

#6

JUN 28 2012



**MEMORANDUM Real Estate – Council Memo No. RE12-155**

**DATE:** JUNE 28, 2012

**TO:** MAYOR AND COUNCIL

**THRU:** RICH DLUGAS, CITY MANAGER *RD*  
 PAT MCDERMOTT, ASSISTANT CITY MANAGER *PM*  
 R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*  
 SHEINA HUGHES, CITY ENGINEER *SH*

**FROM:** ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

**SUBJECT:** ORDINANCE 4369 GRANTING A FEE INTEREST, AT NO COST, TO THE UNITED STATES OF AMERICA TO A PARCEL OF LAND FOR EXISTING UNDERGROUND IRRIGATION FACILITIES APPROXIMATELY 20 FEET WIDE RUNNING ALONG THE SOUTH SIDE OF FRYE ROAD FROM ELLIS STREET TO ARROWHEAD DRIVE IN CHANDLER, ARIZONA.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4369 granting a fee interest, at no cost, to the United States of America to a parcel of land for existing underground irrigation facilities approximately 20 feet wide running along the south side of Frye Road from Ellis Street to Arrowhead Drive in Chandler, Arizona.

BACKGROUND/DISCUSSION: Salt River Project (“SRP”), on behalf of the United States of America (“USA”) has asked the City to grant a parcel of land, at no cost, to the USA for existing irrigation facilities running within the Frye Road right-of-way. These irrigation facilities were piped underground a number of years ago outside of the paved area. Granting this request will perfect the property rights the USA is seeking. In exchange, the USA will deed a similar parcel to the City of Chandler for the area in which the irrigation facilities were previously located.

RE12-045  
June 28, 2012  
Page 2

Staff has reviewed and confirms that SRP has prior rights at this location. Staff has also reviewed and approved the legal descriptions for the requested easements.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 4369 granting a fee interest, at no cost, to the United States of America to a parcel of land for existing underground irrigation facilities approximately 20 feet wide running along the south side of Frye Road from Ellis Street to Arrowhead Drive in Chandler, Arizona.

Attachments: Map  
Ordinance No. 4369  
Warranty Deed



# GRANT A PARCEL OF LAND TO THE UNITED STATES OF AMERICA FOR IRRIGATION FACILITIES

MEMO NO. RE12-155

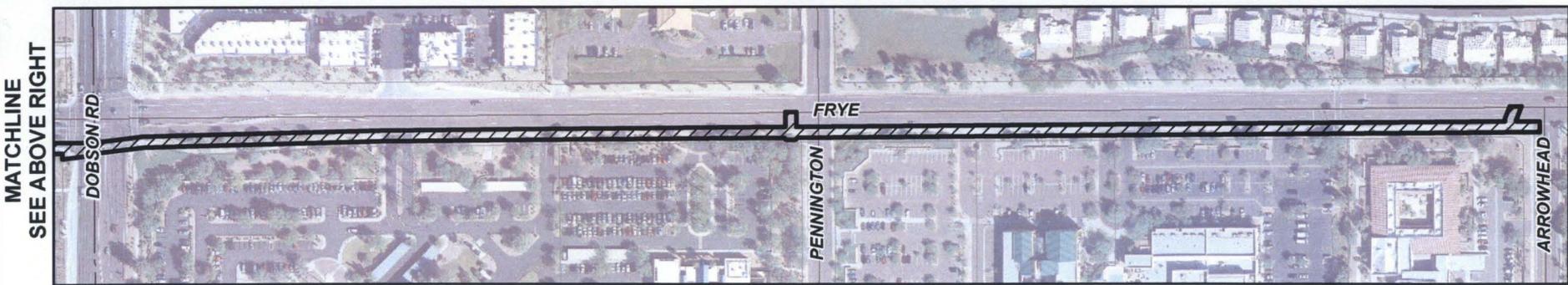
ORDINANCE NO. 4369



 POWER DISTRIBUTION EASEMENT



MATCHLINE  
SEE BELOW LEFT



MATCHLINE  
SEE ABOVE RIGHT

ORDINANCE NO. 4369

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE GRANTING A FEE INTEREST, AT NO COST, TO THE UNITED STATES OF AMERICA TO A PARCEL OF LAND FOR EXISTING UNDERGROUND IRRIGATION FACILITIES APPROXIMATELY 20 FEET WIDE RUNNING ALONG THE SOUTH SIDE OF FRYE ROAD FROM ELLIS STREET TO ARROWHEAD DRIVE IN CHANDLER, ARIZONA.

