

ORDINANCE NO. O22-14

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A PRIVATE SEWER EASEMENT IN FAVOR OF EMPIRE RESIDENTIAL COMMUNITIES FUND IV, LLC LOCATED AT THE NORTHWEST CORNER OF 99TH AVENUE AND DESERT RIVER BOULEVARD AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE.

WHEREAS, Empire Residential Communities Fund IV, LLC (Empire) is the current owner and developer of the real property located at the northwest corner of 99th Avenue and Desert River Boulevard; and

WHEREAS, Empire is developing said property as a mixed-use development known as Desert River II; and

WHEREAS, to serve the development Empire is constructing a private sewer system which must cross the City's public right-of-way for 100th Avenue at three locations as described in Exhibit "A"; and

WHEREAS, the City is willing to provide Empire with the sewer easement to protect its facilities as attached hereto as Attachment 1.

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

SECTION 1. That the City Council hereby authorizes the City Manager to execute the private sewer easement, which is attached hereto as Attachment 1, granting the sewer easement to Empire Residential Communities Fund IV, LLC.

SECTION 2. That the City Clerk is instructed and authorized to forward a certified copy of this Ordinance and private sewer easement for recording to the Maricopa County Recorder's Office.

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

(Signatures on following page)

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of February, 2022.

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

ATTACHMENT 1

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

CONVEYANCE OF EASEMENT

For Ten Dollars and other valuable consideration, the **City of Glendale, an Arizona municipal corporation**, (“Grantor”), does hereby convey to **EMPIRE RESIDENTIAL COMMUNITIES FUND IV, LLC, a Delaware limited liability company**, (“Grantee”), an easement to install, repair, operate, maintain, remove and replace, if necessary, a private sewer line and appurtenances (“facilities”) upon, over and under the surface of the following described property:

See Attached Description, “Exhibit A”

Together with the right of ingress and egress to, from, across and along the Grantor's Property, and with the right to use lands adjacent to said easement during temporary periods of construction; the right to operate, repair, replace, maintain, and remove facilities and appurtenances from said premises; to add to or alter said facilities at any reasonable time.

By accepting this easement, Grantee agrees to exercise reasonable care to avoid any damage to said real property above described.

Dated this _____ day of _____, 2022.

Kevin R. Phelps
City Manager

ATTEST:

Julie K. Bower, City Clerk (Seal)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

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 _____, 2022 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:

EXHIBIT "A"

Exhibit "A"

DESERT RIVER SEWER EASEMENT LEGAL DESCRIPTION

Portions of land being situated within the East Half of Section 5, Township 2 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

PORTION 1:

COMMENCING at a found 1/2 inch rebar, no I.D. accepted as the East Quarter corner of said Section 5 from which a found 2 inch brass cap in hand hole accepted as the Northeast corner thereof bears North 00°03'15" East, 2583.66 feet;

Thence North 00°03'15" East, 513.87 feet along the east line of the Northeast Quarter of said Section 5;

Thence leaving said east line, North 89°56'45" West, 367.36 feet to the **POINT OF BEGINNING**;

Thence North 89°56'45" West, 20.00 feet;

Thence North 00°03'15" East, 70.00 feet;

Thence South 89°56'45" East, 20.00 feet;

Thence South 00°03'15" West, 70.00 feet to the **POINT OF BEGINNING**.

PORTION 2:

COMMENCING at a found 1/2 inch rebar, no I.D. accepted as the East Quarter corner of said Section 5 from which a found 2 inch brass cap in hand hole accepted as the Northeast corner thereof bears North 00°03'15" East, 2583.66 feet;

Thence North 00°03'15" East, 509.77 feet along the east line of the Northeast Quarter of said Section 5;

Thence leaving said east line, North 89°56'45" West, 610.15 feet to a non-tangent curve, concave southeasterly, having a radius of 265.00 feet, the center of which bears South 10°02'30" East, being the **POINT OF BEGINNING**;

Thence southwesterly along said curve, through a central angle of 04°19'31", an arc length of 20.00 feet to a non-tangent line;

Exhibit "A" Cont.

Thence North 12°12'15" West, 70.04 feet to a non-tangent curve, concave southeasterly, having a radius of 335.00 feet, the center of which bears South 13°54'53" East;

Thence northeasterly along said curve, through a central angle of 03°25'16", an arc length of 20.00 feet to a non-tangent line;

Thence South 12°12'15" East, 70.04 feet to the **POINT OF BEGINNING**.

