

ORDINANCE NO. O22-09

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN AMENDMENT TO AN AVIGATION AND NOISE EASEMENT WITH MATTAMY HOMES ARIZONA CORPORATION IN ORDER TO RELOCATE IRRIGATION FACILITIES TO COMPLETE RIGHT-OF-WAY IMPROVEMENTS ALONG 107<sup>TH</sup> AVENUE.

WHEREAS, the City is the owner of the Glendale Municipal Airport located at 6801 N. Glen Harbor Blvd., Glendale, Arizona 85307; and

WHEREAS, on November 29, 2017, Mattamy Homes Arizona Corporation, as the owner of Lot 8 of the Glendale Spring Training Complex (“the Property”), granted an Avigation and Noise Easement, which was recorded in the Records of the Maricopa County Recorder as Document No. 2018-0883069, to the City as the owner and operator of the Glendale Municipal Airport as part of Mattamy’s development of the Property for residential use as Vista Diamante at Camelback Ranch; and

WHEREAS, in order to compete the right-of-way improvement for 107<sup>th</sup> Avenue, irrigation facilities currently located on property owned by the United States have to be relocated, requiring Mattamy and the United States to exchange small strips of land; and

WHEREAS, the City wishes to assist in the land exchange between the United States and Mattamy and agrees to amend the Easement to be consistent with federal law.

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

SECTION 1. That the Glendale City Council approves the Amendment to the Avigation and Noise Easement with Mattamy Homes as attached to this Ordinance as Exhibit A.

SECTION 2. That the City Manager be authorized and directed to execute the Amendment and any other documents necessary to effectuate its intent.

SECTION 3. That the City Clerk is instructed and authorized to forward a certified copy of this Amendment for recording to the Maricopa County Recorder’s Office.

(Signatures on the following page)

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 11<sup>th</sup> day of January, 2022.

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Mayor Jerry P. Weiers

ATTEST:

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Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

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Michael D. Bailey, City Attorney

REVIEWED BY:

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Kevin R. Phelps, City Manager