

ORDINANCE NO. 2961 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING WATER LINES LOCATED AT MIDWESTERN UNIVERSITY, SOUTH OF UTOPIA ROAD AND WEST OF 57TH AVENUE; AND DIRECTING THE CITY MANAGER TO EXECUTE AND CITY CLERK TO RECORD THE CONVEYANCE OF EASEMENT 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 now wishes to convey an easement to the City to allow the City access to certain public water lines built during that expansion so that the City can monitor, maintain, operate, and repair said water lines consistent with the City Code.

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

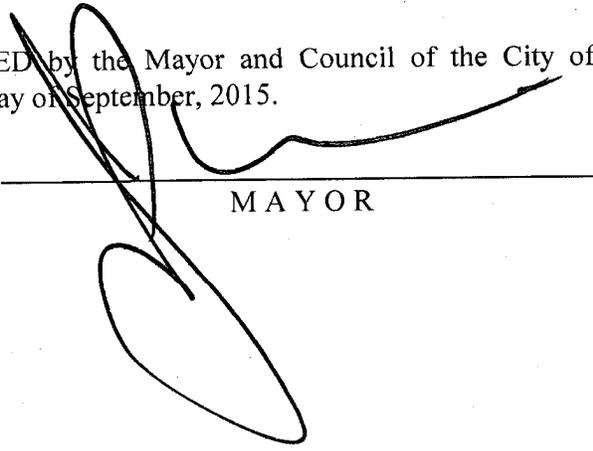
SECTION 1. The City hereby accepts the easement in real property described in the Conveyance of Easement and its attachments, which is attached hereto as Exhibit 1. The legal description of the easement being accepted by the City pursuant to this Ordinance is attached to the Conveyance of Easement as Exhibit A to and specifically incorporated by reference to the Conveyance of Easement.

SECTION 2. The City Council hereby authorizes and directs the City Manager to execute the Conveyance of Easement between Grantor and the City as Grantee on the City's behalf. The acceptance of the Conveyance of Easement shall be effective on the date it is executed by the City Manager.

SECTION 3. The City Clerk is accordingly instructed and authorized to forward a certified copy of the Conveyance of Easement 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.

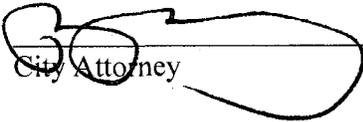


MAYOR

ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:

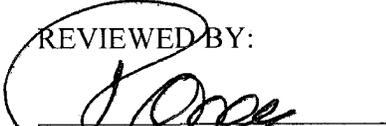

Acting City Manager

EXHIBIT 1

When Recorded, Return To:
City Clerk, City of Glendale
5850 W. Glendale Avenue
Glendale, Arizona 85301

CONVEYANCE OF EASEMENT

For Ten Dollars and other valuable consideration, We, MIDWESTERN UNIVERSITY, an Illinois non-profit corporation, hereby grants to the City of Glendale, an Arizona municipal corporation, an easement to install, repair, operate, maintain and remove waterline ("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.

MIDWESTERN UNIVERSITY,
An Illinois non-profit Corporation

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

Arthur Dobbelaere
Chief Operating Officer

STATE OF ARIZONA)
County of Maricopa } ss.

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:

19360 N. 57th Avenue

EXHIBIT A

**DESCRIPTION OF A
WATER LINE EASEMENT**

THAT PORTION OF THE SOUTHWEST QUARTER 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:

A DESCRIPTION OF A 20.00 FOOT WIDE WATERLINE EASEMENT BEING 10.00 FEET EACH SIDE OF THE CENTERLINE TO BE PROLONGED OR SHORTENED TO TERMINATE IN THE BOUNDARY OF THE LAND OF THE GRANTOR, SAID CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP FLUSH AT THE INTERSECTION OF 59TH AVENUE AND UTOPIA ROAD, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 29 BEARS NORTH 01°23'26" WEST A DISTANCE OF 90.04 FEET;

THENCE NORTH 88°36'24" EAST, ALONG THE CENTERLINE OF SAID UTOPIA ROAD, A DISTANCE OF 272.16 FEET TO A POINT OF CURVATURE;

THENCE EASTERLY ALONG SAID CENTERLINE AND A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 155.36 FEET, AND A CENTRAL ANGLE OF 08°54'07" TO A POINT OF TANGENCY;

THENCE NORTH 79°42'18" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 32.69 FEET;

