

#8

SEP 20 2007



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MEMORANDUM Real Estate - Council Memo No. RE 08-072

DATE: SEPTEMBER 20, 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 & OPERATIONS

FROM: ERICH KUNTZE, REAL ESTATE OPERATIONS COORDINATOR

SUBJECT: ORDINANCE NO. 3958 GRANTING AN IRRIGATION EASEMENT TO SALT RIVER PROJECT (SRP) TO RELOCATE IRRIGATION FACILITIES ALONG WARNER ROAD EAST AND WEST OF DOBSON ROAD.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 3958 granting an Irrigation Easement to SRP to relocate irrigation facilities along Warner Road east and west of Dobson Road.

BACKGROUND/DISCUSSION: In 2006 Council approved the alignment for the Dobson Road and Warner Road Intersection Improvement Project No. ST-0401 and granted the authority to acquire property rights from private owners for this project. Construction is scheduled to begin in spring of 2008 with construction duration of approximately 9 months. The project's design requires that SRP relocate its irrigation facilities at this intersection. Prior to construction starting, it will be necessary for the City to grant SRP an Irrigation Easement, so that SRP's existing irrigation facilities can be relocated. The easement will be granted at no cost because staff has confirmed that SRP has prior rights in this area.

The easement is 20 feet in width and has a total length of approximately 1,332 feet.

FINANCIAL IMPLICATIONS: None

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 3958 granting an Irrigation Easement to SRP to relocate irrigation facilities along Warner Road east and west of Dobson Road.

Attachments: Ordinance No. 3958
Easement (1)
Location/Site Map (1)

ORDINANCE NO. 3958

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE THE GRANTING OF AN IRRIGATION EASEMENT TO SALT RIVER PROJECT (SRP) TO RELOCATE IRRIGATION FACILITES ALONG WARNER ROAD EAST AND WEST OF DOBSON ROAD.

WHEREAS, an irrigation easement is necessary to relocate irrigation facilities in conjunction with the construction of the Dobson Road and Warner Road Intersection Improvements, Project No. ST0401; and

WHEREAS, the City of Chandler is willing to grant a 20 foot wide irrigation easement to SRP to relocate irrigation facilities along Warner Road located east and west of Dobson Road; 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 an irrigation easement to SRP, through, over, under, and across that certain property described in Exhibits "A, B and C", attached hereto and made a part hereof by reference.

Section 2. That the granting of the irrigation easement 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 on behalf of the City.

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

ATTEST:

CITY CLERK

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. 3958 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 *GAB*

IRRIGATION EASEMENT

Maricopa County

R/W # 227, 228A Agt. PJH

Job # RD-52670

W PJH C JAG

KNOW ALL MEN BY THESE PRESENTS:

That

CITY OF CHANDLER, ("Grantor"),
an Arizona municipal corporation,

FOR AND IN CONSIDERATION OF THE SUM of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, ("Grantee"), an agricultural improvement district organized and existing under the laws of the State of Arizona, its successors and assigns, the non-exclusive right, easement and privilege to construct, reconstruct, operate and maintain an underground irrigation pipeline and irrigation turnout structure together with all the necessary and appurtenant facilities (collectively, the "Irrigation Facilities) through, over, under and across the following described property:

Said easement being more particularly described on EXHIBIT A
attached hereto and by reference made a part hereof.

Grantee shall have the right, but not the obligation, to trim, cut and clear away trees or brush in the easement area whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted. Grantor shall be responsible for the cost of removal of any trees or brush installed by Grantor that do not comply with the specifications in Exhibit B, attached hereto.

The Grantee shall at all times have the right of full and free ingress and egress to said easement for the purpose heretofore specified.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purpose herein granted, all rights herein granted shall automatically cease and revert to the Grantors, their heirs and assigns. This reversion is self-executing. However, in such event, and at Grantor's request, Grantee shall provide a quit claim deed or other recordable document sufficient to evidence the extinguishment of the easement and Grantee's interest in the real property described within this easement document.