WHEREAS, the relocation of irrigation facilities owned by the United States of America (“USA”) along the south side of Frye Road from Ellis Street to Arrowhead Drive in Chandler, Arizona was completed several years ago; and

WHEREAS, the USA, through its agent Salt River Project (“SRP”), is requesting that the City transfer fee title to the area in question at no cost, in exchange for an adjacent parcel of the similar size that the USA will transfer to the City of Chandler (“City”) along with an easement to the City for ingress and egress for public use over the parcel being transferred by the City to the USA; and

WHEREAS, the City is willing to transfer fee title at no cost to the USA.

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

Section 1. That the City Council of the City of Chandler, Arizona authorizes and approves the granting of a fee interest to the parcel described and depicted in Exhibit “A” attached hereto and made a part hereof by this reference to the USA, at no cost, in consideration of the USA transferring title to an adjacent parcel of similar size, to the City along with an easement for ingress and egress for public use over the parcel being transferred by the City to the USA.

Section 2. That the granting of said fee interest from the City to the USA and the deed from the USA to the City of Chandler 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 Warranty Deed to the USA, accept the deed from the USA to the City, and execute this Ordinance on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City Council  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

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

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2011.

ATTEST:

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

\_\_\_\_\_  
MAYOR

### CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4369 was duly passed  
and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that a quorum was present thereat.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY GAB

**Contract No. 12LE324000**

**Case No. 09-019**

**ORIGINAL**

Exempt per A.R.S. § 11-1134 A.3.

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION**

**SALT RIVER PROJECT**

**GENERAL WARRANTY DEED**

**KNOW ALL PEOPLE BY THESE PRESENTS** that the Salt River Project Agricultural Improvement and Power District (SRP), an agricultural improvement district organized and existing under the laws of the State of Arizona, has relocated an irrigation facility acquired for an irrigation system to a new location; and,

**WHEREAS**, the **UNITED STATES OF AMERICA**, hereinafter referred to as “United States,” owns real property at the location of the irrigation facility before the relocation; and the **CITY OF CHANDLER, an Arizona municipal corporation**, hereinafter referred to as “Grantor,” owns the fee title to the real property onto which the irrigation facility was relocated; and,

**WHEREAS**, Grantor desires to grant and convey to the United States and its assigns that certain real property needed for the relocated facility in exchange for the real property no longer needed for project purposes; and,

**WHEREAS**, the United States will quitclaim its interest, if any, in and to the real property no longer needed by Contract No. 12LE324001 to Grantor.

**NOW THEREFORE**, for valuable consideration, receipt of which is hereby acknowledged, and in accordance with the Reclamation Act of June 17, 1902 (32 Stat. 388), the Reclamation Project Act of 1939 (53 Stat. 1187), and all acts amendatory thereof or supplementary thereto, Grantor does hereby grant and convey unto the United States and its assigns all that certain real property situated in the County of Maricopa, State of Arizona, described on Exhibit "A" which is attached hereto and by this reference made a part hereof.

The acquiring federal agency is the U.S. Department of the Interior, Bureau of Reclamation.

Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is conveyed subject only to existing easements and rights-of-way of record for public roads and highways, public utilities, railroads and pipelines, and mineral rights reserved to or outstanding in third parties as of the date of this General Warranty Deed.

**TO HAVE AND TO HOLD** by the United States, its successors and assigns forever, all and singular said premises together with all the rights and appurtenances thereto. The Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular said premises unto the United States and its assigns against every person whomsoever lawfully claiming them or any part thereof.

