

#7
APR 16 2015



MEMORANDUM Transportation & Development Dept. - Memo No. RE15-007

DATE: APRIL 16, 2015

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
DANIEL W. COOK, CITY ENGINEER *DW* for *for*

FROM: ERICH KUNTZE, REAL ESTATE COORDINATOR *EK*

SUBJECT: ORDINANCE NO. 4518 AUTHORIZING THE GRANT OF NO COST IRRIGATION EASEMENTS TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) IN PROPERTY OWNED OR ACQUIRED BY THE CITY IN CONNECTION WITH THE GILBERT ROAD IMPROVEMENT PROJECT (OCOTILLO ROAD TO HUNT HIGHWAY) ST-0809; AND DECLARING AN EMERGENCY

RECOMMENDATION: Staff recommends adoption of Ordinance No. 4518 authorizing the grant of no cost irrigation easements to the Roosevelt Water Conservation District (RWCD) in property owned or acquired by the City in connection with the Gilbert Road Improvement Project (Ocotillo Road to Hunt Highway) ST-0809; and declaring an emergency.

BACKGROUND/DISCUSSION: As part of the Gilbert Road Improvement Project (Ocotillo Road to Hunt Highway) ST-0809, the City of Chandler entered into an agreement with the RWCD to allow construction of the Gilbert Road Improvement Project from Ocotillo Road to Hunt Highway (the "Project") over portions of property owned by RWCD. The construction of the Project required the relocation of some existing RWCD irrigation facilities. Pursuant to the Agreement, the City is to grant new irrigation easements across portions of Gilbert Road to accommodate relocated RWCD irrigation facilities at Brooks Farm Road, Chandler Heights Road, and approximately ½ mile north of Riggs Road.

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April 16, 2015
Page 2

The easements are being granted at no cost to RWCD as they are necessary for the Project and replace prior RWCD easements at these locations.

The irrigation easements have been reviewed and approved by the City Attorney's office.

Staff has reviewed and approved the legal descriptions for the requested easements.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Move City Council adopt Ordinance No. 4518 authorizing the grant of no cost irrigation easements to the Roosevelt Water Conservation District (RWCD) in property owned or acquired by the City in connection with the Gilbert Road Improvement Project (Ocotillo Road to Hunt Highway) ST-0809; and declaring an emergency.

Attachments: Maps
Ordinance No. 4518
RWCD Easements

ORDINANCE NO. 4518

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA (THE "CITY"), AUTHORIZING AND APPROVING THE GRANT OF NO COST IRRIGATION EASEMENTS TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) IN PROPERTY OWNED OR ACQUIRED BY THE CITY IN CONNECTION WITH THE GILBERT ROAD IMPROVEMENT PROJECT (OCOTILLO ROAD TO HUNT HIGHWAY) ST-0809; AND DECLARING AN EMERGENCY.

WHEREAS, the City has undertaken and is nearing completion of the Gilbert Road Improvement Project (Ocotillo Road to Hunt Highway) ST-0809 (the "Project"); and

WHEREAS, construction of the Project has required the relocation of existing irrigation facilities owned or belonging to RWCD; and

WHEREAS, due to the relocation and/or construction of the RWCD facilities the City is willing to grant new irrigation easements to RWCD, at no cost on certain real property owned or acquired by the City in connection with the Project;

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

Section 1. That the City is authorized to grant to RWCD, at no cost, irrigation easements through, over, under and across certain real property owned or acquired by the City in connection with the Project, said easement parcels being legally described in attached Exhibits "A", "B", "C", "D", "E" and "F" (the "Easement Parcels").

Section 2. The Mayor of the City of Chandler, on behalf of the City, is authorized to execute and deliver the irrigation easements. City staff is authorized to execute and/or deliver all additional documents that may be reasonably required to consummate the aforementioned transaction.

Section 3. The irrigation easements and other required documents shall be in form and substance approved by the Chandler City Attorney Office. The Chandler City Clerk shall cause the irrigation easements to be recorded and recorded copies to be delivered to RWCD on or before April 30, 2015.

Section 4. 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: the aforementioned transaction must be completed on or before April 30, 2015, to coincide with the termination of the existing license granted the City by RWCD to enter upon and use a portion of the canal extension property, and to ensure that the Project is not disrupted; this Ordinance must be in full force and effect prior to that date. 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.

INTRODUCED AND ADOPTED by the City Council this _____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4518 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2015, and that the vote was _____ Ayes, and _____ Nays.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY GAB

PUBLISHED:

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**

(COC ST809 - Lateral 16 1/2 3W - Gilbert/Brooks Farm)

**NW 1/4 of Section 19 T2S R6E
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 Northwest 1/4 of Section 19, Township 2 South, Range 6 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

This Irrigation Facilities Easement is subject to all existing encumbrances of record, including easements and licenses. Grantor consents only to the use of the Easement Property for the specific purposes described herein. Nothing in this document shall be construed as Grantor's representation, warranty, approval or consent regarding rights in the Easement Property.

