CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

CC 26C
Amend No. _____

Date Prepared May 28, 2008 **Council Meeting Date** June 17, 2008

TO. Terry Ellis, City Manager

FROM David A Moody, P E , Engineering Director

THROUGH Maher Hazine, P E , CFM, Assistant City Engineer

PREPARED BY Gary Lopez, C F M , Associate Development Engineer

SUBJECT Adopt a Resolution to approve the abandonment of an existing water line for Sun Valley Elementary School within Peoria Unified School District (PUSD) A request made by Peoria Unified School District (Project No R070131)

RECOMMENDATION

That the Mayor and Council adopt a Resolution to approve the abandonment of an existing water line for Sun Valley Elementary School, located at the southeast corner of 95th Avenue and Butler Drive, and authorize the Mayor and City Clerk to sign and record the Resolution with the Maricopa County Recorder's Office

SUMMARY

- The abandonment is being requested due to a proposed realignment for a new building
- This development is dedicating required water easement (by separate document) for the relocation of the water line
- This development is within the Peoria water/sewer service area

ATTACHMENTS

1 Resolution w/ Exhibits

☐ **Consent Agenda**
☐ **Carry Over to Date** _____
☐ **Approved**
☐ **Unfinished Business (Date heard previous** _____**)**
☐ **New Business**
☐ **Public Hearing No Action Taken**

ORD #_____ **RES #** 08-100
LCON#_____ **LIC #**
Action Date

REV 07/05
REV 10/99

RESOLUTION NO 08-100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC WATERLINE TO BE ABANDONED DUE TO A PROPOSED WATER LINE RE-ALIGNMENT AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY WATER EASEMENT BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND PROVING FOR ANY EFFECTIVE DATE

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows

WHEREAS, pursuant to A R S 28-7202, the City Council of the City of Peoria is vested with the power to determine and find that certain public roadways may no longer be necessary to the City, and

WHEREAS, pursuant to A R S 28-7205, the City is vested with the power to vacate such roadways by transferring title to adjacent property owners and others, and

WHEREAS, the Mayor and Council find and determine that certain public water line easement located in the City of Peoria, Maricopa County, Arizona located at Sun Valley Elementary School, southeast corner of 95th Avenue and Butler Drive, in the Peoria Unified School District, and more specifically described on the Legal Description and Sketch (Exhibit A) attached to this Resolution is existing portion of a water line that is no longer needed due the proposed re-alignment

THEREFORE, BE IT RESOLVED AS FOLLOWS

SECTION 1 That Mayor and Council find and determine that this particular section of existing waterline be abandoned and more specifically set forth on Exhibit A (Legal Description and Sketch) attached to this Resolution be and is hereby declared to be abandoned in the manner provided by Chapter 14, Article 1, Title 28 Arizona Revised Statutes

SECTION 2 That City Manager and City Attorney are authorized and directed to take all actions including providing public notices and preparing documents for the sale and or conveyance of such property

SECTION 3 That the City Engineer is directed to prepare and provide descriptions for the retention of such easements for public utilities, if any, as may be deemed appropriate across the described property

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety of the City of Peoria, an EMERGENCY is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the City of Peoria, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona

PASSED AND ADOPTED by the Mayor and Council of City of Peoria, Arizona this 17th day of June, 2008

_____
Bob Barrett, Mayor

_____
Date Signed

ATTEST

_____
Mary Jo Kief, City Clerk

APPROVED AS TO FORM

_____
Steve Kemp, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

Waterline Easement Abandonment

That portion of the Southeast quarter of Section 33 Township 3 North Range 1 East of the Gila and Salt River Meridian, Maricopa County Arizona being a 12 foot strip of land, 6 feet on each side of the the centerline described as follows

Commencing at the center quarter corner of said Section 33,
thence North 88 25'12" East (assumed bearing) 535 21 feet along East-West mid section line of said Section 33,
thence South 00 00'53 West 45 02 feet,
thence South 00 00'53" West 395 00 feet
thence South 45 00'53" West 171 65 feet to the POINT OF BEGINNING,

thence South 45°00'53" West 97 59 feet,
thence North 89 59'07" West 200 00 feet,
thence North 67 29'07" West 99 17 feet
thence North 00 00'53" East 29 82 feet to the Point of Termination

Containing 5 119 square feet, more or less

Professional Land Surveyor AZ No 19817

Digitally signed by Jim Crume
Date 2008 05 05 13 21 33 -07'00'

