

# 10

JUN 25 2009



**MEMORANDUM**                      **Real Estate – Council Memo No. RE09-255**

**DATE:**                      JUNE 25, 2009

**TO:**                              MAYOR AND COUNCIL

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

**FROM:**                      ERICH KUNTZE, REAL ESTATE MANAGER

**SUBJECT:**                      ORDINANCE NO. 4155 GRANTING A NO COST UTILITY  
    EASEMENT TO ARIZONA PUBLIC SERVICE FOR THE PURPOSE  
    OF INSTALLING AND MAINTAINING ELECTRICAL FACILITIES  
    FOR THE NEW BOYS' AND GIRLS' CLUB IMPROVEMENTS  
    LOCATED AT 300 EAST CHANDLER BOULEVARD, CHANDLER,  
    ARIZONA

RECOMMENDATION: Staff recommends introduction and tentative approval of Ordinance No. 4155 granting a no cost utility easement to Arizona Public Service for the purpose of installing and maintaining electrical facilities for the new Boys' and Girls' Club improvements located at 300 East Chandler Boulevard, Chandler, Arizona.

BACKGROUND/DISCUSSION: New facilities for the Boys' and Girls' Club are being constructed to replace existing outdated buildings on City-owned property. In order to accommodate the installation and maintenance of electric power to the newly constructed Boys' and Girls' Club facilities, an easement is required from the City to Arizona Public Service.

The easement will contain approximately 5,400 square feet and will include one (1) equipment pad. This easement is at no cost to Arizona Public Service as it benefits the public.

RE09-255  
Council Meeting of 6/25/09  
Page 2

Attached is a Letter of Intent, dated May 11, 2009 from Sheina Hughes, Assistant Public Works Director/City Engineer stating that this request will be brought to Council.

FINANCIAL IMPLICATIONS:

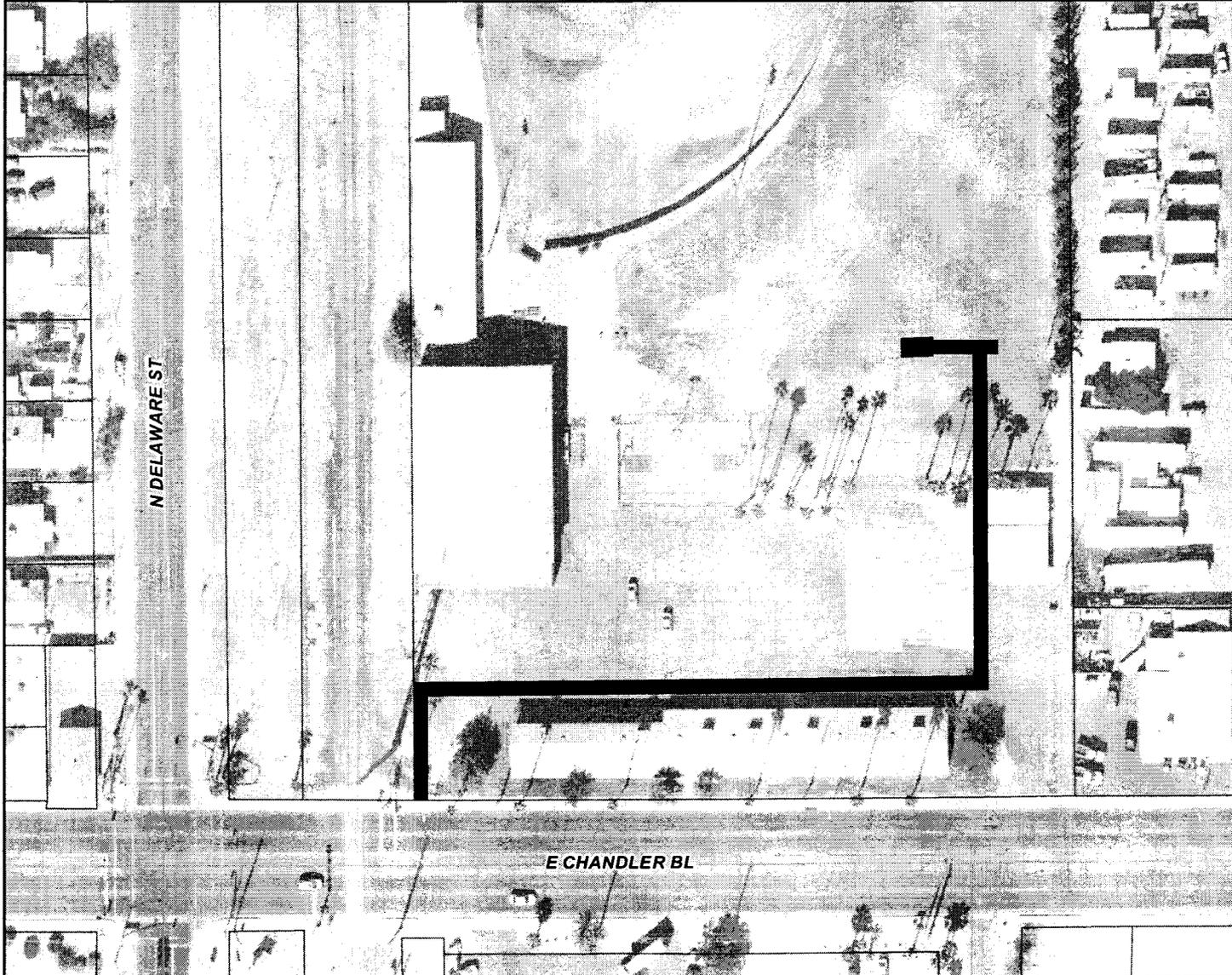
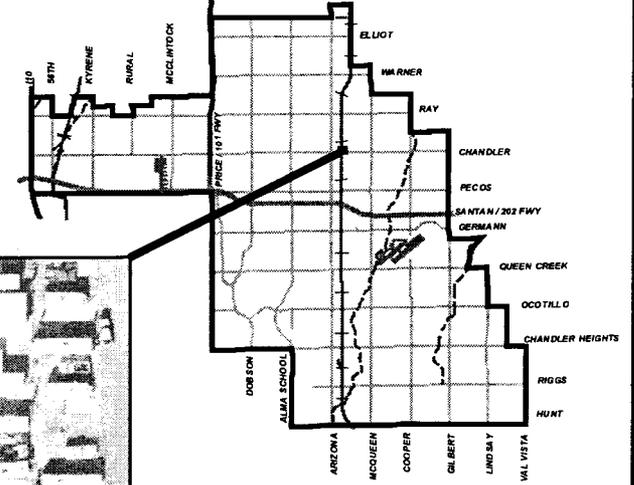
Cost: N/A  
Savings: N/A  
Long Term Costs: N/A

PROPOSED MOTION: Move that Council introduce and tentatively approve Ordinance No. 4155 granting a no cost utility easement to Arizona Public Service for the purpose of installing and maintaining electrical facilities for the new Boys' and Girls' Club improvements located at 300 East Chandler Boulevard, Chandler, Arizona.

Attachments: Map  
Ordinance 4155  
Letter of Intent  
Easement



# APS UTILITY EASEMENT FOR BOYS AND GIRLS CLUB



**MEMO NO. RE09-255**

**ORDINANCE NO. 4155**

 **APS UTILITY EASEMENT**



**ORDINANCE NO. 4155**

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 FOR THE PURPOSE OF INSTALLING AND MAINTAINING ELECTRICAL FACILITIES FOR THE NEW BOYS' AND GIRLS' CLUB IMPROVEMENTS LOCATED AT 300 EAST CHANDLER BOULEVARD, CHANDLER, ARIZONA

WHEREAS, electric service is required for the operation of the new Boys' and Girls' Club facilities; and

WHEREAS, Arizona Public Service has been requested by the City of Chandler to provide electric service to the new Boys' and Girls' Club facility located on City-owned property; and

WHEREAS, a utility easement is required to provide such services; and

WHEREAS, the City of Chandler is willing to grant this power easement to Arizona Public Service to accommodate the 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 is authorized to approve the granting of a utility easement to Arizona Public Service, through, over, under and across that certain property described in Easement Exhibit "A" and attached hereto and made a part hereof by this reference.

