

RESOLUTION NO. 11704

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MESA, MARICOPA COUNTY, ARIZONA,
ABANDONING THROUGH EXTINGUISHMENT
DRAINAGE EASEMENTS LOCATED AT 3223 SOUTH
ELLSWORTH ROAD.**

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. Additionally, the City generally has the right to release restrictive covenants it holds on real property.

WHEREAS, the City Council has determined that drainage easements dedicated on Lot 13 of the Final Plat for First Mesa Commerce Park, Phase 2, recorded in Book 1167 of Maps, Page 44, records of Maricopa County, Arizona, and on Lot 14, as shown on the Affidavit of Change recorded in document number 2020-0649399 records of Maricopa County, Arizona, located at 3223 South Ellsworth Road, as both easements are hereafter described in Exhibit A and depicted in Exhibit B (“Drainage Easements”), are no longer needed.

WHEREAS Mesa City Code 9-10-2 permits the City Council to extinguish easements no longer needed by the City upon application and payment of the application fee.

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

Section 1: All rights of the City of Mesa in and to the Drainage Easements are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTIONS DESCRIBED IN **EXHIBIT A** AND THE DEPICTIONS IN **EXHIBIT B** ATTACHED HERETO AND MADE A PART HEREOF FOR THE ABANDONED AREA.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 1st day of July, 2021.

APPROVED:

A handwritten signature in black ink, appearing to read "John Gilman", written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "DeAnn Mickelson", written over a horizontal line.

City Clerk



Wood, Patel & Associates, Inc.
480.834.3300
www.woodpatel.com

Lot 13

March 3, 2021
WP# 205139.01
Page 1 of 2
See Exhibit "A"

LEGAL DESCRIPTION
Comarch Data Center
Public Drainage Easement Abandonment

A portion of that certain Public Drainage Easement lying within Lot 13, First Mesa Commerce Park, Phase 2, recorded in Book 1167, page 44, Maricopa County Records (MCR) and the southwest quarter of Section 10, Township 1 South, Range 7 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the west quarter corner of said Section 10, a 3-inch Maricopa County brass cap in handhole, from which the southwest corner of said section, a 3-inch Maricopa County brass cap in handhole, bears South 00°43'48" East (basis of bearing), a distance of 2636.28 feet;

THENCE along the west line of said section, South 00°43'48" East, a distance of 472.70 feet;

THENCE leaving said west line, North 89°16'12" East, a distance of 80.23 feet, to the southwest corner of said Public Drainage Easement and the **POINT OF BEGINNING**;

THENCE along the westerly line of said Public Drainage Easement, North 44°29'47" West, a distance of 22.02 feet;

THENCE North 00°43'48" West, a distance of 29.44 feet, to the northwest corner of said Public Drainage Easement;

THENCE leaving said westerly line, along the north line of said Public Drainage Easement, South 89°29'47" East, a distance of 273.59 feet, to the east line of that certain parcel of land described in Document 2020-0734597, MCR;

THENCE leaving said north line, along said east line, South 00°30'52" West, a distance of 45.00 feet, to the south line of said Public Drainage Easement;

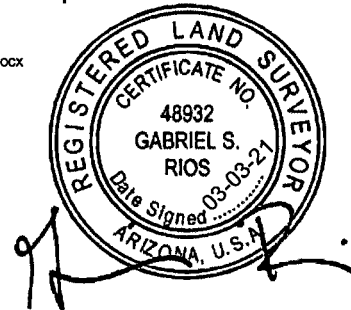
THENCE leaving said east line, along said south line, North 89°29'47" West, a distance of 257.38 feet, to the **POINT OF BEGINNING**.

Containing 12,171 square feet or 0.2794 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description is based on client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of October, 2020. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2020\205139.01 Comarch Data Center Public Drainage Easement Abandonment L01 03-03-21.docx



EXPIRES 12-31-23

Wood, Patel & Associates, Inc.
480.834.3300
www.woodpatel.com

Revised April 29, 2021
March 3, 2021
WP# 205139.01
Page 1 of 2
See Exhibit "A"

Lot 14

LEGAL DESCRIPTION
Comarch Data Center
Public Drainage Easement Abandonment

A portion of that certain Public Drainage Easement lying within Lot 13, First Mesa Commerce Park, Phase 2, recorded in Book 1167, page 44, Maricopa County Records (MCR), Lot 14 as shown on Affidavit of Change recorded in Document 2020-0649399, MCR and the southwest quarter of Section 10, Township 1 South, Range 7 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the west quarter corner of said Section 10, a 3-inch Maricopa County brass cap in handhole, from which the southwest corner of said section, a 3-inch Maricopa County brass cap in handhole, bears South 00°43'48" East (basis of bearing), a distance of 2636.28 feet;

