

#3

DEC 15 2011



MEMORANDUM

Real Estate – Council Memo No. RE12-074

DATE: DECEMBER 15, 2011

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *DD*
PAT MCDERMOTT, ASSISTANT CITY MANAGER *PM*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
SHEINA HUGHES, CITY ENGINEER *SH*
DANIEL W. COOK, TRANSPORTATION MANAGER *DWC*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: ORDINANCE NO. 4332 GRANTING EASEMENTS FOR IRRIGATION FACILITIES, AT NO COST, TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) AT THE APPLEBY ROAD CROSSING OF GILBERT ROAD FOR THE GILBERT ROAD IMPROVEMENT PROJECT FROM QUEEN CREEK ROAD TO HUNT HIGHWAY.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4332 granting easements for irrigation facilities, at no cost, to the Roosevelt Water Conservation District (RWCD) at the Appleby Road crossing of Gilbert Road for the Gilbert Road Improvement Project from Queen Creek Road to Hunt Highway.

BACKGROUND/DISCUSSION: As part of the Gilbert Road Improvement Project from Queen Creek Road to Hunt Highway it is necessary to relocate existing irrigation facilities that cross Gilbert Road at the Appleby Road alignment. The new facilities will be installed just north of the Appleby Road alignment. Staff has confirmed that the RWCD has prior rights in this area.

The easements are being granted at no cost as it was necessary to relocate the RWCD facilities to accommodate a City project and the relocation benefits the Public.

Memo No. RE12-074
December 15, 2011
Page 2

FINANCIAL IMPLICATIONS:

Cost: N/A
Savings: N/A
Long Term Costs: N/A

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 4332 granting easements for irrigation facilities, at no cost, to the Roosevelt Water Conservation District (RWCD) at the Appleby Road crossing of Gilbert Road for the Gilbert Road Improvement Project from Queen Creek Road to Hunt Highway.

Attachments: Ordinance 4332
Map
Irrigation Easement

ORDINANCE NO. 4332

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, GRANTING EASEMENTS FOR IRRIGATION FACILITIES, AT NO COST, TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) AT THE APPLEBY ROAD CROSSING OF GILBERT ROAD FOR THE GILBERT ROAD IMPROVEMENT PROJECT FROM QUEEN CREEK ROAD TO HUNT HIGHWAY.

WHEREAS, on January 8, 2009, City Council approved the alignment for improvements to Gilbert Road from Queen Creek Road to Hunt Highway (the "Project"); and

WHEREAS, as part of the Project it is necessary to relocate irrigation facilities owned by the Roosevelt Water Conservation District (RWCD); and

WHEREAS, in order to relocate said facilities it is necessary to grant new easements to RWCD; and

WHEREAS, the granting of the irrigation easements to RWCD is being done at no cost as they replace existing RWCD irrigation easements and the relocation benefits the Public.

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

Section 1. The City Council of the City of Chandler, Arizona authorizes and approves the granting of irrigation easements as described and depicted in Exhibit "A", attached hereto and made a part hereof, at no cost, to the Roosevelt Water Conservation District.

Section 2. That the documents granting said easements shall be in a form approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler, Arizona is hereby authorized to execute the easement document(s) on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona,
this _____ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler,
Arizona, this _____ day of _____, 20____.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.4332 was duly passed
and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting
held on _____ day of _____, 20____, and that a quorum was
present thereat.

