

ORDINANCE NO. O23-15

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF CERTAIN RIGHTS-OF-WAY AND EASEMENTS IN THE CITY OF GLENDALE AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, the Glendale City Council previously accepted rights-of-way for roadway purposes and water and sewer easements on private property located at two locations within the City on the dates specified in Exhibit 1; and

WHEREAS, the City has determined that the roadway located at 4902 West Glenn Drive will not require the current width of the rights-of-way; and

WHEREAS, subsequent development associated with 9345 West Glendale Avenue has caused water and sewer lines to be removed or relocated; and

WHEREAS, because the infrastructure needs associated with these properties have changed over time, the private property owners are requesting the City abandon the portions of the rights-of-way and easements and that they be returned to their ownership; and

WHEREAS, the City has determined it is in the public interest to abandon the portions of the rights-of-way and 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 identified on the attached Exhibit 1, Abandonments Table, shall be abandoned.

SECTION 2. That upon execution of the Quit Claim Deeds attached to this Ordinance as Attachments 1 and 2, the City hereby abandons any interest it may have in this real property. Title to said property shall vest in the underlying landowners, as provided by law.

SECTION 3. That 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). Because the City no longer needs such portions of these rights-of-way and easements, the abandoned property is being reconveyed without receiving payment.

SECTION 4. That the Council hereby authorizes and instructs the City Manager to execute the Quit Claim deeds provided in Attachments 1 and 2, and any other documents necessary to reconvey title to the property owners identified in Exhibit 1.

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 23rd day of May, 2023.

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 **MHMP ARIZONA HOUSING 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 a public utility easement as described on **Exhibit "B"**.

Dated this ____ day of _____, 2023.

Kevin R. Phelps
City Manager

ATTEST:

Julie K. Bower (Seal)

APPROVED AS TO FORM:

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 _____, 2023 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:

NWC 58th Lane & Glenn Dr.
Ord _____

EXHIBIT "A"

PARENT PARCEL:

A PORTION OF LOT 28, THE EAST HALF OF LOT 25, AND THE NORTH HALF OF THE WEST HALF OF LOT 25, OF RANCHO DEL HIGO AMENDED, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 5 OF MAPS, PAGE 25, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 28, SAID CORNER ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 89°48'58"EAST, ALONG THE NORTH LINE OF SAID LOT 28, A DISTANCE OF 315.06 FEET;

THENCE SOUTH 00°32'12"EAST ALONG THE EAST LINE OF SAID LOT 28 AND WEST LINE OF SAID LOT 25, A DISTANCE OF 30.00 FEET;

THENCE SOUTH 89°48'58"EAST, A DISTANCE OF 315.06 FEET TO A POINT ON THE EAST LINE OF SAID LOT 25;

THENCE SOUTH 00°31'53"EAST ALONG THE EAST LINE OF SAID LOT 25, A DISTANCE OF 264.63 FEET;

THENCE NORTH 89°51'43" WEST, A DISTANCE OF 315.03 FEET TO A POINT ON THE EAST LINE OF SAID LOT 28;

THENCE SOUTH 00°32'12"EAST, A DISTANCE OF 60.00 FEET;

THENCE NORTH 89°51'43" WEST, A DISTANCE OF 315.03 FEET TO A POINT ON THE WEST LINE OF SAID LOT 28;

THENCE NORTH 00°32'30" WEST ALONG THE WEST LINE OF SAID LOT 28, A DISTANCE OF 355.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 195,238.90 SQ. FT., OR 4.413 ACRES, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.



WILSON & COMPANY

MERCY HOUSING SENIOR LIVING
ROW LEGAL DESCRIPTIONS
MARICOPA COUNTY, ARIZONA

-

1-OF-3

-

EXHIBIT "A"

RIGHT-OF-WAY ABANDONMENT 1:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARENT PARCEL

THENCE NORTH 89°48'58" WEST, ACROSS THE FUTURE RIGHT-OF-WAY OF 48TH LANE, A DISTANCE OF 40.00 FEET TO A POINT ON THE FUTURE WEST RIGHT-OF-WAY LINE THEREOF, THE POINT OF BEGINNING FOR RIGHT-OF-WAY ABANDONMENT NO. 1;

THENCE NORTH 45°09'37" WEST, ACROSS PALMAIRE AVENUE RIGHT-OF-WAY, A DISTANCE OF 7.11 FEET;

THENCE NORTH 89°48'58" WEST, CONTINUING ACROSS PALMAIRE AVENUE RIGHT-OF-WAY, A DISTANCE OF 270.06 FEET TO A POINT ON THE EAST LINE OF LOT 28;

THENCE SOUTH 00°32'12" EAST, ALONG SAID EAST LINE, A DISTANCE OF 5.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 25;

THENCE SOUTH 89°48'58" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 275.06 FEET TO THE POINT OF BEGINNING FOR RIGHT-OF-WAY ABANDONMENT NO. 1.

