

#11

APR 25 2013



Real Estate Services Memo No. RE13-108

DATE: APRIL 25, 2013

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *rd*
 MARSHA REED, ASSISTANT CITY MANAGER *MR*
 R. J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
 BOB FORTIER, CAPITAL PROJECTS MANAGER *BF*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: EMERGENCY ORDINANCE NO. 4447 GRANTING A NO COST POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT FOR THE PURPOSE OF INSTALLING AND MAINTAINING ELECTRICAL FACILITIES FOR A CELLULAR TOWER AT THE CITY'S FIRE TRAINING CENTER.

RECOMMENDATION: Staff recommends authorizing and approving Emergency Ordinance No. 4447 granting a no cost power distribution easement to Salt River Project for the purpose of installing and maintaining electrical facilities for a cellular tower at the City's Fire Training Center.

BACKGROUND/DISCUSSION: In 2001, Crown Atlantic Company, LLC ("Crown"), a wireless telecommunications tower management company that uses pole-mounted antennas and other support equipment and devices, applied for and received an encroachment permit from the City to construct and operate a wireless communication facility at a site located upon the grounds of the Chandler Fire Training Center at 3350 South Dobson Road. On April 15, 2011, Crown requested that the City enter into a telecommunication site lease to allow it to operate its wireless communications system at a new site location on the grounds of the Chandler Fire Training Center, which will replace Crown's current site location. The new site is designed to accommodate the co-location of multiple wireless carriers. So that Crown can use this site for the purpose intended in the lease agreement, it is necessary for Salt River Project ("SRP") to provide electrical service to the site. To do so, SRP requires an easement from the City. This

easement is being granted at no cost to SRP for Crown, so that Crown can enjoy their rights under lease.

Staff recommends that this Ordinance be handled on an emergency basis in order to expedite the easement and to meet the City's obligations to Crown under the lease.

FINANCIAL IMPLICATIONS:

