

ORDINANCE NO. 3030 NEW SERIES

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 WESTGATE HEALTHCARE CAMPUS; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council took action to accept and take title to the current Glendale Avenue right-of-way west of 99<sup>th</sup> Avenue per Ordinance 1272, New Series, passed, adopted and approved by City Council on April 10, 1984; and

WHEREAS, the Westgate Healthcare Campus has been constructed on parcels located generally at the corner of 99<sup>th</sup> Avenue and Glendale Avenue, including the parcel(s) located at 9950 West Glendale Avenue, and as depicted on the map appended hereto as Exhibit A; and

WHEREAS, owner of the parcel, the 101 W Healthcare, LLC, an Arizona limited liability company, wishes to construct improvements outside of the current Glendale Avenue right-of-way, west of 99<sup>th</sup> Avenue, that is owned by the City; and

WHEREAS, 101 W Healthcare, LLC has agreed to dedicate additional right-of-way so these new street improvements will be located within the City right-of-way and allow the City to maintain said street improvements.

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

SECTION 1. That in exchange for dedicating additional real property to the public as a right-of-way along Glendale Avenue, 101 W Healthcare, LLC is hereby granted the right to construct street improvements along Glendale Avenue outside of the City's current Glendale Avenue right-of-way. 101 W Healthcare, LLC shall construct such improvements according to City Code and the plans approved by the City.

SECTION 2. That 101 W Healthcare, LLC shall dedicate additional right-of-way to the City once these improvements have been constructed and approved consistent with the City Code.

SECTION 3. That the Council hereby authorizes and instructs the City Manager to execute the Warranty Deed between 101 W Healthcare, LLC and the City, which is attached hereto as Exhibit B, and which grants the City the right-of-way legally described in Exhibit A to the Warranty Deed.

SECTION 4. That the City Clerk is instructed and authorized to forward a certified copy of this Ordinance to the Maricopa County Recorder's Office for recording.

SECTION 5. Whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 6th day of December, 2016.

\_\_\_\_\_  
M A Y O R

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

## EXHIBIT A



**99TH AVENUE & GLENDALE  
GLENDALE AVENUE RIGHT OF WAY**



## EXHIBIT B

When recorded, mail to:  
City Clerk, City of Glendale  
5850 West Glendale Avenue  
Glendale, Arizona 85301

## WARRANTY DEED

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For Ten Dollars and other valuable consideration, I or We, 101 W Healthcare, 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: Howard John Simon  
Its: Manager

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

STATE OF ARIZONA    )  
County of Maricopa    ) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016  
by Howard John Simon, Manager, who acknowledged that he executed this instrument for the purposes  
therein contained.

\_\_\_\_\_  
Notary Public

My commission expires:

9950 West Glendale Avenue

GLENDALE AVENUE RIGHT OF WAY  
LEGAL DESCRIPTION  
EXHIBIT 'A'

A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5 MONUMENTED BY AN MCDOT BRASS CAP FLUSH AT THE INTERSECTION OF GLENDALE AVENUE AND 99th AVENUE;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 5 AND THE CENTERLINE OF GLENDALE AVENUE, 241.50 FEET;

THENCE NORTH 02 DEGREES 25 MINUTES 00 SECONDS EAST, 55.05 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 55 FEET OF SAID SECTION 5, THE POINT OF BEGINNING;

THENCE ALONG SAID NORTH LINE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 1030.73 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 13.00 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 926.15 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 7.00 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 105.42 FEET;

THENCE SOUTH 02 DEGREES 25 MINUTES 00 SECONDS WEST, 20.02 FEET TO THE POINT OF BEGINNING.



EXPIRES 6-30-2016

**Site Consultants, Inc.**

113 S. Rockford Drive, Tempe Arizona 85281  
Tele: 480-894-2820 Fax: 480-894-2847  
SCI #2030 SCALE: N.T.S. DATE: 1-7-2016  
PAGE 1 OF 3

**GLENDALE AVENUE  
RIGHT OF WAY  
EXHIBIT 'A'**

**Site Consultants, Inc.**

113 S. Rockford Drive, Tempe Arizona 85281

Tele: 480-894-2820 Fax: 480-894-2847

SCI #2030 SCALE: 1" = 250' DATE: 1-7-2016

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E. 1/4 COR, SEC 5,  
T2N, R1E, G&SRB&M,  
FND. 1/2" REBAR  
POINT OF COMMENCEMENT

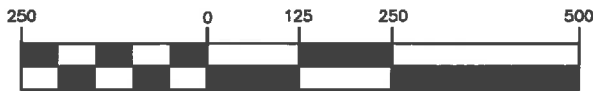


EXPIRES 6-30-2016

**W. MYRTLE AVE. ALIGNMENT**

N

**SCALE**



1" = 250 ft.

