

#6

APR 23 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Real Estate – Council Memo No. RE 09-224

DATE: APRIL 23, 2009

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
MARK M. EYNATTEN, COMMUNITY SERVICES DIRECTOR
DAVE MCDOWELL, ASST. COMMUNITY SERVICES DIRECTOR
DANIEL W. COOK, PUBLIC WORKS DEPUTY DIRECTOR

FROM: ERICH KUNTZE, REAL ESTATE MANAGER

SUBJECT: ORDINANCE NO. 4143 GRANTING A NO COST POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT (SRP) FOR ELECTRICAL POWER SERVICE TO CITY FACILITIES - THE ARIZONA RAILWAY MUSEUM, LOCATED AT TUMBLEWEED PARK RECREATIONAL FACILITY

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4143 granting a no cost power distribution easement to Salt River Project (SRP) for electrical power service to City facilities - the Arizona Railway Museum, located at Tumbleweed Park Recreational facility.

BACKGROUND/DISCUSSION: This easement provides electrical power to the new Arizona Railway Museum that was constructed to relocate the antique trains from their original location near the northeast corner of Delaware Street and Chandler Boulevard to Tumbleweed Park. Since the new Arizona Railway Museum has already been constructed, SRP's request for the easement is a clean-up item. Attached is a copy of the Letter of Intent, dated April 4, 2006 from Elizabeth Huning, Assistant Public Works Director/City Engineer.

Council Meeting of 4/23/09
RE09-224
Page 2

The total easement area is approximately 8 ft. wide and 1661 ft. long. This easement is at no cost to Salt River Project as it is requested by the City and benefits City residents.

FINANCIAL IMPLICATIONS:

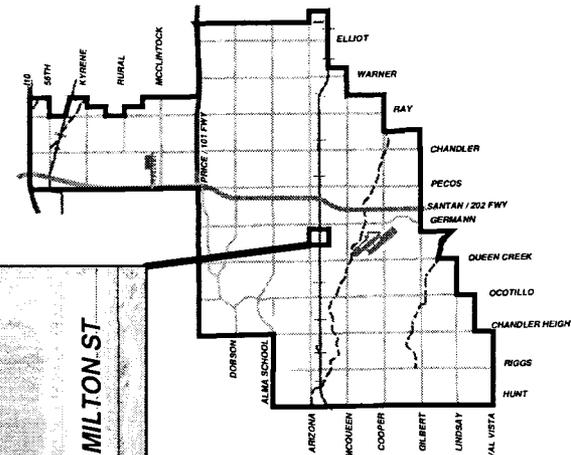
Cost: N/A
Savings: N/A
Long Term Costs: N/A

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 4143 granting a no cost power distribution easement to Salt River Project (SRP) for electrical power service to City facilities - the Arizona Railway Museum, located at Tumbleweed Park Recreational facility.

Attachments: Map
Ordinance No. 4143
Letter of Intent dated 4/4/2006
SRP Easement



SALT RIVER PROJECT POWER DISTRIBUTION EASEMENT TUMBLEWEED PARK RAIL YARD



MEMO NO. RE09-224

ORDINANCE NO. 4143

— EASEMENTS



ORDINANCE NO. 4143

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) FOR ELECTRICAL POWER SERVICE TO CITY FACILITIES - THE ARIZONA RAILWAY MUSEUM, LOCATED AT TUMBLEWEED PARK RECREATIONAL FACILITY

WHEREAS, electric service is required for the operation of the Arizona Railway Museum, and

WHEREAS, the City has requested that Salt River Project supply new electrical power service to City facilities at the Arizona Railway Museum; and

WHEREAS, a new power distribution easement is required to provide such services; and

WHEREAS, the City of Chandler is willing to grant this power distribution easement to Salt River Project to provide power to the Arizona Railway Museum,

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 _____, 2009.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2009.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4143 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2009, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GAB



Chandler ♦ Arizona
Where Values Make The Difference

VIA FACSIMILE AND U.S. MAIL

04/04/2006

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

RE: Easements for Salt River from the City of Chandler
Tumbleweed Park Rail Yard – KEB 3103
Tumbleweed Park Recharge Facility – KEB 4184

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.

Staff anticipates presenting this request to Council May 11, 2006.