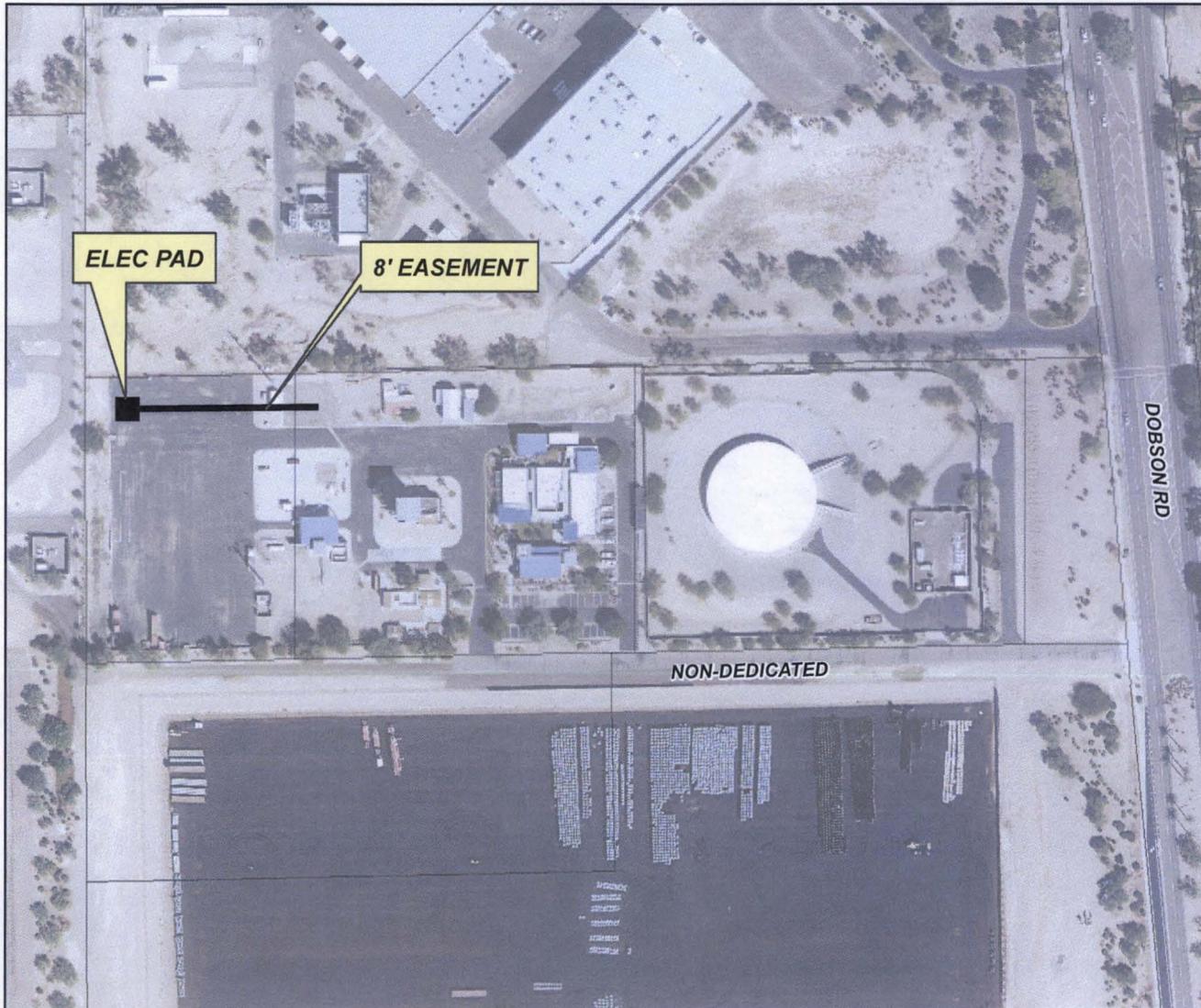
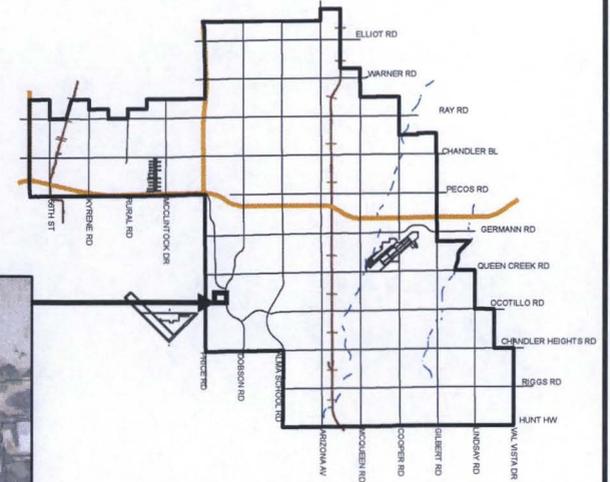
Cost: N/A
Savings: N/A
Long Term Costs: N/A

PROPOSED MOTION: Move that Council authorize and approve Ordinance No. 4447 granting a no-cost power distribution easement to Salt River Project for the purpose of installing and maintaining electrical facilities for a cellular tower at the City's Fire Training Center and declaring an emergency.

Attachments: Location/Site Map
Ordinance No. 4447



GRANT A POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT AT THE CITY FIRE TRAINING CENTER



MEMO NO. RE13-108

EMERGENCY ORDINANCE NO. 4447

■ 8' EASEMENT



ORDINANCE NO. 4447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE THE GRANTING OF A NO COST POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT FOR THE PURPOSE OF INSTALLING AND MAINTAINING ELECTRICAL FACILITIES FOR A CELLULAR TOWER AT THE CITY'S FIRE TRAINING CENTER AND DECLARING AN EMERGENCY.

WHEREAS, Crown Castle International Corporation ("Crown") has constructed a cellular tower at the City's Fire Training Center pursuant to a lease agreement with the City; and

WHEREAS, electric service is required for the operation of the cellular tower; and

WHEREAS, Salt River Project has been requested to provide electric service to the cellular tower; and

WHEREAS, a power distribution easement is required to provide such services; and

WHEREAS, the City of Chandler is willing to grant this power easement to Salt River Project to accommodate its lease agreement with Crown.

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 is authorized to approve, the granting of a power distribution easement to Salt River Project, through, over, under and across that certain property described in attached Easement Exhibit "A" and attached hereto and made a part hereof by this reference.

