

RESOLUTION NO. 3819 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THAT TITLE TO AND POSSESSION OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, BE ACQUIRED BY PURCHASE, OR UNDER THE POWER OF EMINENT DOMAIN, FOR RIGHT-OF-WAY PURPOSES TO CONSTRUCT THE MARYLAND AVENUE CROSSING OF LOOP 101 BETWEEN 95<sup>TH</sup> AND 99<sup>TH</sup> AVENUES AND TO CONSTRUCT THE SOUTHERLY HALF OF THE BETHANY HOME ROAD INTERCHANGE AT LOOP 101.

BE IT ORDAINED 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 acquire certain real property located in the City of Glendale, Maricopa County, Arizona for right-of-way purposes to construct the Maryland Avenue crossing of Loop 101 between 95<sup>th</sup> and 99<sup>th</sup> Avenues and to construct the southerly half of the Bethany Home Road Interchange at Loop 101, which property is more particularly described as follows:

[See Exhibit "A" attached hereto and incorporated herein by this reference.]

SECTION 2. That the City Manager and the City Clerk be, and they hereby are, authorized and directed to deliver a purchase and sales agreement, escrow instructions and any and all other documents necessary to acquire said real property on behalf of the City of Glendale, for their agreed upon value plus any interest, relocation costs, and closing costs per customary local practice, plus any and all incidental costs deemed necessary to complete this transaction.

SECTION 3. 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 acquire said real property in accordance with such purchase and sales agreement and escrow instructions, as well as all recording fees and other costs necessary for the acquisition of said real property.

SECTION 4. Under the power of eminent domain, if and in the event the City of Glendale is unable to acquire said property upon terms mutually agreeable to the owners of said property, the City Attorney and said officials are hereby authorized and directed to bring a condemnation action and to perform all acts in the name of the City of Glendale necessary to acquire title to and possession of said property under the power of eminent domain for the City of Glendale and to obtain immediate possession of the property, which the Council determines to be necessary to allow the construction to proceed without delay.

SECTION 5. 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 acquire said real property in as well as all interest, recording, escrow closing costs and other costs necessary for the acquisition of said real property together with bond, deposit and costs of immediate possession.

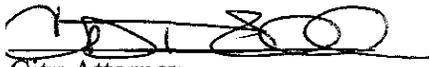
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 11<sup>th</sup> day of January, 2005.

  
MAYOR

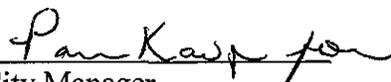
ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager

**EXHIBIT A (1)**  
**Legal Description**  
**Proposed Maryland Avenue Right-of-Way**

A portion of the West Half of the Southwest Quarter of Section 9, Township 2 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 9, a Maricopa County Brass Cap flush, from which the Center Corner of said Section 9, a City of Glendale Brass Cap in a handhole, bears N88°12'58"E, a distance of 2642.09 feet;

**THENCE** N88°12'58"E along the East-West mid-section line of said Section 9, a distance of 83.04 feet to the East line of the West 83.00 feet of the Northwest Quarter of said Section 9 and the **TRUE POINT OF BEGINNING**;

**THENCE** leaving said East line, continuing along said East-West mid-section line, N88°12'58"E, a distance of 762.18 feet to the Westerly Right-of-Way of SR 101L, according to Doc. No. 00-0060611 of the Maricopa County Records (M.C.R.);

**THENCE** along said Westerly Right-of-Way line, S03°56'13"E, a distance of 70.05 feet;

**THENCE** leaving said Westerly Right-of-Way line, S88°13'10"W, a distance of 810.11 feet to the East line of the West 40.00 feet of the Southwest Quarter of said Section 9;

**THENCE** along said East line, N00°04'37"E, a distance of 20.01 feet to the South line of the North 50.00 feet of the Southwest Quarter of said Section 9;

**THENCE** leaving said East line, along said South line, N88°12'58"E, a distance of 43.02 feet to the East line of the West 83.00 feet of the Southwest Quarter of said Section 9;

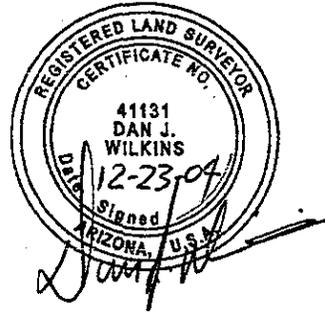
December 23, 2004

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**THENCE** leaving said South line, along said East line  $N00^{\circ}04'37''E$ , a distance of 50.03 feet to the **TRUE POINT OF BEGINNING**.

