



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

# 16  
APR 23 2009

**MEMORANDUM**

**Public Works Engineering - Council Memo ENG09-050**

**DATE:** April 23, 2009

**TO:** MAYOR AND COUNCIL

**THRU:** W. MARK PENTZ, CITY MANAGER  
R. J. ZEDER, PUBLIC WORKS DIRECTOR  
SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR/CITY ENGINEER

**FROM:** CHARLES W. SMITH, ENGINEER

**SUBJECT:** Approval of a deactivation agreement with Salt River Valley Water Users' Association covering an irrigation delivery structure removal along Cooper Road north of Pecos Road that was included in a recent roadway improvement project.

RECOMMENDATION:

Staff recommends that Council approve a deactivation agreement with Salt River Valley Water Users' Association covering an irrigation delivery structure removal along Cooper Road north of Pecos Road that was included in a recent roadway improvement project.

BACKGROUND AND DISCUSSION:

The City recently completed a capital project to improve Cooper Road between Chandler Boulevard and the Santan Freeway. The work on this project included the removal of an irrigation delivery structure owned by Salt River Valley Water Users' Association (SRVWUA). This structure, which was no longer being used, was located on the west side of Cooper Road approximately 629 feet north of Pecos Road.

As a requirement for removal of any SRP irrigation facility, the City must enter into an agreement with SRP for deactivating that facility. Under terms of such an agreement the City agrees to accept responsibility for replacing the facility if replacement should become necessary sometime in the future. The proposed agreement has such a condition, but the likelihood of ever having to install a replacement is considered very low.

FINANCIAL IMPLICATIONS:

The City will have a responsibility for replacing the facility if replacement should become necessary sometime in the future, but the likelihood of this happening is considered very low.

PROPOSED MOTION:

Move that Council approve a deactivation agreement with Salt River Valley Water Users' Association covering an irrigation delivery structure removal along Cooper Road north of Pecos Road that was included in a recent roadway improvement project, as recommended by staff, and authorize the Mayor to sign the deactivation agreement.

Attachments: Deactivation Agreement, Location Map

## DEACTIVATION AGREEMENT

THIS AGREEMENT is made and entered into on the last date on which the parties complete execution of this Deactivation Agreement, by and between the CITY OF CHANDLER, a municipal corporation of the State of Arizona, hereinafter, called the "CITY," and the SALT RIVER VALLEY WATER USERS' ASSOCIATION, an Arizona Corporation, hereinafter called "SRP."

### WITNESSETH:

WHEREAS, it is proposed that the public roadway surface along Cooper Road and north of Pecos Road to be widened and reconstructed to accommodate the roadway improvements of the City of Chandler Road project number ST0602, and;

WHEREAS, as part of the road improvement project reconstruction it will be necessary to remove SRP's irrigation delivery structure 4-14-22 & 22.5 (hereinafter referred to as "the Facility"). presently located approximately 629' feet north of Pecos Road and Cooper Road, Section 35; Township 1 South; Range 5 East: G&SRB&M, and;

WHEREAS, City to remove the necessary facility at its sole expense as a condition of entering into this Agreement, and;

WHEREAS, the facility is not presently in service;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, it is agreed as follows:

1. SRP shall abandon its use of the Facility.
2. The City shall cause the removal of the entire Facility at its sole expense.
3. If at any time any shareholder entitled to irrigation delivery to this abandoned Facility demonstrates adequate capability to deliver irrigation water to this Facility at his property, as reasonably determined by SRP, then the City shall, upon request by SRP, provide an easement for and pay all costs for a replacement facility.
4. SRP shall assume responsibility for design and construction of the replacement facility, if required, and shall at all times hold the CITY harmless for any loss or damage arising out of the design, construction, or SRP's use of any new replacement facility.

5. All notices, demands or requests upon any party to this Agreement shall be in writing and shall be delivered or sent by mail addresses as follows:

If to City: City of Chandler  
Attention: City Engineer  
215 E. Buffalo Street  
Chandler, Arizona 85225

If to SRP: Salt River Project  
Water Engineering & Transmission  
Mail Station: PAB 103  
P.O. Box 52025  
Phoenix, Arizona 85072-2025

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the day and year as stated below.

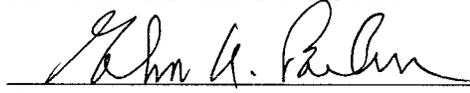
CITY OF CHANDLER, an Arizona  
municipal corporation,

By \_\_\_\_\_  
City Mayor

Date \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

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

Reviewed by SRP Legal Services Dept.

