

ORDINANCE NO. 2253 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS AND EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE TITLE TO THE HICKMAN EGG FARM, HICKMAN HOG FARM AND RELATED PERSONAL PROPERTY DESCRIBED HEREIN BY PURCHASE IN LIEU OF CONDEMNATION, OR BY EXERCISE OF THE CITY'S POWER OF EMINENT DOMAIN; AUTHORIZING THE COMMENCEMENT OF AN ACTION IN CONDEMNATION AND THE TAKING OF IMMEDIATE POSSESSION OF THE SUBJECT REAL AND PERSONAL PROPERTY; ALLOCATING FUNDS FOR SUCH ACQUISITION; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That it is deemed necessary and in the public interest for the City of Glendale to acquire title to the Hickman Egg Farm, Hickman Hog Farm and related personal property consisting of approximately 29.619 acres of improved real property, which real property is more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. That, if and in the event a purchase in lieu of condemnation can be agreed upon with the owner of said real property, the City Manager and the City Clerk, be and they hereby are, authorized and directed to execute and deliver a purchase agreement, escrow instructions, and any and all other documents necessary to acquire such real property on behalf of the City of Glendale, for the agreed upon value plus any interest and closing costs per customary local practice, plus any and all other or incidental costs deemed necessary to complete such purchase.

SECTION 3. That the City Manager and the City Clerk, be and they hereby are, authorized and directed to pay all sums necessary to acquire said real property on behalf of the City of Glendale in accordance with any such purchase agreement and escrow instructions, as well as all recording fees and other costs necessary or incidental to the acquisition of said real property.

SECTION 4. That, if and in the event the City of Glendale is unable to acquire said real property upon terms and conditions mutually agreeable to the City and the owner of said real property, the City Attorney, City Manager and City Clerk are hereby authorized and directed in the name of and on behalf of the City to cause an action to be brought under the City's power of eminent domain to effectuate such acquisition, and to acquire title to and possession of said real

property through condemnation, and to take such other steps and to perform such other acts, including taking immediate possession thereof pursuant to the provisions of Arizona law, as may be necessary to carry out the intent of this Ordinance.


SECTION 5. That, if and in the event said real property is taken through the exercise of the City's power of eminent domain, the duly authorized disbursing officers of the City of Glendale be, and such officers hereby are authorized and directed to pay all sums necessary to acquire the said real property, including without limitation just compensation in such amount as may be determined in such action, as well as all court costs, legal expenses, statutory interests, and any costs or amounts necessary to post such bond or cash deposit as may be required for the taking of immediate possession thereof.

SECTION 6. Whereas, in order to move forward with this project and to be in control of the time schedule, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale, and it is hereby exempt from the referendum provisions of the Constitution and the laws of the State of Arizona.

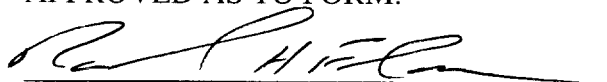
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 23rd day of April, 2002.


MAYOR

ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT "A-1"

EXHIBIT "A"

NO. 201-800-1338864

That portion of the Northeast quarter of Section 4, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northeast corner of said Section 4;

thence West along the North line of said Section a distance of 715.49 feet;

thence South 01 degrees 45 minutes 56 seconds West 40.02 feet to a point on the South right-of-way line of Northern Avenue and the POINT OF BEGINNING;

thence continuing South 01 degrees 45 minutes 56 seconds West 362.00 feet;

thence East 50.00 feet to a point on the East line of the West half of the Northeast quarter of the Northeast quarter of said Section 4;

thence South 01 degrees 45 minutes 56 seconds West along said East line 864.48 feet to the Southeast corner of said West half of the Northeast quarter of the Northeast quarter;

thence South 89 degrees 50 minutes 32 seconds West 10.00 feet;

thence South 01 degrees 45 minutes 56 seconds West 92.05 feet;

thence South 89 degrees 50 minutes 32 seconds West 376.11 feet;

thence North 01 degrees 44 minutes 12 seconds East 1319.58 feet to a point 40.02 feet South of the North Section line and on the South right-of-way line of said Northern Avenue;

thence East along said right-of-way line 336.74 feet to the POINT OF BEGINNING;

EXCEPT that portion described as follows:

COMMENCING at the Northeast corner of said Section 4;

thence South 88 degrees 40 minutes 25 seconds West along the North line of said Northeast quarter 1052.24 feet;

thence South 00 degrees 24 minutes 37 seconds West 40.02 feet to the Northwest corner of said parcel on the South line of the North 40.00 feet of said Northeast quarter and the POINT OF BEGINNING;

thence North 88 degrees 40 minutes 25 seconds East along said South line 337.05 feet to a point on the East line of said parcel;

thence South 00 degrees 01 minutes 25 seconds West along the East line of said parcel 18.15 feet;

Continued

EXHIBIT "A"

NO.201-800-1338864

thence North 68 degrees 30 minutes 19 seconds West 16.78 feet to a point on the South line of the North 51.64 feet of said Northeast quarter;

thence South 88 degrees 40 minutes 25 seconds West along said South line 321.51 feet to a point on the West line of said parcel;

thence North 00 degrees 24 minutes 37 seconds East along the West line of said parcel 11.65 feet to the POINT OF BEGINNING.

