

RESOLUTION NO. 9809

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, VACATING THE RIGHT-OF-WAY FOR VELOCITY WAY, SOUTH TAXIWAY CIRCLE AND SOUTH CARGO WAY DEDICATED AS A PUBLIC ROADWAY AND ACCEPTING IN ITS PLACE A ROADWAY EASEMENT.

WHEREAS, the City Council has determined that right-of-way dedicated previously by Phoenix Mesa Gateway Authority as public roadway on the Map of Dedication of Velocity Way, South Taxiway Circle and South Cargo Way, as hereafter described, can be vacated and returned to the Authority and replaced with a Roadway Easement,

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

Section 1: That pursuant to the provisions of Section 28-7205, Arizona Revised Statutes, all rights of the City of Mesa in and to the following described public roadway is hereby vacated:

See Exhibit "A" attached hereto and incorporated herein for the roadway legal description

Title to the vacated roadway shall return to Phoenix Mesa Gateway Authority, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues.

Section 2: That coincident with the vacation of the public roadway described in Section 1, shall be adopted and recorded the following EASEMENT FOR ROADWAY encompassing the area occupied by the former public roadway.

See Exhibit "B" attached hereto and incorporated herein for the EASEMENT FOR ROADWAY PURPOSES.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 28th day of February 2011.

APPROVED:

Mayor

ATTEST:

Dinda Cochran

City Clerk



/kf

EXHIBIT A

That portion of certain Right-of-way located in Section 32, Township 1 South Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described here as follows:

Velocity Way, South Taxiway Circle and South Cargo Way as shown on the MAP OF DEDICATION OF VELOCITY WAY, SOUTH TAXIWAY CIRCLE AND SOUTH CARGO WAY PLAT, as recorded in Book 733 of Maps, Page 39, Maricopa County Records.

EXHIBIT B

When Recorded Return To:

City of Mesa
Real Estate Services/Engineering
P.O. Box 1466
Mesa, Arizona 85251-1466

For Recorder's Use

EASEMENT FOR ROADWAY PURPOSES

For valuable consideration, PHOENIX MESA GATEWAY AIRPORT AUTHORITY, an Arizona joint powers airport authority, formerly known as, WILLIAMS GATEWAY AIRPORT AUTHORITY, an Arizona joint powers airport authority ("GRANTOR") hereby grants to the CITY OF MESA, a municipal corporation, ("GRANTEE") its successors, and assigns, a permanent easement for roadway and public utilities, for the following purposes, namely: The right to enter upon the hereinafter described land and grade, regrade, level, fill, drain, pave, elevate, build, maintain, repair and rebuild including changing the grade, a road or highway, including incidental purposes consistent therewith, together with such bridges, culverts, ramps and cuts together with said public utilities as may be necessary, on, over, under, and across the ground embraced within the easement situated in the City of Mesa, County of Maricopa, State of Arizona, and described as follows:

SEE EXHIBIT "A" ATTACHED

To have and to hold the easement for public utilities and roadway purposes unto the CITY OF MESA and unto its successors and assigns forever, together with the right of ingress and egress to permit the economical operation and maintenance of such public roadway and all incidents thereto, and for installation, maintenance and repair of the utility facilities, together with the right to authorize, permit, and license the use thereof for utilities, telecommunications or other public purposes not inconsistent with its primary use as a roadway and public utilities.

By signature below, the CITY OF MESA accepts the easement and agrees to undertake operation and maintenance of its utilities and the roadway, including without limitation, installation, maintenance, repair and replacement of all pavement surfaces, installation, maintenance, repair and replacement of traffic management devices, and provision of emergency response and traffic control enforcement, all as deemed necessary in the sole discretion of the CITY OF MESA for the duration of the easement. The CITY OF MESA shall be solely responsible for the foregoing operation and maintenance and all other matters pertaining to its utilities and the roadway.

The easement includes the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over the easement, so as to prevent the same from interfering with the efficient maintenance and operation of the public roadway.

There is reserved to GRANTOR and its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the right-of-way, which shall include the right to cause in the airspace any noise inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in or through the airspace of the Phoenix Mesa Gateway Airport.

The CITY OF MESA shall not erect or permit the erection of any structure or building, nor permit the growth of any tree on the premises, or any other obstruction, that exceeds the height requirements contained in 14 CFR Part 77 or amendments thereto, or interferes with the runway and/or taxiway "line of sight" of the airport control tower.

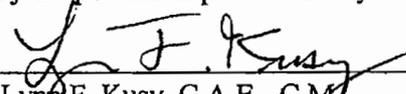
In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted all rights herein granted shall cease and revert to GRANTOR, its heirs or assigns.

Dated this 16th day of APRIL, 2010.

GRANTOR:

PHOENIX MESA GATEWAY AIRPORT
AUTHORITY, an Arizona joint powers airport
authority, formerly known as, WILLIAMS
GATEWAY AIRPORT AUTHORITY, an
Arizona joint powers airport authority

By:


Name: Lynn F. Kusy, C.A.E., C.M.

