

RESOLUTION NO. 11683

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, VACATING A PORTION OF RIGHT-OF-WAY, EXTINGUISHING TWO CITY UTILITIES AND FACILITIES EASEMENTS, AND EXTINGUISHING AN EASEMENT AUTHORIZING MUNICIPAL AND COMMERCIAL VEHICLES TO OPERATE ON PRIVATE PROPERTY LOCATED AT 950 EAST MAIN STREET.**

WHEREAS, pursuant to Arizona Revised Statutes Title 28 §§ 7201-7215 and/or Mesa City Code Title 9, Chapter 10, the City Council has the authority to abandon, vacate or extinguish (collectively, hereafter, "abandon") unnecessary roadway, right-of-way, or easements to which the City holds right or title to.

WHEREAS, the City Council has determined that a portion of the right-of-way dedicated on the plat map of Fraser Fields, recorded in Book 34 of Maps, Page 35, records of Maricopa County, Arizona, located at 950 East Main Street, as hereafter described, and depicted in Exhibit "A" ("Exhibit A Right-of-Way") is no longer needed.

WHEREAS, the City Council has determined that a city utilities and facilities easement recorded in document number 2016-0742993, records of Maricopa County, Arizona, as hereafter described ("2016 8-Foot Easement") is no longer needed.

WHEREAS, the City Council has determined that a city utilities and facilities easement recorded in document number 2016-0742991, records of Maricopa County, Arizona, as hereafter described ("2016 10-Foot Easement") is no longer needed.

WHEREAS, the City Council has determined that an easement authorizing municipal and commercial vehicles to operate on private property recorded in document number 1987-0719399, records of Maricopa County, Arizona, as hereafter described ("1987 Easement"), is 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 Abandonment. Pursuant to the provisions of A.R.S. § 28-7205, and subject to the receipt of the consideration and reservations set forth in Section 2 and Section 3 below, the following portions of the Exhibit A Right-of-Way are abandoned:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON **EXHIBIT “A”** ATTACHED HERETO AND MADE A PART HEREOF THAT DESCRIBES AND DEPICTS THE ABANDONED AREA.

Section 2:     Right-of Way Abandonment Consideration. Pursuant to A.R.S. § 28-7208, the City Council:

A. Directs that title to the above-described Exhibit A Right-of-Way is conditioned upon the abutting property owner’s payment to the City of Mesa of consideration for the abandoned area; the property owner at issue being the owner of Maricopa County Parcel Numbers APN: 138-22-065 and APN: 138-22-075A abutting the Exhibit A Right-of-Way (“Abutting Owner”); and

B. After giving due consideration to the Exhibit A Right-of-Way 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 \$1,000.00 for the Exhibit A Right-of-Way is consideration for the value of the abandoned Exhibit A Right-of-Way.

Section 3:     Right-of Way Reservations. Pursuant to A.R.S. § 28-7205, upon payment of the consideration and recording of this Resolution in the official records of Maricopa County, title to the vacated Exhibit A Right-of-Way property shall vest in the Abutting Owner, subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land to which it accrues.

Section 4:     2016 8-Foot Easement. All rights of the City of Mesa in and to the 2016 8-Foot Easement described as follows are abandoned and deemed extinguished:

That certain city utilities and facilities easement recorded in document number 2016-0742993, records of Maricopa County, Arizona, located within the Northeast quarter of Section 23, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Section 5:     10-Foot City Utilities and Facilities Easement. All rights of the City of Mesa in and to the 2016 10-Foot Easement, described as follows, are abandoned, and deemed extinguished:

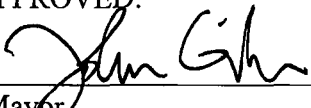
That certain city utilities and facilities easement recorded in document number 2016-0742991, records of Maricopa County, Arizona, located within the Northeast quarter of Section 23, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Section 6:     1987 Easement. All rights of the City of Mesa in and to the 1987 Easement for Vehicles, described as follows, are abandoned:


That certain easement authorizing municipal and commercial vehicles to operate on private property recorded in document number 1987-0719399, records of Maricopa County, Arizona, located within the Northeast quarter of Section 23, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 7<sup>th</sup> day of June, 2021.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

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



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR**  
**RIGHT OF WAY ABANDONMENT**

A PARCEL OF LAND SITUATED IN A PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING A PORTION OF THAT CERTAIN 16 FOOT WIDE PUBLIC ALLEY LYING WEST OF FRASER DRIVE AS SHOWN ON THE PLAT OF FRASER FIELDS, RECORDED IN BOOK 34 OF MAPS ON PAGE 35, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 84 OF SAID PLAT OF FRASER FIELDS;

THENCE UPON AND WITH THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 84, NORTH 00 DEGREES 06 MINUTES 12 SECONDS EAST, A DISTANCE OF 16.00 FEET TO THE NORTH RIGHT OF WAY LINE OF THE AFORESAID ALLEY;