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 _____, 2015.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2015, 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

APPROVED AS TO FORM

CITY ATTORNEY GAB

GRANTEE:

ROOSEVELT WATER CONSERVATION DISTRICT

By: *[Signature]*
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 25th day of March, 2015, 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: 01/09/2019

[Signature]
Notary Public



Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within Gilbert Rd East R/W
At Brooks Farm Road**

Job No. 09-066

January 16, 2013

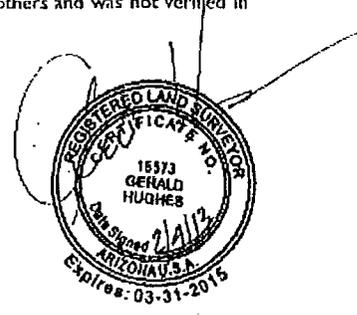
A portion of Northwest Quarter of Section 19, Township 2 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in a hand hole at the southwest corner of said Section 19, from which a brass cap in a hand hole at the south quarter corner of Section 24, Township 2 South, Range 5 East bears S89°16'29" W (an assumed bearing) at a distance of 2,628.60 feet; thence N00°16'50"W, along the west line of the Southwest Quarter of said Section 19, for a distance of 2,650.04 feet to the west quarter corner of said Section 19; thence N00°18'16"W, along the west line of the Northwest Quarter of said Section 19, for a distance of 13.65 feet to the POINT OF BEGINNING;

Thence continuing N00°18'16"W, along west line, for a distance of 12.11 feet; thence N81°54'14"E for a distance of 65.61 feet to a point on the east line of the west 65.00 feet of the Northwest Quarter of said Section 19; thence S00°18'16"E, along said east line, for a distance of 12.11 feet; thence S81°54'14"W for a distance of 19.75 feet to a point on the north line of the south 20.00 feet of the Northwest Quarter of said Section 19 and the north line of an RWCD parcel described in Book 193 of Deeds, Page 392, Official Records of Maricopa County, Arizona and modified by a quit claim deed recorded in Docket 9542, Page 905, Official Records of Maricopa County, Arizona; thence S89°52'04"W, along said north line, for a distance of 12.43 feet to a point on the east line of the west 33.00 feet of the Northwest Quarter of said Section 19; thence S00°18'16"E, along said east line, for a distance of 1.74 feet; thence S81°54'14"W for a distance of 33.31 feet to the POINT OF BEGINNING.

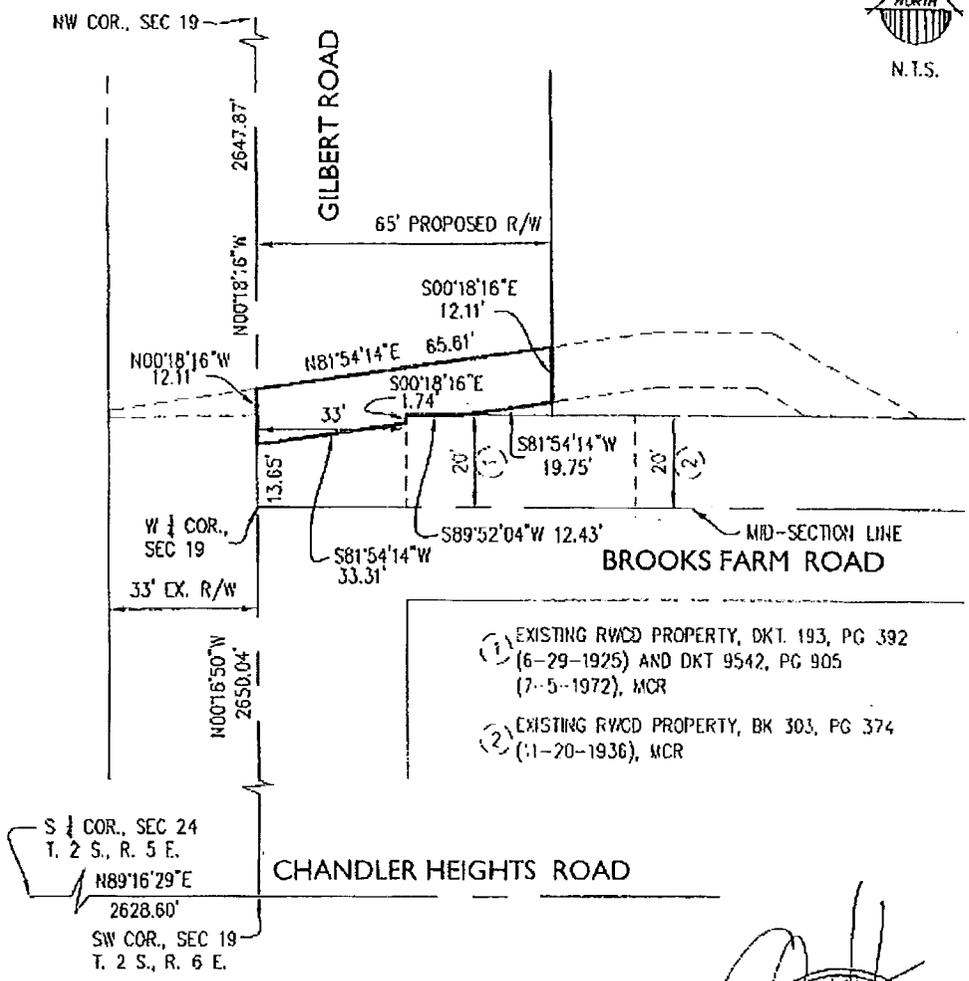
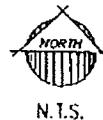
An area containing 776 square feet or 0.0178 acres, more or less.

