

APR 23 2009

EXHIBIT "A"

COMMENCING at the Northeast corner of Lot 462, CHANDLER, as recorded in Book 5, Page 34, Maricopa County Recorder's Office, Arizona, said point located on the South right of way line of Boston Street;

THENCE North 89 degrees 45 minutes 19 seconds East, along the South right of way line of said Boston Street, a distance of 40.65 feet;

THENCE North 89 degrees 44 minutes 14 seconds East, continuing along the said South right of way line of Boston Street, a distance of 20.34 feet, to the POINT OF BEGINNING;

THENCE continuing North 89 degrees 44 minutes 14 seconds East, along the said South right of way line of Boston, a distance of 8.00 feet;

THENCE South 00 degrees 36 minutes 51 seconds West, a distance of 106.93 feet;

THENCE East, a distance of 11.01 feet, to a point on the East property line of the property as described in Exhibit "A";

THENCE South 00 degrees 36 minutes 51 seconds West, along the East property line of the property as described in Exhibit "A", a distance of 8.00 feet;

THENCE West, a distance of 41.15 feet;

THENCE South, a distance of 5.24 feet to a point on the South property line of the property as described in Exhibit "A";

THENCE South 89 degrees 44 minutes 54 seconds West, along the South property line of the property as described in Exhibit "A", a distance of 11.18 feet;

THENCE North, a distance of 16.28 feet;

THENCE East, a distance of 11.18 feet;

THENCE South, a distance of 2.99 feet;

THENCE East, a distance of 22.22 feet;

THENCE North 00 degrees 36 minutes 51 seconds East, a distance of 106.89 feet to the POINT OF BEGINNING.

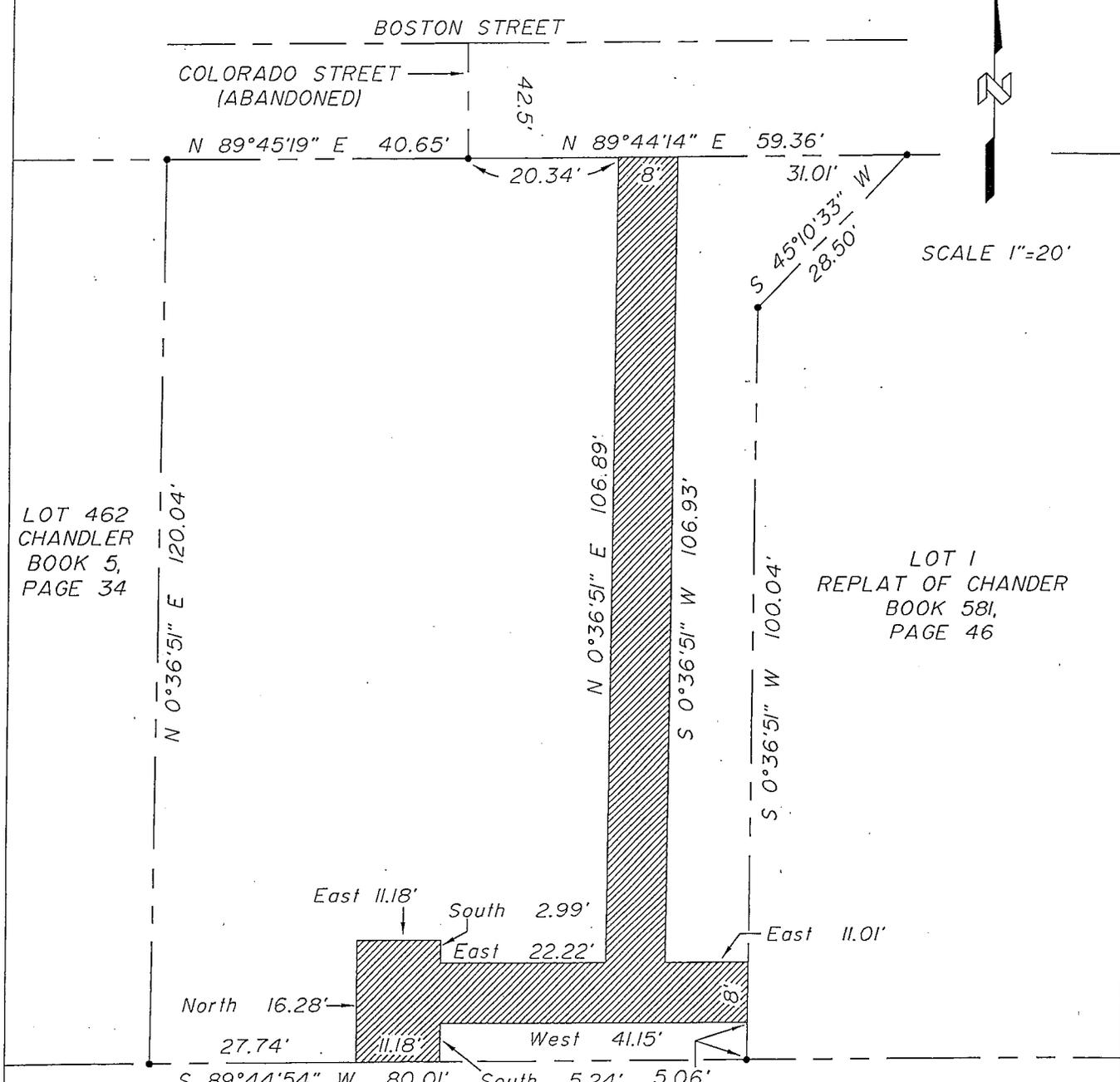
Easement area contains 1366.5536 square feet.

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT



SCALE 1"=20'



LOT 462
CHANDLER
BOOK 5,
PAGE 34

LOT 1
REPLAT OF CHANDER
BOOK 58I,
PAGE 46

LEGEND

- EASEMENT AREA
- ROAD CENTERLINE
- PROPERTY LINE
- PROPERTY CORNER

JOB#	W393437	DATE	4/21/09
	NW 1/4 SEC 34	T 15	R 5E
	SCALE 1"=20'		
	R/W RAY SMITH		
	SURVEY: SMITH		
	DRAWN BY: SMITH		

EXHIBIT "A"

That portion of the Final Plat of "Chandler" as recorded in Book 5 of Maps, Page 34 and that portion of the Replat of "Lots 440-461, 466-481 of the Map of the Townsite of Chandler" as recorded in Book 581 of Maps, Page 46, records of Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Northeast corner of Lot 462 of said plat;

THENCE ALONG A LINE PARALLEL WITH AND 42.50 FEET South of the monument line of Boston Street as shown on said replat, North 89 degrees 45 minutes 19 seconds East, a distance of 40.65 feet to an angle point;

THENCE continuing along a line parallel and 42.50 feet South of said monument line, North 89 degrees 44 minutes 14 seconds East, a distance of 59.36 feet to the most Northerly Northwest corner of Lot 1 of said replat;

THENCE along the Northwesterly line of said Lot 1, South 45 degrees 10 minutes 33 seconds West, a distance of 28.50 feet to an angle point;

THENCE along the most Easterly West line of said Lot 1, South 00 degrees 36 minutes 51 seconds West, a distance of 100.04 feet to the Easterly prolongation of the Southerly line of said Lot 462;

THENCE along said prolongation line, South 89 degrees 44 minutes 54 seconds West, a distance of 80.01 feet to the Southeast corner of said Lot 462;

THENCE along the East line of said Lot 462, North 00 degrees 36 minutes 51 seconds East, a distance of 120.04 feet to the POINT OF BEGINNING.

EXHIBIT "B"

COMMENCING at the Northeast corner of Lot 462, CHANDLER, as recorded in Book 5, Page 34, Maricopa County Recorder's Office, Arizona, said point located on the South right of way line of Boston Street;

THENCE North 89 degrees 45 minutes 19 seconds East, along the South right of way line of said Boston Street, a distance of 40.65 feet;

THENCE North 89 degrees 44 minutes 14 seconds East, continuing along the said South right of way line of Boston Street, a distance of 20.34 feet, to the POINT OF BEGINNING;

THENCE continuing North 89 degrees 44 minutes 14 seconds East, along the said South right of way line of Boston, a distance of 8.00 feet;

THENCE South 00 degrees 36 minutes 51 seconds West, a distance of 106.93 feet;

THENCE East, a distance of 11.01 feet, to a point on the East property line of the property as described in Exhibit "A";

THENCE South 00 degrees 36 minutes 51 seconds West, along the East property line of the property as described in Exhibit "A", a distance of 8.00 feet;

THENCE West, a distance of 41.15 feet;

THENCE South, a distance of 5.24 feet to a point on the South property line of the property as described in Exhibit "A";

THENCE South 89 degrees 44 minutes 54 seconds West, along the South property line of the property as described in Exhibit "A", a distance of 11.18 feet;