PORTION 3:

COMMENCING at a found 1/2 inch rebar, no I.D. accepted as the East Quarter corner of said Section 5 from which a found 3 inch Maricopa County Highway Department brass cap, flush accepted as the Southeast corner thereof bears South 00°03'40" West, 2609.44 feet;

Thence South 00°03'40" West, 234.86 feet along the east line of the Southeast Quarter of said Section 5;

Thence leaving said east line, North 89°56'20" West, 828.73 feet to the **POINT OF BEGINNING**;

Thence South 00°03'40" West, 17.00 feet;

Thence South 44°56'20" East, 4.24 feet;

Thence North 89°56'20" West, 76.00 feet;

Thence North 45°03'40" East, 4.24 feet;

Thence North 00°03'40" East, 17.00 feet;

Thence South 89°56'20" East, 70.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 4,209 sq. ft. (0.0966 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

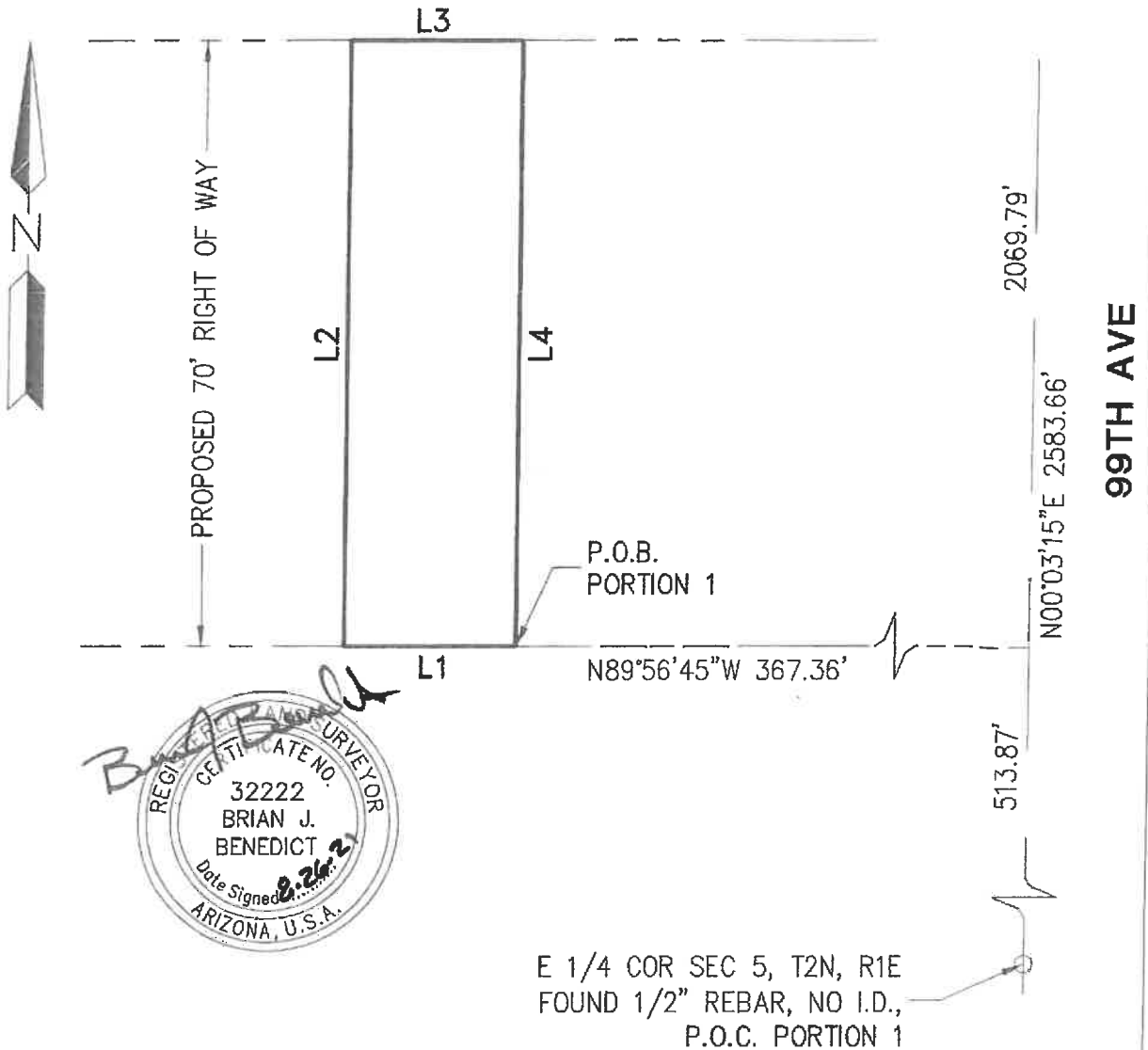
Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No.: 1217
Date: August 2021



Exhibit "A" Cont.

