

ORDINANCE NO. O21-44

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF EASEMENTS AT VARIOUS LOCATIONS THROUGHOUT THE CITY AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, the Glendale City Council took action to accept water easements on private property for various locations on the dates specified in Exhibit 1; and

WHEREAS, subsequent development occurring on these properties has caused water lines to be removed or relocated; and

WHEREAS, the private property owners are requesting the City abandon the portions of certain easements where City water lines have already been removed; and

WHEREAS, the City has determined it is in the public interest to abandon the portion of the easements as listed on Exhibit 1 because they are no longer needed for the health, welfare and safety of its citizens.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the real property interests being abandoned are identified on the attached Exhibit 1, Abandonments Table.

SECTION 2. That upon Execution of the Quit Claim Deeds attached to this Ordinance as Attachments 1 - 2, the City hereby abandons any interest it may have in the real property as described in the corresponding legal descriptions. Title to the released property shall vest in the underlying landowners, as provided by law.

SECTION 3. That because the City has determined that it no longer needs an interest in these real properties to protect the health, welfare and safety of its citizens, as provided in A.R.S. §9-402(E), the City is not receiving payment for such abandonments and re-conveyances of the City's interest in the easements to the underlying dominant property owners.

SECTION 4. That the Council hereby authorizes and instructs the City Manager to execute the Quit Claim deeds provided in Attachments 1 - 2, granting and re-conveying the easements to the underlying property owners.

SECTION 5. That the City Clerk is accordingly instructed and authorized to forward a certified copy of this ordinance and its attachments for recording to the Maricopa County Recorder's Office.

SECTION 6. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of June, 2021.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager

EXHIBIT 1

ABANDONMENTS TABLE FOR ORDINANCE NO. _____

| ATTACHMENT NO. | | |
|-------------------|----------------------|--|
| 1 | Grantee Name | SAMS WEST INC. |
| | Development/Project | SAM'S CLUB WATERLINE RELOCATION |
| | Location | 18495 North 83 rd Avenue |
| | Purpose | Waterline Easement Abandonment |
| | Conveyance Document | Quit Claim Deed |
| | Originating Document | Easement Agreement #2003-0170961, 2/12/2003 |
| 2 | Grantee Name | VIRTUA MANISTEE OWNER LLC |
| | Development/Project | MANISTEE RANCH |
| | Location | 7959 North 53 rd Avenue |
| | Purpose | Waterline Easement Abandonment |
| | Conveyance Document | Quit Claim Deed |
| | Originating Document | Conveyance of Easement #2001-0604878, 7/6/2001 |
| | | |
| | | |
| | | |
| | | |
| | | |

ATTACHMENT 1

When recorded, mail to
Glendale City Clerk
5850 West Glendale Avenue
Glendale, Arizona 85301

QUIT CLAIM DEED

For the consideration of Ten Dollars, and other valuable considerations, the **City of Glendale, an Arizona municipal corporation**, (Grantor) does hereby abandon, release and extinguish any interest it has in the easement and quitclaims the same to **SAMS WEST INC., an Arkansas corporation** (Grantee) for that certain parcel of Real Property situated in Maricopa County and described as follows:

See Attached Description, "Exhibit A"

Dated this _____ day of _____, 2021.

Kevin R. Phelps
City Manager

Exempt Pursuant to A.R.S. §11-1134 (A)(3)

STATE OF ARIZONA)
) ss.
County of Maricopa)

This instrument was acknowledged before me this _____ day of _____, 2021 by Kevin R. Phelps, City Manager for the City of Glendale, who acknowledged that he executed this instrument for the purposes therein contained.

Notary Public

My commission expires:

18495 N 83RD Ave
Ord _____

Exhibit A



DATE: 4/14/21
Job No. P5318
Page 1 of 1

**SAM'S CLUB-4732
WATERLINE EASEMENT ABANDONMENT
GLENDALE, AZ**

LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE MARKING THE NORTHWEST CORNER OF SAID SECTION 35 FROM WHICH A FOUND CITY OF GLENDALE BRASS CAP IN HANDHOLE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 35 BEARS NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST, A DISTANCE OF 2625.58 FEET;

THENCE FOLLOWING SAID SECTION LINE NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST, A DISTANCE OF 1146.85 FEET.

