

ORDINANCE NO. 5052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER ARIZONA, DECLARING CERTAIN REAL PROPERTY AS NO LONGER NECESSARY FOR USE AS A PUBLIC ROADWAY; VACATING THE ROADWAY LOCATED NORTH AND WEST OF LOTS 586 THROUGH 594 IN THE COLONIA CORONITA UNIT FOUR SUBDIVISION; QUITCLAIMING ANY REMAINING CITY INTEREST IN THE VACATED ROADWAY TO THE ABUTTING PRIVATE PROPERTY OWNERS OF LOTS 586 THROUGH 594; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO COMPLETE THE ABANDONMENT AND QUITCLAIM.

WHEREAS, A.R.S. § 28-7201 *et seq.*, provides for the disposition of unnecessary public roadways which includes all or part of a platted or designated public street, highway, alley, lane, parkway, avenue, road, sidewalk or other public way, whether or not it has been used as such; 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, the owners of lots 586 through 594 in the Colonia Coronita Unit Four subdivision recorded in book 272, page 31 (the “Owners”) signed a Petition to Vacate Alley requesting the City to vacate the alley, hereinafter referred to as the “Roadway,” that abuts their property for the reason that it no longer serves a public purpose and that its vacation will not be detrimental to the general interest; and

WHEREAS, by signing the Petition to Vacate Alley, the Owners agreed and consented to paying all costs, consideration and assume all liability associated with ownership, security and maintenance of the Roadway and the adjoining walls facing the alley; and

WHEREAS, the Roadway located north and west of lots 586 through 594 in the Colonia Coronita Unit Four subdivision, which is more fully described in Exhibit “A” and “B”, attached hereto and incorporated herein by reference, is no longer needed as public roadway; and

WHEREAS, City property abuts the Roadway on the west and north sides, necessitating that the City, as an abutting property owner that would statutorily take title to a portion of the vacated Roadway, quitclaim any remaining ownership interest in the Roadway after vacation so that title to the entire Roadway can vest in the Owners.

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

Section 1. The Roadway described in Exhibit “A” is determined to be no longer necessary for public use as Roadway.

- Section 2. The Roadway is hereby vacated so that title thereto is vested in the owner of the land abutting the Roadway or as otherwise provided by law pursuant to the provisions of A.R.S. § 28-1902(A), subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues.
- Section 3. The vacating of the Roadway is not intended and is not deemed to vacate or extinguish any rights-of-way or 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 pursuant to this Ordinance, and if any conflicts or concerns should arise, the City will have no responsibility or role in resolving such conflicts or concerns.
- Section 4. Any remaining ownership interest that the City may have in the vacated Roadway is hereby quitclaimed to Owners, subject to any encumbrances, liens, limitations, restrictions and estates as exist in the Roadway, so that title may vest in the same manner described in A.R.S. § 28-7205 except that the Owners will take to the opposite boundary line of the Roadway rather than stopping at the center of the Roadway.
- Section 5. The action taken 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 6. The City will vacate the Roadway described in Exhibit "A" and "B" and quitclaim any remaining ownership interest, without compensation, as Owners have agreed and consented to pay all costs, consideration and assume all liability associated with ownership, security and maintenance of the Roadway as required by A.R.S. § 28-7215(B).
- Section 7. 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 and the quitclaim to Owners of any remaining ownership interest in the Roadway.
- Section 8. The City Clerk is directed to cause this Ordinance No. 5052 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. 5052 is passed and adopted. The vacation and quitclaim of the Roadway shall take effect upon recordation of this Ordinance No. 5052.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2023.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2023.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5052 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2023 and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

DMG

Published in the Arizona Republic on:

EXHIBIT “A”
(Legal Description)

EXHIBIT “B”
(Drawing)