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

Sincerely,

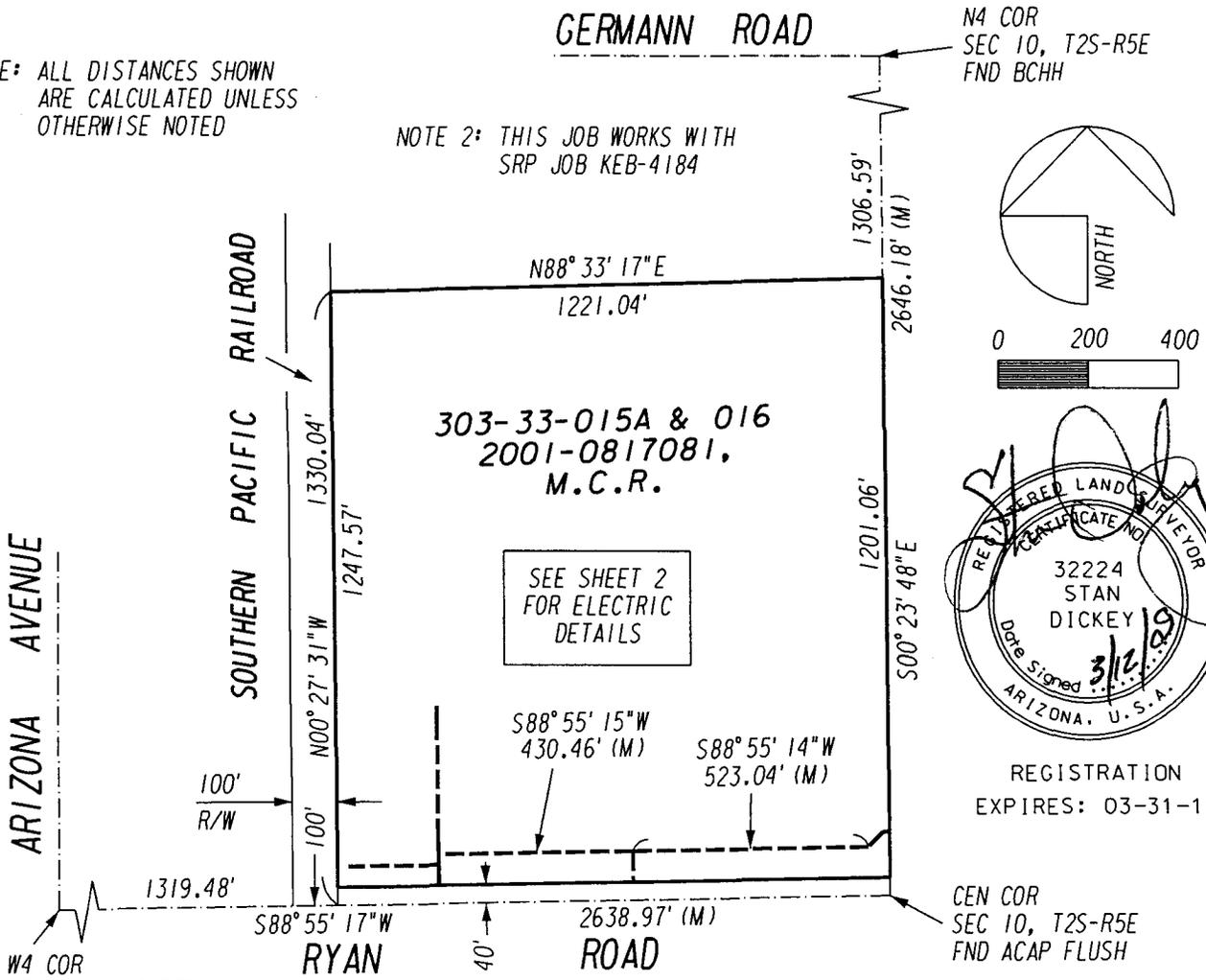
Elizabeth M. Huning P.E.
Assistant Public Works Director/City Engineer

BASIS OF BEARINGS
NAD83 AZ SPCS ZONE 202

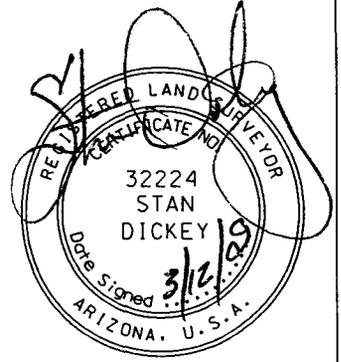
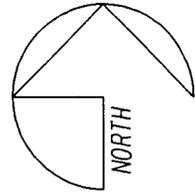
EXHIBIT "A"

