

2

AUG 14 2008

ORDINANCE NO. 4078

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA,
VACATING THE RIGHT-OF-WAY ON GALVESTON STREET, WEST OF EMMETT
DRIVE, ADJACENT TO CTA LIBERTY ELEMENTARY SCHOOL

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 Galveston Street, west of Emmett Drive, adjacent to CTA Liberty Elementary School has requested that the City of Chandler (the "City") vacate the right of way on Galveston Street, west of Emmett Drive, adjacent to CTA Liberty Elementary School 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 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. 4078 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. 4078 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 4078.

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. 4078 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*

LEGAL DESCRIPTION FOR ABANDONMENT OF GALVESTON STREET

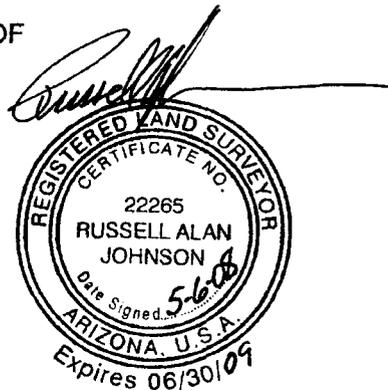
THAT PORTION OF THE EAST HALF OF SECTION 25, TOWNSHIP 1 SOUTH,
RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY,
ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 25, FROM WHICH THE NORTH
QUARTER CORNER OF SAID SECTION 25, BEARS NORTH 00°10'34" WEST, A
DISTANCE OF 2,636.94 FEET;
THENCE NORTH 00°10'34" WEST ALONG THE WEST LINE OF THE NORTHEAST
QUARTER OF SAID SECTION 25, A DISTANCE OF 33.00 FEET TO A POINT ON A
LINE WHICH IS PARALLEL WITH AND 33.00 FEET NORTH, AS MEASURED AT
RIGHT ANGLES, FROM THE SOUTH LINE OF THE NORTHEAST QUARTER OF
SAID SECTION 25;
THENCE NORTH 89°41'30" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF
848.27 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF EMMETT DRIVE
AS DEPICTED ON THE MINOR LAND DIVISION OF CHANDLER TRADITIONAL
ACADEMY, RECORDED IN BOOK 659 OF MAPS, PAGE 31, RECORDS OF
MARICOPA COUNTY, ARIZONA;
THENCE SOUTH 00°17'38" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A
DISTANCE OF 66.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND
33.00 FEET SOUTH, AS MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE
OF THE SOUTHEAST QUARTER OF SAID SECTION 25;
THENCE SOUTH 89°41'30" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF
798.42 FEET TO A POINT ON THE WEST LINE OF SAID MINOR LAND DIVISION;
THENCE NORTH 00°09'20" WEST ALONG SAID WEST LINE, A DISTANCE OF 33.00
FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID
SECTION 25;
THENCE SOUTH 89°41'30" WEST ALONG THE NORTH LINE OF THE SOUTHEAST
QUARTER OF SAID SECTION 25, A DISTANCE OF 50.00 FEET TO THE **POINT OF
BEGINNING**.

SAID PARCEL CONTAINING 54,340 SQ. FT., 1.2475 ACRES, MORE OR LESS.

PREPARED BY OR UNDER THE DIRECTION OF

RUSSELL A. JOHNSON, R.L.S.
ARIZONA REG. NO. 22265



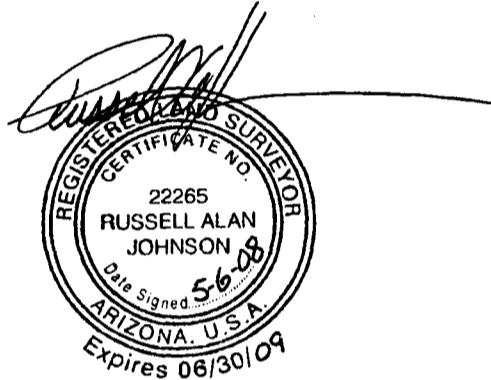
RW ABANDONMENT.txt

Parcel name: RW ABANDONMENT

| | |
|--|------------------|
| North: 6000.0024 | East : 6000.0000 |
| Line Course: N 00-10-34 W Length: 33.00 | |
| North: 6033.0022 | East : 5999.8986 |
| Line Course: N 89-41-30 E Length: 848.27 | |
| North: 6037.5671 | East : 6848.1563 |
| Line Course: S 00-17-38 E Length: 66.00 | |
| North: 5971.5680 | East : 6848.4948 |
| Line Course: S 89-41-30 W Length: 798.42 | |
| North: 5967.2713 | East : 6050.0864 |
| Line Course: N 00-09-20 W Length: 33.00 | |
| North: 6000.2712 | East : 6049.9968 |
| Line Course: S 89-41-30 W Length: 50.00 | |
| North: 6000.0022 | East : 5999.9975 |

