

#4

NOV 20 2008



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

**MEMORANDUM**

**Real Estate – Council Memo No. RE09-135**

DATE: NOVEMBER 20, 2008

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER  
R. J. ZEDER, PUBLIC WORKS DIRECTOR  
DANIEL W. COOK, DEPUTY PUBLIC WORKS DIRECTOR  
MIKE NORMAND, TRANSPORTATION SERVICES AND PLANNING  
MANAGER

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: ORDINANCE NO. 4114 GRANTING A GROUND EASEMENT TO SALT RIVER PROJECT AT NO COST TO RELOCATE 69KV POWER FACILITIES ALONG THE NORTH SIDE OF RIGGS ROAD BETWEEN LINDSAY ROAD AND VAL VISTA DRIVE TO ACCOMMODATE CONSTRUCTION OF THE RIGGS ROAD - GILBERT ROAD TO VAL VISTA IMPROVEMENT PROJECT ST-0613.

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4114 granting a ground easement to Salt River Project at no cost to relocate 69kV power facilities along the north side of Riggs Road between Lindsay Road and Val Vista Drive to accommodate construction of the Riggs Road - Gilbert Road to Val Vista Improvement Project ST-0613.

BACKGROUND/DISCUSSION: In connection with the Riggs Road – Gilbert Road to Val Vista Improvement Project (the “Project”) SRP is required to relocate its existing 69 kilovolt (kV) power line facilities to accommodate the roadway improvements for the Project. One (1) ground easement is required for this project between Lindsay Road and Val Vista Drive in the area of Hillcrest Drive.

Construction on the Project is underway and is scheduled for completion in the Spring of 2009.

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

FINANCIAL IMPLICATIONS: None

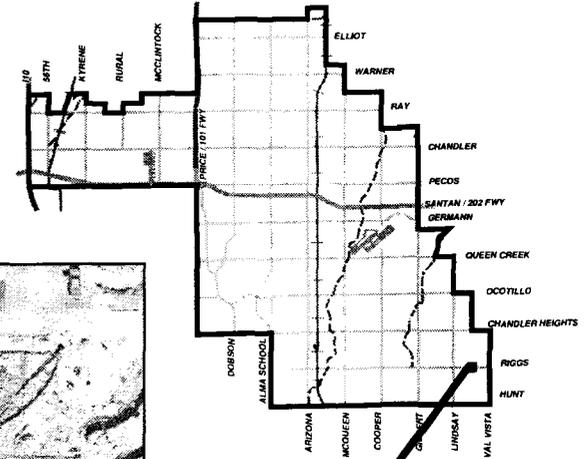
Cost: N/A  
Savings: N/A  
Long Term Costs: N/A

PROPOSED MOTION: Staff recommends introduction and tentative approval of Ordinance No. 4114 granting a ground easement to Salt River Project at no cost to relocate 69kV power facilities along north side of Riggs Road between Lindsay Road and Val Vista Drive to accommodate construction of the Riggs Road - Gilbert Road to Val Vista Improvement Project ST-0613.

Attachments: Location/Site Map  
Ordinance No. 4114  
SRP ground easement

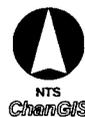


**GRANT A GROUND EASEMENT TO  
SALT RIVER PROJECT ON THE  
NORTH SIDE OF RIGGS ROAD BETWEEN  
LINDSAY ROAD AND VAL VISTA DRIVE**



**MEMO NO. RE09-135**

 EASEMENT



ORDINANCE NO. 4114

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE GRANTING A GROUND EASEMENT TO SALT RIVER PROJECT AT NO COST TO RELOCATE 69KV POWER FACILITIES ALONG THE NORTH SIDE OF RIGGS ROAD BETWEEN LINDSAY ROAD AND VAL VISTA DRIVE TO ACCOMMODATE CONSTRUCTION OF THE RIGGS ROAD - GILBERT ROAD TO VAL VISTA IMPROVEMENT PROJECT ST-0613.

