

# 11

MAY 10 2007



**Chandler • Arizona**  
*Where Values Make The Difference*

**MEMORANDUM**

**Real Estate – Council Memo No. RE 07-288**

**DATE:** MAY 10, 2007

**TO:** MAYOR AND COUNCIL

**THRU:** W. MARK PENTZ, CITY MANAGER  
DANIEL W. COOK, ACTING PUBLIC WORKS DIRECTOR  
MIKE NORMAND, ACTING ASSISTANT PUBLIC WORKS  
DIRECTOR/TRANSPORTATION AND OPERATIONS

**FROM:** ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

**SUBJECT:** ORDINANCE NO. 3909 AUTHORIZING THE ASSIGNMENT TO  
SALT RIVER PROJECT OF CERTAIN AERIAL EASEMENTS  
ACQUIRED BY THE CITY OF CHANDLER FOR THE RIGGS ROAD  
(ARIZONA AVENUE TO GILBERT ROAD) IMPROVEMENT  
PROJECT

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3909 authorizing the assignment to Salt River Project of certain aerial easements acquired by the City of Chandler for the Riggs Road (Arizona Avenue to Gilbert Road) improvement project.

BACKGROUND/DISCUSSION: In connection with a City road project for the widening and improvement of the Riggs Road from Arizona Avenue to Gilbert Road (the "Project"), the City acquired roadway and easements needed for the Project, which also included acquisition of aerial easements ultimately intended for use by SRP. The aerial easements are needed to assure clear space to accommodate SRP's 69 kV (kiloVolt) transmission lines and supporting structures required to be located as a consequence of the Project.

Upon recording the assignment, the City would have no further obligation, responsibility or liability, and no further rights, pursuant to or because of the easement.

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FINANCIAL IMPLICATIONS:

Cost: N/A

Savings: N/A

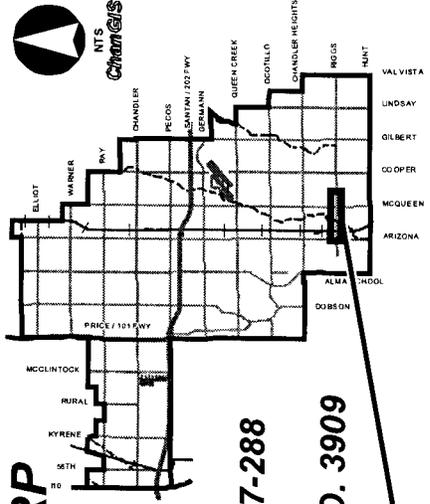
Long Term Costs: N/A

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 3909 authorizing the assignment to Salt River Project of certain aerial easements acquired by the City of Chandler for the Riggs Road (Arizona Avenue to Gilbert Road) improvement project.

Attachments: Ordinance 3909  
Assignment of Aerial Easements  
Map

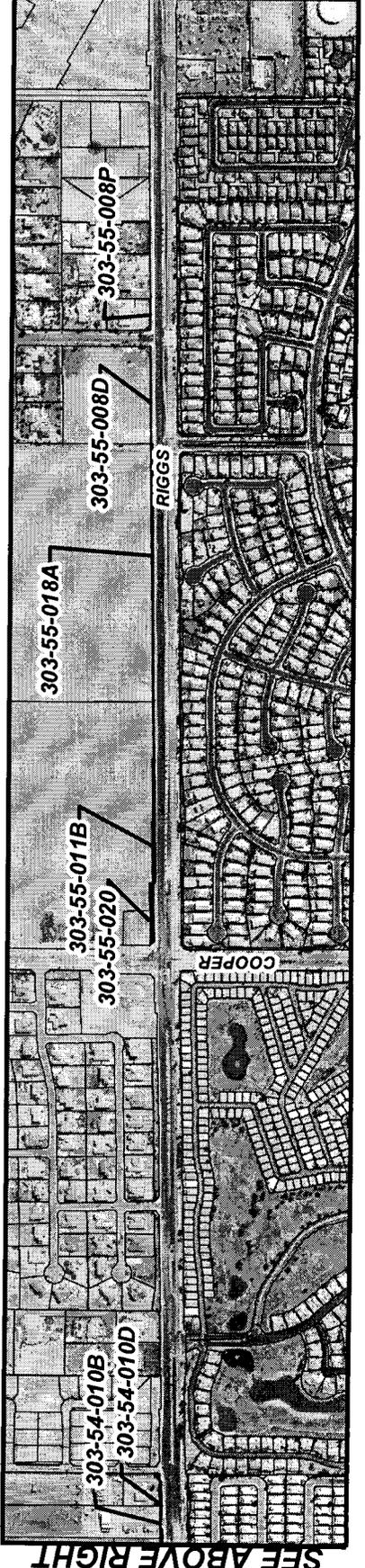
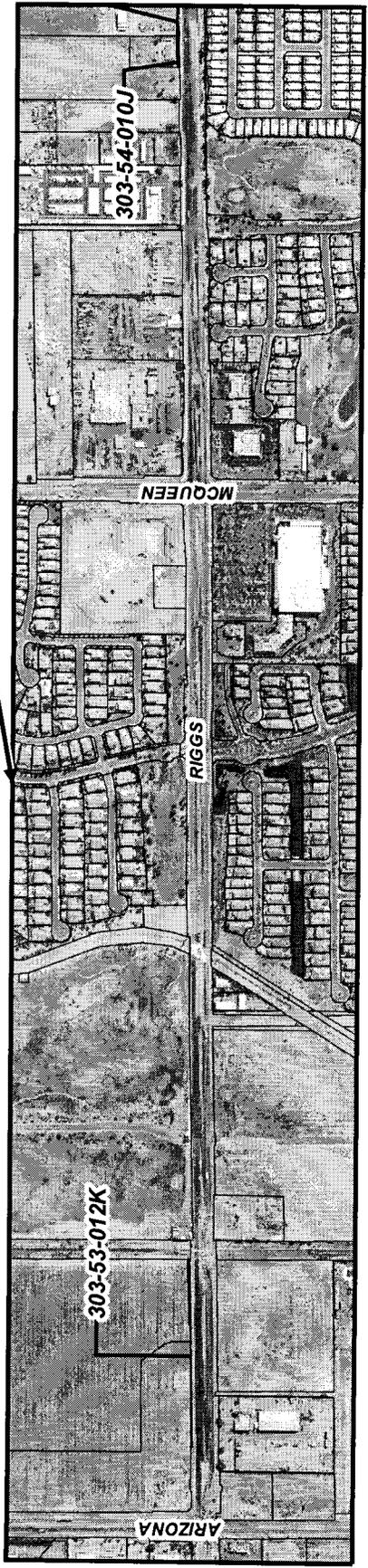


