

ORDINANCE NO. 4986

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE ABANDONMENT OF A TEMPORARY DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE AT THE NORTHWEST CORNER OF ARIZONA AVENUE AND GERMANN ROAD.

WHEREAS, Arden Park Owner, LLC, a Delaware limited liability company duly authorized to conduct business in Arizona ("Developer") is developing real property located at the northwest corner of Arizona Avenue and Germann Road (the "Property"); and

WHEREAS, the City holds a temporary drainage easement over the Property which was recorded on June 19, 2007, as Document No. 2007-0705215 in the records of the Maricopa County Recorder (Exhibit "A"); and

WHEREAS, Developer has submitted minor land division number PLT20-0011 providing for all water retained under the temporary drainage easement to be retained elsewhere on the Property; and

WHEREAS, Developer has requested that the City abandon the temporary drainage easement which is no longer needed for public use.

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

- Section 1. Approving the abandonment of the temporary drainage easement recorded on June 19, 2007, as Document No. 2007-0705215 in the records of the Maricopa County Recorder.
- Section 2. The abandonment shall be in the form attached to this Ordinance as Exhibit "B".
- Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to execute the abandonment and this Ordinance on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____ 2021.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this
_____ day of _____, 2021.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4986 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2021, and that the vote was _____ ayes, and _____ nays.

CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY



EXHIBIT "A"
Recorded Temporary Drainage Easement

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

298727-4-2-2--
hoyp

APN: 303-27-017Q
Section 5, Township 2 South, Range 5 East

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

NCS-298727
2/2

TEMPORARY DRAINAGE EASEMENT

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,

ZIGGY'S ENTERPRISES, LTD., an Arizona Limited Partnership

("Grantor"), does hereby grant and convey unto the CITY OF CHANDLER, an Arizona municipal corporation ("Grantee"), an 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 Property"), for the construction, maintenance, repair and operation of a storm water drainage and retention basin; reserving, however, to Grantor, its heirs, successors, representatives and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easements hereby acquired; subject, however, to any existing easements for public rights-of-way and public utilities.

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, other than those extinguished through this condemnation action, 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 Property within a reasonable time subsequent to such abandonment.

3. Nothing herein requires that a fully landscaped storm water retention basin be constructed by Grantee, and Grantor acknowledges that Grantee has represented that it intends to install a temporary retention basin, not fully landscaped and improved.

4. At the time of development of the larger parcel upon which this easement is situated and of which the Easement Property is a part, the easement granted herein may be relocated in conformance with Grantor's development plans with approval of the City Engineer of the City of Chandler, Arizona.

5. 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 6th day of June, 2007.

**GRANTOR: ZIGGY'S ENTERPRISES, LTD., an
Arizona Limited Partnership**

By: Ziggy Trust, dated October 1, 1978
General Partner

By: Siegfried L. Wauro
Siegfried L. Wauro, Co-Trustee of Ziggy Trust,
dated October 1, 1978.

By: Marie J. Wauro
Marie J. Wauro, Co-Trustee of Ziggy Trust, dated
October 1, 1978

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Temporary Drainage Easement was acknowledged before me this 7th day of June, 2007, by Siegfried L. Wauro and Marie J. Wauro, Co-Trustees of Ziggy Trust, dated October 1, 1978 being authorized to do so.

Delcine J. Morrisette
Notary Public

My Commission Expires:

6-4-09

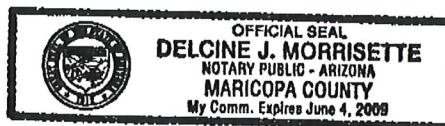


EXHIBIT "A"

**LEGAL DESCRIPTION
FOR
APN 303-27-017-Q
GERMANN ROADWAY IMPROVEMENTS
TEMPORARY DRAINAGE EASEMENT**



Shawn A. Berkram

The following is a description for a SALT RIVER PROJECT EASEMENT within a portion of a parcel of land as described in Deed #92-0623859, records of MARICOPA COUNTY, ARIZONA located in the SOUTHEAST QUARTER of SECTION 4, TOWNSHIP 2 SOUTH, RANGE 5 EAST of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the SOUTH QUARTER CORNER of SECTION 4, being monumented with a Brass Cap flush, from which the SOUTHEAST CORNER of SECTION 4, being monumented with a Brass Cap in Handhole, bears NORTH 88° 54' 40" EAST a distance of 2603.53 FEET, said line being the South line of the Southeast Quarter of said Section 4 and the basis of bearing for this description;