Containing 1.24 Acres (54,384 sq. feet), more or less.

This Description is located within an area surveyed by AZTEC during the month of April, 2004 and is also based on client provided information. Monumentation as noted in this Description is within acceptable standards (as defined in "Arizona Boundary Survey Minimum Standards") based on said Survey.



# PARCEL EXHIBIT

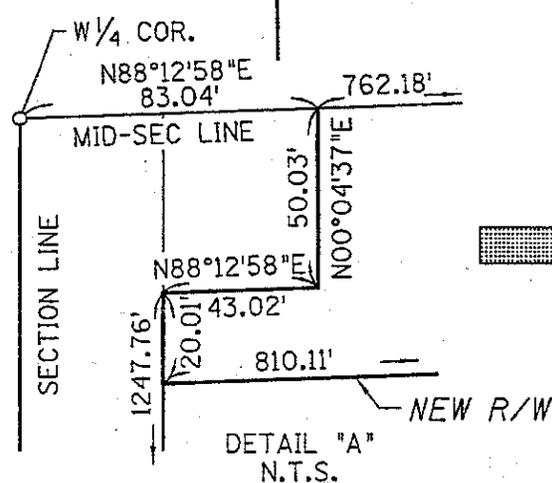
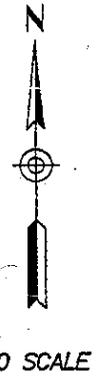
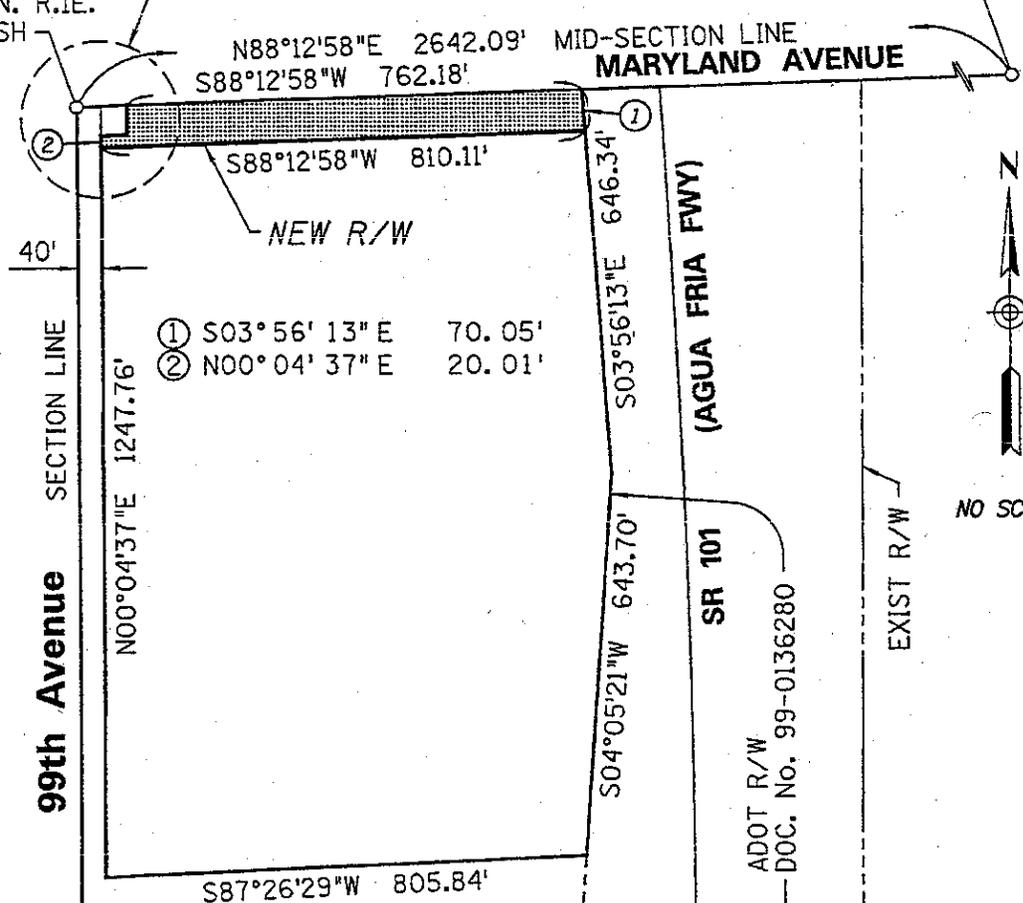
PROPOSED MARYLAND AVENUE RIGHT-OF-WAY