**IN WITNESS WHEREOF**, the Grantor has executed this General Warranty Deed this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

**CITY OF CHANDLER, an Arizona municipal  
corporation**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**APPROVED AS TO FORM**  
\_\_\_\_\_  
CITY ATTORNEY *GAB*



## EXHIBIT "A"

A parcel of land in the Southeast Quarter of Section 31 and the Southwest Quarter of Section 32, Township 1 South, Range 5 East, Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the Center Quarter corner of said Section 31, a City of Chandler brass cap flush, from which the East Quarter corner of said Section 31, a City of Chandler brass cap in hand hole, bears North 89 degrees 46 minutes 26 seconds East (Arizona State Plane, Central Zone, NAD 83 basis of bearings) 2709.87 feet;

thence along the east-west mid-section line of said Section 31, North 89 degrees 46 minutes 26 seconds East, 16.27 feet to the **Point of Beginning**;

thence continuing along said mid-section line, North 89 degrees 46 minutes 26 seconds East, 20.00 feet;

thence departing said mid-section line, South 00 degrees 13 minutes 34 seconds East, 41.63 feet;

thence South 45 degrees 13 minutes 34 seconds East, 2.76 feet;

thence North 44 degrees 43 minutes 53 seconds East, 22.73 feet;

thence North 89 degrees 46 minutes 26 seconds East, 1282.72 feet;

thence North 13 degrees 13 minutes 06 seconds East, 28.27 feet to said east-west mid-section line of said Section 31;

thence along said mid-section line, North 89 degrees 46 minutes 26 seconds East, 20.56 feet;

thence departing said mid-section line, South 13 degrees 13 minutes 06 seconds West, 28.27 feet;

thence North 89 degrees 46 minutes 26 seconds East, 90.51 feet;

thence South 89 degrees 04 minutes 49 seconds East, 550.06 feet;

thence North 89 degrees 46 minutes 26 seconds East, 318.17 feet;

thence South 86 degrees 30 minutes 27 seconds East, 100.23 feet;

thence North 89 degrees 46 minutes 26 seconds East, 293.77 feet to the east line of the Southeast Quarter of said Section 31;

thence along said east line, North 00 degrees 22 minutes 06 seconds West, 0.13 feet to a point from which the East Quarter corner of said Section 31, a City of Chandler Brass cap in hand hole, bears North 00 degrees 22 minutes 06 seconds West, 44.87 feet;

**CONTRACT No. 12LE324000**  
**CASE No. 09-019**

thence departing said east line, North 83 degrees 13 minutes 45 seconds East, 89.25 feet;

thence North 88 degrees 34 minutes 27 seconds East, 431.34 feet;

thence North 89 degrees 34 minutes 21 seconds East, 740.82 feet;

thence North 00 degrees 08 minutes 07 seconds West, 27.50 feet to the east-west mid-section line of said Section 32;

thence along said mid-section line, North 89 degrees 34 minutes 21 seconds East, 20.00 feet;

thence departing said mid-section line, South 00 degrees 08 minutes 07 seconds East, 27.50 feet;

thence North 89 degrees 34 minutes 21 seconds East 1286.77 feet;

thence North 00 degrees 25 minutes 39 seconds West, 5.01 feet;

thence North 21 degrees 21 minutes 19 seconds East, 24.21 feet to the east-west mid-section line of said Section 32;

thence along said mid-section line, North 89 degrees 34 minutes 21 seconds East, 21.54 feet to a point from which the Center Quarter corner of said Section 32, a City of Chandler Brass cap flush, bears North 89 degrees 34 minutes 21 seconds East, 43.12 feet;

thence departing said mid-section line, South 21 degrees 21 minutes 19 seconds West, 28.36 feet;

thence South 00 degrees 25 minutes 39 seconds East, 1.17 feet;

thence North 89 degrees 34 minutes 21 seconds East, 43.63 feet to the west line of the east 10 feet of the Southwest Quarter of said Section 32;

thence along said west line, South 00 degrees 24 minutes 13 seconds East, 20.00 feet;

thence departing said west line, South 89 degrees 34 minutes 21 seconds West, 1348.63 feet;

thence South 44 degrees 34 minutes 21 seconds West, 4.99 feet;

thence South 89 degrees 34 minutes 21 seconds West, 16.96 feet;

thence North 45 degrees 25 minutes 39 seconds West, 4.99 feet;

thence South 89 degrees 34 minutes 21 seconds West, 738.38 feet;

thence South 88 degrees 34 minutes 27 seconds West, 430.23 feet;

thence South 83 degrees 13 minutes 45 seconds West, 90.56 feet to the west line of the Southwest Quarter of said Section 32;

thence along said west line, South 00 degrees 22 minutes 06 seconds East, 2.90 feet;

thence departing said west line, South 82 degrees 29 minutes 10 seconds West, 58.45 feet;

thence North 00 degrees 22 minutes 06 seconds West, 10.31 feet;

thence South 89 degrees 46 minutes 26 seconds West, 236.48 feet

thence North 86 degrees 30 minutes 27 seconds West, 100.22;

thence South 89 degrees 46 minutes 26 seconds West, 317.70 feet;

thence North 89 degrees 04 minutes 49 seconds West, 550.08 feet;

thence South 89 degrees 46 minutes 26 seconds West, 1385.30 feet;