THENCE SOUTH 10°17'42" EAST A DISTANCE OF 48.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID UTOPIA ROAD AS RECORDED IN DOCUMENT 2010-0959166, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF THAT CERTAIN 20' WATERLINE EASEMENT AS RECORDED IN DOCUMENT 2005-0966736, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE CENTERLINE OF SAID EASEMENT THE FOLLOWING THREE COURSES:

THENCE SOUTH 10°17'42" EAST A DISTANCE OF 83.07 FEET;

THENCE SOUTH 01°23'26" EAST A DISTANCE OF 68.91 FEET;

THENCE NORTH 88°36'34" EAST A DISTANCE OF 20.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID EASEMENT, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF THAT CERTAIN 20' WATERLINE EASEMENT AS RECORDED IN DOCUMENT 2009-0837908, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE CENTERLINE OF SAID EASEMENT NORTH 88°36'34" EAST A DISTANCE OF 214.94 FEET TO A POINT ON THE EASTERLY LINE OF SAID EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 46°23'32" EAST A DISTANCE OF 29.99 FEET;

THENCE NORTH 81°28'15" EAST A DISTANCE OF 168.97 FEET;

THENCE NORTH 88°36'28" EAST A DISTANCE OF 59.82 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "A";
THENCE NORTH 01°23'32" WEST A DISTANCE OF 16.00 FEET TO A POINT OF
TERMINATION;

THENCE RETURNING TO SAID POINT "A";

THENCE NORTH 88°36'28" EAST A DISTANCE OF 294.00 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "B";
THENCE CONTINUING NORTH 88°36'28" EAST A DISTANCE OF 128.50 FEET
TO A POINT HEREINAFTER KNOWN AS POINT "C";
THENCE NORTH 01°23'32" WEST A DISTANCE OF 79.03 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "D";
THENCE NORTH 88°36'28" EAST A DISTANCE OF 96.14 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "E";

THENCE RETURNING TO SAID POINT "D";

THENCE NORTH 01°23'32" WEST A DISTANCE OF 94.11 FEET;
THENCE NORTH 06°57'36" EAST A DISTANCE OF 34.51 FEET TO A POINT OF
TERMINATION HEREOF, SAID POINT ALSO BEING ON THE SOUTHERLY
RIGHT-OF-WAY LINE OF SAID UTOPLA ROAD;

THENCE RETURNING TO SAID POINT "C";

THENCE SOUTH 01°23'32" EAST A DISTANCE OF 166.98 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "F";
THENCE CONTINUING SOUTH 01°23'32" EAST A DISTANCE OF 37.00 FEET TO
A POINT HEREINAFTER KNOWN AS POINT "G";
THENCE NORTH 88°36'28" EAST A DISTANCE OF 79.00 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "H";
THENCE NORTH 01°23'32" WEST A DISTANCE OF 15.50 FEET TO A POINT OF
TERMINATION;

THENCE RETURNING TO SAID POINT "H";

THENCE NORTH 88°36'28" EAST A DISTANCE OF 159.87 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "I";
THENCE SOUTH 01°23'32" EAST A DISTANCE OF 19.69 FEET TO A POINT OF
TERMINATION;

THENCE RETURNING TO SAID POINT "I";

THENCE NORTH 88°36'28" EAST A DISTANCE OF 55.32 FEET TO A POINT
HEREINAFTER KNOWN AS POINT "J";

THENCE CONTINUING NORTH 88°36'28" EAST A DISTANCE OF 85.21 FEET TO A POINT OF TERMINATION HEREOF, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF 57TH AVENUE;

THENCE RETURNING TO SAID POINT "G";

THENCE SOUTH 01°23'32" EAST A DISTANCE OF 81.23 FEET;
THENCE SOUTH 88°36'28" WEST A DISTANCE OF 5.00 FEET TO A POINT HEREINAFTER KNOWN AS POINT "K";
THENCE CONTINUING SOUTH 88°36'28" WEST A DISTANCE OF 656.82 FEET;
THENCE NORTH 77°22'01" WEST A DISTANCE OF 16.03 FEET TO A POINT OF TERMINATION HEREOF, SAID POINT ALSO BEING ON THE CENTERLINE OF THAT CERTAIN 20' WATERLINE EASEMENT AS RECORDED IN DOCUMENT 2009-0837908, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE RETURNING TO SAID POINT "K";

THENCE SOUTH 01°23'32" EAST A DISTANCE OF 254.60 FEET TO A POINT HEREINAFTER KNOWN AS POINT "L";
THENCE CONTINUING SOUTH 01°23'32" EAST A DISTANCE OF 116.24 FEET;
THENCE NORTH 88°36'28" EAST A DISTANCE OF 16.10 FEET TO A POINT HEREINAFTER KNOWN AS POINT "M";
THENCE CONTINUING NORTH 88°36'28" EAST A DISTANCE OF 378.28 FEET TO A POINT OF TERMINATION HEREOF, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF 57TH AVENUE;

