#3

NOV 20 2014

Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Transportation & Development Dept. - Memo No. RE15-129

DATE: NOVEMBER 20, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER RD
MARSHA REED, ASSISTANT CITY MANAGER MR
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR RJZ

FROM: SHARON A. JOYCE, REAL ESTATE COORDINATOR SAJ

SUBJECT: INTRODUCTION AND TENTATIVE ADOPTION OF ORDINANCE NO. 4574 GRANTING AN EASEMENT FOR AN IRRIGATION FACILITY, AT NO COST, TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD), AT STEARMAN DRIVE, SOUTH OF GERMANN ROAD

RECOMMENDATION: Staff recommends introduction and tentative adoption of Ordinance No. 4574 granting an easement for an irrigation facility, at no cost, to the Roosevelt Water Conservation District (RWCD), at Stearman Drive, south of Germann Road.

BACKGROUND/DISCUSSION: As part of the Bellman Development, located at Stearman Drive, south of Germann Road, RWCD has requested the property owner relocate an RWCD irrigation facility to the north property line of the development. In order to relocate this facility, RWCD will require a new easement to cross Stearman Drive. After the facility is constructed in the new location, RWCD will extinguish the existing easement, located just south of the new one at Stearman Drive.

FINANCIAL IMPLICATIONS:

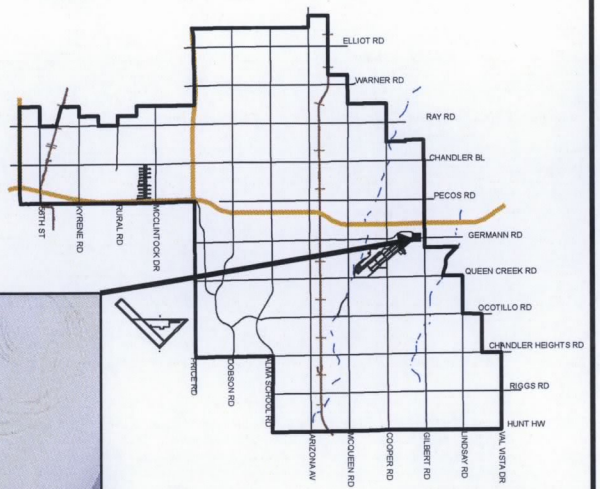
Cost:	N/A
Savings:	N/A
Long Term Costs:	N/A

PROPOSED MOTION: Move City Council introduce and tentatively adopt Ordinance No. 4574 granting an easement for an irrigation facility, at no cost, to the Roosevelt Water Conservation District (RWCD), at Stearman Drive, south of Germann Road.

Attachments: Ordinance 4574
Map
Irrigation Easement

Chandler + Arizona

GRANT AN IRRIGATION EASEMENT TO ROOSEVELT WATER CONSERVATION DISTRICT AT STEARMAN DR. SOUTH OF GERMANN RD.



MEMO NO. RE15-129

ORDINANCE NO. 4574

EASEMENT

NTS

ChanGIS

F:\ENGINEER\GENSERV_ArcMap_Shared\Map Requests\Real Estate\RE15-129 GRANT ESMT TO ROOSEVELT WATER IRRIG DISTRICT\RE15-129.mxd 9/28/2014 SALLYB

ORDINANCE NO. 4574

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE GRANTING AN EASEMENT FOR AN IRRIGATION FACILITY, AT NO COST, TO THE ROOSEVELT WATER CONSERVATION DISTRICT AT STEARMAN DRIVE, SOUTH OF GERMANN ROAD.

WHEREAS, a development is under construction at Stearman Drive, south of Germann Road; 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 the facilities it is necessary to grant a new easement to RWCD; and

WHEREAS, the granting of the irrigation easements to RWCD is being done at no cost as it will replace an existing RWCD irrigation easement.

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 granting of an irrigation easement 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 _____, 2014.

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.4574 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

Legal Description
RWCD Lateral 14 Easement on
Stearman Drive Right of Way

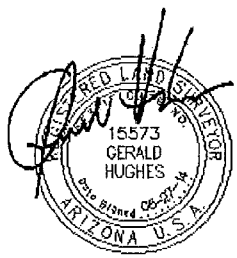
Job No. 14-002.02 June 26, 2014

A portion of the Northeast Quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in a hand hole at the northeast corner of said Section 12, from which an aluminum cap in a hand hole at the north quarter corner of said Section 12 bears South 89 degrees 21 minutes 03 seconds West (an assumed bearing) at a distance of 2633.55 feet; thence South 89 degrees 21 minutes 03 seconds West, along the north line of the Northeast Quarter of said Section 12, 1229.05 feet to the intersection of said north line with the west line of the Stearman Drive right of way as shown on the final plat of Chandler Airport Business Park, recorded in Book 852, Page 50, Official Records of Maricopa County, Arizona; thence South 0 degrees 38 minutes 57 seconds East, along said west line, 2.55 feet to the POINT OF BEGINNING;