CONTAINING 1,362.79 SQ. FT., OR 0.031 ACRE MORE OR LESS INCLUDING ANY EASEMENTS OF RECORD.

RIGHT-OF-WAY ABANDONMENT 2:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARENT PARCEL;

THENCE NORTH 89°51'43" WEST, ACROSS THE FUTURE RIGHT-OF-WAY OF 48TH LANE, A DISTANCE OF 40.00 FEET TO A POINT ON THE FUTURE WEST RIGHT-OF-WAY LINE THEREOF, THE POINT OF BEGINNING FOR RIGHT-OF-WAY ABANDONMENT NO. 2;

THENCE NORTH 89°51'43" WEST, ALONG THE SOUTH LINE OF SAID PARENT PARCEL COINCIDENT WITH GLENN DRIVE NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 275.03 FEET TO A POINT ON THE EAST LINE OF SAID LOT 28;

THENCE SOUTH 00°32'12" EAST, ALONG SAID EAST LINE, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 89°51'43" EAST, ACROSS GLENN DRIVE RIGHT-OF-WAY, A DISTANCE OF 270.03 FEET;

THENCE NORTH 44°48'12" EAST, CONTINUING ACROSS GLENN DRIVE RIGHT-OF-WAY, A DISTANCE OF 7.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,362.64 SQ. FT., OR 0.031 ACRE, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

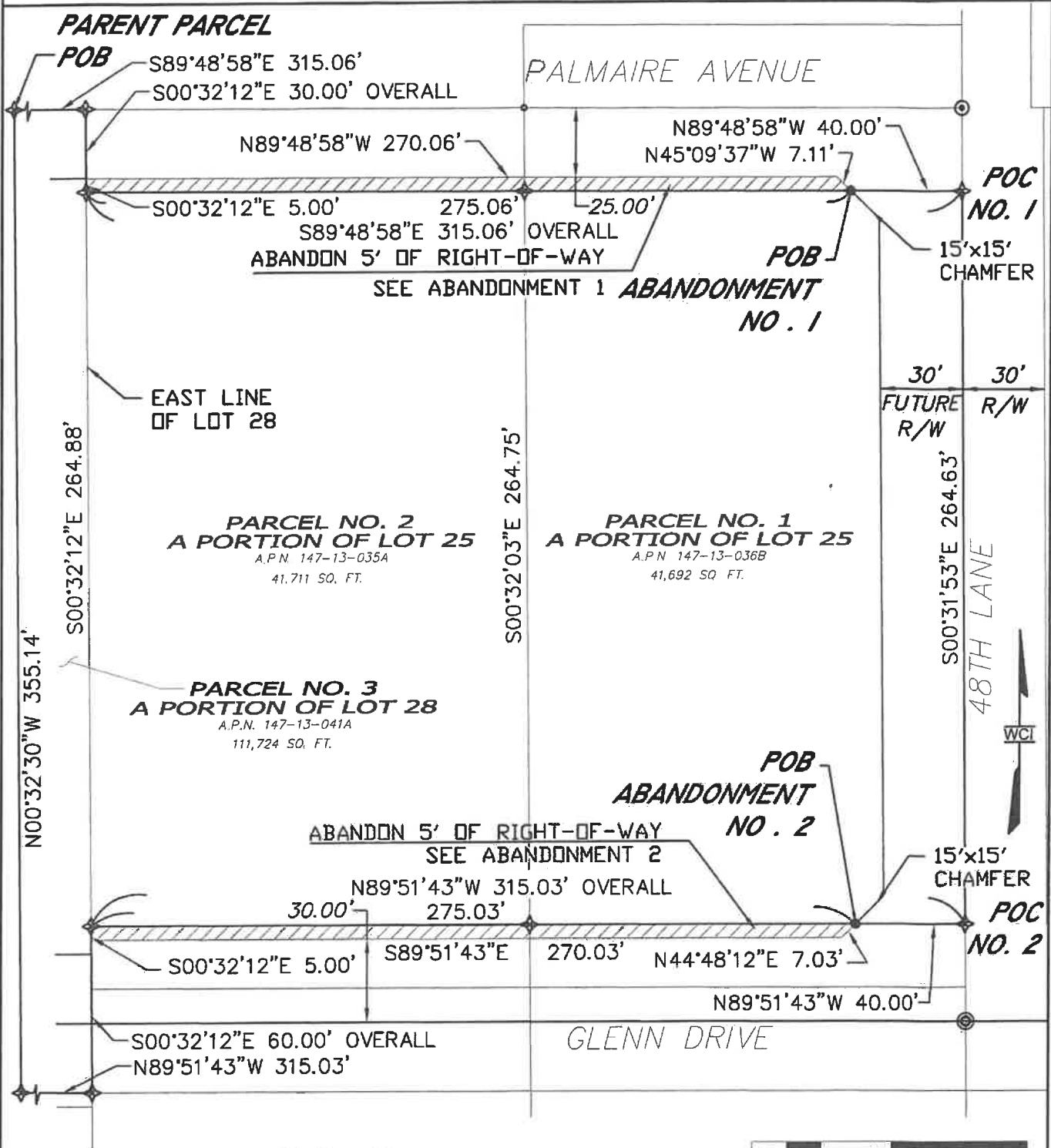
TOTAL RIGHT-OF-WAY ABANDONMENT -
2725.43 SQ. FT., OR 0.062 ACRES,
MORE OR LESS, INCLUDING ANY
EASEMENTS OF RECORD.