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, successors in ownership and estate, assigns and lessees of the respective parties hereto.

Notwithstanding any of the aforesaid provisions, the easement rights granted herein shall be further subject to the following covenants, restrictions and conditions:

1. Grantor shall not erect, construct or permit to be erected or constructed any building, fence or other structure, drill any well or install swimming pools within the limits of said easement area, except Grantor reserves the right to construct, install, operate, maintain, repair, replace and reinstall surface parking areas, driveways, roadways, sidewalks, curbs and gutters, landscaping, irrigation lines, street lighting and public utilities in the easement area which comply with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof, unless agreed to by Grantee in writing.
2. Other easements or permits for public utility purposes which Grantor grants in, upon, under, over and across the easement area described herein shall provide for compliance with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof, unless agreed to by Grantee in writing.
3. In the event that any repair, maintenance, replacement or installation of the irrigation facilities and appurtenant conveniences will cause a disturbance or a disruption of any public street or paved roadway, Grantee shall notify Grantor, pursuant to existing practices, before Grantee undertakes any such action. In the event of an emergency, Grantee shall have use of any public street or paved roadway as it reasonably deems necessary and appropriate to correct, repair, replace or reconstruct irrigation facilities affected by the emergency and notify Grantor, pursuant to existing practices, as soon as practical after responding to the emergency. Grantee shall provide for advance warning signs, barricades, flagmen, flares, and other devices when necessary to protect the roadway user as set forth by the City Traffic Engineer in the latest edition of the "Manual on Uniform Traffic Control Devices", the latest edition of the Grantor's standard barricade manual, and any amendments and/or revisions thereto.
4. Grantor shall warrant and defend the rights, easements, and privileges hereby granted and the priority of this easement against all acts of the Grantor and no other, subject to any matter that may appear of record.

5. If, in its use of the easement area for any purpose, Grantee disturbs or damages any property or improvements of Grantor constructed in accordance with Exhibit B, all such property or improvements so disturbed or damaged shall be restored as close to its previous condition as is reasonably possible at the expense of Grantee.

6. Intentionally deleted

7. Nothing herein or within the attached Exhibit B shall be construed to prohibit Grantor from installing any intersecting public street or paved roadway, including any related surface parking areas, curbs and gutters, landscaping, irrigation lines, street lighting and public utilities related thereto, which intersects with and crosses over that portion of Grantor's road right of way in which the easement area lies, as indicated in the attached Exhibit A; provided, Grantor shall coordinate with Grantee to assure that such facilities will not damage or unreasonably interfere with Grantee's irrigation facilities.

IN WITNESS WHEREOF, THE CITY OF CHANDLER, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s) this _____ day of _____, 20____.

THE CITY OF CHANDLER,
an Arizona municipal corporation

By: _____

Its: _____

APPROVED AS TO FORM:

City Attorney for the City of Chandler *GAB*

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, 20____, before me, the undersigned, personally appeared _____, as _____, of **THE CITY OF CHANDLER**, an Arizona municipal corporation, and such authorized representative acknowledged that this document was executed on behalf of the corporation for the purposes therein contained.

Notary Public

My Commission Expires:

Notary Stamp/Seal

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1131 and 11-1132 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

SLANDFORM/MASTER/CofC IRRIGATION/NEW 2000

EXHIBIT "A"

**LEGAL DESCRIPTION
Irrigation Easement**

That portion of the Northeast quarter of Section 19, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

A 20.00 foot wide strip of land lying 10.00 feet on each side of the following described centerline.

