

ORDINANCE NO. 4126

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE THE DEDICATION IN FEE OF A PORTION OF CITY-OWNED PROPERTY FOR PUBLIC ROADWAY AND THE DEDICATION OF A PUBLIC UTILITY EASEMENT ADJACENT TO THE CHANDLER PARK AND RIDE, LOCATED AT THE SOUTHWEST CORNER OF SOUTH HAMILTON STREET AND GERMANN ROAD

WHEREAS, City of Chandler owns property located at the southwest corner of Germann Road and the future south Hamilton Street which it acquired for use as a public park and ride facility; and

WHEREAS, a portion of the property needs to be dedicated in trust to the public for public roadway and for a public utility easement; and

WHEREAS, it is necessary for Council to authorize the dedication in fee of the proposed public roadway and the dedication of a public utility easement that will run along the said right-of-way to accommodate the extension of Hamilton Street south of Germann Road and adjacent to the City owned property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That the City Council of the City of Chandler, Arizona authorizes and approves the dedication in fee of a portion of City owned property for public roadway and the dedication of a public utility easement as described and depicted in Exhibit "A" attached hereto and made a part hereof by this reference.

Section 2. That the approval of the dedications shall not become final until a deed granting the right-of-way and public utility easement granting a Public Utility Easement to the Public in trust have been recorded by the City Clerk.

Section 3. That the deed and Public Utility Easement shall be in a form approved by the City Attorney.

Section 4. All dedications shall be subject to existing liens, easements or other encumbrances of record existing at the time the dedication is completed.

Section 5. That the Mayor of the City of Chandler, Arizona, is hereby authorized to sign on behalf of the City, all documents required and necessary to complete the dedications including signing this Ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this _____
day of _____, 2009.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2009.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4126 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2009, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

LEGAL DESCRIPTION
CITY OF CHANDLER
RIGHT-OF-WAY #5 (PARCELS 303-33-007P & 303-33-007Q)

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 10, 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 NORTH QUARTER CORNER OF SAID SECTION 10 AT WHICH A BRASS CAP IN HANDHOLE WAS FOUND, AND FROM WHICH THE CENTER OF SAID SECTION 10 BEARS SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST A DISTANCE OF 2646.06 FEET, AND AT WHICH AN ALUMINUM CAP IN A POTHOLE WAS FOUND;

THENCE SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1263.03 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 49 SECONDS WEST, A DISTANCE OF 40.00 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 50 SECONDS WEST ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 1232.02 FEET;

THENCE NORTH 45 DEGREES 41 MINUTES 45 SECONDS WEST, A DISTANCE OF 28.11 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST ALONG A LINE 71.00 SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 177.19 FEET;

THENCE NORTH 01 DEGREES 02 MINUTES 41 SECONDS WEST, A DISTANCE OF 6.00 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST ALONG A LINE 65.00 SOUTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 173.83 FEET;

THENCE NORTH 00 DEGREES 22 MINUTES 41 SECONDS WEST, A DISTANCE OF 5.00 FEET;

THENCE NORTH 88 DEGREES 57 MINUTES 19 SECONDS EAST ALONG A LINE 60.00 SOUTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 411.10 FEET TO THE POINT OF BEGINNING.

