

ORDINANCE NO. 3031 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 99th Avenue right-of-way 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 99th 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 99th Avenue right-of-way, north of Glendale 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 99th Avenue, 101 W Healthcare, LLC is hereby granted the right to construct street improvements along 99th Avenue outside of the City's current 99th 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. 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. 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
99TH AVENUE RIGHT OF WAY**



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, 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

99TH 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 2 DEGREES 27 MINUTES 12 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 5 AND THE CENTERLINE OF 99TH AVENUE, 450.01 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 55.05 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 10.01 FEET;

THENCE NORTH 2 DEGREES 27 MINUTES 12 SECONDS EAST, 854.84 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, 10.01 FEET;

THENCE SOUTH 2 DEGREES 27 MINUTES 12 SECONDS WEST, 854.84 FEET TO THE POINT OF BEGINNING.



EXPIRES 6-30-2019

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: 10-6-2016
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**99TH 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: 10-6-2016
PAGE 2 OF 3

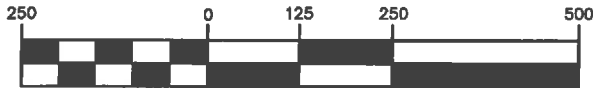
E. 1/4 COR, SEC 5,
T2N, R1E, G&SRB&M,
FND. 1/2" REBAR
POINT OF COMMENCEMENT



EXPIRES 6-30-2019

W. MYRTLE AVE. ALIGNMENT

SCALE



1" = 250 ft.

RIGHT OF WAY
SEE DETAIL ON PAGE 3

854.78'

N2°27'12"E 2609.59'

99th AVENUE

450.01'

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",

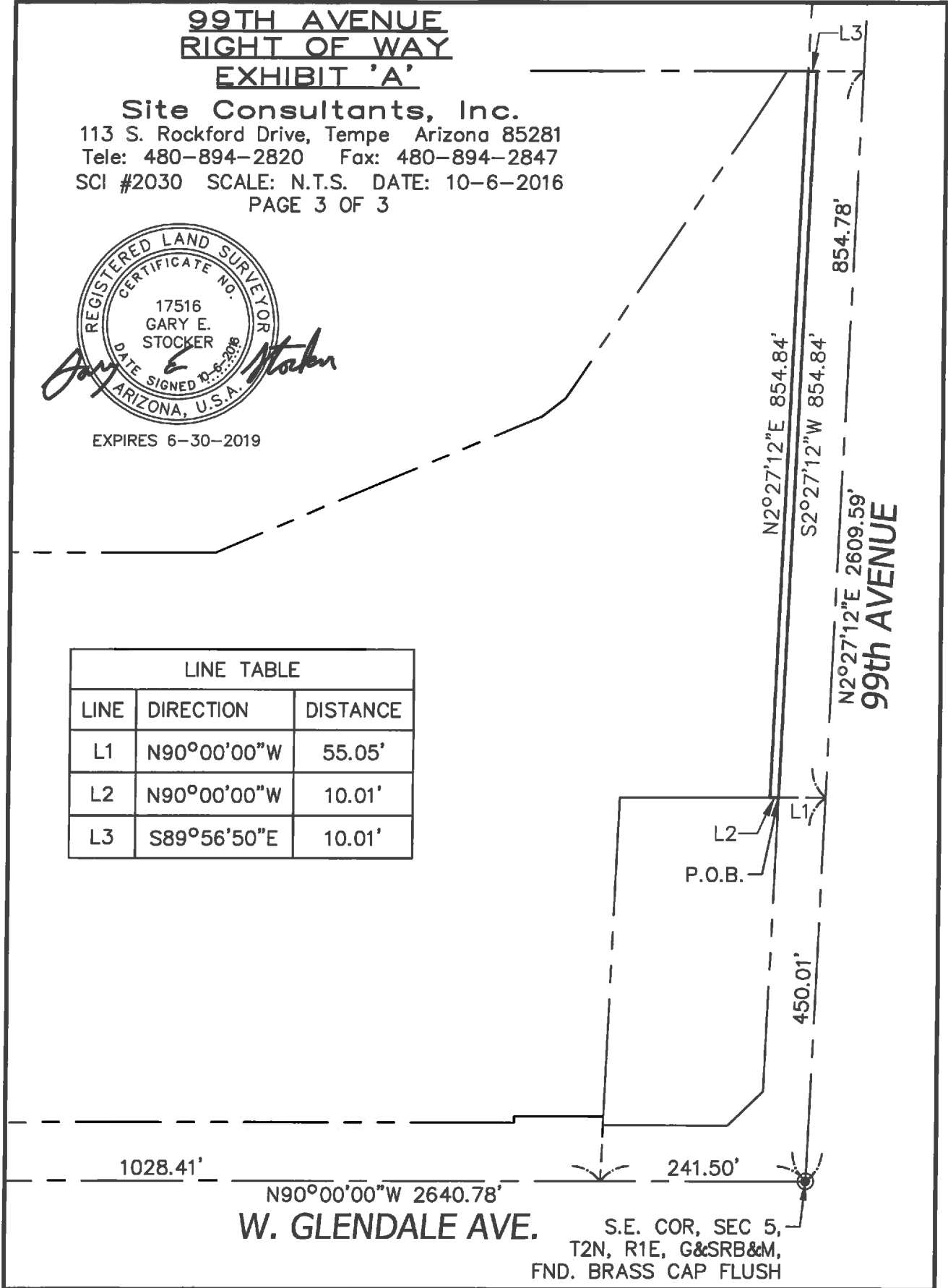
S.E. COR, SEC 5,
T2N, R1E, G&SRB&M,
FND. BRASS CAP FLUSH

**99TH AVENUE
RIGHT OF WAY
EXHIBIT 'A'**

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LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N90°00'00"W	55.05'
L2	N90°00'00"W	10.01'
L3	S89°56'50"E	10.01'



2030-V-EXB R.O.W. EASEMENT 99th AVE.txt

Name: 99TH AVE ROW

North: 924435.0467' East: 593664.6888'

Segment #1 : Line

Course: S2°27'11.65"W Length: 854.835'

North: 923580.9952' East: 593628.0984'

Segment #2 : Line

Course: N90°00'00.00"W Length: 10.009'

North: 923580.9952' East: 593618.0894'

Segment #3 : Line

Course: N2°27'11.65"E Length: 854.845'

North: 924435.0567' East: 593654.6802'

Segment #4 : Line

Course: S89°56'50.00"E Length: 10.009'

North: 924435.0475' East: 593664.6892'

Perimeter: 1729.698' Area: 8548.40 Sq. Ft.

Error Closure: 0.0009 Course: N28°47'36.39"E

Error North: 0.00077 East: 0.00042

Precision 1: 1921886.667

