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FEB 28 2008

ORDINANCE NO. 3839

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING AND APPROVING THE VACATION OF A 50 SQUARE FOOT SEGMENT OF THE SOUTH RIGHT-OF-WAY FOR COMMONWEALTH AVENUE LOCATED AT THE NORTHWEST CORNER OF LOT 14 OF CHANDLER (8 S. SAN MARCOS PLACE).

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, A.R.S. §28-7215 provides that a public roadway may be vacated without compensation if the person taking the public roadway agrees to assume the costs of maintaining the public roadway and the liability for the public roadway; and

WHEREAS, the owner of the property located at 8 South San Marcos Place has requested that the City of Chandler (the "City") vacate a 50 square foot segment of Commonwealth Avenue, a public roadway (the "Roadway"), without compensation, but in consideration for the owner assuming responsibility for maintenance of and liability for the Roadway ;

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.

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.

Section 5. Pursuant to A. R. S. § 28-7215, the vacation of the Roadway is done without any requirement for monetary compensation to the City, but is made in consideration for the owner of the property at 8 South San Marcos Place agreeing to assume responsibility for maintenance of and liability for the Roadway.

Section 6. 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 7. The City Clerk is directed to cause this Ordinance No.3839 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.3839 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 3839.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.3839 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008 and that a quorum was present thereat.

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

CITY ATTORNEY

GAB

COMMENCING AT THE NORTHWEST CORNER OF LOT 14 OF SAID CHANDLER;

THENCE NORTH 89 DEGREES 07 MINUTES 32 SECONDS EAST 2.37 FEET ALONG THE NORTH LINE OF SAID LOT 14 TO THE POINT OF BEGINNING;

THENCE NORTH 01 DEGREES 00 MINUTES 22 SECONDS WEST 4.90 FEET;

THENCE NORTH 89 DEGREES 19 MINUTES 14 SECONDS EAST 6.43 FEET;

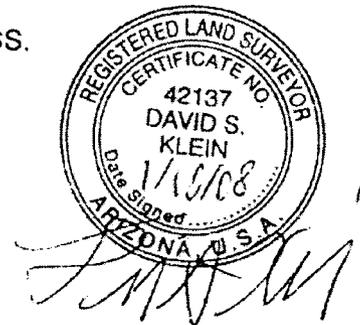
THENCE NORTH 00 DEGREES 39 MINUTES 36 SECONDS WEST 4.12 FEET;

THENCE NORTH 89 DEGREES 07 MINUTES 32 SECONDS EAST 2.14 FEET, ALONG A LINE WHICH IS 21.00 FEET SOUTH OF AND PARALLEL WITH THE MONUMENT LINE OF COMMONWEALTH AVENUE;

THENCE SOUTH 00 DEGREES 01 MINUTES 09 SECONDS WEST 9.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 14;

THENCE SOUTH 89 DEGREES 07 MINUTES 32 SECONDS WEST 8.43 FEET ALONG THE NORTH LINE OF SAID LOT 14 TO THE POINT OF BEGINNING.

COMPRISING 0.001 ACRES OR 50 SQUARE FEET, MORE OR LESS.

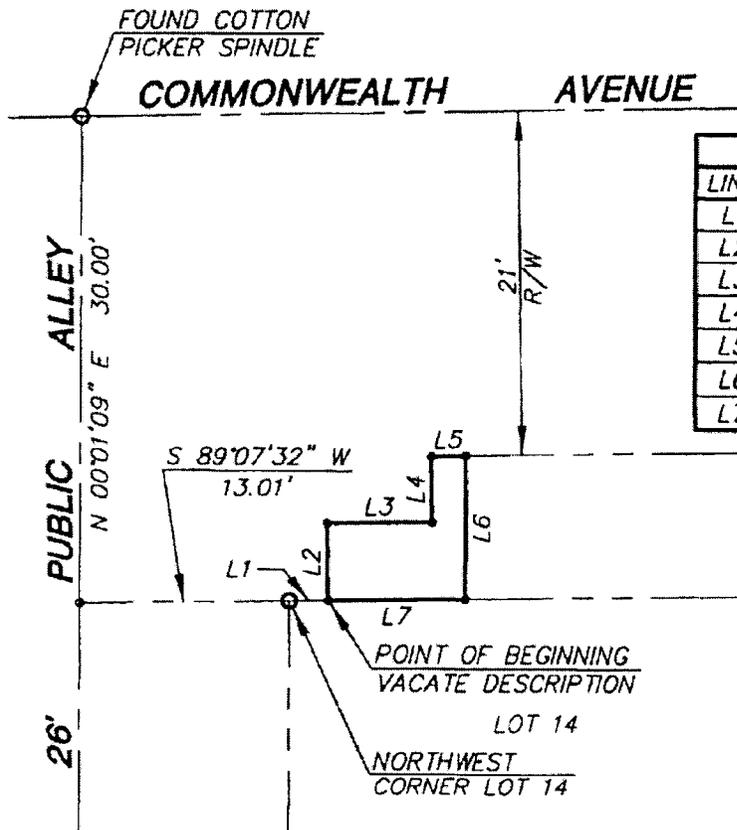


EXHIBIT

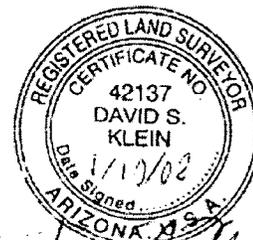
OF ROADWAY VACATION AREA AT COMMONWEALTH & CALIFORNIA, CHANDLER, ARIZONA



NOT TO SCALE



| LINE TABLE | | |
|------------|---------------|--------|
| LINE | BEARINGS | LENGTH |
| L1 | S 89°07'32" W | 2.37' |
| L2 | N 01°00'22" W | 4.90' |
| L3 | N 89°19'14" E | 6.43' |
| L4 | N 00°39'36" W | 4.12' |
| L5 | N 89°07'32" E | 2.14' |
| L6 | S 00°01'09" W | 9.00' |
| L7 | S 89°07'32" W | 8.43' |



NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY A DESCRIPTION, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

**Superior
Surveying
Services, Inc.**

21415 North 23rd Avenue
Phoenix, Arizona 85027
Phone (623) 869-0223
Fax (623) 869-0726
info@ssincsz.com

PROFESSIONAL LAND SURVEYING - ARIZONA, CALIFORNIA, NEVADA
ARIZONA NO. 18214 - CALIFORNIA NO. L9080 - NEVADA NO. 7890

DATE: 1/10/08

REVISED:

JOB NO.: 271028