

#6

JAN 17 2008

ORDINANCE NO. 3989

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE THE GRANTING OF A NO COST POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT (SRP) THROUGH PARKS-OWNED PROPERTY TRACT "A", LOCATED AT THE SOUTHWEST CORNER OF DESERT BREEZE BOULEVARD EAST AND MCCLINTOCK ROAD, IN ORDER TO PROVIDE BACKUP OR REDUNDANT SERVICE TO THE ARIZONA COMMERCE CENTER PROJECT.

WHEREAS, backup or redundant electric service is required for the operation of the Arizona Commerce Center project, and

WHEREAS, The Arizona Commerce Center dedicated Tract "A" to the City of Chandler via document #07-0720226, recorded on June 22, 2007; and

WHEREAS, the developer was not aware of the need for the easement at the time Tract "A" was dedicated; and

WHEREAS, the City of Chandler is willing to grant this power easement to Salt River Project to provide the backup or redundant electrical service to the Arizona Commerce Center project,

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 power distribution easement to Salt River Project, through, over, under and across that certain property described in attached Easement Exhibit "A", attached hereto and made a part hereof by this reference.

Section 2. That the granting of said power distribution 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 and this Ordinance on behalf of the City.

INTRODUCED AND TENTATIVELY 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. 3989 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:

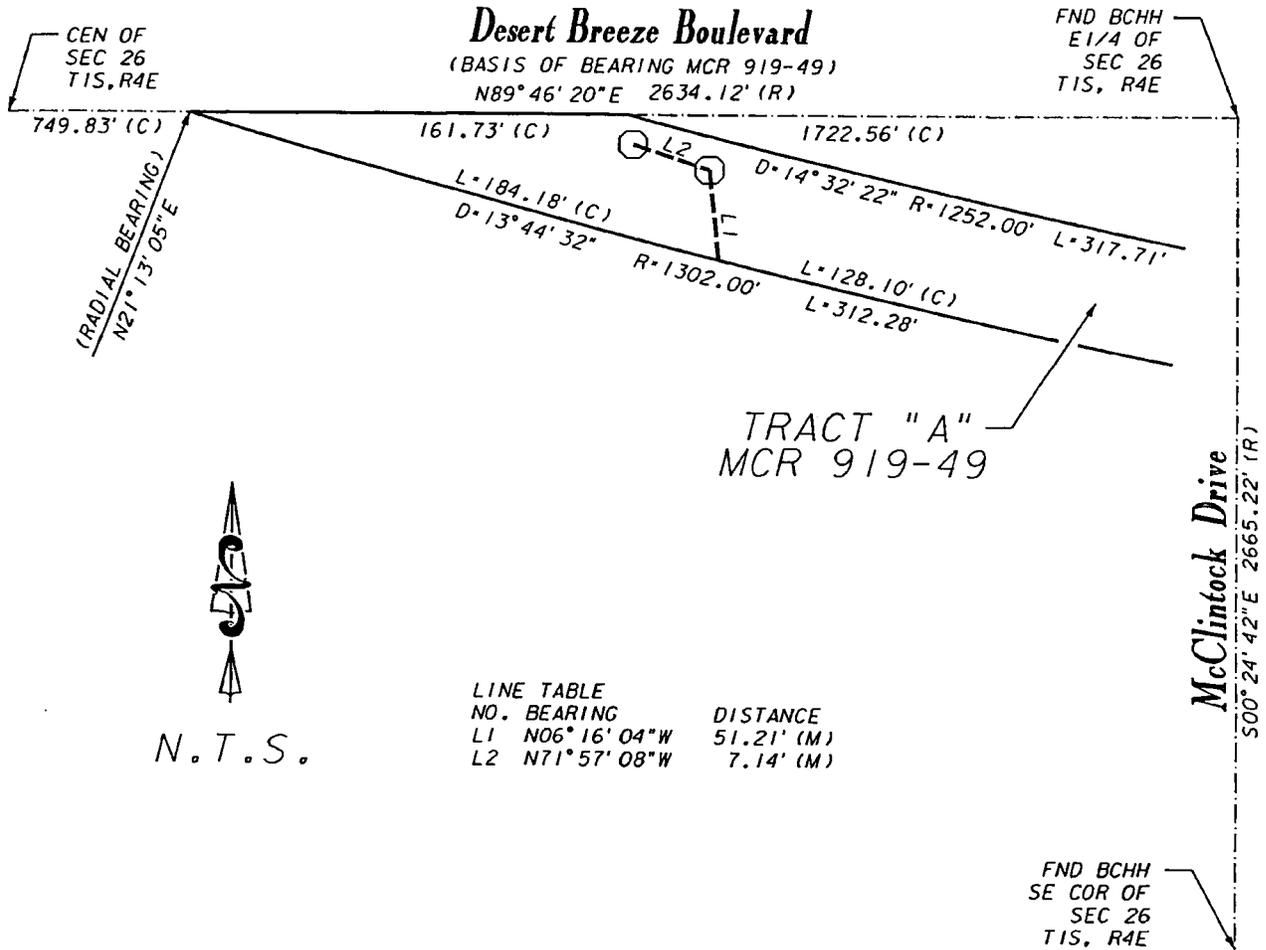
CITY ATTORNEY *GAB*

EXHIBIT "A"

Said easement being 8.00 feet in width, lying 4.00 feet on each side of the following described centerline;

COMMENCING at the center of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; thence North 89 degrees 46 minutes 20 seconds East (basis of bearing) along the East-West midsection line of said Section 26 a distance of 749.83 to a point on a non-tangent curve to the left, concave Northeasterly; said curve having a radius of 1302.00 feet, a central angle of 13 degrees 44 minutes 32 seconds, a chord bearing of South 75 degrees 39 minutes 11 seconds East; thence continuing along said curve a distance of 184.18 feet to the **POINT OF BEGINNING** of the easement herein described; thence North 06 degrees 16 minutes 04 seconds West a distance of 51.12 feet; thence North 71 degrees 567 minutes 08 seconds West a distance of 7.14 feet the **POINT OF TERMINUS** at the center of a 4.17 foot by 6.33 foot equipment pad area, said pad area being part of this easement.

EXHIBIT "A"



LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- EQUIPMENT PAD(S) - 6.33' X 4.17' UNLESS OTHERWISE NOTED ARE PART OF THE EASEMENT

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED 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 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION

NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

SALT RIVER PROJECT A.I.
& POWER DISTRICT

MEDISERVE CHNDLR CORP...
SE 1/4, SEC. 26, T1S, R4E
UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY

DESIGNED: CHALFANT AGENT: CEI
DRAWN: V Harding CHECKED BY: GOREHAM
DATE: 8-2-07 APPROVED:
SCALE: N.T.S. SHEET 1 OF 1

SRP JOB.
KEB-3211



Chandler + Arizona
Where Values Make The Difference

10/26/2007

Mr. John Felty
Mail Station PAB350
Po Box 52025
Phoenix, 85072-2025

RE: Mediserve Chandler Corp – 585 N. Juniper Drive
Salt River Job Number KEB-3211

Dear Mr. Felty,

I am writing to inform you that the City of Chandler staff will be making a positive recommendation requesting City Council to approve the Salt River Project easement for the above referenced projects. The power distribution easement will be written as outlined in the attached power distribution easement template.

Staff anticipates presenting this request to Council January 2008.

It is our understanding that this letter will enable Salt River Project to release the job so that our contractor can begin work.

Sincerely,

Sheina Hughes, P.E.
Acting Assistant Public Works Director/City Engineer

When recorded, mail to:
City of Chandler
City Clerk's Office
P.O. Box 4008, Mail Stop 606
Chandler, Arizona 85244-4008


OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2007-0720226 06/22/07 02:21 PM
3 OF 4
FLORESC

APN:
Section 26, Township 1 S, Range 4 E

This document is exempt from Affidavit and Fee requirements pursuant to A.R.S. Sec. 11-1134.A.3.

SPECIAL WARRANTY DEED

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged,

McCLINTOCK AND GALVESTON LLC, an Arizona limited liability company

("Grantor"), does hereby grant and convey unto the **CITY OF CHANDLER, an Arizona municipal corporation** ("Grantee"), that certain real property situated in Maricopa County, Arizona, and more particularly described in Exhibit A, attached hereto and made a part hereof (the "Property").

TO HAVE AND TO HOLD the Property, together with all improvements thereon and all rights, privileges, easements, tenements, hereditaments and appurtenances pertaining thereto, forever, free and clear of all liens, claims and encumbrances, SUBJECT ONLY TO taxes and assessments not yet due and all reservations in patents, easements, rights of way, covenants, conditions and restrictions as may appear of record.

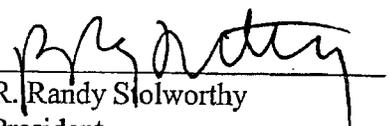
Grantor hereby binds itself and its successors and assigns to warrant and forever defend the title to the Property against its acts and none other, subject to the matters set forth above.