NOTE: ALL DISTANCES SHOWN
ARE CALCULATED UNLESS
OTHERWISE NOTED

NOTE 2: THIS JOB WORKS WITH
SRP JOB KEB-4184



N4 COR
SEC 10, T2S-R5E
FND BCHH



REGISTRATION
EXPIRES: 03-31-10

CEN COR
SEC 10, T2S-R5E
FND ACAP FLUSH

W4 COR
SEC 10, T2S-R5E
FND BCF

LEGEND

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

- SECTION AND CENTERLINE
- ===== PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- EQUIPMENT PAD -
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.

SRP JOB #
KEB-3103

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

EQUIPMENT PAD(S) ARE A PART
OF THE EASEMENT UNLESS
OTHERWISE NOTED.

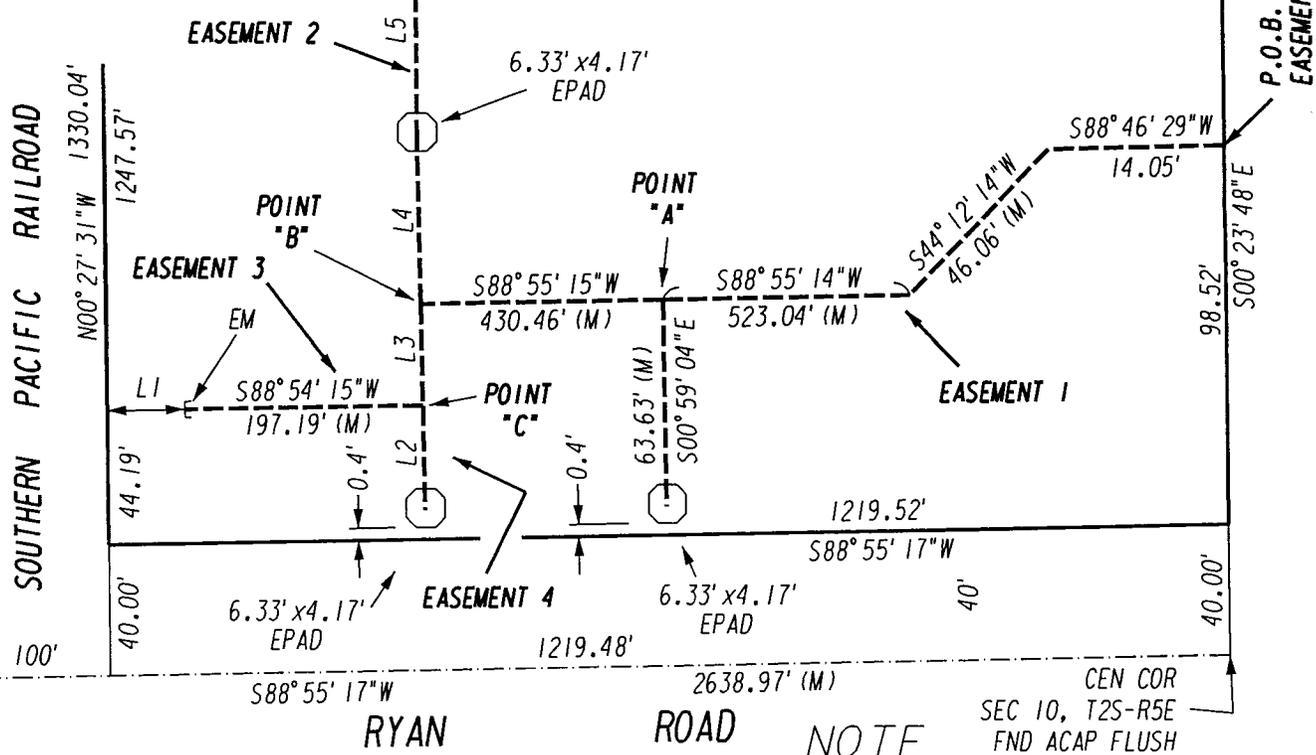
SALT RIVER PROJECT A.I. & POWER DISTRICT			
TUMBLEWEED PARK RAIL YARD			
27.6E-7.4S, NW4, SEC 10, T2S-R5E			
UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY			
DESIGNED	UMSTED	AGENT	TIERRA
DRAWN	BXH	APPROVED:	
DATE	3/11/09	CHECKED BY:	
SCALE	1" = 400'	SHEET	1 OF 2

