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APR 1 0 2014

ORDINANCE NO. 4529

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE ASSIGNMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT (SRP) OF CERTAIN POWER EASEMENTS ACQUIRED BY THE CITY OF CHANDLER FOR THE DOBSON ROAD AND WARNER ROAD INTERSECTION PROJECT AND THE DOBSON ROAD AND CHANDLER BOULEVARD INTERSECTION PROJECT.

WHEREAS, the City of Chandler filed several condemnation actions to acquire roadway and easements necessary to widen and improve the Dobson Road and Warner Road Intersection and the Dobson Road and Chandler Boulevard Intersection; and

WHEREAS, the easements acquired included certain power easements needed to accommodate the relocation of the existing electrical facilities of SRP; and

WHEREAS, the easements were acquired under terms that permit the recording of an assignment of said easements directly to SRP, 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 to SRP the power easements acquired by the City through condemnation actions filed in connection with the Dobson Road and Warner Road Intersection Project and the Dobson Road and Chandler Boulevard 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 _____, 2014.

ATTEST:

_____ _____

CITY CLERK MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2014.

ATTEST:

_____ _____

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4529 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on _____ day of _____, 2014, and that a quorum was present thereat.

_____

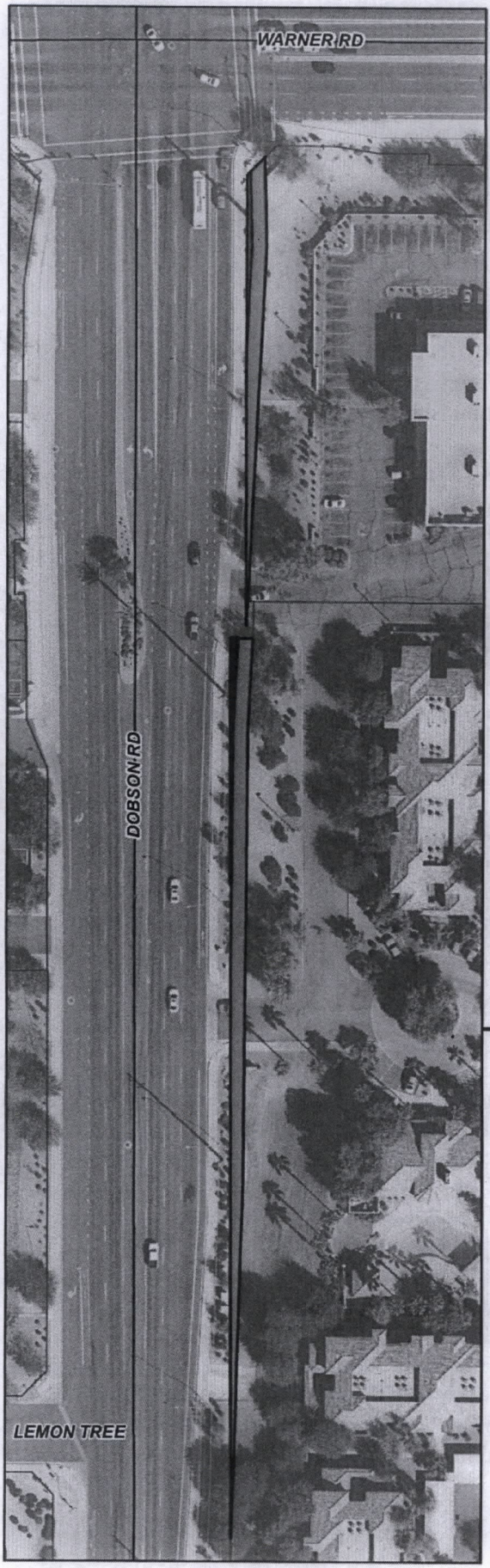
CITY CLERK

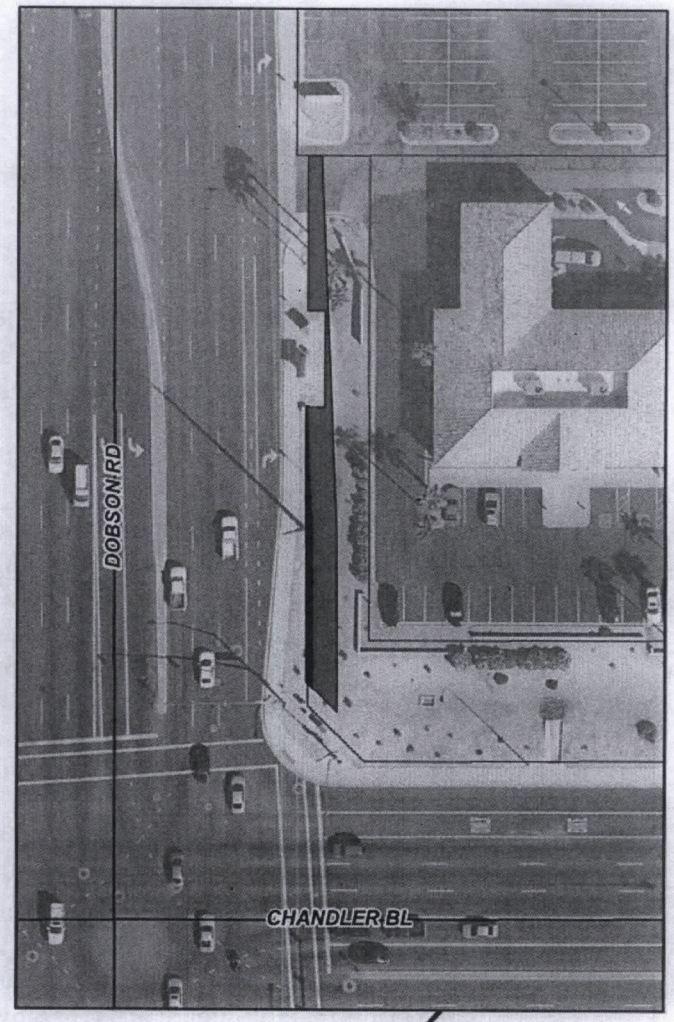
PUBLISHED:

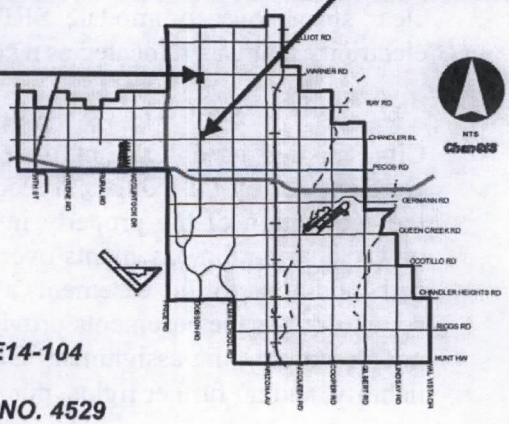
APPROVED AS TO FORM:

_____

CITY ATTORNEY GAB







MEMO NO.RE14-104

ORDINANCE NO. 4529

ASSIGN POWER EASEMENTS TO SALT RIVER PROJECT

AERIAL EASEMENT

69KV ACCESS EASEMENT

GROUND EASEMENTS

69KV GROUND

Chandler • Arizona

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

ASSIGNMENT OF POWER DISTRIBUTION EASEMENTS
(Dobson Road and Warner Road Intersection Improvements and Dobson Road and Chandler Boulevard Intersection Improvements)

THIS ASSIGNMENT OF POWER DISTRIBUTION EASEMENTS (the "Assignment") is made this ___ day of _____, 2014, by and between the 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 projects described below.