Thence South 71 degrees 18 minutes 01 seconds East, 91.89 feet to a point on the north line of the easement granted to Roosevelt Water Conservation District in Docket 6339, Page 518, Official Records of Maricopa County, Arizona; thence South 89 degrees 21 minutes 03 seconds West, along said north line, 54.33 feet; thence North 71 degrees 18 minutes 01 seconds West, 34.31 feet to the west line of said Stearman Drive right of way; thence North 0 degrees 38 minutes 57 seconds West, along said west line, 19.08 feet to the POINT OF BEGINNING.

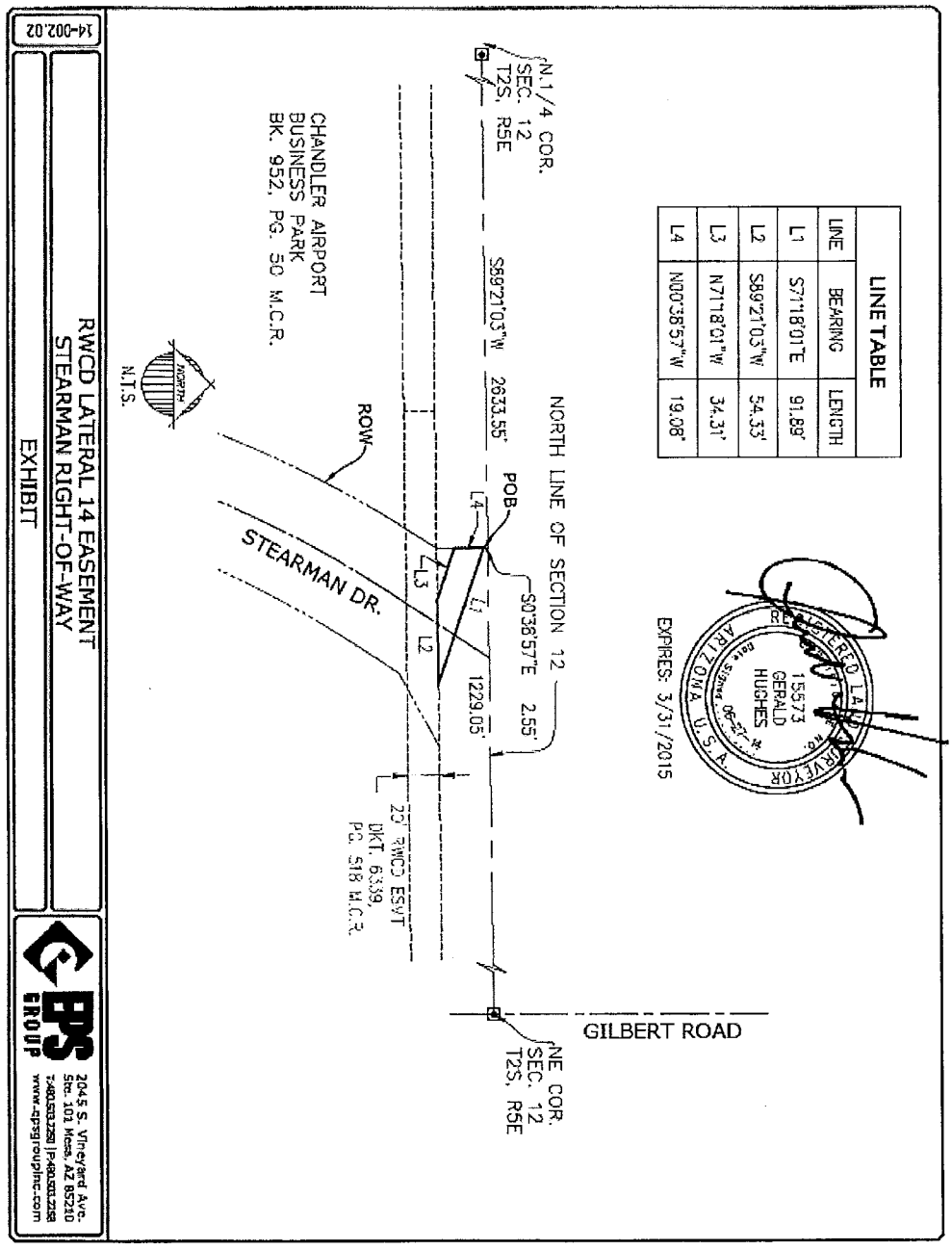
Containing an area of 1,136 square feet or 0.0261 acres, more or less.



