

ORDINANCE NO. 017-27

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN EASEMENT FOR A WATER LINE AND A SEWER LINE LOCATED AT 20272 NORTH 75TH AVENUE AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, a new development, Popeye's Louisiana Kitchen, has been constructed on property located at 20272 North 75th Avenue; and

WHEREAS, construction of a new public water line and a new public sewer line has been completed and approved by the City and is required to serve the property to meet the domestic and fire protection and sanitary sewer requirements of the City Code; and

WHEREAS, the owner of Popeye's Louisiana Kitchen, HZ PROPS RE, LTD, a Texas limited partnership, has agreed to grant a new water line and sewer line easement to the City so that the lines may be operated, maintained, repaired, replaced and removed if necessary.

WHEREAS, the City has determined that the new water line and sewer line easement would benefit the citizens of Glendale and be in the public interest.

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 water line and sewer line pursuant to the Conveyance of Easement, which is attached as Exhibit 1

SECTION 2. The Council hereby accepts the Conveyance of Easement, attached hereto as Exhibit 1, granting a water line and sewer line easement described herein to the City.

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

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

[Signatures on following page]

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13th day of June, 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 1

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, We, **HZ PROPS RE, LTD., a Texas limited partnership**, do hereby convey to the City of Glendale, an Arizona municipal corporation, an easement to install, repair, operate, maintain and remove a water line and a sewer line 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 _____, 2017.

HZ PROPS RE, LTD.
a Texas limited partnership

By: _____
Amin Dhanani
Its: President

**Exempt Pursuant to
A.R.S. §11-1134(A)(2), 11-1134(A)(3)**

STATE OF TEXAS)
County of Fort Bend } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by Amin Dhanani, President, who acknowledged that he executed this instrument for the purposes therein contained.

Notary Public

My commission expires:

EXHIBIT A
LEGAL DESCRIPTION
ASPERA
COMBINED WATER AND SEWER EASEMENT

A portion of Lot 2, "Minor Land Division - Lot Split" for CDG Joy I, LLC, recorded in Book 1249, Page 14, Records of Maricopa County, Arizona, located in the southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being described as follows:

COMMENCING at an Arizona Department of Transportation aluminum cap in handhole found at the Southeast Corner of said Section 23, from which a Bureau of Land Management brass cap found at the south quarter corner thereof bears North 89°53'57" West, a distance of 2643.29 feet; thence along the south line of the southeast quarter of said Section 23, North 89°53'57" West, 577.21 feet; thence leaving said south line, North 00°06'03" East, 874.20 feet; thence North 75°13'11" East, 196.84 feet to a point on the west line of said Lot 2, and the south line of Lot 1 according to said "Minor Land Division - Lot Split", said point also the POINT OF BEGINNING;

thence along the west line of said Lot 2, and the south line of said Lot 1, North 30°57'52" West, 18.83 feet to the northwest corner of said Lot 2;

thence along the north line of said Lot 2, and the south line of said Lot 1, North 76°02'35" East, 99.44 feet to the beginning of a 985.00 foot radius curve to the right;

thence continuing along the north line of said Lot 2, and the south line of said Lot 1, easterly 83.53 feet along the arc of said curve, concave southerly, through a central angle of 04°51'31";

thence leaving the north line of said Lot 2, and the south line of said Lot 1, South 14°14'39" East, 11.92 feet;

thence South 75°13'11" West, 24.00 feet;

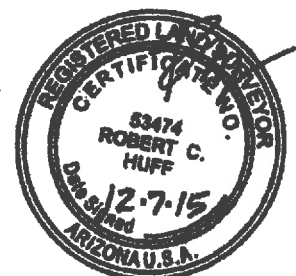
thence South 14°14'33" East, 15.27 feet;

thence South 75°35'33" West, 12.96 feet;

thence North 14°46'49" West, 15.19 feet;

thence South 75°13'11" West, 140.33 feet to the POINT OF BEGINNING.

Said parcel containing 3,117 square feet or 0.072 acres, more or less.



Ex: 6/30/18



TRACT B

ROW

ASPERA BOULEVARD

WATER & SEWER ESMT
3,117 SQ. FT.
0.072 AC±
SEE SHT. 2

PROPOSED
SEWER
EASEMENT

PROPOSED
WATER EASEMENT

LOT 1
BK. 1249, PG. 14
MCR

LOT 2
BK. 1249, PG. 14
MCR

P.O.B.