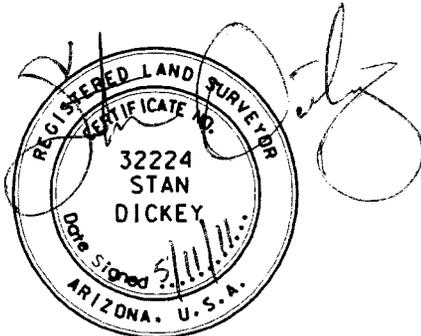
thence South 44 degrees 43 minutes 53 seconds West, 34.45 feet;

thence North 45 degrees 13 minutes 34 seconds West, 31.06 feet;

thence North 00 degrees 13 minutes 34 seconds West, 49.91 feet to the **Point of Beginning**.

Except any portion of the above described parcel lying within the area of the Hackney Lateral as described in Book 115 of Deeds, Page 447, Maricopa County Records. Based on a width of 20 feet, 10 feet on each side of the centerline described therein, as determined by Salt River Project.

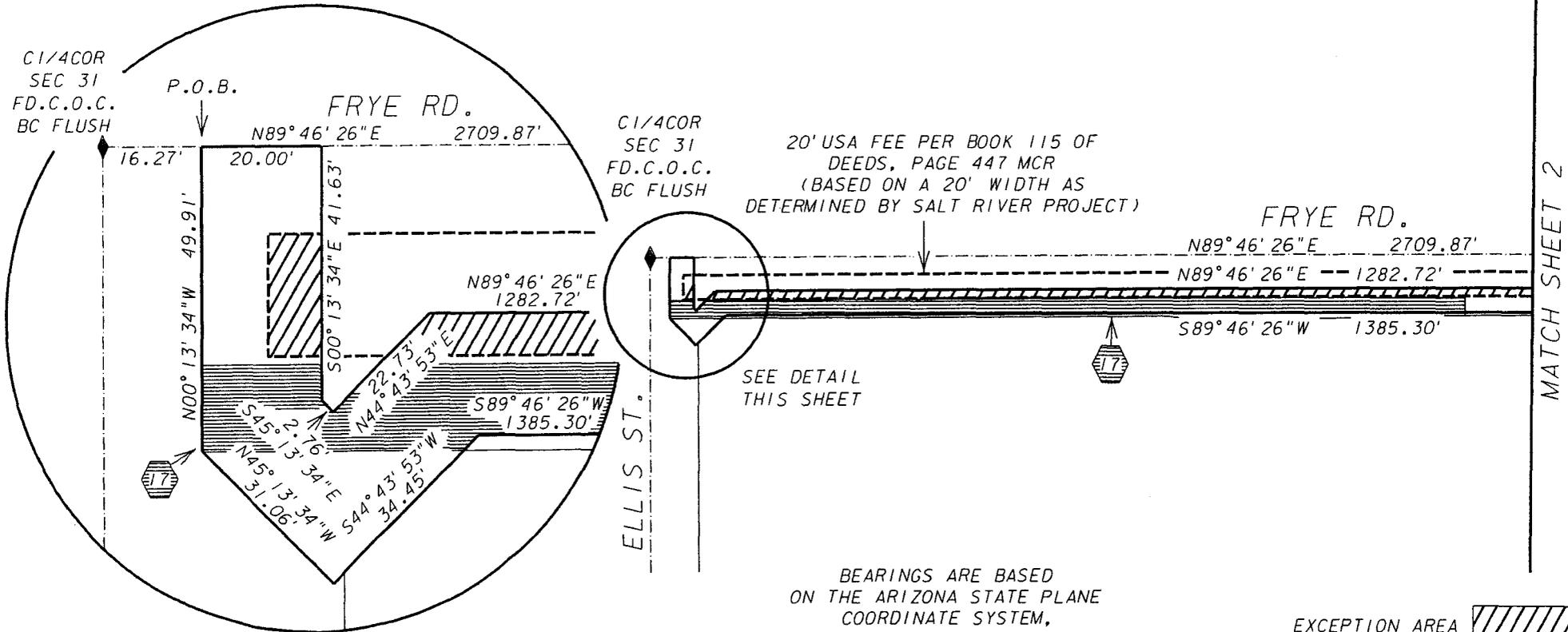
The above described parcel contains 2.21 acres, more or less, after exception has been made.