EXPIRES: 3/31/2015

EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258
S:\Projects\2014\14-002\14-002.02 - Lateral 14 - Bellman\Legal Survey\Legals\RWCD on RW.docx

4775918v1(48338.259)


LINE TABLE
LINE | BEARING | LENGTH
L1 | S71°18'01"E | 91.89'
L2 | S89°21'03"W | 54.33'
L3 | N71°18'01"W | 34.31'
L4 | N00°38'57"W | 19.08'
REGISTERED LAND SURVEYOR
15573
GERALD
HUGHES
Not Valid Unless Signed 06-30-15
ARIZONA, U.S.A.
EXPIRES: 3/31/2015
N.1/4 COR.
SEC. 12
T2S, R5E
S89°21'03"W 2633.55'
NORTH LINE OF SECTION 12
POB
L4
L3
L2
L1
S0°38'57"E 2.55'
1229.05'
ROW
STEARMAN DR.
CHANDLER AIRPORT
BUSINESS PARK
BK. 952, PG. 50 M.C.R.
25' RWCD ESMT
DKT. 6339,
PG. 518 M.C.R.
GILBERT ROAD
NE COR.
SEC. 12
T2S, R5E
NORTH
N.T.S.
RWCD LATERAL 14 EASEMENT
STEARMAN RIGHT-OF-WAY
EXHIBIT
14-002.02
EPS GROUP
2045 S. Vineyard Ave.
Ste. 101 Mesa, AZ 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

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

(Lateral 14 – NE¼ S12 T2S R5E – Bellman Project – StearmanDrive)

NE ¼ of Section 12 T2S R5E
Maricopa County G& SRM

CITY OF CHANDLER, an Arizona 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**, a water conservation and irrigation district 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 at its sole and exclusive discretion may now or in the future deem necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as is reasonably necessary as determined by Grantee at its sole and exclusive discretion to exercise the easement rights granted in this document.

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 of the Northeast ¼ of Section 12, 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 and that the lands are not subject to mortgage or deed of trust interests.

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 Grantee's rights to the part or the property abandoned shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns and lessees.

Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Agreement this _____ day of _____, 2014.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2014, the foregoing instrument was acknowledged before me by _____, the _____ of CITY OF CHANDLER, an Arizona municipal corporation, and such authorized representative(s) acknowledged that this document was executed on behalf of the partnership for the purposes therein contained.

My Commission Expires:

_____
Notary Public

GRANTEE:

ROOSEVELT WATER CONSERVATION DISTRICT

By: _____
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2014, the foregoing instrument was acknowledged before me by Shane M. Leonard, the General Manager of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

My Commission Expires:

_____
Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY

Legal Description
RWCD Lateral 14 Easement on
Stearman Drive Right of Way

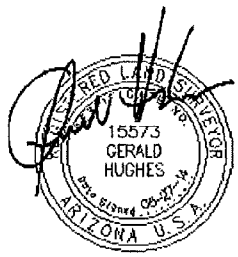
Job No. 14-002.02 June 26, 2014

A portion of the Northeast Quarter of Section 12, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in a hand hole at the northeast corner of said Section 12, from which an aluminum cap in a hand hole at the north quarter corner of said Section 12 bears South 89 degrees 21 minutes 03 seconds West (an assumed bearing) at a distance of 2633.55 feet; thence South 89 degrees 21 minutes 03 seconds West, along the north line of the Northeast Quarter of said Section 12, 1229.05 feet to the intersection of said north line with the west line of the Stearman Drive right of way as shown on the final plat of Chandler Airport Business Park, recorded in Book 852, Page 50, Official Records of Maricopa County, Arizona; thence South 0 degrees 38 minutes 57 seconds East, along said west line, 2.55 feet to the POINT OF BEGINNING;