  
\_\_\_\_\_  
(Signed Name)  
STEVE DONCASTER  
\_\_\_\_\_  
(Printed Name)

Date: 1/13/09

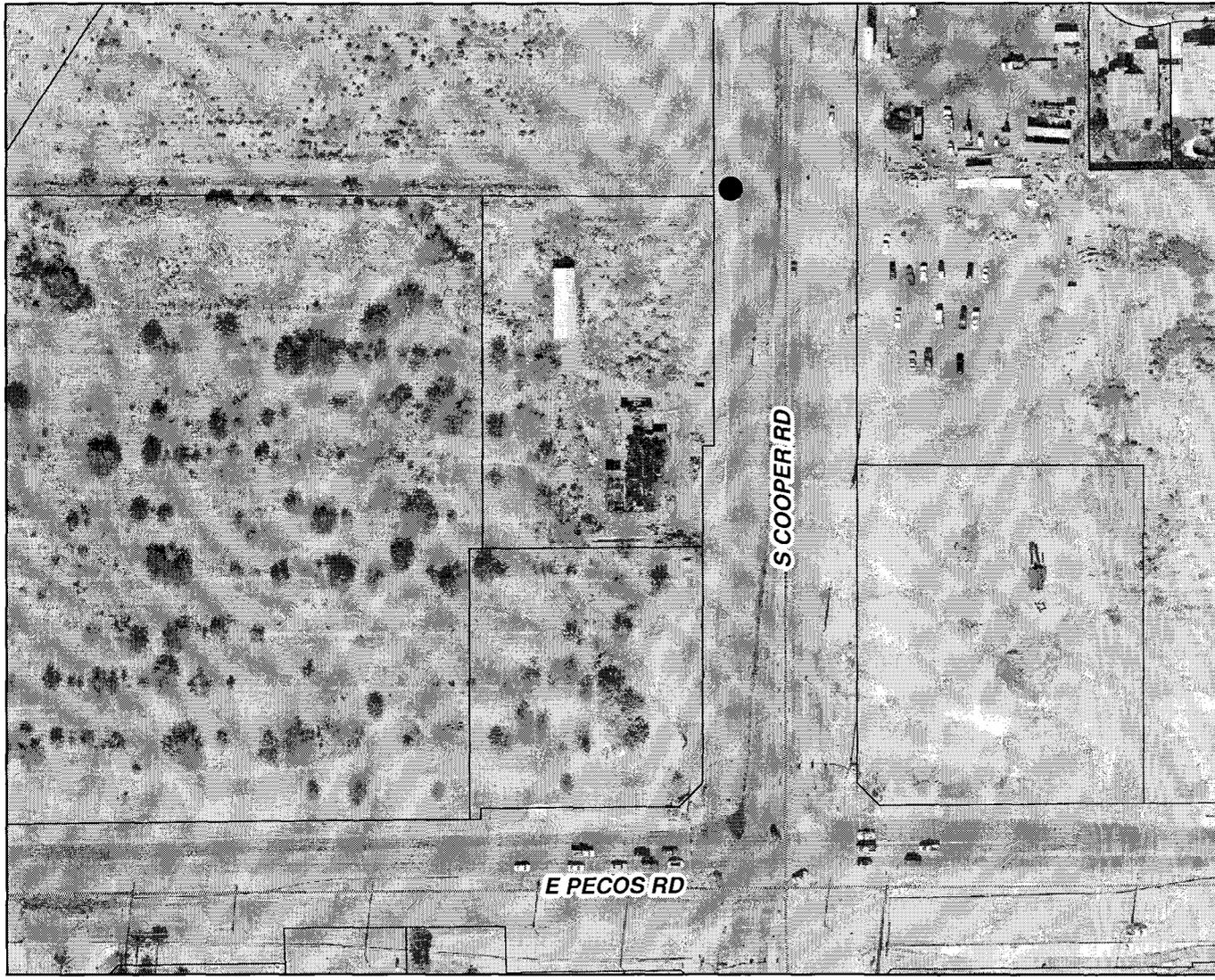
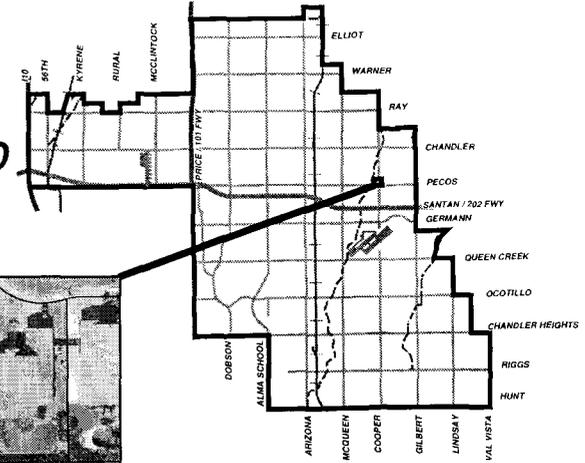
SALT RIVER VALLEY WATER USERS'  
ASSOCIATION, an Arizona Corporation,

By \_\_\_\_\_

Date \_\_\_\_\_



# SALT RIVER PROJECT IRRIGATION DELIVERY STRUCTURE ON COOPER ROAD NORTH OF PECOS ROAD



**MEMO NO. ENG09-050**

● REMOVED IRRIGATION  
DELIVERY STRUCTURE