THENCE along the west line of said section, South 00°43'48" East, a distance of 472.70 feet;

THENCE leaving said west line, North 89°16'12" East, a distance of 80.23 feet, to the southwest corner of said Public Drainage Easement;

THENCE along the south line of said Public Drainage Easement, South 89°29'47" East, a distance of 257.38 feet, to the southeast corner of that certain parcel of land described in Document 2020-0734597, MCR and the **POINT OF BEGINNING**;

THENCE leaving said south line, along the east line of said parcel of land, North 00°30'52" East, a distance of 45.00 feet, to the north line of said Public Drainage Easement;

THENCE leaving said east line, along said north line, South 89°29'47" East, a distance of 47.31 feet, to the northeast corner of said Public Drainage Easement;

THENCE leaving said north line, along the east line of said Public Drainage Easement, South 00°30'13" West, a distance of 45.00 feet, to the southeast corner of said Public Drainage Easement;

THENCE leaving said east line, along the south line of said Public Drainage Easement, North 89°29'47" West, a distance of 47.31 feet, to the **POINT OF BEGINNING**.

Containing 2,129 square feet or 0.0489 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description is based on client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of October, 2020. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

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EXPIRES 12-31-23

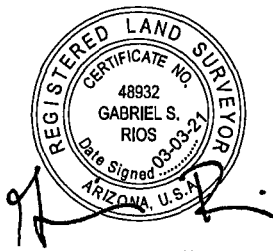
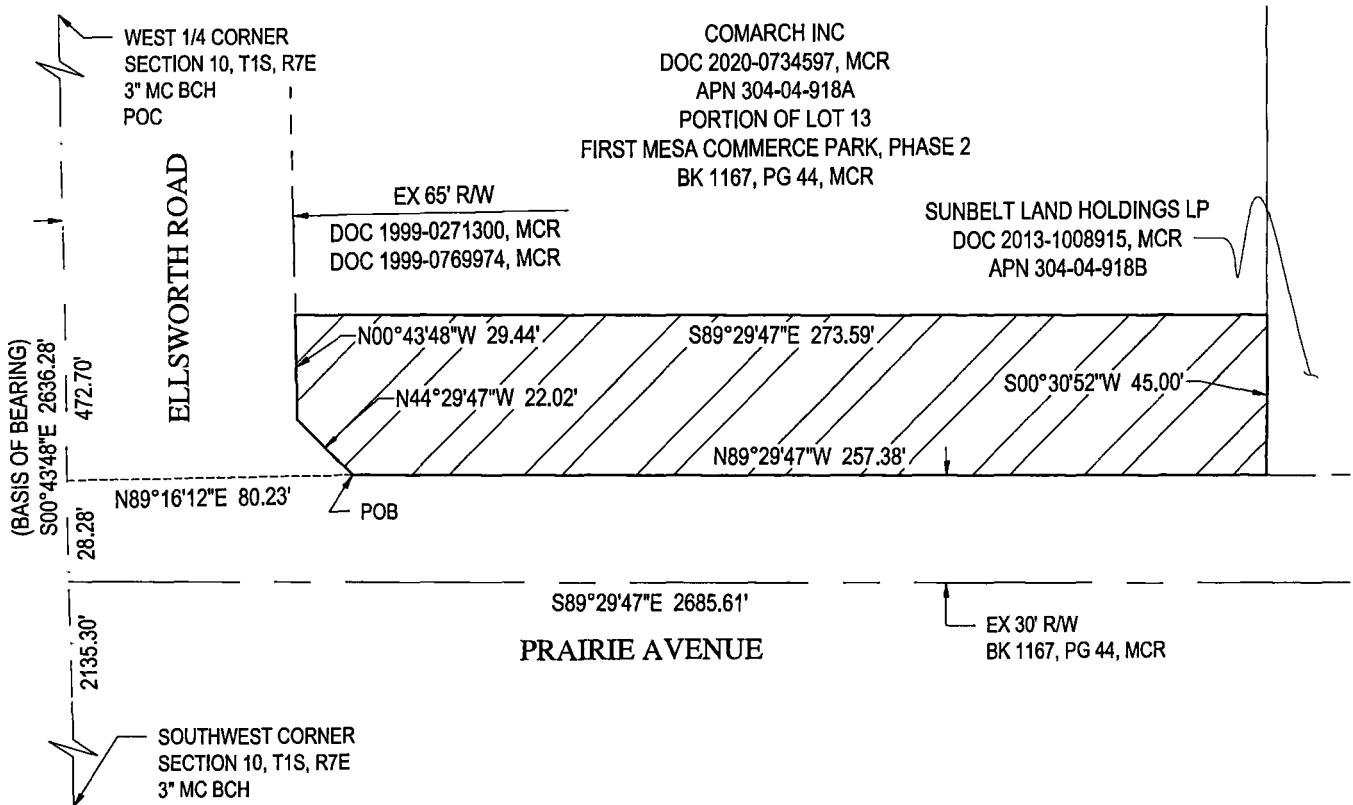


