

# 9

SEP 24 2009



**MEMORANDUM**

**Real Estate Services Memo No. RE10-053**

**DATE:** SEPTEMBER 24, 2009

**TO:** MAYOR AND COUNCIL

**THRU:** W. MARK PENTZ, CITY MANAGER <sup>RD</sup>  
R.J. ZEDER, PUBLIC WORKS DIRECTOR <sup>7/30</sup>  
DANIEL W. COOK, DEPUTY PUBLIC WORKS DIRECTOR <sup>DW</sup>  
SHEINA HUGHES, ASSISTANT PUBLIC WORKS DIRECTOR <sup>SH</sup>  
CITY ENGINEER

**FROM:** ERICH KUNTZE, REAL ESTATE MANAGER <sup>ek</sup>

**SUBJECT:** RESOLUTION NO. 4339 ACCEPTING TWO (2) RIGHT-OF-WAY LICENSE AGREEMENTS FROM SALT RIVER PROJECT FOR BRIDGED CROSSINGS OVER THE CONSOLIDATED CANAL AT MCQUEEN ROAD AND QUEEN CREEK ROAD, REQUIRED FOR THE MCQUEEN ROAD-QUEEN CREEK ROAD TO RIGGS ROAD IMPROVEMENT PROJECT, ST0810.

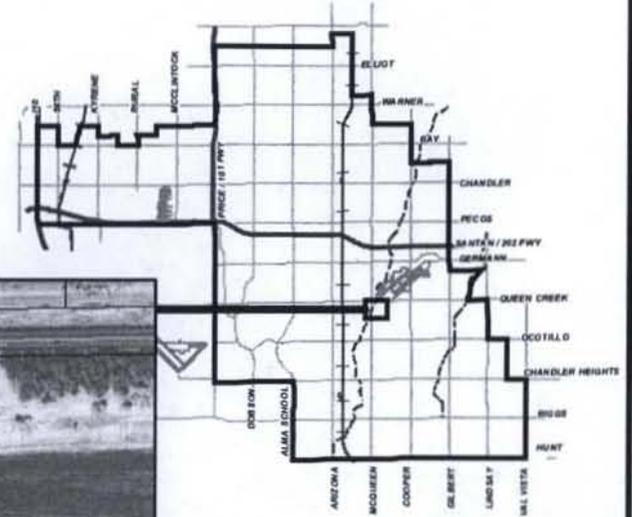
RECOMMENDATION: Staff recommends introduction and approval of Resolution No. 4339 accepting two (2) Right-Of-Way License Agreements from Salt River Project for bridged crossings over the Consolidated Canal at McQueen Road and Queen Creek Road, required for the McQueen Road-Queen Creek Road to Riggs Road Improvement Project, ST0810.

BACKGROUND/DISCUSSION: The McQueen Road-Queen Creek Road to Riggs Road Improvement Project (ST0810) includes widening of two (2) bridged crossings over the Consolidated Canal. One bridge crossing is located on McQueen Road between Queen Creek Road and Ocotillo Road; the other is located on Queen Creek Road between McQueen Road and Cooper Road.

The non-exclusive License Agreements will give the City permission to use the USA fee property to install and maintain roadway, water lines, sewer lines and landscaping. Construction is scheduled to begin in Fall of 2009.



# ACCEPTANCE OF 2 SRP RIGHT-OF-WAY LICENSES OVER CONSOLIDATED CANAL AT MCQUEEN ROAD AND QUEEN CREEK ROAD PROJECT NO. ST0810



**MEMO NO. RE10-053**

**RESOLUTION NO. 4339**

 EXHIBIT A



RESOLUTION NO. 4339

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO AUTHORIZE AND APPROVE RESOLUTION 4339 ACCEPTING TWO (2) RIGHT-OF-WAY LICENSE AGREEMENTS FROM SALT RIVER PROJECT FOR BRIDGED CROSSINGS OVER THE CONSOLIDATED CANAL AT MCQUEEN ROAD AND QUEEN CREEK ROAD, REQUIRED FOR THE MCQUEEN ROAD-QUEEN CREEK ROAD TO RIGGS ROAD IMPROVEMENT PROJECT, ST0810.

WHEREAS, for the benefit of the general public, the City will install roadway, water lines, landscaping and improvements for the McQueen Road-Queen Creek Road to Riggs Road Improvement Project on USA fee property; and

WHEREAS, Salt River Project, on behalf of the property owner, The United States of America, has agreed to grant two (2) Licenses to the City for this purpose;

NOW, THEREFORE, BE IT RESOLVED 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 accept both License Agreements for the installation and maintenance of roadway, water lines, landscaping and improvements for the benefit of the general public across that certain property described in Exhibit "A", attached hereto and made a part hereof by reference.