APN 102-01-012A

CENTER CORNER  
SEC. 9, T.2N. R.1 E.  
FD. COG BC IN HH

W<sup>1</sup>/<sub>4</sub> COR.  
SEC. 9, T.2N. R.1E.  
FD. BC FLUSH

SEE DETAIL "A"



AREA OF NEW RIGHT-OF-WAY  
1.24 ACRES (54,384 S.F.)±

**AZTEC**

4561 E. McDowell Road  
Phoenix, AZ 85008-4505  
Tel (602) 454-0402  
Fax (602) 454-0403  
www.aztec.us

REGISTERED LAND SURVEYOR  
CERTIFICATE NO.  
41131  
DAN J. WILKINS  
Date Signed 12-23-04  
ARIZONA, U.S.A.

**EXHIBIT A (2)**  
**Legal Description**  
**Proposed Maryland Avenue Right-of-Way**

A portion of the West Half of the Northwest Quarter of Section 9, Township 2 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 9, a Maricopa County Brass Cap flush, from which the Center Corner of said Section 9, a City of Glendale Brass Cap in a handhole, bears N88°12'58"E, a distance of 2642.09 feet;

**THENCE** N88°12'58"E along the East-West mid-section line of said Section 9, a distance of 83.04 feet to the East line of the West 83.00 feet of the Northwest Quarter of said Section 9 and the **TRUE POINT OF BEGINNING**;

**THENCE** along said East line, N00°02'17"E, a distance of 50.03 feet to the North line of the South 50.00 feet of the Northwest Quarter of said Section 9;

**THENCE** leaving said East line, along said North line S88°12'58"W, a distance of 8.00 feet to the East line of the West 75.00 feet of the Northwest Quarter of said Section 9;

**THENCE** leaving said North line, along said East line, N00°02'17"E, a distance of 60.60 feet;

**THENCE** leaving said East line, S89°57'43"E, a distance of 75.00 feet to the beginning of a curve concave to the South;

**THENCE** Easterly, a distance of 98.22 feet, along the arc of said curve, said curve having a radius of 7694.44 feet, a central angle of 00°43'53" and a chord that bears S89°35'46"E, 98.21 feet;

**THENCE** on a non-tangent line N84°04'00"E, a distance of 252.15 feet;

**THENCE** N85°03'09"E, a distance of 333.70 feet to the Westerly Right-of-Way of SR 101L, according to Doc. No. 00-0060611 of the Maricopa County Records (M.C.R.);

**THENCE** along said Westerly Right-of-Way line, S06°10'42"E, a distance of 91.52 feet;

**THENCE** S03°56'13"E, a distance of 49.89 feet to the South line of the Northwest Quarter of said Section 9;

December 22, 2004  
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**THENCE** leaving said Westerly Right-of-Way line, along said South line S88°12'58"W, a distance of 762.18 feet to the **TRUE POINT OF BEGINNING**.

Containing 2.10 Acres (91,658 sq. feet), more or less.

