

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, VACATING A PORTION OF A 25-FOOT RIGHT-OF-WAY RECORDED IN THE RECORDS OF MARICOPA COUNTY, ARIZONA IN DOCUMENT NUMBERS 1987-0381023 AND 1990-025149, AND EXTINGUISHING A 20-FOOT PUBLIC UTILITY AND FACILITIES EASEMENT RECORDED IN DOCUMENT NO. 2000-0323392, ALL LOCATED IN THE 2400 BLOCK OF NORTH 40<sup>TH</sup> STREET.**

WHEREAS, A.R.S. § 28-7201, *et seq.* provides that a city may dispose of a public roadway or a portion of the roadway that is no longer necessary for public use.

WHEREAS, the City Council has determined that a portion of a twenty-five foot (25') public roadway located adjacent to APN: 141-26-003L in the 2400 block of North 40<sup>th</sup> Street, recorded in document numbers 1987-0381023 and 1990-025149, records of Maricopa County, Arizona, as hereafter described, is no longer necessary for public use as a roadway.

WHEREAS, the City Council has determined that a twenty-foot (20') public utility and facilities easement ("PUFE") recorded in document number 2000-0323392, records of Maricopa County, Arizona, located in the 2400 block of North 40<sup>th</sup> Street as hereafter described, is no longer needed by the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1:     Rights-of Way Findings. That the City Council finds, pursuant to A.R.S. § 28-7202, that a portion of the twenty-five foot (25') right-of-way located in the 2400 block of North 40<sup>th</sup> Street, described in this Resolution as the "ROW Property" in Section 2 below, is no longer necessary for public use as a roadway.

Section 2:     Rights-of-Way Abandonment. That pursuant to the provisions of A.R.S. § 28-7205, and subject to the reservations below, the following described public roadway rights-of-way, as more fully described and depicted in Exhibit A and Exhibit B, are vacated (collectively the "ROW Property"):

- A. That certain right-of-way recorded in document number 1987-0381023, records of Maricopa County, Arizona located in the Northeast Quarter of Section 4, Township 1 North, Range 6 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, except for the South twenty-feet (20') which shall remain as right-of-way of the City of Mesa, and is more particularly described as follows:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON **EXHIBIT A** ATTACHED HERETO AND MADE A PART HEREOF.

- B. That certain portion of the right-of-way recorded in document number 1990-025149, records of Maricopa County, Arizona located in the Northeast Quarter of Section 4, Township 1 North,

Range 6 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, except for the South twenty-feet (20') which shall remain as right-of-way of the City of Mesa, and is more particularly described as follows:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON **EXHIBIT B** ATTACHED HERETO AND MADE A PART HEREOF.

Section 3:     Rights-of Way Consideration. That, pursuant to A.R.S. § 28-7208, the City Council:

A.       Directs that title to the above-described ROW Property is conditioned upon the property owner's (APN: 141-26-003L) payment to the City of Mesa of consideration; and

B.       After giving due consideration to the ROW Property's degree of fragmentation and marketability, and other public benefit received by the City in return for the abandoned roadway, finds that the fair market value of \$40,000.00 for the ROW Property determined by an independent appraisal provides consideration commensurate with the value of the abandoned ROW Property.

Section 4:     Rights-of Way Reservations. Pursuant to A.R.S. § 28-7205, upon payment of the consideration and recording of this Resolution in the Maricopa County Recorder's records, Title to the vacated ROW Property shall vest in the owner of the abutting land (APN: 141-26-003L), subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues.

Section 5:     PUFE Findings. All rights of the City of Mesa in and to the following described Public Utility and Facilities Easement (PUFE) are extinguished:

That certain Public Utility and Facilities Easement recorded in document number 2000-0323392, records of Maricopa County, Arizona, located in the Northeast Quarter of Section 4, Township 1 North, Range 6 east, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and is more particularly described as Follows:

PLEASE REFER TO THE LEGAL DESCRIPTION ON **EXHIBIT C** ATTACHED HERETO AND MADE A PART HEREOF.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 13<sup>th</sup> day of January, 2020.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# EXHIBIT A

## LEGAL DESCRIPTION

ABANDONMENT OF CERTAIN PROPERTY CONTAINED DOCUMENT NO. 1987-0381023, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HAND HOLE MARKING THE CENTER OF SECTION 4, NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST (BASIS OF BEARING), A DISTANCE OF 2642.80 FEET TO A BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH 00 DEGREES 16 MINUTES 36 SECONDS EAST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4, 20.00 FEET TO THE POINT OF BEGINNING OF SAID DOCUMENT RECORDED AS 1987-0381023;

THENCE CONTINUING ALONG SAID MID-SECTION LINE NORTH 00 DEGREES 16 MINUTES 36 SECONDS EAST, 377.88 FEET;

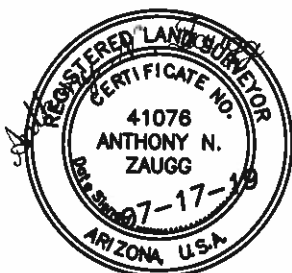
THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST PARALLEL WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 4, 25.00 FEET;

THENCE SOUTH 00 DEGREES 16 MINUTES 36 SECONDS WEST, 377.88 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST PARALLEL WITH AND 20 FEET NORTH OF THE EAST-WEST MID-SECTION LINE OF SAID SECTION 4, 25.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THE SOUTH 20.00 FEET.