This legal description was prepared from survey information provided by others and was not verified in the field.



EPS Group, Inc. • 7045 S. Vineyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-7250 • Fax (480) 503-7258

S:\Projects\009\07\06\Legal\Survey\4\eps\Brooks Farm\09066 RWCD Easement Book 193 of Deeds



- ① EXISTING RWCD PROPERTY, DKT. 193, PG 392 (6-29-1925) AND DKT 9542, PG 905 (7-5-1972), MCR
- ② EXISTING RWCD PROPERTY, BK 303, PG 374 (1-20-1936), MCR



EXPIRES: 3/31/2015

09-066	RWCD EASEMENT within Existing R/W - East side GILBERT, ARIZONA		 eps group, Inc. Engineers, Planners & Surveyors 2055 E. Vitajay Rd. 181, Mesa, Arizona 85210 Phone (480) 962-2200 Fax (480) 962-2208
	EXHIBIT		

EXHIBIT "B"

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**

(COC ST809 - Lateral 16 1/2 3W - Gilbert/Brooks Farm)

**NE 1/4 of Section 24 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 1/4 of Section 24, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

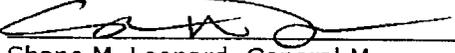
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Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere 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:

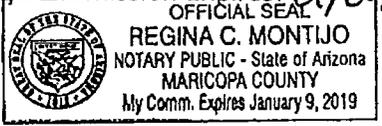
ROOSEVELT WATER CONSERVATION DISTRICT

By: 
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 25th day of March, 2015, 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: 01/09/2019



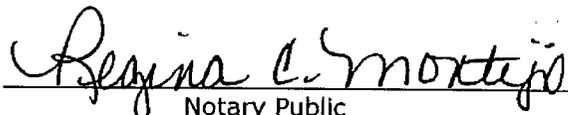

Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within Gilbert Rd R/W
At Brooks Farm Road**

Job No. 09-066

November 26, 2012

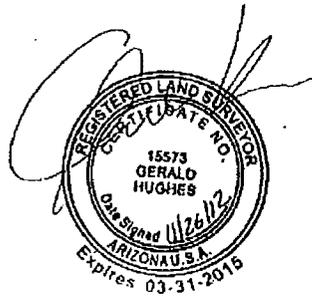
A portion of Northeast Quarter of Section 24, Township 2 South, Range 5 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in a hand hole at the southeast corner of said Section 24, from which a brass cap in a hand hole at the south quarter corner of said Section 24 bears S89°16'29" W (an assumed bearing) at a distance of 2,628.60 feet; thence N00°16'50"W, along the east line of the Southeast Quarter of said Section 24, for a distance of 2,650.04 feet to the east quarter corner of said Section 24; thence N00°18'16"W, along the east line of the Northeast Quarter of said Section 24, for a distance of 20.00 feet to a point on the north line of an RWCD parcel described in Book 196 of Deeds, Page 20, Official Records of Maricopa County, Arizona, said point being the POINT OF BEGINNING;

Thence S89°10'11"W, along said north line, for a distance of 33.00 feet to a point on the west line of the east 33.00 feet of the Northeast Quarter of said Section 24; thence N00°18'16"W, along said west line, for a distance of 1.54 feet; thence N81°54'14"E for a distance of 33.31 feet to a point on the east line of the Northeast Quarter of said Section 24; thence S00°18'16"E for a distance of 5.76 feet to the POINT OF BEGINNING.

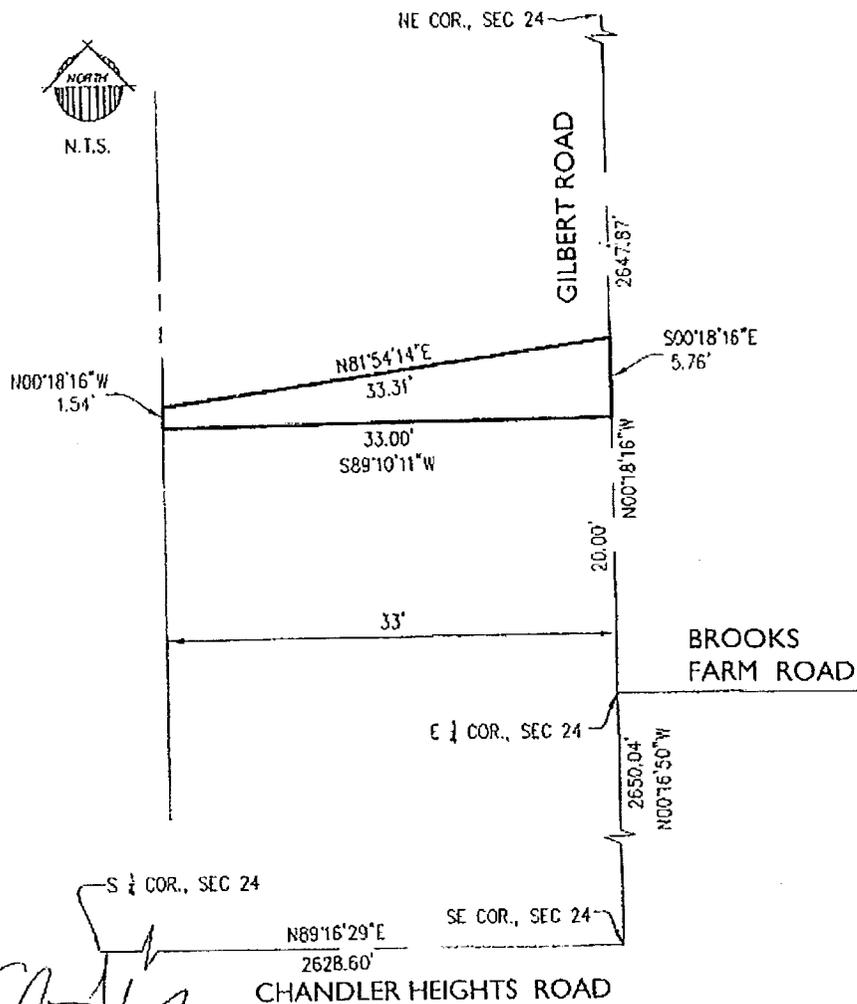
An area containing 120 square feet or 0.0028 acres, more or less.

