

**ORDINANCE NO. 4938**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, GRANTING A UTILITY AND FACILITIES EASEMENT TO ROOSEVELT WATER CONSERVATION DISTRICT (RWCD), AT NO COST, FOR THE CHANDLER HEIGHTS IMPROVEMENT PROJECT FROM MCQUEEN ROAD TO GILBERT ROAD.

WHEREAS, the City of Chandler is undertaking a road widening project for the improvement of Chandler Heights Road from McQueen Road to Gilbert Road (the "Project"); and

WHEREAS, in order to complete the Project, the City of Chandler must relocate and convert RWCD open ditch facilities to piped facilities; and

WHEREAS, RWCD requires an irrigation and facilities easement in the areas where the relocated irrigation facilities will be located in the City's right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

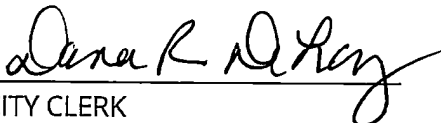
Section 1. That the City Council of the City of Chandler, Arizona, authorizes and approves the granting of an irrigation and facilities easement to RWCD, at no cost, on that certain property legally described and depicted in the attached Exhibit "A".

Section 2. That the granting of said irrigation and facilities easement shall be in substantially the form attached as Exhibit "B".

Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to execute the utility easement and this Ordinance on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 15 day of October, 2020.

ATTEST:

  
CITY CLERK

  
MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 2 day of November, 2020.

ATTEST:

Dana R. DeJoy  
CITY CLERK

Kevin Hanthke  
MAYOR

CERTIFICATION

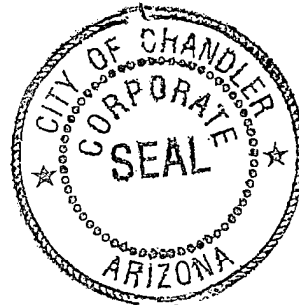
I HEREBY CERTIFY that the above and foregoing Ordinance No. 4938 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 2 day of November 2020, and that a quorum was present thereat.

Dana R. DeJoy  
CITY CLERK

APPROVED AS TO FORM

J. J. Willis  
CITY ATTORNEY

Published:



PUBLISHED in the Arizona Republic on November 13 and November 20, 2020.



**Legal Description  
RWCD Irrigation Easement - Lateral 17  
CITY OF CHANDLER**

Job No. 18-008.10

December 12, 2018

A portion of the southwest quarter of Section 24, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in handhole at the south quarter corner of said Section 24, from which a brass cap in handhole at the southwest corner of said Section 24 bears South 89 degrees 16 minutes 41 seconds West, 2628.72 feet.

Thence along the south line of said southwest quarter, South 89 degrees 16 minutes 40 seconds West, 1393.95 feet to the POINT OF BEGINNING;

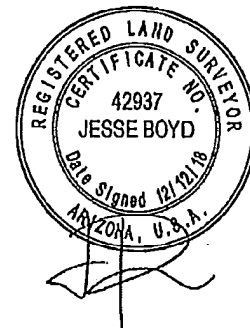
thence continuing along the south line of said southwest quarter, South 89 degrees 16 minutes 41 seconds West, 19.80 feet;

thence North 44 degrees 16 minutes 40 seconds East, 91.92 feet;

thence along a line 65 feet north of an parallel with the south line of said southwest quarter, North 89 degrees 16 minutes 41 seconds East, 19.80 feet;

thence South 44 degrees 16 minutes 40 seconds West, 91.92 feet to the POINT OF BEGINNING.

Contains 1,287 square feet or 0.0295 acres, more or less.



