

ORDINANCE NO. 2952 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A SEWER LINE EASEMENT LOCATED AT 7700 WEST ASPERA BOULEVARD AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, on November 24, 2014, the City Council abandoned an existing public sewer easement over and across certain real property located in the City of Glendale at 20250 North 75<sup>th</sup> Avenue and legally described on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, as a condition of abandoning the sewer line easement, a new sewer line was to be constructed and a new sewer line easement was to be dedicated to the City to allow for easier access to the sewer line for maintenance and repairs by the City.

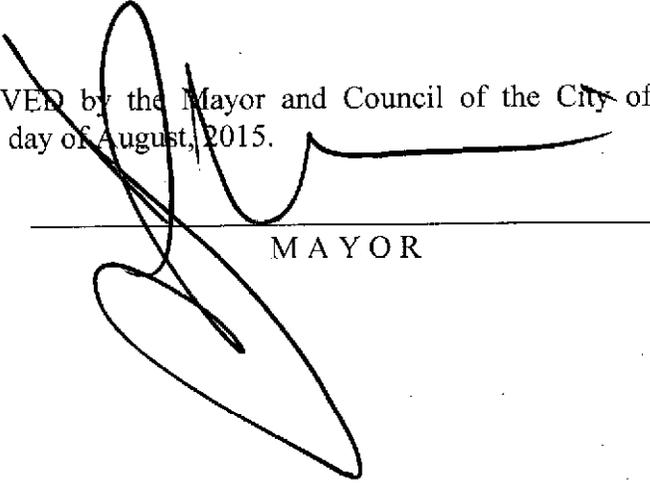
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. The City has determined that acceptance of a new sewer line and easement in the location identified in Exhibit A would be a public benefit and in the public interest.

SECTION 2. The Council hereby authorizes and instructs the City Manager to execute the Conveyance of Easement, which is attached hereto as Exhibit B, which grants a sewer line easement described herein to the City. The City's acceptance of said easement shall take effect upon the recordation of the same by the Maricopa County Recorder.

SECTION 3. The City Clerk is instructed and authorized to forward a certified copy of this ordinance and all of its attachments for recording to the Maricopa County Recorder's Office.

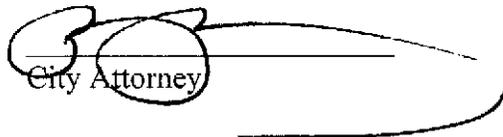
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 25<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

REVIEWED BY:

  
\_\_\_\_\_  
Acting City Manager

**EXHIBIT A**

Recorded by:  
City Clerk  
City of Glendale  
5850 West Glendale Avenue  
Glendale, AZ 85301-2599

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ORDINANCE NO. 2922 NEW SERIES

JERRY P. WEIERS  
MAYOR

ATTEST:

PAMELA HANNA  
City Clerk

STATE OF ARIZONA )  
County of Maricopa ) ss  
City of Glendale )

(SEAL)

APPROVED AS TO FORM:

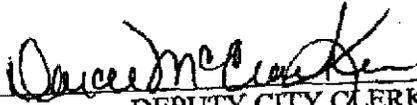
MICHAEL D. BAILEY  
City Attorney

I, the undersigned, Darcie McCracken, being the duly qualified Deputy City Clerk of the City of Glendale, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2922 New Series is a true, correct and accurate copy of Ordinance No. 2922 New Series, passed and adopted at a regular meeting of the Council of the City of Glendale, held on the 24<sup>th</sup> day of November, 2014, at which a quorum was present and voted in favor of said Ordinance.

REVIEWED BY:

BRENDA S. FISCHER  
City Manager

Given under my hand and seal this 1<sup>st</sup> day of December, 2014.

  
DEPUTY CITY CLERK

ORDINANCE NO. 2922 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
GLENDALE, MARICOPA COUNTY, ARIZONA,  
AUTHORIZING THE ABANDONMENT OF A SEWER LINE  
EASEMENT AT 20250 NORTH 75<sup>TH</sup> AVENUE; AND  
DIRECTING THE CITY CLERK TO RECORD A CERTIFIED  
COPY OF THIS ORDINANCE.

