

ORDINANCE NO. O17-03

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A WARRANTY DEED FOR RIGHT OF WAY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 59TH AND NORTHERN AVENUES AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, the City Council took action to accept and take title to the current 59th Avenue right-of-way north of Northern Avenue and Northern Avenue right-of-way west of 59th Avenue per Ordinance 123, passed, adopted and approved by City Council on March 9, 1953 and per Ordinance 211, passed, adopted and approved on September 28, 1959; and

WHEREAS, the owner, Francis & Sons I, LLC, an Arizona limited liability company, will construct improvements outside of the current 59th Avenue right-of-way north of Northern Avenue and outside of the current Northern Avenue right-of-way west of 59th Avenue; and

WHEREAS, Francis & Sons I, LLC, has agreed to dedicate additional right-of-way so these new street improvements will be located within the City's right-of-way, allowing the City to maintain these street improvements once their construction is complete.

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

SECTION 1. Francis & Sons I, LLC, an Arizona limited liability company, will construct certain street improvements along 59th Avenue and Northern Avenue.

SECTION 2. These street improvements will be located within City rights-of-way depicted in the map attached as Exhibit A and will be operated and maintained by the City once their construction is complete.

SECTION 3. The City Council hereby authorizes and instructs the City Manager to execute the Warranty Deed, which is attached hereto as Exhibit B, granting the rights-of-way described herein to the City.

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.

SECTION 5. 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 10th day of January, 2017.

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

EXHIBIT A



**RIGHT OF WAY ACCEPTANCE
59TH AND NORTHERN AVENUES**

EXHIBIT B

When recorded, mail to:

City Clerk, City of Glendale
5850 West Glendale Avenue
Glendale, Arizona 85301

WARRANTY DEED

For Ten Dollars and other valuable consideration, I or We, Francis & Sons, I, LLC, an Arizona limited liability company, do hereby convey to the City of Glendale, an Arizona Municipal Corporation, 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"

It is the intention of the parties to cause the real property on said Exhibit "A" to be dedicated as **public right of way for roadway purposes**, and to vest title in fee simple in the City of Glendale in Trust, for all the uses contemplated in public street dedication.

And I or We do warrant the title against all persons whomsoever, subject only to those encumbrances or liens of record, or as above set forth, if any.

Dated this _____ day of _____, _____.

By: Ehab Francis
Its: Manager

Exempt Pursuant to A.R.S. §11-1134 (A)(3)

STATE OF ARIZONA }
 } ss.
County of Maricopa }

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____
by Ehab Francis, Manager, who acknowledged that he executed this instrument for the purposes therein contained.

Notary Public

My commission expires:

EXHIBIT "A"

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 31;

THENCE SOUTH 88 DEGREES 54 MINUTES 31 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 31, A DISTANCE OF 667.31 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 31;

THENCE NORTH 00 DEGREES 12 MINUTES 15 SECONDS EAST, A DISTANCE OF 40.07 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 40.00 FEET OF SAID SECTION 31, SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 04 MINUTES 08 SECONDS EAST, A DISTANCE OF 25.00 FEET;

THENCE NORTH 88 DEGREES 54 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTH 65.00 FEET OF SAID SECTION 31, A DISTANCE OF 562.63 FEET;

THENCE NORTH 44 DEGREES 22 MINUTES 13 SECONDS EAST, A DISTANCE OF 56.11 FEET;

THENCE NORTH 00 DEGREES 09 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF THE EAST 65.00 FEET OF SAID SECTION 31, A DISTANCE OF 224.00 FEET;

