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MAR 12 2009



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

**MEMORANDUM**                      **Real Estate – Council Memo No. RE 09-193**

**DATE:**            MARCH 12, 2009

**TO:**                MAYOR AND COUNCIL

**THRU:**            W. MARK PENTZ, CITY MANAGER *[Signature]*  
                 R.J. ZEDER, PUBLIC WORKS DIRECTOR *[Signature]*  
                 DANIEL W. COOK, PUBLIC WORKS DEPUTY DIRECTOR *[Signature]*  
                 SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR/ *[Signature]*  
   CITY ENGINEER  
                 MIKE NORMAND, TRANSPORTATION SERVICES & PLANNING *[Signature]*  
   MANAGER

**FROM:**            ERICH KUNTZE, REAL ESTATE MANAGER *[Signature]*

**SUBJECT:**        ORDINANCE NO. 4132 AUTHORIZING THE ASSIGNMENT TO  
                         SALT RIVER PROJECT (SRP) OF CERTAIN AERIAL EASEMENTS  
                         (2) ACQUIRED BY THE CITY OF CHANDLER FOR THE RIGGS  
                         ROAD (GILBERT ROAD TO VAL VISTA DRIVE) IMPROVEMENT  
                         PROJECT

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4132 authorizing the assignment to Salt River Project (SRP) of certain aerial easements (2) acquired by the City of Chandler for the Riggs Road (Gilbert Road to Val Vista Drive) improvement project.

BACKGROUND/DISCUSSION: In connection with a City road project for the widening and improvement of Riggs Road from Gilbert Road to Val Vista Drive (the "Project"), the City acquired roadway and easements needed for the Project, which also included acquisition of two (2) aerial easements ultimately intended for use by SRP. The easements that were conveyed to the City through a Final Order of Condemnation, has been processed through the court system and is now ready to be assigned. The easements are needed to accommodate SRP's facilities to be relocated as a consequence of the Project.

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Upon recording the assignment, the City would have no further obligation, responsibility or liability, and no further rights, pursuant to or because of the easements.

FINANCIAL IMPLICATIONS:

Cost: N/A

Savings: N/A

Long Term Costs: N/A

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No.4132 authorizing the assignment to Salt River Project (SRP) of certain aerial easements (2) acquired by the City of Chandler for the Riggs Road (Gilbert Road to Val Vista Drive) improvement project.