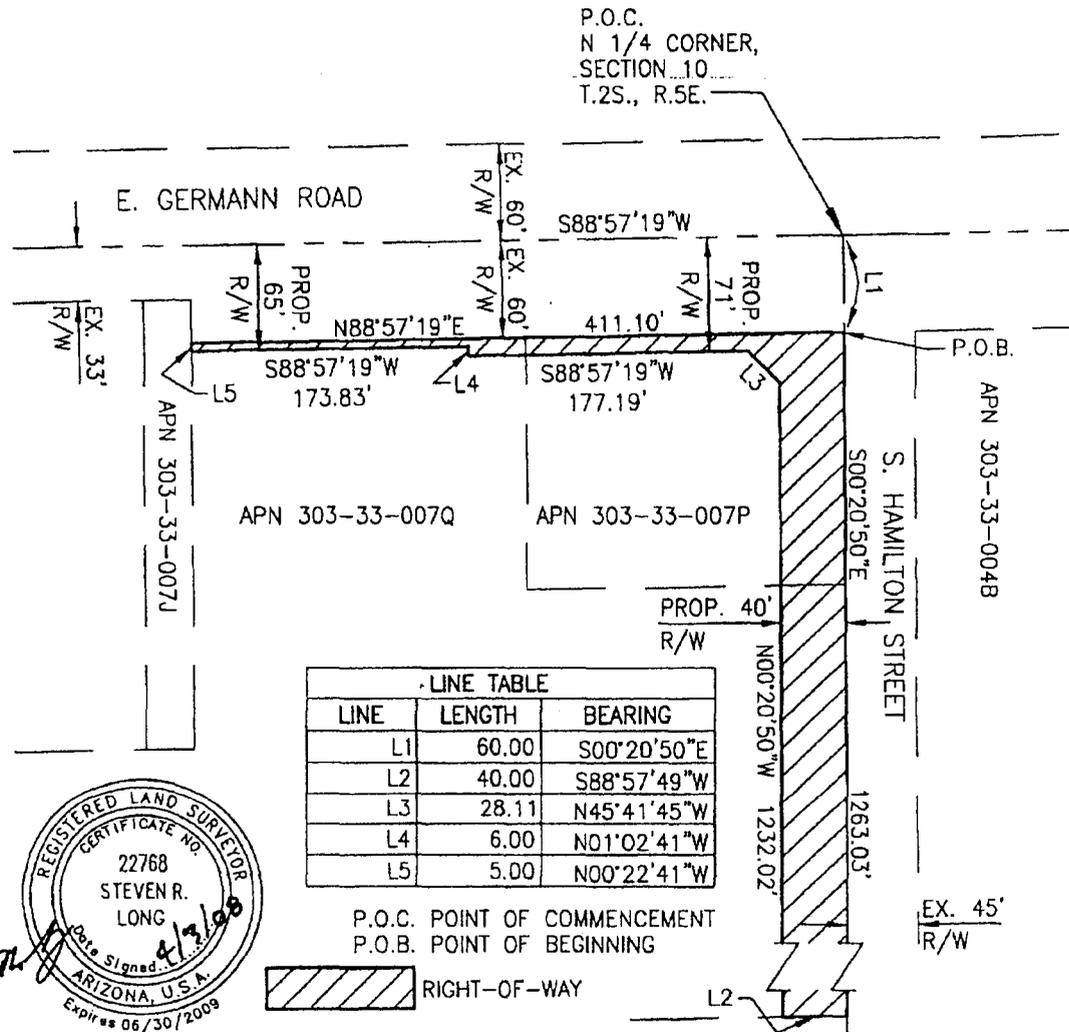
AREA CONTAINS 53,759.8 SQ. FT. (1.234 ACRES) AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SL

Expires 6/30/09



0 50' 100' 150'
SCALE: 1" = 100'



LINE TABLE		
LINE	LENGTH	BEARING
L1	60.00	S00°20'50"E
L2	40.00	S88°57'49"W
L3	28.11	N45°41'45"W
L4	6.00	N01°02'41"W
L5	5.00	N00°22'41"W

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

RIGHT-OF-WAY



CLIENT/PROJECT
CITY OF CHANDLER
RIGHT-OF-WAY #5

FIGURE NO.
2

TITLE
**EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION**
04/03/08
181922102



When recorded, mail to:
City of Chandler
City Clerk
P.O. Box 4008, Mail Stop 606
Chandler, AZ 85244-4008

APN: 303-33-007P & 303-33-007Q
Sec 10, T2S, R5E
DH 3/10/09

This document is exempt from Affidavit and Fee requirement pursuant to A.R.S. § 11-1134(A)(2).

**DEDICATION EASEMENT
(PUBLIC UTILITIES)**

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, CITY OF CHANDLER, an Arizona municipal corporation (“Grantor”), does hereby dedicate, grant and convey to the CITY OF CHANDLER, an Arizona municipal corporation (“Grantee”), in trust for the public, a permanent easement in, on, over, under, across and through that certain real property situated in Maricopa County, Arizona, more particularly described in Exhibit “A”, attached hereto and incorporated herein by this reference (the “Easement Parcel”), for the construction, installation, modification, operation, maintenance, repair, replacement, removal and reinstallation of all underground public utilities, including, but not limited to water, sewer and reclaimed water lines, and aboveground structures, facilities and appurtenances related thereto.

