

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

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 G4SRB4M - 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.

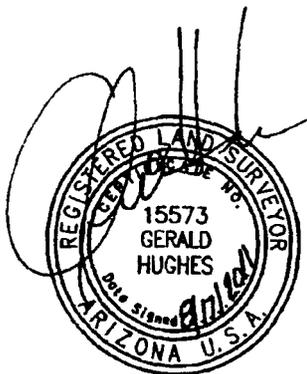
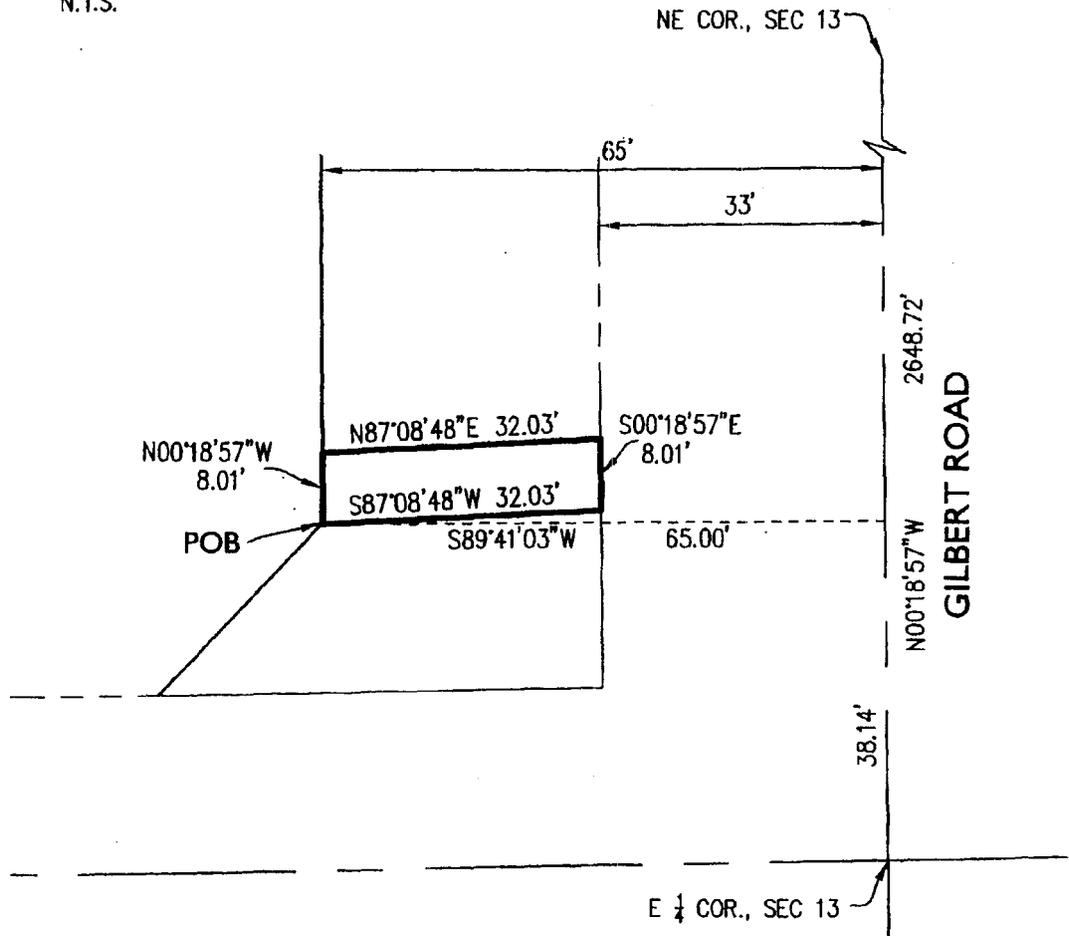
This legal description was prepared from survey information provided by others and was not verified in the field.