Perimeter: 1828.69 Area: 54,340.3748 sq.ft. 1.2475 acres

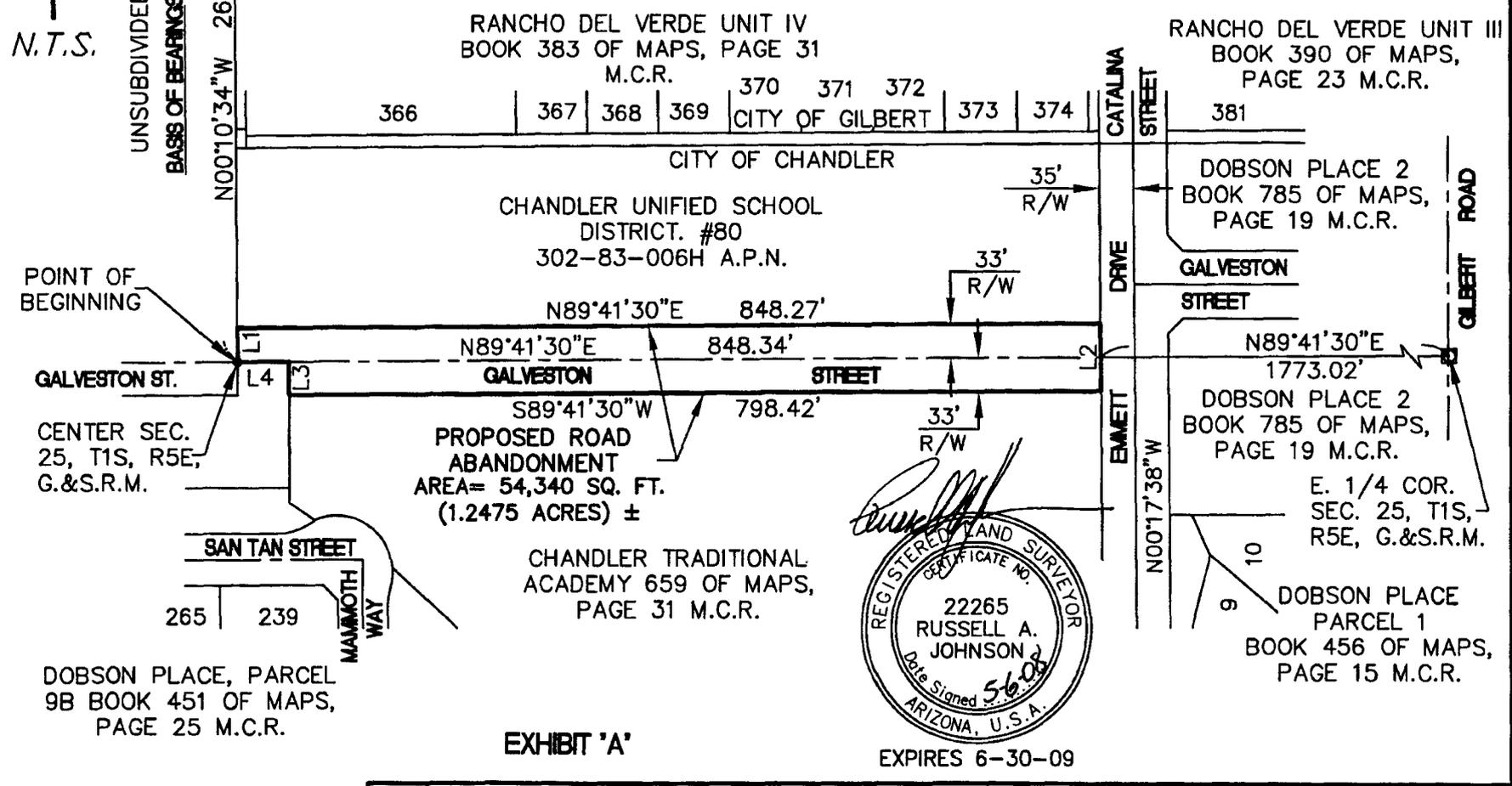
Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0025 Course: S 85-01-49 W
Error North: -0.00022 East : -0.00249
Precision 1: 731,476.00



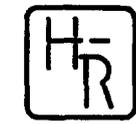


| LINE TABLE | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L1 | 33.00' | N00°10'34"W |
| L2 | 66.00' | S00°17'38"E |
| L3 | 33.00' | N00°09'20"W |
| L4 | 50.00' | S89°41'30"W |

| LEGEND | |
|-----------|------------------------------|
| R/W | RIGHT OF WAY |
| L1 | LINE NUMBER TABLE |
| M.C.R. | MARICOPA COUNTY RECORDER |
| G.&S.R.M. | GILA AND SALT RIVER MERIDIAN |
| A.P.N. | ASSESSORS PARCEL NUMBER |



| | | | |
|---|------------|-------------|--------------------|
| TITLE: LEGAL DESCRIPTION SKETCH FOR ABANDONMENT OF A PORTION OF GALVESTON STREET | | | |
| DES. RAJ | DRN. CL | CKD. RAJ | JOB NO. 0803-05 |