Commencing at the Northeast corner of said Section 19;

Thence, S88°40'16"W a distance of 39.89 feet along the North line of the Northeast quarter of said Section 19;

Thence, S01°19'44"E a distance of 67.30 feet to the POINT OF BEGINNING of said centerline;

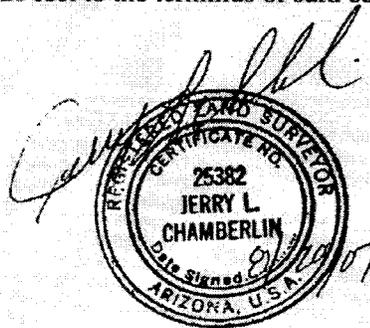
Thence, N68°21'04"W a distance of 44.32 feet;

Thence, S88°40'16"W a distance of 289.70 feet;

Thence, N84°12'14"W a distance of 112.87 feet;

Thence, S88°40'16"W a distance of 323.20 feet to the terminus of said centerline.

Contains an area of 15,402 square feet.



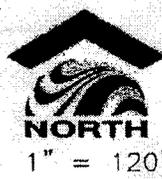
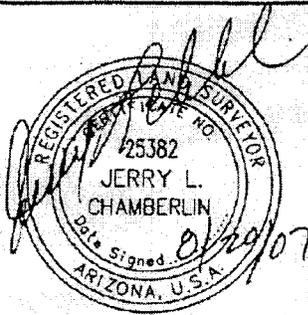
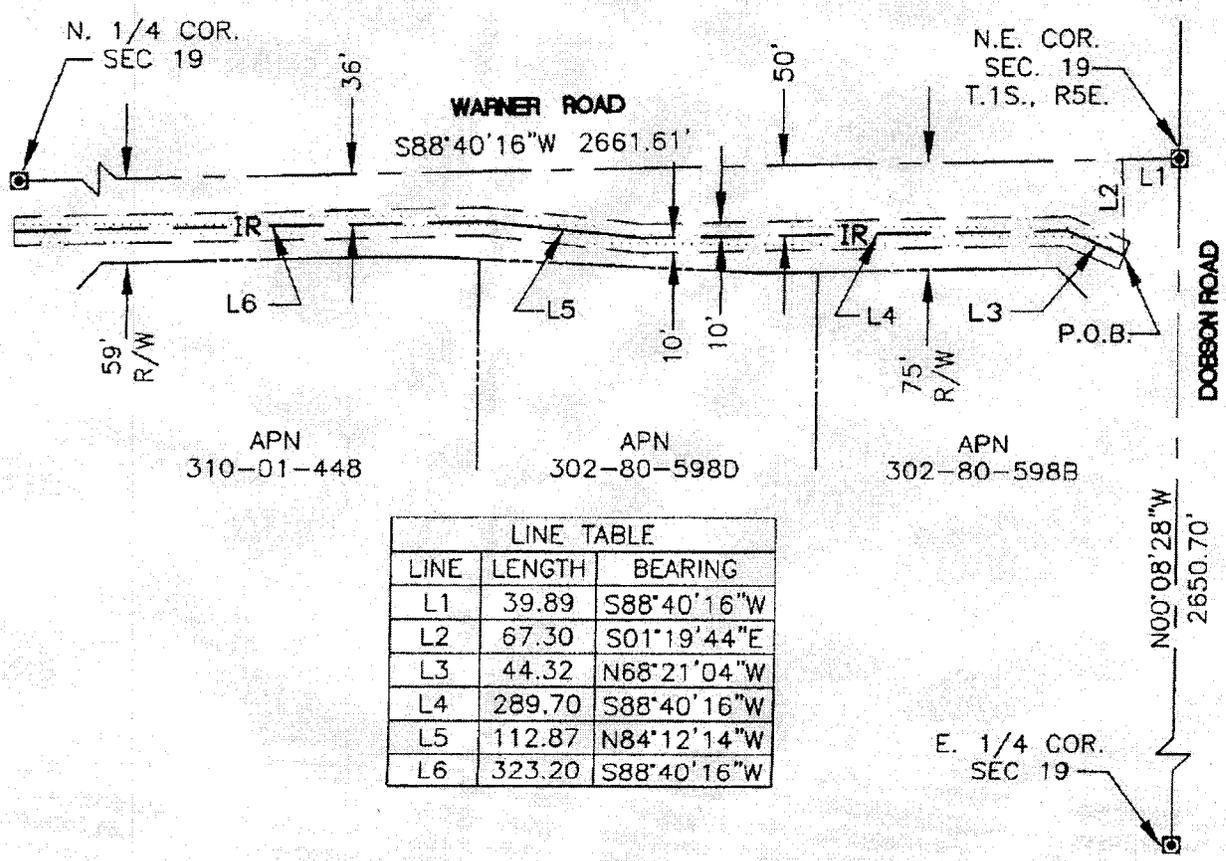


