

# 24

AUG 13 2009



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

**MEMORANDUM**

**Public Works Engineering - Council Memo ENG10-005**

**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 AT THE NORTHWEST CORNER OF GERMANN ROAD AND GILBERT ROAD 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 an irrigation delivery structure located at the northwest corner of Germann Road and Gilbert Road to accommodate a roadway improvement project.

BACKGROUND AND DISCUSSION:

In 2005, the City completed a roadway improvement project that included work at the intersection of Germann Road and Gilbert Road. The improvements included in this project were done in conjunction with a development agreement with Vestar Partners, the developer of the Crossroads Towne Center. In order to accommodate the improvements, it was necessary to remove an irrigation delivery structure owned by Salt River Valley Water Users' Association (SRP). This structure was located at the northwest corner of the intersection. All of the property served by this structure was being developed, so the structure was no longer needed.

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 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 at the northwest corner of Germann Road and Gilbert Road 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 the day on which the last party executes the 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 Germann Road and Gilbert Road to be widened and reconstructed to accommodate the roadway improvements project; and,

WHEREAS, as part of the widening and reconstruction it will be necessary to remove the SRP irrigation delivery structure 4-14.2-17 hereinafter referred to as the ("Facility") located at the northwest corner of Germann Road and Gilbert Road in Section 1; Township 2 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 agreement hereinafter set forth, it is agreed as follows:

1. SRP shall abandon its use of the Facility.
2. The CITY shall remove 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 caused this Agreement to be executed as of the date first above written.

CITY OF CHANDLER, an Arizona  
municipal corporation,

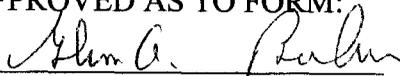
By \_\_\_\_\_

City Mayor

Date \_\_\_\_\_

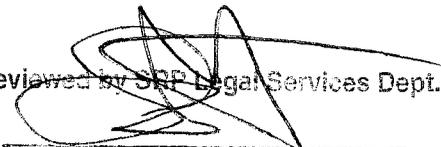
ATTEST:

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,

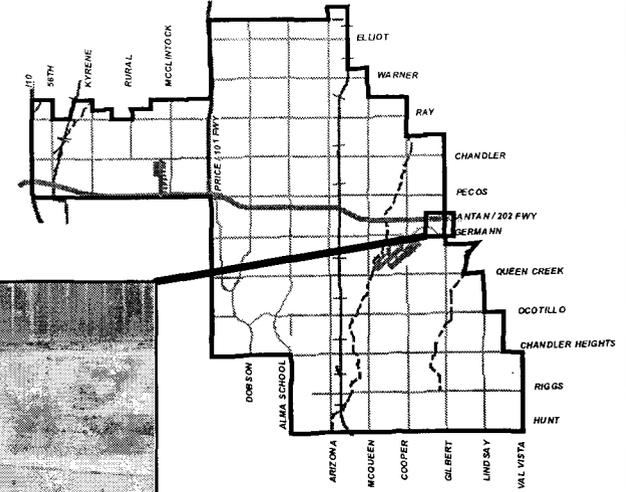
By \_\_\_\_\_

Date \_\_\_\_\_



Chandler - Arizona

# SALT RIVER PROJECT IRRIGATION DELIVERY STRUCTURE



**MEMO NO. ENG10-005**

- **IRRIGATION DELIVERY STRUCTURE TO BE DEACTIVATED**

**NEAR THE INTERSECTION OF  
GERMANN ROAD AND  
GILBERT ROAD**



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