N2°27'12"E 2609.59'  
**99th AVENUE**

RIGHT OF WAY  
SEE DETAIL ON PAGE 3

1370.87'

1028.41'

241.50'

N90°00'00"W 2640.78'

**W. GLENDALE AVE.**

S 1/4 COR, SEC 5  
T2N, R1E, G&SRB&M,  
FND. BRASS CAP IN HANDHOLE  
STAMPED "N 979",

S.E. COR, SEC 5,  
T2N, R1E, G&SRB&M,  
FND. BRASS CAP FLUSH



# GLENDALE AVENUE RIGHT OF WAY EXHIBIT 'A'

**Site Consultants, Inc.**

113 S. Rockford Drive, Tempe Arizona 85281  
 Tele: 480-894-2820 Fax: 480-894-2847

SCI #2030 SCALE: 1" = 150' DATE: 1-7-2016

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**SCALE**



1" = 150 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N2°25'00"E	55.05'
L2	N0°00'00"E	13.00'
L3	N0°00'00"E	7.00'
L4	N90°00'00"E	105.42'
L5	S2°25'00"W	20.02'
L6	N0°00'00"E	55.00'

## LEGEND

PROPOSED R.O.W.

LOT LINE

CENTER LINE

FND. FOUND

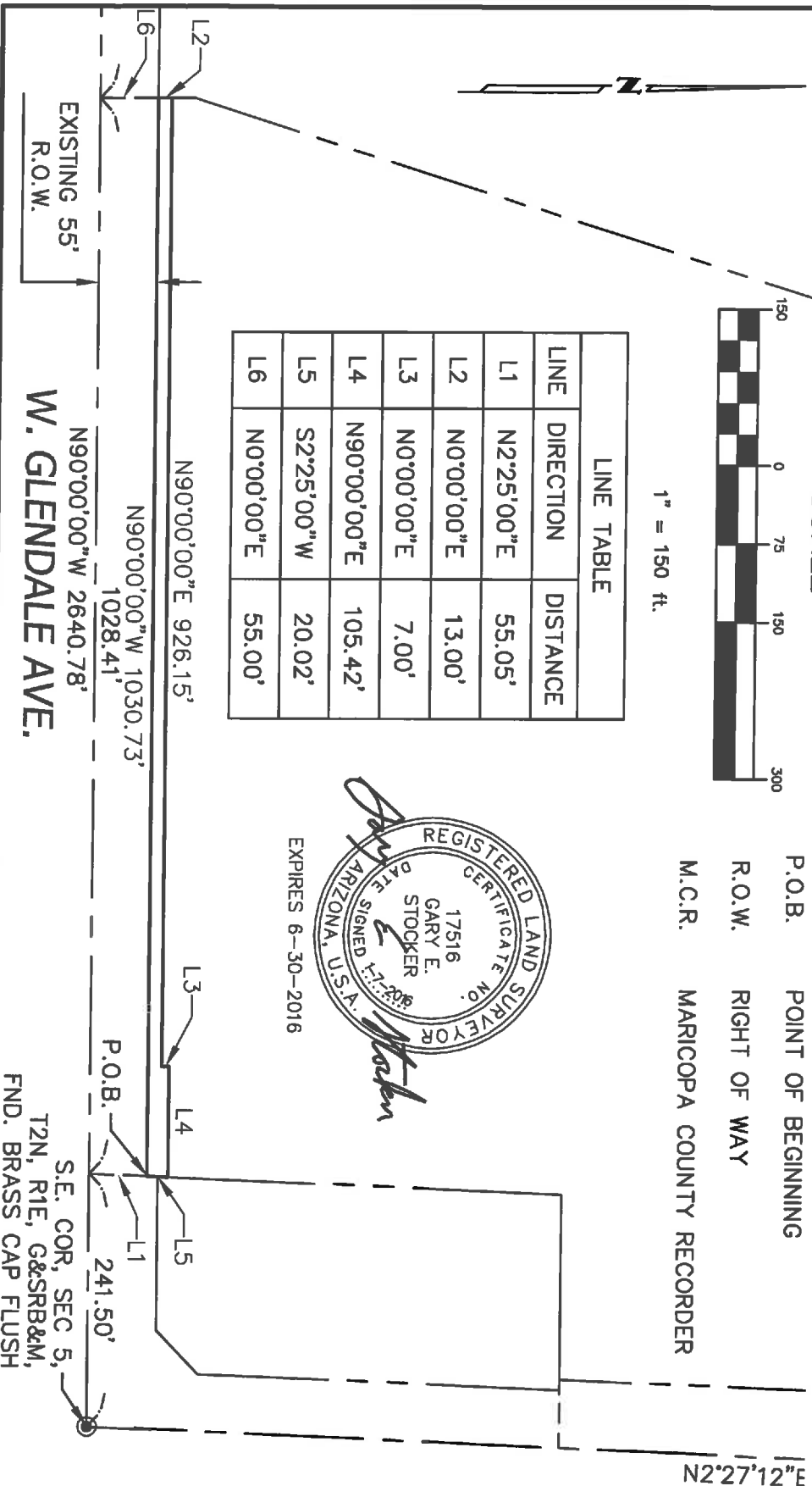
P.O.B. POINT OF BEGINNING

R.O.W. RIGHT OF WAY

M.C.R. MARICOPA COUNTY RECORDER



EXPIRES 6-30-2016



**W. GLENDALE AVE.**

S.E. COR, SEC 5,  
 T2N, R1E, G&SRB&M,  
 FND. BRASS CAP FLUSH

2030-V-EXB R.O.W. EASEMENT GLENDALE AVE.txt

Name: GLENDALE AVE ROW

North: 923186.3950' East: 596414.2907'

Segment #1 : Line

Course: N90°00'00.00"W Length: 1030.729'

North: 923186.3950' East: 595383.5617'

Segment #2 : Line

Course: N0°00'00.00"E Length: 13.000'

North: 923199.3950' East: 595383.5617'

Segment #3 : Line

Course: N90°00'00.00"E Length: 926.151'

North: 923199.3950' East: 596309.7127'

Segment #4 : Line

Course: N0°00'00.00"E Length: 7.000'

North: 923206.3950' East: 596309.7127'

Segment #5 : Line

Course: N90°00'00.00"E Length: 105.422'