WHEREAS, the City of Chandler is in the process of improving Riggs Road and from Gilbert Road to Val Vista Road; and

WHEREAS, the road improvements require that Salt River Project relocate its 69 kilovolt (kV) power lines impacted by the project; and

WHEREAS, Salt River Project requires a power easement on the north side of Riggs Road to relocate their 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 ground easement to Salt River Project, through, over, under and across that certain property described in Exhibit "A" attached hereto and made a part hereof by this reference.

Section 2. That the granting of said 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 document on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

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

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

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

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4114 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, and that a quorum was present thereat.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *GAβ*

RIGGS ROAD  
JN 06-0389  
"SRP JOB NUMBER XA3-3697"

## EXHIBIT A

### LEGAL DESCRIPTION

#### CITY PROPERTY ELECTRIC GROUND EASEMENT(3)

A PORTION OF THE SOUTH 75.00 FEET OF THE SOUTH HALF OF SECTION 29,  
TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN,  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 29;  
THENCE S89°44'25"W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF  
SAID SECTION 29, A DISTANCE OF 298.35 FEET;  
THENCE N01°12'34"W, A DISTANCE OF 58.01 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING N01°12'34"W ALONG SAID LINE, A DISTANCE OF 7.00 FEET;  
THENCE N89°44'25"E, BEING PARALLEL WITH AND 65.00 FEET NORTH OF SAID SOUTH  
LINE, A DISTANCE OF 244.36 FEET;  
THENCE N44°42'31"E, A DISTANCE OF 10.14 FEET;  
THENCE N88°47'26"E, A DISTANCE OF 110.15 FEET;  
THENCE S89°01'33"E, A DISTANCE OF 273.19 FEET;  
THENCE SOUTH, A DISTANCE OF 3.17 FEET;  
THENCE N89°45'01"E, BEING PARALLEL WITH AND 65.00 FEET NORTH OF THE SOUTH  
LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 10.10  
FEET;  
THENCE S00°58'27"W, A DISTANCE OF 7.04 FEET;  
THENCE N89°01'33"W, A DISTANCE OF 283.16 FEET;  
THENCE S88°47'26"W, A DISTANCE OF 361.57 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5,164 SQUARE FEET OR 0.119 ACRES, MORE OR LESS.