This legal description was prepared from survey information provided by others and was not verified in the field.



EPS Group, Inc. • 7045 S. Vineyard, Suite 101 • Mesa, AZ 85210
P: (480) 521-2200 • F: (480) 521-2210

X:\Projects\090927 0909 0909\Legal\09066 RWCD Easement 7-112612.dwg



EXPIRES: 3/31/2015

09-066	Project RWCD EASEMENT within Existing R/W - West side <small>GILBERT, ARIZONA</small>	 eps group, Inc. <small>Engineers, Planners & Surveyors</small> 2541 S. Vineyard, Ste. 101, Mesa, Arizona 85210 Phone (480) 933-2256 Fax (480) 933-2258
	EXHIBIT	

EXHIBIT "C"

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**

(COC ST809 - Lateral 17 3W - Gilbert/Chandler Heights)

**SW ¼ of Section 19 T2S R6E
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.

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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 _____, 2015.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2015, 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

APPROVED AS TO FORM

CITY ATTORNEY GAB

GRANTEE:

ROOSEVELT WATER CONSERVATION DISTRICT

By: *[Signature]*
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 25th day of March, 2015, 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: 01/09/2019

[Signature]
Notary Public

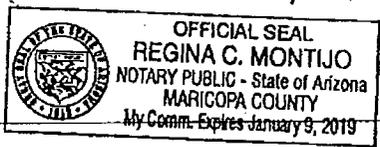
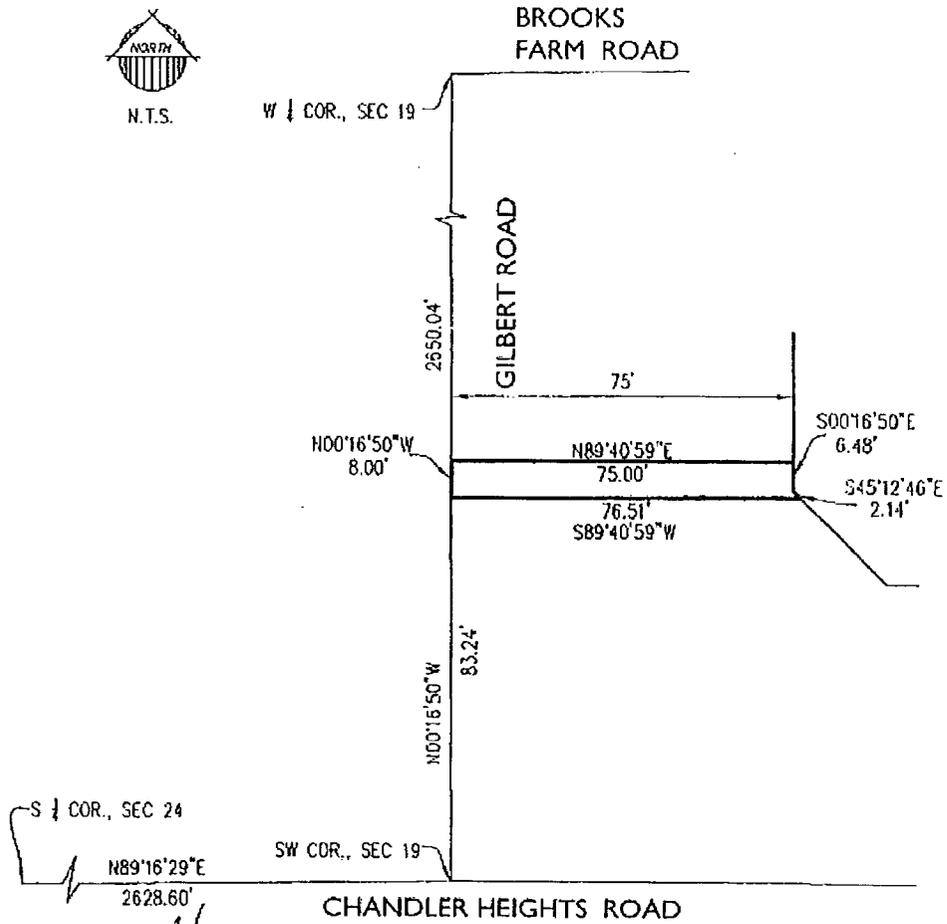


Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



EXPIRES: 3/31/2015

09-066	FINANCE	RWCD EASEMENT within Existing R/W - East side OF THE ARIZONA	 eps group, Inc. Engineers, Planners & Surveyors 2048 S. Vlayard, Box 401, Mesa, Arizona 85210 Phone (480) 312-1756 Fax (480) 301-6294
		EXHIBIT	

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**

(COC ST809 - Lateral 17 3W - Gilbert/Chandler Heights)

**SE $\frac{1}{4}$ of Section 24 T2S R6E
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.

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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 _____, 2015.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2015, 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:

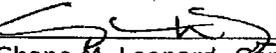
Notary Public

APPROVED AS TO FORM

CITY ATTORNEY GAB

GRANTEE:

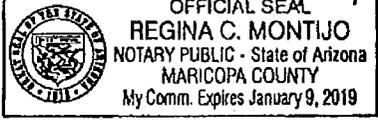
ROOSEVELT WATER CONSERVATION DISTRICT

By: 
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 25th day of March, 2015, 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: 01/09/2019




Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Easement
Within West Side of Gilbert Rd R/W
North of Chandler Heights Road**

Job No. 09-066

November 26, 2012

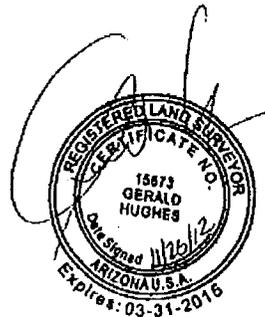
A portion of Southeast Quarter of Section 24, Township 2 South, Range 5 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in a hand hole at the southeast corner of said Section 24, from which a brass cap in a hand hole at the south quarter corner of said Section 24 bears S89°16'29" W (an assumed bearing) at a distance of 2,628.60 feet; thence N00°16'50"W, along the east line of the Southeast Quarter of said Section 24, for a distance of 83.24 feet to the POINT OF BEGINNING;

Thence S89°28'28"W for a distance of 96.43 feet to a point on the west line of the existing Gilbert Road Right of Way; thence N44°29'24"E, along said west line, for a distance of 11.32 feet; thence N89°28'28"E for a distance of 88.46 feet to a point on the east line of the Southeast Quarter of said Section 24; thence S00°16'50"E, along said east line, for a distance of 8.00 feet to the POINT OF BEGINNING.

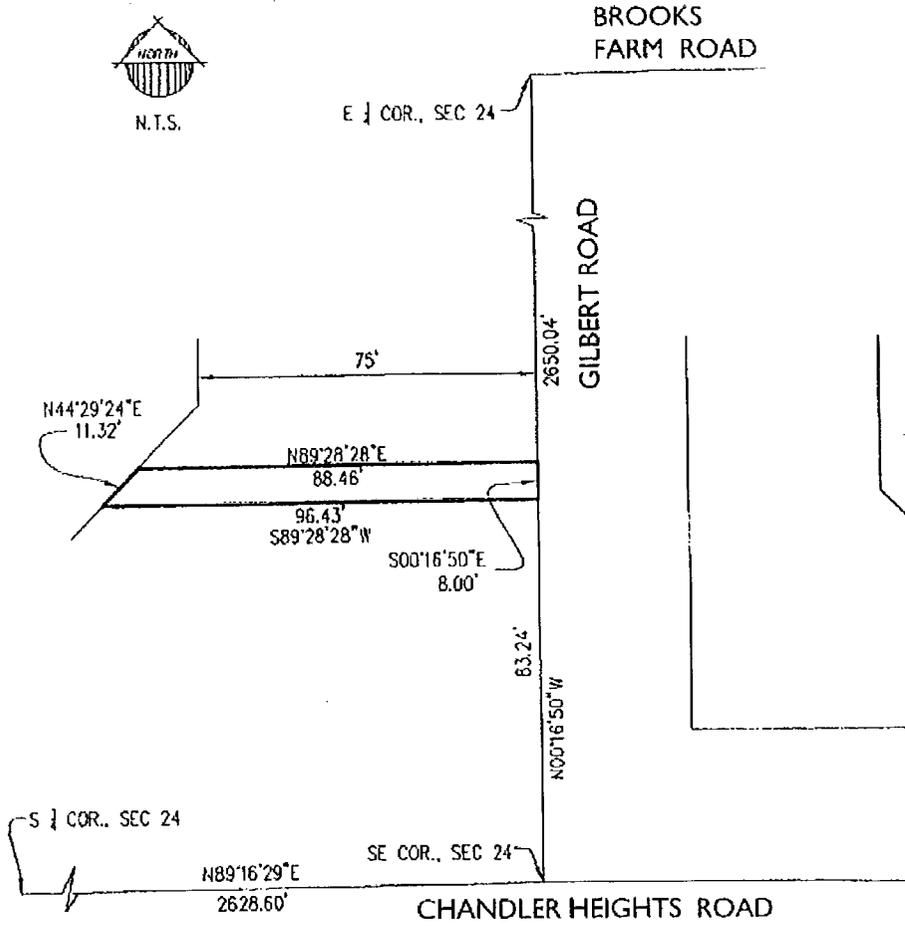
An area containing 740 square feet or 0.0170 acres, more or less.

This legal description was prepared from survey information provided by others and was not verified in the field.



EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258

\\proj-cv\000009\001\eps\survey\gerald\09066 RWCD Easement # 112612.doc



EXPIRES: 3/31/2015

09-066	Project	RWCD EASEMENT within Existing R/W - West side <small>CL 2011, AZ212094</small>	 eps group, Inc. Engineers, Planners & Surveyors <small>1043 S. Skyway, Ste. 101, Mesa, Arizona 85210 Phone: 480.978.2299 Fax: 480.978.2298</small>
	EXHIBIT		

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**

(COC ST809 - Lateral 17½ - Gilbert Road)

**SW ¼ of Section 30 T2S R6E
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 Southwest ¼ of Section 30, Township 2 South, Range 6 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

This Irrigation Facilities Easement is subject to all existing encumbrances of record, including easements and licenses. Grantor consents only to the use of the Easement Property for the specific purposes described herein. Nothing in this document shall be construed as Grantor's representation, warranty, approval or consent regarding rights in the Easement Property.

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 _____, 2015.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2015, 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:

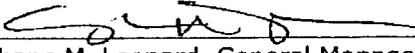
Notary Public

APPROVED AS TO FORM

CITY ATTORNEY GAB

GRANTEE:

ROOSEVELT WATER CONSERVATION DISTRICT

By: 
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 25th day of March, 2015, 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: 01/09/2019



OFFICIAL SEAL
REGINA C. MONTIJO
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires January 9, 2019

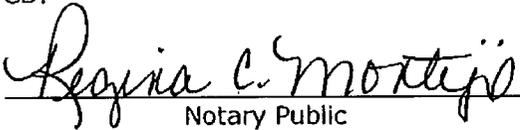

Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Lateral 17-1/2 Easement
East Side of Gilbert Rd**

Job No. 14-002.15

October 29, 2014

A portion of Southwest Quarter of Section 30, Township 2 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a flush brass at the west quarter corner of said Section 30, from which a brass cap in a hand hole at the northwest corner of Section 30, bears North 0 degrees 21 minutes 32 seconds West (an assumed bearing) at a distance of 2,641.52 feet;

thence South 0 degrees 22 minutes 23 seconds East, along the west line of the Southwest Quarter of said Section 30, 66.94 feet to the POINT OF BEGINNING

thence North 89 degrees 37 minutes 37 seconds East, 65.00 feet to a point on the east line of the west 65.00 feet of the Southwest Quarter of said Section 30;

thence South 0 degrees 22 minutes 23 seconds East, along said east line, 20.00 feet;

thence South 89 degrees 37 minutes 37 seconds West, 65.00 feet to a point on the west line of said section 30;

thence North 0 degrees 22 minutes 23 seconds West, along said west line, 20.00 feet to the POINT OF BEGINNING.

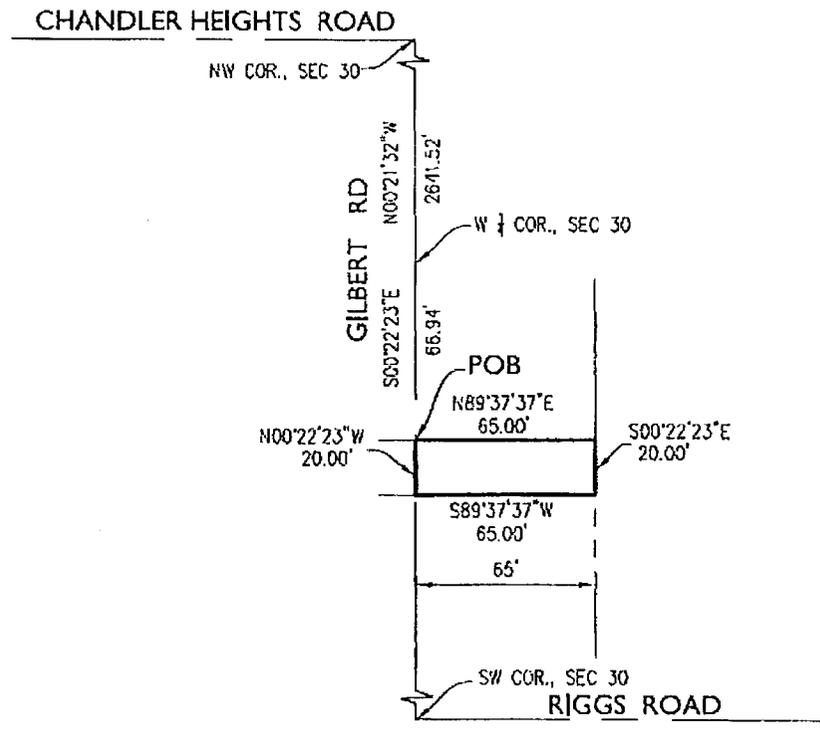
An area containing 1300 square feet or 0.0298 acres, more or less.



EXPIRES: 3/31/2015

EPS Group, Inc. • 2045 S. Vainyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258

S:\Project\2014\14-002\14-002.15-Extension-Canal-Gilbert-Road-Legal\Legal Survey\Legal 1400215 Lateral 17.5 Gilbert rd.14.dwg



EXPIRES: 3/31/2015

09-066	Project	RWCD EASEMENT	 Eps group, Inc. Engineers, Planners & Surveyors 2044 S. Maryland Ave., #11, Mesa, Arizona 85204 Phone: (480) 833-2700 Fax: (480) 833-2700
		STATE: ARIZONA	
		EXHIBIT	

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**

(COC ST809 - Lateral 17½ - Gilbert Road)

**SE ¼ of Section 25 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 Southeast ¼ of Section 25, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

This Irrigation Facilities Easement is subject to all existing encumbrances of record, including easements and licenses. Grantor consents only to the use of the Easement Property for the specific purposes described herein. Nothing in this document shall be construed as Grantor's representation, warranty, approval or consent regarding rights in the Easement Property.