Section 2. That the granting of said utility 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.

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. 4155 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*

## EXHIBIT "A"

BEGINNING at a point on the South property line from whence the Southwest corner of Lots 1, 2, 3, 4 and the West ½ of Lot 5 and the West ½ of Lot 6, Block 9, GREATER CHANDLER ADDITION, as recorded in Book 31, Page 27, Maricopa County Recorder's Office, Maricopa County, Arizona, from whence the Southwest corner lies South 89 degrees 48 minutes 3 seconds West, a distance of 46.00 feet:

THENCE North 00 degrees 26 minutes 12 seconds West, a distance of 72 feet;

THENCE North 89 degrees 48 minutes 03 seconds East, a distance of 340.16 feet;

THENCE North 00 degrees 26 minutes 45 seconds West, a distance of 198.17 feet;

THENCE South 89 degrees 33 minutes 15 seconds West, a distance of 24.72 feet;

THENCE South 00 degrees 35 minutes 51 seconds East, a distance of 1.30 feet;

THENCE South 89 degrees 24 minutes 9 seconds West, a distance of 18.25 feet;

THENCE North 00 degrees 35 minutes 51 seconds West, a distance of 11.33 feet;

THENCE North 89 degrees 24 minutes 9 seconds East, a distance of 18.25 feet;

THENCE South 00 degrees 35 minutes 51 seconds East, a distance of 2.03 feet;

THENCE North 89 degrees 33 minutes 15 seconds East, a distance of 38.74 feet to a point on the East property line;

THENCE South 00 degrees 26 minutes 45 seconds East, along the said East property line, a distance of 8.00 feet;

THENCE South 89 degrees 33 minutes 15 seconds West, a distance of 6.00 feet;

THENCE South 00 degrees 26 minutes 45 seconds East, a distance of 206.20 feet;

THENCE South 89 degrees 48 minutes 03 seconds West, a distance of 340.16 feet;

THENCE South 00 degrees 26 minutes 12 seconds East, a distance of 64.00 feet to a point on the South property line;

THENCE South 89 degrees 48 minutes 03 seconds West, along the South property line, a distance of 8.00 feet to the POINT OF BEGINNING.

Easement contains 5399.4315 square feet.

SKETCH SHOWING LOCATION AND LIMITS OF  
UTILITY EASEMENT

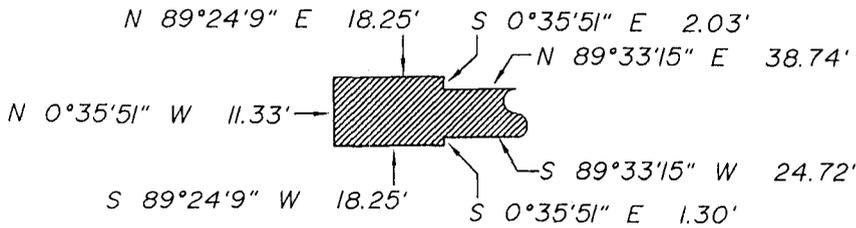


LI S 89°33'15" W 6.00'

N 0°26'12" W 584.93'

