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MEMORANDUM Public Works Engineering - Council Memo ENG10-002

DATE: AUGUST 13, 2009

TO: MAYOR AND COUNCIL

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

FROM: CHARLES W. SMITH, ENGINEER *CWS*

SUBJECT: APPROVAL OF A DEACTIVATION AGREEMENT WITH SALT RIVER VALLEY WATER USERS' ASSOCIATION FOR THE DEACTIVATION AND REMOVAL OF TWO IRRIGATION DELIVERY STRUCTURES NEAR THE INTERSECTION OF DOBSON ROAD AND WARNER ROAD TO ACCOMMODATE A RECENT ROADWAY IMPROVEMENT PROJECT.

RECOMMENDATION:

Staff recommends that Council approve a deactivation agreement with Salt River Valley Water Users' Association for the deactivation and removal of two irrigation delivery structures near the intersection of Dobson Road and Warner Road to accommodate a recent roadway improvement project.

BACKGROUND AND DISCUSSION:

The City has recently completed a project to improve the intersection of Dobson Road and Warner Road. In order to accommodate the improvements, it was necessary to remove two irrigation delivery structures owned by Salt River Valley Water Users' Association (SRP). One of the structures was located at the southwest corner of the intersection. The second one was located on the south side of Warner Road, approximately 1,320 feet to the east. All of the property previously served by these structures has been developed, so the structures were no longer in use.

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 for either of these facilities is considered very low.

FINANCIAL IMPLICATIONS:

None, provided there is no future need to restore the irrigation facilities.

PROPOSED MOTION:

Move that Council approve a deactivation agreement with Salt River Valley Water Users' Association for the deactivation and removal of two irrigation delivery structures near the intersection of Dobson Road and Warner Road to accommodate 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 of Warner Road to be widened and reconstructed to accommodate the Arizona Improvements Phase II roadway improvements project, and;

WHEREAS, as part of the road improvement project reconstruction it will be necessary to remove SRP's irrigation delivery structures 5-11-54, 55 & 56 hereinafter referred to as the ("Facilities"). One delivery structure located within the southwest corner of Warner Road and Dobson Road and the other delivery structure located approximately 1320' feet east of the intersection of Dobson Road and Warner Road, Section 19 & 20; Township 1 South; Range 5 East: G&SRB&M, and;

WHEREAS, these Facilities are 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 these Facilities.
2. The CITY shall cause the removal the entire Facilities at its sole expense.
3. If at any time any shareholder entitled to irrigation delivery to these abandoned Facilities demonstrates adequate capability to deliver irrigation water to these Facilities at their 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 Facilities.
4. SRP shall assume responsibility for design and construction of the replacement Facilities, 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 Facilities.

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
P.O. Box 4008
Chandler, Arizona 85244-4008

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.

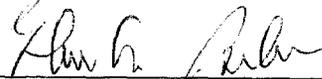
CITY OF CHANDLER, an Arizona
municipal corporation,

By _____
City Mayor

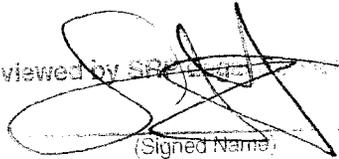
Date _____

ATTEST:

APPROVED AS TO FORM:



City Attorney

~~Reviewed by SRP~~

(Signed Name)

(Printed Name)
7/21/09

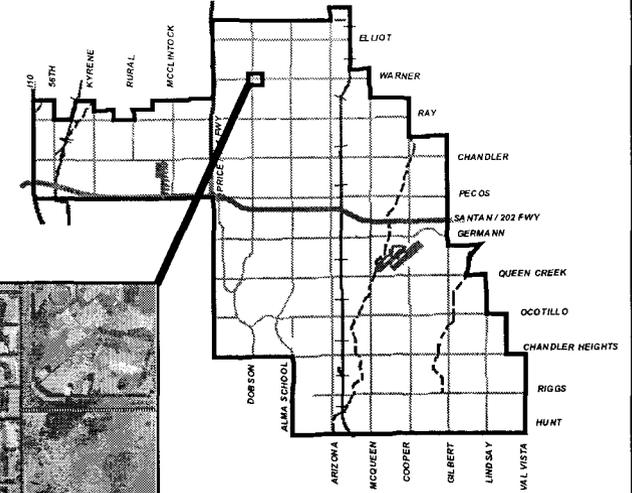
SALT RIVER VALLEY WATER USERS'
ASSOCIATION, an Arizona Corporation,

By _____

Date _____



SALT RIVER PROJECT IRRIGATION DELIVERY STRUCTURES



MEMO NO. ENG10-002

- **IRRIGATION DELIVERY STRUCTURES TO BE DEACTIVATED**

**NEAR THE INTERSECTION OF
DOBSON ROAD AND
WARNER ROAD**