EXHIBIT "A"

E. 1/4 COR. SEC. 18

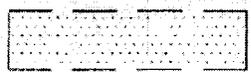


APN 310-01-448

APN 302-80-598D

APN 302-80-598B

LINE TABLE		
LINE	LENGTH	BEARING
L1	39.89	S88°40'16"W
L2	67.30	S01°19'44"E
L3	44.32	N68°21'04"W
L4	289.70	S88°40'16"W
L5	112.87	N84°12'14"W
L6	323.20	S88°40'16"W



NEW EASEMENT AREA=15,402 SQ.FT.



Stantec Consulting Inc.
8211 South 48th Street
Phoenix, Arizona 85044 USA

Stantec

Phone: (602) 438-2200 Fax: (602) 431-9562

**EXHIBIT TO ACCOMPANY A
LEGAL DESCRIPTION FOR SRP
EASEMENT ACQUISITION**

DATE: 08/03/07
DSN:
DRN: JRC
CHK: JLC

PROJECT NUMBER
81930006

Page 2 of 6

EXHIBIT "A"

LEGAL DESCRIPTION
Irrigation Easement

That portion of the Northwest quarter of Section 20, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

A 20.00 foot wide strip of land lying 10.00 feet on each side of the following described centerline.

Commencing at the Northwest corner of said Section 20;

Thence, S89°48'37"E a distance of 386.60 feet along the North line of the Northwest quarter of said Section 20;