THENCE DEPARTING SAID SECTION LINE SOUTH 00 DEGREES 01 MINUTE 45 SECONDS EAST, A DISTANCE OF 1180.42 FEET TO A POINT ON THE WESTERLY LINE OF A 20 FOOT WATERLINE EASEMENT RECORDED AS DOCUMENT NUMBER 2003-0170961, MARICOPA COUNTY RECORDER'S OFFICE, SAID POINT MARKING THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID WESTERLY LINE SOUTH 45 DEGREES 01 MINUTE 45 SECONDS EAST, A DISTANCE OF 28.28 FEET TO A POINT ON THE EASTERLY LINE OF SAID 20 FOOT WATERLINE EASEMENT;

THENCE FOLLOWING SAID EASTERLY LINE SOUTH 00 DEGREES 01 MINUTE 45 SECONDS EAST, A DISTANCE OF 62.83 FEET;

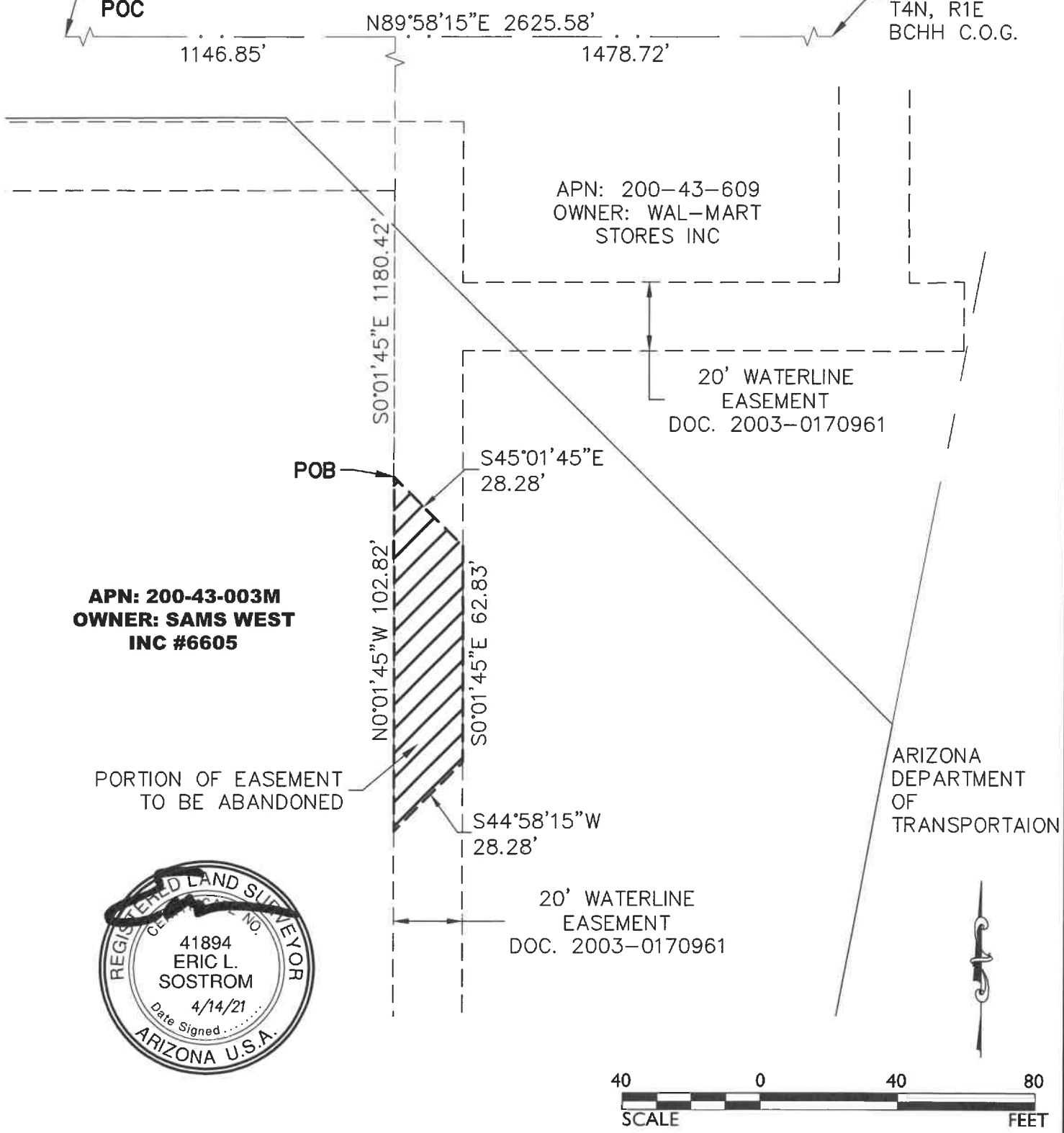
THENCE DEPARTING SAID EASTERLY LINE SOUTH 44 DEGREES 58 MINUTES 15 SECONDS WEST, A DISTANCE OF 28.28 FEET TO A POINT ON SAID WESTERLY LINE OF 20 FOOT WATERLINE EASEMENT;

