

#22

AUG 13 2009



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MEMORANDUM Public Works Engineering - Council Memo ENG10-003

DATE: AUGUST 13, 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 FOR THE DEACTIVATION AND REMOVAL OF AN IRRIGATION DELIVERY STRUCTURE LOCATED APPROXIMATELY 370 FEET EAST OF THE INTERSECTION OF COOPER ROAD AND GALVESTON STREET TO ACCOMMODATE THE CITY'S PLANNED MULTI-USE TRAIL (PASEO) PROJECT.

RECOMMENDATION:

Staff recommends that Council approve a deactivation agreement with Salt River Valley Water Users' Association for the deactivation and removal of an irrigation delivery structure located approximately 370 feet east of the intersection of Cooper Road and Galveston Street to accommodate the City's planned multi-use trail (Paseo) project.

BACKGROUND AND DISCUSSION:

The City currently has a capital project under design to extend a multi-use trail along the Consolidated Canal from Pecos Road to Galveston Street. In order to accommodate the planned improvements, it will be necessary to remove an irrigation delivery structure owned by Salt River Valley Water Users' Association (SRP). This structure is located approximately 370 feet east of the intersection of Cooper Road and Galveston Street. All of the property previously served by this structure has been developed, so the structure is no longer in use.

As a requirement for removal of any SRP irrigation facility, the City must first 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 this facility is considered very low.

FINANCIAL IMPLICATIONS:

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

PROPOSED MOTION:

Move that Council approve a deactivation agreement with Salt River Valley Water Users' Association for the deactivation and removal of an irrigation delivery structure located approximately 370 feet east of the intersection of Cooper Road and Galveston Street to accommodate the City's planned multi-use trail (Paseo) 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 at the location of Galveston Street and the Consolidated Canal to be reconstructed to accommodate the CITY'S multi-use trail (Paseo) project, and;

WHEREAS, as part of the Paseo project reconstruction it will be necessary for the removal of SRP's irrigation delivery structure 4-12-57 located approximately 370 feet east of Cooper Road and Galveston Street hereinafter referred to as the ("Facility") in Section 25; Township 1 South; Range 5 East: G&SRB&M, 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 removal the 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
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 Legal Services Dept.~~


(Signed Name)

(Printed Name)
Date: 7/21/09

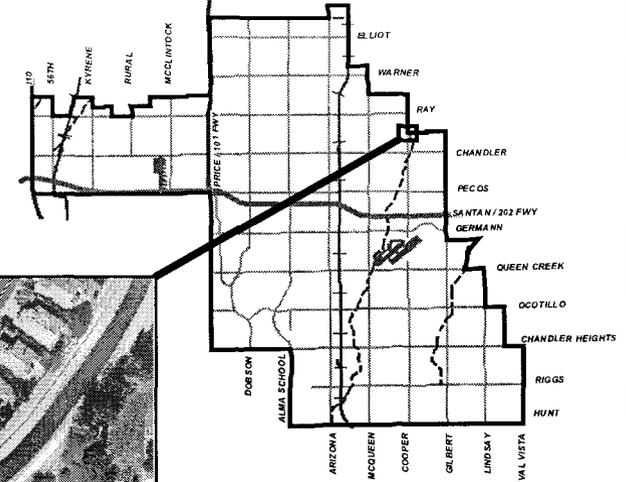
SALT RIVER VALLEY WATER USERS'
ASSOCIATION, an Arizona Corporation,

By _____

Date _____



SALT RIVER PROJECT IRRIGATION DELIVERY STRUCTURE



MEMO NO. ENG10-003

- **IRRIGATION DELIVERY STRUCTURE TO BE REMOVED**

EAST OF THE INTERSECTION OF COOPER ROAD AND GALVESTON STREET