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 <small>GILBERT, ARIZONA</small>	 Geps group, Inc. Engineers, Planners & Surveyors <small>2045 E. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 903-2230 Fax (480) 903-2239</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 GASRB8M - 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 Existing 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 41.02 feet to the POINT OF BEGINNING;

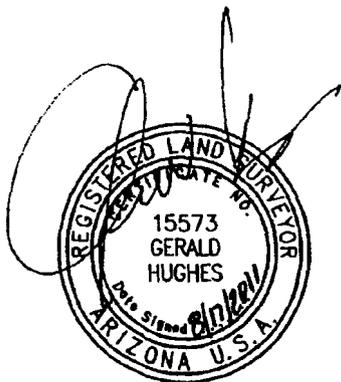
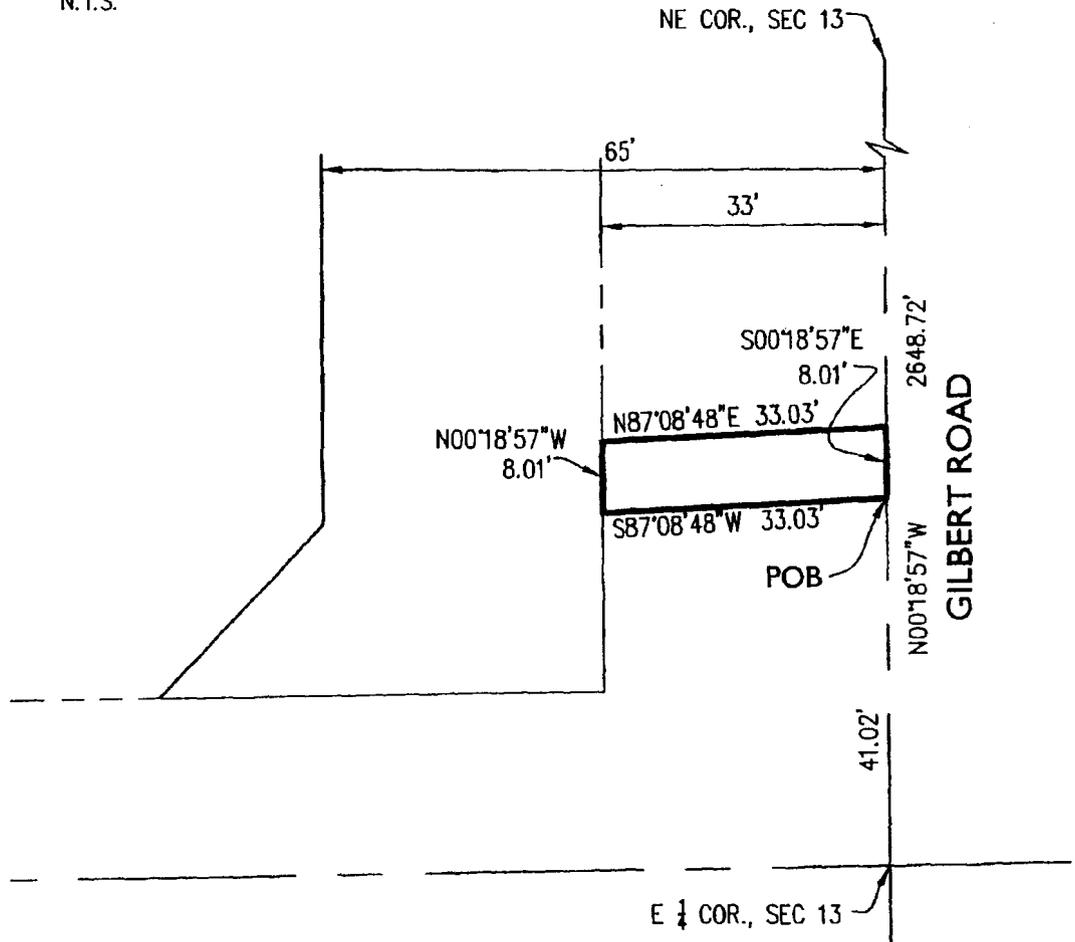
Thence $S87^{\circ}08'48''W$ for a distance of 33.03 feet to a point on the west line of the east 33.00 feet of the Northeast Quarter of said Section 13; thence $N00^{\circ}18'57''W$, along said west line, for a distance of 8.01 feet; thence $N87^{\circ}08'48''E$ for a distance of 33.03 feet to a point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

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



EXPIRES: 3/31/2012

09-066	Project: RWCD EASEMENT within Existing R/W - West side GILBERT, ARIZONA	 Eps group, Inc. Engineers, Planners & Surveyors 2045 E. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 503-2250 Fax (480) 503-2250
	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 R5E G&SR&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.

