

ORDINANCE NO. 2723 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY EASEMENT IN FAVOR OF QWEST CORPORATION AT CHAPARRAL PARK LOCATED AT GREENBRIER DRIVE AND 57TH AVENUE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

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

SECTION 1. That the City Council hereby approves the utility easement and all the terms and conditions thereto and directs that the City Manager for the City of Glendale execute said document granting Qwest Corporation an easement upon, across, over and under the surface of certain property located within existing City property, in the form attached hereto as Exhibit A. The legal description is contained in the Easement.


SECTION 2. That the City hereby reserves the right to use the utility easement premises in any manner that will not prevent or interfere with the exercise by Qwest Corporation of the rights granted hereunder; provided, however, that the City shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of Qwest Corporation.

SECTION 3. That the City Clerk be instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.


PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 23rd day of March, 2010.


MAYOR

ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:

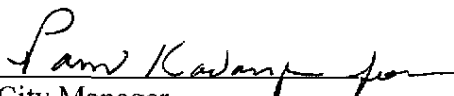

City Manager

EXHIBIT A – FOR REFERENCE ONLY

When Recorded, Return To:

Qwest
135 W. Orion St., 2nd floor
Tempe, AZ 85283

GRANT OF EASEMENT

For good and valuable consideration, the City of Glendale, an Arizona Municipal corporation, (“City”), hereby grants to Qwest Corporation, a Colorado corporation authorized to do business in the State of Arizona (“Grantee”) a non-exclusive easement for communications lines and appurtenant facilities upon, over and under the surface of the following described property:

See Attached Legal Description, Exhibits A and B (“Easement Parcel”)

Together with the right of ingress and egress to, from, across and along the Easement Parcel, and with the right to use City property adjacent to the Easement Parcel during temporary periods of construction; and the right to operate, repair, replace, maintain, and remove said lines and appurtenant facilities from the Easement Parcel.

By accepting this easement, Grantee agrees: to exercise reasonable care to avoid any damage to the Easement Parcel or adjacent City property above described; to restore, at its expense, the surface of the Easement Parcel to as close to its original state as possible upon completion of the initial installation and any subsequent construction, repair or maintenance work that may be required; and that all work performed on or in relation to the Easement Parcel shall comply with all City ordinances, rules and regulations pertaining thereto, to the extent applicable.

Grantee shall indemnify the City for all damages caused as a result of Grantee’s exercise of the rights and privileges herein granted.

Dated: March 30, 2010.

CITY OF GLENDALE:

Ed Beasley
Ed Beasley, City Manager

STATE OF ARIZONA)
County of Maricopa) ss.

This instrument was acknowledged before me this 30th day of March, 2010, by Ed Beasley, City Manager of the City of Glendale, Arizona.

Summer Steinke
Notary Public

My commission expires:

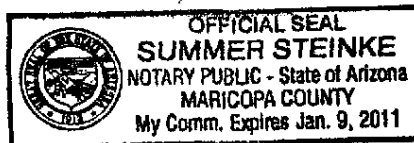


EXHIBIT A

A PORTION OF "TRACT C" OF "CHAPARRAL AMENDED", A REPLAT RECORDED IN BOOK 166 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID "TRACT C",

THENCE NORTH 01 DEGREES 20 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID "TRACT C", A DISTANCE OF 10.19 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, PARALLEL WITH AND 10.00 FEET NORTH OF THE SOUTH LINE OF SAID "TRACT C", THE CENTER OF WHICH BEARS SOUTH 12 DEGREES 24 MINUTES 35 SECONDS WEST, A DISTANCE OF 540.00 FEET;

THENCE EASTERLY ALONG SAID ARC AND ALONG SAID PARALLEL LINE, THROUGH A CENTRAL ANGLE OF 13 DEGREES 35 MINUTES 25 SECONDS, A DISTANCE OF 128.09 FEET;

THENCE SOUTH 64 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID PARALLEL LINE, A DISTANCE OF 13.72 FEET;

THENCE NORTH 26 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 12.08 FEET;

THENCE SOUTH 64 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 4.00 FEET TO A POINT ON THE EAST LINE OF SAID "TRACT C";



SUNRISE
ENGINEERING
2152 SOUTH VINEYARD, SUITE 123
MESA, ARIZONA 85210
TEL 480.768.8600 • FAX 480.768.8609
www.sunrise-eng.com

QTR SECTION:	SW 1/4 of 32	DRAWN BY:	GS	CHECKED BY:	AB
TOWNSHIP & RANGE:	T4N, R2E	SHEET	01	OF	04
QWEST JOB NO.:	9212Y5E	DATE:	12/24/09		
		FIELD:	N/A		



EXHIBIT A

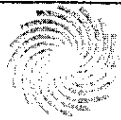
THENCE SOUTH 26 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 7.08 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHWEST, THE CENTER OF WHICH BEARS NORTH 63 DEGREES 46 MINUTES 12 SECONDS WEST, A DISTANCE OF 15.06 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, ALSO BEING THE SOUTH LINE OF SAID "TRACT C", THROUGH A CENTRAL ANGLE OF 89 DEGREES 32 MINUTES 23 SECONDS, A DISTANCE OF 23.54 FEET;

THENCE NORTH 64 DEGREES 00 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 2.72 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, THE CENTER OF WHICH BEARS SOUTH 26 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 530.00 FEET;

THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID SOUTH LINE, THROUGH A CENTRAL ANGLE OF 13 DEGREES 21 MINUTES 58 SECONDS, A DISTANCE OF 123.76 FEET TO THE **POINT OF BEGINNING**;