Section 2. That the granting of said power distribution easement 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 and this Ordinance on behalf of the City.

Section 4. That the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, life, and property of the City of Chandler, and an emergency is hereby declared to exist, to wit: to allow this easement granted so as not to delay results of, or jeopardize the timely execution of the benefits provided in an existing lease agreement between the City of Chandler and Crown. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Chandler City Council, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND APPROVED by the City Council this ____ day of _____,
2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4447 was duly passed and approved by the City Council of the City of Chandler, Arizona, at a special meeting held on the ____ day of _____, 2013, and that the vote was ____ ayes and ____ nays.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB350
P. O. Box 52025
Phoenix, Arizona 85072-2025

POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel #303-37-004M & 303-37-004K
S ½, SEC. 18, T2S, R5E

Agt. RDP
Job # KEB-2203
AMP #81512539
W RDP C WLG

**CITY OF CHANDLER,
an Arizona Municipal Corporation,**

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property:

A portion of Section 18, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described in that Special Grant Deed of Dedication recorded in Instrument Number 1997-0585458, records of Maricopa County, Arizona.

Easement Parcel:

Said easement being a strip of land 8.00 feet in width, lying 4.00 feet on each side of the line described as "CENTERLINE OF 8' EASEMENT" delineated on Exhibit "A" (CHANDLER FIRE CELL SITE, SRP JOB NO. KEB-2203, prepared by Salt River Project A.I. & Power District, dated 12/12/12), said Exhibit "A" attached hereto and made a part hereof. Said easement ALSO to include the equipment pad area as described and/or depicted on said Exhibit "A".

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

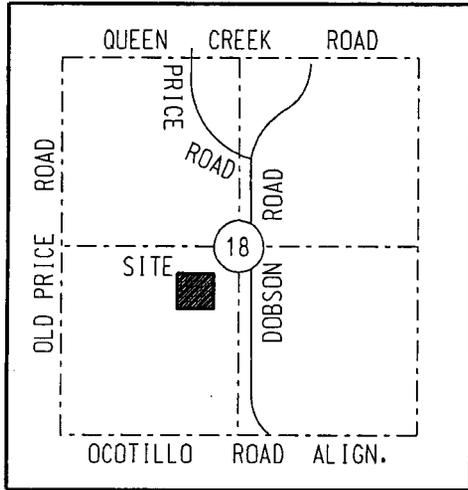
Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

EXHIBIT "A"



LEGEND

- SECTION AND CENTERLINE
- _____ PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- ◆ SECTION CORNER AS NOTED
- ⊖ EQUIPMENT PAD(S)
UNLESS OTHERWISE NOTED
ARE PART OF THE EASEMENT

ABBREVIATION TABLE

BCHH	BRASS CAP IN HAND HOLE
(C)	CALCULATED
EPAD	EQUIPMENT PAD
FND	FOUND
GLO	GENERAL LAND OFFICE
BLM	BUREAU OF LAND MANAGEMENT
M.C.R.	MARICOPA COUNTY RECORDER
(M)	MEASURED
(R)	RECORDED
RLS	REGISTERED LAND SURVEYOR
W/	WITH
APN	ASSESSOR PARCEL NUMBER
NTS	NOT TO SCALE

BASIS OF BEARINGS
97-0585458, MCR

UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY, ARIZONA

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

NOTES

THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT. ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.

ALL ELECTRIC LINES SHOWN ARE MEASURED TO THE WINDOW OF THE EQUIPMENT PAD UNLESS OTHERWISE NOTED.

SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT & POWER DISTRICT



SURVEY DIVISION
LAND DEPARTMENT

SRP JOB NUMBER: KEB-2203	SCALE: NTS
AMP W/O NUMBER: 81512539	SHEET: 1 OF 3
AGENT: PRICE	SHEET SIZE: 8.5"x11"
DRAWN: BH	REVISION: 0 <i>Whitmoyer</i>
CHECKED BY: <i>JL</i>	CREW CHIEF: WHITMOYER
DATE: 12/12/12	FIELD DATE: 11/27/12

