

Revised 8/14/07

Page 2

approximately 3 feet wide by 500 feet long, 1,599 square feet in size, and the other area is approximately 9 feet wide by 1,132 feet long, 9,913 square feet in size.

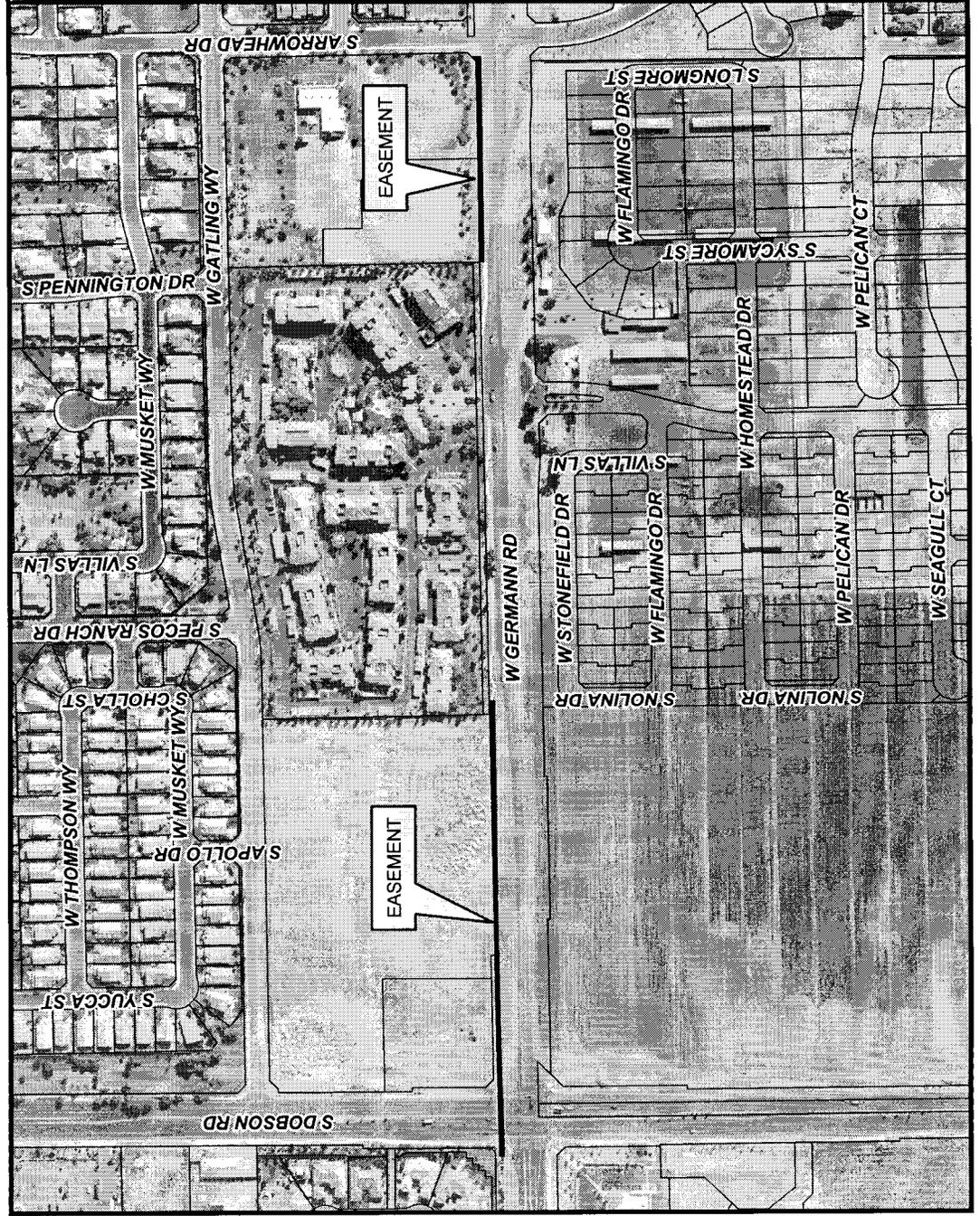
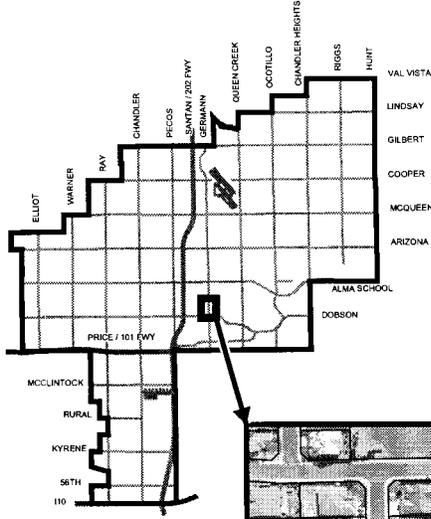
Staff has determined that SRP has prior rights in this area.

