

ORDINANCE NO. 2959 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING A RIGHT-OF-WAY LOCATED AT MIDWESTERN UNIVERSITY, ALONG 57TH AVENUE SOUTH OF UTOPIA ROAD AND DIRECTING THE CITY MANAGER TO EXECUTE AND CITY CLERK TO RECORD THE WARRANTY DEED ACCEPTING THE DEDICATION OF SAID PUBLIC RIGHT-OF-WAY FOR ROADWAY PURPOSES AND A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, Midwestern University, an Illinois non-profit corporation ("Grantor"), an expansion of its campus in the general vicinity south of Utopia Road and west of 57th Avenue; and

WHEREAS, Grantor has recently completed the construction of the expansion of its campus and wishes to convey and dedicate additional real property to the City for use as a public right-of-way for roadway purposes.

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

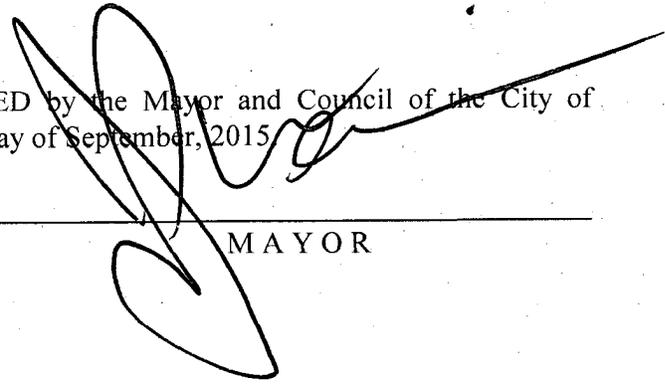
SECTION 1. The City hereby accepts the real property described in the attached Warranty Deed, which is attached hereto as Exhibit 1, and dedicates the same to public use as a public roadway. The legal description of the right of way being accepted by the City pursuant to this Ordinance is attached as Exhibit A to and specifically incorporated by reference to the Warranty Deed.

SECTION 2. The City Council hereby authorizes and directs the City Manager to execute the Warranty Deed between Grantor and the City as Grantee, which is attached hereto as Exhibit 1, on the City's behalf. The acceptance of the right-of-way shall be effective upon execution of the Warranty Deed by the City Manager.

SECTION 3. The City Clerk is accordingly instructed and authorized to forward a certified copy of the Warranty Deed and this ordinance 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 22nd day of September, 2015



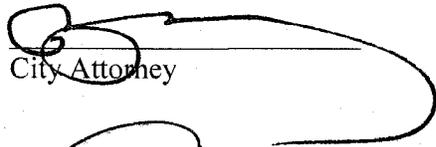
MAYOR

ATTEST:



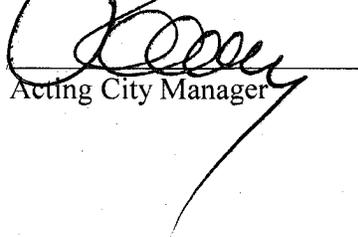
City Clerk (SEAL)

APPROVED AS TO FORM:



City Attorney

REVIEWED BY:



Acting City Manager

EXHIBIT 1

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

WARRANTY DEED

For Ten Dollars and other valuable consideration, **MIDWESTERN UNIVERSITY**, an Illinois non-profit corporation, does hereby convey to the City of Glendale, an Arizona municipal corporation, 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"

It is the intention of the parties to cause the real property described on said Exhibit "A" to be dedicated as **public right of way for roadway purposes**, and to vest title in the City of Glendale in Trust, for all the uses contemplated in public street dedication.

And we do warrant the title against all persons whomsoever, subject only to those encumbrances or liens of record, or as above set forth, if any.

Dated this ____ day of _____ 2015.

