

AUG 27 2009

## ORDINANCE NO. 4169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF RIGHT-OF-WAY ON APPLEBY ROAD, WEST OF ARIZONA AVENUE NEAR HAMILTON HIGH 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, Shea Homes and the Chandler Unified School District has requested the City of Chandler vacate a portion of roadway on Appleby Road, west of Arizona Avenue; and

WHEREAS, after the vacation of roadway is completed and title is transferred to the adjacent property owner (Shea Homes), Shea Homes has agreed to enter into a donation agreement with Chandler Unified School District.

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.

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4169 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

**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. 4169 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. 4169 is passed and adopted. The vacation of the Roadway shall take effect upon recordation of this Ordinance No. 4169.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of

Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

March 26, 2007

LEGAL DESCRIPTION FOR  
CITY OF CHANDLER  
RIGHT OF WAY VACATION

That part of the Northeast Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 5 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap marking the East Quarter Corner of said Section 16, from which the City of Chandler Brass Cap in handhole marking the Southeast Corner of said Section 16 bears South 00°48'45" West, a distance of 2,645.91 feet;

Thence North 89°43'01" West, along the East West mid-section line of said Section 16, a distance of 877.40 feet to a point on a 450.00 foot radius non-tangent curve, whose center bears North 26°07'30" East, and the True Point of Beginning;

Thence Southeasterly, along said curve, through a central angle of 25°50'31", a distance of 202.96 feet to a point on the Southerly right of way line for Appleby Road as shown on a Map of Dedication for "Hamilton High School" recorded in Book 537 of Maps, Page 43, Maricopa County Records;

Thence North 89°43'01" West, along said Southerly right of way line, a distance of 635.73 feet to a point on the Westerly Boundary line of said Map of Dedication;

Thence North 00°50'37" East, along said Westerly boundary line, a distance of 45.00 feet to a point on said East West mid-section line, also being the Southerly Boundary line of a Final Plat for "Dobson Crossing" recorded in Book 747 of Maps, Page 37, Maricopa County Records;

Thence South 89°43'01" East, along said Southerly Boundary line, a distance of 439.14 feet to the True Point of Beginning.

Containing 0.520 Acres, more or less.

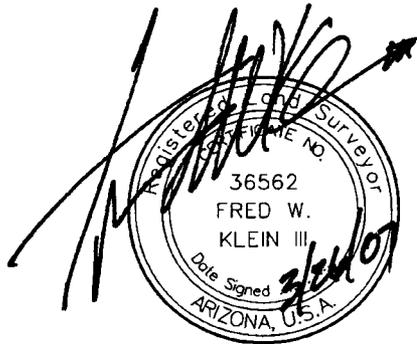
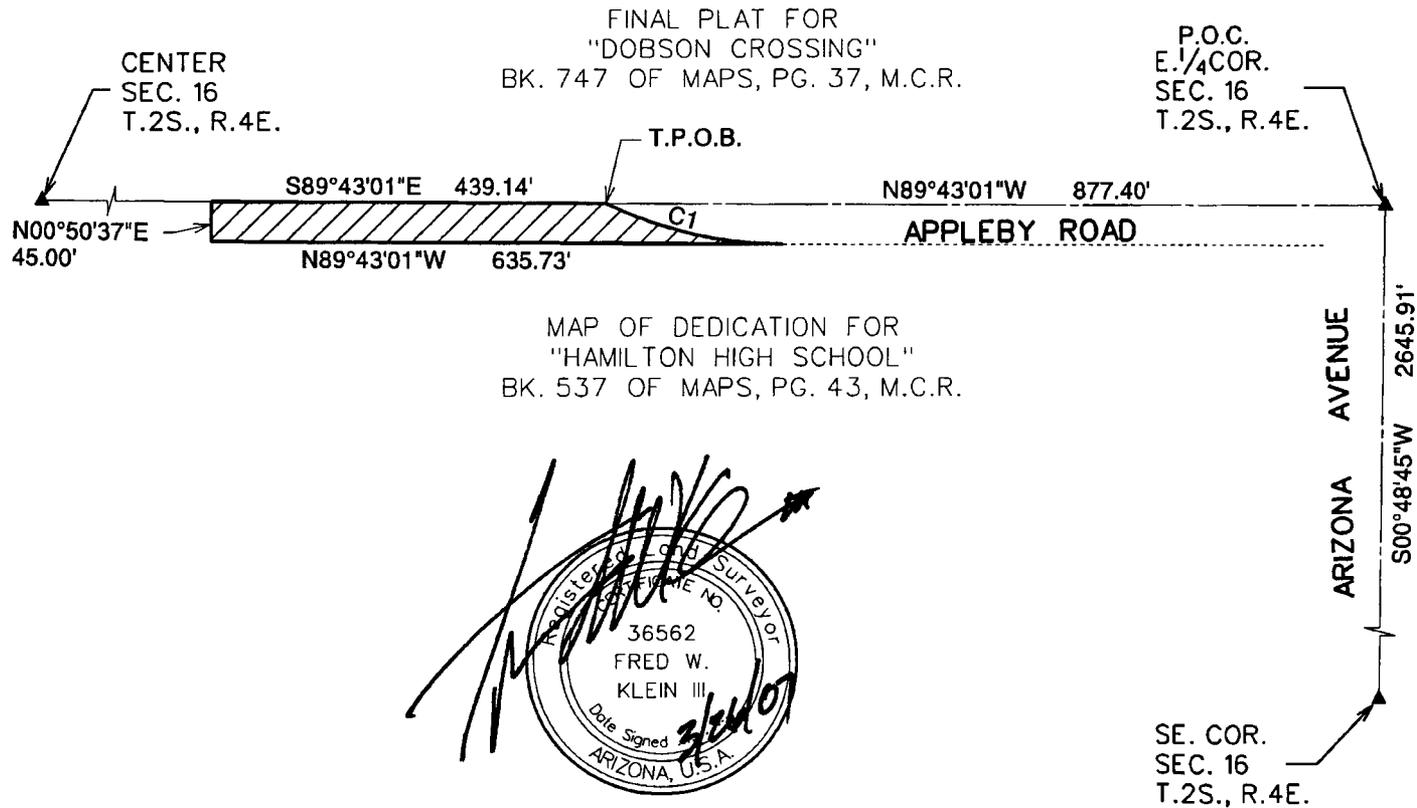




SCALE: 1" = 200'

CURVE TABLE

NO.	RADIUS	ARC	DELTA
1	450.00'	202.96'	025°50'31"



**EXHIBIT**  
N:\990013\LAND\EHCOVCVAC.DGN  
4550 NORTH 12TH STREET  
PHOENIX, ARIZONA 85014  
TELEPHONE (602) 264-6831

CITY OF CHANDLER  
RIGHT OF WAY VACATION

JOB NO  
990013

SHEET  
1 OF 1

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PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE