

RESOLUTION NO. 11451

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA,
MARICOPA COUNTY, ARIZONA, VACATING TWO (2), THIRTY-
THREE FOOT (33') PORTIONS OF ROAD RIGHT-OF-WAY,
LOCATED IN THE 1900 BLOCK OF OLD SOUTH MESA DRIVE
BETWEEN EAST BASELINE ROAD AND EAST JUANITA AVENUE.**

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 thirty-three foot (33') portion of public road right-of-way located in the 1900 block of Old South Mesa Drive abutting APN:139-49-027C and a thirty-three foot (33') portion of public road right-of-way located in the 1900 block of Old South Mesa Drive abutting APN:139-12-054 located at 418 East Baseline Road as hereafter described, are no longer needed.

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

Section 1: Right-of-Way Findings. The Mesa City Council finds, pursuant to A.R.S. § 28-7202, that the two (2), thirty-three foot (33') road rights-of-way located in the 1900 block of Old South Mesa Drive, described in this Resolution collectively as the "Abandoned Property" in Section 2 below, are no longer necessary for public use as a roadway.

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

- A. That certain portions of the right-of-way located in the Southeast Quarter of Section 34, Township 1 North, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being 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 portions of the right-of-way located in the Southeast Quarter of Section 34, Township 1 North, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being 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: Consideration: That, pursuant to A.R.S. § 28-7208, the City Council:

- A. Directs that title to the above-described Abandoned Property is conditioned upon each abutting property owner's (APN:139-49-027C and APN:139-12-054) individual payment to the City of Mesa of consideration; and


- B. After giving due consideration to the Abandoned 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 \$72,000.00 for that portion of the Abandoned Property abutting APN:139-49-027C and \$22,000.00 for that portion of the Abandoned Property abutting APN:139-12-054, as determined by an independent appraisal, provides consideration commensurate with the value of the abandoned Abandoned Property.

Section 4: Easement Reservations: Pursuant to A.R.S. § 28-7205, upon payment of the consideration and recording of this Resolution in the official records of the Maricopa County Recorder, Title to the vacated Abandoned Property shall vest each in the owner of the abutting land (APN:139-49-027C and APN:139-12-054, respectively) subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues; provided, however, the City of Mesa hereby expressly reserves over, across, under, and upon the lands of the Abandoned Property a permanent easement for public utilities to construct, install, access, maintain, repair, reconstruct, replace, remove, operate and use for utilities and facilities (including, but not limited to, water, wastewater, gas, electric, pipes, conduit, cables, fiber and switching equipment) at such locations and elevations as the City of Mesa may now or in the future deem convenient or necessary, together with the unrestricted right of vehicular and pedestrian ingress and egress to, from and across the Abandoned Property.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 27th day of January, 2020.



APPROVED:



Mayor

ATTEST:



City Clerk

EXHIBIT "A"

**DESCRIPTION FOR ABANDONMENT
OF A PORTION OF OLD S. MESA DRIVE**

A PORTION OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 34 BEARS NORTH 01 DEGREES 24 MINUTES 41 SECONDS EAST, A DISTANCE OF 2,638.57 FEET;

THENCE NORTH 01 DEGREES 24 MINUTES 41 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 55.00 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST BASELINE ROAD, AND THE **POINT OF BEGINNING**;

THENCE NORTH 88 DEGREES 57 MINUTES 30 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 33.00 FEET, TO THE WEST RIGHT OF WAY LINE OF OLD MESA DRIVE;

THENCE NORTH 01 DEGREES 24 MINUTES 41 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF OLD MESA DRIVE, PARALLEL TO AND 33.00 FEET WEST OF SAID EAST LINE OF SECTION 34, A DISTANCE OF 782.36 FEET, TO A POINT OF INTERSECTION OF SAID WEST RIGHT OF WAY LINE AND THE WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF JUANITA AVENUE;

THENCE SOUTH 88 DEGREES 35 MINUTES 19 SECONDS EAST, ALONG SAID WESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF JUANITA AVENUE, A DISTANCE OF 33.00 FEET, TO THE EAST LINE OF SAID SECTION 34;

THENCE SOUTH 01 DEGREES 24 MINUTES 41 SECONDS, WEST ALONG SAID EAST LINE OF SECTION 34, A DISTANCE OF 782.15 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 25, 814 SQUARE FEET OR 0.593 ACRE, MORE OR LESS.