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

By: _____
Arthur Dobbelaere
Chief Operating Officer

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015 by Arthur Dobbelaere, Chief Operating Officer of Midwestern University, an Illinois non-profit corporation, who acknowledged that he executed this instrument for the purposes therein contained.

Notary Public

My commission expires:

SWC 57th Ave/Utopia Road

EXHIBIT A

**DESCRIPTION
OF RIGHT-OF-WAY
TO BE DEDICATED**

THAT PORTION OF THE WEST HALF OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT BRASS CAP FLUSH AT THE INTERSECTION OF 57TH AVENUE & UTOPIA ROAD;

THENCE SOUTH 01°23'26" EAST, ALONG THE CENTERLINE OF 57TH AVENUE, A DISTANCE OF 69.29 FEET;

THENCE SOUTH 88°36'34" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 57TH AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 01° 23'26" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 480.28 FEET TO A POINT ON THE NORTH LINE OF LOT 2, MINOR LAND DIVISION FOR LEXINGTON GLENDALE, LLC, AS RECORDED IN BOOK 997, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 88°36'34" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 57TH AVENUE;

THENCE SOUTH 01°23'26" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 444.72 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2;

THENCE SOUTH 88°37'33" WEST, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF 57TH AVENUE, A DISTANCE OF 10.00 FEET;

THENCE NORTH 01°23'26" WEST, BEING PARALLEL AND 40.00 FEET WEST OF THE CENTERLINE OF 57TH AVENUE, A DISTANCE OF 444.72 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2;

THENCE SOUTH 88°36'34" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 8.00 FEET;

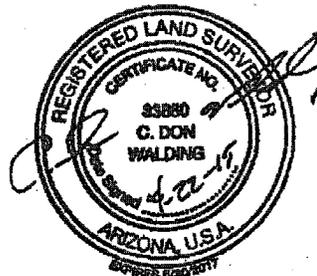
THENCE NORTH 01°23'26" WEST, BEING PARALLEL AND 48.00 FEET WEST OF THE CENTERLINE OF 57TH AVENUE, A DISTANCE OF 488.43 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF UTOPIA ROAD, AS RECORDED IN DOCUMENT 2010-0905100, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 45°52'47" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 11.42 FEET TO THE POINT OF BEGINNING.

PREPARED BY:

DRW ENGINEERING
10320 W. McDOWELL RD., STE. K-1136
AVONDALE, AZ 85392

JOB NO. 12021
APRIL 22, 2015





N.T.S.

UTOPIA ROAD

FD. B.C.FL.

48' R/W

DKT. 2010-0959166

S 88°36'34" W

40.00'

69.29'

P.O.B.

R/W

DKT. 2010-0905100

S 45°52'47" E
11.42'

40' R/W

40' R/W

N 01°23'26" W 488.43'

S 01°23'26" E 480.28'

57TH AVENUE

S 01°23'26" E 994.30'

MATCH LINE SEE SHEET 2

EXHIBIT

OF RIGHT-OF-WAY
TO BE DEDICATED



EXPIRES 6/30/17

Date: 4/22/15

SHT. 1 OF 3

Job #: 12021

DRW ENGINEERING, INC.