Title: Executive Director

STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this 16th day of APRIL, 2010, by LYNN F. KUSY, the EXECUTIVE DIRECTOR of Phoenix Mesa Gateway Airport Authority, on behalf of the Airport Authority.

Elsa Y. Duncan
Notary Public (signature)

My Commission Expires 4/14/2013



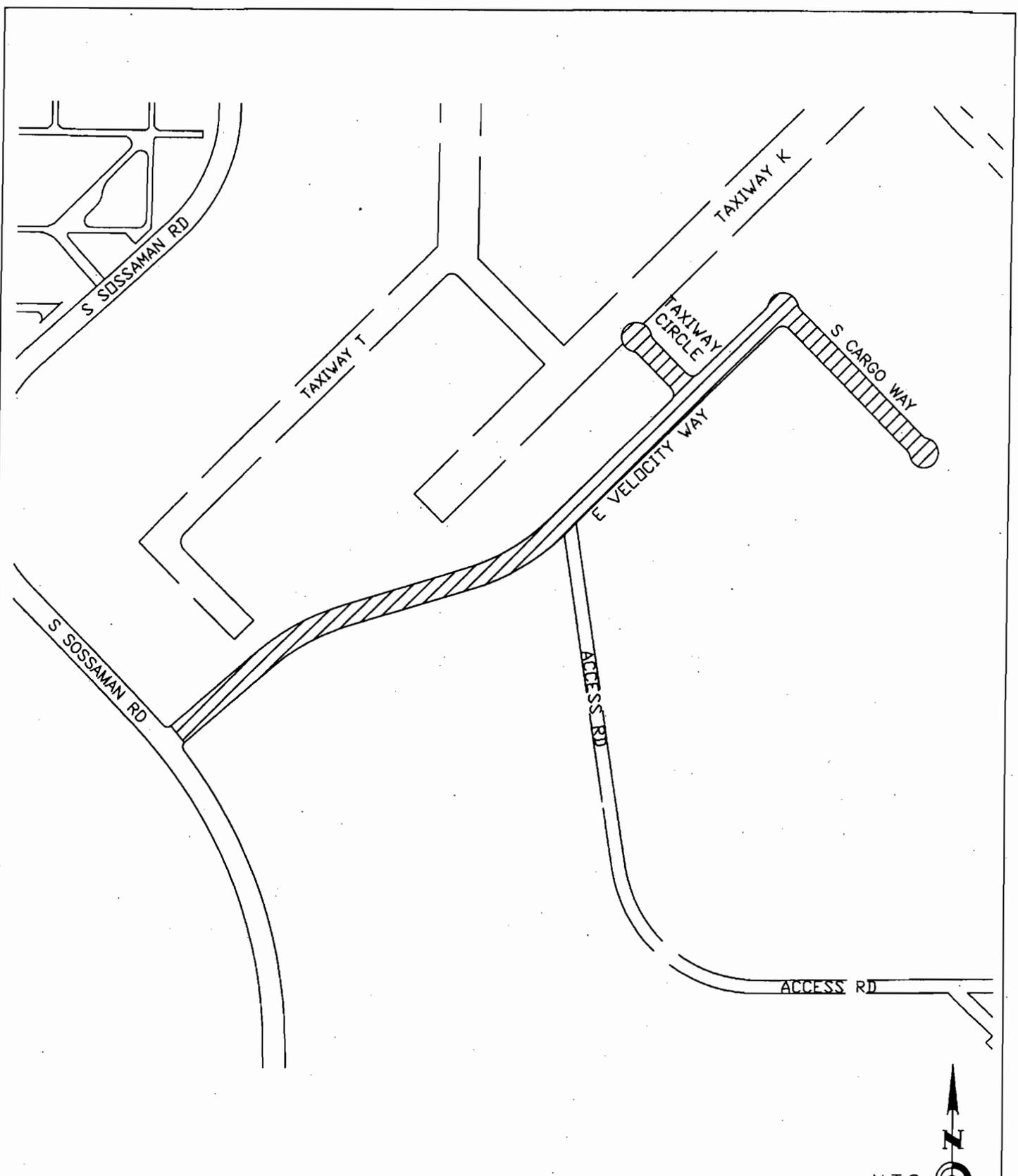
ELSA Y. DUNCAN
Notary Public—Arizona
Maricopa County
Expires on 04/14/2013

EXHIBIT A

LEGAL DESCRIPTION

[See Attached]

ESPProject\real_estate\D-2623.dwg 04-27-10 Sec. 344&345




 RIGHT-OF-WAY TO BE VACATED



DRAWN BY: A. BISILLE
 CHECKED: K. FALLBECK
 APPROVED: C. CROCKER

COUNCIL ILLUSTRATION FOR VACATING RIGHT-OF-WAY
 ON MAP OF DEDICATION OF VELOCITY WAY, SOUTH
 TAXIWAY CIRCLE AND SOUTH CARGO WAY

D-2623