Section 2. That the accepting of both License Agreements shall be in the form as approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to accept both License Agreement documents on behalf of the City.

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**CERTIFICATION**

I HEREBY CERTIFY that the above and foregoing Resolution No. 4339 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

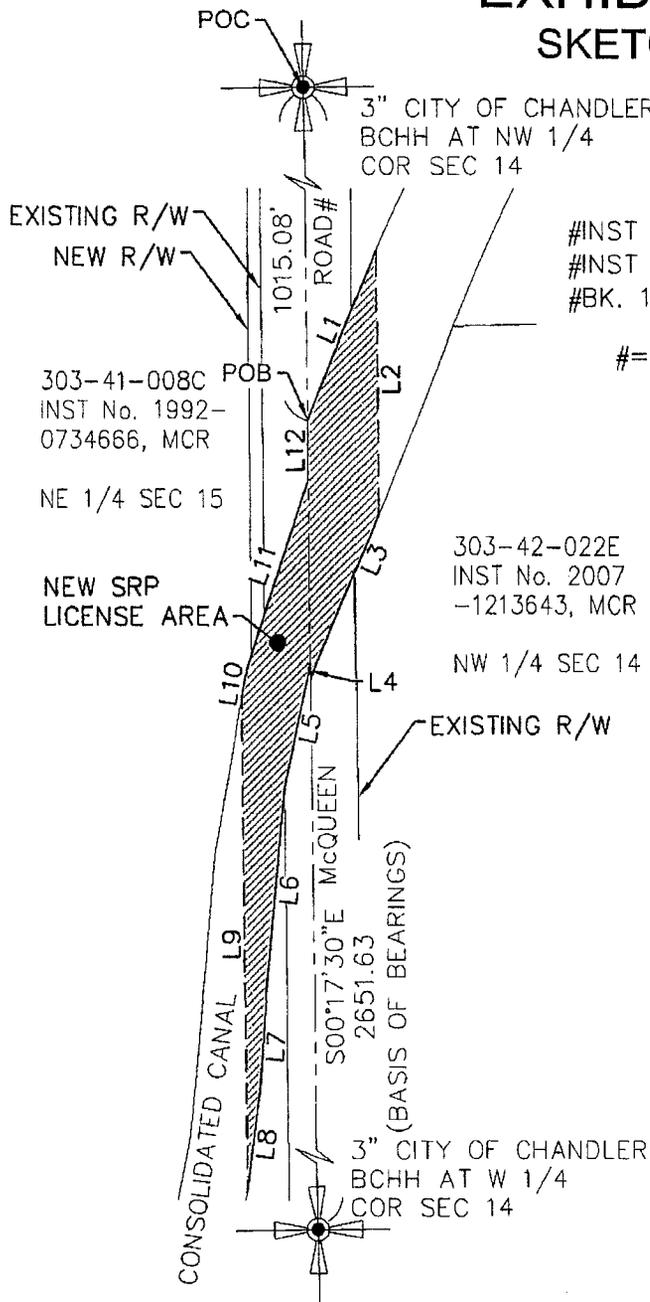
APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

*EDR*

**EXHIBIT "A"**

# McQUEEN ROAD SRP LICENSE AREA EXHIBIT A SKETCH



#INST No. #07-1213644, MCR  
#INST No. #07-1100884, MCR  
#BK. 1 OF ROAD MAPS, PG.41, MCR

#=RIGHT-OF-WAY REFERENCE



SCALE:  
1"=250'  
NE 1/4  
SEC 15 &  
NW 1/4  
SEC 14  
T 2 S  
R 5 E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N22°18'01"E	260.30'
L2	S00°17'30"E	372.84'
L3	S22°55'24"W	253.69'
L4	N00°17'30"W	23.39'
L5	S12°04'11"W	183.97'
L6	S05°28'44"W	299.36'
L7	S04°16'58"W	134.35'
L8	S07°36'14"W	144.15'
L9	N00°17'30"W	704.45'
L10	N10°04'12"E	34.19'
L11	N18°31'30"E	290.97'
L12	N00°17'30"W	83.02'

NEW LICENSE AREA  
= 80,915.11 S.F.