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

1.1. In connection with City road projects for the widening and improvement of the Dobson Road and Warner Road Intersection Improvements and the Dobson Road and Chandler Boulevard Intersection Improvements (the "Projects"), City filed condemnation actions in the Maricopa County Superior Court to acquire roadway and easements needed for the Projects that also included acquisition of power distribution easements ultimately intended for use by SRP. The easements were needed to assure clear space to accommodate SRP's facilities for the transmission and distribution of electricity that was relocated as a consequence of the Projects.

1.2. In the court actions, 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, which included power distribution 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 City could assign the easements to SRP, and, upon recording the assignment, 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 distribution 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
Dobson Road and Warner Road Intersection			
ACPRE DOB REAL ESTATE, L.L.C.	CV2007-090518	6-18-08	2008-0541754
Waltrust Properties, Inc. (Walgreens)	CV2007-090534	8-15-07	2007-0921441
Dobson Road and Chandler Boulevard Intersection			
M&I Thunderbird Bank	CV2009-091792	4-21-10	2009-091792

2. **Agreement.** For TEN AND NO/100 DOLLARS ($10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, 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 power distribution easements acquired pursuant to the Final Orders of Condemnation entered in the above-listed court actions and subsequently recorded. SRP hereby accepts such assignment and agrees to be bound by the terms and conditions of the power distribution 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 power distribution 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 power distribution 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

City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing Assignment of Power Distribution Easements was acknowledged before me this ____ day of _____, 2014, 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 Power Distribution Easements was acknowledged before me this ____ day of _____, 2014, 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:

_____