Attachments: Ordinance 4132

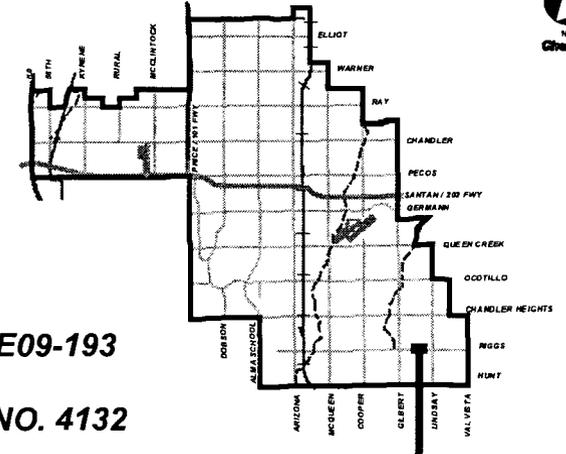
Map

Assignment of Aerial Easement

Final Order of Condemnation 2008-1078920



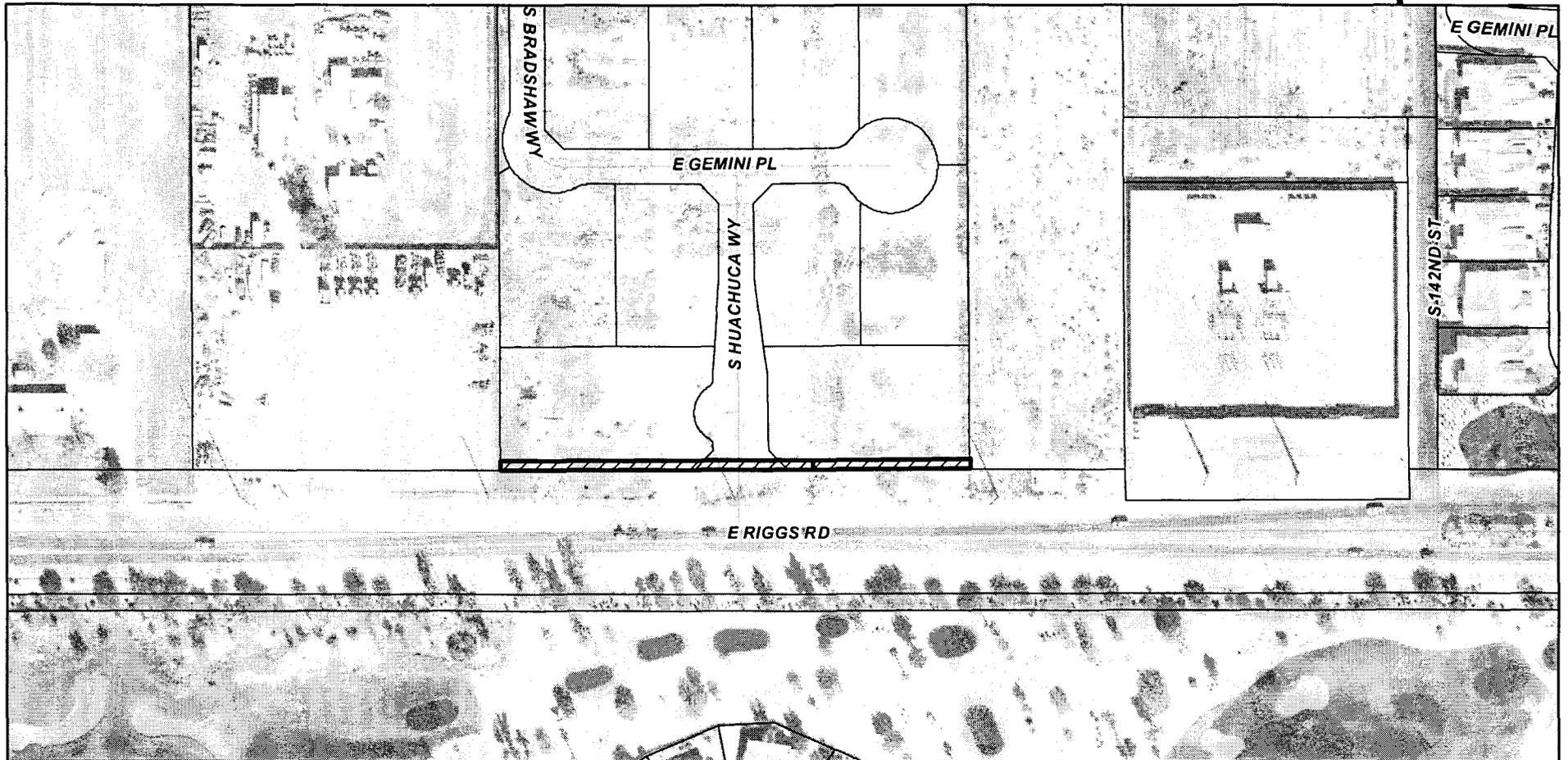
# ASSIGNMENT OF AERIAL EASEMENTS TO SRP-RIGGS RD



MEMO NO. RE09-193

ORDINANCE NO. 4132

 AERIAL EASEMENT



**ORDINANCE NO. 4132**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE ASSIGNMENT TO SALT RIVER PROJECT (SRP) OF CERTAIN AERIAL EASEMENTS (2) ACQUIRED BY THE CITY OF CHANDLER THROUGH CONDEMNATION ACTIONS FOR THE RIGGS ROAD (GILBERT ROAD TO VAL VISTA DRIVE) IMPROVEMENT PROJECT.

WHEREAS, the City of Chandler filed a condemnation action to acquire roadway and easements necessary to widen and improve Riggs Road-Gilbert Road to Val Vista Drive; and

WHEREAS, the easements acquired included two aerial easements needed to accommodate the relocation of existing electrical facilities of Salt River Project Agricultural Improvement and Power District ("Salt River Project"); and

WHEREAS, the aerial easements were acquired under terms that permit the recording of an assignment of said easements directly to Salt River Project, after which the City will have no further obligation, responsibility, liability or rights associated with the easement;

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

**Section 1.** The City may proceed to execute and record one or more agreements as needed to assign over to Salt River Project the aerial easements acquired by the City through a condemnation action filed in connection with the Riggs Road – Gilbert Road to Val Vista Drive improvement project.

**Section 2.** The City Manager is authorized to execute such agreements, which shall be in form approved by the City Attorney.

INTRODUCED AND TENTATIVELY APPROVED by the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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

\_\_\_\_\_  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No.4132 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2009, and that a quorum was present thereat.