The aforesaid grant of easement shall be subject to the following covenants, restrictions and conditions:

1. This easement is subject to all easements and encumbrances of record, and is non-exclusive, *provided that* later granted easements shall be subject to Grantee’s rights and uses.

2. In the event Grantee records a document to formally abandon this easement, all of Grantee’s rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

3. Grantor expressly reserves the right to enter in or upon the Easement Parcel at any time for any purpose so long as Grantor’s access to the Easement Parcel does not interfere or interrupt Grantee’s use of the Easement Parcel as permitted herein, but in no event shall Grantor erect, construct or permit to be erected or constructed, any building or other structure, plant any trees, drill any well, install swimming pools, or alter ground level by cut or fill, within the limits of the Easement Parcel.

4. Grantee shall have full and unencumbered ingress and egress to and from the Easement Parcel for the purposes permitted by this Public Utility Easement.

5. Grantor shall repair and maintain, at its own expense, the surface of the Easement Parcel and any improvements located on the Easement Parcel, including but not limited to any utilities and related structures, facilities and appurtenances, pavement, sidewalks, landscaping, irrigation lines and street lighting, but excluding Grantee's own improvements, and Grantee shall have no liability for such repair and maintenance except in the event Grantee causes damage to the surface or improvements that is other than ordinary wear and tear.

6. Whenever Grantee shall cause the performance of any work for the repair, maintenance, replacement or installation of any of the Grantee's improvements, Grantee shall complete such work with due diligence and within a reasonable period of time, and Grantee shall, upon completion of such work, repair and restore the Easement Parcel to a like or equivalent condition as existed prior to the performance of the work and shall be responsible for any damages, claims or losses occurring on the Easement Parcel during the term of this easement caused by Grantee's negligent use of the Easement Parcel or by the negligent acts or conduct of Grantee's employees, agents, contractors or assigns.

7. Grantee may cut back and trim such portion of branches and tops of trees and vegetation as may extend over the Easement Parcel from any abutting land, including land owned by the Grantor, so as to prevent the same from interfering with the efficient maintenance, operation and access to Grantee's improvements.

8. The easement granted herein runs with the land, and the easement and all covenants, restrictions and conditions hereof shall be binding upon Grantor, its successors and assigns, and shall inure to the benefit of Grantee, its successors and assigns.

DATED this _____ day of _____, 2009.

GRANTOR: CITY OF CHANDLER, an Arizona municipal corporation

By: _____
Boyd Dunn, Mayor

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Dedication Easement for Public Utilities was acknowledged before me this ___ day of _____, 2009, by Boyd Dunn, the Mayor of the City of Chandler, an Arizona municipal corporation, for the corporation, being authorized so to do.

My Commission Expires:

Notary Public

LEGAL DESCRIPTION
CITY OF CHANDLER
PUBLIC UTILITY EASEMENT
(PARCELS 303-33-007P & 303-33-007Q)

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 10, 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 NORTH QUARTER CORNER OF SAID SECTION 10 AT WHICH A BRASS CAP IN HANDHOLE WAS FOUND, AND FROM WHICH THE CENTER OF SAID SECTION 10 BEARS SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST A DISTANCE OF 2646.06 FEET, AND AT WHICH AN ALUMINUM CAP IN A POT HOLE WAS FOUND;

THENCE SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 91.49 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 10 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST ALONG A LINE 40.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 1232.02 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 49 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 50 SECONDS WEST ALONG A LINE 48.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE, A DISTANCE OF 1228.77 FEET;

THENCE NORTH 45 DEGREES 41 MINUTES 45 SECONDS WEST, A DISTANCE OF 21.43 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST ALONG A LINE 79.00 SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 181.85 FEET;

THENCE NORTH 01 DEGREES 02 MINUTES 41 SECONDS WEST, A DISTANCE OF 6.00 FEET;

THENCE SOUTH 88 DEGREES 57 MINUTES 19 SECONDS WEST ALONG A LINE 73.00 SOUTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 165.92 FEET;

THENCE NORTH 00 DEGREES 22 MINUTES 41 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 88 DEGREES 57 MINUTES 19 SECONDS EAST ALONG A LINE 65.00 SOUTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 173.83 FEET;

THENCE SOUTH 01 DEGREES 02 MINUTES 41 SECONDS EAST, A DISTANCE OF 6.00 FEET;

