

ORDINANCE NO. 022-22

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF PUBLIC RIGHT-OF-WAY ON 87TH AVENUE SOUTH OF NORTHERN AVENUE, CONVEYING THE SAME TO K. HOVNANIAN AT PALERMO, LLC AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE.

WHEREAS, on October 22, 2002, the Glendale City Council took action to accept right-of-way on the Final Plat for Rovey Farm Estates North (FP02-05) in the 87th Avenue alignment directly south of Northern Avenue as described on attached Exhibit A; and

WHEREAS, K. Hovnanian at Palermo, LLC has requested abandonment of the public right-of-way so that the area may be incorporated into the Palermo Planned Residential Development as a private roadway; and

WHEREAS, the City has determined the right-of-way is no longer necessary for public use since 87th Avenue at this location only benefits the Palermo subdivision; and

WHEREAS, the City will retain an easement over the abandoned roadway for ingress and egress, for refuse collection, for public utilities, for emergency vehicles and service type vehicles.

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

SECTION 1. As provided in Attachment 1, the City hereby abandons any interest it may have in the real property as described in Exhibit A and conveys it to K. Hovnanian at Palermo, LLC. K. Hovnanian at Palermo acknowledges that upon legal establishment of the Palermo Homeowners Association (HOA), it will transfer the property to the HOA once the statutory requirements of A.R.S. 28-7206 are met. Should the HOA fail to meet the requirements, the property will revert to the City for public use.

SECTION 2. Notwithstanding the conveyance of the real property to the third party, the City reserves an easement for ingress and egress, for refuse collection, for public utilities, for emergency vehicles and service type vehicles.

SECTION 3. The Council hereby authorizes and instructs the City Manager to execute the Quit Claim Deed included in Attachment 1, granting and conveying the public right-of-way to K. Hovnanian at Palermo, LLC.

SECTION 4. 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.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 12th day of April, 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
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 quitclaim to K. Hovnanian at Palermo, LLC, an Arizona limited liability company (Grantee) any and all right, title and interest to and in that certain parcel of Real Property situated in Maricopa County and described as follows:

See Attached Description, "Exhibit A"

Grantor shall retain an easement for ingress and egress, refuse collection, public utilities, emergency vehicles and/or service type vehicles over and across that property described in Exhibit "A".

Grantee acknowledges that upon legal establishment of the Palermo Homeowners Association (HOA), it will transfer the parcel to the HOA provided that the requirements of A.R.S. §28-7206 are met. Should the HOA fail to satisfy the requirements, the parcel as described in Exhibit "A" will revert to Grantor for public use.

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:

87th Avenue & Northern Avenue
Ord _____

ARIZONA NOTARY PUBLIC COMMISSION EXPIRES 12/31/2022



EXHIBIT "A"
Legal Description
Right-of-Way
Abandonment

Job No. 20-1455

March 7, 2022

A portion of the 87th Avenue right-of-way as shown on Rovey Farm Estates North, Book 611 of Maps, Page 3, Official Records of Maricopa County, Arizona, located in the Northwest Quarter of Section 3, Township 2 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, and more particularly described as follows:

COMMENCING at a 3-inch MCDOT brass cap in hand hole at the north quarter corner of said Section 3, from which a 3-inch MCDOT brass cap in hand hole at the northeast corner of said Section 3, bears South 89 degrees 57 minutes 30 seconds East (an assumed bearing), 2,591.88 feet;

thence along the north-south mid-section line of said Section 3, South 0 degrees 42 minutes 08 seconds West, 65.00 feet to the **POINT OF BEGINNING**;

thence continuing along said mid-section line, South 0 degrees 42 minutes 08 seconds West, 470.25 feet to the beginning of a non-tangent curve, concave northeast, from which the radius point bears North 24 degrees 16 minutes 49 seconds East a distance of 50.00 feet;

thence northwesterly 57.96 feet along the arc of said curve to the right through a central angle of 66 degrees 25 minutes 19 seconds;

thence North 0 degrees 42 minutes 08 seconds East, 424.08 feet to a point on the South line of the North 65.00 feet of said Northwest Quarter;