FINANCIAL IMPLICATIONS: None

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 3922 granting a no cost, non-exclusive ground easement to SRP to relocate electric facilities along Germann Road between Dobson Road and Arrowhead Drive, Chandler, Arizona.

Attachments: Ordinance No. 3922
Easement (1)
Location/Site Map

SALT RIVER PROJECT 69KV GROUND EASEMENTS FOR GERMANN RD IMPROVEMENTS



LEGEND

■ EASEMENTS

MEMO NO. RE08-029
ORDINANCE NO. 3922



ORDINANCE NO. 3922

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE THE GRANTING OF A NO COST, NON-EXCLUSIVE GROUND EASEMENT TO SALT RIVER PROJECT (SRP), TO RELOCATE ELECTRIC FACILITIES ALONG GERMANN ROAD BETWEEN DOBSON ROAD AND ARROWHEAD DRIVE, CHANDLER ARIZONA

WHEREAS, a ground easement is necessary to relocate electric facilities in conjunction with the construction of the Germann Road Improvements from Dobson Road to Arizona Avenue, Project No. ST-0605; and

WHEREAS, the City of Chandler is willing to grant a ground easement totaling 11,513 square feet in area to Salt River Project to relocate electric facilities on Germann Road between Dobson Road and Arrowhead Drive; and

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 is authorized to approve the granting of a no cost, non-exclusive ground easement to Salt River Project, through, over, under, and across that certain property described in Exhibit "A-1, A-2, B-1 and B-2", attached hereto and made a part hereof by reference.

Section 2. That the granting of the no cost ground easement shall be in a form with provisions approved by the City Manager, or designee, and approved as to form by the City Attorney.

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

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

ATTEST:

CITY CLERK

MAYOR

CITY CLERK

MAYOR

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

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.3922 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:

GAB
CITY ATTORNEY

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB400
P. O. Box 52025
Phoenix, Arizona 85072-2025

EASEMENT

Maricopa County
Germann Road Right of Way
SW ¼, Sec. 5, T2S, R5E

R/W #2366D Agt. JML
Job #XA3-3666
W JH C WB

**City of Chandler,
an Arizona municipal corporation,**

hereinafter called Grantor, for and in consideration of the sum of Ten Dollars, 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 a line or lines of poles, towers, or other supporting structures and conductors or cables suspended thereon and supported thereby, and underground conduits, conductors, pipes, cables, vaults, manholes, guys, anchorage, crossarms, braces, transformers and all other appliances, appurtenances and fixtures for the transmission and distribution of electricity, and for all other purposes connected therewith and for the transmission and distribution of telephone, audio and/or visual signal and other communication or data transmission purposes (collectively "Facilities") at such locations and elevations, in, upon, over, under, across 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 and with the right to use lands adjacent to said easement during temporary periods of construction. Grantee is hereby authorized to allow other parties to use the Easement Parcel for additional Facilities jointly with or separately from the Grantee for their purposes, subject to such other parties' complying with applicable City ordinances and permit and/or licensing requirements.