EXHIBIT "A"



REGISTRATION
EXPIRES: 03-31-10

LINE	DIRECTION	DISTANCE
L1	N88° 54' 15" E	22.76' TIE
L2	S00° 58' 52" E	41.83' (M)
L3	S01° 06' 34" E	21.80' (M)
L4	N01° 08' 24" W	35.44' (M)
L5	N00° 11' 14" W	251.92' (M)
L6	N00° 18' 45" W	35.03' (M)



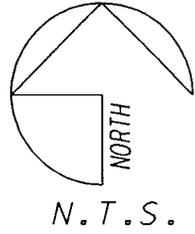
LEGEND

- NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION
- SECTION AND CENTERLINE
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CAUTION

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SRP JOB #
KEB-3103

SALT RIVER PROJECT A.I. & POWER DISTRICT			
TUMBLEWEED PARK RAIL YARD			
27.6E-7.4S, NW4, SEC 10, T2S-R5E			
UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY			
DESIGNED	UMSTED	AGENT	TIERRA
DRAWN	BXH	APPROVED:	
DATE	3/11/09	CHECKED BY:	
SCALE	N.T.S.	SHEET	2 OF 2



REGISTRATION
EXPIRES: 03-31-10

Electric Easement

For parcels 303-33-015A & 016

Note: Although this description describes more than one parcel, it is one description, and should be reproduced in its entirety.

Multiple strips of land for electric easement purposes 8.00 feet in width, 4.00 feet on each side of the following described centerlines, located in the Northwest Quarter of Section 10, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, said centerlines being more particularly described as follows:

(Using as a Base the South line of the Northwest Quarter of Section 10 with an assumed bearing of South 88°55'17" West).

Commencing at the Center of said Section 10, being a Found Aluminum Cap Flush, from which a Found Brass Cap Flush monumenting the West Quarter Corner of Section 10, bears South 88°55'17" West, a distance of 2638.97 feet;

Thence North 00°23'48" West, along the North-South Mid-Section line of the of said Section 10, a distance of 138.52 feet to the **True Point of Beginning** of easement number 1;

Thence South 88°46'29" West, a distance of 14.05 feet;

Thence South 44°12'14" West, a distance of 46.06 feet;

Thence South 88°55'14" West, a distance of 523.04 feet to a point referred to as "**Point A**";

Thence South 00°59'04" East, a distance of 63.63 feet to the **Terminus** of easement number 1.

Sidelines being lengthened or shortened to form vertices at all angle points and to begin on the East line of that parcel described in fee number 2001-0817081, which passes through the hereinabove described **True Point of Beginning**.

also;

Commencing at the hereinabove described "**Point A**";

Thence South 88°55'15" West, a distance of 430.46 feet to a point referred to as "**Point B**";

Thence North 01°08'24" West, a distance of 35.44 feet;

Thence North 00°11'14" West, a distance of 251.92 feet;

Thence North 00°18'45" West, a distance of 35.03 feet to the **Terminus** of easement number 2.

also;

Commencing at the hereinabove described "**Point B**";

Thence South 01°06'34" East, a distance of 21.80 feet to a point referred to as "**Point C**";

Thence South 88°54'15" West, a distance of 197.19 feet the **Terminus** of easement number 3.

also;

Commencing at the hereinabove described "**Point C**";

Thence South 00°58'52" East, a distance of 41.83 feet to the **Terminus** of easement number 4.

Sidelines of easements 2, 3 and 4 to be lengthened or shortened to form vertices at all angle points.

WHEN RECORDED MAIL TO:

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

POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel #303-33-015A, 016
NW/4 Sec 10 T2S R5E

R/W # 2186 Agt. Tierra
Job # KEB-3103
W JKD C _____

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:

That portion of the Southeast quarter of the Northwest quarter of Section 10, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as shown in Special Warranty Deed, Document Number 2001-08117081 MCR.

Easement Parcel:

**AS SHOWN AND DESCRIBED ON EXHIBITS "A" AND "B" ATTACHED
HERETO AND MADE 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.

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.

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 _____, 2009.

