

RESOLUTION NO. 4114 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE CONDEMNATION ACTION IN ORDER THAT (1) CLEAR TITLE TO CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF 52<sup>ND</sup> AVENUE AND LAMAR IN THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, BE ACQUIRED UNDER THE POWER OF EMINENT DOMAIN FOR A FIRE STATION PURSUANT TO A.R.S. SEC. 12-1111(3); AND (2) TO OBTAIN POSSESSION AND OWNERSHIP OF AN INOPERABLE WELL SITE LOCATED WITHIN THE RIGHT-OF-WAY FOR 63<sup>RD</sup> AVENUE, NORTH OF UNION HILLS DRIVE.

WHEREAS, Glendale City Council adopted Resolution No. 3809 on December 14, 2004 authorizing and directing the City Manager to acquire property necessary for public safety located at the northeast corner of 52<sup>nd</sup> Avenue and Lamar for a fire station. The property is currently encumbered by a cross easement recorded under Docket No. 13942, Pages 1535 through 1538, attached hereto as Exhibit A. Said easement precludes improvement of the property in the best interests of the public; and

WHEREAS, the well site located within the right-of-way for 63<sup>rd</sup> Avenue, north of Union Hills Drive is no longer operable because all agricultural properties that it previously served have been developed and are currently on the City water system.

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

SECTION 1. That it is deemed necessary and essential for the City of Glendale to extinguish through an action for condemnation the cross easement described in Exhibit A attached hereto.

SECTION 2. That it is deemed necessary and essential for the City of Glendale to obtain possession and ownership through an action for condemnation the inoperable well site located within the right-of-way for 63<sup>rd</sup> Avenue, north of Union Hills Drive

SECTION 3. That the City Manager and the City Clerk be, and they hereby are, authorized and directed to execute and deliver any and all documents necessary to obtain clear title and possession of the properties referenced in Sections 1 and 2 above on behalf of the City of Glendale.

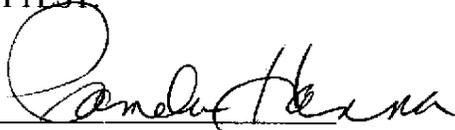
SECTION 4. That the duly authorized disbursing officers of the City of Glendale be, and they hereby are, authorized and directed to pay all sums necessary to extinguish said cross easement and obtain possession and ownership of the said properties under the power of eminent domain.

SECTION 5. Under the power of eminent domain as authorized pursuant to A.R.S. Sec. 12-1111(3) and (6) if and in the event the City of Glendale is unable to acquire clear title to said property, the City Attorney and said officials are hereby authorized and directed to bring condemnation actions and to perform all acts in the name of the City of Glendale necessary to extinguish said cross easement and obtain possession and ownership under the power of eminent domain for the City of Glendale.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 27<sup>th</sup> day of November, 2007.

  
MAYOR

ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager

DKT 1392281297

COURTESY RECORDING

NO TITLE LIABILITY

368360

DKT 139421535

When recorded mail to:

Ted Bass Jones Construction Co.  
P.O. Box 2116  
Scottsdale, Arizona 85251

Lot East



DECLARATION OF CROSS EASEMENTS

KNOW ALL MEN BY THESE PRESENTS: That

WHEREAS, TED BASS JONES CONSTRUCTION COMPANY and TURCO ENTERPRISES INC. ("Turco/Jones") own a shopping center located at the Southwest corner of 51st and Glendale Avenues in Glendale, Arizona legally described as:

That portion of Lot one (1), Block One (1), THE WOODFORD ADDITION TO GLENDALE, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 2 of Maps, page 54, described as follows: (Bearings are based on the East line of said Lot 1, assumed North), to wit:

BEGINNING at the point of intersection of the West line of the East 7.00 feet and the North line of the South 30.00 feet of said Lot 1; thence North 89 degrees 33 minutes West along the North line of the South 30.00 feet of said Lot 1, a distance of 432.99 feet, thence North 0 degrees 03 minutes 30 seconds East along a line which is parallel with and 868.00 feet East of the West line of Lot Two (2), Block One (1), of the said THE WOODFORD ADDITION TO GLENDALE, a distance of 588.00 feet to a point on the South line of the North 7.00 feet of said Lot 1; thence South 89 degrees 33 minutes East along the South line of the North 7.00 feet of said Lot 1, a distance of 307.36 feet to a point on the West line of the East 132.00 feet of said Lot 1; thence South along the West line of the East 132.00 feet of said Lot 1, a distance of 125.00 feet; thence South 89 degrees 33 minutes East along the South line of the North 132.00 feet of said Lot 1, a distance of 125.00 feet to a point on the West line of the East 7.00 feet of said Lot 1, thence South along the West line of the East 7.00 feet of said Lot 1, a distance of 463.00 feet to the POINT OF BEGINNING;

EXCEPT STARTING at the Northeast corner of Section Eight (8), Township Two (2) North, Range Two (2) East of the Gila and Salt River Base and Meridian; thence South along the East line of said Section 8, a distance of 165 feet; thence North 89 degrees 32 minutes 45 seconds West, a distance of 40 feet to a point, said point being the true point of beginning; thence South on a line 40 feet West of and parallel to the East line of Section 8, a distance of 25 feet to a point; thence North 89 degrees 32 minutes 45 seconds West, a distance of 5 feet to a point; thence North on a line 45 feet West of and parallel to the East line of Section 8, a distance of 25 feet to a point; thence South 89 degrees 32 minutes 45 seconds East, a distance of 5 feet to the TRUE POINT OF BEGINNING, herein-after known as "Shopping Center Parcel" and;

WHEREAS, Turco/Jones also owns a parcel of vacant land adjacent to the Shopping Center Parcel upon which retail shops and automotive service shops will be constructed, which parcel is legally described as :

THIS DOCUMENT IS BEING RE-RECORDED TO  
ADD " and for parking" on line four (4)  
of page three (3) herein.