**McQUEEN ROAD IMPROVEMENTS**  
**PROJECT No.: 28012**  
**NEW SRP LICENSE AREA**

Date: 06/18/09

Preparing Firm: **RITCOCH-POWELL & ASSOCIATES, INC.**  
3800 N. Central Ave., Suite 605  
Phoenix, AZ 85012  
Ph: 602-263-1177  
Fax: 602-277-6286



EXPIRES 6/30/2011

# McQUEEN ROAD SRP LICENSE AREA EXHIBIT A LEGAL DESCRIPTION

Thence N 00°17'30" W, across said Consolidated Canal, a distance of 704.45 feet to a point on said north line thereof;

Thence N 10°04'12" E, along said north line, a distance of 34.19 feet;

Thence N 18°31'30" E, continuing along said north line, a distance of 290.97 feet to a point on said west line of the Northwest Quarter;

Thence N 00°17'30" W, along said west line, a distance of 83.02 feet to the POINT OF BEGINNING.

The above described easement contains 1.8576 acres of land (80,915.11 s.f.), more or less, including any easements of record.

The basis of bearing for the above description is S 00°17'30" E for the west line of the Northwest Quarter of Section 14, Township 2 South, Range 5 East of the Gila & Salt River Meridian, City of Chandler, Maricopa County, Arizona as shown on the PLSS Subdivision Record of Survey-Maricopa County Geodetic Densification and Cadastral Survey recorded in Book 589, Page 48, Maricopa County Records

Page 3 of 3

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Date: 06/18/09

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EXPIRES 6/30/2011

# QUEEN CREEK ROAD LICENSE AREA EXHIBIT A SKETCH

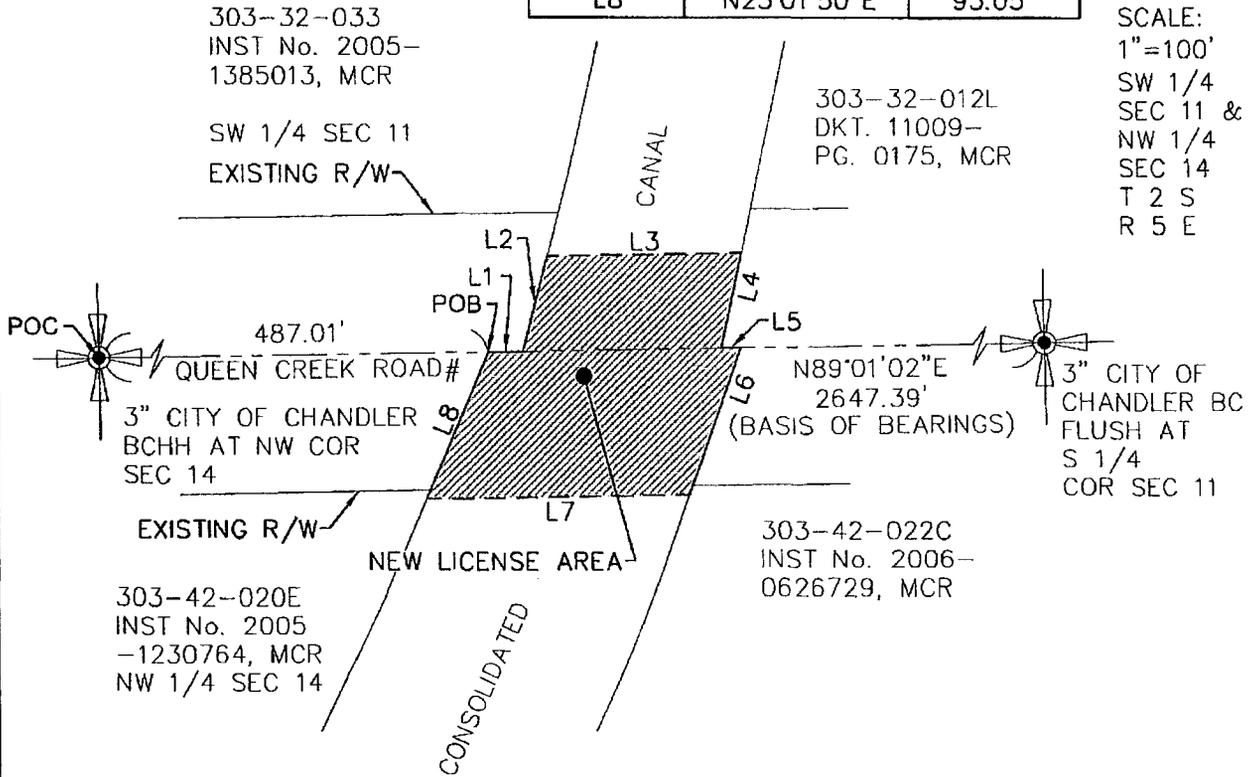
#INST No. #05-0435177, MCR  
 #INST No. #05-0856834, MCR  
 #INST No. #06-0106328, MCR  
 #INST No. #01-0347875, MCR  
 # = RIGHT-OF-WAY REFERENCE