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within Existing Gilbert Rd RW
East Side**

Job No. 09-066

August 16, 2011

A portion of Northwest Quarter of Section 18, Township 2 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

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

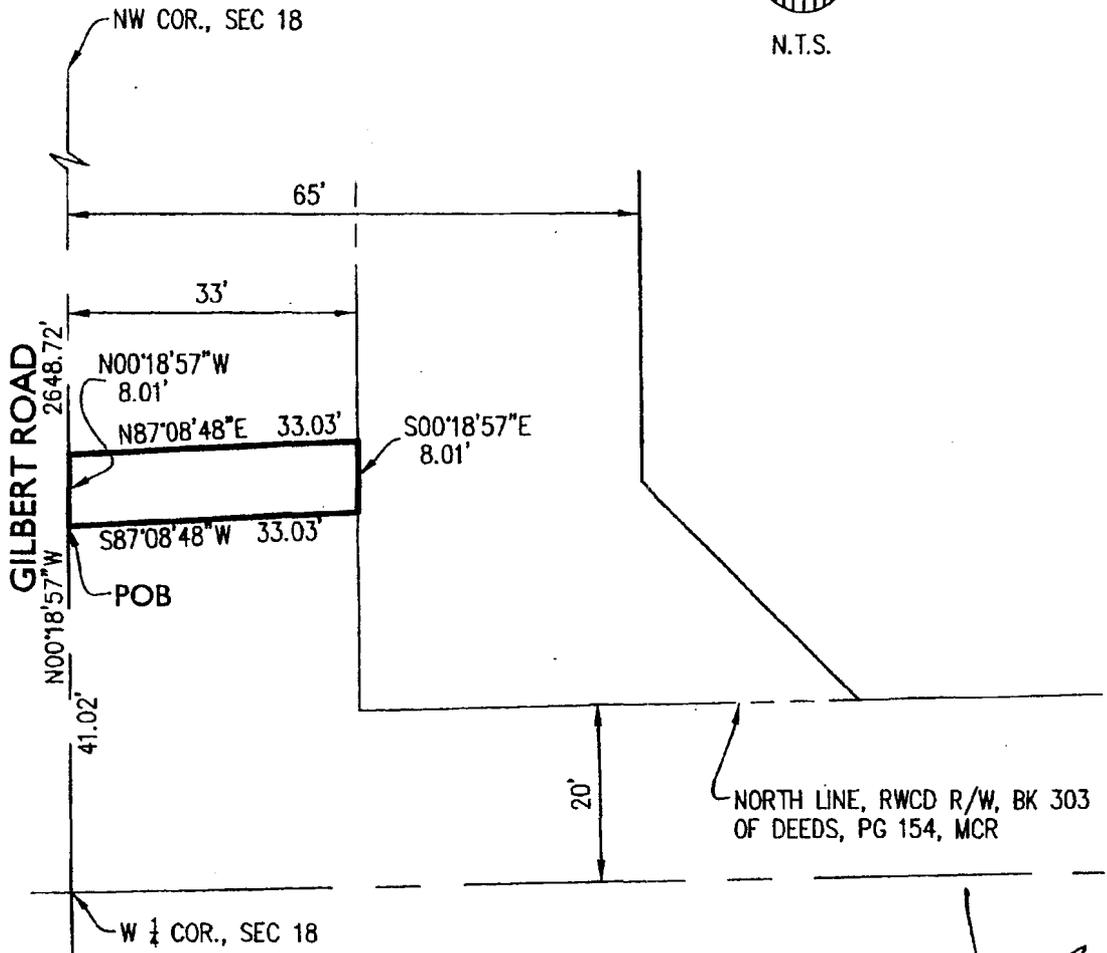
Thence continuing $N00^{\circ}18'57''W$, along said west line, for a distance of 8.01 feet; thence $N87^{\circ}08'48''E$ for a distance of 33.03 feet to a point on the east line of the west 33.00 feet of the Northwest Quarter of said Section 18; thence $S00^{\circ}18'57''E$, along said east line, for 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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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) 983-2290 Fax (480) 983-2298
	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 GASRB&M - Chandler ST0809)

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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 $\frac{1}{2}$ 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.