WILSON & COMPANY

MERCY HOUSING SENIOR LIVING
ROW LEGAL DESCRIPTIONS
MARICOPA COUNTY, ARIZONA

EXHIBIT "A"



WILSON & COMPANY		
MERCY HOUSING SENIOR LIVING ROW EXHIBIT MARICOPA COUNTY, ARIZONA		
1"=50'	3-OF-3	-

EXHIBIT "B"

PARENT PARCEL:

A PORTION OF LOT 28, THE EAST HALF OF LOT 25, AND THE NORTH HALF OF THE WEST HALF OF LOT 25, OF RANCHO DEL HIGO AMENDED, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 5 OF MAPS, PAGE 25, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 28, SAID CORNER ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 89°48'58"EAST, ALONG THE NORTH LINE OF SAID LOT 28, A DISTANCE OF 315.06 FEET;

THENCE SOUTH 00°32'12"EAST ALONG THE EAST LINE OF SAID LOT 28 AND WEST LINE OF SAID LOT 25, A DISTANCE OF 30.00 FEET;

THENCE SOUTH 89°48'58"EAST, A DISTANCE OF 315.06 FEET TO A POINT ON THE EAST LINE OF SAID LOT 25;

THENCE SOUTH 00°31'53"EAST ALONG THE EAST LINE OF SAID LOT 25, A DISTANCE OF 264.63 FEET;

THENCE NORTH 89°51'43" WEST, A DISTANCE OF 315.03 FEET TO A POINT ON THE EAST LINE OF SAID LOT 28;

THENCE SOUTH 00°32'12"EAST, A DISTANCE OF 60.00 FEET;

THENCE NORTH 89°51'43" WEST, A DISTANCE OF 315.03 FEET TO A POINT ON THE WEST LINE OF SAID LOT 28;

THENCE NORTH 00°32'30" WEST ALONG THE WEST LINE OF SAID LOT 28, A DISTANCE OF 355.14 FEET TO THE POINT OF BEGINNING.

CONTAINING 195,238.90 SQ. FT., OR 4.413 ACRES, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.



WILSON & COMPANY

MERCY HOUSING SENIOR LIVING
PUE LEGAL DESCRIPTIONS
MARICOPA COUNTY, ARIZONA

SCALE:	SHT. NO:	REV:
—	1-OF-3	

EXHIBIT "B"

PUBLIC UTILITY EASEMENT NO. 1:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARENT PARCEL

THENCE NORTH 89°48'58" WEST, ACROSS THE FUTURE RIGHT-OF-WAY OF 48TH LANE, A DISTANCE OF 40.00 FEET TO A POINT ON THE FUTURE WEST RIGHT-OF-WAY LINE THEREOF, THE POINT OF BEGINNING FOR PUBLIC UTILITY EASEMENT NO. 1;