CITY CLERK

PUBLISHED:

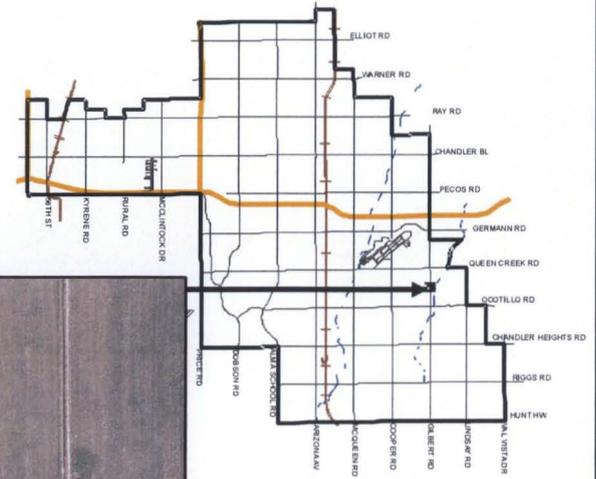
APPROVED AS TO FORM:

CITY ATTORNEY

GAB



GRANT IRRIGATION FACILITIES EASEMENT TO ROOSEVELT WATER CONSERVATION DISTRICT



MEMO NO. RE12-074
ORDINANCE NO. 4332



WHEN RECORDED RETURN TO:

Roosevelt Water Conservation District
P.O. Box 100
15400 S. Higley Road
Higley, AZ 85236

ROOSEVELT WATER CONSERVATION DISTRICT

IRRIGATION FACILITIES EASEMENT

(S13 T2S R5E G&SRB&M - Chandler ST0809)

CITY OF CHANDLER, a municipal corporation ("Grantor"), for and in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an irrigation district and municipal corporation organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of construction, installation, maintenance, operation, repair, reconstruction, replacement, removal, access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as Grantee may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the Northeast ¼ of Section 13, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

Grantor represents and warrants that it is the owner of fee title to the lands for which easement rights are granted hereby. Grantee is with pre-existing irrigation system facilities and property rights related to such facilities located in the Northeast ¼ of Section 13, Township 2 South, Range 5 East, including as set forth in the document recorded with the Maricopa County Recorder at Document No. 19360005381, Docket 303 Page 155, portions of which this easement is intended to replace.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee records a document to formally abandon the Easement Grantee's rights hereunder to the part or the property abandoned shall cease and the property shall revert to Grantor.

**Exhibit A
to
Irrigation System Facilities Easement Agreement**

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within Proposed Gilbert Rd R/W
West Side**

Job No. 09-066

August 16, 2011

A portion of Northeast Quarter of Section 13, Township 2 South, Range 5 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a flush brass cap at the east quarter corner of said Section 13, from which a brass cap in a hand hole at the northeast corner of said Section 13 bears $N00^{\circ}18'57''W$ (an assumed bearing) at a distance of 2648.72 feet; thence $N00^{\circ}18'57''W$, along the east line of the Northeast Quarter of said Section 13, for a distance of 38.14 feet; thence $S89^{\circ}41'03''W$ for a distance of 65.00 feet to a point on the west line of the east 65.00 feet of the Northeast Quarter of said Section 13, said point being the POINT OF BEGINNING;

Thence $N00^{\circ}18'57''W$, along said west line, for a distance of 8.01 feet; thence $N87^{\circ}08'48''E$ for a distance of 32.03 feet to a point on the west line of the east 33.00 feet of the Northeast Quarter of said Section 13; thence $S00^{\circ}18'57''E$, along said west line, for a distance of 8.01 feet; thence $S87^{\circ}08'48''W$ for a distance of 32.03 feet to the POINT OF BEGINNING.

An area containing 256 square feet or 0.0059 acres, more or less.