WHEREAS, on January 8, 2007, the Community Church of Joy, an Arizona non-profit corporation, granted a sewer line easement over and across certain real property located in the City of Glendale at approximately 20250 North 75<sup>th</sup> Avenue and described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, upon information and belief, the Glendale City Council took action to accept the easement and to execute any legal instrument taking title to this easement on November 27, 2007 and this easement was assigned City Deed No. 3569; and

WHEREAS, the City has determined it is the public interest to abandon this easement in favor of a new sewer line easement consistent with the final plat for the Aspera development; and

WHEREAS, it is expected that the City will accept a new sewer easement to service future buildings and structures on the Aspera property once construction is complete;

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

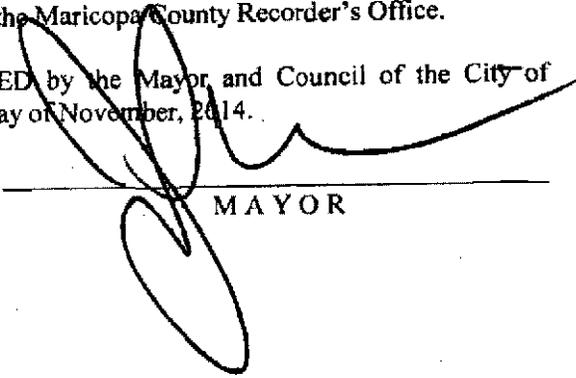
SECTION 1. The City hereby abandons the easement it has in the property legally described in Exhibit A and as recorded in the records of the Maricopa County Recorder's Office on January 8, 2007 at Docket No. 2007-0197815 entitled "Conveyance of Easement" to the underlying, dominant property owner, CDG JOY I, LLC. Such abandonment and re-conveyance of said easement shall take effect immediately upon the City Council's passage of this ordinance. Title to the released property shall vest in the underlying landowner as provided by law.

SECTION 2. Further, as provided in A.R.S. §9-402(E), the City is not receiving payment for such abandonment and re-conveyance of the City's interest in the sewer line easement to the underlying, dominant property owner, CDG JOY I, LLC because the City has determined that the property is of little or no commercial or economic value and that the City no longer needs the easement to protect the health, welfare and safety of its citizens.

SECTION 3. The Council hereby instructs the City Manager to execute the Quit Claim Deed, which is attached hereto as Exhibit B, granting and re-conveying the easement described in Exhibit A to CDG JOY I, LLC.

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

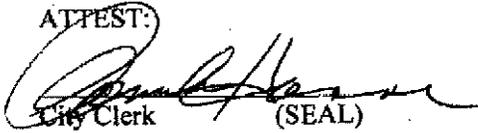
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 24<sup>th</sup> day of November, 2014.



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

MAYOR

ATTEST:



A handwritten signature in black ink, appearing to be 'Cynthia Hansen', written over a horizontal line.

City Clerk (SEAL)

APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to be 'C. S. ...', written over a horizontal line.

City Attorney

REVIEWED BY:



A handwritten signature in black ink, appearing to be 'B. ...', written over a horizontal line.

City Manager

**LEGAL DESCRIPTION  
ASPERA  
SEWER EASEMENT ABANDONMENT**

An abandonment of a portion of that Sewer Easement described in Document Number 2007-0197815, Records of Maricopa County, being a portion of the Southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, also being a portion of that property shown as "Aspera Final Plat", Book 1199, Page 10, Records of Maricopa County, more particularly described as follows:

COMMENCING at the center of said Section 23, being a found iron rod, from which the East Quarter Corner of said Section 23, being a City of Glendale brass cap in a handhole, bears North 89°49'57" East, a distance of 2652.94 feet;

thence, along the East-West mid-section line, North 89°49'57" East, a distance of 1304.88 feet;

thence, South 00°10'03" East, a distance of 1081.55 feet to a point on the northwesterly line of said sewer easement and the POINT OF BEGINNING;

thence South 64°01'38" East, 20.11 feet to a point on the southeasterly line of said sewer easement;

thence, along said southeasterly line, South 31°55'04" West, 273.37 feet to an angle point;