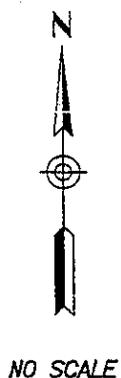
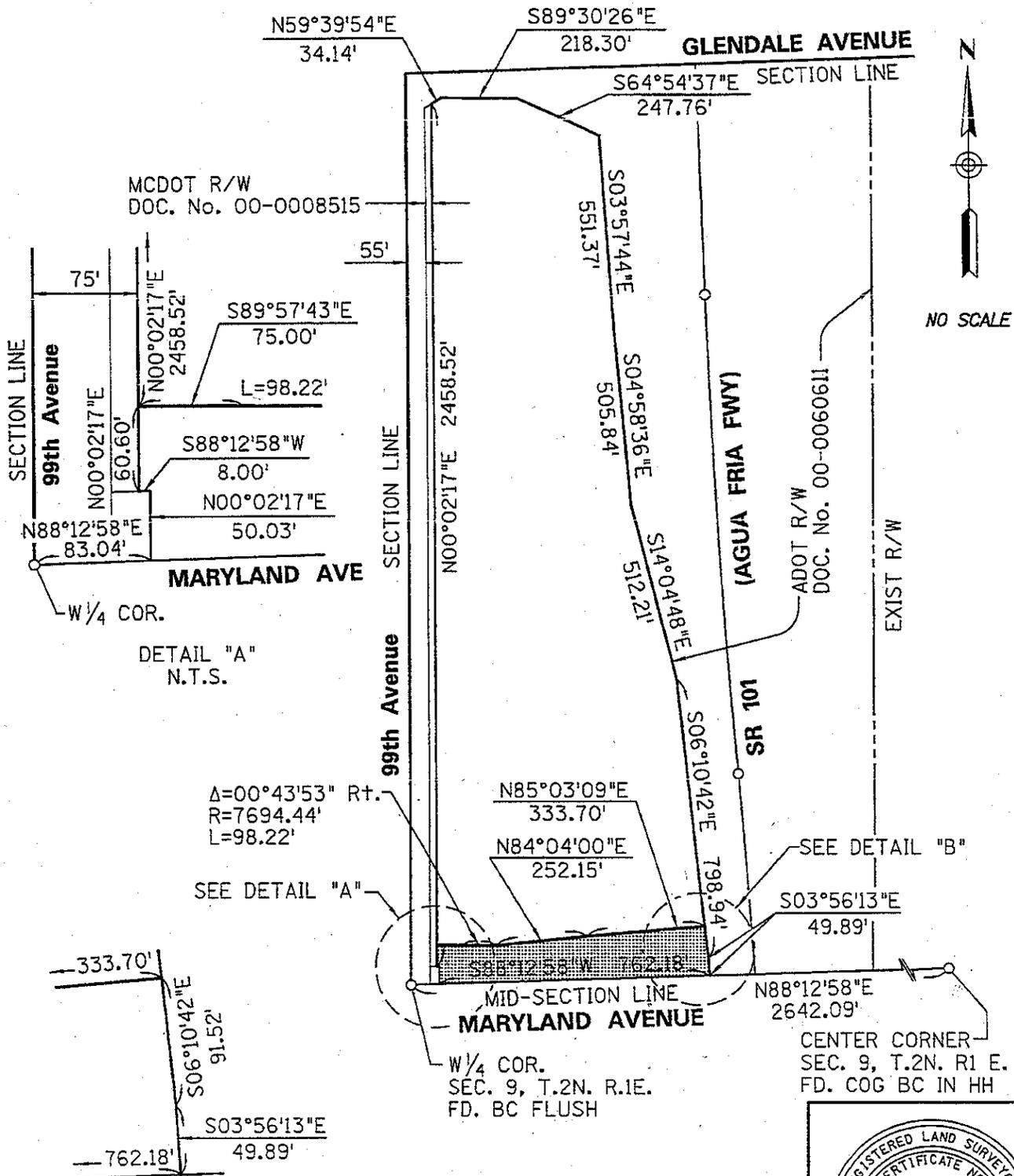
This Description is located within an area surveyed by AZTEC during the month of April, 2004 and is also based on client provided information. Monumentation as noted in this Description is within acceptable standards (as defined in "Arizona Boundary Survey Minimum Standards") based on said Survey.



# PARCEL EXHIBIT

PROPOSED MARYLAND AVENUE RIGHT-OF-WAY

APN 102-01-011A



DETAIL "B"  
N.T.S.

