



MEMORANDUM Real Estate – Council Memo No. RE 08-006

DATE: SEPTEMBER 6, 2007

TO: MAYOR AND COUNCIL

THRU: *W* W. MARK PENTZ, CITY MANAGER *RD*
 DANIEL W. COOK, ACTING PUBLIC WORKS DIRECTOR *DWC*
 SHEINA HUGHES, ACTING ASSISTANT PUBLIC WORKS DIRECTOR/
 CITY ENGINEER *SH*
 MICHAEL NORMAND, ACTING ASSISTANT PUBLIC WORKS
 DIRECTOR/TRANSPORTATION & OPERATIONS *mn*

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

SUBJECT: ORDINANCE NO. 3921 GRANTING A NO COST POWER EASEMENT TO SALT RIVER PROJECT (SRP) ON THE NORTH SIDE OF WARNER ROAD, WEST FROM THE NORTHWEST CORNER OF ALMA SCHOOL ROAD AND WARNER ROAD TO COMANCHE DRIVE.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3921 granting a no cost power easement to SRP on the north side of Warner Road, west from the northwest corner of Alma School Road and Warner Road to Comanche Drive.

BACKGROUND/DISCUSSION: In connection with the Alma School Road-Warner Road Intersection Improvement Project, SRP is required to relocate its existing 12 kilovolt (kV) power line facilities to accommodate the road improvements. The easement varies in width from 46 feet to 25 feet in width, with a gross area of approximately 33,623 square feet.

The relocation of these SRP facilities is in conjunction with the Alma School and Warner Road Intersection Improvement project now under construction, consisting of flush medians, dual left turn lanes, a third through lane, right turn lanes on each leg, bus bays and 5 ft. wide sidewalks.

Staff confirms that Salt River Project has prior rights in this area.

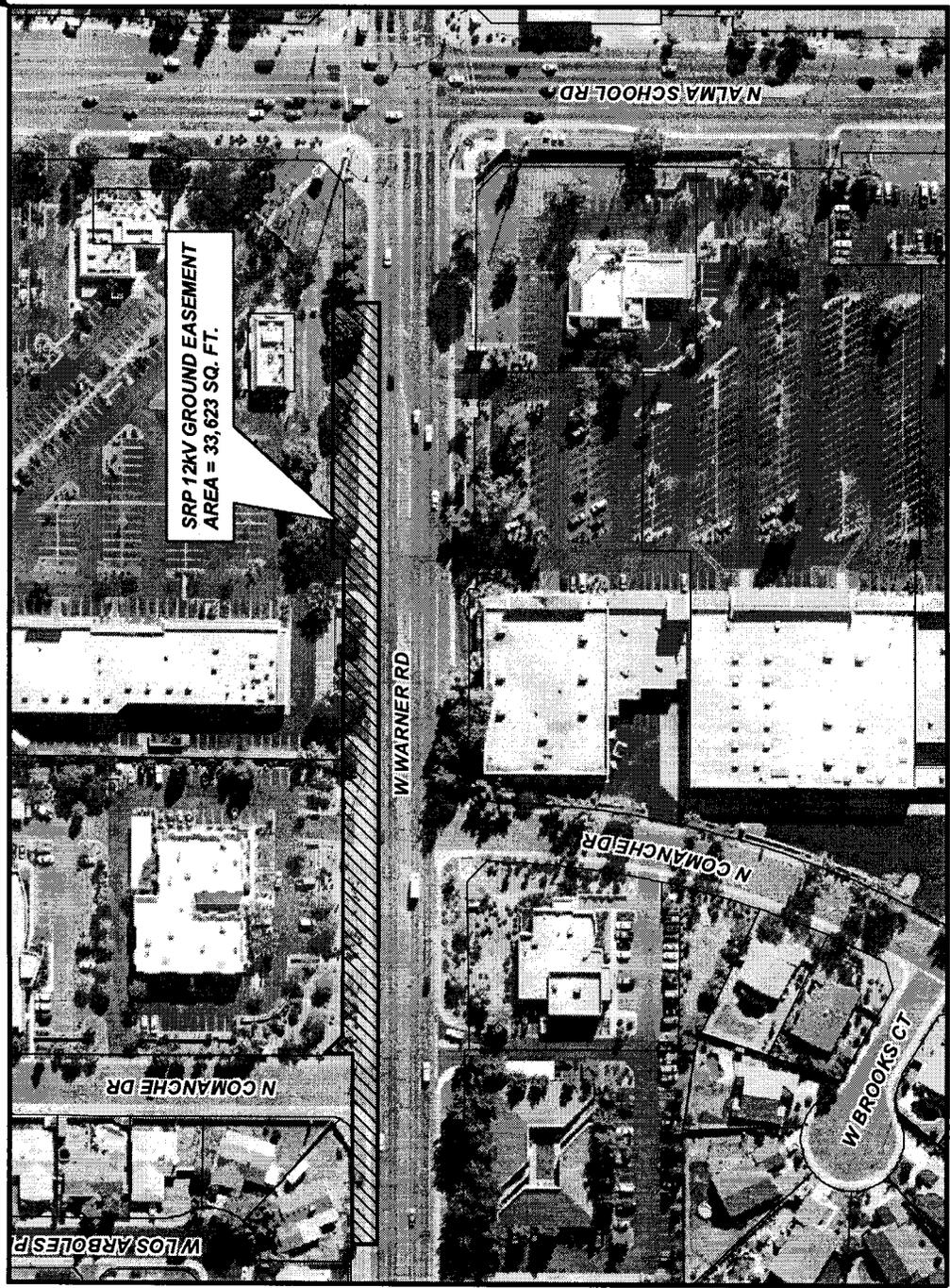
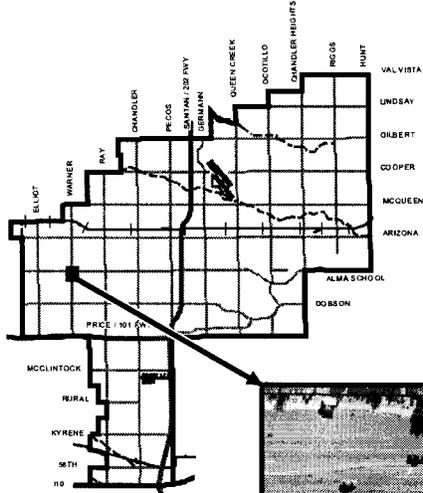
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Council Mtg. of September 6, 2007