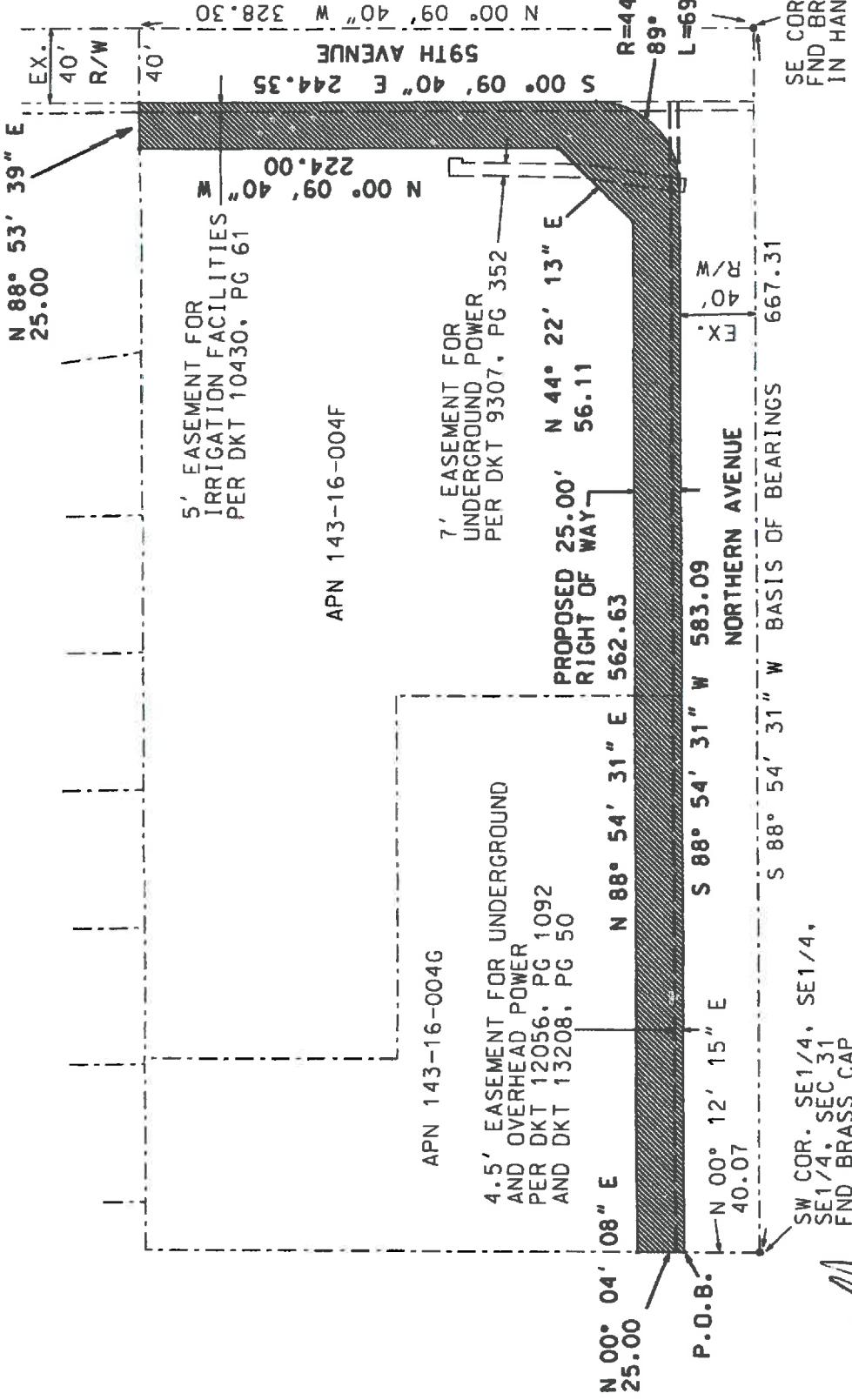
THENCE NORTH 88 DEGREES 53 MINUTES 39 SECONDS EAST, A DISTANCE OF 25.00 FEET;

THENCE SOUTH 00 DEGREES 09 MINUTES 40 SECONDS EAST, ALONG THE WEST LINE OF THE EAST 40.00 FEET OF SAID SECTION 31, A DISTANCE OF 244.35 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS BEARS SOUTH 89 DEGREES 48 MINUTES 28 SECONDS WEST, A DISTANCE OF 44.71 FEET;

THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89 DEGREES 06 MINUTES 30 SECONDS, AN ARC DISTANCE OF 69.53 FEET;

THENCE SOUTH 88 DEGREES 54 MINUTES 31 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTH 40.00 FEET OF SAID SECTION 31, A DISTANCE OF 583.09 FEET TO THE POINT OF BEGINNING.





LEGAL EXHIBIT	BRH Surveying, L.L.C.
PROPOSED RIGHT OF WAY	BRUCE R. HEYSE, R.L.S.
NORTHERN AVE AND 59TH AVE	LAND SURVEYING
N.T.S.	1915 E. VELVET DRIVE TEMPE, ARIZONA 85284 602-206-0963 BHEYSE6565@MSN.COM
DATE: 11/21/2016	PROJ#: 221-243