AREA OF NEW RIGHT-OF-WAY  
2.10 ACRES (91,658 S.F.)±



4561 E. McDowell Road  
Phoenix, AZ 85008-4505  
Tel (602) 454-0402  
Fax (602) 454-0403  
www.aztec.us



## Legal Description

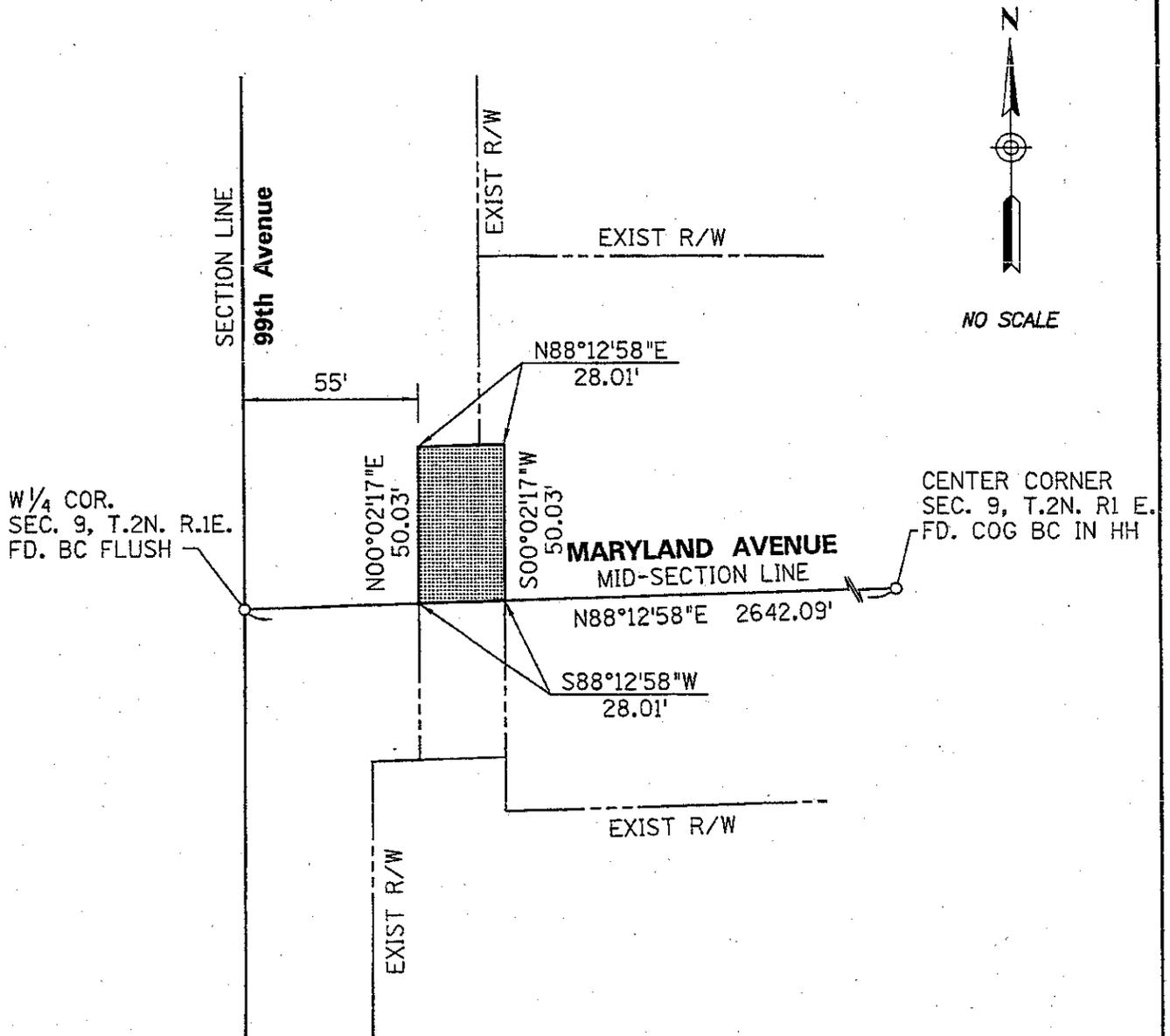
Per Escrow/Title No. 2416375, Chicago Title Insurance Company

The South 50 feet of the West 83 feet of the Southwest quarter of the Northwest quarter of Section 9, Township 2 North, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 55 feet thereof.

# PARCEL EXHIBIT

PROPOSED MARYLAND AVENUE RIGHT-OF-WAY  
APN 102-01-003



NO SCALE

W<sup>1</sup>/<sub>4</sub> COR.  
SEC. 9, T.2N. R.1E.  
FD. BC FLUSH

CENTER CORNER  
SEC. 9, T.2N. R.1 E.  
FD. COG BC IN HH

 AREA OF NEW RIGHT-OF-WAY  
PARCEL IS A TOTAL ACQUISITION  
0.03 ACRES (1,400 S.F.)±

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Phoenix, AZ 85008-4505  
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