THENCE North, a distance of 16.28 feet;

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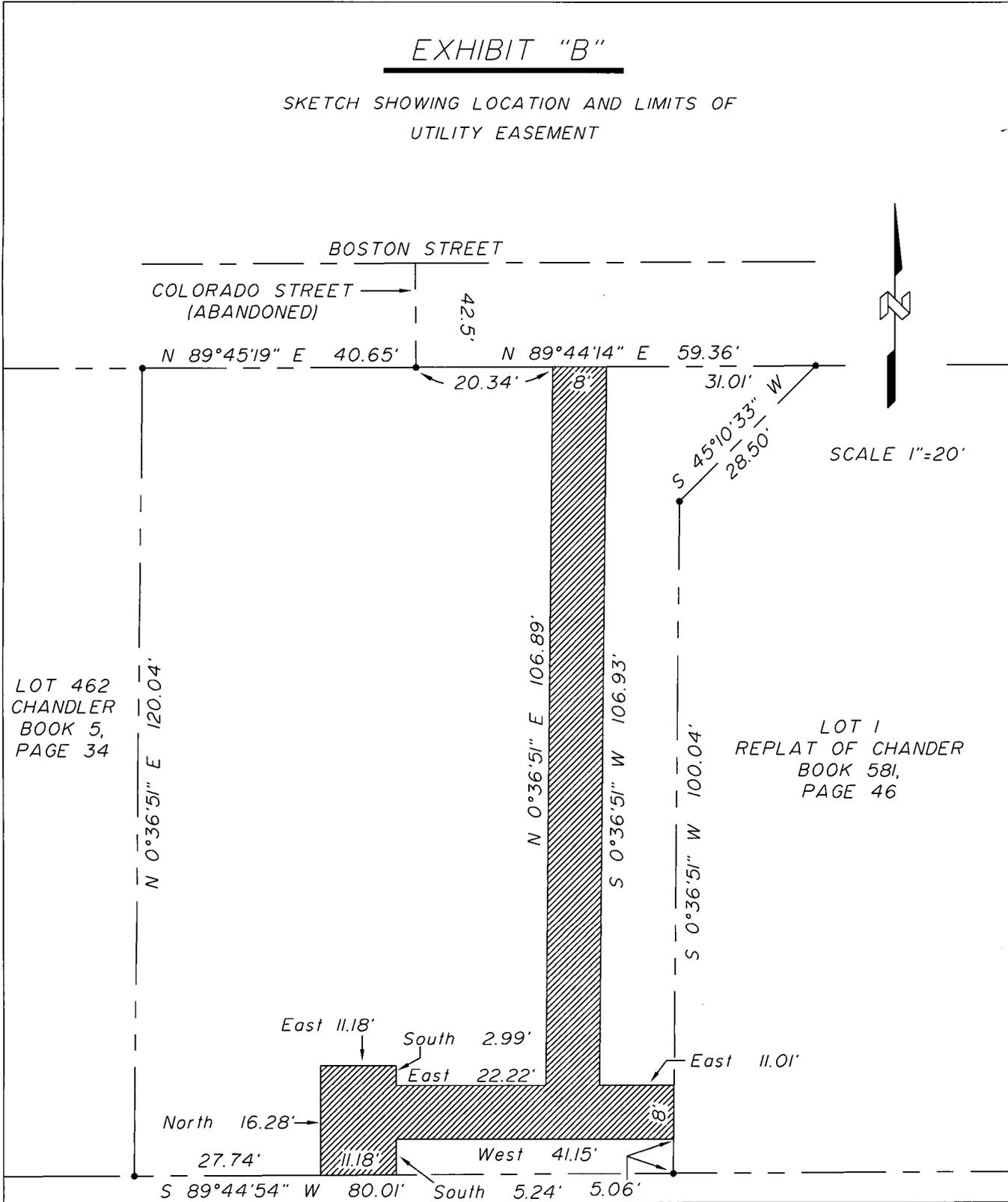
Easement area contains 1366.5536 square feet.

