

ORDINANCE NO. 2915 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF AN EMERGENCY VEHICLE ACCESS EASEMENT LOCATED AT 7200 WEST BELL ROAD TO THE OWNER OF RECORD OF THE ABUTTING, DOMINANT PROPERTY, PHOENIX SNF REAL ESTATE I, LLC; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, on August 28, 1997, Russ Lyon Realty/Westcor Venture I, an Arizona partnership, granted a perpetual fire/emergency vehicle access easement over and across certain real property located in the City of Glendale at approximately 7200 West Bell Road and described on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, it appears that the legal description attached to the "Emergency Vehicle Access Easement" as filed in the records of the Maricopa County Recorder on August 28, 1997 at Docket No. 1997-0595988 and entitled the "Legal Description [of the] Fire Truck Turnaround Easement Portion RLR I, Glendale, Arizona" was incorrect because it had not been field staked; and

WHEREAS, upon information and belief, the Glendale City Council never took action to accept the easement or to execute any legal instrument taking title to this easement.

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

SECTION 1. Notwithstanding any potential defect in City's legal title to the real property described in the legal description attached as Exhibit A, the City hereby abandons any interest it may have and any interest as may appear in the records of the Maricopa County Recorder's Office in the "Emergency Vehicle Access Easement" to the underlying, dominant property owner Phoenix SNF Real Estate I, LLC. Such abandonment and conveyance in any such interest shall take effect immediately upon the City Council's passage of this ordinance. Title to the released property shall vest in the underlying landowner as provided by law.

SECTION 2. Further, notwithstanding any potential defect in the documents originally recorded with the Maricopa County Recorder's Office, including the legal description originally attached to the "Emergency Vehicle Access Easement," at Docket No. 1997-0595988, the City hereby abandons any interest it may have in the property identified in corrected legal description, which is attached hereto as Exhibit B, "Legal Description, Glendale Nursing Center, Emergency Vehicle Access Easement Abandonment."

SECTION 3. As provided in A.R.S. §9-402(E), the City is not receiving payment for such abandonment and re-conveyance of the City's putative property interest in the "Emergency Vehicle Access Easement" to the underlying, dominant property owner, Phoenix SNF Real Estate I, LLC. The City has determined that the property is of little or no commercial or economic value and that the City no longer needs an interest in this real property to protect the health, welfare and safety of its citizens.

SECTION 4. The City Clerk is accordingly instructed and authorized to forward a certified copy of 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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