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 _____, 2015.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2015, 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:

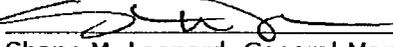
Notary Public

APPROVED AS TO FORM

CITY ATTORNEY GAB

GRANTEE:

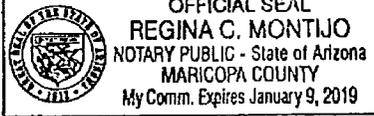
ROOSEVELT WATER CONSERVATION DISTRICT

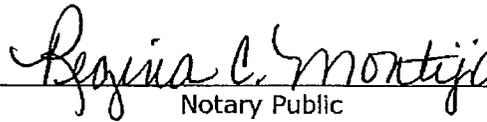
By: 
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this 25th day of March, 2015, 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: 01/09/2019




Notary Public

**Exhibit A
to
Irrigation System Facilities Easement Agreement**

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY



**Legal Description
RWCD Lateral 17-1/2 Easement
West Side of Gilbert Rd**

Job No. 14-002.15

October 29, 2014

A portion of Southeast Quarter of Section 25, Township 2 South, Range 5 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a flush brass at the east quarter corner of said Section 25, from which a brass cap in a hand hole at the northeast corner of Section 25, bears North 0 degrees 21 minutes 32 seconds West (an assumed bearing) at a distance of 2,641.52 feet;

thence South 0 degrees 22 minutes 23 seconds East, along the east line of the Southeast Quarter of said Section 25, 66.94 feet to the POINT OF BEGINNING

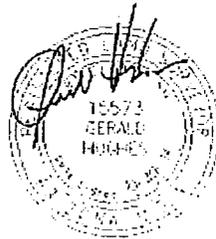
Thence continuing South 0 degrees 22 minutes 23 seconds East, along said east line, 20.00 feet;

thence South 89 degrees 37 minutes 37 seconds West, 33.00 feet to a point on the west line of the east 33.00 feet of the Southeast Quarter of said Section 25;

thence North 0 degrees 22 minutes 23 seconds West, along said east line, 20.00 feet;

thence North 89 degrees 37 minutes 37 seconds East, 33.00 feet to the POINT OF BEGINNING.

An area containing 660 square feet or 0.0152 acres, more or less.

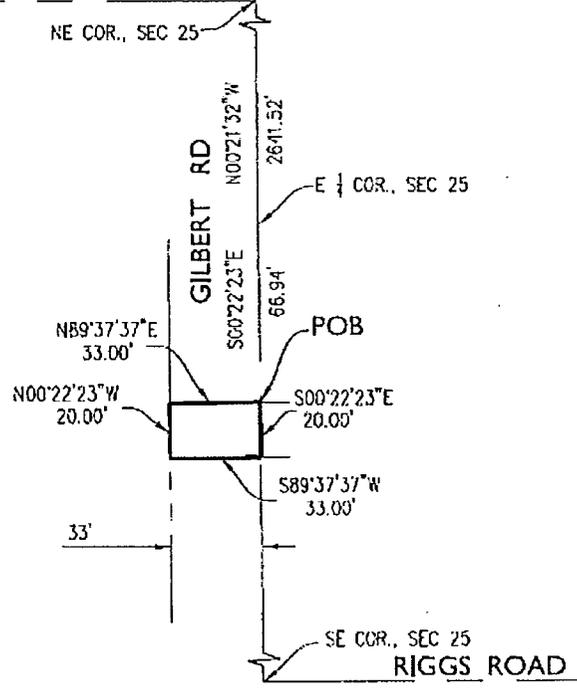


EMPRESA 07/31/2010
EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258

S:\Projects\2014\14-002.14-002.15.Extension-Canal-Gilbert-Road-Legal\Legal Survey\Legal\1400215 Lateral 17.5 Gilbert rd west.docx