NET AREA IS 8,947 S.F. OR 0.205 ACRES MORE OR LESS.



**ALLEN  
CONSULTING  
ENGINEERS, INC.**

4111 E. VALLEY AUTO DRIVE, SUITE 103  
MESA, ARIZONA 85206  
PHONE (480) 844-1666

### **25' QUIT CLAIM PROPERTY ABANDONMENT LEGAL DESCRIPTION**

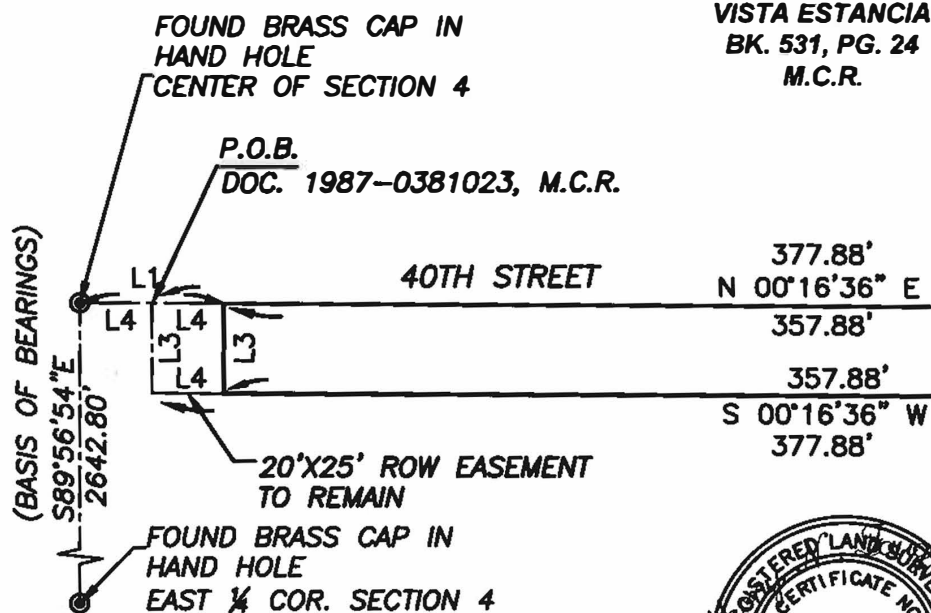
**JOB NUMBER** 95070

**DRAWING** EXHIBIT-ABANDONMENT

**SHEET** 1 OF 2

**DATE** 07-17-19

# EXHIBIT A



VISTA ESTANCIA  
BK. 531, PG. 24  
M.C.R.

## LINE DATA

L1	N00°16'36"E	40.00'
L2	S89°56'54"E	25.00'
L3	N89°56'54"W	25.00'
L4	N00°16'36"E	20.00'

## LEGEND

P.O.B. POINT OF BEGINNING  
M.C.R. MARICOPA COUNTY RECORDER  
BK. BOOK  
PG. PAGE



SCALE 1" = 50'



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MESA, ARIZONA 85206  
PHONE (480) 844-1666

## 25' QUIT CLAIM PROPERTY ABANDONMENT

JOB NUMBER	95070	DRAWING	EXHIBIT-ABANDONMENT
SHEET	2 OF 2	DATE	07-17-19

# EXHIBIT B

## LEGAL DESCRIPTION

ABANDONMENT OF CERTAIN PROPERTY CONTAINED DOCUMENT NO. 1990-025149, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HAND HOLE MARKING THE CENTER OF SECTION 4, NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST (BASIS OF BEARING), A DISTANCE OF 2642.80 FEET TO A BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH 00 DEGREES 16 MINUTES 36 SECONDS EAST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4, 20.00 FEET TO THE POINT OF BEGINNING OF SAID DOCUMENT RECORDED AS 1990-025149;

THENCE CONTINUING ALONG SAID MID-SECTION LINE NORTH 00 DEGREES 16 MINUTES 36 SECONDS EAST, 247.98 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST PARALLEL WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 4, 25.00 FEET;

THENCE SOUTH 00 DEGREES 16 MINUTES 36 SECONDS WEST, 247.98 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST PARALLEL WITH AND 20 FEET NORTH OF THE EAST-WEST MID-SECTION LINE OF SAID SECTION 4, 25.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THE SOUTH 20.00 FEET.

NET AREA IS 6,198 S.F. OR 0.142 ACRES MORE OR LESS.



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### **25' QUIT CLAIM PROPERTY ABANDONMENT LEGAL DESCRIPTION**

<b>JOB NUMBER</b>	95070	<b>DRAWING</b>	EXHIBIT-ABANDONMENT
<b>SHEET</b>	1 OF 2	<b>DATE</b>	07-17-19

# EXHIBIT B

VISTA ESTANCIA  
BK. 531, PG. 24  
M.C.R.