-I-

DXT 13942 PE 1536

THAT PORTION of Lot 1, Block 1, THE WOODFORD ADDITION TO GLENDALE, according to the Plat of Record in the office of the County Recorder of Maricopa County, Arizona, in Book 2 of Maps, Page 54, described as follows: (bearings are based on the East Line of said Lot 1 assumed North), to Wit:

BEGINNING AT THE POINT OF INTERSECTION of the South Line of the north 7.00 feet of said Lot 1, with a line which is parallel with and 700.00 feet East of the West line of Lot 2, Block 1, of said THE WOODFORD ADDITION TO GLENDALE.

THENCE, South 89 degrees 33 minutes East along the South line of the North 7.00 feet of said Lot 1, a distance of 168.00 feet;

THENCE South 0 degrees 03 minutes 30 seconds West parallel with the West line of Lot 2, Block 1, of said THE WOODFORD ADDITION TO GLENDALE, 588.00 feet to a point on the North line of the South 30.00 feet of said Lot 1;

THENCE, North 89 degrees 33 minutes West along the North line of the South 30.00 feet of said Lot 1, a distance of 168.00 feet;

THENCE North 0 degrees 03 minutes 30 seconds East along a line which is parallel with and 700.00 feet East of the West line of Lot 2, Block 1 of said THE WOODFORD ADDITION TO GLENDALE, 588.00 feet to the POINT OF BEGINNING.

EXCEPT THE NORTHERLY 156 feet.

Hereinafter known as "Vacant Parcel" and;

WHEREAS, it is necessary and mutually advantageous to both the SHOPPING CENTER PARCEL and the VACANT PARCEL that there be provision for the orderly and convenient access ingress and egress over and across both parcels.

NOW, THEREFORE, for valuable consideration Turco/Jones hereby declares: That

1. The Shopping Center Parcel is hereby granted a non-exclusive easement over and across the parking areas and access ways constructed and located, or to be constructed and located, upon the Vacant Parcel for the purposes of access, ingress and egress to and from the Shopping Center Parcel by Turco/Jones employees, invitees, guests and tenants.

2. The vacant parcel is hereby granted a non-exclusive

DOT 13942-1537

DOT 13922-1295

easement over and across the parking areas and access ways constructed and located upon the Shopping Center Parcel for the purposes of access, ingress and egress to and from the <sup>and for parking</sup> Vacant Parcel by Turco/Jones employees, invitees, guests and tenants and the employees, invitees and guests of the tenants.

3. They shall use their best efforts to promote the orderly and unimpeded access, ingress and egress to and from the respective parcels by the respective employees, invitees, guests and tenants and the employees, invitees and guests of the tenants.

4. This cross easement shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of Turco/Jones.

IN WITNESS WHEREOF, this Declaration of Cross Easements has been executed as of the 24th day of September, 1979.

TED BASS JONES CONSTRUCTION  
COMPANY

BY: Ted Bass Jones  
Ted Bass Jones, President

TURCO ENTERPRISES, INC.

BY: Arville Yancher  
Arville Yancher, President

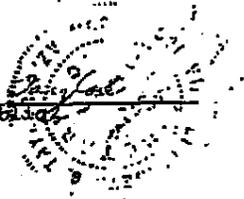
DI 13942-1538

DI 13922-1299

STATE OF ARIZONA }  
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 24th day of September, 1979 by Ted Bass Jones, President of TED BASS JONES CONSTRUCTION COMPANY, an Arizona corporation, on behalf of the corporation.

*Robert L. ...*  
Notary Public



My Commission Expires:  
My Commission Expires Oct 12, 1982

STATE OF ARIZONA }  
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 24th day of September, 1979 by Arville Yancher, President of TURCO ENTERPRISES, INC., an Arizona corporation, on behalf of the corporation.

*Oborah L. ...*  
Notary Public

My Commission Expires:  
My Commission Expires April 19, 1983

STATE OF ARIZONA }  
County of Maricopa } ss.  
I hereby certify that the within instrument was filed and recorded at request of  
AMERICAN TITLE  
OCT 4 - 1979 - 8.00  
in Doc# 13942  
on page 1535-1538  
Witness my hand and official seal the day and year aforesaid.  
*Bill Henry*  
County Recorder  
By *Jason ...*  
Deputy Recorder  
300-4

STATE OF ARIZONA }  
County of Maricopa } ss.  
I hereby certify that the within instrument was filed and recorded at request of AMERICAN TITLE  
SEP 26 1979 - 8.00  
in Doc# 13922  
on page 1292-1295  
Witness my hand and official seal the day and year aforesaid.  
*Bill Henry*  
County Recorder  
By *M. ...*  
Deputy Recorder  
300