

#4

DEC 08 2014

**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

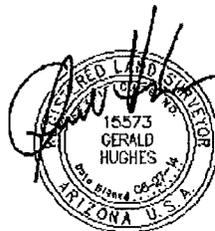
June 26, 2014

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.

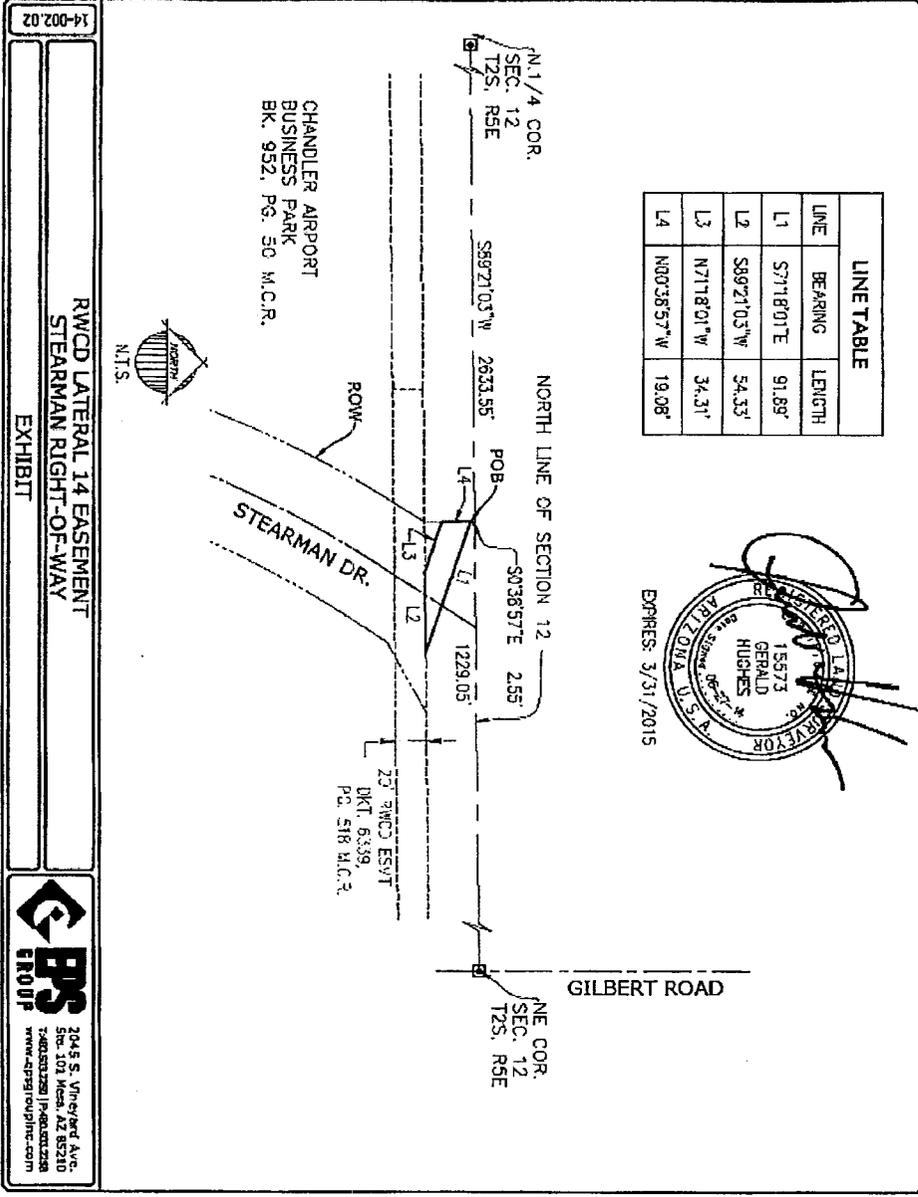
Containing an area of 1,136 square feet or 0.0261 acres, more or less.



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\Legal\RWCD on RW.docx



**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 - Stearman Drive)

**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.



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

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