SEE DEPICTION OF EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Prepared by:
The WLB Group, Inc.
1600 W. Broadway Road, Ste. 150
Tempe, AZ 85282
October 29, 2018



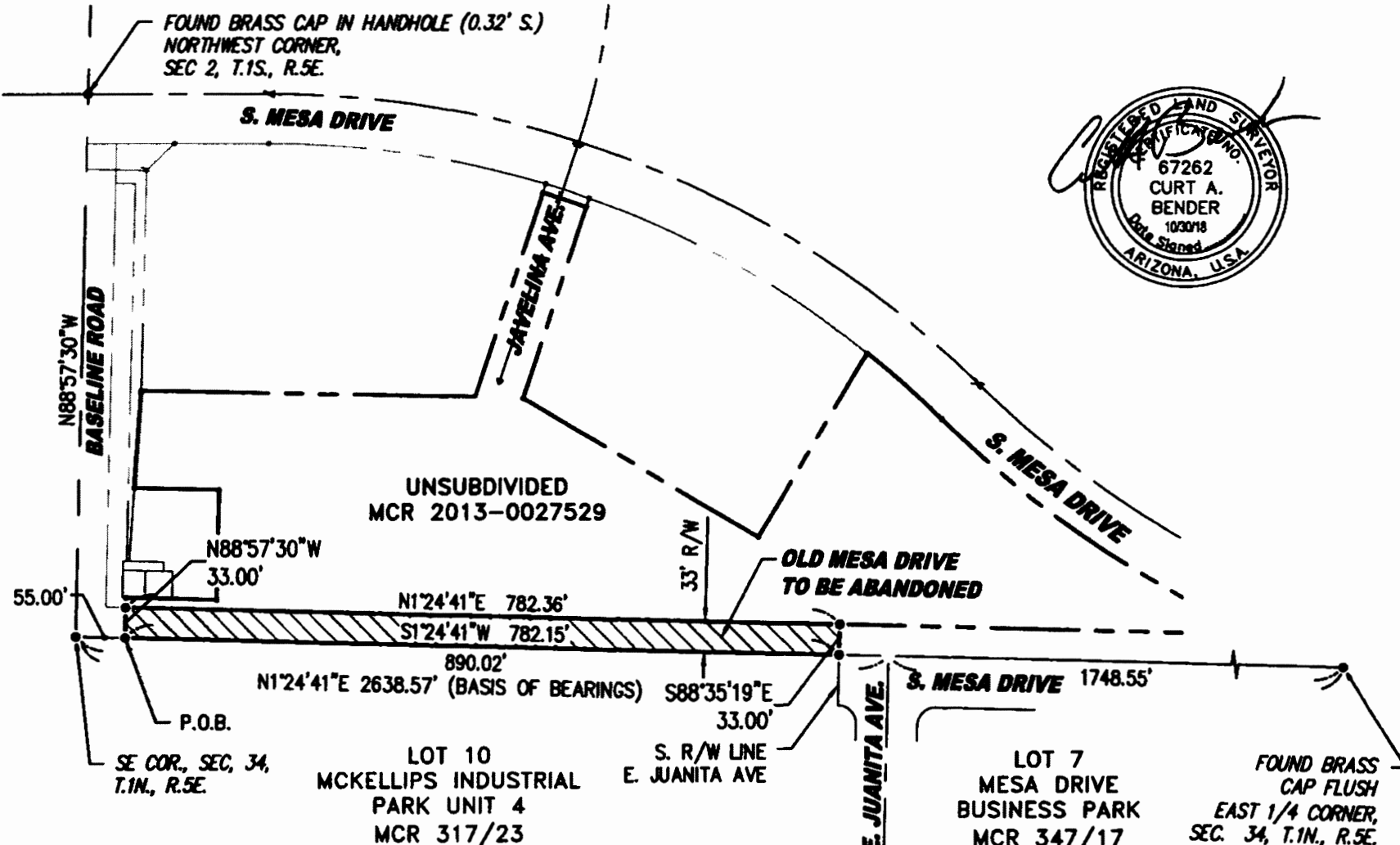


EXHIBIT A
PORTION OF OLD S. MESA DRIVE - R/W ABANDONMENT

The
WLB
Group
INC.

Engineering • Planning • Surveying
Landscape Architecture • Urban Design
Offices located in: Tucson, Phoenix,
Flagstaff, and Las Vegas, NV.
1600 W Broadway Rd, Ste. 150
Tempe Az. 85282 PH.(480) 736-1600

Scale 1"=150'
Job # 218020A001
Date 2018-10-30
Drawn By RMS



EXHIBIT "B"

**DESCRIPTION FOR ABANDONMENT
OF A PORTION OF OLD S. MESA DRIVE**

A PORTION OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 35 BEARS NORTH 89 DEGREES 36 MINUTES 50 SECONDS EAST, A DISTANCE OF 2,639.20 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 58 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 55.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST BASELINE ROAD, AND THE **POINT OF BEGINNING**;

THENCE NORTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE OF SECTION 35, A DISTANCE OF 227.77 FEET;

THENCE NORTH 89 DEGREES 36 MINUTES 50 SECONDS EAST, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER OF LOT 10, MCKELLIP INDUSTRIAL PARK UNIT FOUR, AS RECORDED IN BOOK 317, PAGE 23, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 00 MINUTES 58 SECONDS EAST, A DISTANCE OF 227.77 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10;