THENCE NORTH 88 DEGREES 57 MINUTES 19 SECONDS EAST ALONG A LINE 71.00 SOUTH OF AND PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 177.19 FEET;

THENCE SOUTH 45 DEGREES 41 MINUTES 45 SECONDS EAST, A DISTANCE OF 28.11 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 12,884.5 SQ. FT. (0.296 ACRES) AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

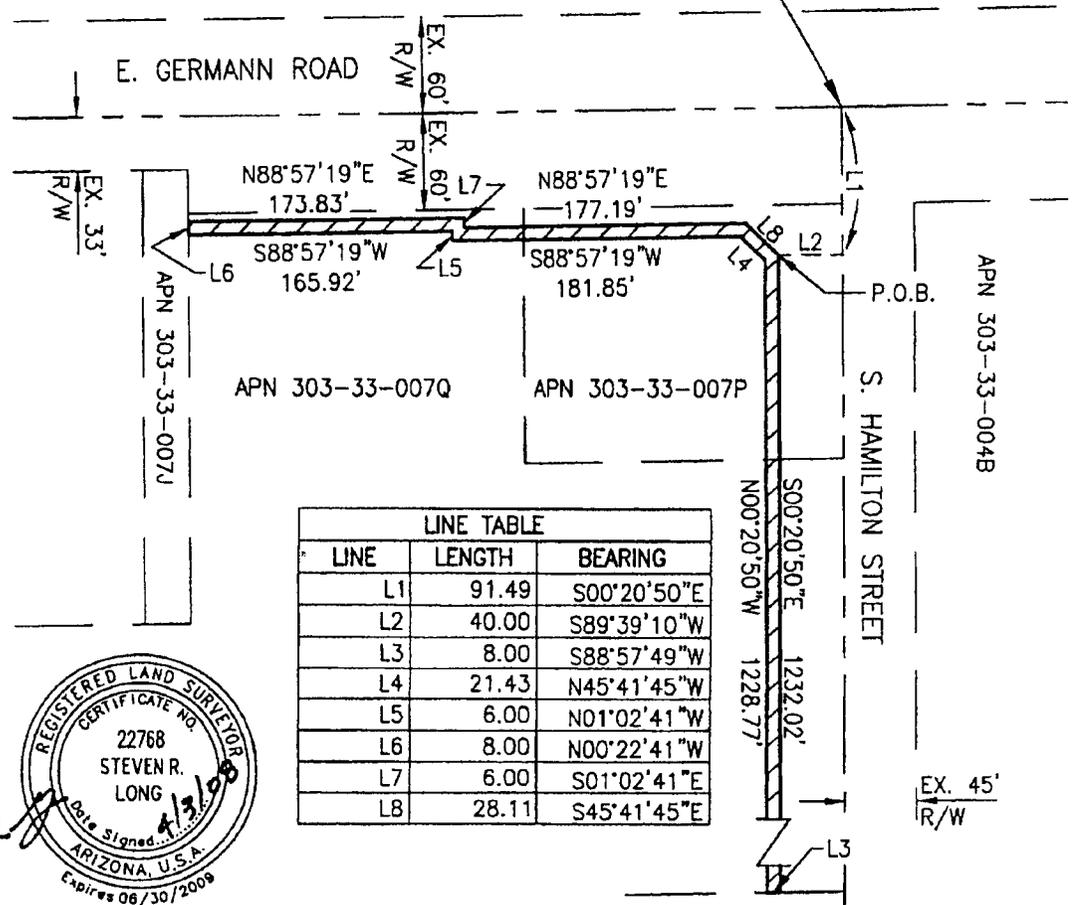


EXPIRES 6/30/09



0 50' 100' 150'
SCALE: 1" = 100'

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
PUBLIC UTILITY EASEMENT
P.O.C. N 1/4 CORNER, SECTION 10 T.2S., R.5E.



LINE TABLE		
LINE	LENGTH	BEARING
L1	91.49	S00°20'50"E
L2	40.00	S89°39'10"W
L3	8.00	S88°57'49"W
L4	21.43	N45°41'45"W
L5	6.00	N01°02'41"W
L6	8.00	N00°22'41"W
L7	6.00	S01°02'41"E
L8	28.11	S45°41'45"E



CLIENT/PROJECT
CITY OF CHANDLER
PUBLIC UTILITY EASEMENT

FIGURE NO.
2

TITLE
**EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION**
04/03/08
181922102