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FEB 14 2008

ORDINANCE NO. 3969

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, VACATING A PORTION OF THE OF RIGHT-OF-WAY LOCATED ON THE EAST HALF OF DOBSON ROAD, SOUTH OF GERMANN AND ADJACENT TO PARCEL "A" OF THE STONEFIELD II SUBDIVISION.

WHEREAS, A.R.S. §28-7201 *et seq.*, provides for the disposition of unnecessary public roadways; and

WHEREAS, A.R.S. §28-7205 specifically provides for the vacating of unnecessary public roadway so as to allow title to vest according to law; and

WHEREAS, that public roadway known as a portion of Dobson Road, south of Germann Road that is adjacent to Parcel "A" of the Stonefield II Subdivision in the City of Chandler, is no longer needed for public use as roadway; and

WHEREAS, all of the parcels of land adjoining the roadway to be vacated will be left with a public or private legal access connecting each of the parcels of land with an established public roadway; and

WHEREAS, Maracay Homes Arizona 1, L.L.C., an Arizona limited liability company, in connection with the platting of the Stonefield II subdivision, has represented that it will dedicate, rededicate, or cause to be dedicated or rededicated for public use certain rights-of-way in fee and public utility easements along Dobson Road and Germann Road;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

**Section 1.** That the public roadway known as a portion of Dobson Road, south of Germann Road, whose location is described above and which is described in Exhibit "A", attached hereto and incorporated herein by reference (herein the "Roadway"), is determined to be no longer necessary for public use as a roadway.

**Section 2.** That the Roadway is hereby declared abandoned and vacated, so that title to the Roadway shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in accordance with law.

**Section 3.** That the vacating of the Roadway is not intended to vacate or extinguish any easements for existing water, sewer, gas or similar pipelines and appurtenances, and for existing canals, laterals or ditches and appurtenances, and for electric, telephone and similar lines and appurtenances, and the same, if there are any, shall continue as they existed prior to the vacating of the roadway.

**Section 4.** Pursuant to A.R.S. § 28-7208, the vesting of title in the Roadway resulting from the vacation approved herein is in consideration for and expressly made subject to the dedication of rights-of-way in fee and public utility easements as represented by Maracay Homes and as shown in the Final Plat for the Stonefield II subdivision, said dedication of fee title and easements being deemed to be commensurate with the value of the Roadway.

**Section 5.** Pursuant to A.R.S. § 28-7213, the vacation of the roadway authorized by this Ordinance shall not take effect until this Ordinance, or a certified copy thereof, is recorded by the City of Chandler in the office of the Maricopa County Recorder. Such recording of this Ordinance shall take place concurrent with the recording of a vacation plat executed and approved by the City of Chandler depicting the roadway, and a final plat for the Stonefield II subdivision.

**Section 6.** The Mayor of the City of Chandler, Arizona, is hereby authorized to sign, on behalf of the City, this Ordinance and all other documents required and necessary to complete the abandonment and vacation of the Roadway.

**Section 7.** The City Clerk is directed to cause this Ordinance to be recorded in the office of the Maricopa County Recorder upon written notice from Chandler's City Attorney and in accordance with the above-stated provisions.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3969 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008 and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *ZAB*

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**AREA #1: RIGHT-OF-WAY VACATION**

THAT CERTAIN PROPERTY DESCRIBED AS "PARCEL NO. 2", ACCORDING TO A WARRANTY DEED, RECORDED AS DOCUMENT NO. 2003-1545869, RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, SAID CORNER BEING MONUMENTED WITH A BRASS CAP IN A HAND HOLD;**

**THENCE SOUTH 00 DEGREES 31 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1162.35 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN DOCUMENT NO 83-0306461 RECORDS OF SAID COUNTY,**

**THENCE DEPARTING SAID WEST LINE NORTH 88 DEGREES 56 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF SAID CERTAIN PARCEL A DISTANCE OF 33.00 FEET;**

**THENCE SOUTH 00 DEGREES 31 MINUTES 20 SECONDS EAST PARALLEL WITH AND 33.00 FEET EAST OF SAID WEST LINE A DISTANCE OF 513.12 FEET (RECORDED) 513.18 FEET (MEASURED) TO THE TRUE POINT OF BEGINNING;**

