

ORDINANCE NO. 2914 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF A FORMER WATERLINE EASEMENT APPROXIMATELY 300 FEET EAST OF BEHREND DRIVE IN THE 58TH AVENUE ALIGNMENT TO THE OWNER OF RECORD OF THE ABUTTING PROPERTY ON THE MIDWESTERN UNIVERSITY CAMPUS; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, on July 12, 1976, Marilyn Bray granted an easement to the City of Glendale at Maricopa County Recorder Docket No. 11782 page 904 for the purpose of constructing, operating and maintaining a water line and associated facilities; and

WHEREAS, on July 9, 1976, Grover E. Bray and Helen H. Bray granted an easement to the City of Glendale at Maricopa County Recorder Docket No. 11782, page 906 for the purpose of constructing, operating and maintaining a water line and associated facilities; and

WHEREAS, on July 8, 1976, Roger C. Tanguay and Sue S. Tanguay granted an easement to the City of Glendale at Maricopa County Recorder Docket No. 11782, page 908 for the purpose of constructing, operating and maintaining a water line and associated facilities; and

WHEREAS, the City has been using this easement for purposes of constructing, operating and maintaining a water line, but has found the need to relocate the water line; and

WHEREAS, the City therefore in accordance with A.R.S. § 9-402(E), has determined that it no longer needs an interest in the easement for the purpose of constructing, operating and maintaining a water line and associated facilities, and has determined the easement has little or no commercial or economic value; and

WHEREAS, the City has determined that abandoning the easement to the dominant landowner without receiving payment is in the public interest.

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

SECTION 1. That the waterline easement located approximately 300 feet east of Behrend Drive in the 58th Avenue alignment on the Midwestern University Campus is hereby abandoned to the underlying property owner as may appear in the records of the Maricopa County Recorder's Office. Such abandonment shall be effective on the date upon which this ordinance is recorded and that title to the abandoned easement shall vest as provided by law.

SECTION 2. That the legal description of said waterline easement is as follows:

(See Exhibit "A" attached hereto and incorporated herein by this reference.)

SECTION 3. That the City Manager be instructed to execute the Quit Claim Deed conveying the real property described in Exhibit A to Midwestern University.

SECTION 4. That the City Clerk be instructed and authorized to forward a certified copy of the Quit Claim Deed and this ordinance 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 _____ day of _____, 2014.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

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