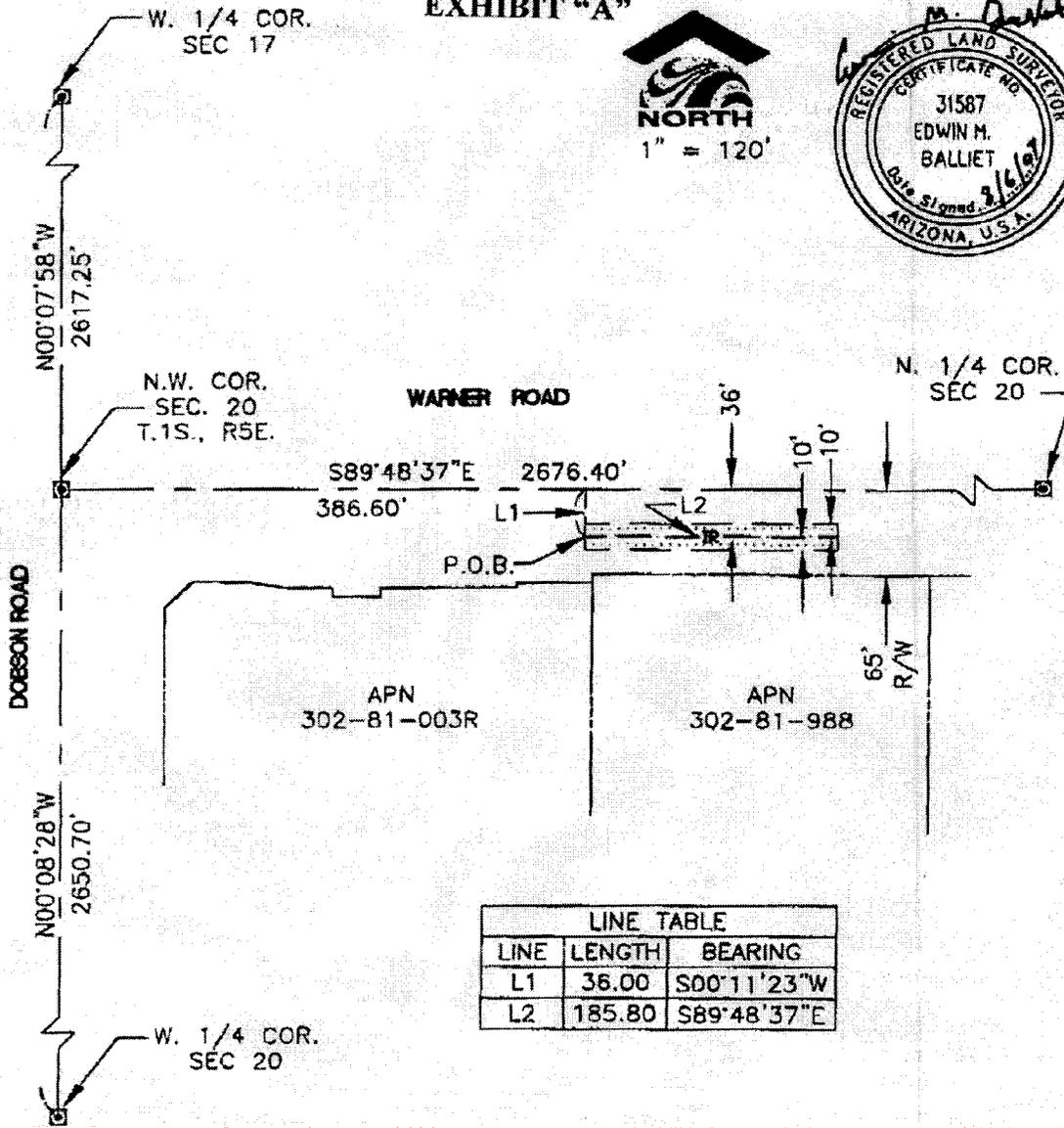
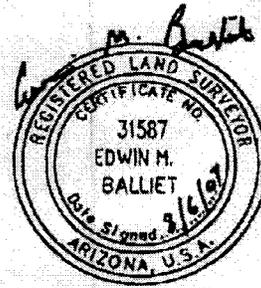
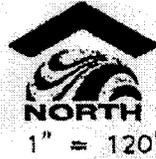
Thence, S00°11'23"W a distance of 36.00 feet to the POINT OF BEGINNING of said centerline;

Thence, S89°48'37"E a distance of 185.80 feet to the terminus of said centerline.

Contains an area of 3,716 square feet.



EXHIBIT "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	36.00	S00°11'23"W
L2	185.80	S89°48'37"E



NEW EASEMENT AREA=3,716 SQ.FT.



Stantec Consulting Inc.

8211 South 48th Street
Phoenix, Arizona 85044 USA

Phone: (602) 438-2200 Fax: (602) 431-9562

Stantec

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2007-08-06 09:08PM By: eballiet

EXHIBIT TO ACCOMPANY A
LEGAL DESCRIPTION FOR SRP
EASEMENT ACQUISITION

DATE: 08/08/07
DSN.:
DRN.: JRC
CHK.: EMB

PROJECT NUMBER
81930006

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EXHIBIT "A"

LEGAL DESCRIPTION Irrigation Easement

That portion of the Northwest quarter of Section 20, Township 1 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion being more particularly described as follows:

A 20.00 foot wide strip of land lying 10.00 feet on each side of the following described centerline.