# ASSIGNMENT OF AERIAL EASEMENTS TO SRP RIGGS RD FROM ARIZONA AVE TO GILBERT RD



**MEMO NO. RE07-288**  
**ORDINANCE NO. 3909**

**AERIAL EASEMENTS**



ORDINANCE NO. 3909

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE ASSIGNMENT TO SALT RIVER PROJECT OF CERTAIN AERIAL EASEMENTS ACQUIRED BY THE CITY OF CHANDLER THROUGH CONDEMNATION ACTIONS FOR THE RIGGS ROAD (ARIZONA AVENUE TO GILBERT ROAD) IMPROVEMENT PROJECT.

WHEREAS, the City of Chandler filed several condemnation actions to acquire roadway and easements necessary to widen and improve Riggs Road from Arizona Avenue to Gilbert Road; and

WHEREAS, the easements acquired included certain aerial 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 aerial 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 aerial easements acquired by the City through condemnation actions filed in connection with the Riggs Road (Arizona Avenue to Gilbert Road) improvement project.

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

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.3909 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2007, 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, Arizona 85072

**ASSIGNMENT OF AERIAL EASEMENTS**  
**(Riggs Road – Arizona Avenue to Gilbert Road)**

THIS ASSIGNMENT OF AERIAL EASEMENTS (the “Assignment”) is made this \_\_\_\_ day of \_\_\_\_\_, 2007, 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 Riggs Road from Arizona Avenue to Gilbert Road (the “Project”), City filed several condemnation actions in the Maricopa County Superior Court to acquire roadway and easements needed for the Project, which also included acquisition of aerial easements ultimately intended for use by SRP. The aerial easements are needed to assure clear space to accommodate SRP’s 69 KV transmission lines and supporting structures required to be located as a consequence of the Project.

1.2. In each of the court actions, a Judgment in Condemnation was entered; City satisfied its obligations under the Judgment; and a Final Order of Condemnation was entered by the Court and recorded with the Maricopa County Recorder to complete the acquisition of the property interests described in the Final Order, which included an aerial easement over described real property in accordance with the terms and conditions for the easement as stated in the Final Order. In each case, the terms and conditions for the easement provided that City could assign the easement 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 easement.

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

<u>Case Name (City v. )</u>	<u>Case Number</u>	<u>F.O. Recording Date</u>	<u>F.O. Recording Number</u>
Superior Products Corporation	CV2004-016032	01/30/06	06-0132060
Larry & Roseanne Campbell	CV2003-023058	12/19/05	05-1912296
Margaret Ma Tam	CV2004-014963	01/04/06	06-0010073
Corp....Latter-Day Saints	CV2003-023155	02/02/05	05-0139600
Edward & Lisa Guardado	CV2004-018606	02/09/05	05-0168814
Michael J. Young	CV2004-020451	11/26/06	06-1554007

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 aerial easement acquired pursuant to the Final Order of Condemnation entered in each of 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 aerial easement as stated in the aforementioned Final Order of Condemnation for each of the above-listed court actions.

2.2. **No Warranties.** City makes no warranties regarding the Assignment, the aerial 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 aerial 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: \_\_\_\_\_  
Mark Pentz, City Manager

STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

The foregoing Assignment of Aerial Easements was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by Mark Pentz, 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:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Chandler City Attorney *GAB*

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 Aerial Easements was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007, 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:

\_\_\_\_\_