EXHIBIT "B"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT



SCALE 1"=20'



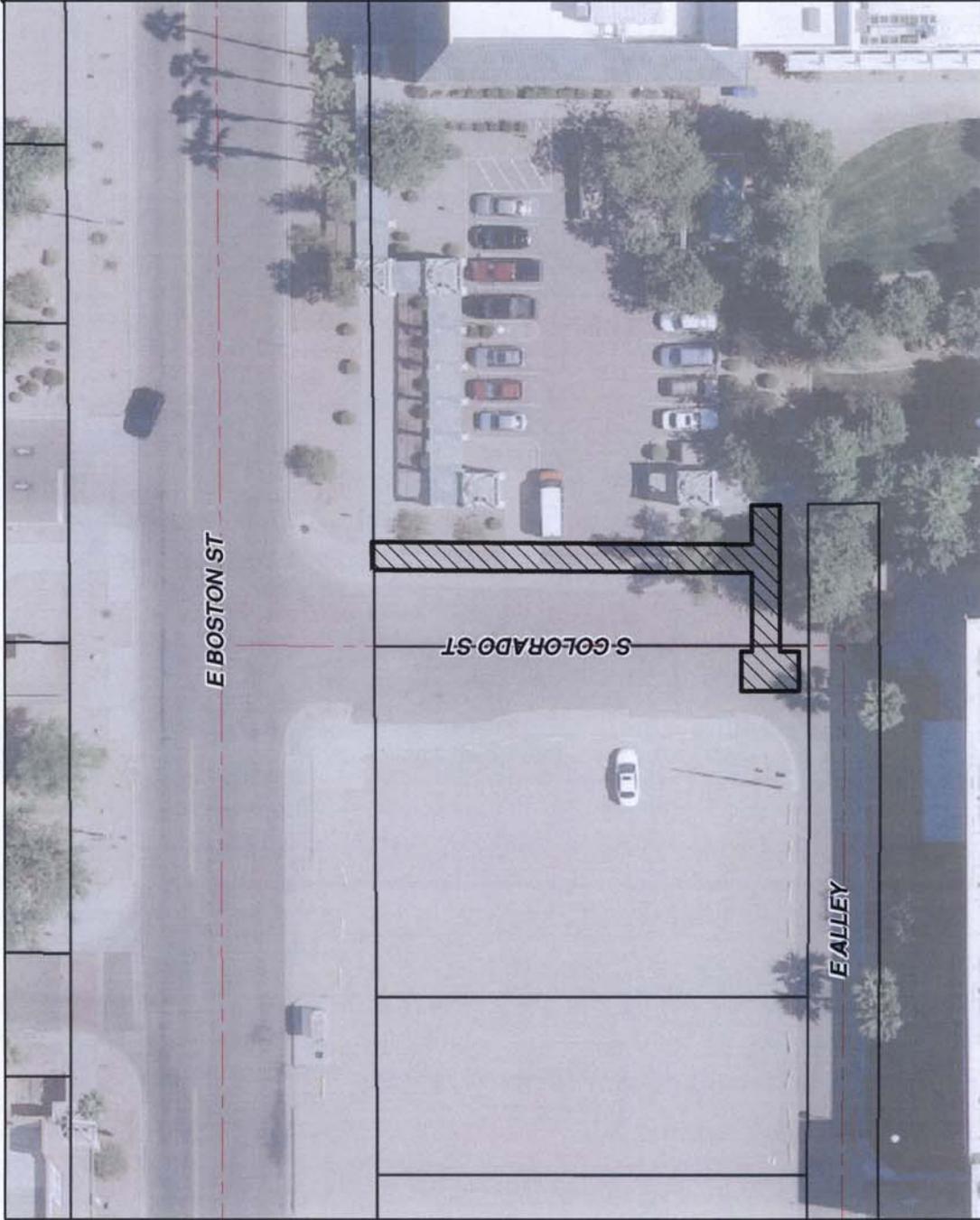
LEGEND

- EASEMENT AREA
- ROAD CENTERLINE
- PROPERTY LINE
- PROPERTY CORNER

JOB# W393437	DATE 4/21/09
NW 1/4 SEC 34 T1S R5E	
SCALE 1"=20'	
R/W RAY SMITH	
SURVEY: SMITH	
DRAWN BY: SMITH	



APS EASEMENT FOR FIRE ADMINISTRATION BUILDING



MEMO NO. DRE09-028

ORDINANCE NO. 4146



7

APR 23 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Real Estate – Council Memo No. DRE 09-028

DATE: APRIL 23, 2009

TO: MAYOR AND COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER *WMP*
RICH DLUGAS, ASSISTANT CITY MANAGER *RD*
JEFF CLARK, FIRE CHIEF *JC*
TOM CARLSON, ASSISTANT FIRE CHIEF

FROM: SHARON A. JOYCE, REAL ESTATE MANAGER *SAJ*

SUBJECT: EMERGENCY ORDINANCE NO. 4146 GRANTING A NO COST UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO THE NEW FIRE ADMINISTRATION BUILDING.