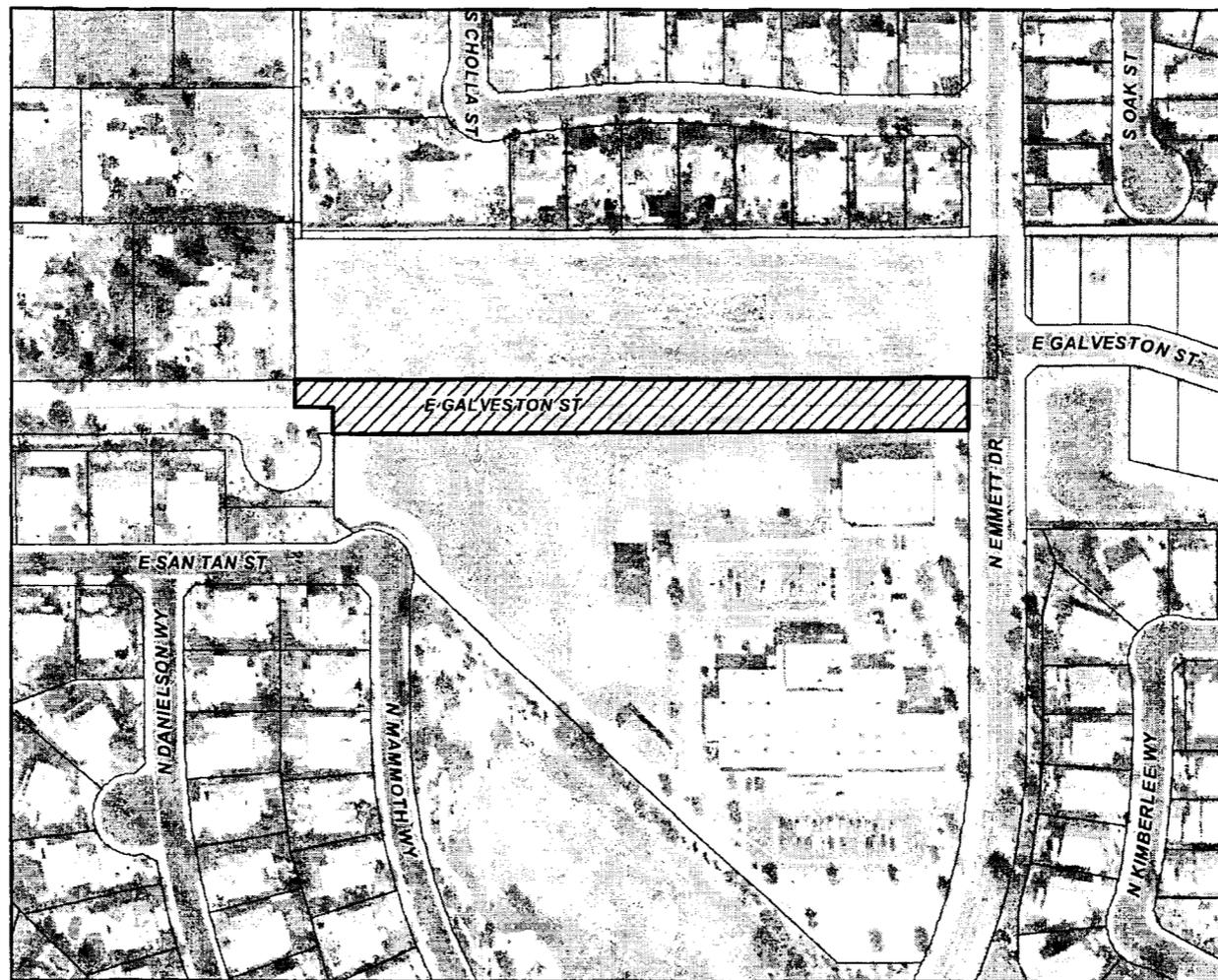
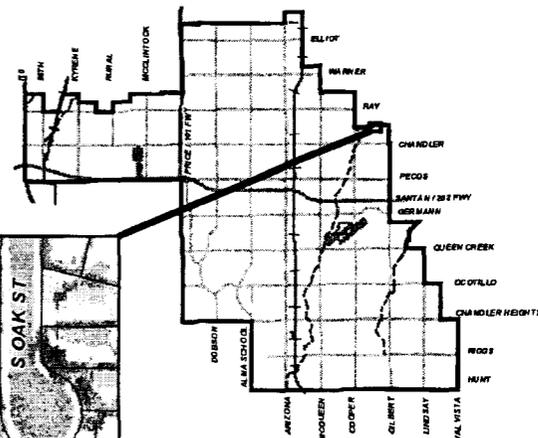


HESS - ROUNTREE, INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 9831 SOUTH 51ST STREET, SUITE C110
 PHOENIX, ARIZONA 85044 (480)496-0244

080305SKA.DWG



**VACATION - GALVESTON ST.,
WEST OF EMMETT DR.
ADJACENT TO
CTA LIBERTY ELEMENTARY SCHOOL**



MEMO NO. RE09-005

ORDINANCE NO. 4078

 **VACATION OF GALVESTON ST**