TOGETHER WITH:

A DESCRIPTION OF A 12.00 FOOT WIDE WATERLINE EASEMENT BEING 6.00 FEET EACH SIDE OF THE CENTERLINE OF THE FOLLOWING SIX COURSES DESCRIBED AS FOLLOWS:

THENCE RETURNING TO SAID POINT "B";
THENCE NORTH 01°23'32" WEST A DISTANCE OF 16.90 FEET TO A POINT OF TERMINATION;

THENCE RETURNING TO SAID POINT "E";
THENCE NORTH 01°23'32" WEST A DISTANCE OF 13.00 FEET TO A POINT OF TERMINATION;

THENCE RETURNING TO SAID POINT "F";
THENCE NORTH 88°36'28" EAST A DISTANCE OF 18.00 FEET TO A POINT OF TERMINATION;

THENCE RETURNING TO SAID POINT "J";
THENCE NORTH 01°23'32" WEST A DISTANCE OF 18.00 FEET TO A POINT OF
TERMINATION;

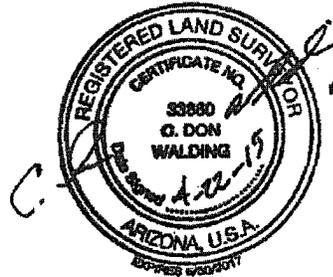
THENCE RETURNING TO SAID POINT "L";
THENCE SOUTH 88°36'28" WEST A DISTANCE OF 18.00 FEET TO A POINT OF
TERMINATION;

THENCE RETURNING TO SAID POINT "M";
THENCE SOUTH 01°23'32" EAST A DISTANCE OF 31.89 FEET TO A POINT OF
TERMINATION.

PREPARED BY:

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

JOB NO. 14001
APRIL 22, 2015



W¼ COR.
SEC. 29,
T4N, R2E

FD. B.C.H.H.

FD. B.C.F.L.

UTOPIA R/W
DKT. 2010-0959166

R=1000.00'
Δ=08°54'07"
L=155.36'

90.04'

N 88°36'24" E 272.16'

N 79°42'18" E

S 10°17'42" E

UTOPIA ROAD

32.69'

48.00'

S 10°17'42" E 83.07'

N 88°36'34" E 20.00'

65'

59th AVENUE

S 01°23'26" E

CENTERLINE OF
WATERLINE ESMT. PER
DKT. 2005-0966736

P.O.B.
SEE SHT. 2

S 01°23'26" E 68.91'

N 88°36'34" E 214.94'

CENTERLINE OF
WATERLINE ESMT. PER
DKT. 2009-0837908

65'



N.T.S.

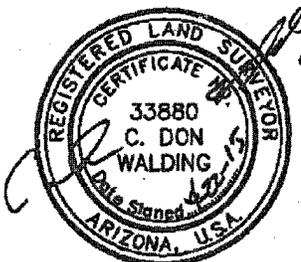
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SHEET 1 OF 3