## LINE DATA

L1	N00°16'36"E	40.00'
L2	S89°56'54"E	25.00'
L3	N89°56'54"W	25.00'
L4	N00°16'36"E	20.00'

FOUND BRASS CAP IN HAND HOLE  
CENTER OF SECTION 4

P.O.B.

DOC. 1990-025149, M.C.R.

40TH STREET

N 00°16'36" E 247.98'

227.98'

227.98'

S 00°16'36" W 247.98'

20'X25' ROW EASEMENT  
TO REMAIN

(BASIS OF BEARINGS)  
S89°56'54"E  
2642.80'

FOUND BRASS CAP IN HAND HOLE  
EAST ¼ COR. SECTION 4



## LEGEND

P.O.B. POINT OF BEGINNING  
M.C.R. MARICOPA COUNTY RECORDER  
BK. BOOK  
PG. PAGE



SCALE 1" = 30'



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**25' QUIT CLAIM PROPERTY  
ABANDONMENT**

JOB NUMBER	95070	DRAWING	EXHIBIT-ABANDONMENT
SHEET	2 OF 2	DATE	07-17-19

# EXHIBIT C

## LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, RECORDED IN DOCUMENT NO. 2000-0323392 RECORDS OF MARICOPA COUNTY, ARIZONA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HAND HOLE MARKING THE CENTER OF SECTION 4, NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST (BASIS OF BEARING), A DISTANCE OF 2642.80 FEET TO A BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 4;

THENCE NORTH 00 DEGREES 16 MINUTES 36 SECONDS EAST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 4, 267.06 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID MID-SECTION LINE NORTH 00 DEGREES 16 MINUTES 36 SECONDS EAST, 492.18 FEET;

THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST PARALLEL WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 4, 20.00 FEET;

THENCE SOUTH 00 DEGREES 16 MINUTES 36 SECONDS WEST, 492.18 FEET;

THENCE NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST PARALLEL WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 4, 20.00 FEET TO THE POINT OF BEGINNING.

NET AREA IS 9,844 S.F. OR 0.225 ACRES MORE OR LESS.



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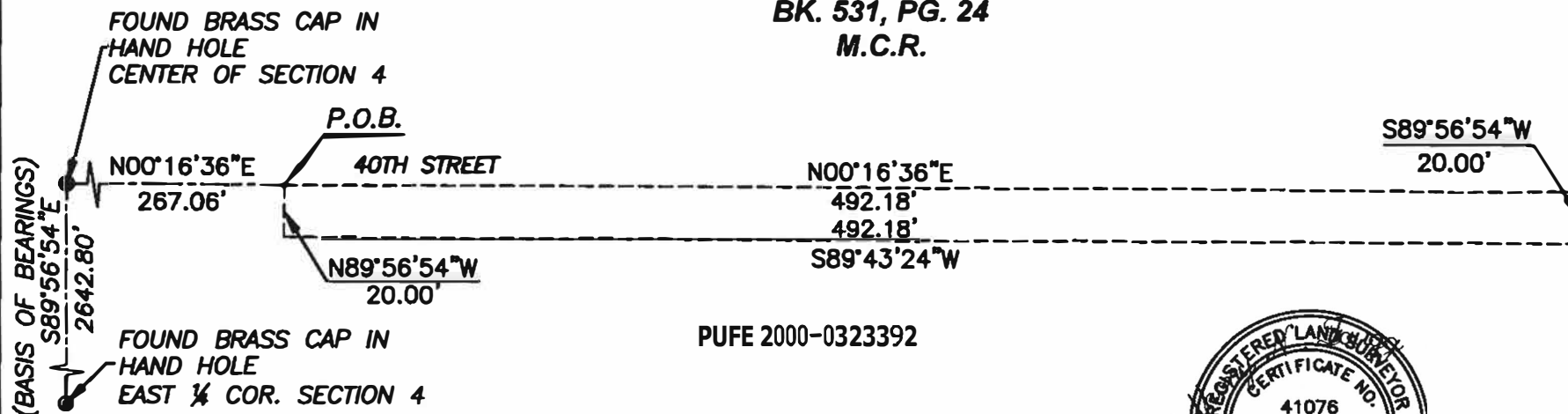
4111 E. VALLEY AUTO DRIVE, SUITE 103  
MESA, ARIZONA 85206  
PHONE (480) 844-1666

### **20' PUE ABANDONMENT LEGAL DESCRIPTION**

<b>JOB NUMBER</b>	95070	<b>DRAWING</b>	EXHIBIT-ABANDONMENT
<b>SHEET</b>	1 OF 2	<b>DATE</b>	07-17-19

# EXHIBIT C

VISTA ESTANCIA  
BK. 531, PG. 24  
M.C.R.



PUFE 2000-0323392

## LEGEND

P.O.B. POINT OF BEGINNING  
M.C.R. MARICOPA COUNTY RECORDER  
BK. BOOK  
PG. PAGE



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## 20' PUF ABANDONMENT

JOB NUMBER	95070	DRAWING	EXHIBIT-ABANDONMENT
SHEET	2 OF 2	DATE	07-17-19



SCALE 1" = 60'

