

RESOLUTION NO. 5849

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, APPROVING THE ABANDONMENT OF A TEMPORARY DRAINAGE EASEMENT NO LONGER NEEDED FOR PUBLIC USE LOCATED ON THE SOUTHWEST CORNER OF GILBERT ROAD AND INSIGHT WAY.

WHEREAS, in 2008, the City acquired a temporary drainage easement (the “TDE”) for the Gilbert Road Improvement Project from Germann Road to Queen Creek Road from the owner of the property located on the southwest corner of Gilbert Road and Insight Way (the “Property”); and

WHEREAS, the current owner, W/C 2701 Ryan Holdings VII LLC (the “Owner”), has constructed site, drainage and building improvements on the Property (the “Development”); and

WHEREAS, the Owner’s Development was designed to accommodate the drainage volumes that the TDE was designed to accept for the Gilbert Road Improvement Project from Germann Road to Queen Creek Road.

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

- Section 1. Authorizes the City of Chandler to abandon the TDE described in the Exhibit “A” description and Exhibit “B” drawing as the Development permanently accounts for these drainage volumes.
- Section 2. Approves the document used to abandon the TDE in the form approved by the City Attorney and attached hereto as Exhibit “C” and made a part of this Resolution.
- Section 3. Authorizes the Mayor of the City of Chandler to execute and deliver all documents necessary to abandon the TDE.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of December, 2024.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 5849 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of December, 2024, and that a quorum was present thereat.

CITY CLERK

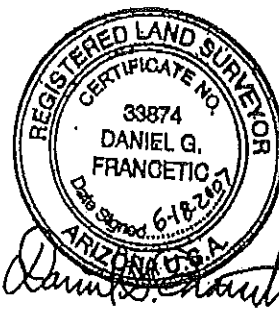
APPROVED AS TO FORM:

CITY ATTORNEY

DMG

EXHIBIT "A"

LEGAL DESCRIPTION



That portion of a parcel of land as described in Deed #2007-0605951, records of MARICOPA COUNTY, ARIZONA located in the SOUTHEAST QUARTER of SECTION 12, 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 EAST QUARTER CORNER of SECTION 12, being monumented with a Brass Cap in Hand Hole, from which the SOUTHEAST CORNER of SECTION 12 bears South 00 degrees 28 minutes 59 seconds East a distance of 2639.50 feet, said line being the East line of the Southeast Quarter of said Section 12 and the basis of bearing for this description;

Thence along said East line of said Southeast Quarter, South 00 degrees 28 minutes 59 seconds East, a distance of 66.57 feet;

Thence South 88 degrees 58 minutes 05 seconds West a distance of 65.00 feet to a point on a line parallel with and 65.00 feet distant from said East line, said line also being the proposed West right-of-way line of Gilbert Road, said point also being THE POINT OF BEGINNING;

Thence along said proposed West right-of-way line, South 00 degrees 28 minutes 59 seconds East a distance of 100.00 feet;

Thence South 88 degrees 58 minutes 05 seconds West a distance of 65.00 feet to a point on a line parallel with and 130.00 feet distant from the East line of said Southeast Quarter;

Thence along said parallel line, North 00 degrees 28 minutes 59 seconds West a distance of 100.00 feet to a point;

Thence North 88 degrees 58 minutes 05 seconds East a distance of 65.00 feet to THE POINT OF BEGINNING.

Containing an area of 6500 SQUARE FEET or 0.149 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.

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"

TEMPORARY DRAINAGE EASEMENT



SCALE: N.T.S.

RYAN ROAD

N. DEED LINE

PROPOSED TEMPORARY DRAINAGE EASEMENT
AREA = 6,500 S. F.
0.149± ACRES

T. P. D. B.
L6

L2

L5

L3

L4

L1

E. 1/4 COR SEC 12
BCHH (FND.)

LINE	BEARING	DISTANCE
L1	S 00°28'59" E	66.57'
L2	S 88°58'05" W	65.00'
L3	S 00°28'59" E	100.00'
L4	S 88°58'05" W	65.00'
L5	N 00°28'59" W	100.00'
L6	N 88°58'05" E	65.00'

VOLUME REQUIRED = 10,971 FT³
NO OTHER PARCELS CONTRIBUTE TO THIS BASIN

33' R-D-W
(EXIST.)

65' R-D-W
(PROPOSED)

S. DEED LINE

GILBERT ROAD
S 00°28'59" E
2639.50'

SE COR SEC 12
BCHH (FND.)



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LEGEND



PROPOSED TEMPORARY DRAINAGE EASEMENT

BASIS OF BEARING

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 12 BEARING S00°28'59" E

CITY OF CHANDLER

GILBERT ROAD IMPROVEMENTS

SECTION 12, T.28, R.5E

PROPOSED TEMPORARY DRAINAGE EASEMENT

DATE: 8/15/07

REV'D: / /

DRAWN BY: AL CHK'D: DF PAGE: 2 OF 2

FILE: P/615085/ROW/GILBERT/303.31.005E.TDE01

EXHIBIT “C”

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

ABANDONMENT OF EASEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, CITY OF CHANDLER, an Arizona municipal corporation ("City"), does hereby abandon any and all interest that it may have in a temporary drainage easement described in the attached Exhibit "A" and "B" and recorded with the Maricopa County Recorder on July 23, 2008 as Docket No. 2008-0640387. This abandonment is not intended to abandon any interest that 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.

Dated this ____ day of _____, 2024.

CITY OF CHANDLER, an Arizona municipal
corporation

By: _____
Mayor Kevin Hartke

STATE OF ARIZONA)
) ss.
County of Maricopa)

Acknowledged before me this ____ day of _____, 2024, by Kevin Hartke,
Mayor of the City of Chandler.

Notary Public

APPROVED AS TO FORM:

City Attorney

DMG

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	5 (which includes Exhibit A and B)
Add'l Signers (other than those named in the notarial certificate.)	None