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

PUBLISHED:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

SAB

When recorded, mail to:  
Salt River Project  
P.O Box 52025  
Mail Station PAB 350  
Phoenix, AZ 85072

**ASSIGNMENT OF AERIAL EASEMENT**  
(Riggs Road from Gilbert Road to Val Vista Drive)

THIS ASSIGNMENT OF TWO (2) AERIAL EASEMENTS (the "Assignment") is made this \_\_\_ day of \_\_\_\_\_, 2009, by and between CITY OF CHANDLER, an Arizona municipal corporation, as Assignor ("City"), and SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, an agricultural improvement district organized and existing under the laws of the State of Arizona, as Assignee ("SRP"), in order to complete all transactions and perform all acts necessary for the completion of the road project described below.

1. **Recitals.** As background to this transaction, the parties recite and acknowledge as follows:

1.1. In connection with a City road project for the widening and improvement of Riggs Road from Gilbert Road to Val Vista Drive in Chandler, Arizona (the "Project"), City filed a condemnation action in the Maricopa County Superior Court to acquire roadway and easements needed for the Project that also included acquisition of two (2) aerial easements ultimately intended for use by SRP. The easements were needed to assure clear space to accommodate SRP's 12kV transmission lines and supporting structures that were required to be located as a consequence of the Project.

1.2. In the court action, a Judgment in Condemnation was entered; City satisfied its obligations under the Judgment; and a Final Order of Condemnation was entered by the Court and recorded with the Maricopa County Recorder to complete the acquisition of the property interests described in the Final Order, which included two (2) aerial easements over described real property in accordance with the terms and conditions for the easements as stated in the Final Order. In this case, the terms and conditions for the easements provided that City could assign the easements to SRP, and, upon recording the assignment, City would have no further obligation, responsibility or liability, and no further rights, pursuant to or because of the easements.

1.3. City and SRP, through the execution and recording of this Assignment, desire to complete the assignment to SRP of the two (2) aerial easements acquired through the recording of the Final Order of Condemnation entered in the condemnation action. The condemnation action is listed below by case name and number followed by the recording date and recording number for the Final Order of Condemnation:

<u>Case Name (City v. _____)</u>	<u>Case Number</u>	<u>F.O. Recording Date</u>	<u>F.O. Recording Number</u>
ETICO INVESTMENT GROUP, LLC	CV2008-090940	12/22/2008	2008-1078920

2. **Agreement.** For Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and SRP agree as follows:

2.1. **Assignment and Acceptance.** City hereby assigns and transfers to SRP all of City's right, title and interest in and to the two (2) aerial easements acquired pursuant to the Final Order of Condemnation entered in the above-listed court action and subsequently recorded. SRP hereby accepts such assignment and agrees to be bound by the terms and conditions of the two (2) aerial easements as stated in the aforementioned Final Order of Condemnation for the above-listed court action.

2.2. **No Warranties.** City makes no warranties regarding the Assignment, the aerial easements, or the property affected by the easements, except that City does warrant that the person executing this Assignment on behalf of City is authorized to do so. SRP acknowledges and agrees that City makes no warranties regarding the Assignment, the aerial easements, or the property affected by the easements, except as stated above. SRP does warrant that the person executing this Assignment on behalf of SRP is authorized to do so.

3. **Binding Effect.** This Assignment shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Assignment as of the date set forth above.

ASSIGNOR: CITY OF CHANDLER, an  
Arizona municipal corporation

By: \_\_\_\_\_  
W. Mark Pentz, City Manager

Approved as to Form

\_\_\_\_\_  
City Attorney 

STATE OF ARIZONA        )  
                                  ) ss.  
County of Maricopa        )

The foregoing Assignment of two (2) Overhead Transmission (Aerial) Easements was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by W. Mark Pentz, as City Manager for the City of Chandler, an Arizona municipal corporation, for the municipal corporation, being authorized so to do.

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

My Commission Expires:  
  
\_\_\_\_\_

ASSIGNEE: SALT RIVER PROJECT  
AGRICULTURAL IMPROVEMENT AND  
POWER DISTRICT, an agricultural  
improvement district organized and existing  
under the laws of the State of Arizona

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF ARIZONA        )  
                                  ) ss.  
County of Maricopa        )

The foregoing Assignment of Two (2) Overhead Transmission (Aerial) Easements was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_, as \_\_\_\_\_ for Salt River Project Agricultural Improvement and Power District, an agricultural improvement district organized and existing under the laws of the State of Arizona, for the district, being authorized so to do.

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

My Commission Expires:  
  
\_\_\_\_\_