Commencing at the Northwest corner of said Section 20;

Thence, S89°48'37"E a distance of 654.90 feet along the North line of the Northwest quarter of said Section 20;

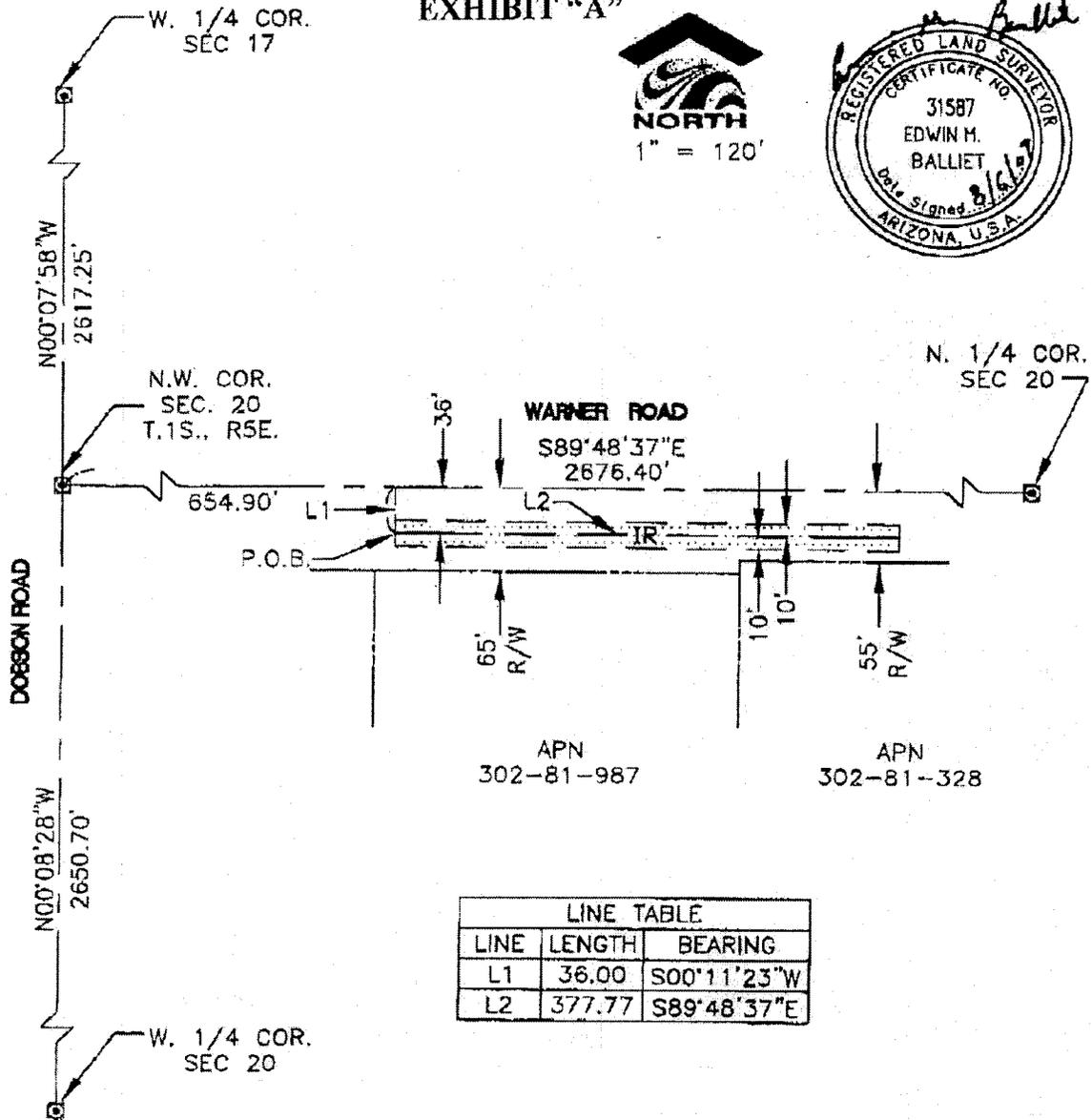
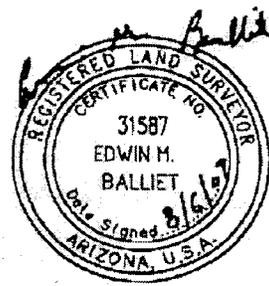
Thence, S00°11'23"W a distance of 36.00 feet to the POINT OF BEGINNING of said centerline;

Thence, S89°48'37"E a distance of 377.77 feet to the terminus of said centerline.