**THENCE SOUTH 74 DEGREES 41 MINUTES 34 SECONDS EAST (RADIAL) A DISTANCE OF 18.28 FEET (RECORDED) 18.37 FEET (MEASURED) TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1092.00 FEET;**

**THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES 05 MINUTES 28 SECONDS (RECORDED) 03 DEGREES 06 MINUTES 14 SECONDS (MEASURED) AN ARC LENGTH OF 58.91 FEET (RECORDED) 59.16 FEET (MEASURED);**

**THENCE NORTH 00 DEGREES 31 MINUTES 20 SECONDS WEST PARALLEL WITH AND 33.00 FEET EAST OF SAID WEST LINE A DISTANCE OF 61.20 FEET (RECORDED) 61.46 FEET (MEASURED) TO THE TRUE POINT OF BEGINNING.**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**AREA #2: RIGHT-OF-WAY VACATION**

THAT CERTAIN PROPERTY DESCRIBED IN A WARRANTY DEED, RECORDED AS DOCUMENT NO. 2003-1545870, RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8, SAID CORNER BEING MONUMENTED WITH A BRASS CAP IN A HAND HOLD;**

**THENCE SOUTH 00 DEGREES 31 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1162.35 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN DOCUMENT NO 83-0306461 RECORDS OF SAID COUNTY,**

**THENCE DEPARTING SAID WEST LINE NORTH 88 DEGREES 56 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF SAID CERTAIN PARCEL A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING;**

**THENCE CONTINUING NORTH 88 DEGREES 56 MINUTES 10 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 20.00 FEET;**

**THENCE SOUTH 00 DEGREES 31 MINUTES 20 SECONDS EAST PARALLEL WITH AND 85.00 FEET EAST OF SAID WEST LINE A DISTANCE OF 82.00 FEET;**

**THENCE SOUTH 88 DEGREES 56 MINUTES 10 SECONDS WEST A DISTANCE OF 15.00 FEET;**

**THENCE SOUTH 00 DEGREES 31 MINUTES 20 SECONDS EAST PARALLEL WITH AND 70.00 FEET EAST OF SAID WEST LINE A DISTANCE OF 138.84 FEET (RECORDED) 139.09 FEET (MEASURED) TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1070.00 FEET,**

**THENCE SOUTHERLY ALONG SAID CURVE PARALLEL WITH AND 70.00 FEET EASTERLY OF THE MONUMENT LINE OF DOBSON ROAD AS SHOWN ON THE MAP OF DEDICATION FOR CLEMENTE RANCH 2 RECORDED IN BOOK 402 OF MAPS, PAGE 50, RECORDS OF SAID COUNTY, THROUGH A CENTRAL ANGLE OF 02 DEGREES 42 MINUTES 13 SECONDS AN ARC LENGTH OF 50.49 FEET;**

**THENCE SOUTH 87 DEGREES 48 MINUTES 20 SECONDS EAST (RADIAL) A DISTANCE OF 22.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1092.00 FEET;**

**THENCE SOUTHERLY ALONG LAST CURVE THROUGH A CENTRAL ANGLE OF 04 DEGREES 26 MINUTES 28 SECONDS AN ARC LENGTH OF 84.64 FEET;**

**THENCE NORTH 83 DEGREES 21 MINUTES 52 SECONDS WEST (RADIAL) A DISTANCE OF 22.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1070.00 FEET;**

**THENCE SOUTHERLY ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 07 DEGREES 57 MINUTES 14 SECONDS AN ARC LENGTH OF 148.54 FEET;**

**THENCE NORTH 00 DEGREES 31 MINUTES 20 SECONDS WEST PARALLEL WITH AND 33.00 FEET EAST OF SAID WEST LINE A DISTANCE OF 19.84 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS THAT BEARS NORTH 76 DEGREES 26 MINUTES 28 SECONDS WEST A DISTANCE OF 1065.00 FEET;**

**THENCE NORTHERLY ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 14 DEGREES 04 MINUTES 04 SECONDS AN ARC LENGTH OF 261.49 FEET;**

**THENCE NORTH 00 DEGREES 31 MINUTES 20 SECONDS WEST PARALLEL WITH AND 65.00 FEET EAST OF SAID WEST LINE A DISTANCE OF 220.79 FEET (RECORDED) 221.04 FEET (MEASURED) TO THE TRUE POINT OF BEGINNING.**