

ORDINANCE NO. 3027 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A SIDEWALK EASEMENT LOCATED AT WESTGATE HEALTHCARE CAMPUS; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, construction of the sidewalk has been completed and approved by the City on the real property as depicted in the attached map and legally described in Exhibit A; and

WHEREAS, 101 Healthcare, LLC the current owner and developer the of the property has agreed to grant a new sidewalk easement to the City; and

WHEREAS, a new sidewalk would benefit the City by allowing for future development at the intersection of 99th Avenue and Glendale Avenue and meet the public access requirements of City Code.

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

SECTION 1. That the City is hereby accepting an easement for the location of a new sidewalk pursuant to the Conveyance of Easement, which is attached as Exhibit B. Upon the execution of the Conveyance of Easement and recordation of the same with the Maricopa County Recorder, the City will have legal title to an easement for the purpose of operating, repairing, replacing, maintaining and removing the sidewalk consistent with the City Code.

SECTION 2. The City Clerk is instructed and authorized to forward a certified copy of this ordinance and executed Conveyance of Easement to the Maricopa County Recorder's Office for recording.

SECTION 3. 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.

[Signatures on the following page.]

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 SIDEWALK EASEMENT**



EXHIBIT B

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

CONVEYANCE OF EASEMENT

For Ten Dollars and other valuable consideration, I or We, 101 W Healthcare, LLC, an Arizona limited liability company ("Grantor"), do hereby convey to the City of Glendale, an Arizona municipal corporation ("Grantee"), an easement to install, repair, replace, operate, maintain and remove a sidewalk and appurtenances ("facilities") upon, over and under the surface of the following described property:

See Attached Description, "Exhibit A"

Together with the right of ingress and egress to, from, across and along the Grantor's property, and with the right to use lands adjacent to said easement during temporary periods of construction; the right to operate, repair, replace, maintain, and remove facilities and appurtenances from said premises; to add to or alter said facilities at any reasonable time; and to trim or remove any trees or shrubs that in the judgment of the City may interfere with the construction, operation or maintenance of said facilities.

By accepting this easement, the City of Glendale agrees to exercise reasonable care to avoid any damage to said real property above described.

Dated this _____ day of _____, 2016.

By: _____
By: Howard John Simon
Its: Manager

Exempt Pursuant to A.R.S. §11-1134(A) (2),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 SIDEWALK EASEMENT
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, 752.45 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 68.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 68 FEET OF SAID SECTION 5, THE POINT OF BEGINNING;

THENCE ALONG SAID NORTH LINE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 89.74 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 16.00 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 73.74 FEET;

THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, 22.62 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: 3-4-2016
PAGE 1 OF 3

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

GLENDALF AVENUE SIDEWALK EASEMENT 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: 3-4-2016

PAGE 3 OF 3

LEGEND

----- PROPOSED SIDEWALK EASEMENT

----- LOT/RIGHT OF WAY LINE

----- CENTER LINE

FND. FOUND

P.O.B. POINT OF BEGINNING

R.O.W. RIGHT OF WAY

SCALE

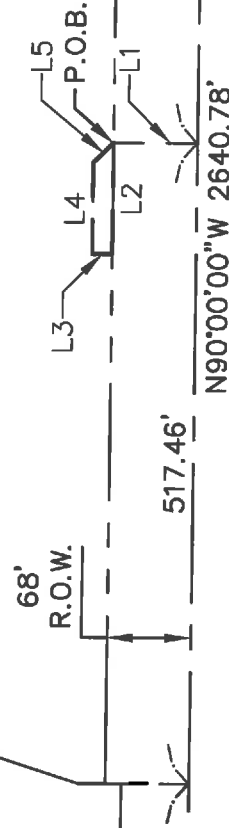


1" = 150 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N0°00'00"E	68.00'
L2	N90°00'00"W	89.74'
L3	N0°00'00"E	16.00'
L4	N90°00'00"E	73.74'
L5	S45°00'00"E	22.62'



EXPIRES 6-30-2016



W. GLENDALF AVENUE.

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

N2°27'12"E 2609.59'

55'
R.O.W.

752.45'

N90°00'00"W 2640.78'

517.46'

68'
R.O.W.