THENCE FOLLOWING SAID WESTERLY LINE NORTH 00 DEGREES 01 MINUTE 45 SECONDS WEST, A DISTANCE OF 102.82 FEET TO THE **POINT OF BEGINNING**.

Exhibit A

NW COR SEC 35
T4N, R1E
BCHH NO MARKINGS
POC

N 1/4 COR
SEC 35
T4N, R1E
BCHH C.O.G.



APN: 200-43-003M
OWNER: SAMS WEST
INC #6605

APN: 200-43-609
OWNER: WAL-MART
STORES INC

20' WATERLINE
EASEMENT
DOC. 2003-0170961

ARIZONA
DEPARTMENT
OF TRANSPORTAION

PORTION OF EASEMENT
TO BE ABANDONED



**SURVEY INNOVATION
GROUP, INC.**

Land Survey Services
22425 N 16TH STREET SUITE #1
PHOENIX, AZ 85024

A RICK ENGINEERING COMPANY

SAM'S CLUB-4732

18495 N 83RD AVE
GLENDALE, AZ 85308

WATERLINE EASEMENT ABANDONMENT

| | | |
|-------------------|-----------------|--|
| PROJECT NO: P5318 | | |
| DRAWN BY: TLH | SCALE: 1"=40' | |
| CHECKED BY: ELS | DATE: 4/14/2021 | |

ATTACHMENT 2

When recorded, mail to
Glendale City Clerk
5850 West Glendale Avenue
Glendale, Arizona 85301

QUIT CLAIM DEED

For the consideration of Ten Dollars, and other valuable considerations, the **City of Glendale, an Arizona municipal corporation**, (Grantor) does hereby abandon, release and extinguish any interest it has in the easement and quitclaims the same to **VIRTUA MANISTEE OWNER LLC, an Arizona limited liability company** (Grantee) for that certain parcel of Real Property situated in Maricopa County and described as follows:

See Attached Description, "Exhibit A"

Dated this ____ day of _____, 2021.

Kevin R. Phelps
City Manager

Exempt Pursuant to A.R.S.§11-1134 (A)(3)

STATE OF ARIZONA)
) ss.
County of Maricopa)

This instrument was acknowledged before me this ____ day of _____, 2021 by Kevin R. Phelps, City Manager for the City of Glendale, who acknowledged that he executed this instrument for the purposes therein contained.

Notary Public

My commission expires:

7959 N 53rd Ave
Ord _____

**LEGAL DESCRIPTION
WATERLINE EASEMENT ABANDONMENT
MANISTEE RANCH
GLENDALE, ARIZONA**

DATE 5/17/21
Job No. 18-105
Page 1 of 1

AN ABANDONMENT OF A PORTION OF THE WATERLINE EASEMENT AS RECORDED IN DOCUMENT NUMBER 2001-0604878, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN PARCEL 5B OF THE MINOR LAND DIVISION MAP FOR THE NATIONAL BENEVOLENT ASSOCIATION, AS RECORDED IN BOOK 481 OF MAPS, PAGE 25, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 5B;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL 5B, SOUTH 89 DEGREES 56 MINUTES 18 SECONDS WEST, A DISTANCE OF 74.18 FEET TO THE **POINT OF BEGINNING**;