CITY OF CHANDLER,
an Arizona municipal corporation

By: _____
Mayor

Attest:

Clerk

APPROVED AS TO FORM:

City Attorney for the
City of Chandler *GA*

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this _____ day of _____, 2009, 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

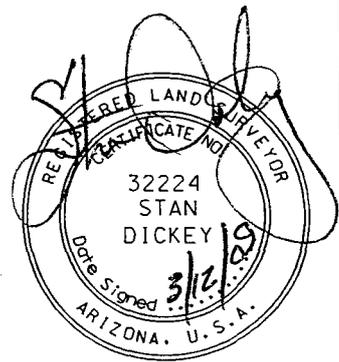
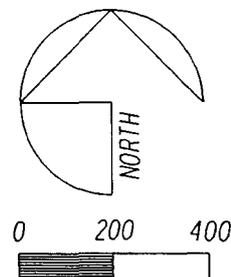
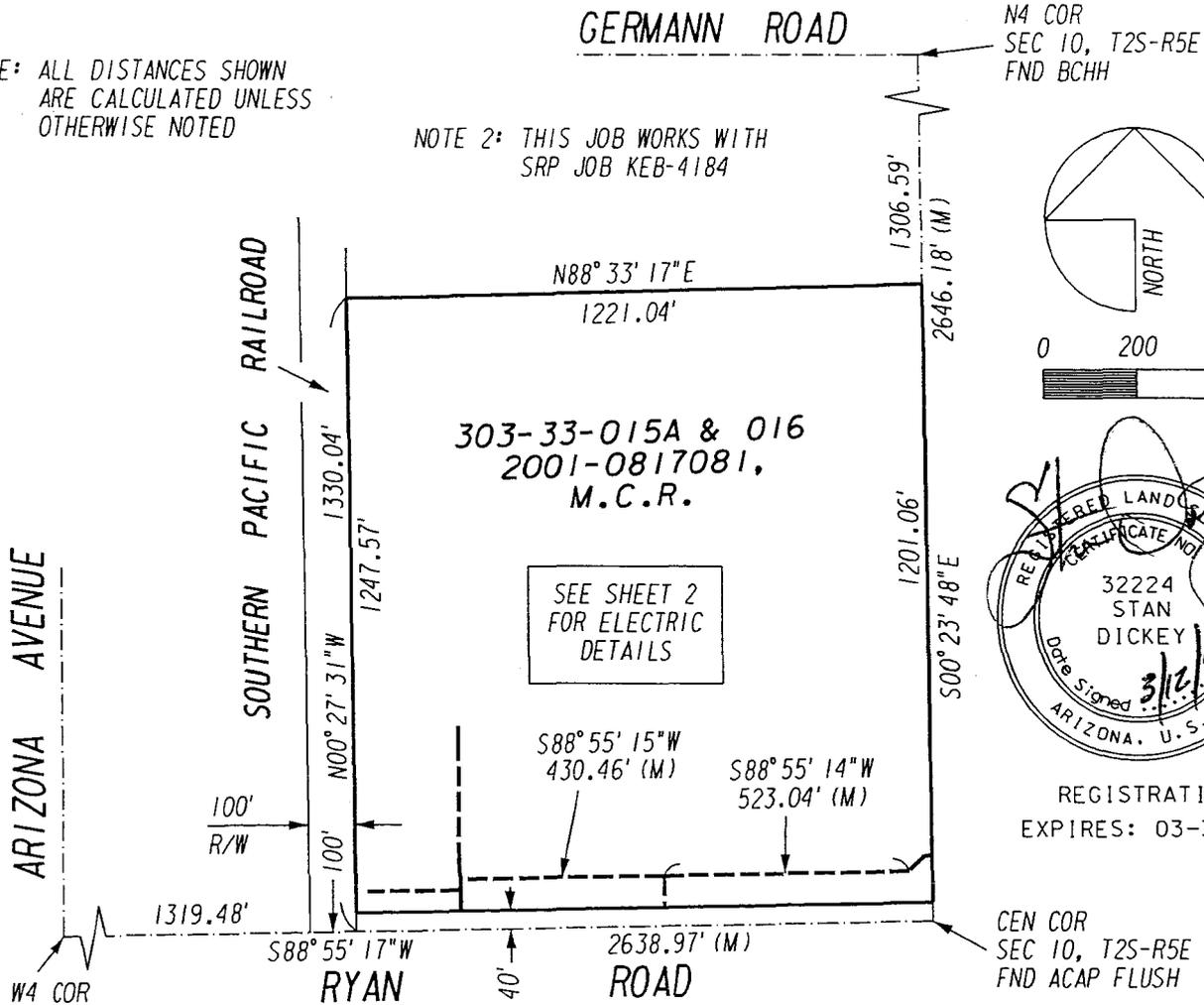
Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