thence, continuing along said southeasterly line, South 31°29'46" West, 398.48 feet to an angle point;

thence, continuing along said southeasterly line,, South 89°09'37" West, 344.66 feet to a point on the easterly line of said sewer easement;

thence, along said easterly line, North 16°42'01" East, 4.44 feet to a point on the easterly line of 78th Avenue as shown on said Aspera Final Plat, said point being a non tangent curve, the radius of which bears North 65°39'06" West, 530.00 feet;

thence, along said easterly line of 78th Avenue, northeasterly, 17.29 feet along the arc of said curve concave northwest, through a central angle of 01°52'10", to a point on the northwesterly line of said sewer easement;

thence, along said northwesterly line, North 89°09'37" East, 325.21 feet to an angle point;

thence, along said northwesterly line, North 31°29'46" East, 387.55 feet to an angle point;

thence, continuing along said northwesterly line, North 31°55'04" East, 271.36 feet to the POINT OF BEGINNING.

Said parcel containing 20,010 square feet or 0.459 acres, more or less.



Expires 06/30/2015

CENTER OF SEC. 23, T.4N., R.1E.  
FD. IRON ROD

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

N89°49'57"E 2652.94'  
1304.88'

1348.05'



TRACT B

APN 200-20-003

PROPOSED  
20' SEWER ESMT.

LOT 5

POB

S90°10'03"E  
1081.55'

NOTE:  
SEE SHEET 2 FOR TABLES

SEWER EASEMENT ABANDONED  
20,010 SQ. FT.  
0.459 AC±

LOT 7

ASPERA BOULEVARD

C1

L6

L4

L7

L3

60' ROW

76TH AVENUE

20' SEWER ESMT.  
DOC. NO. 2007-0197815, M.C.R.

DATE: 8/2014

SCALE:  
1"=150'

SHEET

1 OF 2

**SEWER EASEMENT ABANDONMENT**  
**DOC. NO. 2007-0197815 M.C.R.**  
**ASPERA BOOK 1199, PAGE 10, M.C.R.**



**DAVID EVANS  
AND ASSOCIATES INC.**  
4600 East Washington Street, Suite 430  
Phoenix Arizona 85034  
Phone: 602.678.5181

EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L1	S64°01'38"E	20.11'
L2	S31°55'04"W	273.37'
L3	S31°29'46"W	398.48'
L4	S89°09'37"W	344.66'
L5	N16°42'01"E	4.44'
L6	N89°09'37"E	325.21'
L7	N31°29'46"E	387.55'
L8	N31°55'04"E	271.36'

EASEMENT CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	530.00'	17.29'	1°52'10"	N23°24'49"E	17.29'

DATE: 8/2014

SCALE: N.T.S.	SEWER EASEMENT ABANDONMENT DOC. NO. 2007-0197815 M.C.R. ASPERA BOOK 1198, PAGE 10, M.C.R.	 <b>DAVID EVANS AND ASSOCIATES INC.</b> 4800 East Washington Street, Suite 430 Phoenix Arizona 85034 Phone: 602.878.5151
SHEET 2 OF 2		

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

### QUIT CLAIM DEED

For the consideration of Ten Dollars, and other valuable considerations, the City of Glendale, an Arizona municipal corporation, does hereby quitclaim to CDG JOY I, LLC, an Arizona limited liability company, any and 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"

Dated this 25 day of November, 2014.

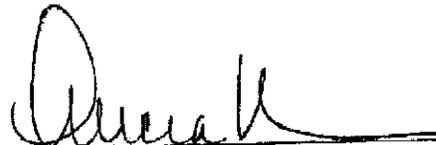


Brenda S. Fischer  
City Manager

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

STATE OF ARIZONA     )  
                                          ) ss.  
County of Maricopa     )

This instrument was acknowledged before me this 25 day of November, 2014 by Brenda S. Fischer, City Manager for the City of Glendale, who acknowledged that she executed this instrument for the purposes therein contained.