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 portion of the Southwest Quarter of Section 5, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Easement Parcel:

**SEE EXHIBIT "A" and "B" ATTACHED HERETO AND 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. Notice is also hereby given that any activity performed within the Easement Parcel shall comply with the Arizona Overhead Powerline Safety Law, Arizona Revised Statutes 40-360.41-45.

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 provided however, that such clear areas shall be confined to within the Easement Parcel. 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 lower ground level by more than one (1) foot of cut or raise ground level by more than two (2) feet of fill, within the area of the Easement Parcel. Grantor reserves the right to use the Easement Parcel for such purposes as landscaping, paved parking, vehicle parking, sidewalks and/or driveways, provided these do not interfere with the efficient and safe operation and maintenance of Grantee's Facilities, including access thereto. Buildings, above-ground structures, or pools are prohibited.

Grantee shall have the right to construct, modify and maintain access openings, at its expense, at such locations and of such dimensions as determined by Grantee and Grantor in existing or future walls or fences within the Easement Parcel. Grantor shall not unreasonably withhold said approval. Grantor shall have the right to install gates across said openings and Grantor and Grantee shall have the right to use said gates, provided that any locked gates be subject to joint access by Grantor and Grantee by provision of a multiple locking device.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Parcel 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 Facilities, or endanger any of the Facilities or the use thereof.

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.

EXHIBIT "A"

LEGAL DESCRIPTION
SRP Electric Ground Easement
City of Chandler Germann Road Right of Way

That portion of a parcel of land described in records of MARICOPA COUNTY, ARIZONA located in the SOUTHWEST QUARTER of SECTION 5 and the SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 5 EAST of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

Commencing at the SOUTHWEST CORNER of said SECTION 5, said corner being a found Brass Cap in a Hand Hole and from which the SOUTH QUARTER CORNER of said SECTION 5, being a found Brass Cap flush, bears NORTH 88° 51' 54" EAST a distance of 2680.82 FEET, said line being the South line of the SOUTHWEST QUARTER of said SECTION 5 and the basis of bearing for this description;

THENCE, NORTH 88° 51' 54" EAST, a distance of 1037.52 FEET along the South line of the SOUTHWEST QUARTER of said Section 5;

THENCE, NORTH 01° 08' 06" WEST, a distance of 57.05 FEET to the TRUE POINT OF BEGINNING;

THENCE, SOUTH 87° 53' 34" WEST, a distance of 4.89 FEET;

THENCE, SOUTH 88° 51' 51" WEST, a distance of 294.88 FEET;

THENCE, SOUTH 89° 05' 00" WEST, a distance of 259.76 FEET;

THENCE, SOUTH 88° 15' 32" WEST, a distance of 280.10 FEET;

THENCE, SOUTH 87° 39' 33" WEST, a distance of 294.30 FEET;

THENCE, NORTH a distance of 10.01 FEET;

THENCE, NORTH 87° 39' 33" EAST, a distance of 293.94 FEET;

THENCE, NORTH 88° 15' 32" EAST, a distance of 203.26 FEET;

THENCE, SOUTH a distance of 2.14 FEET;

THENCE, NORTH 88° 51' 54" EAST, parallel to and 65.00 feet north of the south line of the southwest quarter of said Section 5, a distance of 636.73 FEET;

(continued on Page 2 of 3)

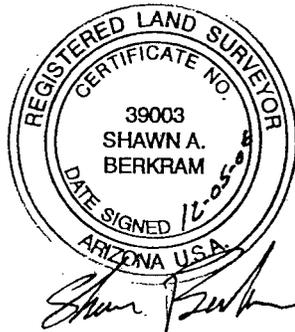
(continued from Page 2 of 3)

THENCE, SOUTH a distance of 7.95 FEET to the TRUE POINT OF BEGINNING,

Containing an area of 9913.8 SQUARE FEET, OR 0.228 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.