Job # 14001

Date: 04/22/15

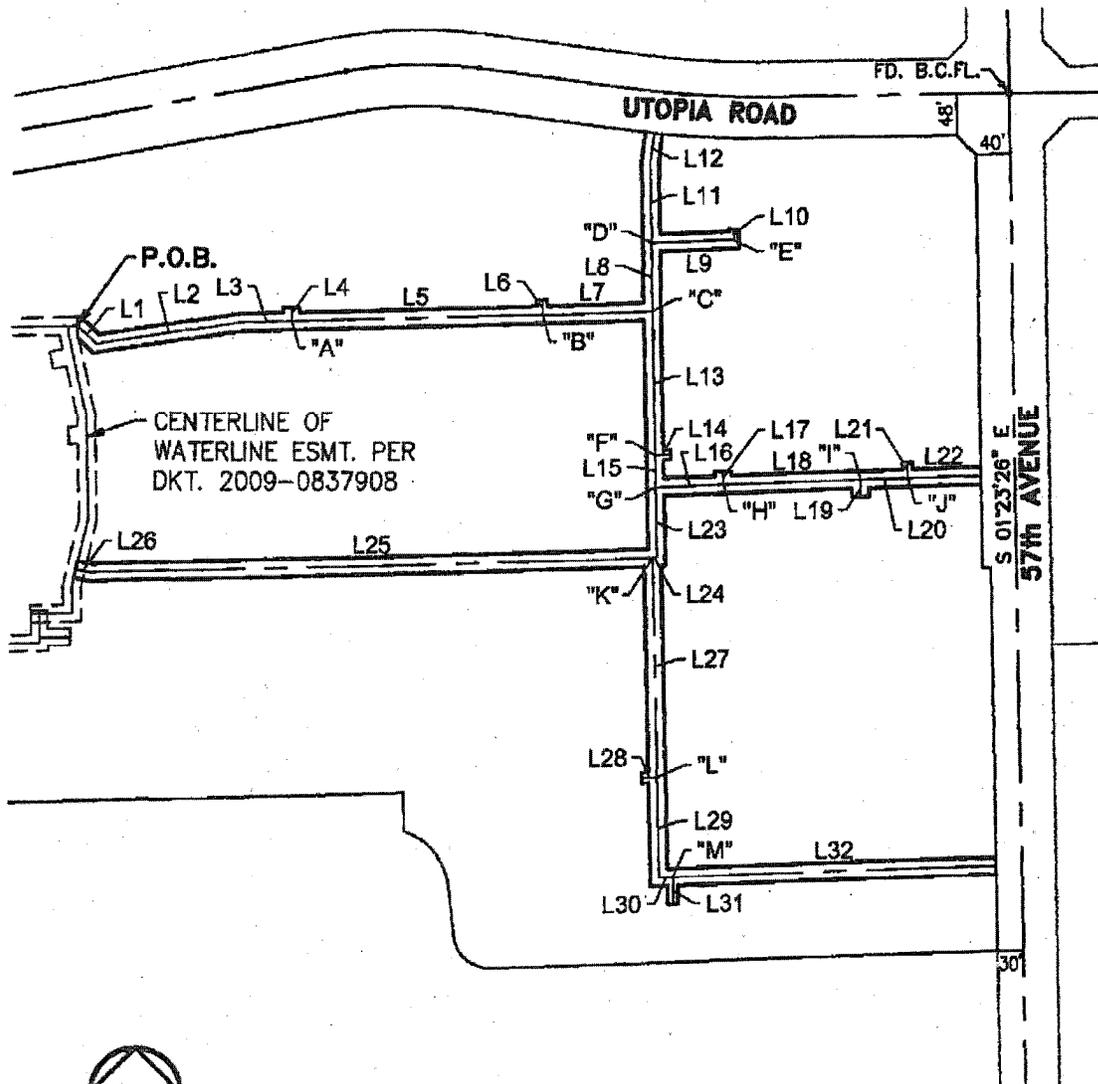
EXHIBIT
FOR A
WATERLINE
EASEMENT



EXPIRES 6/30/17

DRW ENGINEERING, INC.

10320 West McDowell Road, Suite K-1136
Avondale, Arizona 85392
(623)478-8800 FAX(623)478-8841
Email: drw@drwengineering.com



N.T.S.

EXHIBIT
FOR A
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EASEMENT



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Date: 04/22/15

SHEET 2 OF 3

Job #: 14001

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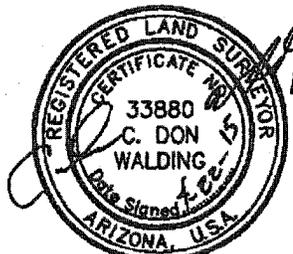
LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 46°23'32" E	29.99'
L2	N 81°28'15" E	168.97'
L3	N 88°36'28" E	59.82'
L4	N 01°23'32" W	16.00'
L5	N 88°36'28" E	294.00'
L6	N 01°23'32" W	16.90'
L7	N 88°36'28" E	128.50'
L8	N 01°23'32" W	79.03'
L9	N 88°36'28" E	96.14'
L10	N 01°23'32" W	13.00'
L11	N 01°23'32" W	94.11'
L12	N 06°57'36" E	34.51'
L13	S 01°23'32" E	166.98'
L14	N 88°36'28" E	18.00'
L15	S 01°23'32" E	37.00'
L16	N 88°36'28" E	79.00'
L17	N 01°23'32" W	15.50'
L18	N 88°36'28" E	159.87'
L19	S 01°23'32" E	19.69'
L20	N 88°36'28" E	55.32'
L21	N 01°23'32" W	18.00'
L22	N 88°36'28" E	85.21'
L23	S 01°23'32" E	81.23'
L24	S 88°36'28" W	5.00'
L25	S 88°36'28" W	656.82'
L26	N 77°22'01" W	16.03'
L27	S 01°23'32" E	254.60'
L28	S 88°36'28" W	18.00'
L29	S 01°23'32" E	116.24'
L30	N 88°36'28" E	16.10'
L31	S 01°23'32" E	31.89'
L32	N 88°36'28" E	378.28'