REGISTRATION  
EXPIRES: 03-31-13

# EXHIBIT

CONTRACT No. 12LE324000  
CASE No. 09-019



20' USA FEE PER BOOK 115 OF DEEDS, PAGE 447 MCR (BASED ON A 20' WIDTH AS DETERMINED BY SALT RIVER PROJECT)

SEE DETAIL THIS SHEET

BEARINGS ARE BASED ON THE ARIZONA STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 DATUM

EXCEPTION AREA

DETAIL NOT TO SCALE

PROPOSED FEE AREA 2.21 ± ACRES AFTER EXCEPTION HAS BEEN MADE

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT	FRYE ROAD PERFECTION SRP JOB NO. RAD-02040-300(27)
IRRIGATION FACILITY RELOCATION SE 1/4, SEC 31, T1S, R5E SW 1/4, SEC 32, T1S, R5E GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA	DESIGNED <u>P.HICKS</u> DATE <u>5-09-11</u> DRAWN <u>G.GREEN</u> CHECKED BY: _____ AGENT <u>P.HICKS</u> APPROVED: _____ SCALE <u>1" = 100'</u> SHEET <u>1</u> OF <u>6</u>

# EXHIBIT

CONTRACT No. 12LE324000  
CASE No. 09-019

MATCH SHEET 1

MATCH SHEET 3

20' USA FEE PER BOOK 115 OF  
DEEDS, PAGE 447 MCR  
(BASED ON A 20' WIDTH AS  
DETERMINED BY SALT RIVER PROJECT)

SEE DETAIL  
THIS SHEET

FRYE RD.

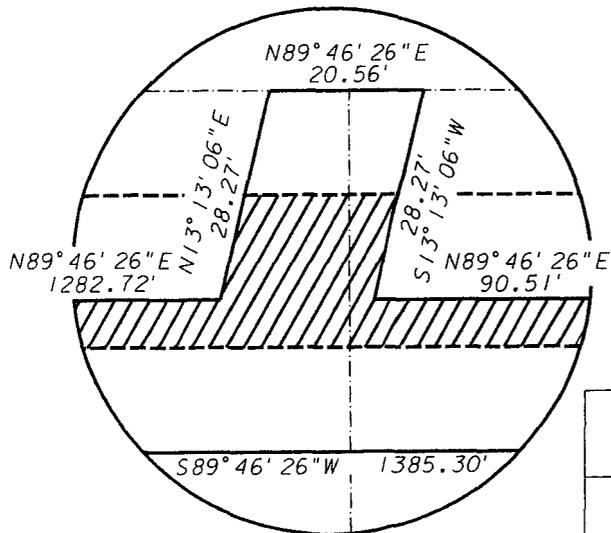
N89°46'26"E 2709.87'

N89°46'26"E 1282.72'

S89°04'49"E 550.06'

S89°46'26"W 1385.30'

N89°04'49"W 550.08'

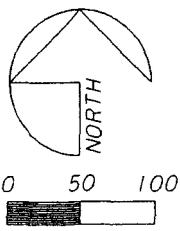


94TH ST.