NEW LICENSE AREA  
 = 19,193.62 S.F.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°01'02"E	20.20'
L2	N14°48'12"E	57.16'
L3	N89°01'02"E	114.01'
L4	S12°09'47"W	56.48'
L5	N89°01'02"E	11.36'
L6	S19°42'00"W	90.86'
L7	S89°01'02"W	154.05'
L8	N23°01'50"E	93.05'



SCALE:  
 1" = 100'  
 SW 1/4  
 SEC 11 &  
 NW 1/4  
 SEC 14  
 T 2 S  
 R 5 E



**McQUEEN ROAD IMPROVEMENTS**  
**PROJECT No.: 28012**  
**NEW SRP LICENSE AREA**

Date: 06/25/09

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 Phoenix, AZ 85012  
 Ph: 602-263-1177  
 Fax: 602-277-6286



EXPIRES 6/30/2011

# QUEEN CREEK ROAD LICENSE AREA EXHIBIT A LEGAL DESCRIPTION

Roadway license area over the Consolidated Canal as shown in Instrument Number 2009-0317542, Maricopa County Records (MCR) and Book 186, Page 42, MCR and located in the Northwest Quarter of Section 14 and the Southwest Quarter of Section 11 respectively, Township 2 South, Range 5 East of the Gila & Salt River Meridian, City of Chandler, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northwest corner of said Section 14 (3" City of Chandler brass cap in hand hole) from which point the north quarter corner thereof (3" City of Chandler brass cap flush) bears N 89°01'02" E a distance of 2647.39 feet;

Thence N 89°01'02" E, along the north line of said Northwest Quarter, a distance of 487.01 feet to the POINT OF BEGINNING;

Thence N 89°01'02" E, continuing along said north line, a distance of 20.20 feet to a point on a west line of said Consolidated Canal;

Thence N 14°48'12" E, along said west line, a distance of 57.16 feet;

Thence N 89°01'02" E, across said Consolidated Canal, a distance of 114.01 feet to a point on an east line thereof;

Thence S 12°09'47" W, along said east line, a distance of 56.48 feet to a point on said north line of the Northwest Quarter;

Thence N 89°01'02" E, along said north line, a distance of 11.36 feet to a point on said east line;

Thence S 19°42'00" W, along said east line, a distance of 90.86 feet;

Thence S 89°01'02" W, across said Consolidated Canal, a distance of 154.05 feet to a point on said west line of the Consolidated Canal;

Page 2 of 3

**McQUEEN ROAD IMPROVEMENTS**  
**PROJECT No.: 28012**  
**NEW SRP LICENSE AREA**

**Date:** 06/25/09

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EXPIRES 6/30/2011

# QUEEN CREEK ROAD LICENSE AREA EXHIBIT A LEGAL DESCRIPTION

Thence N 23°01'50" E, along said west line, a distance of 93.05 feet to the POINT OF BEGINNING.

The above described easement contains 0.4406 acre of land (19,193.62 s.f.), more or less, including any easements of record.

The basis of bearing for the above description is N 89°01'02" E for the north line of the Northwest Quarter of Section 14, Township 2 South, Range 5 East of the Gila & Salt River Meridian, City of Chandler, Maricopa County, Arizona as shown on the PLSS Subdivision Record of Survey-Maricopa County Geodetic Densification and Cadastral Survey recorded in Book 589, Page 48, Maricopa County Records.

Page 3 of 3

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**PROJECT No.: 28012**  
**NEW SRP LICENSE AREA**

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**Ph: 602-263-1177**  
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EXPIRES 6/30/2011

**WHEN RECORDED MAIL TO:**

**SALT RIVER PROJECT**

Land Department/PAB350

P. O. Box 52025

Phoenix, Arizona 85072-2025

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**RIGHT OF WAY LICENSE**

---

Maricopa County

R/W No.1894, 2011

Agt. PJH

WPJH C JAG

**KNOW ALL MEN BY THESE PRESENTS:**

That for the consideration of One (\$1.00) Dollar and other valuable considerations, **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, Licensor, hereby grants to the **CITY OF CHANDLER, an Arizona municipal corporation**, Licensee, a Right of Way License ("License") conveying the nonexclusive right and privilege to enter upon and use the following described certain real property ("Licensed Property") for roadway, landscaping, water, and sewer lines, situated in the County of Maricopa, State of Arizona, to-wit:

See Exhibit A attached hereto and by reference made a part hereof.