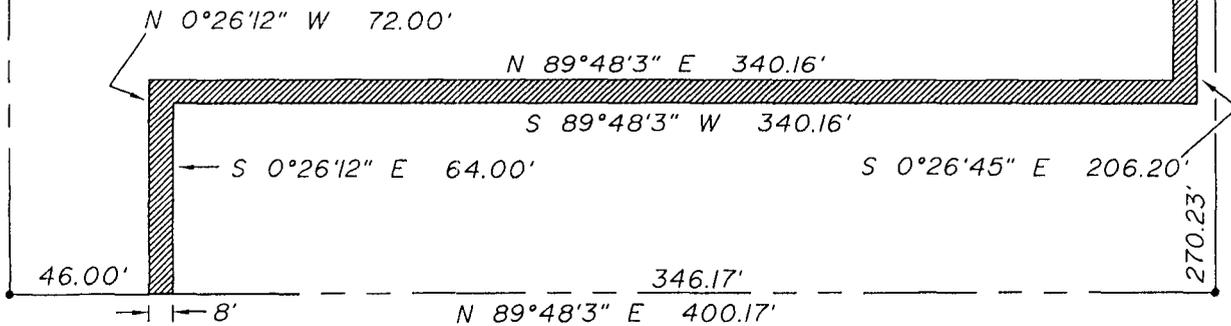
SCALE 1"=60'

**CITY OF CHANDLER**  
 LOTS 1, 2, 3, 4, AND  
 WEST 1/2 OF LOT 5  
 AND WEST HALF LOT 6,  
 BLOCK 9 GREATER CHANDLER  
 ADDITION, BOOK 31, PAGE 27



DETAIL

SEE  
DETAIL



LEGEND

- EASEMENT AREA
- PROPERTY LINE
- PROPERTY CORNER

JOB#	W438828	DATE	4/28/09
SW 1/4 SEC 27	T1S	R5E	
SCALE	1"=60'	MAP#	
R/W	RAY SMITH		
SURVEY:	SMITH - TIMAR		
DRAWN BY:	SMITH		



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

May 11, 2009

Arizona Public Service  
Attn: Frankie Greco  
PO Box 53933, MS 4037  
Phoenix, Arizona 85072

RE: Boys and Girls Club – 300 E. Chandler Blvd.  
City Job No. PR0801 - APS Job No. W438828

Dear Mr. Greco,

I am writing to inform you that the City of Chandler staff will be making a positive recommendation requesting City Council to approve the Arizona Public Service easement for the above referenced project. The standard power distribution easement will be recommended.

Staff anticipates presenting this request to Council August 13, 2009.

It is our understanding that this letter will enable Arizona Public Service to release the job so that our contractor can begin work.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheina Hughes".

Sheina Hughes, P.E.  
Assistant Public Works Director/City Engineer

SW-27-1S-5E  
W438828  
302-63-017  
RLS

SHEET 1 OF 2

## UTILITY EASEMENT

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

### **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 described as follows (herein called the "Easement Premises"):

### **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.

SW-27-1S-53  
W438828  
RLS

SHEET 2 OF 3

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.

Grantor shall maintain a clear area that extends 2 feet from and around all edges of all transformer pads and 3 feet from and around all other equipment pads, and a clear operational area that extends 10 feet immediately in front of all transformer and other equipment openings. No obstructions, trees, shrubs, fixtures, or permanent structures shall be placed by Grantor within said areas.

Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

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, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

IN WITNESS WHEREOF, CITY OF CHANDLER, has caused this Utility Easement to be executed by its duly authorized representative, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF CHANDLER, an Arizona municipal corporation,

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

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

APPROVED AS TO FORM

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
CITY ATTORNEY *GAD*

STATE OF ARIZONA            }  
  } ss.  
County of MARICOPA         }

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission Expires:

\_\_\_\_\_

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

**EXHIBIT "A"**

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20090430231 05/15/2009 12:05  
OJO3387A-5-1-1-  
ELECTRONIC RECORDING

WHEN RECORDED MAIL TO:

---

Ticor Title 0J03387  
Maricopa County *AG*

CAPTION HEADING: WARRANTY DEED

**The Warranty Deed recorded June 29, 1990 in instrument 90-295218 is being rerecorded to correct a scrivener's' error in the legal description.**

DO NOT REMOVE.