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SHEET 3 OF 3
Job #: 14001

EXHIBIT
FOR A
WATERLINE
EASEMENT

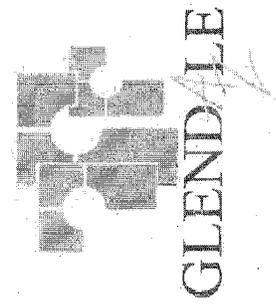
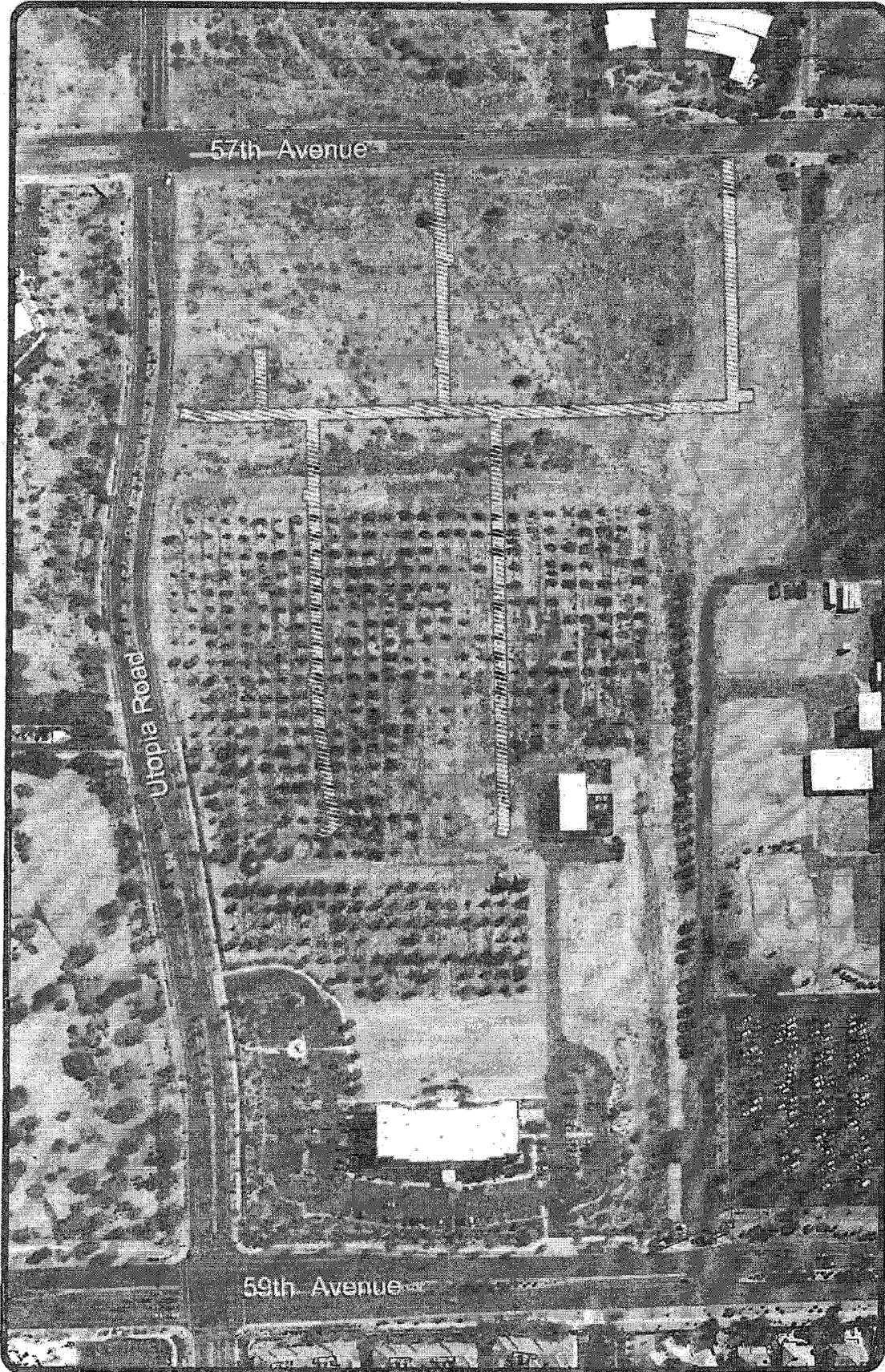


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**NEW WATERLINE EASEMENTS
AT MIDWESTERN UNIVERSITY**