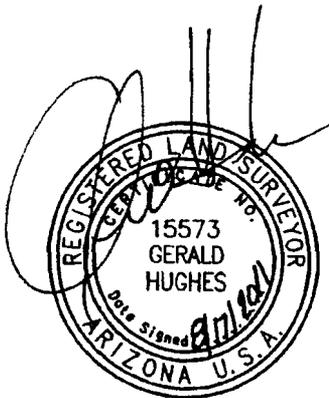
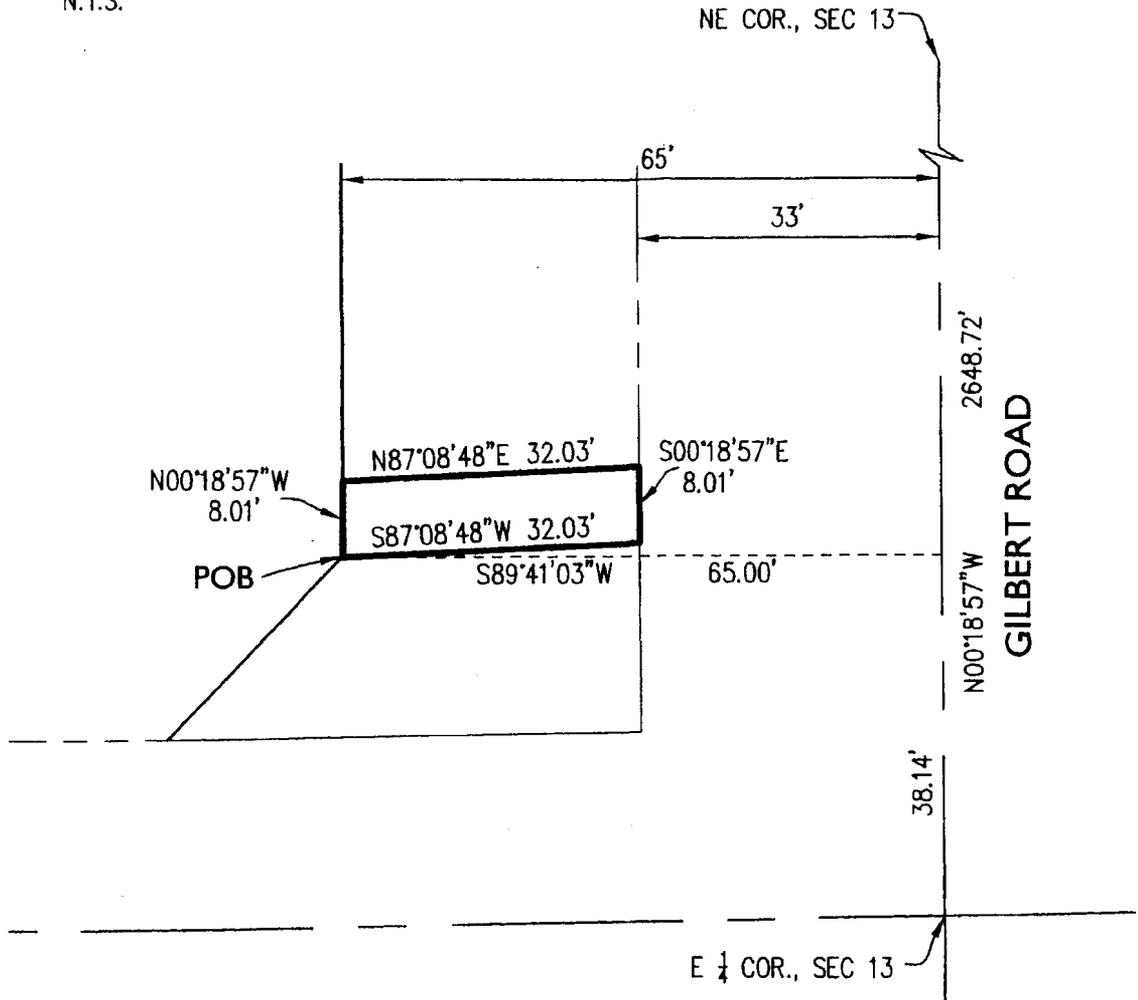
This legal description was prepared from survey information provided by others and was not verified in the field.



EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258



N.T.S.