This License is subject to the paramount rights of the United States of America ("USA") in and to the Licensed Property, federal reclamation law, and all agreements existing and to be made between and among the U.S.A., the Salt River Valley Water Users' Association ("Association") and Licensor regarding the management, care, operation and maintenance of the Reclamation Project.

The License herein granted shall be subject to the following additional conditions:

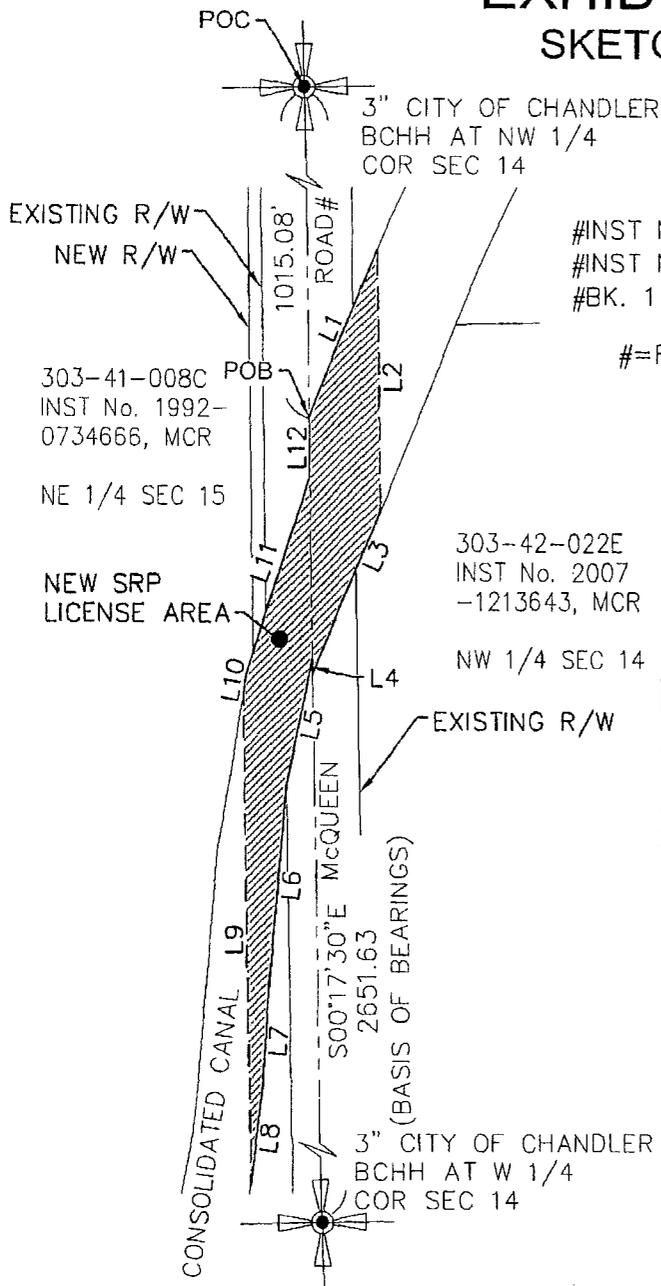
- 1) Licensor shall retain the prior right to construct, reconstruct, operate and maintain its existing and future irrigation, electrical and telecommunication facilities within the Licensed Property herein granted.
- 2) This License is nonexclusive and nothing herein shall be construed to prevent or restrict Licensor from granting other privileges to use the Licensed Property in a manner not inconsistent with Licensee's use of the Licensed Property in accordance with this License.

- 3) Licensor shall not be liable for any expense, cost or charge arising from Licensee's exercise of rights granted herein. Licensee shall reimburse Licensor for all costs and expenses incurred by Licensor to remove or relocate irrigation or electrical facilities and landscaping to accommodate the purposes for which this License is issued.
- 4) Prior to making any improvements or requesting any proposed alteration to existing structures within the Licensed Property, Licensee shall submit plans for Licensor's approval. Such approval shall not be unreasonably withheld.
- 5) To the extent not prohibited by law, Licensee, its successors and assigns, shall indemnify, release, and hold harmless Licensor, Association and the United States of America, and the directors, officers, employees, agents, successors and assigns thereof, against and from any claim, demand, lawsuit or action of any kind for damages or loss, whether such damage or loss is to person or property, arising out of: (a) acts or omissions of Licensee, its agents, officers, directors, or employees; (b) Licensee's use or occupancy of the Licensed Property for the purposes contemplated by this License, including but not limited to claims by third parties who are invited or permitted onto the Licensed Property, either expressly or impliedly, by Licensee or by the nature of Licensee's improvement or other use of the Licensed Property pursuant to this License; (c) Licensee's failure to comply with or fulfill its obligations established by this License or by law. Such obligation to indemnify shall extend to and encompass all costs incurred by Licensor in defending against such claims, demands, lawsuits or actions, including but not limited to attorney, witness and expert witness fees, and any other litigation related expenses. Licensee's obligation pursuant to this Section shall not extend to liability attributable to the sole exclusive negligence or willful action of Licensor, its directors, officers, employees, agents, successors or assigns for which Licensor shall indemnify Licensee. The provisions of this Section shall survive termination of this License.
- 6) The License herein granted is subject to all prior licenses, leases, and easements of record.
- 7) Either party may terminate this License without cause upon not less than 360 days written notice.