FINANCIAL IMPLICATIONS: None

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 3921 granting a no cost power easement to SRP on the north side of Warner Road, west from the northwest corner of Alma School Road and Warner Road to Comanche Drive.

Attachments: Location/Site Map
Ordinance No. 3921
Easement

**SALT RIVER PROJECT 12kV EASEMENT
AT ALMA SCHOOL RD AND WARNER RD
INTERSECTION IMPROVEMENTS
PROJECT NO. ST0134-202**



SRP 12KV GROUND EASEMENT
AREA = 33,623 SQ. FT.

MEMO NO. RE08-006

LEGEND



ELECTRIC GROUND EASEMENT



ORDINANCE NO. 3921

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE GRANTING A NO COST POWER EASEMENT TO SALT RIVER PROJECT ON THE NORTH SIDE OF WARNER ROAD WEST FROM THE NORTHWEST CORNER OF ALMA SCHOOL ROAD AND WARNER ROAD TO COMANCHE DRIVE.

WHEREAS, the City of Chandler is in the process of improving the intersection of Alma School Road and Warner Road; and

WHEREAS, the road improvements require that Salt River Project relocate its 12 kilovolt (kV) power lines; and

WHEREAS, Salt River Project requires a varying width power easement from the northwest corner of Warner Road, running west 930 feet, for relocation of its electrical facilities; and

WHEREAS, the City of Chandler is willing to grant this easement to Salt River Project to accommodate the relocation of equipment for electrical power;

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

Section 1. That the City Council of the City of Chandler, Arizona authorizes and approves the granting of a 12 kV power easement to Salt River Project, through, over, under and across that certain property described in Exhibits "A" and attached hereto and made a part hereof by this reference.

Section 2. That the granting of said power easement shall be in the form approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to execute the easement documents on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this _____ day of _____, 2007.

ATTEST:

CITY CLERK
Ord. No. 3921/ KO
9.06.2007

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3921 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *CAV*

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
WARNER ROADWAY IMPROVEMENTS
SALT RIVER PROJECT 12KV GROUND EASEMENT
IN WARNER ROADWAY RIGHT-OF-WAY

That portion of a parcel of land known as Warner Roadway Right-of-Way, records of MARICOPA COUNTY, ARIZONA located in the SOUTHEAST QUARTER of SECTION 17, TOWNSHIP 1 SOUTH, RANGE 5 EAST of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the SOUTHEAST CORNER of SECTION 17, being monumented with a Brass Cap in Hand Hole, from which the SOUTH QUARTER CORNER of SECTION 17 bears SOUTH 89° 36' 48" WEST a distance of 2648.97 FEET, said line being the South line of the Southwest Quarter of said Section 17 and the basis of bearing for this description;

Thence, SOUTH 89° 36' 48" WEST, along the South line of said Southwest Quarter of said Section 17, a distance of 208.98 FEET;

Thence, NORTH 00° 23' 12" WEST, a distance of 25.00 FEET, to the TRUE POINT OF BEGINNING

Thence, SOUTH 89° 36' 48" WEST, parallel to and 25 FEET north of the South line of said Southwest Quarter of said Section 17, a distance of 930.54 FEET;

Thence, NORTH 00° 23' 12" WEST, a distance of 25.00 FEET, to a point on the North right-of-way line of Warner Road;

Thence, NORTH 89° 36' 48" EAST, parallel to and 50 Feet north of South line of said Southwest Quarter of said Section 17, along said North right-of-way line of Warner Road, a distance of 186.67 FEET;