THIS IS PART OF AN OFFICIAL DOCUMENT

LEGAL TITLE INSURANCE COMPANY OF CALIFORNIA

When recorded, mail to:

City of Chandler  
25 South Arizona Place  
Chandler, AZ 85225

WAR DEED (W/D)

AE DISCLS (DA)

RECORDED IN OFFICIAL RECORDS  
OF MARICOPA COUNTY, ARIZONA  
JUN 29 90-4 55  
HELEN PURCELL, County Recorder  
FEE 13-PGS 4-HC

Escrow No. 0J03387

Title No. 0J03387-U5

WARRANTY DEED

1 90 295218

For the consideration of Ten Dollars, and other valuable considerations, I or we,

CHARLES W. JACKSON OR MARGUERITE L. JACKSON AS TRUSTEES OF CHANDLER  
OF THE JACKSON LIVING TRUST DATED MARCH 13, 1986

TRUSTEES OF CHANDLER  
PUBLIC WORKS DEVELOPMENT  
R JUL 12 1990 D  
RECEIVED

do hereby convey to CITY OF CHANDLER, A MUNICIPAL CORPORAITON

the following real property located in MARICOPA County, Arizona:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Pursuant to ARS 33-404 names and addresses of the beneficiaries are as follows:

C. W. Jackson  
700 North Dobson Road  
#44  
Chandler, Arizona 85224

Marguerite L. Jackson  
700 North Dobson Road  
#44  
Chandler, Arizona 85224

Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against all persons whomsoever.

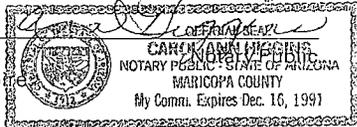
Dated: JUNE 25, 19 90

*Charles W. Jackson*  
CHARLES W. JACKSON AS TRUSTEE OF THE  
JACKSON LIVING TRUST DATED MARCH 13, 1986

*Marguerite L. Jackson*  
MARGUERITE L. JACKSON AS TRUSTEE OF THE  
JACKSON LIVING TRUST DATED MARCH 13, 1986

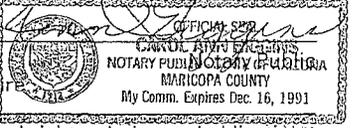
STATE OF ARIZONA } ss.  
County of Maricopa

Acknowledged before me on June 27, 19 90, by Charles W. Jackson as Trustee of the Jackson Living Trust dated March 13, 1986

*Same*  
My commission will expire 

STATE OF ARIZONA } ss.  
County of Maricopa

Acknowledged before me on June 27, 19 90, by Marguerite L. Jackson as Trustee of the Jackson Living Trust dated March 13, 1986

*Same*  
My commission will expire 

NOTE: The parties are cautioned that by completing and executing this document, legal rights, duties and obligations are created. By signing, the parties acknowledge that they have been advised to seek and obtain independent legal counsel as to all matters contained in the within document prior to signing same and that said parties have obtained advice or choose to proceed without same.

ORDER NUMBER: OJ03387-U5

EXHIBIT 'A'

PARCEL A-1:

27

90 295218

THAT PORTION OF THE PLAT OF GREATER CHANDLER ADDITION, ACCORDING TO BOOK 31 OF MAPS, PAGE 22, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 OF BLOCK 9 OF SAID PLAT OF GREATER CHANDLER ADDITION;

THENCE SOUTH 89 DEGREES 29 MINUTES 00 SECONDS EAST, 62.64 FEET ALONG THE SOUTH LINE OF SAID LOT 2;

THENCE DEPARTING SAID SOUTH LINE NORTH 0 DEGREES 31 MINUTES 00 SECONDS EAST, 17.05 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0 DEGREES 06 MINUTES 46 SECONDS EAST, 24.66 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 14 SECONDS EAST, 95.87 FEET;