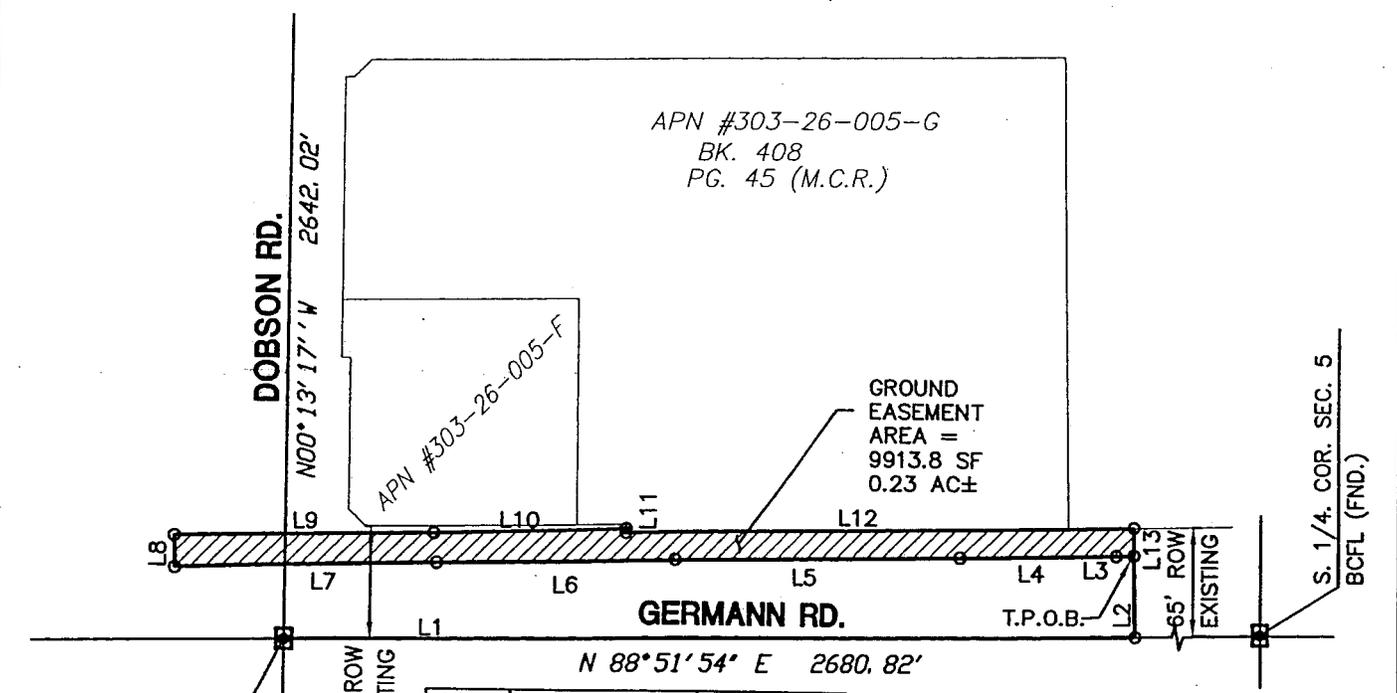
NOTE: THIS EXHIBIT IS BASED ON RECORDED DOCUMENTS SUCH AS THE SUBJECT PARCEL'S DEED, AND ADJACENT DEEDS AND/OR PLATS. IT IS NOT BASED ON A BOUNDARY SURVEY OF THE SUBJECT PARCEL.

EXHIBIT "B"

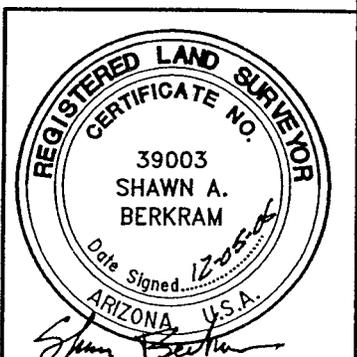
SRP 69KV ELECTRIC GROUND EASEMENT IN RIGHT-OF-WAY CITY OF CHANDLER



SCALE: N.T.S.