RECOMMENDATION: Staff recommends introduction and tentative approval of Emergency Ordinance No. 4146 granting a no cost utility easement to Arizona Public Service Company for the purpose of providing electrical service needed for the new Fire Administration Building.

BACKGROUND/DISCUSSION:

Installation of electrical facilities, transformer boxes and switching cabinets on City property is necessary in order to provide electrical service to the new Fire Administration Building. City staff recommends granting a no cost utility easement to Arizona Public Service for the installation of these electrical facilities. The new Fire Administration Building will benefit from electrical service provided through the facilities situated within the utility easement located on the site.

The easement will contain approximately 1,726 square feet.

Staff recommends that this Ordinance be handled on an emergency basis in order to expedite the easement and not to delay the timely construction of the new Fire Administration Building.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION: Move that Council approve Emergency Ordinance No. 4146 granting a no cost utility easement to Arizona Public Service Company for the purpose of providing electrical service needed for the new Fire Administration Building.

Attachments: Location/Site Map
Ordinance No. 4146
Utility Easement

ORDINANCE NO. 4146

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE THE GRANTING A NO COST UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE NEEDED FOR THE DEVELOPMENT OF THE NEW FIRE ADMINISTRATION BUILDING, AND DECLARING AN EMERGENCY.

WHEREAS, Arizona Public Service has requested that the City of Chandler grant a no cost electrical utility easement in, on and upon the portion of City-owned property which is described in Exhibits "A", attached hereto and incorporated herein by this reference (the "Easement Property"); and

WHEREAS, the Easement Property will be used for an indefinite period of time by Arizona Public Service to locate electrical facilities, transformer boxes and switching cabinets necessary to provide electrical service to the new Fire Administration Building; and

WHEREAS, City staff recommends the utility easement be granted to Arizona Public Service at no cost because the development of the new Fire Administration Building will benefit from electrical service provided through the facilities located within the Easement Property;

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

Section 1. The City of Chandler is hereby authorized to grant a no cost electrical utility easement to Arizona Public Service in, on and upon that real property described in attached Exhibits "A".

Section 2. The utility easement authorized herein shall be in writing in form acceptable to and approved by the Chandler City Attorney.

Section 3. The Mayor of the City of Chandler is authorized to execute the utility easement document on behalf of the City.

Section 4. That, whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, life, and property of the City of Chandler, an emergency is hereby declared to exist, to wit: the immediate granting of the easement is necessary so as not to delay or otherwise jeopardize the timely construction of the new Fire Administration Building, and this Ordinance shall be in full force and effect from and after its passage, adoption and approval by Chandler

City Council, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the 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. 4146 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 the vote was _____ ayes and _____ nays.

CITY CLERK

Approved as to form:

CITY ATTORNEY

GAB

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THENCE North 89 degrees 45 minutes 19 seconds East, along the South right of way line of said Boston Street, a distance of 33.39 feet to the POINT OF BEGINNING;

THENCE South, a distance of 10.39 feet;

THENCE East, a distance of 18.22 feet;

THENCE South 44 degrees 23 minutes 9 seconds East, a distance of 13.11 feet;

THENCE South 00 degrees 36 minutes 51 seconds West, a distance of 84.02 feet;

THENCE West, a distance of 33.43 feet;

THENCE South 16.28 feet to a point from whence the Southeast corner of said Lot 462 lies South 89 degrees 44 minutes 54 seconds West, a distance of 27.74 feet;

THENCE North 89 degrees 44 minutes 54 seconds East, a distance of 41.26 feet;

THENCE North 00 degrees 36 minutes 51 seconds East, a distance of 103.35 feet;

THENCE North 44 degrees 23 minutes 9 seconds West, a distance of 11.69 feet;

THENCE North, a distance of 8.30 feet to a point on the South right of way line of Boston Street;