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N89°56'45"W	20.00'
L2	N00°03'15"E	70.00'
L3	S89°56'45"E	20.00'
L4	S00°03'15"W	70.00'

NE COR SEC 5, T2N,
R1E FOUND 2" BRASS
CAP IN HAND HOLE



E 1/4 COR SEC 5, T2N, R1E
FOUND 1/2" REBAR, NO I.D.,
P.O.C. PORTION 1

P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT

PAGE 1 OF 3

PROJ.NO.: 1217
DATE: AUG 2021
SCALE: N.T.S.
DRAWN BY: GS
CHECKED BY: BJB

DESERT RIVER
SEWER EASEMENT
GLENDALE, ARIZONA
EXHIBIT

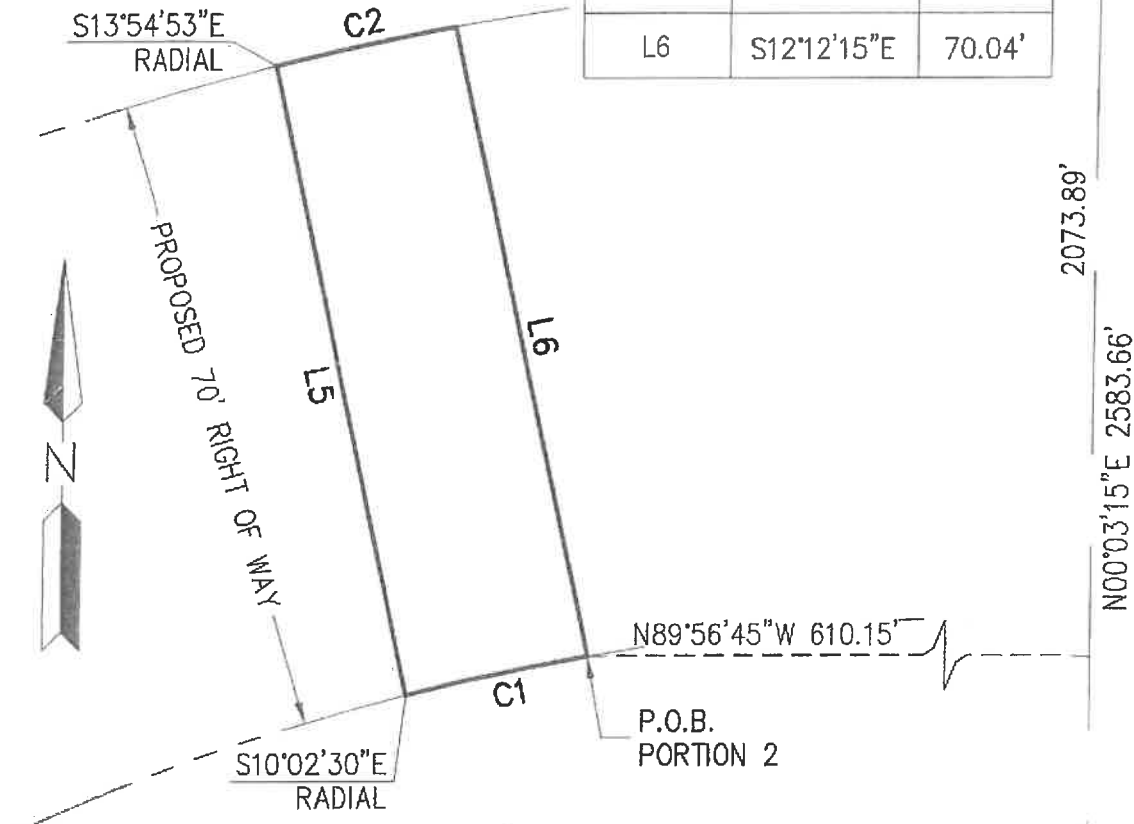
HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

Exhibit "A" Cont.

NE COR SEC 5, T2N,
R1E FOUND 2" BRASS
CAP IN HAND HOLE

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	265.00'	4°19'31"	20.00'
C2	335.00'	3°25'16"	20.00'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L5	N12°12'15"W	70.04'
L6	S12°12'15"E	70.04'



Brian J. Benedict
 REGISTERED LAND SURVEYOR
 CERTIFICATE NO. 32222
 BRIAN J. BENEDICT
 Date Signed 8.26.21
 ARIZONA, U.S.A.