PROP.
WATER
ESMT

LOT 3
BK. 1249, PG. 14
MCR

LOT 4A
BK. 1215, PG. 16
MCR

APN
200-20-006X

S.R. 101L

20' SEWER ESMT
DOC. NO. 1996-0378562,
M.C.R.

NOTE:

SEE SHEET 2 FOR EASEMENT
DETAIL AND DATA TABLES

LEGEND

P.O.C. = POINT OF COMMENCEMENT

P.O.B. = POINT OF BEGINNING

S. 1/4 COR.
SEC. 23, T.4N., R.1E.,
FD. BLM BRASS CAP

P.O.C.
S.E. COR. SEC. 23, T.4N., R.1E.
FD. ALUM. CAP IN HANDHOLE
MKD. A.D.O.T.

2066.07'

874.20'

N00°06'03"E

577.21'

N89°53'57"W 2643.29'

DATE: 11/2015

SCALE:
1"=150'

SHEET

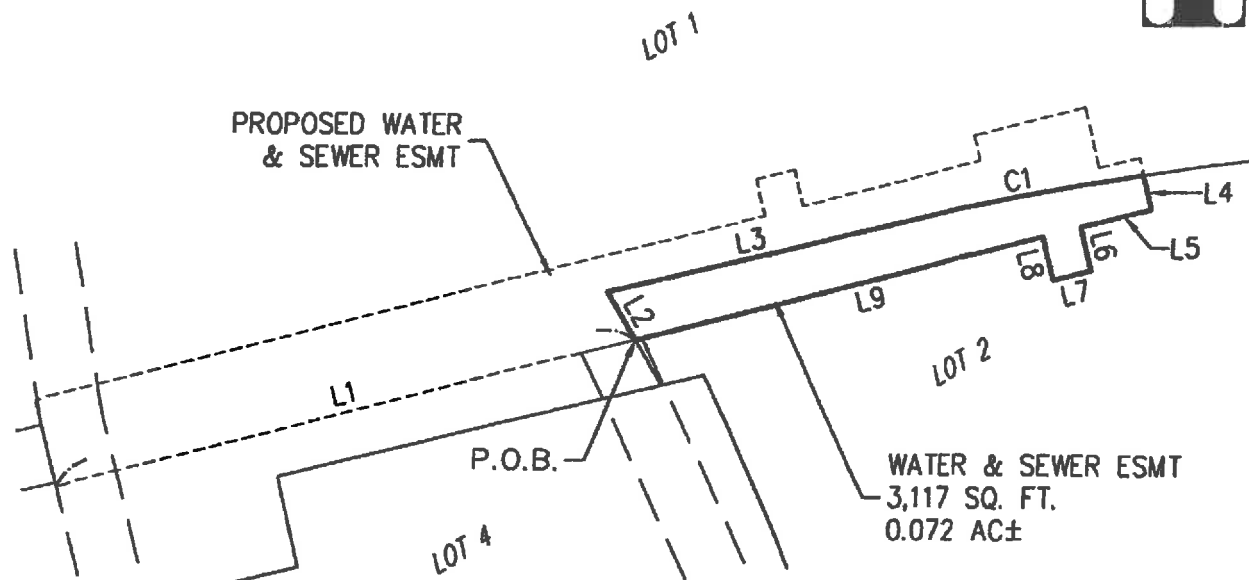
1 OF 2

**COMBINED WATER & SEWER ESMT
LOT 2
BOOK 1249, PAGE 14, M.C.R.**



**DAVID EVANS
AND ASSOCIATES INC.**

4600 East Washington Street, Suite 250
Phoenix Arizona 85034
Phone: 602.678.5151



EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L1	N75°13'11"E	196.84'
L2	N30°57'52"W	18.83'
L3	N76°02'35"E	99.44'
L4	S14°14'39"E	11.92'
L5	S75°13'11"W	24.00'

EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L6	S14°14'33"E	15.27'
L7	S75°35'33"W	12.96'
L8	N14°46'49"W	15.19'
L9	S75°13'11"W	140.33'

EASEMENT CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	985.00'	83.53'	4°51'31"	N78°28'20"E	83.50'

DATE: 11/2015

SCALE:
1"=60'

SHEET
2 OF 2

**COMBINED WATER & SEWER ESMT
LOT 2
BOOK 1249, PAGE 14, M.C.R.**



**DAVID EVANS
AND ASSOCIATES INC.**
4600 East Washington Street, Suite 250
Phoenix Arizona 85034
Phone: 602.678.5151