THENCE NORTH 0 DEGREES 06 MINUTES 46 SECONDS EAST, 9.00 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 14 SECONDS EAST, 165.42 FEET;

THENCE SOUTH 0 DEGREES 06 MINUTES 46 SECONDS WEST, 29.76 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 14 SECONDS WEST, 162.32 FEET;

THENCE SOUTH 0 DEGREES 06 MINUTES 46 SECONDS WEST, 7.07 FEET;

THENCE NORTH 89 DEGREES 53 MINUTES 14 SECONDS WEST, 14.56 FEET;

THENCE NORTH 0 DEGREES 06 MINUTES 46 SECONDS EAST, 3.17 FEET;

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PARCEL A-2:

27

THAT PORTION OF THE PLAT OF GREATER CHANDLER ADDITION, ACCORDING TO BOOK 31 OF MAPS, PAGE 22, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 OF BLOCK 9 OF SAID PLAT OF GREATER CHANDLER ADDITION;

THENCE SOUTH 89 DEGREES 29 MINUTES 00 SECONDS EAST, 4.53 FEET ALONG THE SOUTH LINE OF SAID LOT 2;

THENCE DEPARTING SAID SOUTH LINE NORTH 0 DEGREES 31 MINUTES 00 SECONDS EAST,  
281.10 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 0 DEGREES 00 MINUTES 20 SECONDS WEST, 140.15 FEET; 90 295218

THENCE NORTH 89 DEGREES 59 MINUTES 41 SECONDS EAST, 16.82 FEET;

THENCE SOUTH 0 DEGREES 00 MINUTES 20 SECONDS EAST, 20.02 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 41 SECONDS EAST, 15.42 FEET;

THENCE SOUTH 0 DEGREES 00 MINUTES 20 SECONDS EAST, 120.12 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 41 SECONDS WEST, 32.24 FEET TO THE POINT OF  
BEGINNING.

PARCEL B:

LOTS 1, 2, 3 AND 4 AND THE WEST HALF OF LOT 5 AND THE WEST HALF OF LOT 6,  
BLOCK 9, GREATER CHANDLER ADDITION RECORDING TO BOOK 31 OF MAPS, PAGE 27,  
RECORDS OF MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 5 FEET OF LOTS 2 AND 4; AND

EXCEPT ALL OIL, GAS, COAL AND MINERALS AS RESERVED IN DEED RECORDED IN BOOK  
441 OF DEEDS, PAGE 527, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 OF BLOCK 9 OF SAID PLAT OF  
GREATER CHANDLER ADDITION;

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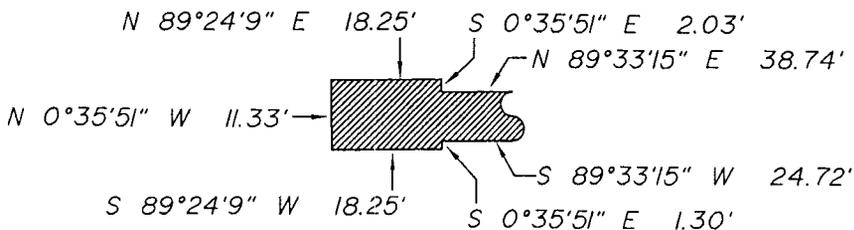


