

ORDINANCE NO. 017-28

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN EASEMENT FOR A WATER 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 has been completed and approved by the City and is required to serve the property to meet the domestic and fire protection 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 easement to the City so that the line may be operated, maintained, repaired, replaced and removed if necessary.

WHEREAS, the City has determined that the new water line and 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 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 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 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
WATER LINE 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 City of Glendale brass cap in handhole found at the east quarter corner thereof bears North 00°18'01" East, a distance of 2647.87 feet; thence along the east line of the southeast quarter of said Section 23, North 00°18'01" East, 911.71 feet; thence leaving said east line, North 89°41'59" West, 367.15 feet to the northeast corner of Lot 4A, "Minor Land Division of Lot 3 and Lot 4 of Aspera Final Plat", recorded in Book 1215, Page 16, Records of Maricopa County, Arizona; thence along the north line of said Lot 4A, South 76°02'43" West, 13.63 feet to the POINT OF BEGINNING "A";

thence continuing along the north line of said Lot 4A, South 76°02'43" West, 0.63 feet to the point of intersection with the west line of said Lot 2;

thence along the west line of said Lot 2, North 30°57'52" West, 17.78 feet;

thence leaving the west line of said Lot 2, North 75°13'11" East, 2.35 feet;

thence South 25°29'28" East, 17.39 feet to the POINT OF BEGINNING.

Said parcel containing 25 square feet or 0.001 acres, more or less.

TOGETHER WITH

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 City of Glendale brass cap in handhole found at the east quarter corner thereof bears North 00°18'01" East, a distance of 2647.87 feet; thence along the east line of the southeast quarter of said Section 23, North 00°18'01" East, 911.71 feet; thence leaving said east line, North 89°41'59" West, 367.15 feet to the northeast corner of Lot 4A, "Minor Land Division of Lot 3 and Lot 4 of Aspera Final Plat", recorded in Book 1215, Page 16, Records of Maricopa County, Arizona, and the beginning of a non-tangent curve to the right, the radius of which bears South 63°22'32" West, 1000.00 feet;

thence along the east line of said Lot 4A, and the west line of said Lot 2, southeasterly 138.85 feet along the arc of said curve, concave southwesterly, through a central angle of $07^{\circ}57'20''$ to the POINT OF BEGINNING "B";

thence leaving the east line of said Lot 4A, and the west line of said Lot 2, North $75^{\circ}58'28''$ East, 11.98 feet;

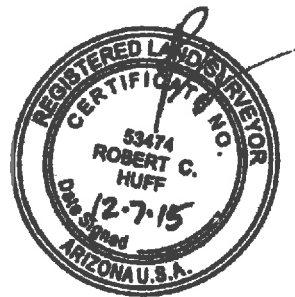
thence South $14^{\circ}01'08''$ East, 12.00 feet;

thence South $75^{\circ}58'28''$ West, 11.08 feet to a point on the east line of said Lot 4A, and the west line of said Lot 2, said point also being on a non-tangent curve to the left, the radius of which bears South $72^{\circ}01'14''$ West, 1000.00 feet;

thence along the east line of said Lot 4A, and the west line of said Lot 1, northwesterly 12.03 feet along the arc of said curve, concave southwesterly, through a central angle of $00^{\circ}41'22''$ to the POINT OF BEGINNING.

Said parcel containing 138 square feet or 0.003 acres, more or less.

Said parcels contain a total of 163 square feet or 0.004 acres, more or less.



Ac: 6/30/18



E. 1/4 COR. SEC. 23, T.4N., R.1E.
FD. BRASS CAP IN HANDHOLE
MKD. CITY OF GLENDALE

LOT 1
BK. 1249, PG. 14
MCR

WATER ESMT A
25 SQ. FT.
0.001 AC±
SEE SHT. 2

PROPOSED WATER
AND SEWER ESMT

L4
L5
RB= S63°22'32"W
N.E. COR. LOT 4A
N89°41'59"W 367.15'
P.O.B. "A"

1736.16'

75TH AVENUE

2647.87'

PROPOSED
WATER ESMT

LOT 2
BK. 1249, PG. 14
MCR

P.O.B.
"B"

RB= S72°01'14"W

WATER ESMT B
138 SQ. FT.
0.003 AC±

911.71'
N00°18'01"E

LOT 4A
BK. 1215, PG. 16
MCR

LOT 3
BK. 1249, PG. 14
MCR

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

NOTE:
SEE SHEET 2 FOR
EASEMENT DATA TABLES

DATE: 11/2015

SCALE:
1"=50'

SHEET

1 OF 2

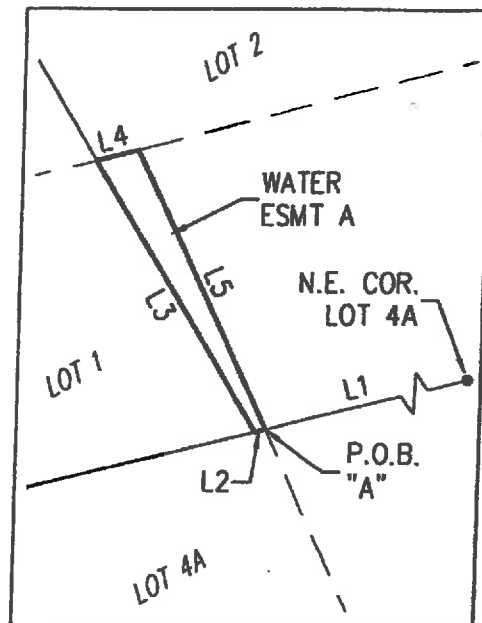
**WATER LINE EASEMENTS
LOT 2
BOOK 1249, PAGE 14, M.C.R.**



**DAVID EVANS
AND ASSOCIATES INC.**

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

LINE TABLE		
LINE	BEARING	LENGTH
L1	S76°02'43"W	13.63'
L2	S76°02'43"W	0.63'
L3	N30°57'52"W	17.78'
L4	N75°13'11"E	2.35'
L5	S25°29'28"E	17.39'
L6	N75°58'28"E	11.98'
L7	S14°01'08"E	12.00'
L8	S75°58'28"W	11.08'



DETAIL - WATER ESMT A

1"=10'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	1000.00'	138.85'	7°57'20"	S22°38'48"E	138.74'
C2	1000.00'	12.03'	0°41'22"	N18°19'27"W	12.03'

LEGEND

P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING
 BLM = BUREAU OF LAND MANAGEMENT
 A.D.O.T. = AZ DEPT. OF TRANSPORTATION
 RB = RADIAL BEARING
 R/W = RIGHT-OF-WAY
 MKD. = MARKED

DATE: 11/2015

SCALE:
NTS

SHEET

2 OF 2

WATER LINE EASEMENTS
LOT 2
BOOK 1249, PAGE 14, M.C.R.



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