DATED this 24th day of April, 2007.

GRANTOR:

McCLINTOCK AND GALVESTON LLC, an
Arizona limited liability company

By: R. R. Stolworthy, Inc., a Washington
corporation
Its: Manager

By: 
R. Randy Stolworthy
Its: President

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the 24th day of April, 2007, before me, the undersigned Notary Public, personally appeared R. Randy Stolworthy, who acknowledged himself to be the President of R. R. Stolworthy, Inc., a Washington corporation, the Manager of McClintock and Galveston LLC, an Arizona limited liability company and that he, as such officer being authorized so to do, executed the foregoing Special Warranty Deed for the purposes therein contained.

Martha Doster
Notary Public

My Commission Expires:

3-23-09

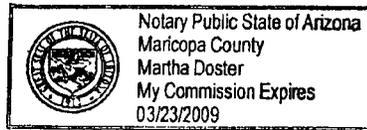


EXHIBIT "A"

**DESCRIPTION OF TRACT A
CHANDLER CORPORATE CENTER- NORTH,
RECORDED IN BOOK 919 OF MAPS, PAGE 49, RECORDS OF
MARICOPA COUNTY, ARIZONA**

THAT PORTION OF TRACT "C" OF "CHANDLER CORPORATE CENTER" AS RECORDED IN BOOK 315 OF MAPS, PAGE 34, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF CHANDLER BRASS CAP IN HANDHOLE AT THE MONUMENT LINE INTERSECTION OF DESERT BREEZE BOULEVARD AND McCLINTOCK DRIVE, SAID POINT ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 26, FROM WHICH A FOUND CITY OF CHANDLER BRASS CAP IN HANDHOLE MARKING THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 00°24'42" EAST, 2665.22 FEET;

THENCE SOUTH 89°46'20" WEST, ALONG THE MONUMENT LINE OF SAID DESERT BREEZE BOULEVARD AND NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 65.00 FEET;

THENCE SOUTH 00°24'42" EAST, A DISTANCE OF 59.92 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF McCLINTOCK DRIVE AND **POINT OF BEGINNING**;

THENCE SOUTH 00°24'42" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.08 FEET TO A LINE BEING 90.00 FEET SOUTH AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26;

THENCE SOUTH 89°46'20" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1343.51 FEET;

THENCE, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1302.00 FEET; A CENTRAL ANGLE OF 21°26'44"; WITH A RADIAL LINE IN OF NORTH 00°14'41" WEST AND A RADIAL LINE OUT OF SOUTH 21°12'02" WEST FOR AN ARC LENGTH OF 487.34 FEET TO THE AFORESAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 26;

THENCE NORTH 89°46'20" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 161.73 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DESERT BREEZE

BOULEVARD AS CONVEYED TO THE CITY OF CHANDLER BY WARRANTY DEED DOCUMENT NUMBER 90-315179, MARICOPA COUNTY RECORDS;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1252.00 FEET; A CENTRAL ANGLE OF 14°32'23"; WITH A RADIAL LINE IN OF NORTH 14°17'40" EAST AND A RADIAL LINE OUT OF SOUTH 00°14'43" EAST FOR AN ARC LENGTH OF 317.71 FEET;

THENCE NORTH 89°46'20" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1323.43 FEET;

THENCE SOUTH 45°19'09" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 28.22 FEET TO THE POINT OF BEGINNING;

CONTAINING: 87,337 SQUARE FEET OR 2.005 ACRES, MORE OR LESS.

THE BASIS OF BEARING FOR THE ABOVE DESCRIBED PARCEL IS THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, HAVING A BEARING OF NORTH 90°00'00" EAST, ACCORDING TO THE MAP OF DEDICATION FOR CHANDLER CORPORATE CENTER RECORDED IN BOOK 315 OF MAPS, PAGE 34, MARICOPA COUNTY RECORDS, ARIZONA.

ACCEPTANCE

The CITY OF CHANDLER, an Arizona Municipal Corporation, does hereby accept the foregoing grant and easement and the terms and conditions thereof.

In witness whereof, the CITY OF CHANDLER has caused this ACCEPTANCE to be executed by its Public Works Director pursuant to City of Chandler City Code Section 43-2.2 which was authorized by its City Council by Ordinance 2970 on the 27th day of June 1999.