10320 West McDowell Road, Suite K-1136
Avondale, Arizona 85392

(623)478-8800 FAX(623)478-8841

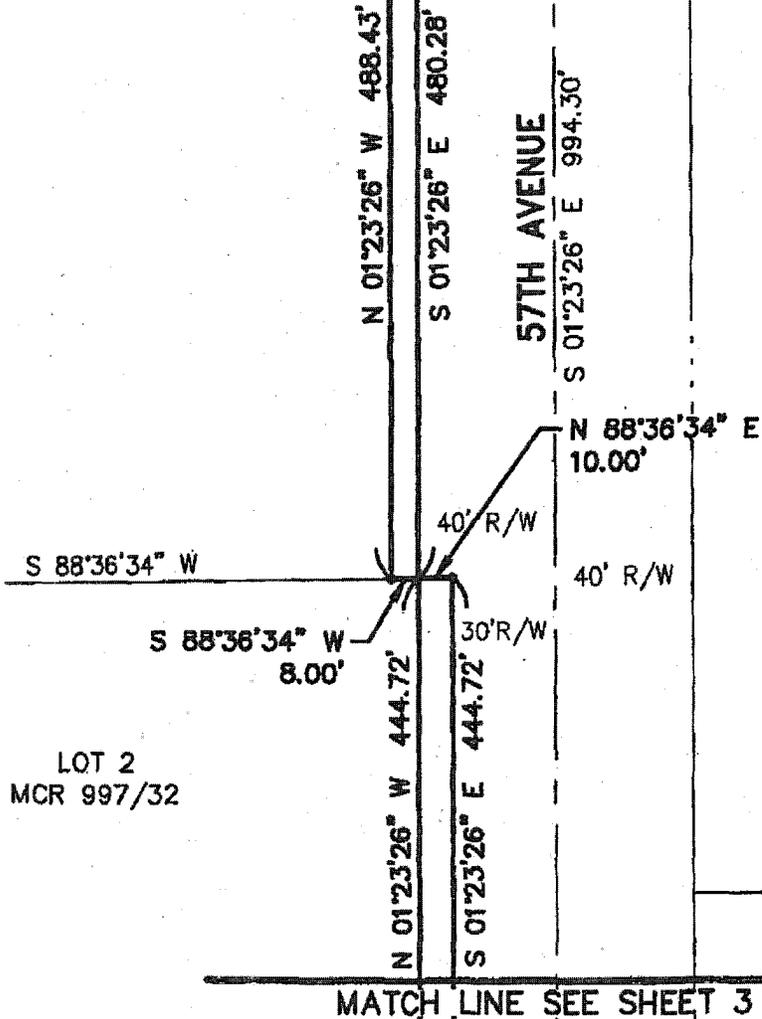
Email: drw@drwengineering.com

File Name: Y:\2012 Projects\12021\12021exh ROW

MATCH LINE SEE SHEET 1



N.T.S.



LOT 2
MCR 997/32

MATCH LINE SEE SHEET 3

EXHIBIT
OF RIGHT-OF-WAY
TO BE DEDICATED



EXPIRES 6/30/17

Date: 4/22/15

SHT. 2 OF 3
Job #: 12021

DRW ENGINEERING, INC.

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Avondale, Arizona 85392
(623)478-8800 FAX(623)478-8841
Email: drw@drwengineering.com

MATCH LINE SEE SHEET 2



N.T.S.

N 01°23'26" W 444.72'

S 01°23'26" E 444.72'

57TH AVENUE

S 01°23'26" E 994.30'

LOT 2
MCR 997/32

S 88°37'33" W
10.00'

S 88°37'33" W

30' R/W 40' R/W

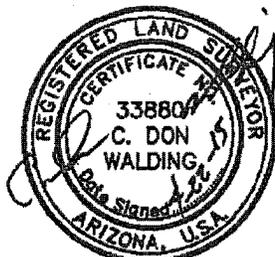
LOT 1
MCR 997/32

778.46'