LINE	BEARING	DISTANCE
L1	N 88°51'54" E	1037.52'
L2	N 01°08'06" W	57.05'
L3	S 87°53'34" W	4.89'
L4	S 88°51'51" W	294.88'
L5	S 89°05'00" W	259.76'
L6	S 88°15'32" W	280.10'
L7	S 87°39'33" W	294.30'
L8	N 00°00'00" E	10.01'
L9	N 87°39'33" E	293.94'
L10	N 88°15'32" E	203.26'
L11	S 00°00'00" E	2.14'
L12	N 88°51'54" E	636.73'
L13	S 00°00'00" E	7.95'



S.W. COR. SEC. 5
BCFL (FND.)

LEGEND

PROPOSED SRP ELECTRIC GROUND ESMT
WITHIN EXISTING RIGHT-OF-WAY

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHWEST QUARTER
OF SECTION 5 BEARING N 88°51'54" E

CITY OF CHANDLER	
GERMANN ROAD IMPROVEMENTS	
SECTION 5, T.2S., R.5E.	
PROPOSED SRP ELECTRIC GROUND ESMT WITHIN EXISTING RIGHT-OF-WAY	
DFT: 09/06/06	REVISED:
DRAWN BY: KAB	CHECKED: SB
FILE: GERMANN LEGALS	Pg.: 3 of 3

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB400
P. O. Box 52025
Phoenix, Arizona 85072-2025

EASEMENT

Maricopa County
Germann Road Right of Way
SW ¼, Sec. 5, T2S, R5E

R/W #2366D Agt. JML
Job #X#3-3666
W JL C WB

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SRP Electric Ground Easement
City of Chandler
Germann Road Right-of-Way

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Commencing at the South quarter corner of said Section 5, said corner being a found brass cap flush and from which the Southwest Quarter corner of said Section 5, being a found brass cap in handhole, bears S88°51'54"W a distance of 2680.82 feet;

Thence, South 88°51'54" West a distance of 53.40 feet along the South line of said Section 5;

Thence, North 01°08'06" West, a distance of 61.86 feet to the POINT OF BEGINNING;

Thence, South 88°52'09" West, a distance of 506.42 feet;

Thence, North 01°05'34" West a distance of 3.10 feet;

Thence, North 88°51'54" East, parallel to and 65.00 feet north of the south line of said southwest quarter of said section 5, a distance of 500.43 feet;

Thence, North 44°08'10" East, a distance of 8.69 feet;

Thence, South 00°00'00" East, a distance of 9.26 feet to the POINT OF BEGINNING.

Contains an area of 1599.7 square feet. or 0.037 Acers, more or less;

