ORDINANCE NO. 2953 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A WATER LINE EASEMENT AT 5171 WEST OLIVE AVENUE AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, the Glendale City Council took action to accept an easement for a new water line and to execute any legal instrument to taking title to this easement on October 28, 2014 and this easement was assigned City Deed No. 3800 as identified in Exhibit A; and

WHEREAS, the developer, Mays and Company, has constructed an extension of this public water line for the Arizona General Hospital ER development, located at 5171 West Olive Avenue, to serve the building's domestic water demands and fire protection requirements of the City Code; and

WHEREAS, the underlying property owner, Olive Marketplace, LLC, has agreed to grant the City an easement for said water line to allow the City to access, maintain, operate and repair said water line.

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 water line easement would be a public benefit and in the public interest.

SECTION 2. The Council hereby authorizes and instructs the City Manager to accept and record the Conveyance of Easement, which is attached hereto as Exhibit B, which grants a water line easement described herein to the City. The City's acceptance of the 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 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 25th day of August, 2015.

MAYOR

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

Acting City Manager

EXHIBIT A

DEED 3800
ORDINANCE 2913

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
ELECTRONIC RECORDING
20130367690,04/23/2013 10:13,
COEOLIVE51-9-1-1--,N

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, OLIVE MARKETPLACE, L.L.C., an Arizona limited liability company, hereby grants to the City of Glendale, an Arizona municipal corporation, an easement to install, repair, operate, maintain and remove water lines ("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 judgement 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 9th day of APRIL, 2013.

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

OLIVE MARKETPLACE, L.L.C.
An Arizona limited liability company

By: FD Olive, L.L.C., An Arizona limited liability company, Manager

By: Jay R. Schneider, Manager

SWC 51st/Olive Aves

State of Arizona)
)ss.
County of Maricopa)

On April 9 2013, before me, Debra J. Thornton, as Manager of OLIVE MARKETPLACE, L.L.C., an Arizona limited liability company, personally appeared Jay F. Schneider, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

In witness whereof, I hereunto set my hand and official seal.

By: _____
Notary Public

DEBRA J. THORNTON
Notary Public - State of Arizona
Maricopa County
My Commission Expires
June 19, 2016

Exhibit 'A'
Legal Description
Waterline easement

A portion of Lot 4 of Minor Land Division, according to Book 1023 of Surveys, Page 12, Maricopa County Recorder's Office, also being a portion of land situated in the Northeast Quarter of Section 32, Township 3 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at a Found City of Glendale Brass Cap in Handhole at the Northeast Corner of said Section 32, from which a Found City of Glendale Brass Cap in Handhole at the North Quarter Corner of said Section 32 bears North 89 degrees 36 minutes 24 seconds West, a distance of 2628.81 feet;

Thence North 89 degrees 36 minutes 24 seconds West, along the North line of the Northeast Quarter of said Section 32, a distance of 517.89 feet;

Thence South 00 degrees 23 minutes 36 seconds West, a distance of 65.00 feet, to a point on the Southerly Right-of-Way line of Olive Avenue, said point also being the Northeast Corner of said Lot 4;

Thence South 00 degrees 23 minutes 36 seconds West, along the East line of said Lot 4, a distance of 254.83 feet;

Thence North 89 degrees 36 minutes 24 seconds West, a distance of 40.55 feet, to the **POINT OF BEGINNING:**

Thence North 89 degrees 36 minutes 24 seconds West, a distance of 253.62 feet;

Thence North 00 degrees 23 minutes 36 seconds East, a distance of 20.00 feet;

Thence South 89 degrees 36 minutes 24 seconds East, a distance of 233.48 feet;

Thence North 00 degrees 00 minutes 04 seconds East, a distance of 99.68 feet;

Thence South 89 degrees 36 minutes 24 seconds East, a distance of 28.41 feet, to a point on a westerly line of that water line easement as described in Document No. 2010-0831219, Maricopa County Recorder's Office;

Thence South 00 degrees 23 minutes 36 seconds West, along said Westerly line, a distance of 20.00 feet;

Thence North 89 degrees 36 minutes 24 seconds West, a distance of 8.27 feet;

Thence South 00 degrees 00 minutes 04 seconds West, a distance of 99.68 feet, to the **POINT OF BEGINNING**.

Encompassing 7,231 square feet or 0.166 acres, more or less.