AN AREA CONTAINING 1,436 SQUARE FEET OR 0.033 ACRES, MORE OR LESS



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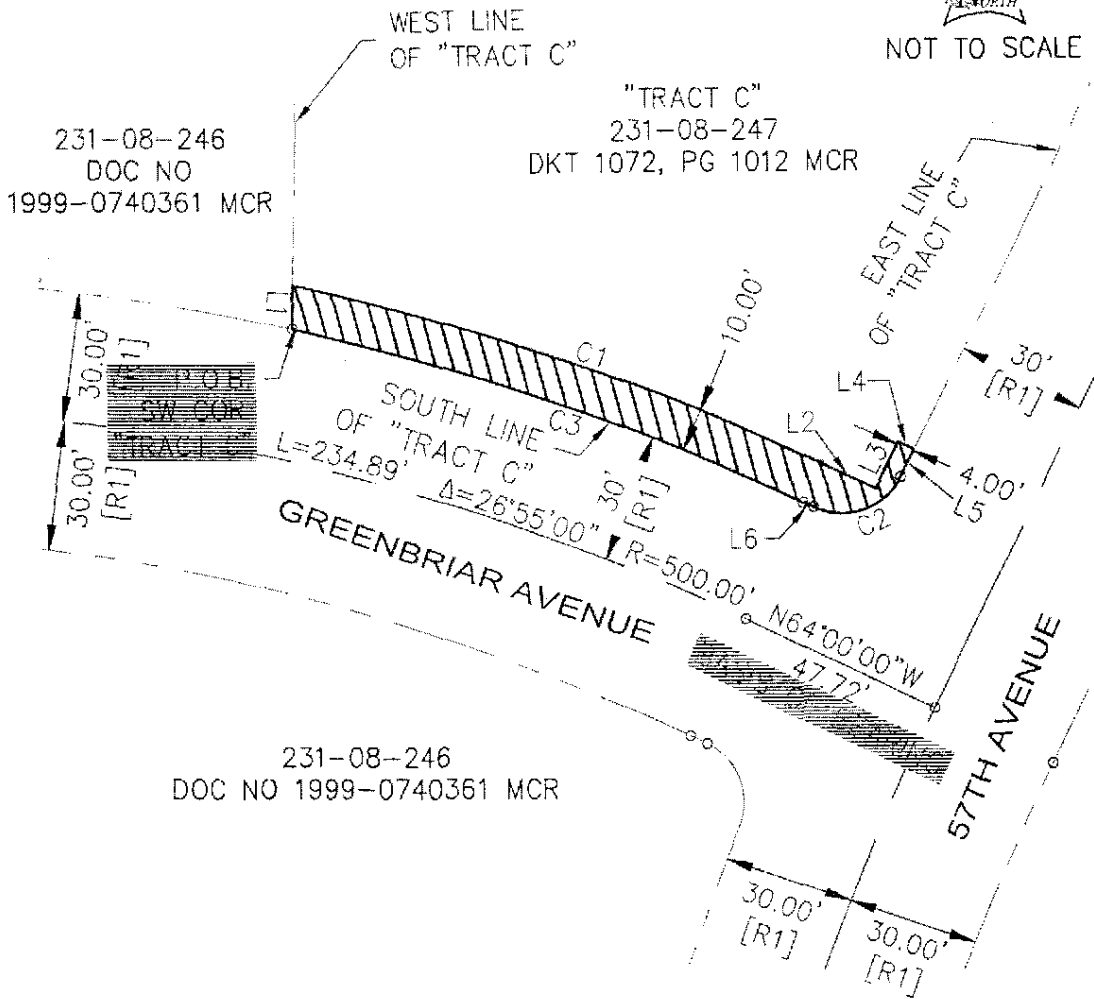
QTR SECTION: SW 1/4 of 32 DRAWN BY: GS CHECKED BY: AB
TOWNSHIP & RANGE: T4N, R2E SHEET 02 OF 04
QWEST JOB NO.: 9212Y5E DATE: 12/24/09
FIELD: N/A



EXHIBIT B



NOT TO SCALE



231-08-246
DOC NO
1999-0740361 MCR

"TRACT C"
231-08-247
DKT 1072, PG 1012 MCR

231-08-246
DOC NO 1999-0740361 MCR

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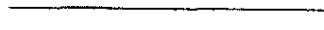



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
47290
ABEL
BECERRA
Date Signed: 01/19/10
ARIZONA, U.S.A.
Expires 3/21/11

QTR SECTION: SW 1/4 of 32 DRAWN BY: GS CHECKED BY: AB
TOWNSHIP & RANGE: T4N, R2E SHEET 03 OF 04
QWEST JOB NO.: 9212Y5E DATE: 12/24/09
FIELD: N/A

U:\QWEST\02678-001-QWEST(2009)\QWEST 0424 57th Ave & Greenbriar\Design\35\02678_0424-EXHIBIT.dwg Jan 18, 2010 7:41am abecerra

EXHIBIT B

LEGEND

	PROPERTY LINE PER DEED
	R/W LINE
	CENTERLINE
	EASEMENT LINE
MCR	MARICOPA COUNTY RECORDS
[R]	RECORD CALLS
o	CALCULATED SUBDIVISION CORNER [R1]
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

RECORD INFORMATION

- [R1] BOOK 166 OF MAPS, PAGE 41 MCR
 [R2] DOCKET 10712, PAGE 1012 MCR

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 01°20'00" E	10.19'
L2	S 64°00'00" W	13.72'
L3	N 26°00'00" E	12.08'
L4	S 64°00'00" E	4.00'
L5	S 26°00'00" W	7.08'
L6	N 64°00'00" W	2.72'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	13°35'25"	540.00'	128.09'
C2	89°32'23"	15.06'	23.54'
C3	13°21'58"	530.00'	123.76'



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QTR SECTION: SW 1/4 of 32 DRAWN BY: GS CHECKED BY: AB
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