#4

DEC 09 2013

ORDINANCE NO. 4502

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE ASSIGNMENT TO SALT RIVER PROJECT (SRP) OF CERTAIN POWER EASEMENTS ACQUIRED BY THE CITY OF CHANDLER FOR THE ALMA SCHOOL ROAD AND RAY ROAD INTERSECTION PROJECT.

WHEREAS, the City of Chandler filed several condemnation actions to acquire roadway and easements necessary to widen and improve the Alma School Road and Ray Road intersection; and

WHEREAS, the easements acquired included certain power easements needed to accommodate the relocation of existing electrical facilities of Salt River Project Agricultural Improvement and Power District ("Salt River Project"); and

WHEREAS, the easements were acquired under terms that permit the recording of an assignment of said easements directly to Salt River Project, after which the City will have no further obligation, responsibility, liability or rights associated with the easements;

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

Section 1. The City may proceed to execute and record one or more agreements as needed to assign over to Salt River Project the power easements acquired by the City through a condemnation actions filed in connection with the Alma School Road and Ray Road Intersection Project.

Section 2. The City Manager is authorized to execute such agreements, which shall be in a form approved by the City Attorney.

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this _____ day of _____, 2013.

ATTEST:

_____ _____

CITY CLERK MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2013.

ATTEST:

_____ _____

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.4502 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2013, and that a quorum was present thereat.

_____

CITY CLERK

PUBLISHED:

APPROVED AS TO FORM:

_____

CITY ATTORNEY GAB

When recorded, mail to:
Salt River Project
P.O Box 52025
Mail Station PAB 350
Phoenix, AZ 85072

ASSIGNMENT OF POWER EASEMENTS
(Alma School Road and Ray Road)

THIS ASSIGNMENT OF POWER EASEMENTS (the "Assignment") is made this ___ day of _____, 2013, by and between CITY OF CHANDLER, an Arizona municipal corporation, as Assignor ("City"), and SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, an agricultural improvement district organized and existing under the laws of the State of Arizona, as Assignee ("SRP"), in order to complete all transactions and perform all acts necessary for the completion of the road project described below.

1. **Recitals.** As background to this transaction, the parties recite and acknowledge as follows:

1.1. In connection with a City road project for the widening and improvement of the Alma School Road and Ray Road Intersection in Chandler, Arizona (the "Project"), City filed condemnation actions in the Maricopa County Superior Court to acquire roadway and easements needed for the Project that also included the acquisition of power easements ultimately intended for use by SRP. The easements were needed for the relocation of SRP's facilities as a consequence of the Project.

1.2. In the court action, Judgments in Condemnation were entered; City satisfied its obligations under the Judgments; and Final Orders of Condemnation were entered by the Court and recorded with the Maricopa County Recorder to complete the acquisition of the property interests described in the Final Orders, that included power easements over described real property in accordance with the terms and conditions for the easements as stated in the Final Orders. In this case, the terms and conditions for the easements provided that the City could assign the easements to SRP, and, upon recording the assignment, the City would have no further obligation, responsibility or liability, and no further rights, pursuant to or because of the easements.

1.3. City and SRP, through the execution and recording of this Assignment, desire to complete the assignment to SRP of the power easements acquired through the recording of the Final Orders of Condemnation entered in the condemnation actions. The condemnation actions are listed below by case name and number followed by the recording date and recording number for the Final Orders of Condemnation:

Case Name (City v. ____)	Case Number	F.O. Recording Date	F.O. Recording Number
Louay and Mona Yacoub	CV2009-036024	4-15-11	2011-0323415
ACC Retail Associates, LLC	CV2009-036025	1-20-12	2012-0049803
P&H Estates, LLC	CV2009-036812	7-22-11	2011-0611807
Greater Phoenix Chinese Christian Church	CV-2009-036022	2-12-13	2013-0137632

2. **Agreement.** For Ten and No/100 Dollars ($10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and SRP agree as follows:

2.1. **Assignment and Acceptance.** City hereby assigns and transfers to SRP all of City's right, title and interest in and to the easements acquired pursuant to the Final Orders of Condemnation entered in the above-listed court action and subsequently recorded. SRP hereby accepts such assignments and agrees to be bound by the terms and conditions of the easements as stated in the aforementioned Final Orders of Condemnation for the above-listed court actions.

2.2. **No Warranties.** City makes no warranties regarding the Assignment, the easements, or the property affected by the easements, except that City does warrant that the person executing this Assignment on behalf of City is authorized to do so. SRP acknowledges and agrees that City makes no warranties regarding the Assignment, the easements, or the property affected by the easements, except as stated above. SRP does warrant that the person executing this Assignment on behalf of SRP is authorized to do so.

3. **Binding Effect.** This Assignment shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Assignment as of the date set forth above.

ASSIGNOR: CITY OF CHANDLER, an Arizona municipal corporation

By: _____
Rich Dlugas, City Manager

Approved as to Form

_____
City Attorney GAB

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Assignment of Overhead Transmission (Aerial) Easement was acknowledged before me this ____ day of _____, 2013, by Rich Dlugas as City Manager for the City of Chandler, an Arizona municipal corporation, for the municipal corporation, being authorized so to do.

_____
Notary Public

My Commission Expires:

_____

ASSIGNEE: SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, an agricultural improvement district organized and existing under the laws of the State of Arizona

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Assignment of Overhead Transmission (Aerial) Easement was acknowledged before me this ____ day of _____, 2008, by _____, as _____ for Salt River Project Agricultural Improvement and Power District, an agricultural improvement district organized and existing under the laws of the State of Arizona, for the district, being authorized so to do.

_____
Notary Public

My Commission Expires:

_____