Notary Public

My commission expires: Nov. 14, 2015

LEGAL DESCRIPTION  
ASPERA  
SEWER EASEMENT ABANDONMENT

An abandonment of a portion of that Sewer Easement described in Document Number 2007-0197815, Records of Maricopa County, being a portion of the Southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, also being a portion of that property shown as "Aspera Final Plat", Book 1199, Page 10, Records of Maricopa County, more particularly described as follows:

COMMENCING at the center of said Section 23, being a found iron rod, from which the East Quarter Corner of said Section 23, being a City of Glendale brass cap in a handhole, bears North  $89^{\circ}49'57''$  East, a distance of 2652.94 feet;

thence, along the East-West mid-section line, North  $89^{\circ}49'57''$  East, a distance of 1304.88 feet;

thence, South  $00^{\circ}10'03''$  East, a distance of 1081.55 feet to a point on the northwesterly line of said sewer easement and the POINT OF BEGINNING;

thence South  $64^{\circ}01'38''$  East, 20.11 feet to a point on the southeasterly line of said sewer easement;

thence, along said southeasterly line, South  $31^{\circ}55'04''$  West, 273.37 feet to an angle point;

thence, continuing along said southeasterly line, South  $31^{\circ}29'46''$  West, 398.48 feet to an angle point;

thence, continuing along said southeasterly line,, South  $89^{\circ}09'37''$  West, 344.66 feet to a point on the easterly line of said sewer easement;

thence, along said easterly line, North  $16^{\circ}42'01''$  East, 4.44 feet to a point on the easterly line of 78th Avenue as shown on said Aspera Final Plat, said point being a non tangent curve, the radius of which bears North  $65^{\circ}39'06''$  West, 530.00 feet;

thence, along said easterly line of 78th Avenue, northeasterly, 17.29 feet along the arc of said curve concave northwest, through a central angle of  $01^{\circ}52'10''$ , to a point on the northwesterly line of said sewer easement;

thence, along said northwesterly line, North  $89^{\circ}09'37''$  East, 325.21 feet to an angle point;

thence, along said northwesterly line, North  $31^{\circ}29'46''$  East, 387.55 feet to an angle point;

thence, continuing along said northwesterly line, North 31°55'04" East, 271.36 feet to the  
POINT OF BEGINNING.

Said parcel containing 20,010 square feet or 0.459 acres, more or less.



Expires 08/30/2015

CENTER OF SEC. 23, T.4N., R.1E.  
FD. IRON ROD

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



APN 200-20-003

TRACT B

N89°49'57"E, 2652.94'  
1304.88' 1348.05'

S00°10'03"E  
1081.55'

PROPOSED  
20' SEWER ESMT.

POB

NOTE:  
SEE SHEET 2 FOR TABLES

SEWER EASEMENT ABANDONED  
20,010 SQ. FT.  
0.459 AC±

LOT 7

LOT 5

ASPERA BOULEVARD

CT

L6

L7

L8

LOT 6

60' ROW

LOT 3

20' SEWER ESMT.  
DOC. NO 2007-0197815, M.C.R.

DATE: 8/2014

SCALE:  
1"=150'

SHEET

1 OF 2

**SEWER EASEMENT ABANDONMENT**  
**DOC. NO. 2007-0197815 M.C.R.**  
**ASPERA BOOK 1199, PAGE 10, M.C.R.**



**DAVID EVANS  
AND ASSOCIATES INC.**  
4600 East Washington Street, Suite 430  
Phoenix Arizona 85034  
Phone: 602.678.5151

EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L1	S64°01'38"E	20.11'
L2	S31°55'04"W	273.37'
L3	S31°29'46"W	398.48'
L4	S89°09'37"W	344.66'
L5	N16°42'01"E	4.44'
L6	N89°09'37"E	325.21'
L7	N31°29'46"E	387.55'
L8	N31°55'04"E	271.36'

EASEMENT CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	530.00'	17.29'	1°52'10"	N23°24'49"E	17.29'

DATE: 8/2014

SCALE: N.T.S.	<b>SEWER EASEMENT ABANDONMENT</b> <b>DOC. NO. 2007-0197815 M.C.R.</b> <b>ASPERA BOOK 1198, PAGE 10, M.C.R.</b>		<b>DAVID EVANS</b> <b>AND ASSOCIATES INC.</b> 4600 East Washington Street, Suite 490 Phoenix Arizona 85034 Phone: 602.878.5151
SHEET 2 OF 2			