THENCE, NORTH 88° 54' 40" EAST, along the South line of the Southeast Quarter of said Section 4, a distance of 1,459.18 FEET;

THENCE, NORTH 01° 05' 20" WEST, a distance of 85.00 FEET, to a point on the proposed South temporary drainage easement line of Germann Road, also being the TRUE POINT OF BEGINNING;

THENCE, Continuing NORTH 01° 05' 20" WEST, a distance of 44.00 FEET;

THENCE, NORTH 88° 54' 40" EAST, a distance of 230.00 FEET;

THENCE, SOUTH 01° 05' 20" EAST, a distance of 44.00 FEET;

THENCE, SOUTH 88° 54' 40" WEST, a distance of 230.00 FEET to the TRUE POINT OF BEGINNING.

Containing an area of 10,120 SQUARE FEET or 0.23 ACRES, more or less.
See Exhibit "B"

Note: The legal description above is based on recorded documents such as the subject parcel's deed, adjacent parcel deeds and/or plats. It is not based on a boundary survey of the subject parcel.

LINE	BEARING	DISTANCE
L1	N 88°54'40" E	1459.18'
L2	N 01°05'20" W	85.00'
L3	N 01°05'20" W	44.00'
L4	N 88°54'40" E	230.00'
L5	S 01°05'20" E	44.00'
L6	S 88°54'40" W	230.00'

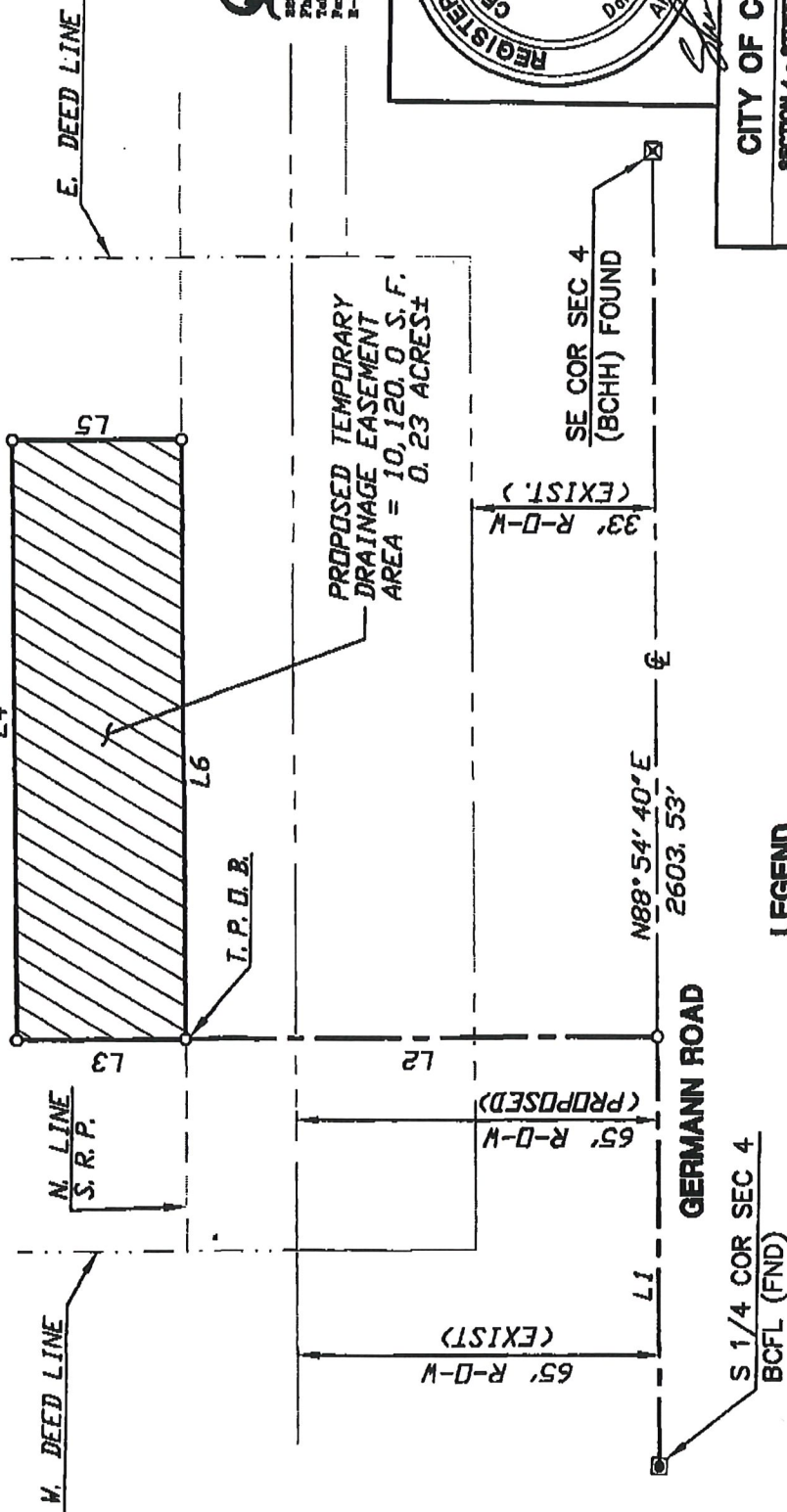
EXHIBIT "B"