North: 923206.3950' East: 596415.1347'

2030-V-EXB R.O.W. EASEMENT GLENDALE AVE.txt

Segment #6 : Line

Course: S2°25'00.00"W Length: 20.018'

North: 923186.3948' East: 596414.2906'

Perimeter: 2102.320' Area: 14139.97 Sq. Ft.

Error Closure: 0.0002 Course: S23°21'22.75"W

Error North: -0.00020 East: -0.00008

Precision 1: 10511600.000



## **ACCEPTANCE OF RIGHT-OF-WAY ALONG GLENDALE AVENUE WEST OF 99TH AVENUE**

Staff Contact: Jack Friedline, Director, Public Works

### **Purpose and Recommended Action**

This is a request for City Council to waive reading beyond the title and adopt an ordinance accepting right-of-way along westbound Glendale Avenue approximately 635 feet west of 99<sup>th</sup> Avenue.

### **Background**

The owner of Westgate Medical, located at 9250 West Glendale Avenue, is required to construct street improvements along Glendale Avenue to meet current arterial street design requirements. The owner, 101 W Healthcare, LLC, an Arizona limited liability company, has agreed to dedicate additional right-of-way in order for the City to maintain this portion of the street.

### **Analysis**

Staff recommends accepting the additional right-of-way along Glendale Avenue. There will be little impact on City departments, staff or service levels as a result of this action. Minimal costs may be incurred by the City in the future to maintain and repair the additional street improvements.

### **Previous Related Council Action**

City Council took action to accept and take title to the current Glendale right-of-way per Ordinance No. 1272 passed, adopted and approved by City Council on April 10, 1984.