EXPIRES: 3/31/2012

09-066	Project: RWCD EASEMENT within Proposed R/W - West side GILBERT, ARIZONA	 Eps group, Inc. Engineers, Planners & Surveyors <small>2045 S. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 303-2250 Fax (480) 303-2259</small>
	EXHIBIT	

WHEN RECORDED RETURN TO:

Roosevelt Water Conservation District
P.O. Box 100
15400 S. Higley Road
Higley, AZ 85236

ROOSEVELT WATER CONSERVATION DISTRICT

IRRIGATION FACILITIES EASEMENT

(S13 T2S R5E GASRB&M - Chandler ST0809)

CITY OF CHANDLER, a municipal corporation ("Grantor"), for and in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an irrigation district and municipal corporation organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of construction, installation, maintenance, operation, repair, reconstruction, replacement, removal, access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as Grantee may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the Northeast ¼ of Section 13, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

Grantor represents and warrants that it is the owner of fee title to the lands for which easement rights are granted hereby. Grantee is with pre-existing irrigation system facilities and property rights related to such facilities located in the Northeast ¼ of Section 13, Township 2 South, Range 5 East, including as set forth in the document recorded with the Maricopa County Recorder at Document No. 19360005381, Docket 303 Page 155, portions of which this easement is intended to replace.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee records a document to formally abandon the Easement Grantee's rights hereunder to the part or the property abandoned shall cease and the property shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns and lessees.

Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Agreement this ____ day of _____, 2011.

GRANTOR:
CITY OF CHANDLER

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

APPROVED AS TO FORM

CITY ATTORNEY GAB

On this ____ day of _____, 2011, the foregoing instrument was acknowledged before me by _____, the _____ of the CITY OF CHANDLER, and such authorized representative(s) acknowledged that this document was executed on behalf of the corporation for the purposes therein contained.

My Commission Expires:

Notary Public

GRANTEE:
ROOSEVELT WATER CONSERVATION DISTRICT

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2011, the foregoing instrument was acknowledged before me by _____, the _____ of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

My Commission Expires:

Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement
DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within Existing Gilbert Rd R/W
West Side**

Job No. 09-066

August 16, 2011

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COMMENCING at a flush brass cap at the east quarter corner of said Section 13, from which a brass cap in a hand hole at the northeast corner of said Section 13 bears $N00^{\circ}18'57''W$ (an assumed bearing) at a distance of 2648.72 feet; thence $N00^{\circ}18'57''W$, along the east line of the Northeast Quarter of said Section 13, for a distance of 41.02 feet to the POINT OF BEGINNING;

Thence $S87^{\circ}08'48''W$ for a distance of 33.03 feet to a point on the west line of the east 33.00 feet of the Northeast Quarter of said Section 13; thence $N00^{\circ}18'57''W$, along said west line, for a distance of 8.01 feet; thence $N87^{\circ}08'48''E$ for a distance of 33.03 feet to a point on the east line of the Northeast Quarter of said Section 13; thence $S00^{\circ}18'57''E$, along said east line, for a distance of 8.01 feet to the POINT OF BEGINNING.

An area containing 264 square feet or 0.0061 acres, more or less.

