

ORDINANCE NO. 3827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF THE GERMANN ROAD RIGHT OF WAY LOCATED AT THE INTERSECTION OF THE GERMANN ROAD AND NEW GERMANN ROAD ALIGNMENT NEAR THE SOUTHWEST CORNER OF OLD GERMANN ROAD AND GILBERT ROAD AND ABUTTING TAX PARCEL 303-31-011B.

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, that certain portion of the Germann Road right of way alignment that is located just west of the southwest corner of Germann Road and Gilbert Road and that abuts the north property line of Tax Parcel No. 303-31-011B, and which is more fully described in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by reference, is no longer needed as public roadway because of the new road alignment.

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 a roadway.

Section 2. The Roadway is hereby declared abandoned and vacated, so that title shall vest, subject to payment of \$6,621 by Southwest Gateway, Inc. to the City as just compensation, and is 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. 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 pursuant to this Ordinance is done solely to dispose of the City of Chandler's interest, if any, in the Roadway, subject to the terms and conditions stated in this Ordinance, and to any easements reserved herein by the City, and the City of Chandler does not warrant, either expressly or by implication, that it holds title or any other interest in the Roadway.

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

Section 6. The City Clerk is directed to cause this Ordinance No. 3827 to be recorded in the office of the Maricopa County Recorder as directed by the Chandler City Attorney, but in no event earlier than thirty (30) days following the date that this Ordinance No. 3827 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 3827.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3827 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007 and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*



EXHIBIT "A"

REVISED SEPTEMBER 26, 2006
JULY 14, 2006
PROJECT NO. 05139

**LEGAL DESCRIPTION
GERMANN ROAD
RIGHT OF WAY VACATION**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 5 EAST AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1, BEING A BRASS CAP IN HANDHOLE, FROM WHICH THE EAST QUARTER CORNER OF SECTION 12, BEING A BRASS CAP IN HANDHOLE, BEARS SOUTH 00°06'42" EAST A DISTANCE OF 2639.64 FEET;

THENCE SOUTH 89°21'22" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 686.50 FEET;

THENCE SOUTH 00°38'38" EAST A DISTANCE OF 33.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF GERMANN ROAD AND THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED;

THENCE SOUTH 89°21'22" WEST, DEPARTING SAID RIGHT OF WAY LINE, A DISTANCE OF 202.78 FEET;

THENCE NORTH 00°38'38" WEST A DISTANCE OF 66.00 FEET;

THENCE NORTH 89°21'22" EAST, A DISTANCE OF 13.77 FEET TO SAID SOUTHERLY RIGHT OF WAY OF GERMANN ROAD AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1275.00 FEET, THE CENTER OF WHICH BEARS NORTH 23°06'31" EAST;

THENCE SOUTHEASTERLY, ALONG SAID CURVE AND ALONG SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 09°00'22", AN ARC LENGTH OF 200.41 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PARCEL.

SUBJECT PARCEL CONTAINS 6,621.3 SQUARE FEET OR 0.1520 ACRES, MORE OR LESS.



NOT TO SCALE

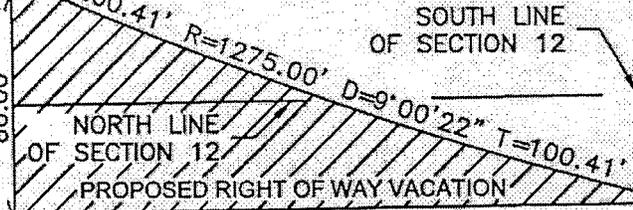
GERMANN ROAD

EXISTING 75' ROW
PER FINAL PLAT OF
CROSSROADS TOWNE
CENTER-CHANDLER
BOOK 720, PAGE 3, M.C.R.

APN#303-30-002N
EXISTING 33'
ROW PER BOOK 1
OF ROAD MAPS,
PAGE 25, M.C.R.

N89°21'22"E
13.77'

N00°38'38"W
66.00'



SOUTH LINE
OF SECTION 12

NORTH LINE
OF SECTION 12

S89°21'22"W
686.50'

S00°38'38"E
33.00'

EXISTING 33'
ROW PER BOOK 1
OF ROAD MAPS, APN# 303-31-011B
PAGE 25, M.C.R.

APN #303-31-011A

POINT OF
BEGINNING

SOUTHEAST CORNER
OF SECTION 1 &
NORTHEAST CORNER
SECTION 12, T2S, R5E
FOUND BRASS CAP
IN HANDHOLE
POINT OF
COMMENCEMENT

BASIS OF BEARING
S00°06'42"E 2639.64'



LEGEND

 TO BE ABANDONED

EAST QUARTER CORNER
SECTION 12, T2S, R5E
FOUND BRASS CAP
IN HANDHOLE



DEI
Professional
Services, LLC
6225 N. 24th St., Ste. 200
Phoenix, AZ 85016
Phone: (602)954-0038
Fax: (602)944-8605

PROPOSED
RIGHT OF WAY VACATION
CHANDLER, ARIZONA
DATE: 6/19/06 SCALE: N.T.S. PROJ. NO: 05139 CAD FILE: 05139_VACATION-PLAT

EXHIBIT
B
1 of 1

