

2
MAY 24 2007

ORDINANCE NO. 3810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF THE OLD GERMAN ROAD RIGHT OF WAY ALIGNMENT LOCATED AT THE SOUTHWEST CORNER OF OLD GERMAN ROAD AT STEARMAN DRIVE AND ABUTTING TAX PARCEL 303-31-009G.

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 Old Germann Road right of way alignment that is located at the southwest corner of Old Germann Road and Stearman Drive and that abuts the north property line of Tax Parcel No. 303-31-009G, and which is more fully described in Exhibit "A", 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 \$48,083 by Mammoth Equities L.L.C. 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. 3810 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. 3810 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 3810.

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. 3810 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 *WAB*

EXHIBIT "A"
AREA 1
RIGHT-OF-WAY VACATION

THAT 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 AN ALUMINUM CAP IN HANDHOLE, LOCATING THE NORTH QUARTER CORNER OF SAID SECTION 12;

THENCE NORTH 89° 21' 03" EAST 441.40 FEET, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89° 21' 03" EAST 973.05 FEET;

THENCE SOUTH 32° 59' 32" WEST 39.64 FEET;

THENCE SOUTH 89° 21' 03" WEST 923.97 FEET;

THENCE NORTH 40° 03' 49" WEST 42.71 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 31,301 SQUARE FEET OR 0.719 ACRES, MORE OR LESS.



EXHIBIT "A"
AREA 2
RIGHT-OF-WAY VACATION

THAT 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 AN ALUMINUM CAP IN HANDHOLE, LOCATING THE NORTH QUARTER CORNER OF SAID SECTION 12;

THENCE NORTH 89° 21' 03" EAST 441.40 FEET, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 40° 03' 49" EAST 42.71 FEET;

THENCE NORTH 89° 21' 03" EAST 809.31 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUE NORTH 89° 21' 03" EAST 126.67 FEET;

THENCE SOUTH 32° 59' 31" WEST 12.44 FEET TO A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 740.00 FEET, WITH A RADIAL LINE IN OF SOUTH 57° 03' 55" EAST AND A RADIAL LINE OUT OF NORTH 88° 29' 08" WEST;

THENCE SOUTHERLY ALONG SAID CURVE, TO THE LEFT, THROUGH A CENTRAL ANGLE OF 31° 25' 13" AND AN ARC DISTANCE OF 405.81 FEET;

THENCE SOUTH 44° 37' 20" WEST 0.44 FEET;

THENCE NORTH 00° 08' 03" WEST 392.08 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 16,782 SQUARE FEET OR 0.385 ACRES, MORE OR LESS.

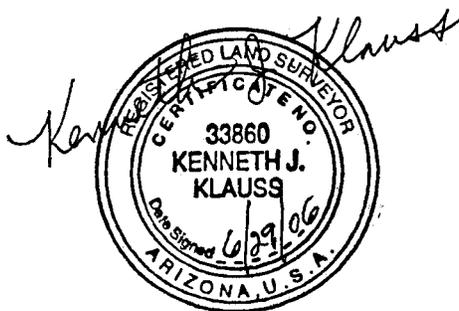
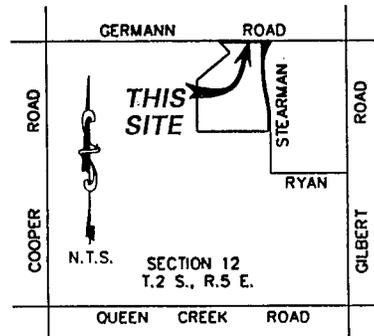


EXHIBIT "A"

POINT OF COMMENCEMENT
N. 1/4 COR. SEC. 12
FND. ALUM. CAP
IN HANDHOLE

N.W. COR. SEC. 12
FND. BRASS CAP
IN HANDHOLE



VICINITY MAP

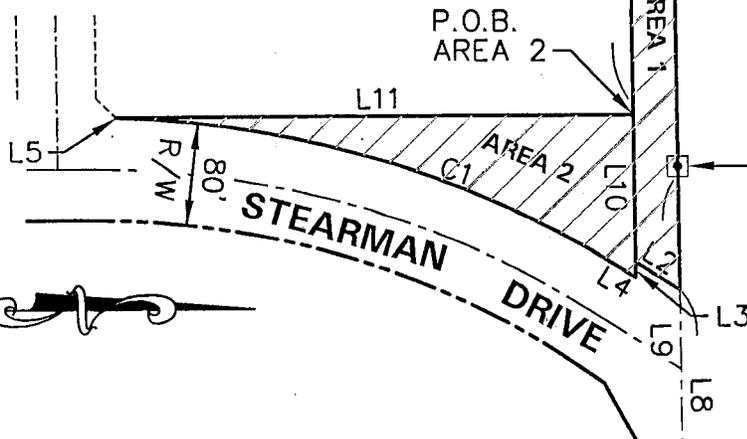
LINE TABLE		
LINE	LENGTH	BEARING
L1	42.71'	N40°03'49"W
L2	39.64'	S32°59'32"W
L3	12.01'	N89°21'03"E
L4	12.44'	S32°59'32"W
L5	0.44'	S44°37'20"W
L6	2633.65'	N89°21'13"E
L7	441.40'	N89°21'03"E
L8	1220.42'	N89°21'03"E
L9	1316.74'	N89°21'03"E
L10	126.67'	N89°21'03"E
L11	392.08'	N00°08'03"W
L12	973.05'	N89°21'03"E
L13	923.97'	N89°21'03"E
L14	809.31'	N89°21'03"E

P.O.B.
AREA 1

33' EXISTING RIGHT-OF-WAY
BK. 30 ROAD MAPS, PG. 87

CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	31°25'13"	405.81'	740.00'

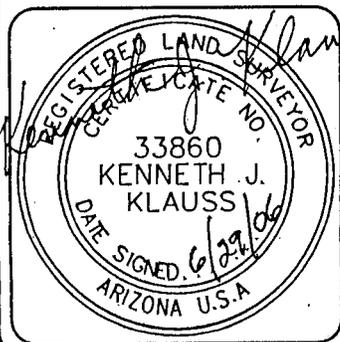
P.O.B.
AREA 2



FND. C.O.C. B.C. (FLUSH)
0.64' NORTH

N.E. COR. SEC. 12
FND. 1/2" PIPE
IN HANDHOLE

PAGE 3 OF 3



TITLE: EXHIBIT "A"
SCALE: 1"=150'
DATE: 6/29/06
DESC: RIGHT-OF-WAY
VACATION

HUNTER

ENGINEERING

8283 N. HAYDEN RD, SUITE 275
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

PROJ. NO. FIND014-AP