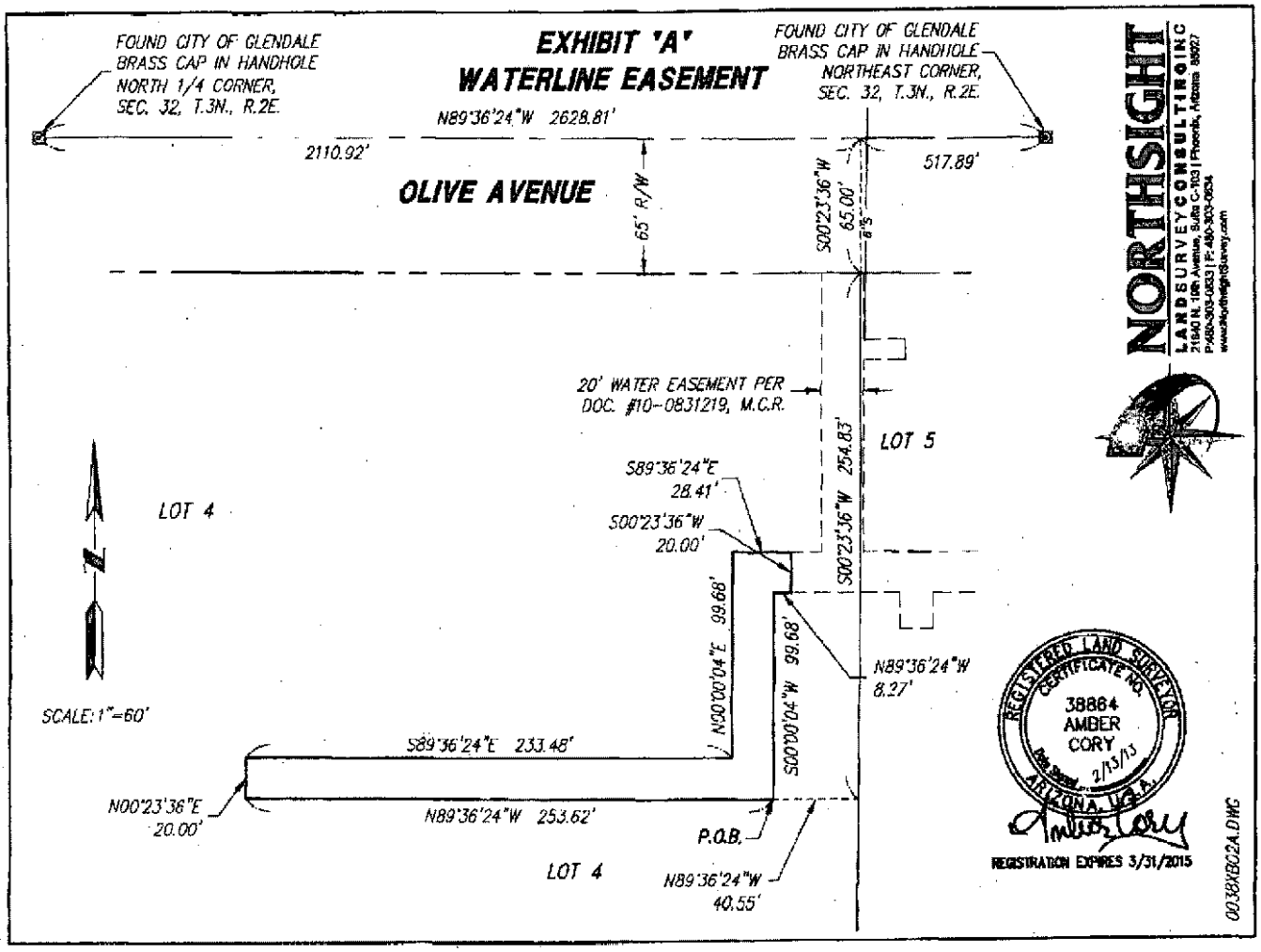
See Exhibit "A" attached hereto and made a part hereof.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
38864
AMBER
CORY
2/13/13
Date Signed
ARIZONA, U.S.A.

REGISTRATION EXPIRES 3/31/2015

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

EXHIBIT "A"
WATERLINE EASEMENT



NORTHSIGHT
LAND SURVEY CONSULTING INC
21640 N. 19th Avenue, Suite C-103 | Phoenix, Arizona 85027
P:480-303-0833 | F:480-303-0834
www.NorthsightSurvey.com

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
38864
AMBER
CORY
2/13/13
ARIZONA, U.S.A.

REGISTRATION EXPIRES 3/31/2015

0038XB02A.DWG

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, We, **OLIVE MARKETPLACE, LLC, an Arizona limited liability company**, does hereby convey to the City of Glendale, an Arizona municipal corporation, a water line easement to install, repair, operate, maintain and remove water lines ("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 _____, 2015.

