

RESOLUTION NO. 07-32

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF MARICOPA, ARIZONA ABANDONING A
PORTION OF PORTER ROAD**

WHEREAS, the City has determined, in the interest of safety, that a portion of Porter Road, legally shown and described on Exhibit "A" attached hereto and incorporated herein ("Existing Porter Road") should be abandoned to allow for the realignment and construction of a new portion of Porter Road ("New Porter Road"); and

WHEREAS, the City is authorized to abandon a portion of the roadway pursuant to A.R.S. §28-7205; and

WHEREAS, pursuant to A.R.S. §28-7205, the abandoned portion of the roadway vests in the abutting property owner subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues; and

WHEREAS, Shea Maricopa, LLC, ("Shea") the abutting property owner, will construct the New Porter Road and, upon completion, dedicate the New Porter Road to the City, which shall constitute consideration by Shea to the City commensurate with the value of the abandoned roadway; and

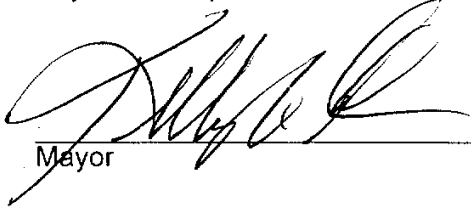
WHEREAS, the City Council has determined that the abandonment of the Existing Porter Road is necessary for safety reasons, that the abandonment will not leave any property without access to public roads and streets of the City because Shea or its successor in interest, shall, by agreement, grant temporary easement over and across the Existing Porter Road during the construction of the New Porter Road for ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the abandoned roadway ("Temporary Access Easement Agreement"); and

WHEREAS, the Mayor and City Council of the City of Maricopa, Arizona find it to be in the best interest of the City to abandon the Existing Porter Road and accept Shea's construction and dedication of the New Porter Road as consideration therefore.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and City Council of the City of Maricopa, Arizona as follows:

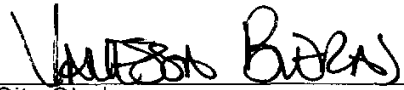
1. That the Existing Porter Road as shown on the attached Exhibit "A" is hereby abandoned.
2. That the abandoned Existing Porter Road shall vest in the abutting property owner pursuant to A.R.S. §28-7205.
3. That the rights of way or easements of existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals, or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances shall continue as they existed prior to the abandonment thereof.
4. That this Resolution shall take effect when both the Resolution and the Temporary Access Easement Agreement are recorded in the office of the Pinal County Recorder.

PASSED, APPROVED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona, this 19th day of June, 2007.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



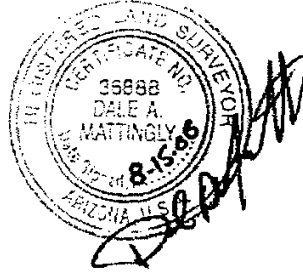
City Attorney

EXHIBIT "A"



Professional
Services, LLC

Civil Engineering
Land Surveying
Project Management



AUGUST 14, 2006
PROJECT NO. 06010

**LEGAL DESCRIPTION
EXISTING PORTER ROAD
ABANDONMENT**

A PARCEL OF LAND LOCATED IN A PORTION OF THE EAST HALF OF SECTION 35 AND THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 35, BEING A 1/2" IRON PIPE, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 35, BEING A PK NAIL, BEARS SOUTH 00°40'33" WEST, A DISTANCE OF 2679.15 FEET;

THENCE SOUTH 00°40'33" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 35, A DISTANCE OF 364.04 FEET TO THE NORTHERN RIGHT-OF-WAY OF THE MARICOPA-CASA GRANDE HIGHWAY;

THENCE NORTH 53°49'33" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 40.53 FEET;

THENCE NORTH 00°40'33" EAST, 33 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 35, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 340.51 FEET;

THENCE NORTH 00°41'39" EAST, 33 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 2627.32 FEET;

THENCE NORTH 83°09'13" EAST, A DISTANCE OF 30.44 FEET;

THENCE SOUTH 51°50'47" EAST, A DISTANCE OF 45.13 FEET;

THENCE SOUTH 00°41'39" WEST, 33' EAST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 2603.51 FEET, TO THE EAST WEST MID-SECTION LINE OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 3 EAST;

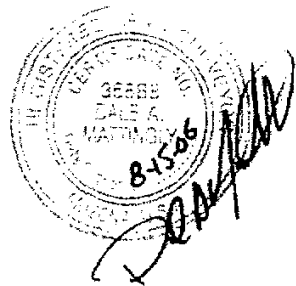
THENCE NORTH 89°56'15" WEST, ALONG SAID MID-SECTION LINE, A DISTANCE OF 33.00 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 184,738 SQUARE FEET OR 4.24 ACRES +/-.

ALAN STEPHENS PARKWAY



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°40'33"W	364.04
L2	N53°49'33"W	40.53
L3	N00°40'33"E	340.51
L4	N83°09'13"E	30.44
L5	S51°50'47"E	45.13
L6	N89°56'15"W	33.00



MARICOPA-CASA GRANDE HIGHWAY

N00°41'39"W 2627.33'
S00°41'39"W 2603.51'

EXISTING PORTER RD

SOUTHEAST CORNER
SECTION 35, T4S, R3E
FOUND PK NAIL

EAST QUARTER CORNER
SECTION 35, T4S, R3E
FOUND 1/2" IRON PIPE
POINT OF BEGINNING

S00°40'33"W
2679.15'
(BASIS OF BEARING)



DEI
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**EXISTING PORTER ROAD
ABANDONMENT
PINAL COUNTY, ARIZONA**

EXHIBITS
A

DATE: 02/07/08 | SCALE: N.T.S. | PROJ. NO.: 06010 | CAD FILE: 06010_HOMESTEAD_VILLAGE

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