# McQUEEN ROAD SRP LICENSE AREA EXHIBIT A SKETCH



#INST No. #07-1213644, MCR  
 #INST No. #07-1100884, MCR  
 #BK. 1 OF ROAD MAPS, PG.41, MCR

#=RIGHT-OF-WAY REFERENCE

SCALE:  
 1"=250'  
 NE 1/4  
 SEC 15 &  
 NW 1/4  
 SEC 14  
 T 2 S  
 R 5 E

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NEW LICENSE AREA  
 = 80,915.11 S.F.

**McQUEEN ROAD IMPROVEMENTS**  
**PROJECT No.: 28012**  
**NEW SRP LICENSE AREA**

Date: 06/18/09

Preparing Firm: **RITICH-POWELL & ASSOCIATES, INC.**  
 3800 N. Central Ave., Suite 605  
 Phoenix, AZ 85012  
 Ph: 602-263-1177  
 Fax: 602-277-6286



EXPIRES 6/30/2011

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Roadway license area over the Consolidated Canal as shown in Instrument Number 2009-0317542, Maricopa County Records (MCR) and Book 215, Page 8, MCR and located in the Northwest Quarter of Section 14 and the Northeast Quarter of Section 15 respectively, Township 2 South, Range 5 East of the Gila & Salt River Meridian, City of Chandler, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northwest corner of said Section 14 (3" City of Chandler brass cap in hand hole) from which point the west quarter corner thereof (3" City of Chandler brass cap in hand hole) bears S 00°17'30" E a distance of 2651.63 feet;

Thence S 00°17'30" E, along the west line of said Northwest Quarter, a distance of 1015.08 feet to the POINT OF BEGINNING;

Thence N 22°18'01" E, along a north line of said Consolidated Canal, a distance of 260.30 feet;

Thence S 00°17'30" E, across said canal, a distance of 372.84 feet to a point on a south line thereof;

Thence S 22°55'24" W, along said south line, a distance of 253.69 feet to a point on said west line of the Northwest Quarter;

Thence N 00°17'30" W, along said west line, a distance of 23.39 feet to a point on said south line;

Thence along said south line the following four (4) courses and distances:

Thence S 12°04'11" W a distance of 183.97 feet;

Thence S 05°28'44" W a distance of 299.36 feet;

Thence S 04°16'58" W a distance of 134.35 feet;

Thence S 07°36'14" W a distance of 144.15 feet;

Page 2 of 3

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NEW SRP LICENSE AREA**  
Date: 06/18/09

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EXPIRES 6/30/2011

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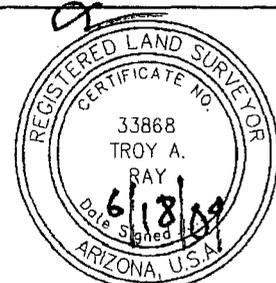
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EXPIRES 6/30/2011

**WHEN RECORDED MAIL TO:**

**SALT RIVER PROJECT**  
Land Department/PAB350  
P. O. Box 52025  
Phoenix, Arizona 85072-2025

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**RIGHT OF WAY LICENSE**

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Maricopa County

R/W No. 1894A, 1894B  
Agt. PJH  
WRHC JAK

**KNOW ALL MEN BY THESE PRESENTS:**

That for the consideration of One (\$1.00) Dollar and other valuable considerations, **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, Licensor, hereby grants to the **CITY OF CHANDLER, an Arizona municipal corporation**, Licensee, a Right of Way License ("License") conveying the nonexclusive right and privilege to enter upon and use the following described certain real property ("Licensed Property") for roadway, landscaping, water, and sewer lines, situated in the County of Maricopa, State of Arizona, to-wit:

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The License herein granted shall be subject to the following additional conditions:

- 1) Licensor shall retain the prior right to construct, reconstruct, operate and maintain its existing and future irrigation, electrical and telecommunication facilities within the Licensed Property herein granted.
- 2) This License is nonexclusive and nothing herein shall be construed to prevent or restrict Licensor from granting other privileges to use the Licensed Property in a manner not inconsistent with Licensee's use of the Licensed Property in accordance with this License.