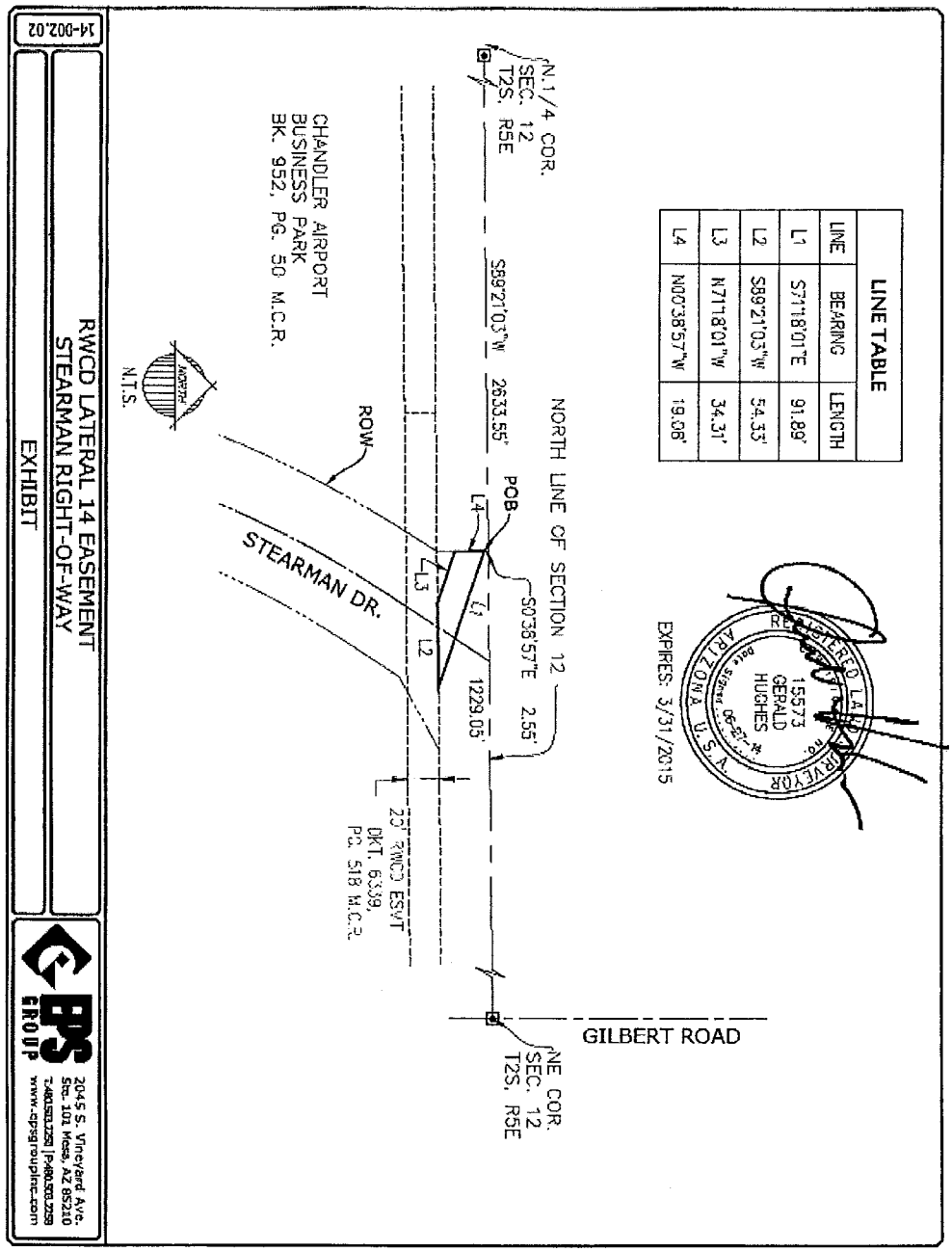
Thence South 71 degrees 18 minutes 01 seconds East, 91.89 feet to a point on the north line of the easement granted to Roosevelt Water Conservation District in Docket 6339, Page 518, Official Records of Maricopa County, Arizona; thence South 89 degrees 21 minutes 03 seconds West, along said north line, 54.33 feet; thence North 71 degrees 18 minutes 01 seconds West, 34.31 feet to the west line of said Stearman Drive right of way; thence North 0 degrees 38 minutes 57 seconds West, along said west line, 19.08 feet to the POINT OF BEGINNING.

Containing an area of 1,136 square feet or 0.0261 acres, more or less.



EXPIRES: 3/31/2015

EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258
S:\Projects\2014\14-002\14-002.02 - Lateral 14 - Bellman\Legal Survey\Legals\RWCD on RW.docx


LINE TABLE
LINE | BEARING | LENGTH
L1 | S71°18'01"E | 91.89'
L2 | S89°21'03"W | 54.33'
L3 | N71°18'01"W | 34.31'
L4 | N00°38'57"W | 19.06'
REGISTERED LAND SURVEYOR
15573
GERALD
HUGHES
ARIZONA U.S.A.
EXPIRES: 3/31/2015
N.1/4 COR.
SEC. 12
T2S. R5E
S89°21'03"W 2633.55'
NORTH LINE OF SECTION 12
S0°38'57"E 2.55'
1229.05'
POB
L4
L3
L2
L1
ROW
STEARMAN DR.
CHANDLER AIRPORT
BUSINESS PARK
BK. 952, PG. 50 M.C.R.
20' RWCD ESMT
DKT. 6339,
PG. 518 M.C.R.
GILBERT ROAD
NE COR.
SEC. 12
T2S. R5E
NORTH
N.T.S.
RWCD LATERAL 14 EASEMENT
STEARMAN RIGHT-OF-WAY
EXHIBIT
EPS GROUP
2045 S. Vineyard Ave.
Ste. 101 Mesa, AZ 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com
14-002.02