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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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COMMENCING at a flush brass cap at the west quarter corner of said Section 18, from which a brass cap in a hand hole at the northwest corner of said Section 18 bears $N00^{\circ}18'57''W$ (an assumed bearing) at a distance of 2648.72 feet; thence $N00^{\circ}18'57''W$, along the west line of the Northwest Quarter of said Section 18, for a distance of 42.48 feet; thence $N89^{\circ}41'03''E$ for a distance of 33.00 feet to a point on the east line of the west 33.00 feet of the Northwest Quarter of said Section 18, said point being the POINT OF BEGINNING;

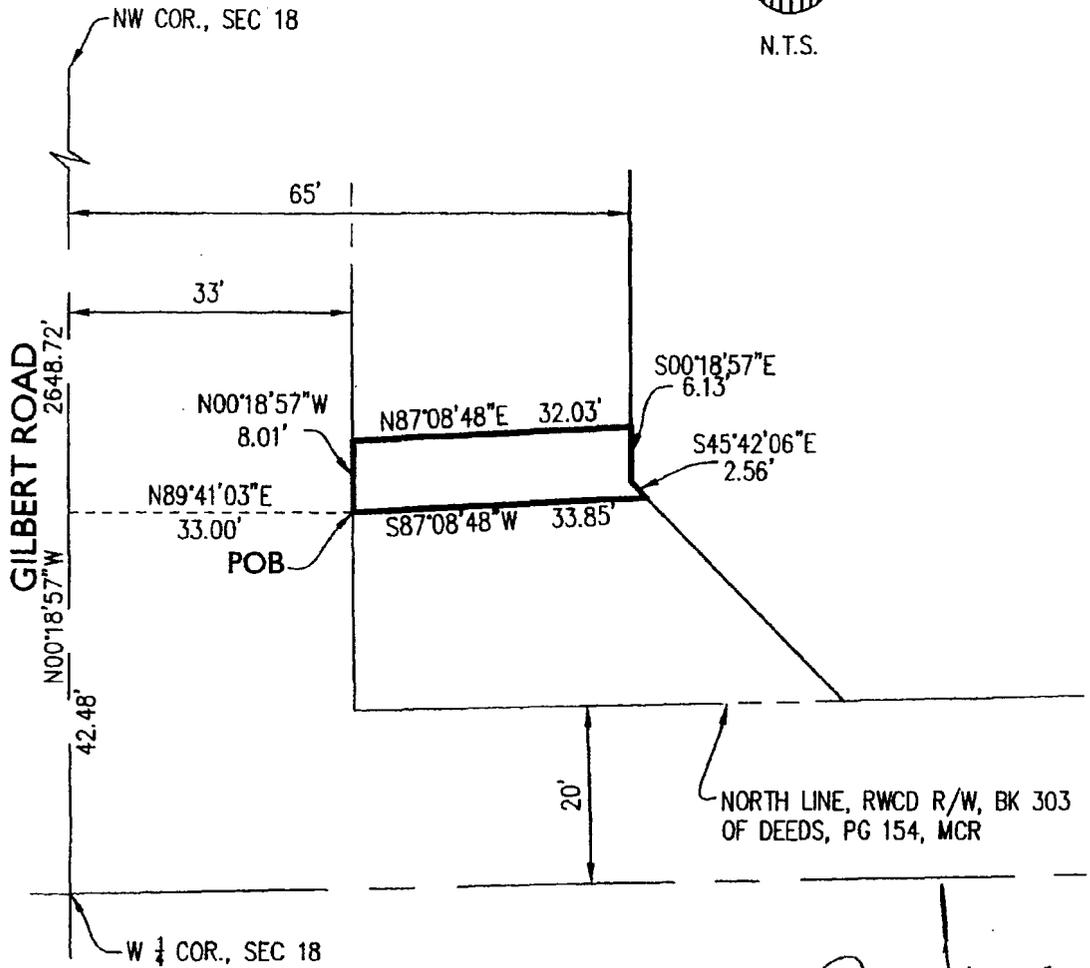
Thence $N00^{\circ}18'57''W$, along said west line, for a distance of 8.01 feet; thence $N87^{\circ}08'48''E$ for a distance of 32.03 feet to a point on the east line of the west 65.00 feet of the Northwest Quarter of said Section 18; thence $S00^{\circ}18'57''E$, along said east line, for a distance 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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EXPIRES: 3/31/2012

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	EXHIBIT	