Contains an area of 7,555 square feet.



EXHIBIT "A"



LINE TABLE		
LINE	LENGTH	BEARING
L1	36.00	S00°11'23"W
L2	377.77	S89°48'37"E



NEW EASEMENT AREA=7,555 SQ.FT.



Stantec Consulting Inc.

8211 South 48th Street
Phoenix, Arizona 85044 USA

Phone: (602) 438-2200 Fax: (602) 431-9562

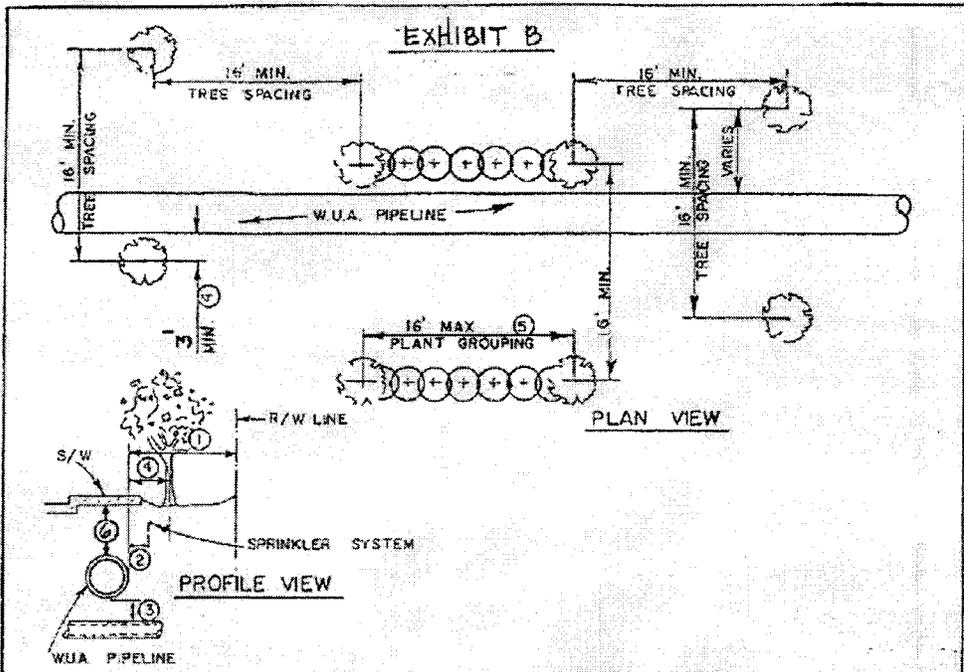
Stantec

EXHIBIT TO ACCOMPANY A
LEGAL DESCRIPTION FOR SRP
EASEMENT ACQUISITION

DATE: 05/06/07 PROJECT NUMBER
DSN.: B1930006
DRN.: JRC
CHK.: EMB

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EXHIBIT B



UNDERGROUND IRRIGATION PIPELINE

- ① MINIMUM 2' CLEARANCE TO POLES, FENCE OR BUILDING IN PUBLIC R/W. AREA MAY BE USED FOR DRIVEWAY, PARKING, SIDEWALK, LAWN OR ALLEY.
- ② MINIMUM 2' CLEARANCE TO UNDERGROUND UTILITY LINES EXCEPT SPRINKLER SYSTEM. CITY RESPONSIBLE FOR REPAIRING SPRINKLER SYSTEM INSTALLED CLOSER THAN 2'. UTILITY EXCAVATION SHALL BE MINIMUM 2' FROM OUTSIDE EDGE OF C.I.P.P.
- ③ UNDER OR OVER CROSSING MINIMUM 1'.
- ④ MINIMUM 3' TO TREES IN PUBLIC R/W. SEE PLAN VIEW FOR OTHER REQUIREMENTS.
- ⑤ PLANT GROUPINGS SHALL NOT EXCEED 16'; GROUPINGS ON SAME SIDE OF PIPE SHALL BE MINIMUM 16' APART.
- ⑥ MAINTAIN 2' OF COVER

ADDED NOTE 6.