**EXHIBIT B**

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

## CONVEYANCE OF EASEMENT

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For Ten Dollars and other valuable consideration, We, **ASPERA APARTMENTS, LLLP, an Arizona limited liability limited partnership**, do hereby convey to the City of Glendale, an Arizona Municipal Corporation, a sewer easement to install, repair, operate, maintain and remove sewer lines ("facilities") upon, over and under the surface of the following described property (the "Easement Property"):

**See Attached Description, "Exhibit A"**

Together with the right of ingress and egress to, from, across and along the Grantor's Property located within eight (8) feet of the Easement Property (the "Access Property") as depicted on "Exhibit A", and with the right to use the Access Property 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 located within the Access Property 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.

[Signature Page Follows]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ASPERA APARTMENTS, LLLP

By: ASPERA GP, LLC, its Lead Manager

By: P.B. Bell & Associates, Inc., its sole member

By: \_\_\_\_\_  
Name: Jeffrey W. Thompson  
Its: Vice President

**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 \_\_\_\_\_, 2015 by Jeffrey W. Thompson, the Vice President of P.B. Bell & Associates, Inc., the sole member of Aspera GP, LLC, the Lead Manager of Aspera Apartments, LLLP, for and on behalf of such limited liability limited partnership.

\_\_\_\_\_  
Notary Public

My commission expires:

EXHIBIT A  
LEGAL DESCRIPTION  
ASPERA APARTMENTS  
20 FOOT SEWER EASEMENT

A portion of the Southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, also being a portion Lot 5 "Aspera Final Plat", Book 1199, Page 10, Records of Maricopa County, more particularly described as follows:

COMMENCING at the center of said Section 23, being a found iron rod, from which the East Quarter Corner of said Section 23, being a City of Glendale brass cap in a handhole, bears North 89°49'57" East, a distance of 2652.94 feet;

thence, along said mid-section line, North 89°49'57" East, a distance of 1315.56 feet;

thence, South 00°10'03" East, a distance of 1064.51 feet to a point on the northwesterly line of an existing 20' Sewer Easement recorded in Document Number 2007-0197815, Records of Maricopa County and the POINT OF BEGINNING;

thence, along said northwesterly line, South 31°55'04" West, 20.11 feet;

thence, leaving said northwesterly line, North 64°01'38" West, 246.96 feet;

thence South 49°19'40" West, 444.97 feet;

thence South 18°42'09" West, 184.51 feet to a point on the southerly line of said Lot 5;

thence, along said southerly line, North 71°16'38" West, 20.00 feet;

thence, leaving said southerly line, North 18°42'09" East, 189.98 feet;

thence North 49°19'40" East, 463.59 feet;

thence South 64°01'38" East, 262.19 feet to the POINT OF BEGINNING.

Said parcel containing 17,922 square feet or 0.411 acres, more or less.