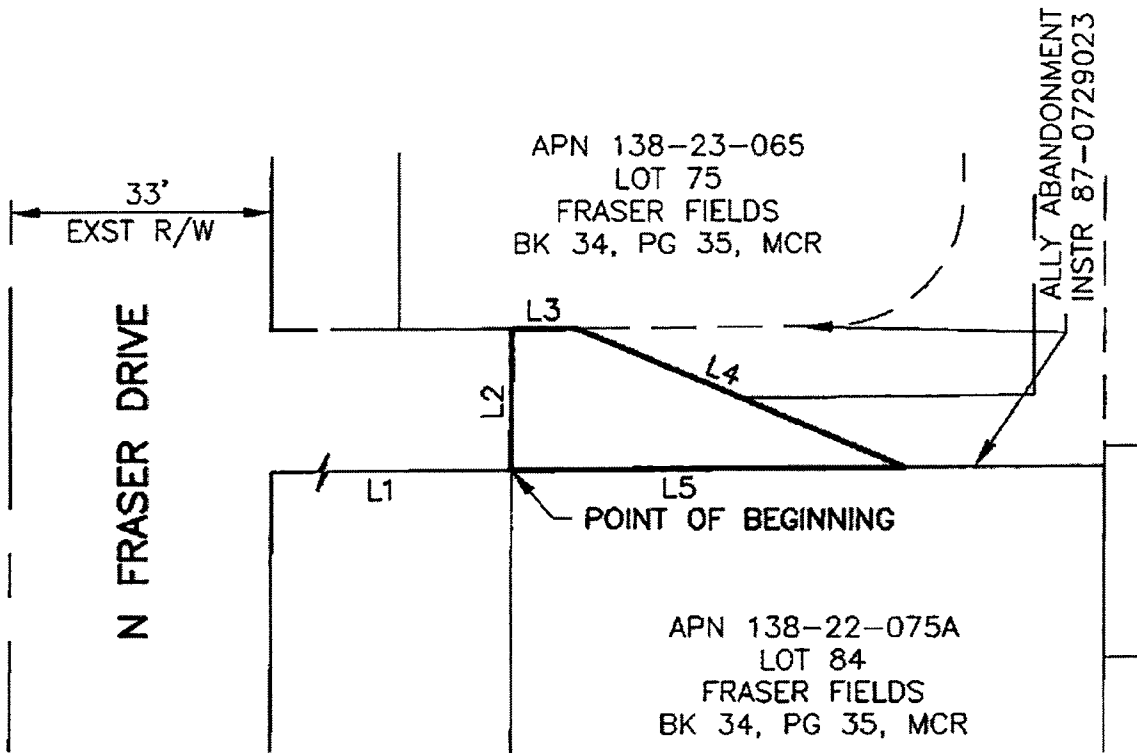
THENCE UPON AND WITH SAID NORTH RIGHT OF WAY LINE, NORTH 89 DEGREES 33 MINUTES 39 SECONDS EAST, A DISTANCE OF 7.20 FEET TO THE MOST WESTERLY NORTHWEST CORNER OF THAT CERTAIN ALLEY ABANDONMENT RECORDED IN INSTRUMENT 1987-0729023, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE UPON AND WITH THE WESTERLY LINE OF SAID ALLEY ABANDONMENT, SOUTH 67 DEGREES 01 MINUTES 37 SECONDS EAST, A DISTANCE OF 40.27 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE AFORESAID ALLEY;

THENCE UPON AND WITH SAID SOUTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 33 MINUTES 39 SECONDS WEST, A DISTANCE OF 44.30 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 412 SQUARE FEET OR 0.009 ACRES OF LAND, MORE OR LESS.



FILE:\PROJECTS\2019\1019110\_MHS\_Clinica\1\_Mesa CPLC REPLAY 101807\CD\EXHIBITS\19110-Adj Abandonment.dwg DATE:5/15/2020 TIME: 08:37 am



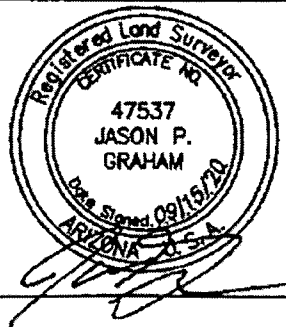
LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S89°33'39"W	267.17'
L2	N00°06'12"E	16.00'
L3	N89°33'39"E	7.20'
L4	S67°01'37"E	40.27'
L5	S89°33'39"W	44.30'



NTS

PARCEL AREA:  
412 SF OR  
0.009 ACRES

THIS IS NOT A PROPERTY BOUNDARY SURVEY.



**EXHIBIT "A"**  
**RIGHT OF WAY ABANDONMENT**

A PART OF NORTHEAST QUARTER SECTION 23, T1N, R5E, GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

Dibble Engineering  
Project No 1019110

DATE: SEP 2020  
DRN: CSD    CHK: BAR

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