THENCE NORTH 45°09'37" WEST, ACROSS PALMAIRE AVENUE RIGHT-OF-WAY, A DISTANCE OF 7.11 FEET;

THENCE NORTH 89°48'58" WEST, CONTINUING ACROSS PALMAIRE AVENUE RIGHT-OF-WAY, A DISTANCE OF 270.06 FEET TO A POINT ON THE EAST LINE OF LOT 28;

THENCE SOUTH 00°32'12" EAST, ALONG SAID EAST LINE, A DISTANCE OF 5.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 25;

THENCE SOUTH 89°48'58" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 275.06 FEET TO THE POINT OF BEGINNING FOR PUBLIC UTILITY EASEMENT NO. 1.

CONTAINING 1,362.79 SQ. FT., OR 0.031 ACRE MORE OR LESS INCLUDING ANY EASEMENTS OF RECORD.

PUBLIC UTILITY EASEMENT NO. 2:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARENT PARCEL;

THENCE NORTH 89°51'43" WEST, ACROSS THE FUTURE RIGHT-OF-WAY OF 48TH LANE, A DISTANCE OF 40.00 FEET TO A POINT ON THE FUTURE WEST RIGHT-OF-WAY LINE THEREOF, THE POINT OF BEGINNING FOR PUBLIC UTILITY EASEMENT NO. 2;

THENCE NORTH 89°51'43" WEST, ALONG THE SOUTH LINE OF SAID PARENT PARCEL COINCIDENT WITH GLENN DRIVE NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 275.03 FEET TO A POINT ON THE EAST LINE OF SAID LOT 28;

THENCE SOUTH 00°32'12" EAST, ALONG SAID EAST LINE, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 89°51'43" EAST, ACROSS GLENN DRIVE RIGHT-OF-WAY, A DISTANCE OF 270.03 FEET;

THENCE NORTH 44°48'12" EAST, CONTINUING ACROSS GLENN DRIVE RIGHT-OF-WAY, A DISTANCE OF 7.03 FEET TO THE POINT OF BEGINNING FOR PUBLIC UTILITY EASEMENT NO. 2.

CONTAINING 1,362.64 SQ. FT., OR 0.031 ACRE, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

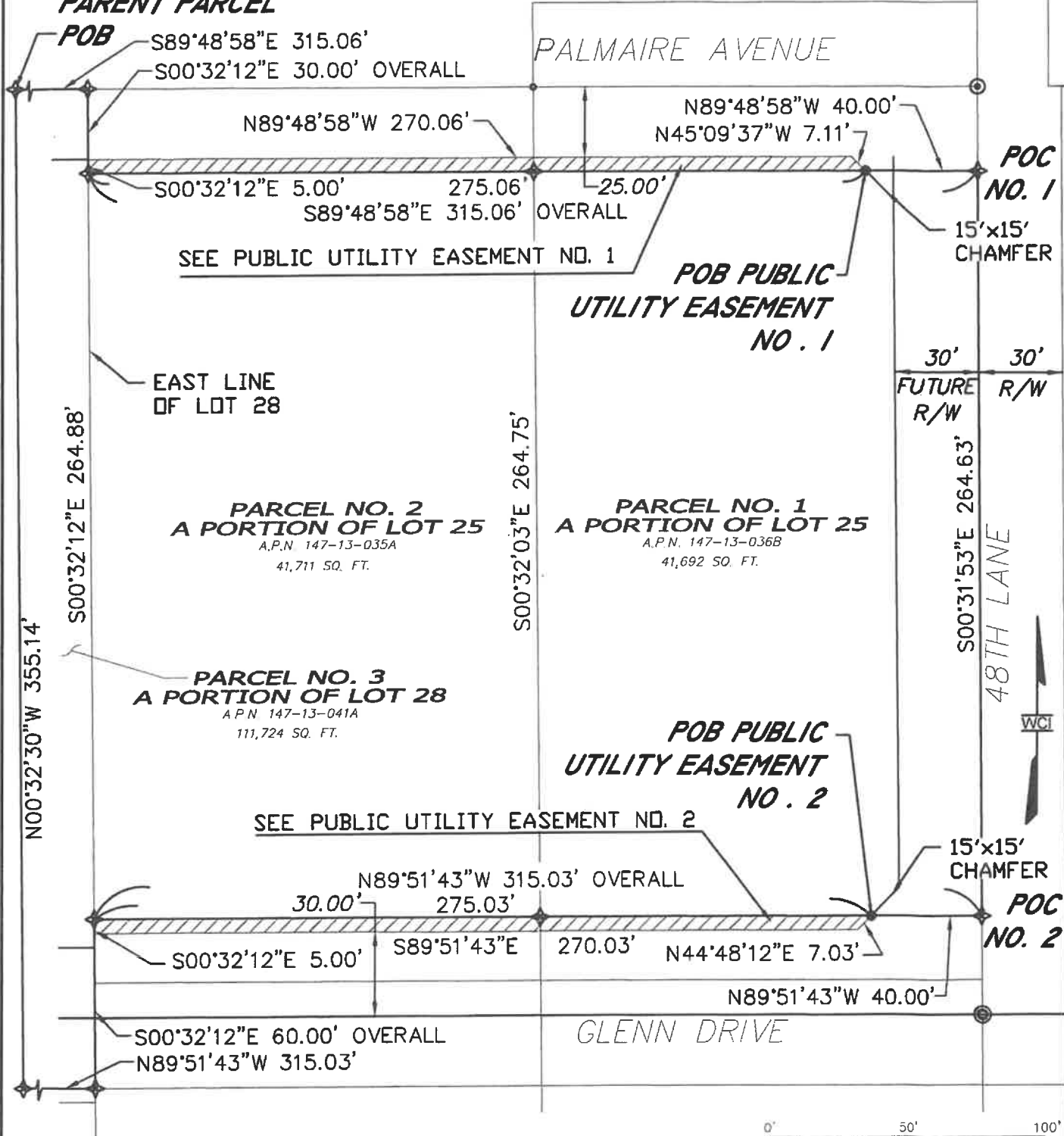
TOTAL PUBLIC UTILITY EASEMENT - 2725.43 SQ. FT., OR 0.062 ACRES, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.



