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APR 24 2008

ORDINANCE NO. 3996

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF ROAD RIGHT-OF-WAY AT THE NORTHWEST CORNER OF GILBERT ROAD AND CHANDLER BOULEVARD CONTAINING APPROXIMATELY 14,563 SQUARE FEET OF LAND, CONDITIONED UPON RECEIPT OF \$148,498 PLUS CLOSING EXPENSES, AND ACCEPTING AN EASEMENT OF 1,500 SQUARE FEET FOR A FUTURE CITY MONUMENT SIGN.

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 northwest corner of Gilbert Road and Chandler Boulevard located north of the USA irrigation canal and west of Gilbert Road and which is more fully described in Exhibit "A", attached hereto and incorporated herein by reference, is no longer needed as public roadway;

WHEREAS, Starpointe Communities is willing to reimburse the City \$148,498, plus closing costs for the remaining right-of-way and grant an easement of 1,500 square feet for a future monument sign at a location to be agreed to between Starpointe and the City as part of the consideration;

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 \$165,553 consisting of \$148,498 plus closing costs in cash, and a sign easement valued at \$17,055 by Star Pointe Communities 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. 3996 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 3996 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 3996.

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. 3996 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*

Ord. No. 3996 EK

EXHIBIT "A"

LEGAL DESCRIPTION  
City of Chandler  
Parcel to be Vacated  
Northwest Corner of Gilbert Road  
and Chandler Boulevard

That portion of the Southeast quarter of the Southeast quarter of Section 25, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

Commencing at the Southeast corner of said Section 25;  
Thence, South 89 degrees, 50 minutes 00 seconds West a distance of 208.71 feet along the South line of said Section 25;  
Thence, North 00 degrees, 20 minutes, 08 seconds West a distance of 98.50 feet to the POINT OF BEGINNING;  
Thence, continuing North 00 degrees, 20 minutes, 08 seconds West a distance of 110.21 feet;  
Thence, North 89 degrees, 50 minutes, 00 seconds East as distance of 132.21 feet to the west right-of-way line of Gilbert Road;  
Thence, South along the West right-of-way line of Gilbert Road a distance of 100.71 feet;  
Thence, South 89 degrees, fifty minutes, 00 seconds West a distance of 17.09 feet;  
Thence, South 44 degrees, 44 minutes, 56 seconds West a distance of 13.42 feet;  
Thence, South 89 degrees, 50 minutes, 00 seconds West a distance of 105.62 feet to the POINT OF BEGINNING.