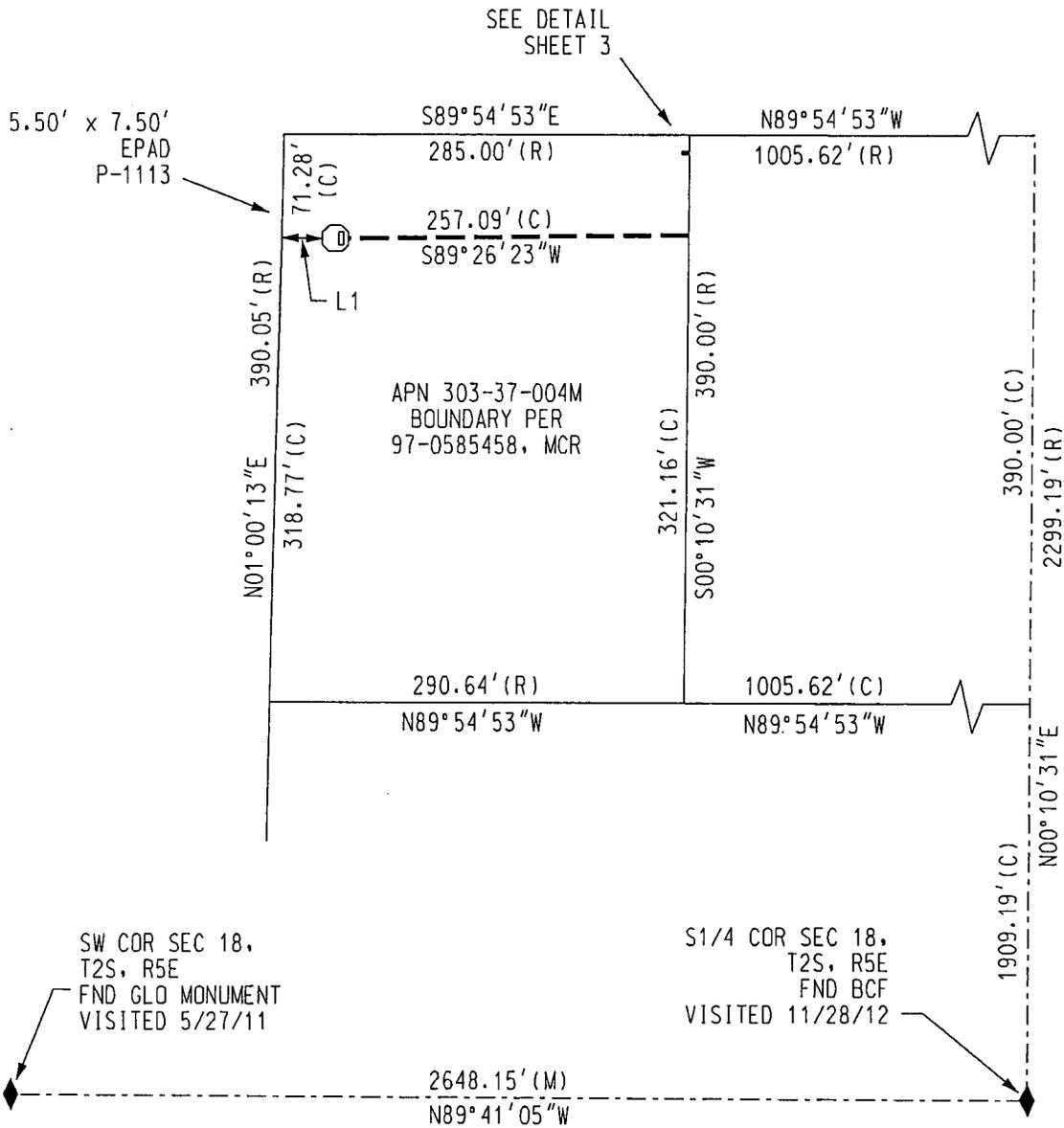
CHANDLER FIRE CELL SITE
S1/2 SEC 18
T2S - R5E
24.4E - 8.6S

BASIS OF BEARINGS
97-0585458, MCR

EXHIBIT "A"