WILSON & COMPANY		
MERCY HOUSING SENIOR LIVING PUE LEGAL DESCRIPTIONS MARICOPA COUNTY, ARIZONA		
SCALE: -	SHT. NO: 2-OF-3	REV: -

EXHIBIT "B"

PARENT PARCEL



WILSON & COMPANY														
MERCY HOUSING SENIOR LIVING PUE EXHIBIT MARICOPA COUNTY, ARIZONA														
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DRAWN BY:	DATE:													
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PROJ. ENGR:	- -													
PROJ. MGR:	- -													
CLIENT APP:	- -													
SCALE: 1" = 50'	SHT. NO: 3-OF-3	REV: -												

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 quitclaim **YAM WESTGATE LLC**, a Delaware 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"

Dated this ____ day of _____, 2022.

Kevin R. Phelps
City Manager

ATTEST:

Julie K. Bower (Seal)

APPROVED AS TO FORM:

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:

9345 W Glendale Ave
Ord _____

**LEGAL DESCRIPTION
WESTGATE
LOT 3A-2
WATER & SEWER EASEMENT ABANDONMENT**

THAT CERTAIN PORTION OF THE WATER & SEWER EASEMENT ACCORDING TO DOCUMENT NUMBER 2018-0077051, RECORDS OF MARICOPA COUNTY, ARIZONA, OVER A PORTION OF LOT 3A-2 OF WESTGATE, ACCORDING TO BOOK 1336 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3A-2;

THENCE NORTH 88 DEGREES 12 MINUTES 47 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 3A-2, A DISTANCE OF 430.15 FEET TO THE **POINT OF BEGINNING**, AND THE NORTH LINE OF SAID WATER & SEWER EASEMENT;

THENCE NORTH 88 DEGREES 12 MINUTES 47 SECONDS EAST, CONTINUING ALONG SAID NORTH LOT LINE AND SAID WATER & SEWER EASEMENT, A DISTANCE OF 6.00 FEET;

THENCE SOUTH 01 DEGREES 44 MINUTES 55 SECONDS EAST, ALONG SAID WATER & SEWER EASEMENT, A DISTANCE OF 25.41 FEET;

THENCE SOUTH 88 DEGREES 15 MINUTES 05 SECONDS WEST, ALONG SAID WATER & SEWER EASEMENT, A DISTANCE OF 6.00 FEET;

THENCE NORTH 01 DEGREES 44 MINUTES 55 SECONDS WEST, ALONG SAID WATER & SEWER EASEMENT, A DISTANCE OF 25.40 FEET TO THE **POINT OF BEGINNING**.