RAILROAD SPIKE

File Name: Y:\2012 Projects\12021\12021exh ROW

EXHIBIT
OF RIGHT-OF-WAY
TO BE DEDICATED



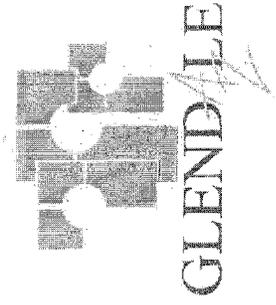
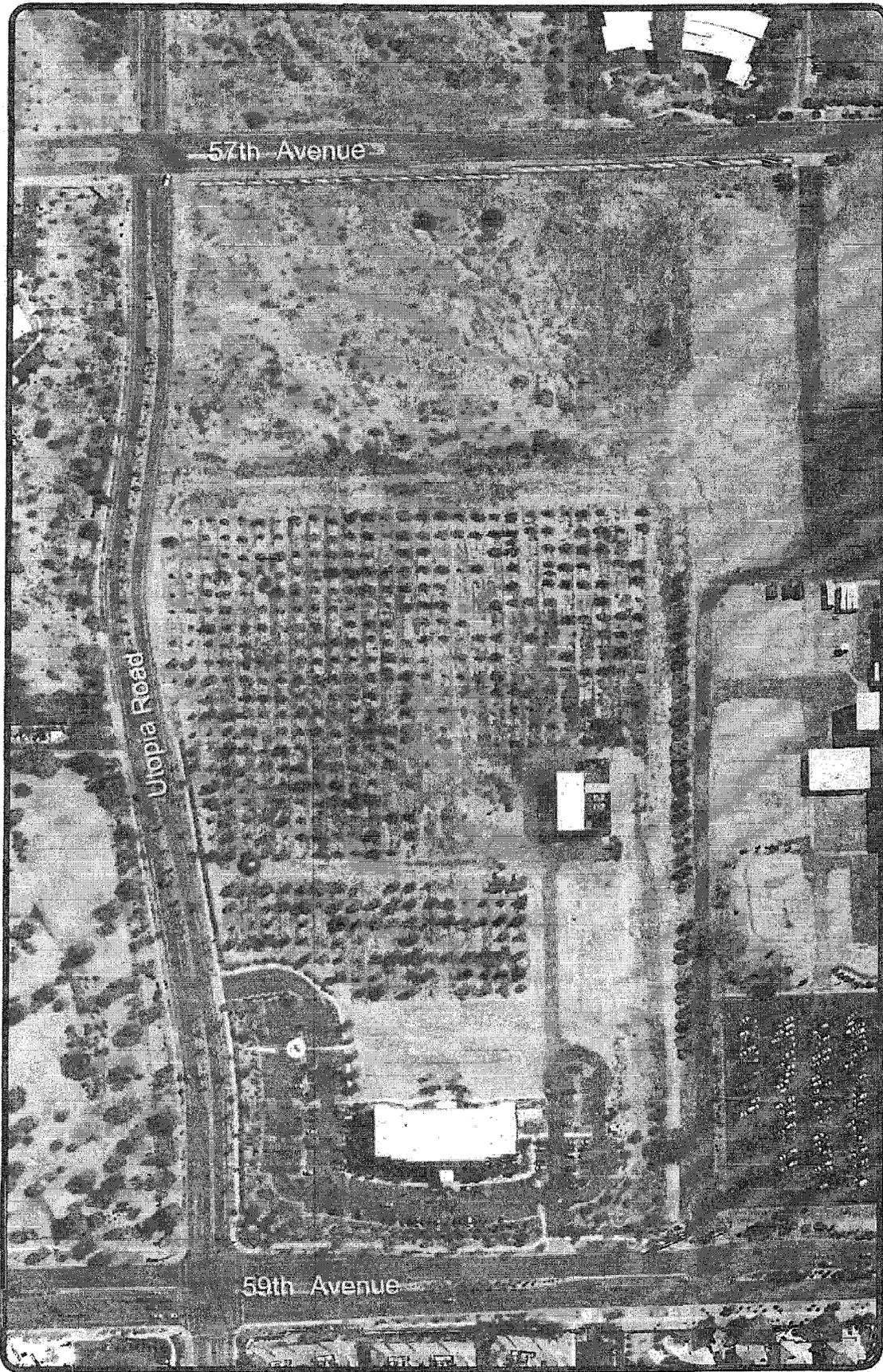
EXPIRES 8/30/17

Date: 4/22/15

SHT. 3 OF 3
Job #: 12021

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**DEDICATED RIGHT-OF-WAY
AT MIDWESTERN UNIVERSITY**