EXHIBIT "A-2"

EXHIBIT "A"

FIRST AMENDED
NO. 201-800-1338860

PARCEL NO. 1:

The North half of the Northwest quarter of the Southwest quarter of Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that part of the Northwest quarter of the Southwest quarter of Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at the West quarter corner of said Section 3;

thence East along the mid-section line a distance of 208.71 feet to a point;

thence South along a line parallel with the West section line a distance of 208.71 feet to a point;

thence West along a line parallel with the mid-East-West section line a distance of 208.71 feet more or less to the West line of said Section 3;

thence North along the West section line a distance of 208.71 feet more or less to the TRUE POINT OF BEGINNING; and

EXCEPT that part of the North half of the Northwest quarter of the Southwest quarter of Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at the Southwest corner of said North half of the Northwest quarter of the Southwest quarter;

thence East along the South line of said North half of the Northwest quarter of the Southwest quarter a distance of 208.71 feet to a point;

thence North along a line parallel with the West section line a distance of 208.71 feet to a point;

thence West along a line parallel with the South line of the North half of the Northwest quarter of the Southwest quarter a distance of 208.71 feet to a point on the West section line;

thence South along the West section line a distance of 208.71 feet more or less to the TRUE POINT OF BEGINNING.

EXHIBIT "A"

**FIRST AMENDED
NO. 201-800-1338860**

PARCEL NO. 2:

The North 4.75 feet of the East 1,111.29 feet of the South half of the Northwest quarter of the Southwest quarter of Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT any portion lying within the West 207 feet of said South half.

PARCEL NO. 3:

The North 10.88 feet of the South 208.71 feet of the West 208.71 feet of the North one-half of the Northwest one quarter of the Southwest one quarter of Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXHIBIT "A-3"

EXHIBIT "A"

NO. 201-800-1338861

A part of the West 208.71 feet of the South 197.83 feet of the North half, Northwest quarter, Southwest quarter, Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows:

COMMENCING at the Southwest corner of the said North half of the Northwest quarter of the Southwest quarter;

thence North 89 degrees 47 minutes 35 seconds East along the South line of said North half of the Northwest quarter of the Southwest quarter a distance of 202.30 feet to the TRUE POINT OF BEGINNING;

thence North 01 degrees 11 minutes 04 seconds East a distance of 153.56 feet;

thence North 89 degrees 53 minutes 31 seconds West a distance of 203.18 feet to a point on the West line of said Section 3;

thence North 00 degrees 50 minutes 52 seconds East along the West line of said Section 3 a distance of 43.17 feet;

thence North 89 degrees 47 minutes 35 seconds East a distance of 208.71 feet;

thence South 00 degrees 50 minutes 52 seconds West a distance of 197.83 feet;

thence South 89 degrees 47 minutes 35 seconds West a distance of 6.41 feet to the POINT OF BEGINNING.

EXHIBIT "A-4"

EXHIBIT "A"

**SECOND AMENDED
NO. 201-800-133862**

That part of the Northwest quarter of the Southwest quarter of Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

BEGINNING at the West quarter corner thereof;

thence East along the mid-section line a distance of 208.71 feet to a point;

thence South along a line parallel with the West Section line a distance of 208.71 feet to a point;

thence West along a line parallel with the mid-East-West Section line a distance of 208.71 feet more or less to the West line of said Section 3;

thence North along the West Section line a distance of 208.71 feet more or less to the TRUE POINT OF BEGINNING.

EXHIBIT "A-5"

EXHIBIT "A"

NO. 201-800-1338863

A part of the West 208.71 feet of the South 197.83 feet of the North half, Northwest quarter, Southwest quarter, Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more fully described as follows:

BEGINNING at the Southwest corner of the said North half of the Northwest quarter of the Southwest quarter;

thence North 89 degrees 47 minutes 38 seconds East along the South line of said North half of the Northwest quarter of the Southwest quarter a distance of 202.30 feet;

thence North 01 degrees 11 minutes 04 seconds East a distance of 153.56 feet;

thence North 89 degrees 53 minutes 31 seconds West a distance of 203.18 feet to a point on the West line of said Section 3;

thence South 00 degrees 50 minutes 52 seconds West along the West line of said Section 3 a distance of 154.66 feet to the POINT OF BEGINNING.