(Expires 6-30-08)
ELECTRONIC SEAL
"Digitally signed per ASBTR Substantive Statement dated 6 17 02"

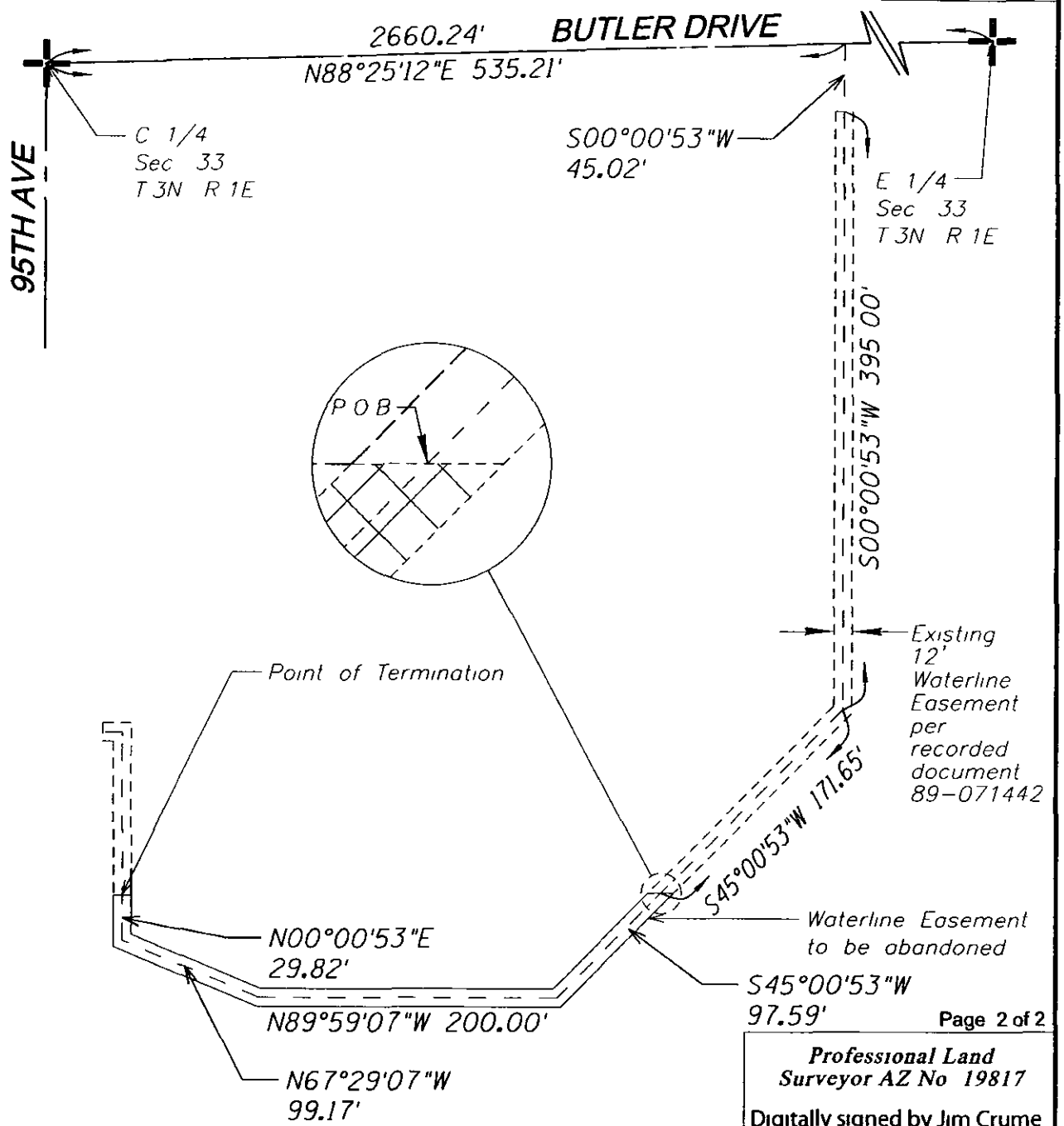
Title Sun Valley Elementary Easement Abandonment

Preparing Firm HUBBARD ENGINEERING
Address 625 N Gilbert Rd , Suite 106
Gilbert, AZ 85234
Phone (480) 892-3313 **Fax** (480) 892-7051

Project No 27026

EXHIBIT A

SKETCH



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