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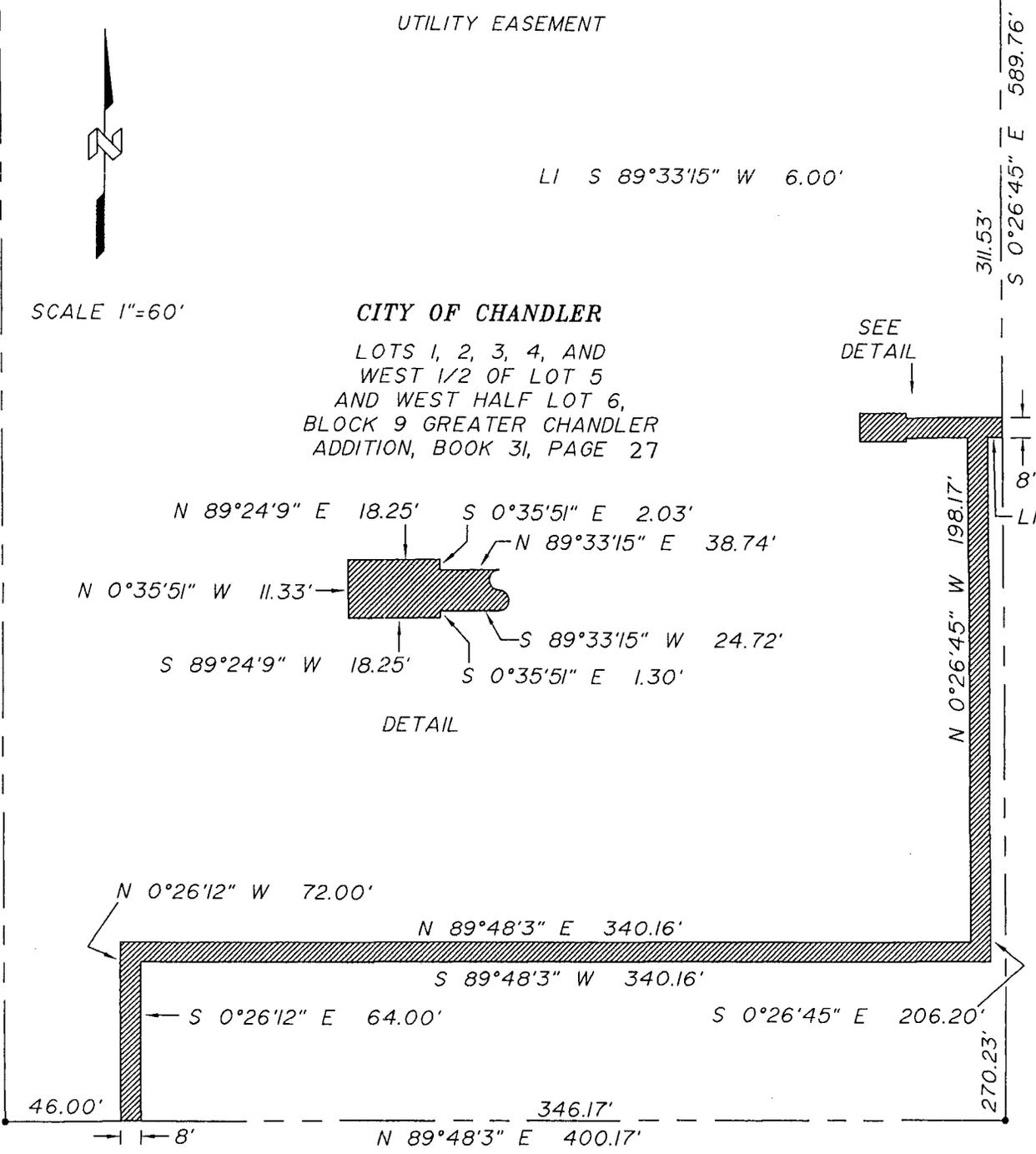
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AND WEST HALF LOT 6,  
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ADDITION, BOOK 31, PAGE 27



DETAIL

SEE  
DETAIL



**LEGEND**

- EASEMENT AREA
- PROPERTY LINE
- PROPERTY CORNER

JOB#	W438828	DATE	4/28/09
SW 1/4 SEC 27 T1S R5E			
SCALE	1"=60'	MAP#	
R/W	RAY SMITH		
SURVEY:	SMITH - TIMAR		
DRAWN BY:	SMITH		