OLIVE MARKETPLACE, LLC
An Arizona limited liability company

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

By: FD Olive, LLC
an Arizona limited liability company

By:_____
Jay R. Schneider, Manager

5171 W. Olive Avenue

STATE OF ARIZONA)
) ss.
County of Maricopa)

On _____, 2015 before me, _____, personally appeared Jay R. Schneider, Manager, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

_____
Notary Public

My commission expires:

Wood, Patel & Associates, Inc.
(480) 834-3300
www.woodpatel.com

PARCEL DESCRIPTION
AGH ER 51st Avenue & Olive Avenue
Waterline Easement

A portion of Lots 7 and 8 of Lot 4A Olive Marketplace, LLC Minor Land Division, recorded in Book 1191, page 29, Maricopa County Records (M.C.R.), lying within Section 32, Township 3 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the northeast corner of said Section 32, a 3-inch City of Glendale brass cap in handhole, from which the east quarter corner of said section, a 3-inch City of Glendale brass cap in handhole, bears South 00°22'42" East (basis of bearing), a distance of 2604.13 feet;
THENCE along the east line of said section, South 00°22'42" East, a distance of 312.55 feet;
THENCE leaving said east line, South 89°37'18" West, a distance of 814.88 feet to the southwest corner of that certain waterline easement described in Document No. 2013-0367690, M.C.R. and the **POINT OF BEGINNING**;
THENCE along the westerly prolongation of the southerly line of said waterline easement, North 89°51'57" West, a distance of 1.61 feet;
THENCE South 76°32'23" West, a distance of 95.71 feet;
THENCE North 89°53'25" West, a distance of 81.55 feet;
THENCE North 00°06'35" East, a distance of 20.00 feet;
THENCE South 89°53'25" East, a distance of 1.00 feet;
THENCE North 00°08'03" East, a distance of 5.00 feet;
THENCE South 89°53'25" East, a distance of 6.00 feet;
THENCE South 00°08'03" West, a distance of 5.00 feet;
THENCE South 89°53'25" East, a distance of 37.58 feet;
THENCE North 00°08'00" East, a distance of 2.33 feet;
THENCE South 89°53'56" East, a distance of 9.00 feet;
THENCE South 00°08'05" West, a distance of 2.34 feet;
THENCE South 89°53'25" East, a distance of 25.60 feet;
THENCE North 76°23'21" East, a distance of 94.68 feet;
THENCE South 89°53'48" East, a distance of 3.75 feet;
THENCE North 00°14'03" West, a distance of 5.00 feet;
THENCE South 89°53'48" East, a distance of 6.31 feet, to the east line of said Lot 7;
THENCE along said east line, South 00°16'18" East, a distance of 5.00 feet, to the north line of said waterline easement;
THENCE leaving said east line, along said north line, North 89°53'48" West, a distance of 5.00 feet, to the westerly most northwest corner of said waterline easement;

THENCE leaving said north line, along the west line of said waterline easement, South 00°08'03" West, a distance of 20.00 feet to the **POINT OF BEGINNING**.