Thence, NORTH 00° 23' 12" WEST, a distance of 27.86 FEET to a point on the easterly right-of-way line of Warner Road – Comanche Drive;

Thence, SOUTH 45° 23' 07" EAST, along said easterly right-of-way line of Warner Road – Comanche Drive, a distance of 25.25 FEET, to a point on the North right-of-way line of Warner Road;

Thence, NORTH 89° 36' 48" EAST, parallel to and 60 Feet North of South line of said Southwest Quarter of said Section 17, along said North right-of-way line of Warner Road, a distance of 474.99 FEET;

Thence, NORTH 00° 23' 08" WEST, a distance of 11.00 FEET;

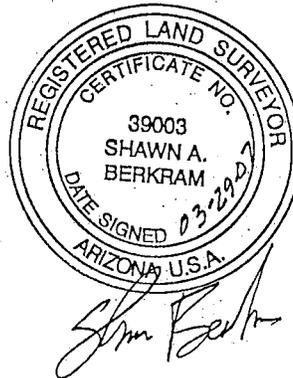
Thence, NORTH 89° 36' 48" EAST, parallel to and 71 Feet North of South line of said Southwest Quarter of said Section 17, along said North right-of-way line of Warner Road, a distance of 251.03 FEET;

Thence, SOUTH 00° 23' 12" EAST, a distance of 46.00 FEET to the TRUE POINT OF BEGINNING.

Containing an area of 33,623.4 SQUARE FEET or 0.77 ACRES, more or less.

See Exhibit "B"

Note: The legal description above is based on recorded documents such as the subject parcel's deed, adjacent parcel deeds and/or plats. It is not based on a boundary survey of the subject parcel.



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 2265 N. 44th Street Suite 125
 Phoenix, AZ 85008-3279
 Tel: 602.244.2568
 Fax: 602.244.9547
 E-Mail: www.entellus.com

EXHIBIT "B"
WARNER ROAD RIGHT-OF-WAY
SALT RIVER PROJECT
12KV ELECTRIC GROUND EASEMENT

NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJACENT DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

PROPOSED SRP ELECTRIC GROUND EASEMENT
 AREA = 33,623.4 SF
 0.77 ACRES±

EXISTING RIGHT-OF-WAY PER DOCKET NO. 05-0797684

COMANCHE DRIVE

S. 1/4 COR. SEC 17 FOUND BCHH

50' R-D-W (EXISTING)

L4

L5

L6

L7

L8

L9

L10

L11

60' R-D-W (EXISTING)

67

L3

T. P. D. B.

WARNER RD.

N 89° 36' 48" W 2648.97'

L2

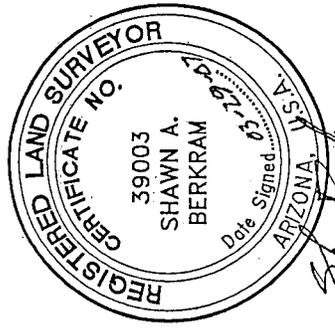
L1

71' R-D-W (EXISTING)

SE COR. SEC. 17 FOUND BCHH

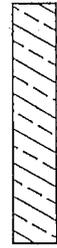


SCALE: N.T.S.



CITY OF CHANDLER	
WARNER ROAD IMPROVEMENTS	
SECTION 17, T.18, R.8E	
PROPOSED SRP ELECTRIC GROUND EASEMENT	
DATE: 03/26/07	REV'D: / /
DRAWN BY: AL	CHK'D: SB
PAGE 3 OF 3	
FILE: P/615051/LEGAL/SRP/WARNER/R/W/SRP	

LEGEND



PROPOSED SRP ELECTRIC GROUND EASEMENT

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17 BEARING N 89° 36' 48" W

LINE	BEARING	DISTANCE
L1	S 89° 36' 48" W	208.98'
L2	N 00° 23' 12" W	25.00'
L3	S 89° 36' 48" W	930.54'
L4	N 00° 23' 12" W	25.00'
L5	N 89° 36' 48" E	186.67'
L6	N 00° 23' 12" W	27.86'
L7	S 45° 23' 07" E	25.25'
L8	N 89° 36' 48" E	474.99'
L9	N 00° 23' 08" W	11.00'
L10	N 89° 36' 48" E	251.03'
L11	S 00° 23' 12" E	46.00'

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB350
P. O. Box 52025
Phoenix, Arizona 85072-2025

POWER DISTRIBUTION EASEMENT

Maricopa County
NWC Alma School / Warner
SE4 Sec. 17 T1S R5E

R/W # 21C Agt. MNT

Job # KE2-2767

W W C W

**CITY OF CHANDLER,
an Arizona municipal corporation**

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property:

A parcel of land known as Warner Road Right-of-Way, records of Maricopa County, Arizona, located in the Southeast quarter of Section 17, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Easement Parcel:

Said easement being described and depicted on Exhibits "A" & "B" attached hereto, and by this reference made a part hereof.

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