Checked by:

6/15/07

[Signature] Real Estate Operations Coordinator

[Signature] City Attorney

[Signature] Assistant Public Works Director

By: [Signature]
Daniel W. Cook, Acting Public Works Director

Date: 6-14-07

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

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

POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel # 301-86-330 (TRACT A, MCR 919/49)
SE4, 26, 1S, 4E

R/W #2458C Agt. lda/CEI
Job # KEB-3211
W LPA C af

**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:

Description of TRACT A CHANDLER CORPORATE CENTER-NORTH, recorded in Book 919 of Maps, page 49, records of Maricopa County, Arizona

That portion of Tract "C" of "CHANDLER CORPORATE CENTER" as recorded in Book 315 of Maps, page 34, records of Maricopa County, Arizona, located within the Southeast quarter of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a City of Chandler Brass Cap in handhole at the monument line intersection of Desert Breeze Boulevard and McClintock Drive, said point also being the East quarter corner of said Section 26, from which a found City of Chandler Brass Cap in handhole marking the Southeast corner of said Section bears South 00 degrees 24 minutes 42 seconds East, 2665.22 feet; Thence South 89 degrees 46 minutes 20 seconds West, along the monument line of said Desert Breeze Boulevard and North line of the Southeast quarter of said Section 26, a distance of 65.00 feet; Thence South 00 degrees 24 minutes 42 seconds East, a distance of 59.92 feet to the Westerly right-of-way line of McClintock Drive and POINT OF BEGINNING; Thence South 00 degrees 24 minutes 42 seconds East, along said Westerly right-of-way line, a distance of 30.08 feet to a line being 90.00 feet South and parallel with the North line of the Southeast quarter of said Section 26; Thence South 89 degrees 46 minutes 20 seconds West, along said parallel line, a distance of 1343.51 feet; Thence, along a non-tangent curve to the right having a radius of 1302.00 feet; a central angle of 21 degrees 26 minutes 44 seconds; with a radial line in of North 00 degrees 14 minutes 41 seconds West and a radial line out of South 21 degrees 12 minutes 02 seconds West for an arc length of 487.34 feet to the aforesaid North line of the Southeast quarter of Section 26; Thence North 89 degrees 46 minutes 20 seconds East, along said North line, a distance of 161.73 feet to the Southerly right-of-way line of Desert Breeze Boulevard as conveyed to the City of Chandler by Warranty Deed in Document Number 90-315179, Maricopa County Records; Thence along said Southerly right-of-way line, on a non-tangent curve to the left, having a radius of 1252.00 feet; a central angle of 14 degrees 32 minutes 23 seconds; with a radial line in of North 14 degrees 17 minutes 40 seconds East and a radial line out of South 00 degrees 14 minutes 43 seconds East for an arc length of 317.71 feet; Thence North 89 degrees 46 minutes 20 seconds East, along said Southerly right-of-way line a distance of 1323.43 feet; Thence South 45 degrees 19 minutes 09 seconds East, along said Southerly right-of-way line, a distance of 28.22 feet to the POINT OF BEGINNING; CONTAINING: 87,337 SQUARE FEET OR 2.005 acres, more or less.

The basis of bearing for the above described parcel is the South line of the Southeast quarter of said Section 26, having a bearing of North 90 degrees 00 minutes 00 seconds East, according to the Map of Dedication for CHANDLER CORPORATE CENTER recorded in Book 315 of Maps, page 34, Maricopa County Records, Arizona.

Easement Parcel:

Said easement being 8.00 feet in width, lying 4.00 feet on each side of the following described centerline;

COMMENCING at the center of Section 26, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; thence North 89 degrees 46 minutes 20 seconds East (basis of bearing) along the East-West midsection line of said Section 26 a distance of 749.83 to a point on a non-tangent curve to the left, concave Northeasterly; said curve having a radius of 1302.00 feet, a central angle of 13 degrees 44 minutes 32 seconds, a chord bearing of South 75 degrees 39 minutes 11 seconds East; thence continuing along said curve a distance of 184.18 feet to the **POINT OF BEGINNING** of the easement herein described; thence North 06 degrees 16 minutes 04 seconds West a distance of 51.12 feet; thence North 71 degrees 567 minutes 08 seconds West a distance of 7.14 feet the **POINT OF TERMINUS** at the center of a 4.17 foot by 6.33 foot equipment pad area, said pad area being part of this easement.

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.