BASIS OF BEARINGS
NAD83 AZ SPCS ZONE 202

EXHIBIT "A"

NOTE: ALL DISTANCES SHOWN
ARE CALCULATED UNLESS
OTHERWISE NOTED

NOTE 2: THIS JOB WORKS WITH
SRP JOB KEB-4184



REGISTRATION
EXPIRES: 03-31-10

CEN COR
SEC 10, T2S-R5E
FND ACAP FLUSH

W4 COR
SEC 10, T2S-R5E
FND BCF

LEGEND

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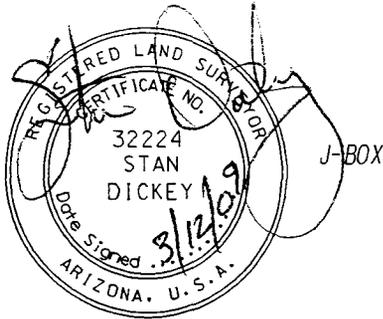
SRP JOB #
KEB-3103

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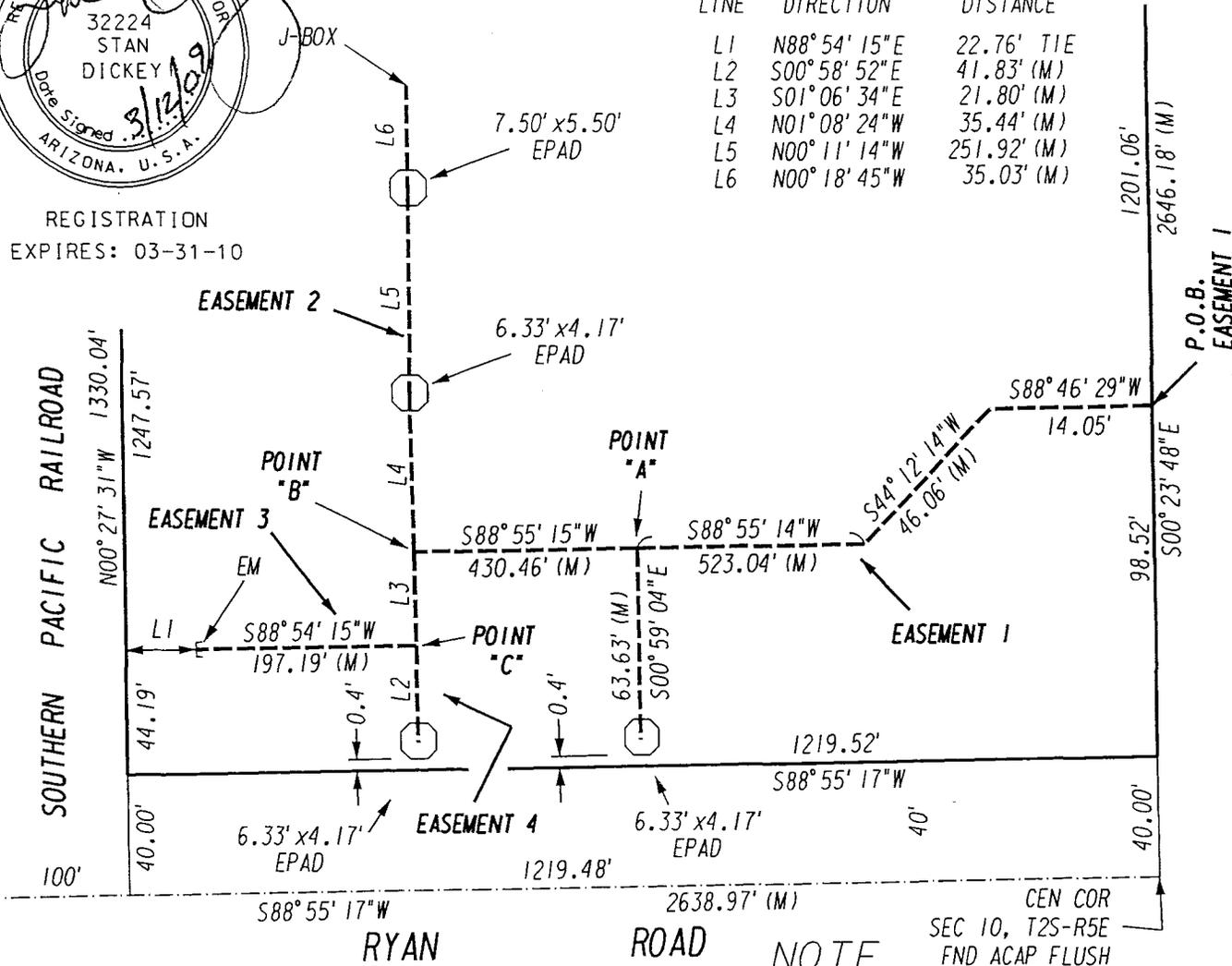
SALT RIVER PROJECT A.1. & POWER DISTRICT			
TUMBLEWEED PARK RAIL YARD			
27.6E-7.4S, NW4, SEC 10, T2S-R5E			
UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY			
DESIGNED	UMSTED	AGENT	TIERRA
DRAWN	BXH	APPROVED:	
DATE	3/11/09	CHECKED BY:	
SCALE	1"=400'	SHEET	1 OF 2