OLSSON ASSOCIATES  
7250 NORTH 16TH STREET, SUITE 210  
PHOENIX, ARIZONA 85020  
(602) 748-1000



**ELECTRIC GROUND EASEMENT  
LEGAL DESCRIPTION EXHIBIT  
CITY PROPERTY (3)  
"SRP JOB NUMBER XA3-3697"**

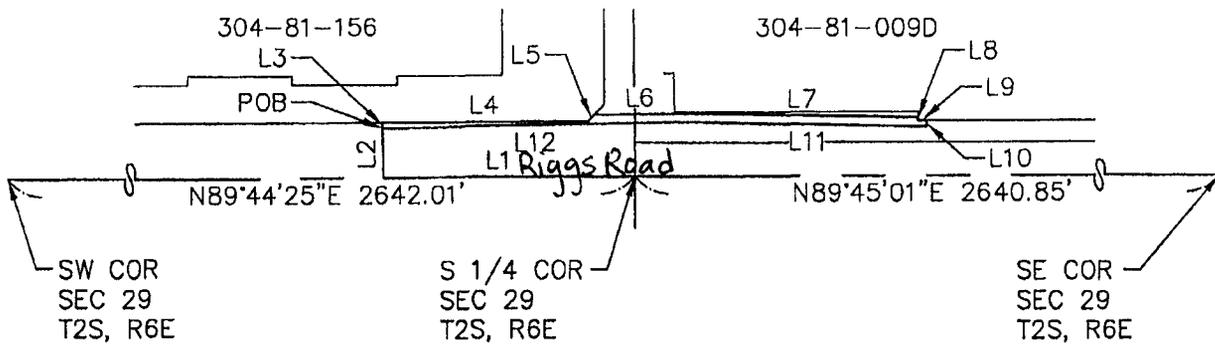
**EXHIBIT A**

**SUBJECT PROPERTY**

5,164 SF±  
0.119 AC±

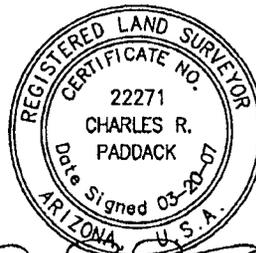
LINE TABLE		
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L9	10.10	N89°45'01"E
L10	7.04	S00°58'27"W
L11	283.16	N89°01'33"W
L12	361.57	S88°47'26"W



7250 North 16th Street  
Suite 210  
Phoenix, AZ 85020-5282  
TEL 602.748.1000  
FAX 602.748.1001

PROJECT: 060389  
DATE: 03-20-07  
FILE: 060389\_x\_Esmt-Elec.dwg



*Charles R. Paddock*



NTS

**WHEN RECORDED MAIL TO:**

**SALT RIVER PROJECT**

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

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***EASEMENT***

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Maricopa County  
S 1/2 Sec. 29, T2S, R6E

R/W#1843C, D

Agt. JML

Job #XA3-3697

W JML C WML

**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 South half of Section 29, Township 2 South, Range 6 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**Easement Parcel:**

**SEE EXHIBIT "A" 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.

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.

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

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

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

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 \_\_\_\_\_ and \_\_\_\_\_, the Mayor and Clerk 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.

My Commission Expires:

\_\_\_\_\_ Notary Public

\_\_\_\_\_  
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 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).**

69kv OH&UG MASTER  
Approved Greg Moore, SRP/8/07  
Cimage/

RIGGS ROAD  
JN 06-0389  
"SRP JOB NUMBER XA3-3697"

## EXHIBIT A

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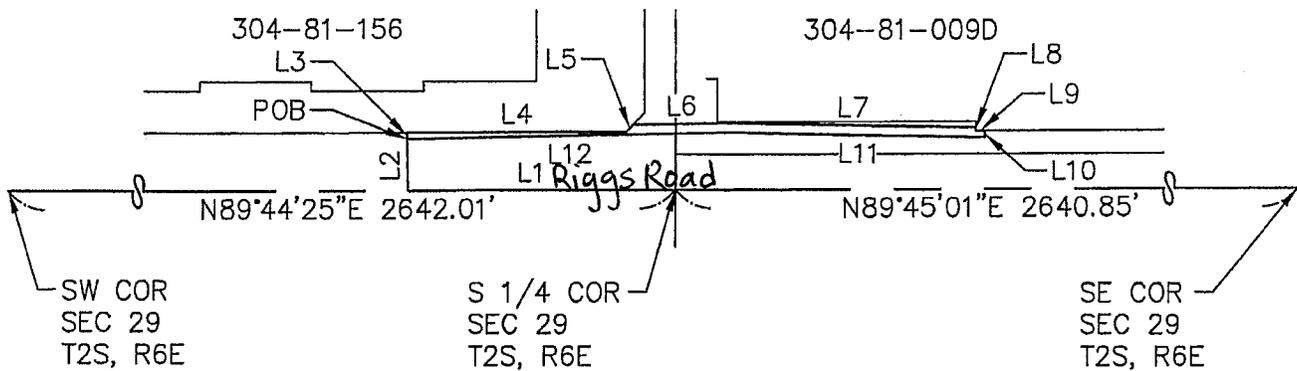
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0.119 AC±

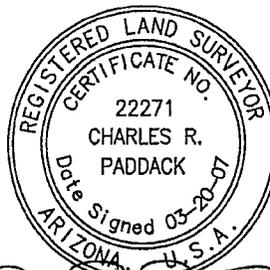
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