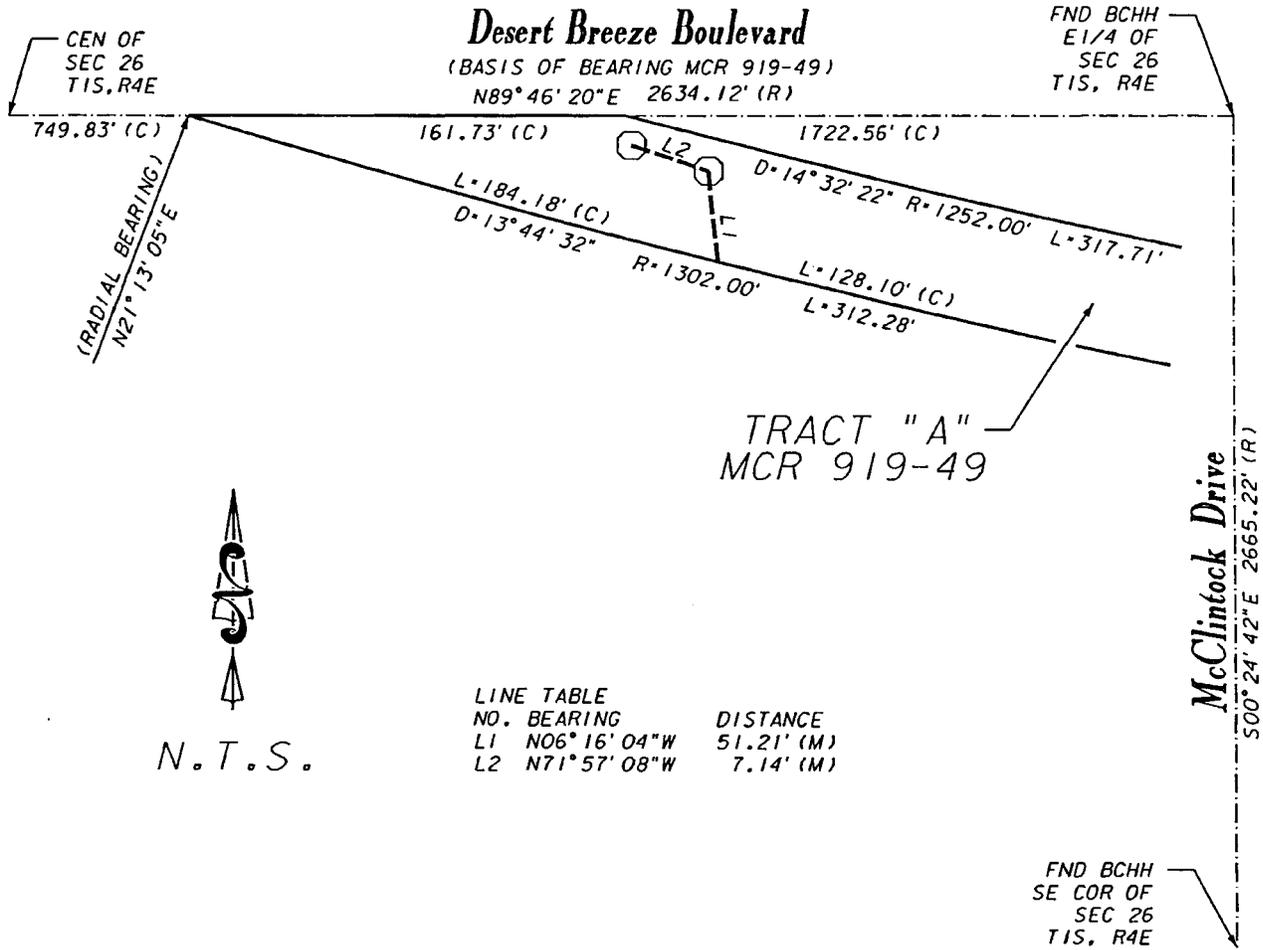
Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

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.

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EXHIBIT "A"



LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- EQUIPMENT PAD(S) - 6.33' X 4.17'
UNLESS OTHERWISE NOTED
ARE PART OF THE EASEMENT

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED 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 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION

NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

SALT RIVER PROJECT A.I.
& POWER DISTRICT

MEDISERVE CHNDLR CORP...
SE 1/4, SEC. 26, T1S, R4E
UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY

DESIGNED: CHALFANT AGENT: CEI
 DRAWN: V Harding CHECKED BY: GOREHAM
 DATE: 8-2-07 APPROVED:
 SCALE: N.T.S. SHEET 1 OF 1

SRP JOB.
KEB-3211