EXHIBIT "A"



REGISTRATION
EXPIRES: 03-31-10

LINE	DIRECTION	DISTANCE
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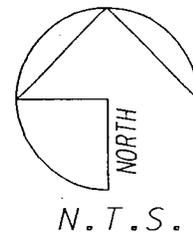
LEGEND

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SRP JOB #
KEB-3103

SALT RIVER PROJECT A.I.
& POWER DISTRICT

TUMBLEWEED PARK RAIL YARD

27.6E-7.4S, NW4, SEC 10, T2S-R5E

UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY

DESIGNED	UMSTED	AGENT	TIERRA
DRAWN	BXH	APPROVED:	
DATE	3/11/09	CHECKED BY:	
SCALE	N.T.S.	SHEET	2 OF 2



REGISTRATION
EXPIRES: 03-31-10

EXHIBIT B

Electric Easement

For parcels 303-33-015A & 016

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(Using as a Base the South line of the Northwest Quarter of Section 10 with an assumed bearing of South 88°55'17" West).

Commencing at the Center of said Section 10, being a Found Aluminum Cap Flush, from which a Found Brass Cap Flush monumenting the West Quarter Corner of Section 10, bears South 88°55'17" West, a distance of 2638.97 feet;

Thence North 00°23'48" West, along the North-South Mid-Section line of the of said Section 10, a distance of 138.52 feet to the **True Point of Beginning** of easement number 1;

Thence South 88°46'29" West, a distance of 14.05 feet;

Thence South 44°12'14" West, a distance of 46.06 feet;

Thence South 88°55'14" West, a distance of 523.04 feet to a point referred to as "**Point A**";

Thence South 00°59'04" East, a distance of 63.63 feet to the **Terminus** of easement number 1.

Sidelines being lengthened or shortened to form vertices at all angle points and to begin on the East line of that parcel described in fee number 2001-0817081, which passes through the hereinabove described **True Point of Beginning**.

also;

Commencing at the hereinabove described "**Point A**";

Thence South $88^{\circ}55'15''$ West, a distance of 430.46 feet to a point referred to as

"Point B";

Thence North $01^{\circ}08'24''$ West, a distance of 35.44 feet;

Thence North $00^{\circ}11'14''$ West, a distance of 251.92 feet;

Thence North $00^{\circ}18'45''$ West, a distance of 35.03 feet to the **Terminus** of easement number 2.

also;

Commencing at the hereinabove described "**Point "B"**";

Thence South $01^{\circ}06'34''$ East, a distance of 21.80 feet to a point referred to as

"Point C";

Thence South $88^{\circ}54'15''$ West, a distance of 197.19 feet the **Terminus** of easement number 3.

also;

Commencing at the hereinabove described "**Point "C"**";

Thence South $00^{\circ}58'52''$ East, a distance of 41.83 feet to the **Terminus** of easement number 4.

Sidelines of easements 2, 3 and 4 to be lengthened or shortened to form vertices at all angle points.