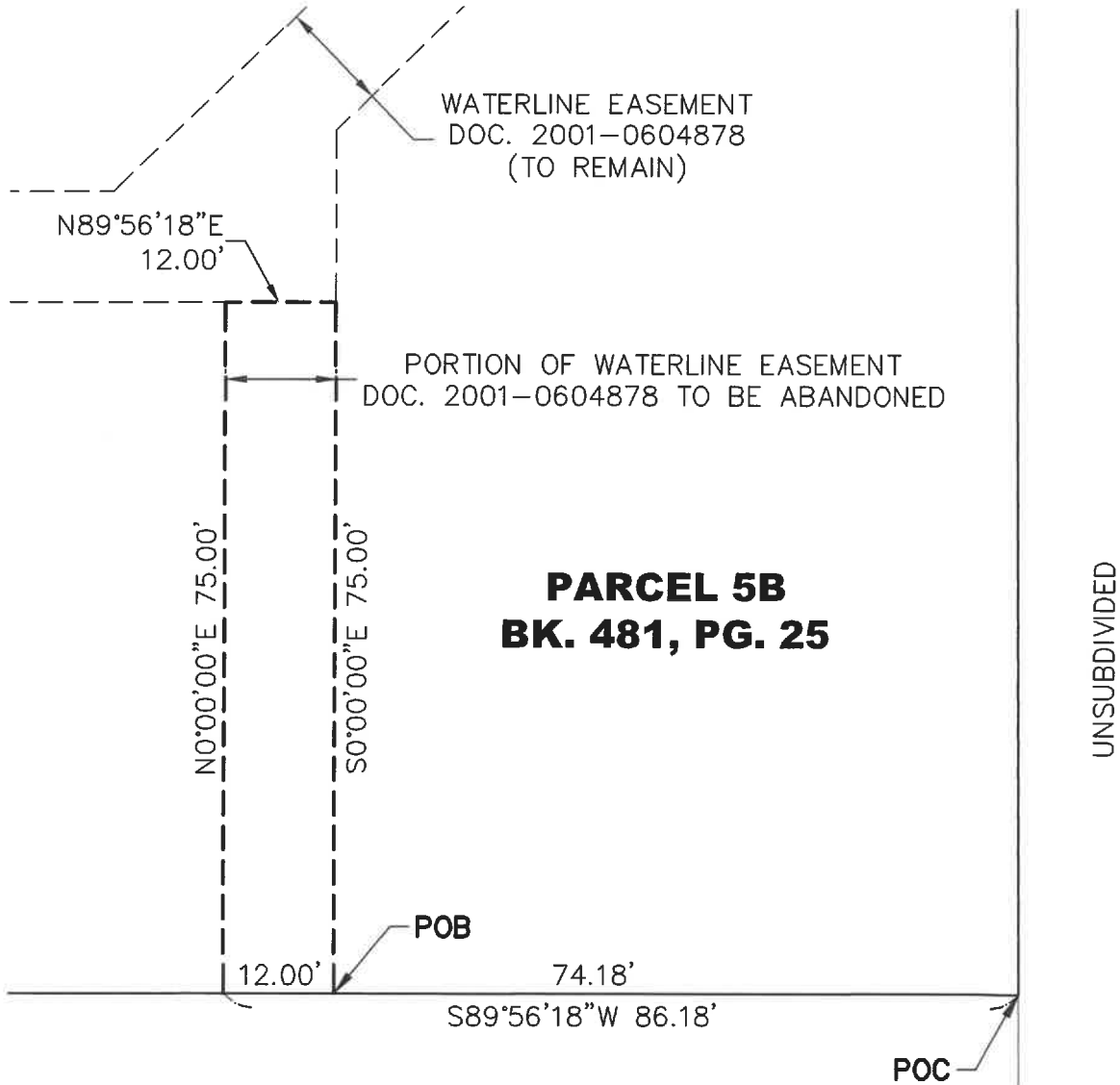
THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY, SOUTH 89 DEGREES 56 MINUTES 18 SECONDS WEST, A DISTANCE OF 12.00 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 75.00 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 18 SECONDS EAST, A DISTANCE OF 12.00 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 75.00 FEET TO THE **POINT OF BEGINNING**.





PARCEL 5C
BK. 481, PG. 25



SIG

**SURVEY INNOVATION
GROUP, INC.**

Land Survey Services
22425 N 16TH STREET SUITE #1
PHOENIX, AZ 85024

**WATERLINE EASEMENT ABANDONMENT
MANISTEE RANCH
GLENDALE, ARIZONA**

PROJECT: 18-105

DRAWN BY: TLH SCALE: 1"=20'

CHECKED BY: ELS DATE: 5/17/2021

A RICK ENGINEERING COMPANY