

#23

AUG 13 2009



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Where Values Make The Difference

MEMORANDUM

Public Works Engineering - Council Memo ENG10-004

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 TWO IRRIGATION DELIVERY STRUCTURES LOCATED AT THE SOUTHWEST CORNER OF ALMA SCHOOL ROAD AND WARNER ROAD AND THE SOUTHWEST CORNER OF ALMA SCHOOL ROAD AND WEST STOTLER DRIVE TO ACCOMMODATE A 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 located at the southwest corner of Alma School Road and Warner Road and the southwest corner of Alma School Road and West Stotler Drive to accommodate a roadway improvement project.

BACKGROUND AND DISCUSSION:

In 2007, the City completed a federally funded project that improved the intersection of Alma School 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 a quarter mile to the south at the corner of Alma School Road and West Stotler Drive. All of the property previously served by these structures had 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 located at the southwest corner of Alma School Road and Warner Road and the southwest corner of Alma School Road and West Stotler Drive to accommodate a 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 Warner Road and Alma School Road to be widened and reconstructed to accommodate the roadway improvement project, and;

WHEREAS, as part of the widening and reconstruction it will be necessary for the removal of SRP's irrigation delivery structures 5-11-52 & 53 hereinafter referred to as the ("Facilities"). One structure located at the southwest corner of Warner Road and Alma School Road and the other structure located quarter mile south of Warner Road and Alma School Road in Section 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 the Facilities.
2. The CITY shall removal these 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.

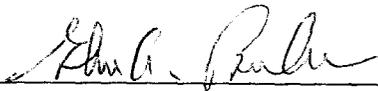
CITY OF CHANDLER, an Arizona
municipal corporation,

By _____
City Mayor

Date _____

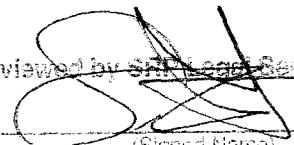
ATTEST:

APPROVED AS TO FORM:



City Attorney

Reviewed by ~~SRI Legal Services Dept.~~



(Signed Name)

(Printed Name)

Date: 7/21/09

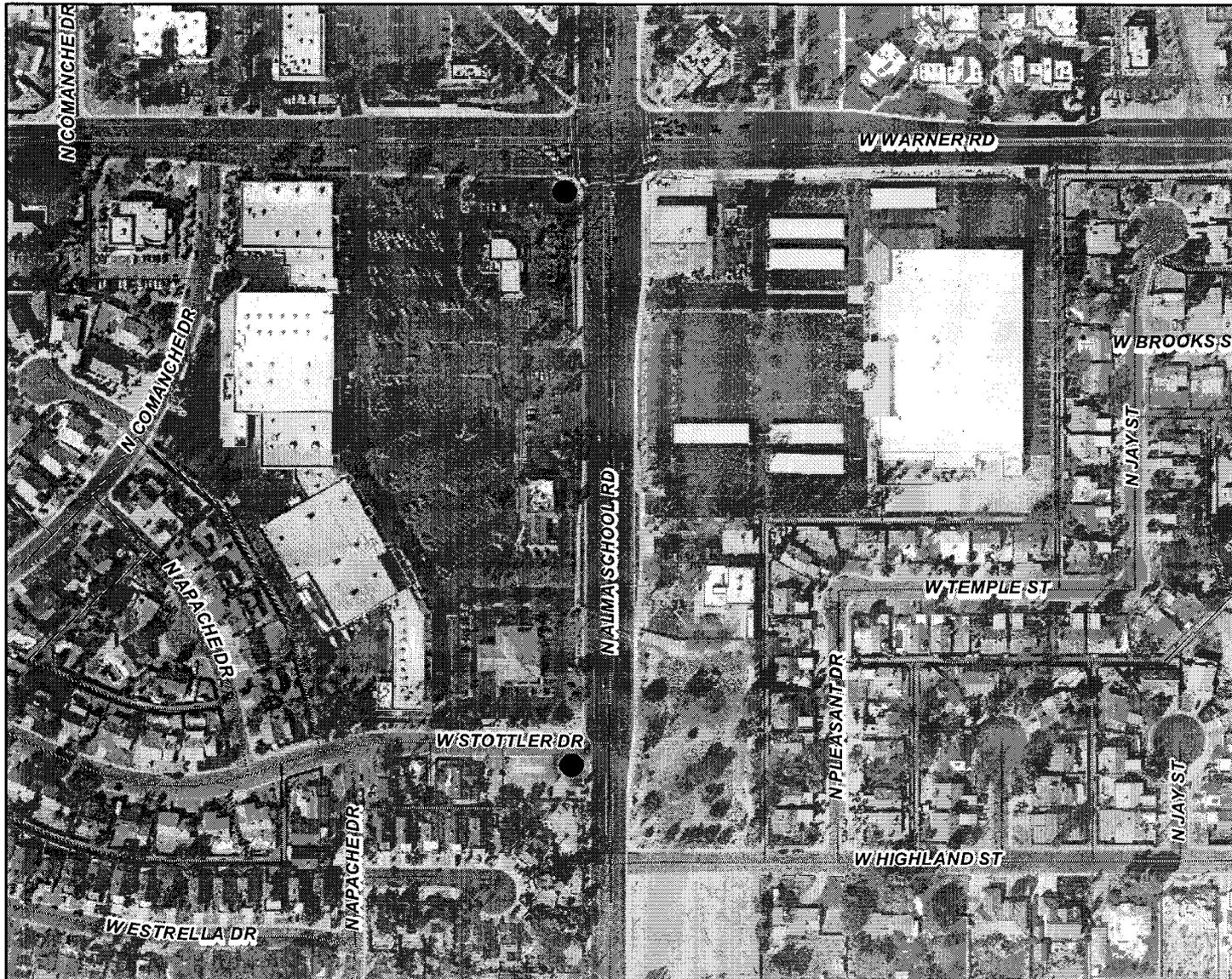
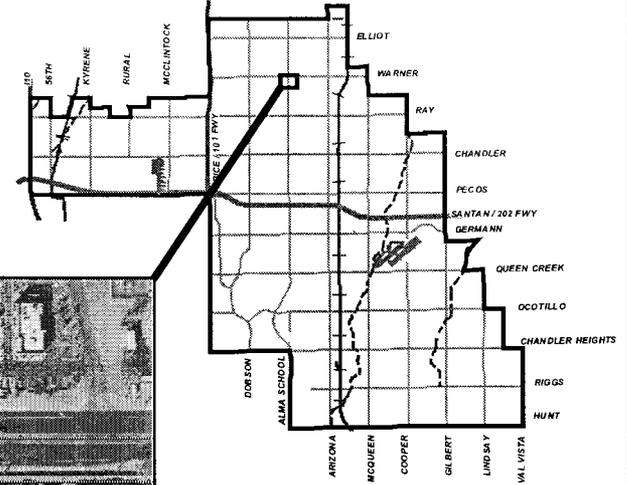
SALT RIVER VALLEY WATER USERS'
ASSOCIATION, an Arizona Corporation,

By _____

Date _____



SALT RIVER PROJECT IRRIGATION DELIVERY STRUCTURES



MEMO NO. ENG10-004

- **IRRIGATION DELIVERY STRUCTURES TO BE DEACTIVATED**

**NEAR THE INTERSECTION OF
ALMA SCHOOL ROAD
AND WARNER ROAD**