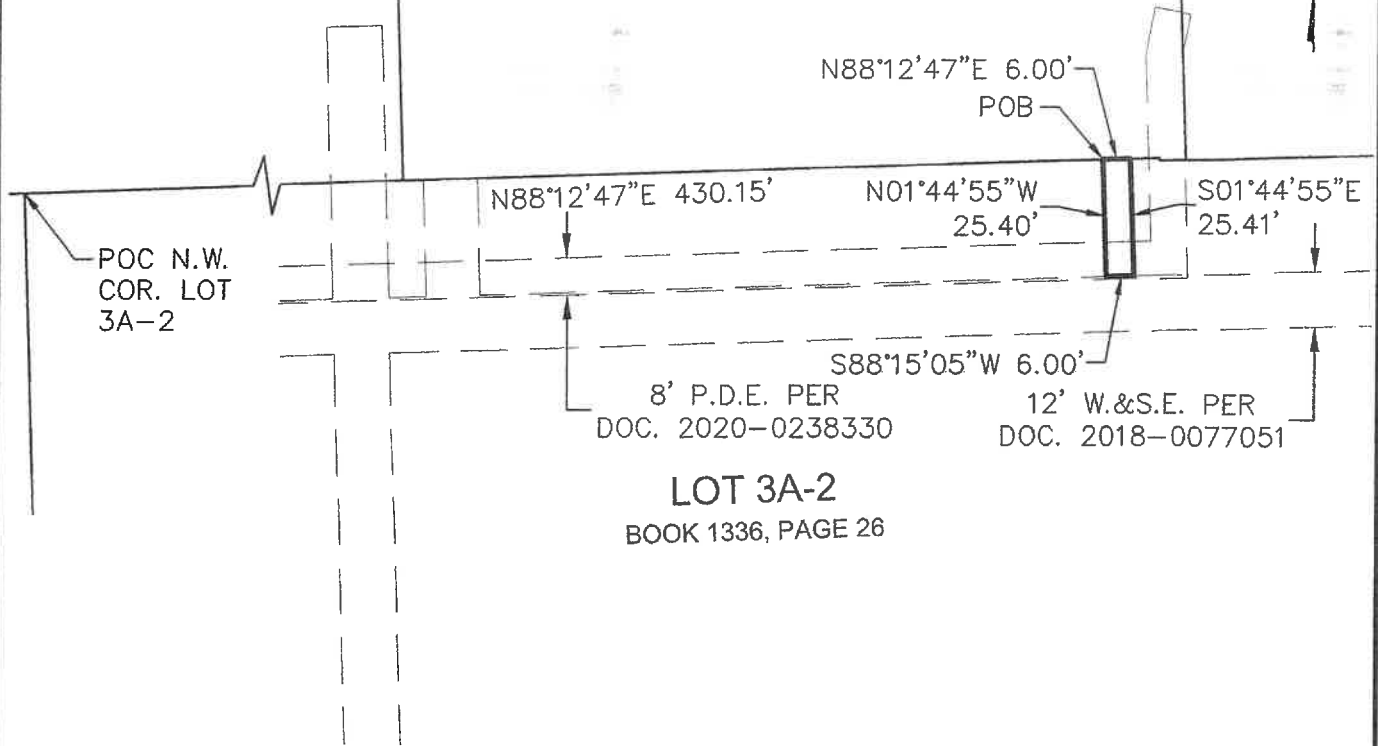
SAID PARCEL CONTAINS 152 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.



GLENDALE AVENUE



LOT 4A-4
BOOK 1336, PAGE 26



RICK
ENGINEERING COMPANY

2401 W. PEORIA AVE., SUITE #130
PHOENIX, AZ 85029
602.957.3350

rickengineering.com

San Diego - Riverside - San Luis Obispo - Sacramento - Orange - Tucson - Phoenix - Las Vegas - Denver

**WATER & SEWER
EASEMENT ABANDONMENT
LOT 3A-2 WESTGATE
GLENDALE, ARIZONA**

DRAWING:	2015-213 LOT 3A-2 ABAND WLE.DWG		
JOB#	2015-213	SCALE:	1"=40'
		SHT:	1 OF 1
DRAFTER:	DSR	CHK:	JH
		DATE:	4/05/23