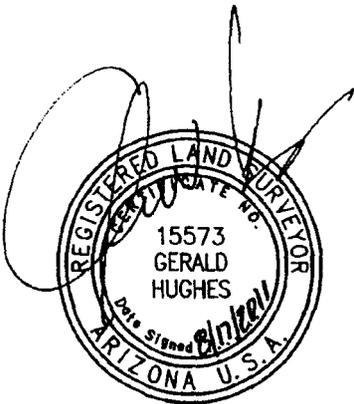
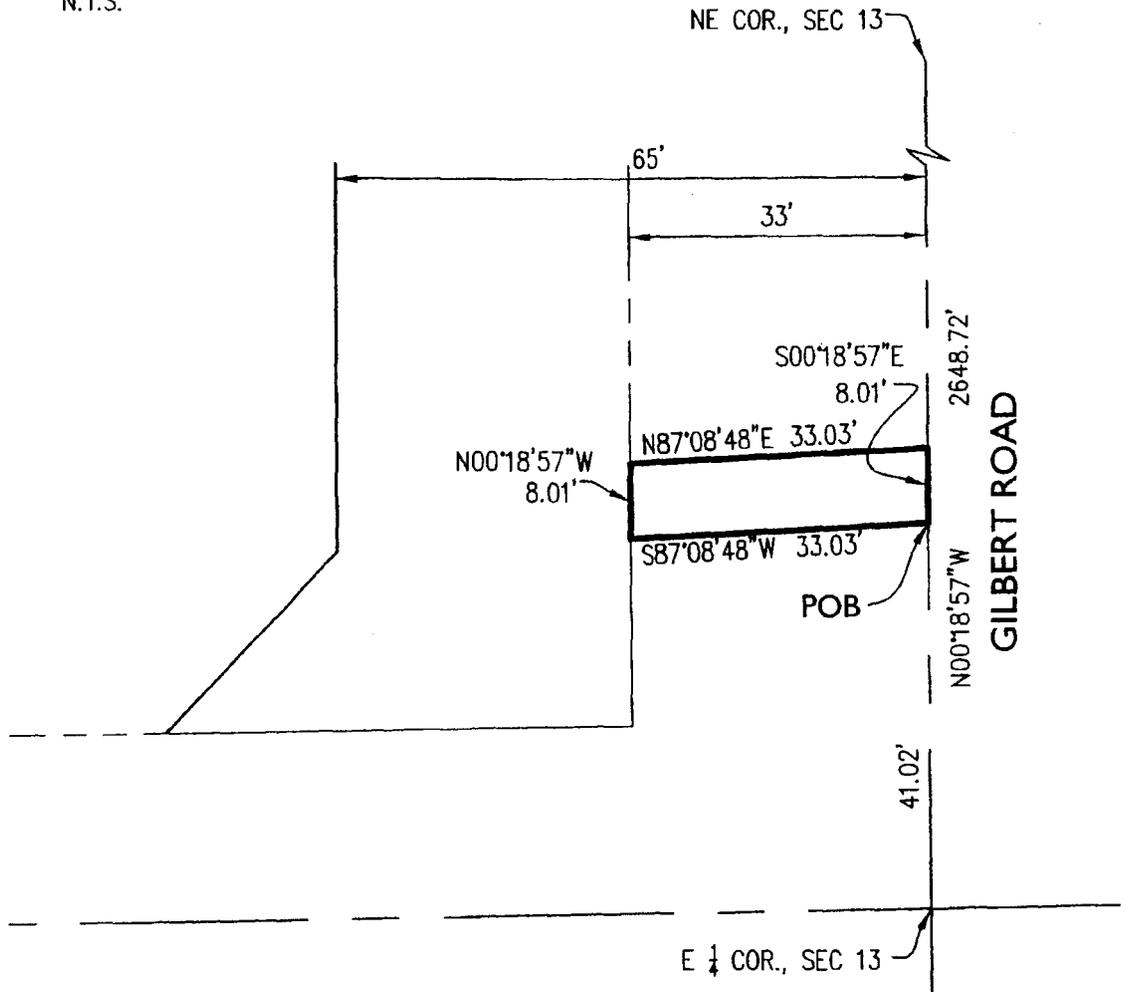
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N.T.S.



EXPIRES: 3/31/2012

09-066	Project: RWCD EASEMENT within Existing R/W - West side GILBERT, ARIZONA	 eps group, Inc. Engineers, Planners & Surveyors 2045 S. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 503-2250 Fax (480) 503-2258
	EXHIBIT	

WHEN RECORDED RETURN TO:

Roosevelt Water Conservation District
P.O. Box 100
15400 S. Higley Road
Higley, AZ 85236

ROOSEVELT WATER CONSERVATION DISTRICT

IRRIGATION FACILITIES EASEMENT

(S18 T2S R6E G&SRB&M - Chandler ST0809)

CITY OF CHANDLER, a municipal corporation ("Grantor"), for and in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an irrigation district and municipal corporation organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of construction, installation, maintenance, operation, repair, reconstruction, replacement, removal, access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as Grantee may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the Northwest ¼ of Section 18, Township 2 South, Range 6 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

Grantor represents and warrants that it is the owner of fee title to the lands for which easement rights are granted hereby. Grantee is with pre-existing irrigation system facilities and property rights related to such facilities located in the Western ½ of Section 18, Township 2 South, Range 6 East, including as set forth in the document recorded with the Maricopa County Recorder at Docket 303 Page 154, portions of which this easement is intended to replace.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee records a document to formally abandon the Easement Grantee's rights hereunder to the part or the property abandoned shall cease and the property shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns and lessees.

Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Agreement this _____ day of _____, 2011.

GRANTOR:
CITY OF CHANDLER

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

APPROVED AS TO FORM

CITY ATTORNEY *GAB*

On this _____ day of _____, 2011, the foregoing instrument was acknowledged before me by _____, the _____ of the CITY OF CHANDLER, and such authorized representative(s) acknowledged that this document was executed on behalf of the corporation for the purposes therein contained.

My Commission Expires:

Notary Public

GRANTEE:
ROOSEVELT WATER CONSERVATION DISTRICT

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this _____ day of _____, 2011, the foregoing instrument was acknowledged before me by _____, the _____ of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

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Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement
DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within Existing Gilbert Rd R/W
East Side**

Job No. 09-066

August 16, 2011

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Thence continuing $N00^{\circ}18'57''W$, along said west line, for a distance of 8.01 feet; thence $N87^{\circ}08'48''E$ for a distance of 33.03 feet to a point on the east line of the west 33.00 feet of the Northwest Quarter of said Section 18; thence $S00^{\circ}18'57''E$, along said east line, for a distance of 8.01 feet; thence $S87^{\circ}08'48''W$ for a distance of 33.03 feet to the POINT OF BEGINNING.

An area containing 264 square feet or 0.0061 acres, more or less.

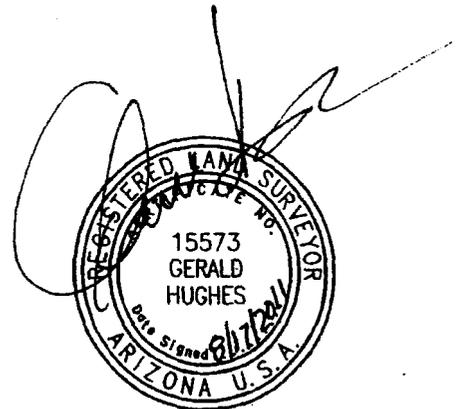
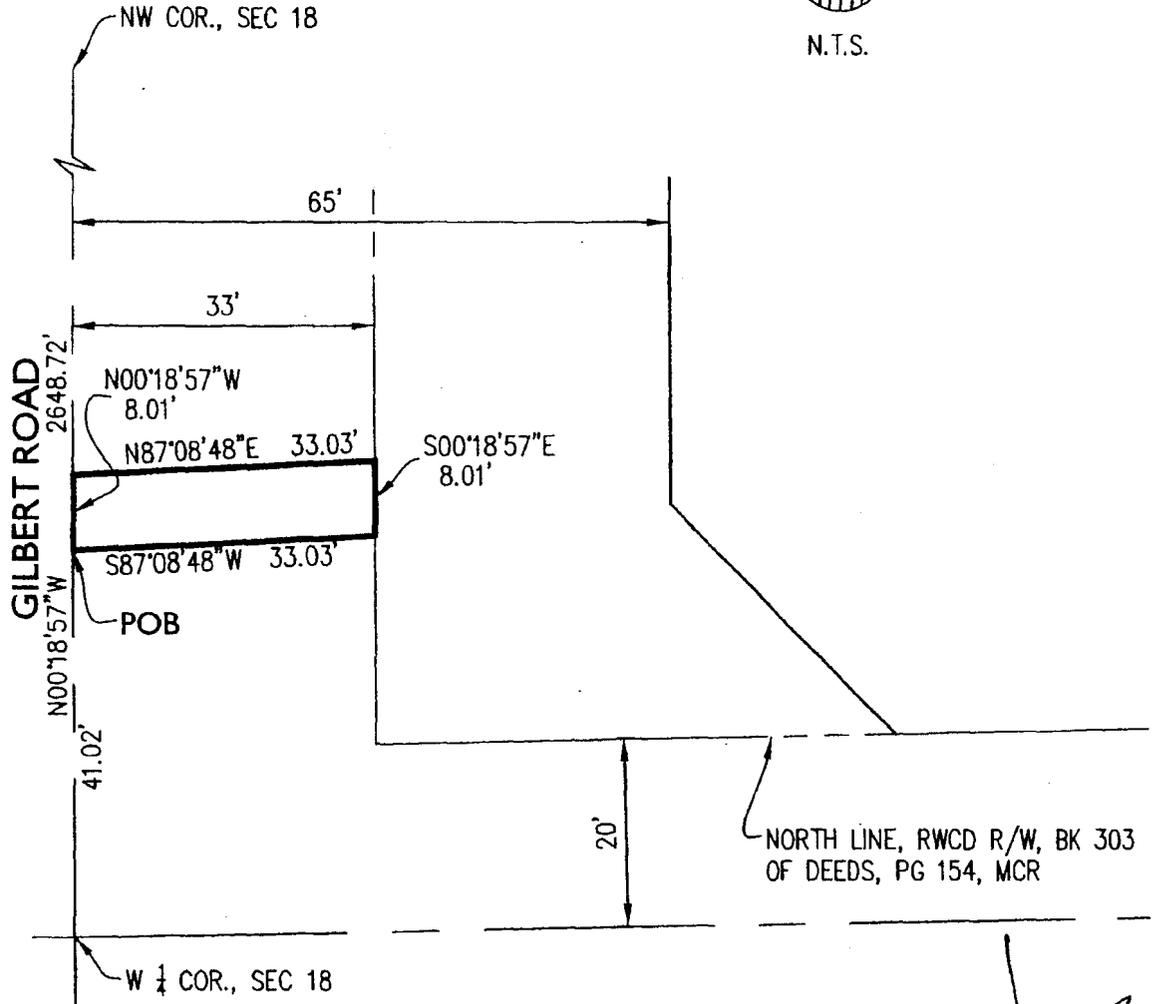
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Tel (480) 503-2250 • Fax (480) 503-2258



N.T.S.



EXPIRES: 3/31/2012

09-066	Project: RWCD EASEMENT within Existing R/W - East side GILBERT, ARIZONA	 Geps group, Inc. Engineers, Planners & Surveyors 2045 S. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 503-2250 Fax (480) 503-2258
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Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within Proposed Gilbert Rd R/W
East Side**

Job No. 09-066

August 16, 2011

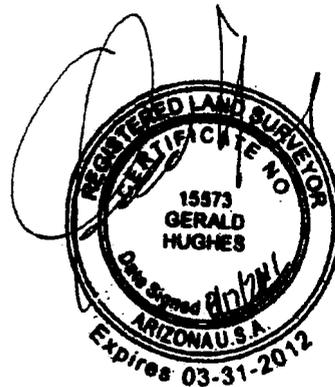
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Thence $N00^{\circ}18'57''W$, along said west line, for a distance of 8.01 feet; thence $N87^{\circ}08'48''E$ for a distance of 32.03 feet to a point on the east line of the west 65.00 feet of the Northwest Quarter of said Section 18; thence $S00^{\circ}18'57''E$, along said east line, for a distance of 6.13 feet; thence $S45^{\circ}42'06''E$ for a distance of 2.56 feet thence $S87^{\circ}08'48''W$ for a distance of 33.85 feet to the POINT OF BEGINNING.

An area containing 258 square feet or 0.0059 acres, more or less.

