 'D';

THENCE N.88&48'57"E., a distance of 118.00 feet;

THENCE N.80&00'00"E., a distance of 307.08 feet;

THENCE N.10&00'00"W., a distance of 188.00 feet;

THENCE N.80&00'00"E., a distance of 48.47 feet to an intersection with the West right of way line of Day Street; being the East termination of said 12.00 foot wide waterline easement;

 A Member of the Gannett Fleming Family of Firms

87 384167

March 6, 1987

2

Land Description
EM Job No. 24768.005

Also a 12.00 foot wide waterline easement centered about the following described lines;

N.01&11'03"W., a distance of 8.50 feet to a point of termination from said Point 'A';

N.01&11'03"W., a distance of 23.50 feet to point of termination from said Point 'B';

N.01&11'03"W., a distance of 71.50 feet to a point of termination from said Point 'C';

N.01&11'03"W., a distance of 15.00 feet to a point of termination from said Point 'D'.



EXHIBIT "B"

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" to that certain Easement recorded with the Maricopa County Recorder on June 17, 1987 as Docket No. 1987-384167 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 _____, 2016.

CITY OF CHANDLER, an Arizona municipal corporation

By: _____
Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the ____ day of _____, 2016, before me, the undersigned, a Notary Public, personally appeared _____, who acknowledged himself to be the Mayor of the City of Chandler, an Arizona municipal corporation, and that he 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

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THENCE S.01°11'03"E., a distance of 72.35 feet;

THENCE S.21°18'57"W., a distance of 44.59 feet;

THENCE N.88°48'57"E., a distance of ^{110.00} Unofficial Document feet to a Point 'A';

THENCE N.88°48'57"E., a distance of 167.00 feet to a Point 'B';

THENCE N.88°48'57"E., a distance of 305.00 feet to a Point 'C';

THENCE N.88°48'57"E., a distance of 118.00 feet;

THENCE S.68°41'03"E., a distance of 43.12 feet;

THENCE N.88°48'57"E., a distance of 26.45 feet to a Point 'D';

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