05-18-00	JWS	CWT	2
REVISED	BY	CHK'D	ISSUE DATE
SALT RIVER VALLEY WATER USERS' ASS'N PHOENIX, ARIZONA			
S.R.P. R/W GUIDELINES FOR MUNICIPAL PRIOR RIGHTS AGREEMENT			
DESIGNED A.R.	CHECKED G.F.S.		
DRAWN A.K.	RECOMMENDED CWT		
TRACED 2-28-79	APPROVED T.T.S.		
SCALE NONE			
8-28-79		C-8-131	

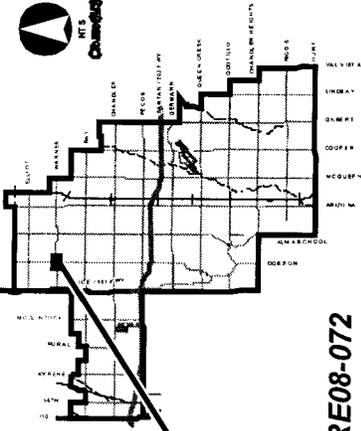
ORIGINAL

EXHIBIT B

IF GRANTOR (CITY) INSTALLS TREES, SHRUBBERY OR OTHER PLANTS IN A MANNER INCONSISTENT WITH EXHIBIT B, GRANTEE MAY REQUIRE GRANTOR TO REMOVE THEM AT GRANTOR'S SOLE EXPENSE. FURTHER, GRANTOR SHALL REIMBURSE GRANTEE FOR ALL COSTS INCURRED TO REMEDY ANY DAMAGE TO OR INTERFERENCE WITH ANY IRRIGATION FACILITIES, CAUSED BY ROOTS FROM TREES, SHRUBBERY OR OTHER PLANTS INSTALLED BY OR CAUSED TO BE INSTALLED BY GRANTOR, UNLESS GRANTEE REASONABLY DETERMINES THAT TIME DOES NOT PERMIT, GRANTEE SHALL PROVIDE GRANTOR WITH REASONABLE NOTICE AND A DAMAGE ESTIMATE IN ADVANCE OF INCURRING COSTS TO REMEDY ROOT PROBLEMS. WHENEVER GRANTEE HAS INCURRED SUCH COSTS WITHOUT ADVANCE NOTICE TO GRANTOR, GRANTEE SHALL PROVIDE GRANTOR WITH VISUAL EVIDENCE OF THE DAMAGE ALONG WITH GRANTEE'S REQUEST FOR REIMBURSEMENT WITHIN TEN (10) DAYS OF THE COMPLETION OF THE DAMAGE OF REPAIRS. UNLESS CAUSED BY GRANTEE NEGLIGENCE, GRANTOR SHALL INDEMNIFY AND SAVE HARMLESS GRANTEE AGAINST AND FROM ANY LIABILITY FOR CLAIMS FOR DAMAGE OR INJURY ARISING OUT OF INTERFERENCE WITH OR DAMAGE TO ANY IRRIGATION FACILITIES CAUSED BY ROOTS FROM TREES, SHRUBBERY OR OTHER PLANTS INSTALLED BY OR CAUSED TO BE INSTALLED BY GRANTOR.



IRRIGATION EASEMENT FOR SALT RIVER PROJECT AT DOBSON RD AND WARNER RD INTERSECTION IMPROVEMENTS



IRRIGATION EASEMENT FOR SRP

MEMO NO. RE08-072

ORDINANCE NO. 3958