PROPOSED FEE  
AREA 2.21 ± ACRES  
AFTER EXCEPTION HAS BEEN MADE

EXCEPTION AREA

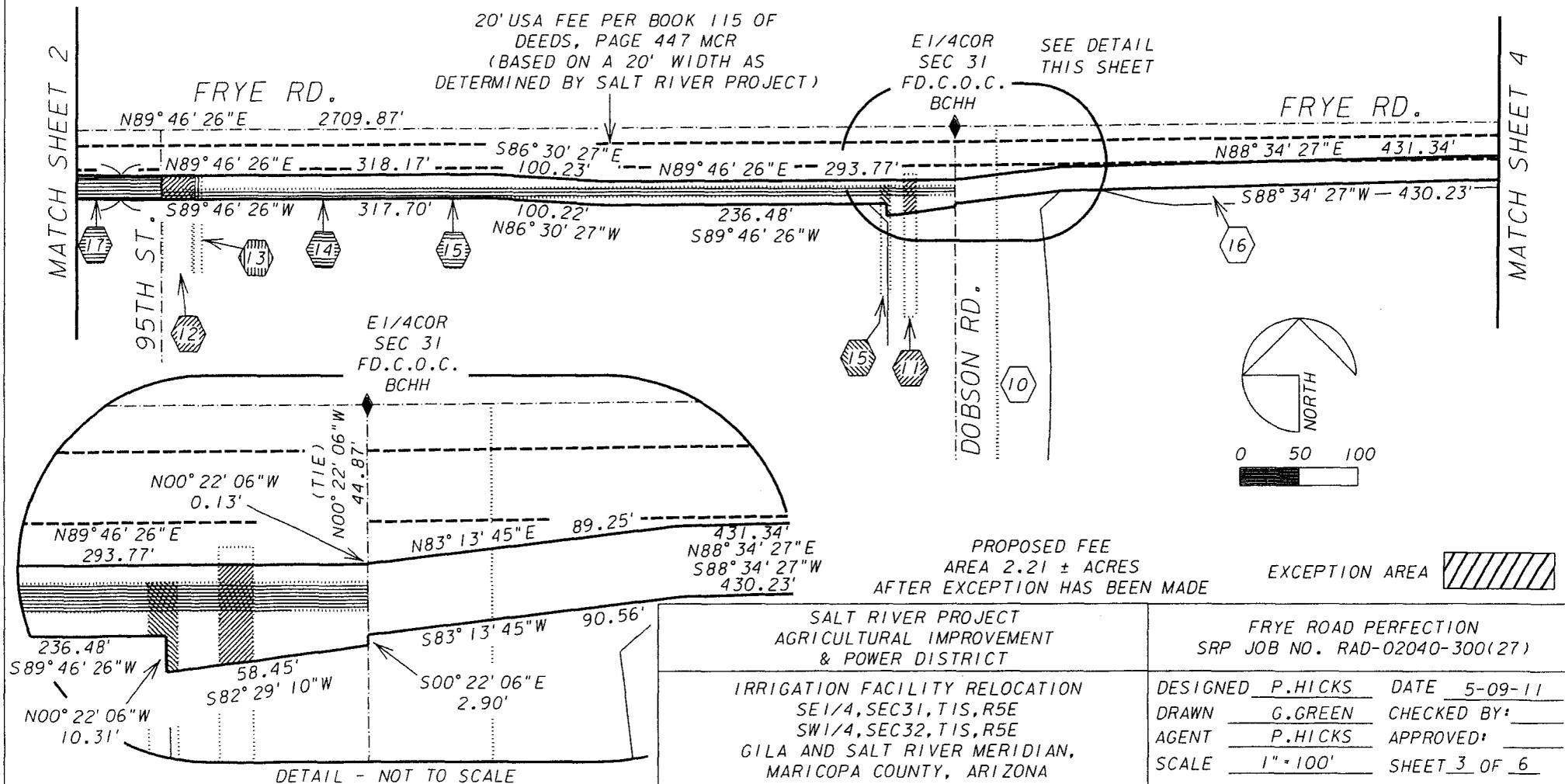


DETAIL  
NOT TO SCALE

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT	FRYE ROAD PERFECTION SRP JOB NO. RAD-02040-300(27)
IRRIGATION FACILITY RELOCATION SE1/4, SEC31, T1S, R5E SW1/4, SEC32, T1S, R5E GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA	DESIGNED <u>P.HICKS</u> DATE <u>5-09-11</u> DRAWN <u>G.GREEN</u> CHECKED BY: _____ AGENT <u>P.HICKS</u> APPROVED: _____ SCALE <u>1" = 100'</u> SHEET <u>2</u> OF <u>6</u>