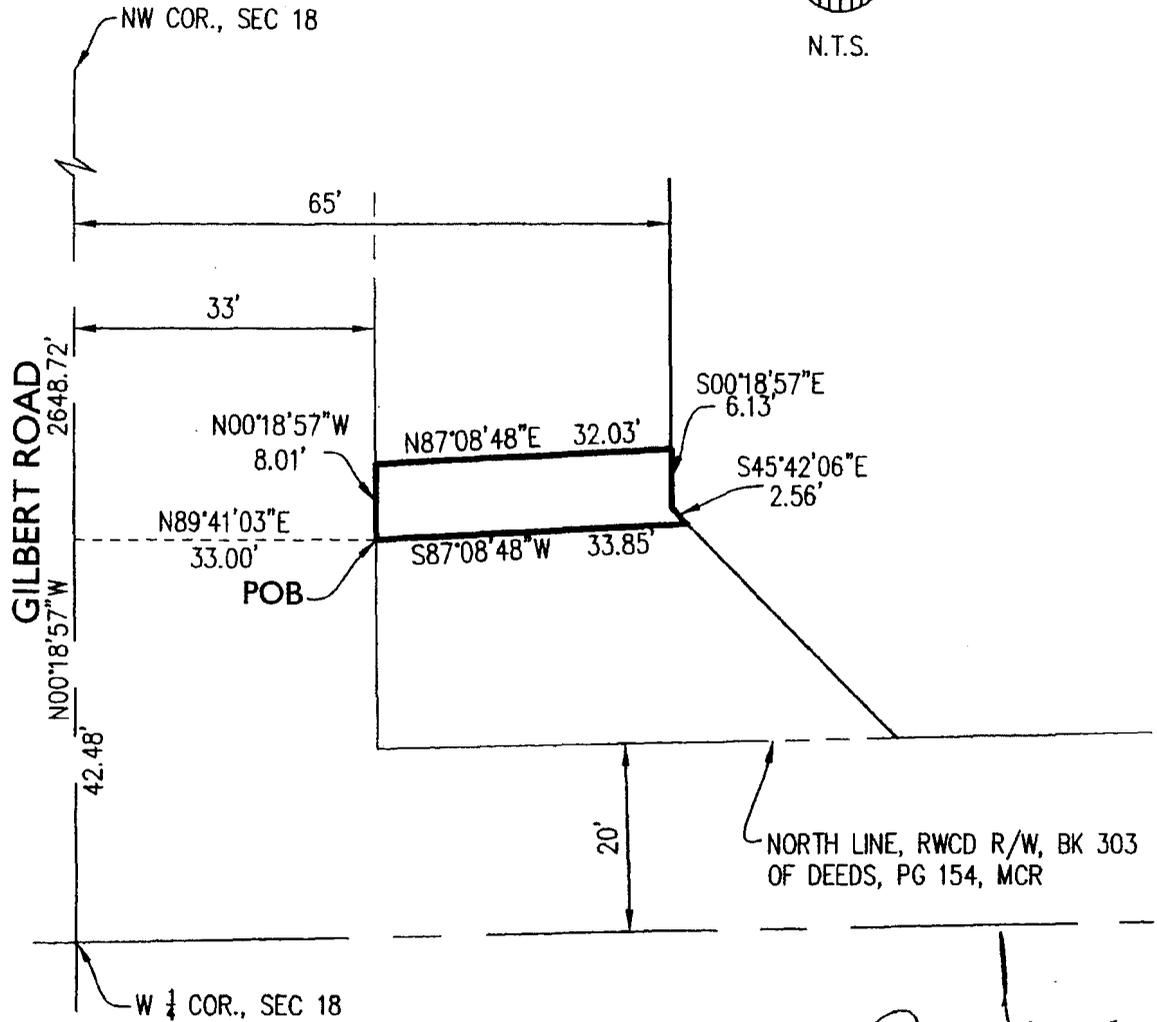
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N.T.S.



EXPIRES: 3/31/2012

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	EXHIBIT	