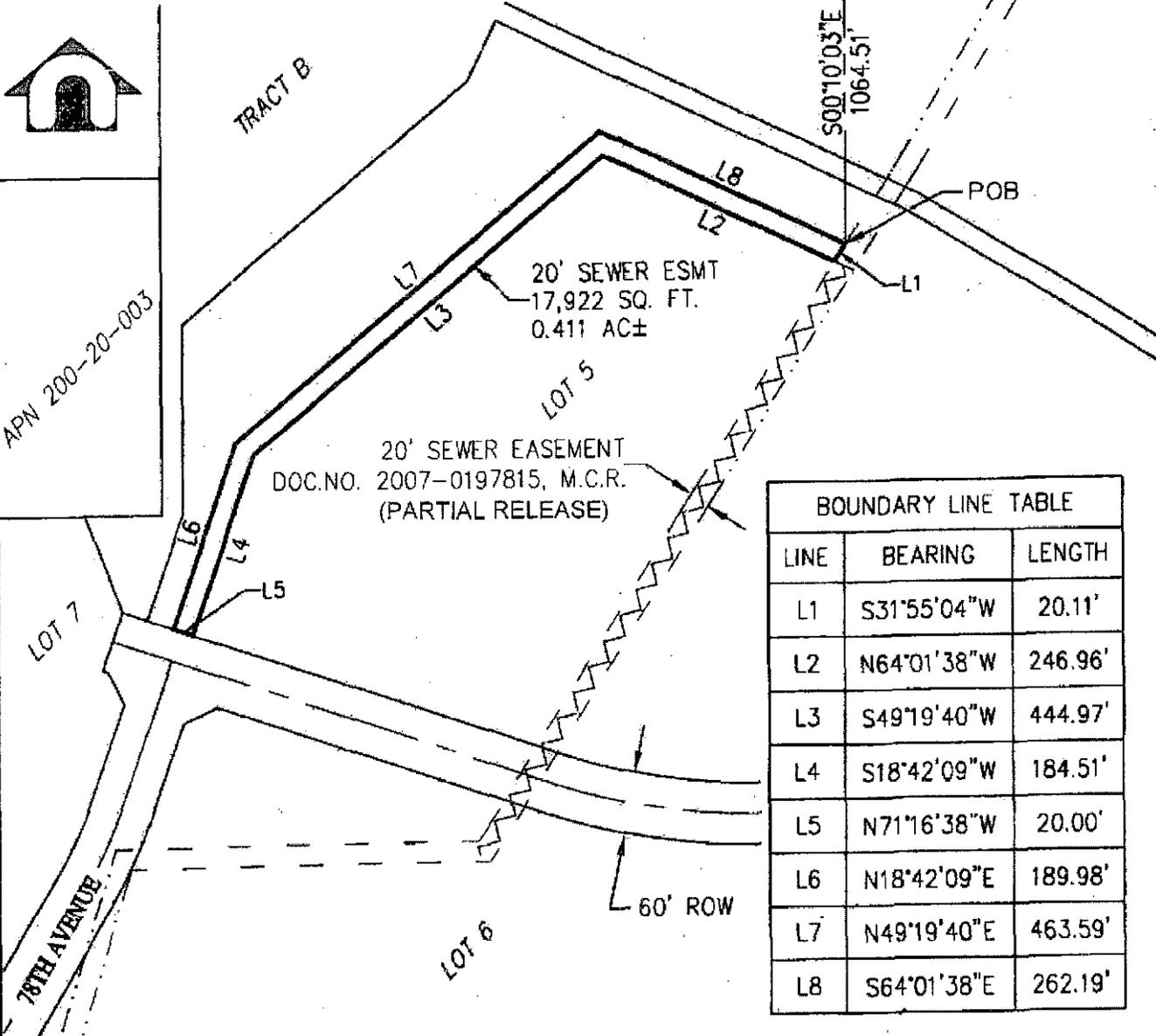


Expires 06/30/2015

CENTER OF SEC. 23, T.4N., R.1E.  
FD. IRON ROD

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

N89°49'57"E 2652.94'(R)  
1315.56' 1337.37'



20' SEWER EASEMENT  
DOC.NO. 2007-0197815, M.C.R.  
(PARTIAL RELEASE)

20' SEWER ESMT  
17,922 SQ. FT.  
0.411 AC±

BOUNDARY LINE TABLE		
LINE	BEARING	LENGTH
L1	S31°55'04"W	20.11'
L2	N64°01'38"W	246.96'
L3	S49°19'40"W	444.97'
L4	S18°42'09"W	184.51'
L5	N71°16'38"W	20.00'
L6	N18°42'09"E	189.98'
L7	N49°19'40"E	463.59'
L8	S64°01'38"E	262.19'