APN# 303-27-017-Q

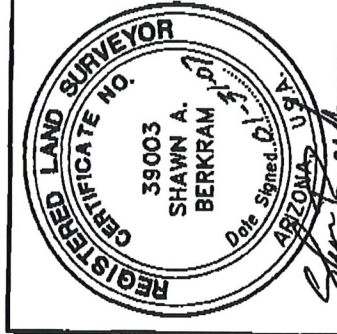
TEMPORARY DRAINAGE EASEMENT

APN# 303-27-017-Q

SCALE: N.T.S.



Entellus
2205 N. 44th Street, Suite 125
Phoenix, AZ 85008-5279
Tel: 602.244.2968
Fax: 602.244.8047
E-Mail: www.entellus.com



CITY OF CHANDLER

SECTION 4 - STREET IMPROVEMENTS

SECTION 4, T2S, R9E

PROPOSED TEMPORARY DRAINAGE EASEMENT

DATE: / / REV'D: / /

DRAWN BY: RT CHK'D: SB PAGE: 2 OF 2

FILE: P/SS/APROJ/615043/LGLS/3032701QTDE

LEGEND



BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4 BEARING N 88°54'40" E

NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJACENT DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

EXHIBIT "B"

Abandonment of Easement

When recorded, mail to:

Chandler City Clerk's Office
P.O. Box 4008, MS 606
Chandler, AZ 85244-4008

ABANDONMENT OF EASEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the CITY OF CHANDLER, an Arizona municipal corporation ("City"), does hereby release, extinguish, and abandon any and all right, title and interest that it may have in that certain Temporary Drainage Easement recorded on July 19, 2007, as Document No. 2007-0705215 in the records of Maricopa County Recorder. This Abandonment of Easement is not intended to release, extinguish or abandon any other interest that the City may have in any portion of the subject real property arising by virtue of any other instrument recorded with the Maricopa County Recorder, including without limitation, any deed, easement other than the aforementioned easement, or final order of condemnation.

CITY OF CHANDLER, an Arizona
municipal corporation

By _____
Mayor Kevin Hartke

APPROVED AS TO FORM:

Assistant City Attorney



STATE OF ARIZONA)
) ss.
County of Maricopa)

Executed before me this ____ day of _____, 2021, by Kevin Hartke, Mayor of the City of Chandler, Arizona.

Notary Public

My Commission Expires:

A.R.S. § 41-313(C) DISCLOSURES

Description of document this notarial certificate is being attached to:	
Type/Title	Abandonment of Easement
Date of Document	
Number of Pages	2
Add'l Signers (other than those named in the notarial certificate.)	None