# EXHIBIT

CONTRACT No. 12LE324000  
CASE No. 09-019

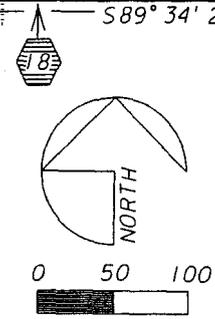
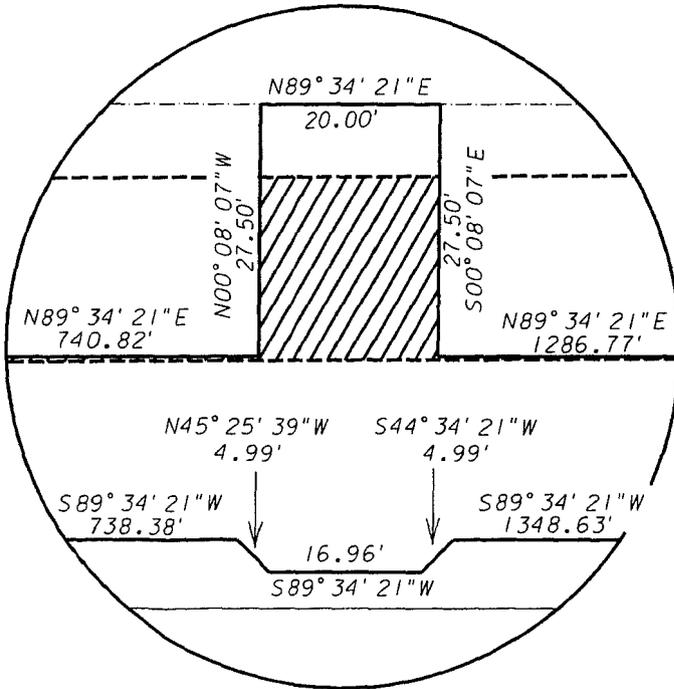
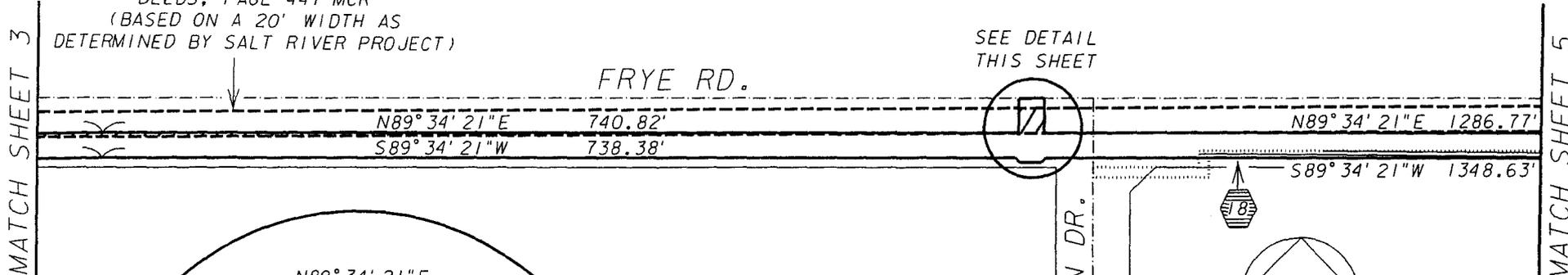


# EXHIBIT

CONTRACT No. 12LE324000  
CASE No. 09-019

20' USA FEE PER BOOK 115 OF  
DEEDS, PAGE 447 MCR  
(BASED ON A 20' WIDTH AS  
DETERMINED BY SALT RIVER PROJECT)

SEE DETAIL  
THIS SHEET



PROPOSED FEE  
AREA 2.21 ± ACRES  
AFTER EXCEPTION HAS BEEN MADE

EXCEPTION AREA 

SALT RIVER PROJECT IRRIGATION FACILITY RELOCATION SE 1/4, SEC 31, T1S, R5E SW 1/4, SEC 32, T1S, R5E GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA	FRYE ROAD PERFECTION SRP JOB NO. RAD-02040-300(27) DESIGNED <u>P.HICKS</u> DATE <u>5-09-11</u> DRAWN <u>G.GREEN</u> CHECKED BY: _____ AGENT <u>P.HICKS</u> APPROVED: _____ SCALE <u>1" = 100'</u> SHEET <u>4</u> OF <u>6</u>
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DETAIL - NOT TO SCALE