LINE	DIRECTION	DISTANCE
L1	N88°59'47"W	28.96'(C) TIE



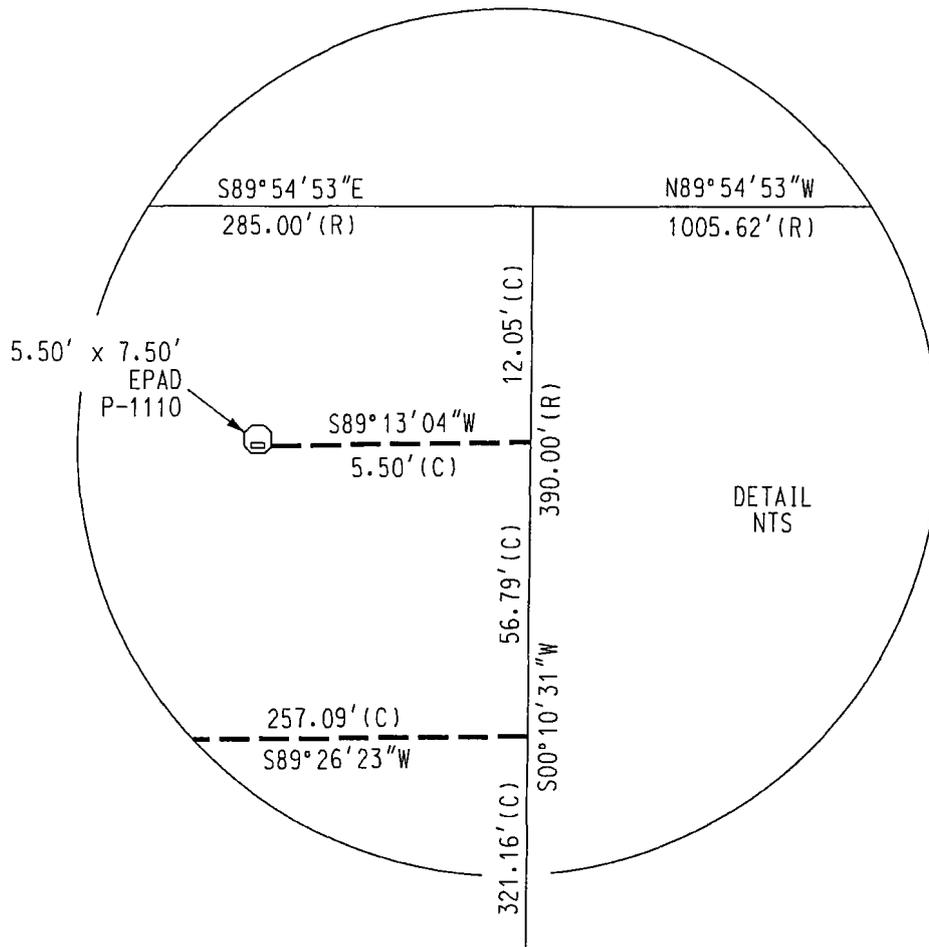
SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT	
SRP JOB NUMBER: KEB-2203	SCALE: NTS
AMP W/O NUMBER: 81512539	SHEET: 2 OF 3
AGENT: PRICE	SHEET SIZE: 8.5"x11"
DRAWN: BH	REVISION: 0 <i>W</i>
CHECKED BY: <i>JG</i>	CREW CHIEF: WHITMOYER
DATE: 12/12/12	FIELD DATE: 11/27/12

SURVEY DIVISION
LAND DEPARTMENT

CHANDLER FIRE CELL SITE
S1/2 SEC 18
T2S - R5E
24.4E - 8.6S

BASIS OF BEARINGS
97-0585458, MCR

EXHIBIT "A"



SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		SRP SURVEY DIVISION LAND DEPARTMENT	
SRP JOB NUMBER: KEB-2203	SCALE: NTS	CHANDLER FIRE CELL SITE S1/2 SEC 18 T2S - R5E 24.4E - 8.6S	
AMP W/O NUMBER: 81512539	SHEET: 3 OF 3		
AGENT: PRICE	SHEET SIZE: 8.5"x11"		
DRAWN: BH	REVISION: 03/22/12		
CHECKED BY: JB	CREW CHIEF: WHITMOYER		
DATE: 12/12/12	FIELD DATE: 11/27/12		