- 3) Licensor shall not be liable for any expense, cost or charge arising from Licensee's exercise of rights granted herein. Licensee shall reimburse Licensor for all costs and expenses incurred by Licensor to remove or relocate irrigation or electrical facilities and landscaping to accommodate the purposes for which this License is issued.
- 4) Prior to making any improvements or requesting any proposed alteration to existing structures within the Licensed Property, Licensee shall submit plans for Licensor's approval. Such approval shall not be unreasonably withheld.
- 5) To the extent not prohibited by law, Licensee, its successors and assigns, shall indemnify, release, and hold harmless Licensor, Association and the United States of America, and the directors, officers, employees, agents, successors and assigns thereof, against and from any claim, demand, lawsuit or action of any kind for damages or loss, whether such damage or loss is to person or property, arising out of: (a) acts or omissions of Licensee, its agents, officers, directors, or employees; (b) Licensee's use or occupancy of the Licensed Property for the purposes contemplated by this License, including but not limited to claims by third parties who are invited or permitted onto the Licensed Property, either expressly or impliedly, by Licensee or by the nature of Licensee's improvement or other use of the Licensed Property pursuant to this License; (c) Licensee's failure to comply with or fulfill its obligations established by this License or by law. Such obligation to indemnify shall extend to and encompass all costs incurred by Licensor in defending against such claims, demands, lawsuits or actions, including but not limited to attorney, witness and expert witness fees, and any other litigation related expenses. Licensee's obligation pursuant to this Section shall not extend to liability attributable to the sole exclusive negligence or willful action of Licensor, its directors, officers, employees, agents, successors or assigns for which Licensor shall indemnify Licensee. The provisions of this Section shall survive termination of this License.
- 6) The License herein granted is subject to all prior licenses, leases, and easements of record.
- 7) Either party may terminate this License without cause upon not less than 360 days written notice.





# QUEEN CREEK ROAD LICENSE AREA EXHIBIT A SKETCH

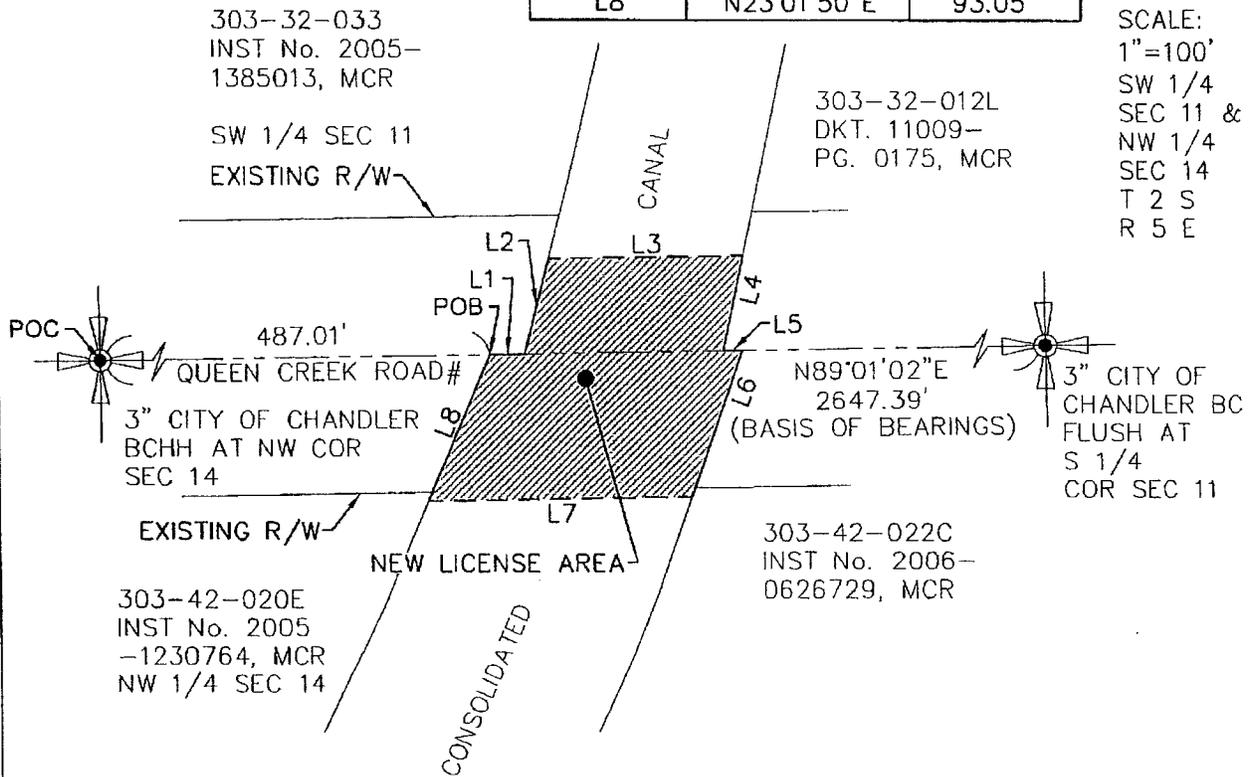
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L7	S89°01'02"W	154.05'
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SCALE:  
 1" = 100'  
 SW 1/4  
 SEC 11 &  
 NW 1/4  
 SEC 14  
 T 2 S  
 R 5 E