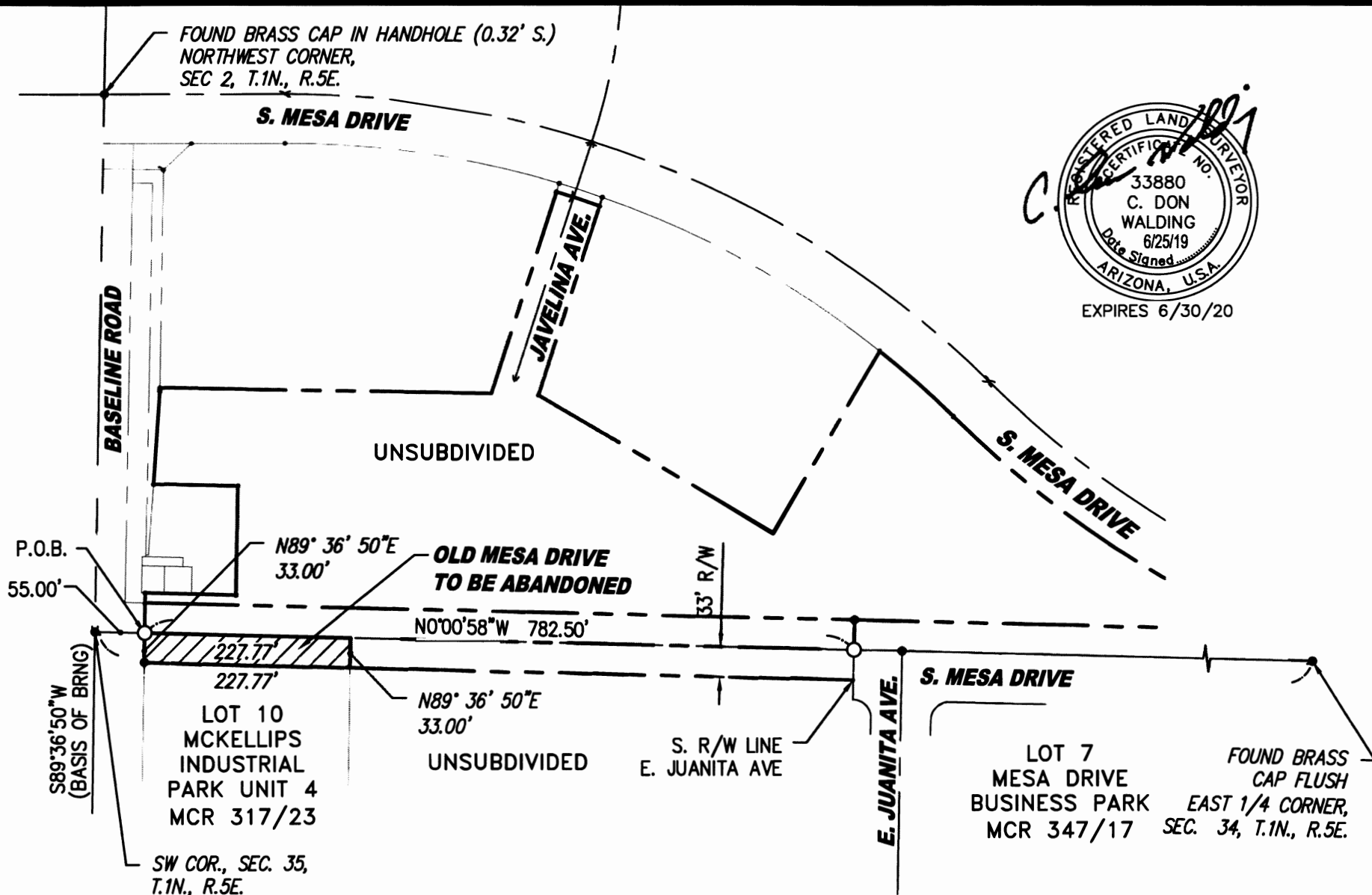
THENCE SOUTH 89 DEGREES 36 MINUTES 50 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF EAST BASELINE ROAD, A DISTANCE OF 33.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7,516 SQUARE FEET OR 0.172 ACRE, MORE OR LESS.

SEE DEPICTION OF EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

Prepared by:
The WLB Group, Inc.
1600 W. Broadway Road, Ste. 150
Tempe, AZ 85282
June 25, 2019





REGISTERED LAND SURVEYOR
 CERTIFICATION NO. 33880
 C. DON WALDING
 Date Signed 6/25/19
 ARIZONA, U.S.A.
 EXPIRES 6/30/20

EXHIBIT B - PORTION OF OLD S. MESA DRIVE - R/W ABANDONMENT

The WLB Group INC.
 Engineering • Planning • Surveying
 Landscape Architecture • Urban Design
 Offices located in: Tucson, Phoenix, Flagstaff, and Las Vegas, NV.
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 Tempe Az. 85282 PH.(480) 736-1600

Scale	1"=150'
Job #	219011A001
Date	2019-6-25
Drawn By	RAM