E 1/4 COR SEC 5, T2N, R1E
 FOUND 1/2" REBAR, NO I.D.,
 P.O.C. PORTION 2

P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT

PROJ.NO.: 1217
 DATE: AUG 2021
 SCALE: N.T.S.
 DRAWN BY: GS
 CHECKED BY: BJB

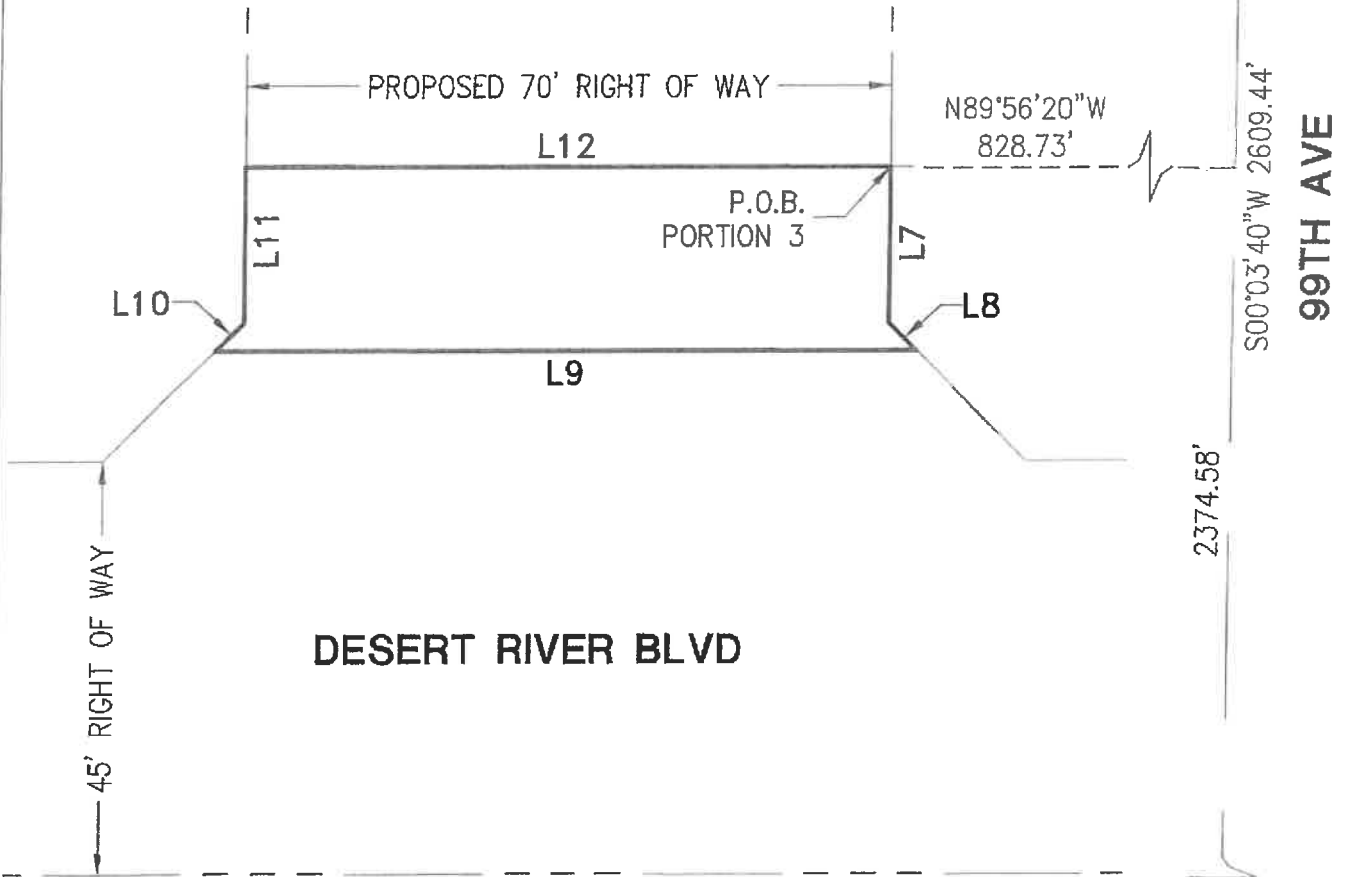
DESERT RIVER
 SEWER EASEMENT
 GLENDALE, ARIZONA
EXHIBIT

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 PHOENIX, AZ 85016
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Exhibit "A" Cont.

E 1/4 COR SEC 5, T2N, R1E
 FOUND 1/2" REBAR, NO I.D.,
 P.O.C. PORTION 3

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L7	S00°03'40"W	17.00'
L8	S44°56'20"E	4.24'
L9	N89°56'20"W	76.00'
L10	N45°03'40"E	4.24'
L11	N00°03'40"E	17.00'
L12	S89°56'20"E	70.00'



P.O.B. - POINT OF BEGINNING
 P.O.C. - POINT OF COMMENCEMENT

SE COR SEC 5, T2N,
 R1E FOUND 3" MCHD
 BRASS CAP, FLUSH PAGE 3 OF 3

PROJ.NO.:	1217
DATE:	AUG 2021
SCALE:	NONE
DRAWN BY:	GS
CHECKED BY:	BJB

DESERT RIVER
 SEWER EASEMENT
 GLENDALE, ARIZONA
EXHIBIT

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