303-32-033  
 INST No. 2005-  
 1385013, MCR  
 SW 1/4 SEC 11  
 EXISTING R/W

303-32-012L  
 DKT. 11009-  
 PG. 0175, MCR

POC  
 487.01'  
 QUEEN CREEK ROAD#  
 3" CITY OF CHANDLER  
 BCHH AT NW COR  
 SEC 14

N89°01'02"E  
 2647.39'  
 (BASIS OF BEARINGS)

3" CITY OF  
 CHANDLER BC  
 FLUSH AT  
 S 1/4  
 COR SEC 11

EXISTING R/W  
 303-42-020E  
 INST No. 2005  
 -1230764, MCR  
 NW 1/4 SEC 14

NEW LICENSE AREA

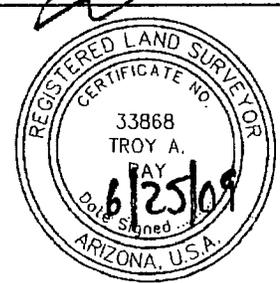
303-42-022C  
 INST No. 2006-  
 0626729, MCR

CONSOLIDATED

**McQUEEN ROAD IMPROVEMENTS**  
**PROJECT No.: 28012**  
**NEW SRP LICENSE AREA**

**Date:** 06/25/09

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# QUEEN CREEK ROAD LICENSE AREA EXHIBIT A LEGAL DESCRIPTION

Roadway license area over the Consolidated Canal as shown in Instrument Number 2009-0317542, Maricopa County Records (MCR) and Book 186, Page 42, MCR and located in the Northwest Quarter of Section 14 and the Southwest Quarter of Section 11 respectively, Township 2 South, Range 5 East of the Gila & Salt River Meridian, City of Chandler, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northwest corner of said Section 14 (3" City of Chandler brass cap in hand hole) from which point the north quarter corner thereof (3" City of Chandler brass cap flush) bears N 89°01'02" E a distance of 2647.39 feet;

Thence N 89°01'02" E, along the north line of said Northwest Quarter, a distance of 487.01 feet to the POINT OF BEGINNING;

Thence N 89°01'02" E, continuing along said north line, a distance of 20.20 feet to a point on a west line of said Consolidated Canal;

Thence N 14°48'12" E, along said west line, a distance of 57.16 feet;

Thence N 89°01'02" E, across said Consolidated Canal, a distance of 114.01 feet to a point on an east line thereof;

Thence S 12°09'47" W, along said east line, a distance of 56.48 feet to a point on said north line of the Northwest Quarter;

Thence N 89°01'02" E, along said north line, a distance of 11.36 feet to a point on said east line;

Thence S 19°42'00" W, along said east line, a distance of 90.86 feet;

Thence S 89°01'02" W, across said Consolidated Canal, a distance of 154.05 feet to a point on said west line of the Consolidated Canal;

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**McQUEEN ROAD IMPROVEMENTS  
PROJECT No.: 28012  
NEW SRP LICENSE AREA**

**Date: 06/25/09**

**Preparing Firm: RITTOCH-POWELL & ASSOCIATES, INC.  
3800 N. Central Ave., Suite 605  
Phoenix, AZ 85012  
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EXPIRES 6/30/2011

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Thence N 23°01'50" E, along said west line, a distance of 93.05 feet to the POINT OF BEGINNING.

The above described easement contains 0.4406 acre of land (19,193.62 s.f.), more or less, including any easements of record.

The basis of bearing for the above description is N 89°01'02" E for the north line of the Northwest Quarter of Section 14, Township 2 South, Range 5 East of the Gila & Salt River Meridian, City of Chandler, Maricopa County, Arizona as shown on the PLSS Subdivision Record of Survey-Maricopa County Geodetic Densification and Cadastral Survey recorded in Book 589, Page 48, Maricopa County Records.

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