DATE: 8/2014

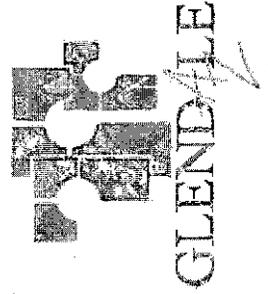
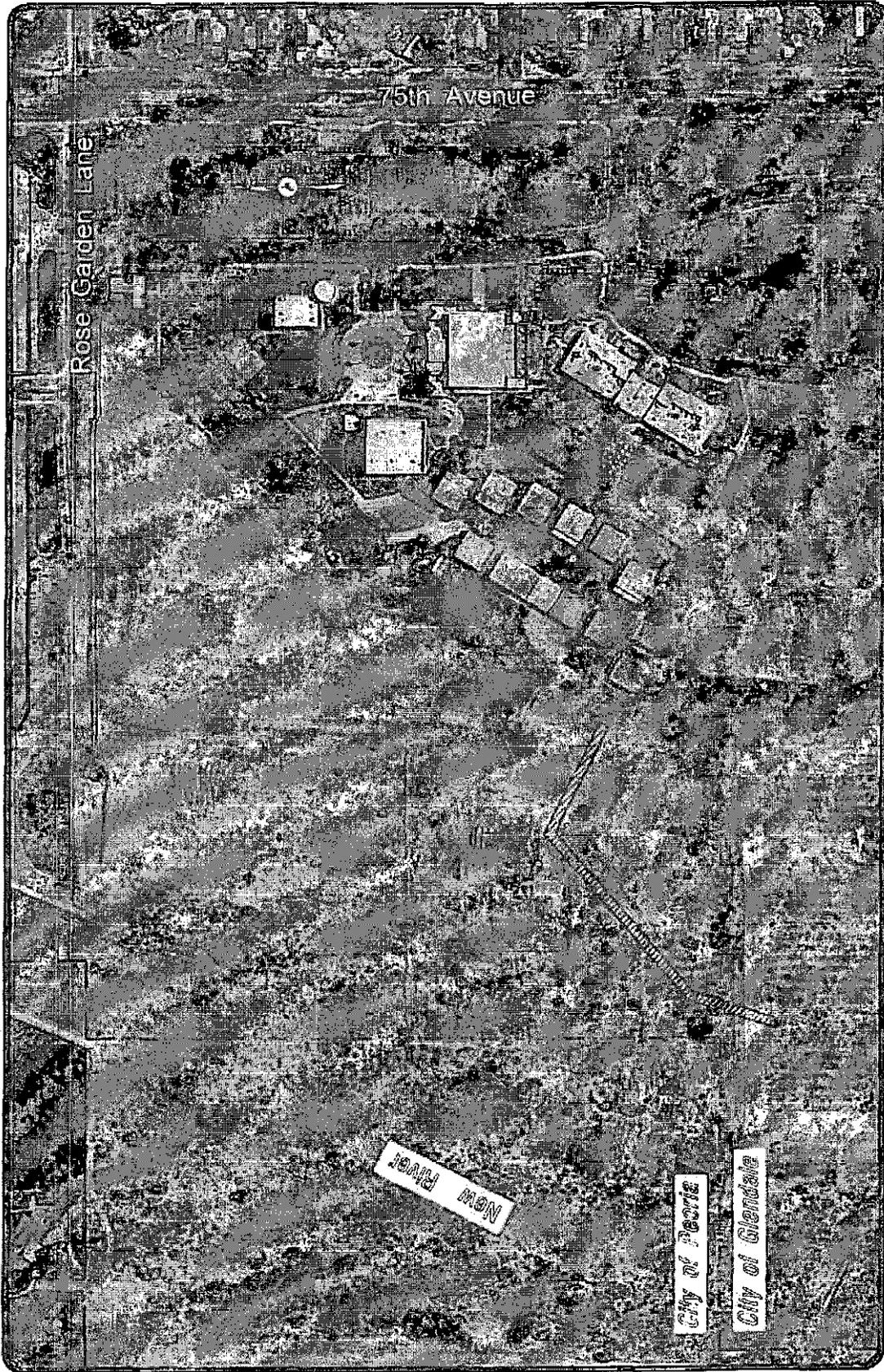
SCALE:  
1"=150'

SHEET  
1 OF 2

**20' SEWER EASEMENT  
ASPERA FINAL PLAT  
BOOK 1199, PAGE 10, M.C.R.**



**DAVID EVANS  
AND ASSOCIATES INC.**  
4600 East Washington Street, Suite 430  
Phoenix Arizona 85034  
Phone: 602.678.5151



**APARTMENTS AT ASPERA SEWER EASEMENT**