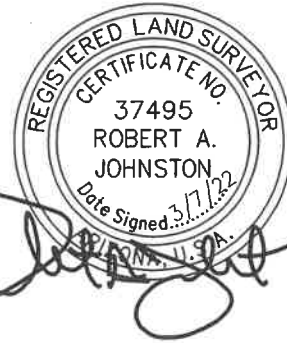
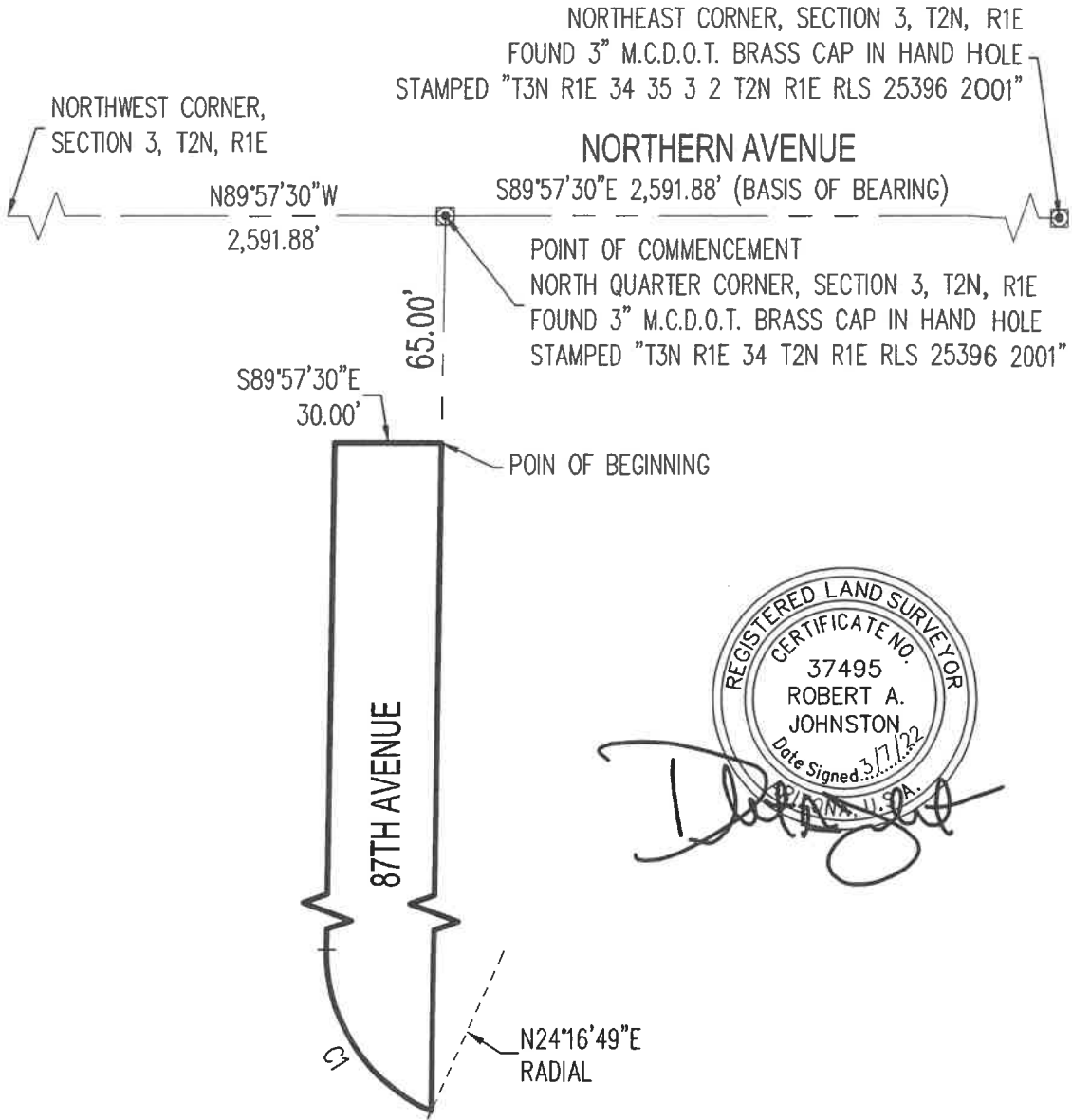
thence along said South line, South 89 degrees 57 minutes 30 seconds East, 30.00 feet to the **POINT OF BEGINNING**.

Containing an area of 13,718 square feet or 0.3149 acres, more or less.

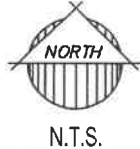


EPS Group, Inc. • 1130 N Alma School Road, Suite 120 • Mesa, AZ 85201
Tel (480) 503-2250 • Fax (480) 503-2258

Mar 07, 2022 10:08am S:\Projects\2020\20-1455\Land Survey\Legals\20-1455 - Palarmo RW Abandonment.dwg



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	57.96'	50.00'	66°25'19"	54.77'	N32°30'31"W



20-1455

Right-of-Way
Abandonment

EXHIBIT

1130 N. Alma School Rd.
Ste. 120 Mesa, AZ 85201
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com