EXHIBIT "B"
COMARCH DATA CENTER
PUBLIC DRAINAGE EASEMENT ABANDONMENT
03/03/2021
WP# 205139.01
PAGE 2 OF 2
NOT TO SCALE
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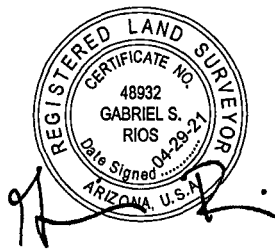
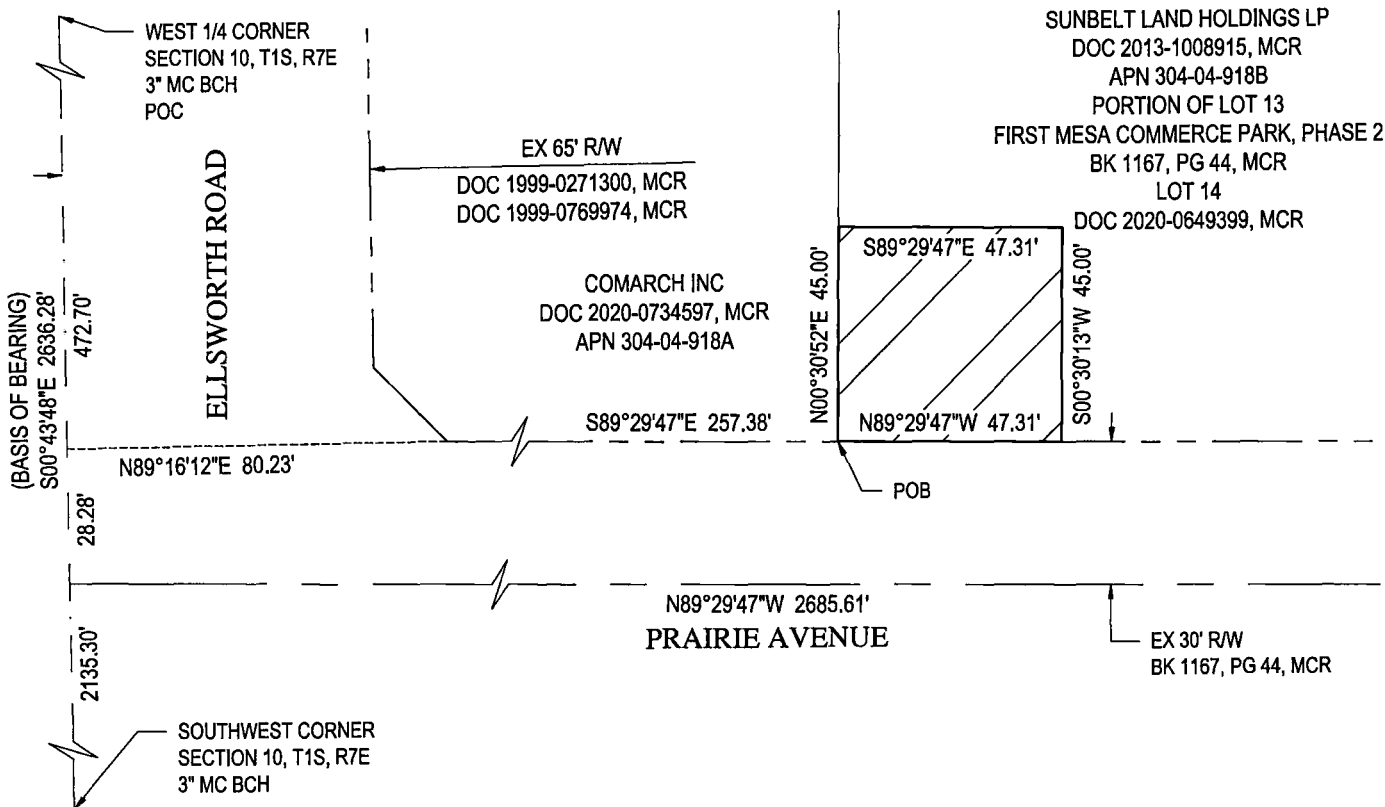


EXHIBIT "B"
COMARCH DATA CENTER
PUBLIC DRAINAGE EASEMENT ABANDONMENT
REVISED 04/29/2021
WP# 205139.01
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NOT TO SCALE
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