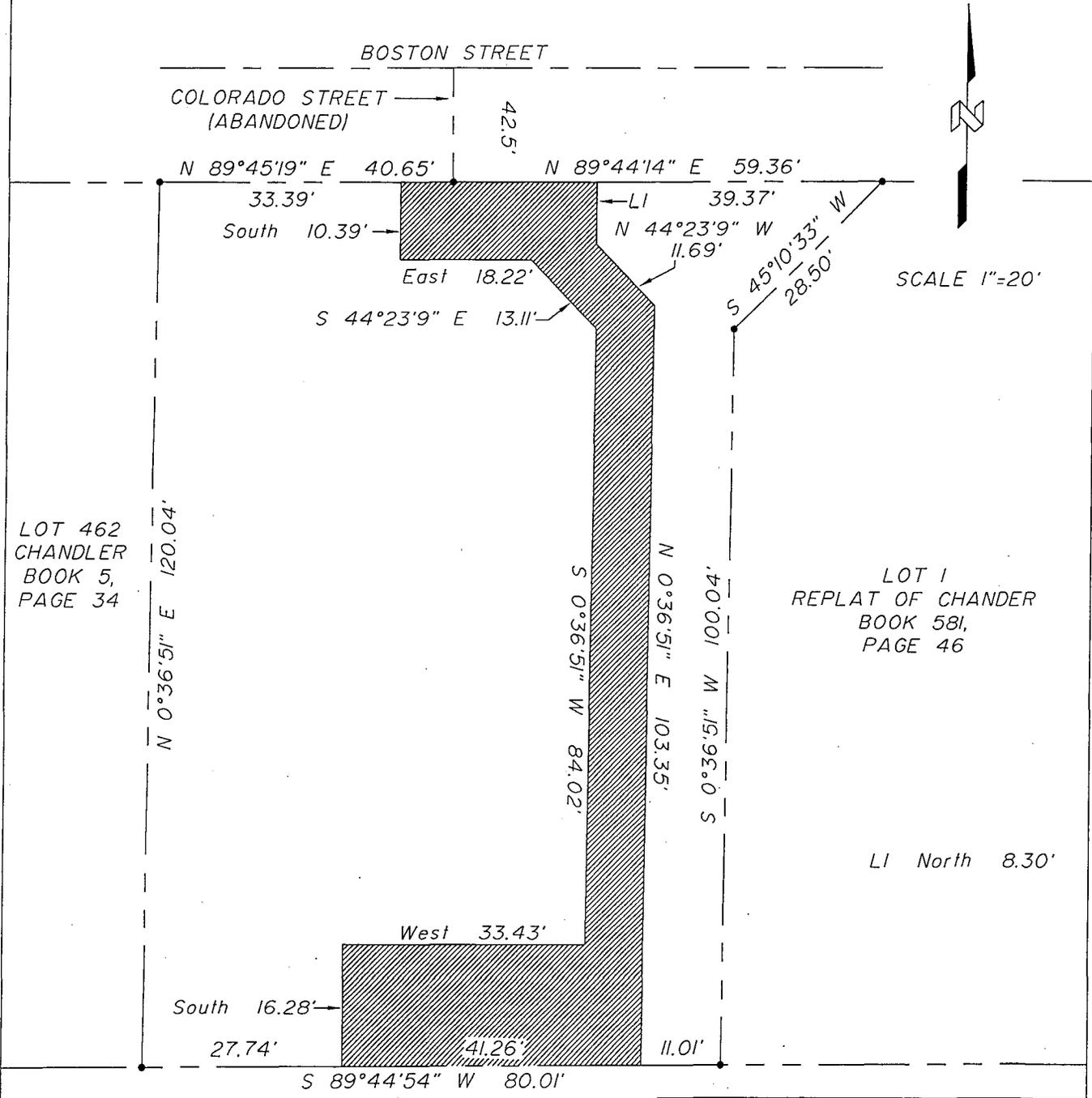
THENCE South 89 degrees 44 minutes 14 seconds West, a distance of 19.99 feet;

THENCE South 89 degrees 45 minutes 19 seconds West, a distance of 7.26 feet to the POINT OF BEGINNING.

Easement area contains 1726.7802 square feet.

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT



LEGEND

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- ROAD CENTERLINE
- PROPERTY LINE
- PROPERTY CORNER

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	NW 1/4 SEC 34	TIS	R 5E
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	SURVEY: SMITH		
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NW-34-1S-5E
W393437
303-10-107A
303-10-037A
RLS

SHEET 1 OF 2

UTILITY EASEMENT

CITY OF CHANDLER, an Arizona municipal corporation, (hereinafter called "Grantor"), is the owner of the real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property") described below:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

“

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property (herein called the "Easement Premises") as described below:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain underground electrical lines, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property, together with appurtenant facilities and fixtures for use in connection therewith, including telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (collectively the "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and, if permitted by Grantor, permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's reasonable judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair of the Grantee facilities.

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