CHANDLER HEIGHTS ROAD

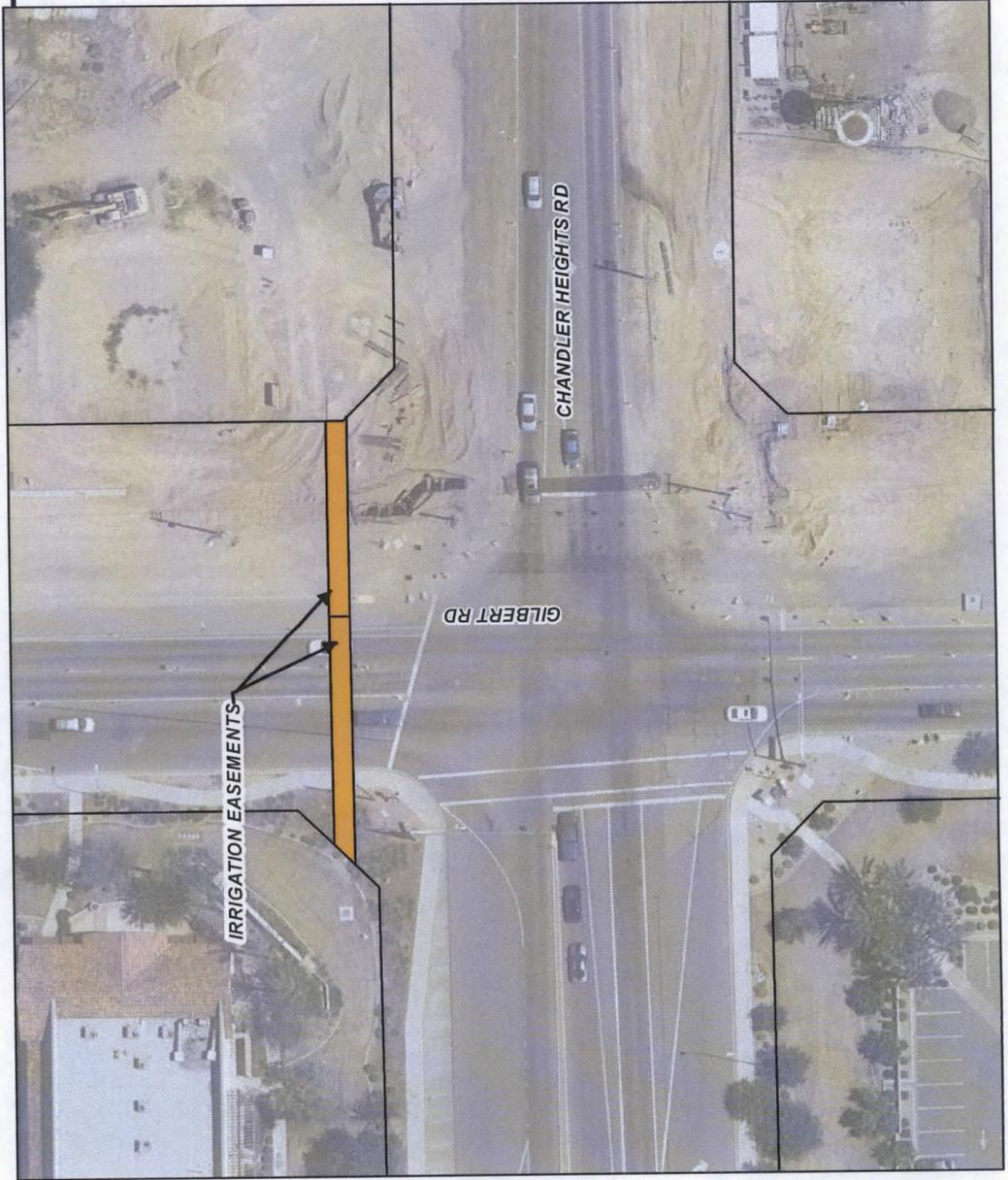


EXPIRES: 3/31/2015

09-066	RWCD EASEMENT <small>ORIGIN: ANZO-14</small>	 eps group, Inc. <small>Engineers, Planners & Surveyors</small> <small>2014 N. Maryland Ave. [D], Mesa, Arizona 85204</small> <small>Phone: (480) 330-2222 Fax: (480) 330-2218</small>
	EXHIBIT	



AUTHORIZING THE GRANT OF NO COST IRRIGATION EASEMENTS TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) IN PROPERTY OWNED OR ACQUIRED BY THE CITY IN CONNECTION WITH THE GILBERT ROAD IMPROVEMENT PROJECT (OCOTILLO ROAD TO HUNT HIGHWAY) ST-0809; AND DECLARING AN EMERGENCY



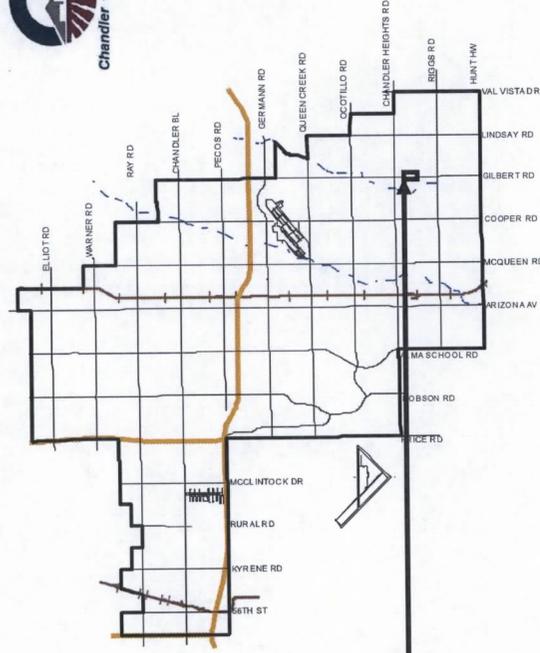
RE15-007

ORDINANCE NO. 4518

GILBERT RD / CHANDLER HEIGHTS MAP



AUTHORIZING THE GRANT OF NO COST IRRIGATION EASEMENTS TO THE ROOSEVELT WATER CONSERVATION DISTRICT (RWCD) IN PROPERTY OWNED OR ACQUIRED BY THE CITY IN CONNECTION WITH THE GILBERT ROAD IMPROVEMENT PROJECT (OCOTILLO ROAD TO HUNT HIGHWAY) ST-0809; AND DECLARING AN EMERGENCY



RE15-007

ORDINANCE NO. 4518

GILBERT RD / SOUTH OF WOOD DR