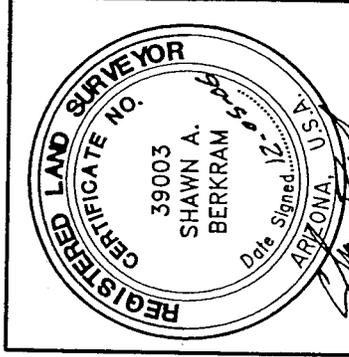
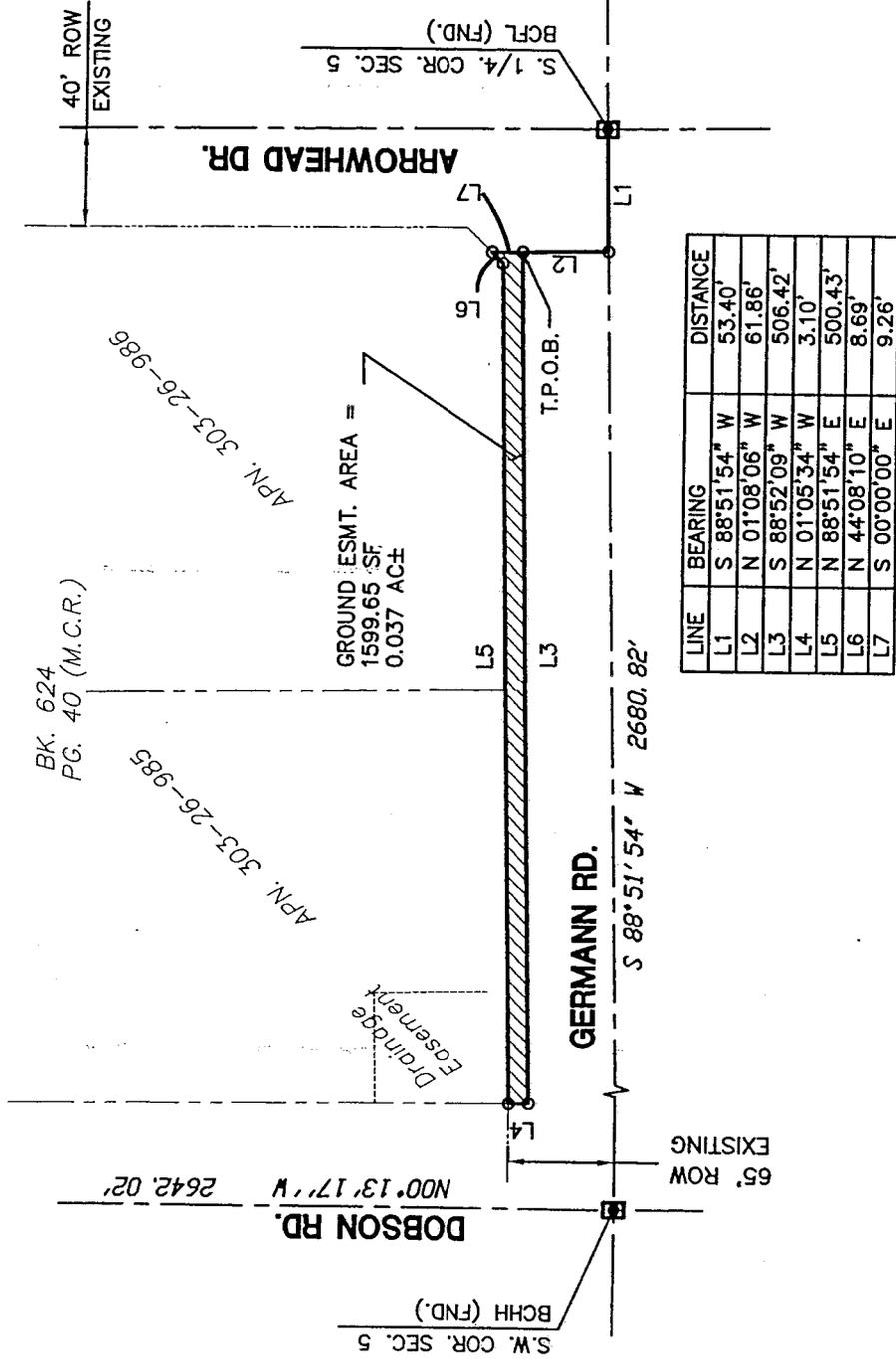
See Exhibit "B"

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.



EXHIBIT "B"

69 KV S.R.P. ELECTRIC GROUND EASEMENT
IN RIGHT-OF-WAY



CITY OF CHANDLER

GERMANN ROAD IMPROVEMENTS
SECTION 5, T.2S., R.5E.

**PROPOSED SRP ELECTRIC GROUND ESMT
WITHIN EXISTING RIGHT-OF-WAY**

DFT: 09/05/06
REVISED:

DRAWN BY: K.A.B.
CHECKED: SB

FILE: GERMANN LEGALS Pg.: 2 of 2

LEGEND

**PROPOSED SRP ELECTRIC GROUND ESMT
WITHIN EXISTING RIGHT-OF-WAY**

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHWEST QUARTER
OF SECTION 5 BEARING N 88° 51' 54" E

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.