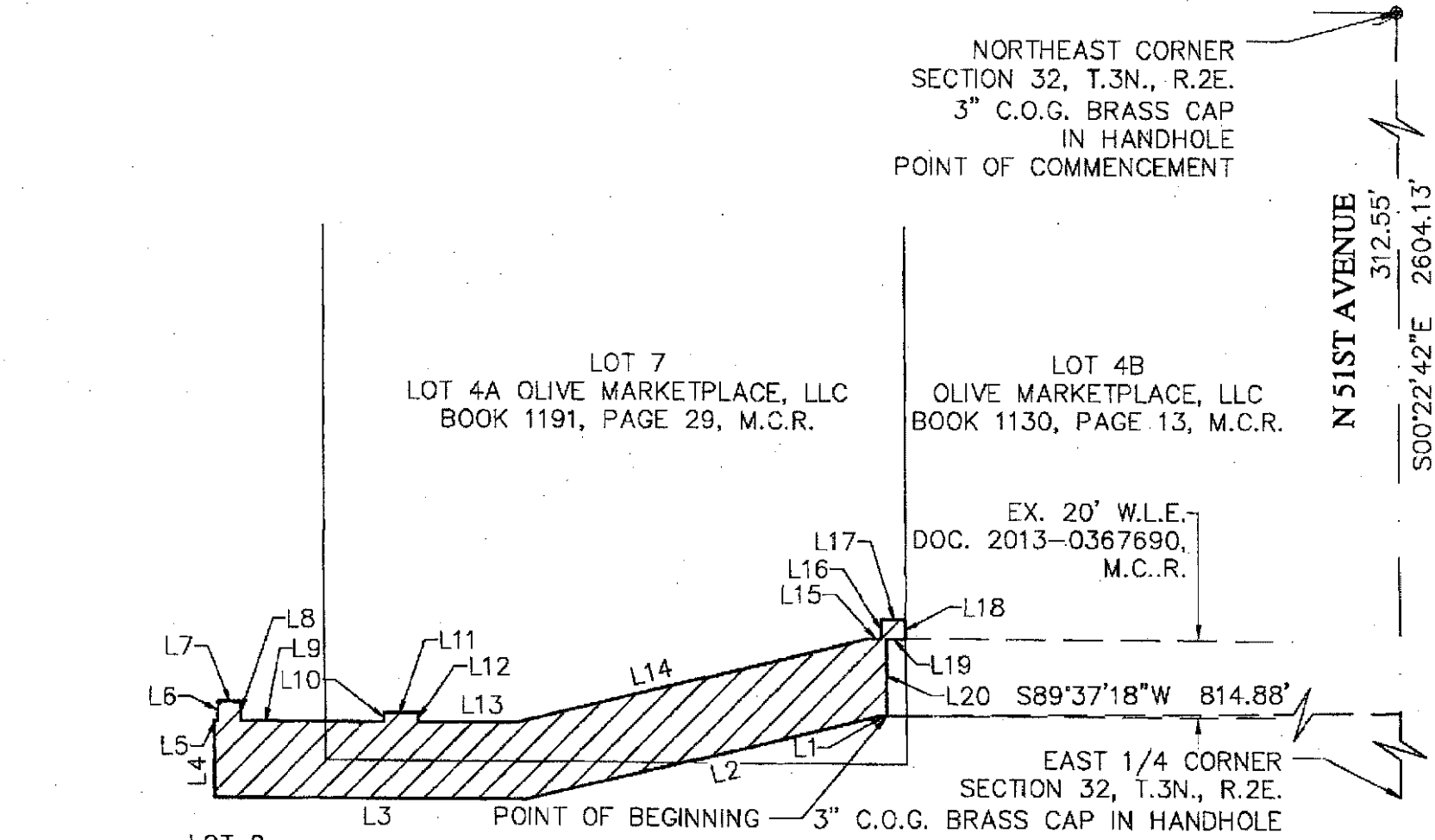
Containing 3,671 square feet or 0.0843 acres, more or less.

Subject to existing rights-of-way and easements.

This parcel description is based on the Lot 4A Olive Marketplace, LLC Minor Land Division, recorded in Book 1191, page 29, M.C.R. and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of December, 2014. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

X:\Y-Drive\WP\Parcel Descriptions\2013 Parcel Descriptions\134094 AGH ER 51st Avenue & Olive Avenue Waterline Easement L01 03-10-15.docx

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
48932
GABRIEL S.
RIOS
Date Signed 3-10-15
ARIZONA, U.S.A.
EXPIRES 12-31-17



REGISTERED LAND SURVEYOR
CERTIFICATE NO. 48932
GABRIEL S. RIOS
Date Signed 3-10-
ARIZONA U.S.A.
EXPIRES 12-31-17

EXHIBIT "A"

AGH ER 51ST AVENUE & OLIVE AVENUE
WATERLINE EASEMENT
03/10/15
WP# 134094
PAGE 3 OF 4
NOT TO SCALE
N:\2013\134094\Survey\Legal\4094L01.DWG

WOOD/PATEL
MISSION: CLIENT SERVICE ™
(480) 834-3300
WWW.WOODPATEL.COM
PHOENIX - MESA - TUCSON

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°51'57"W	1.61'
L2	S76°32'23"W	95.71'
L3	N89°53'25"W	81.55'
L4	N00°06'35"E	20.00'
L5	S89°53'25"E	1.00'
L6	N00°08'03"E	5.00'
L7	S89°53'25"E	6.00'
L8	S00°08'03"W	5.00'
L9	S89°53'25"E	37.58'
L10	N00°08'00"E	2.33'

LINE TABLE		
LINE	BEARING	DISTANCE
L11	S89°53'56"E	9.00'
L12	S00°08'05"W	2.34'
L13	S89°53'25"E	25.60'
L14	N76°23'21"E	94.68'
L15	N89°53'48"W	3.75'
L16	N00°14'03"W	5.00'
L17	S89°53'48"E	6.31'
L18	S00°16'18"E	5.00'
L19	N89°53'48"W	5.00'
L20	S00°08'03"W	20.00'

WOOD/PATEL
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WWW.WOODPATEL.COM
PHOENIX - MESA - TUCSON

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Date Signed 3-10-
ARIZONA U.S.A.
EXPIRES 12-31-17

N

EXHIBIT "A"

AGH ER 51ST AVENUE & OLIVE AVENUE
WATERLINE EASEMENT
03/10/15
WP# 134094
PAGE 4 OF 4
NOT TO SCALE
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NEW WATERLINE EASEMENT

GLENDALE