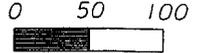
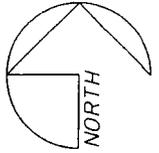
# EXHIBIT

20' USA FEE PER BOOK 115 OF  
DEEDS, PAGE 447 MCR  
(BASED ON A 20' WIDTH AS  
DETERMINED BY SALT RIVER PROJECT)

CONTRACT No. 12LE324000  
CASE No. 09-019

SEE DETAIL  
THIS SHEET

C1/4COR  
SEC 32  
FD.C.O.C.  
BC FLUSH



MATCH SHEET 4

FRYE RD.

N89° 34' 21" E 1286.77'

S89° 34' 21" W 1348.63'

C1/4COR  
SEC 32  
FD.C.O.C.  
BC FLUSH

(TIE)  
N89° 34' 21" E 21.54' N89° 34' 21" E 43.12'

L1 N21° 21' 19" E 24.21'  
L2 S21° 21' 19" W 28.36'

N89° 34' 21" E 43.63'

EXCEPTION AREA



PROPOSED FEE  
AREA 2.21 ± ACRES  
AFTER EXCEPTION HAS BEEN MADE

SALT RIVER PROJECT  
AGRICULTURAL IMPROVEMENT  
& POWER DISTRICT

IRRIGATION FACILITY RELOCATION  
SE 1/4, SEC 31, T1S, R5E  
SW 1/4, SEC 32, T1S, R5E  
GILA AND SALT RIVER MERIDIAN,  
MARICOPA COUNTY, ARIZONA

FRYE ROAD PERFECTION  
SRP JOB NO. RAD-02040-300(27)

DESIGNED P.HICKS DATE 5-09-11  
DRAWN G.GREEN CHECKED BY: \_\_\_\_\_  
AGENT P.HICKS APPROVED: \_\_\_\_\_  
SCALE 1" = 100' SHEET 5 OF 6



REGISTRATION  
EXPIRES: 03-31-13

1286.77'  
N89° 34' 21" E

1348.63'  
S89° 34' 21" W

L1 N00° 25' 39" W 5.01'  
L2 S00° 25' 39" E 1.17'

ARROWHEAD DR.

47.5'

20.00'  
S00° 24' 13" E

DETAIL - NOT TO SCALE

# EXHIBIT

CONTRACT No. 12LE324000  
CASE No. 09-019

SCHEDULE "B" ITEMS FROM A TITLE REPORT BY FIRST AMERICAN TITLE  
INSURANCE COMPANY, NCS-400303-PHX1

- ⑩ EASEMENT TRANSMISSION LINE, DOCKET 4161, PAGE 443.
- ⑪ EASEMENT COMMUNICATION, DOCKET 16309, PAGE 670.
- ⑫ EASEMENT FOR INGRESS, EGRESS, AND PUBLIC UTILITIES, DOC.83-473420.
- ⑬ EASEMENT FOR TRANSMISSION LINE, DOC.84-288169.
- ⑭ EASEMENT FOR COMMUNICATION DOC.84-346705.
- ⑮ EASEMENT FOR COMMUNICATION DOC.84-346706.
- ⑯ STREET RIGHT OF WAY DOC.86-652630.
- ⑰ STREET RIGHT OF WAY DOC.87-101468, DOC.87-291802.
- ⑱ EASEMENT FOR COMMUNICATION DOC.87-321166.
- ⑳ EASEMENT FOR IRRIGATION DOC.88-168255.
- ㉑ EASEMENT FOR UNDERGROUND POWER DOC.92-077739.
- ㉒ EASEMENT FOR ROADWAY, WATER AND SEWER LINES, DOC.97-585461.

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT	FRYE ROAD PERFECTION SRP JOB NO. RAD-02040-300(27)
IRRIGATION FACILITY RELOCATION SE1/4, SEC31, T1S, R5E SW1/4, SEC32, T1S, R5E GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA	DESIGNED <u>P.HICKS</u> DATE <u>5-09-11</u> DRAWN <u>G.GREEN</u> CHECKED BY: _____ AGENT <u>P.HICKS</u> APPROVED: _____ SCALE <u>1" = 100'</u> SHEET <u>6</u> OF <u>6</u>