EPS Group, Inc. • 1130 Alma School Road • Mesa, AZ 85201

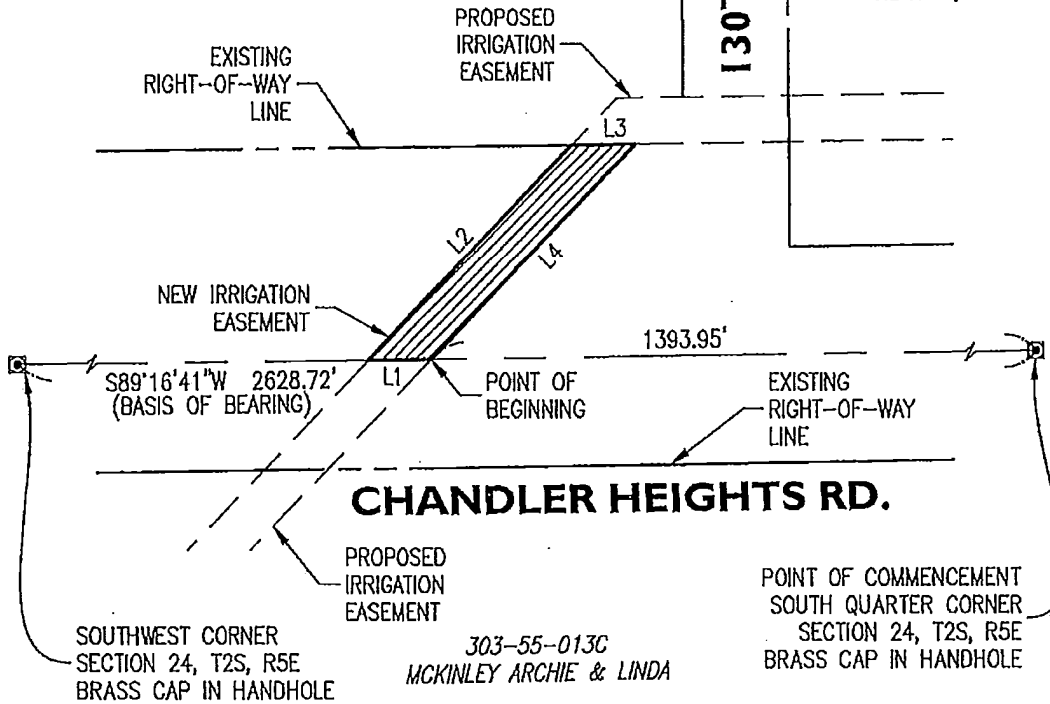
Tel (480) 503-2250 • Fax (480) 503-2258

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PAGE 1 OF 6

303-44-234  
COUNTRYSIDE ESTATES COMMUNITY ASSOCIATION

303-44-007S  
13012 E CHANDLER  
HEIGHTS, LLC



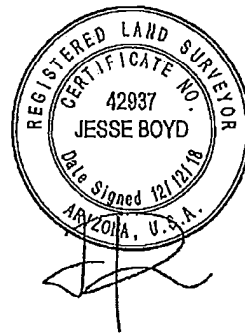
**CHANDLER HEIGHTS RD.**

POINT OF COMMENCEMENT  
SOUTH QUARTER CORNER  
SECTION 24, T2S, R5E  
BRASS CAP IN HANDHOLE

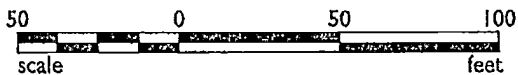
SOUTHWEST CORNER  
SECTION 24, T2S, R5E  
BRASS CAP IN HANDHOLE

303-55-013C  
MCKINLEY ARCHIE & LINDA

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°16'41"W	19.80'
L2	N44°16'40"E	91.92'
L3	N89°16'41"E	19.80'
L4	S44°16'40"W	91.92'



NEW IRRIGATION EASEMENT



www.epsgroupinc.com

18-008.10

EXHIBIT

RWCD IRRIGATION EASEMENT - LATERAL 17  
PAGE 2 OF 6





**Legal Description  
RWCD Irrigation Easement - Lateral 17  
CITY OF CHANDLER**

Job No. 18-008.10

December 12, 2018

A portion of the northwest quarter of Section 25, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in handhole at the north quarter corner of said Section 25, from which a brass cap in handhole at the northwest corner of said Section 25 bears South 89 degrees 16 minutes 41 seconds West, 2628.72 feet.

thence along the north line of said northwest quarter, South 89 degrees 16 minutes 41 seconds West, 1393.94 feet to the POINT OF BEGINNING;

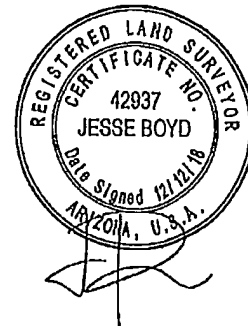
thence South 44 degrees 16 minutes 40 seconds West, 91.92 feet;

thence along a line 65 feet south of and parallel with the north line of the northwest quarter, South 89 degrees 16 minutes 41 seconds West, 19.80 feet;

thence North 44 degrees 16 minutes 40 seconds East, 91.92 feet;

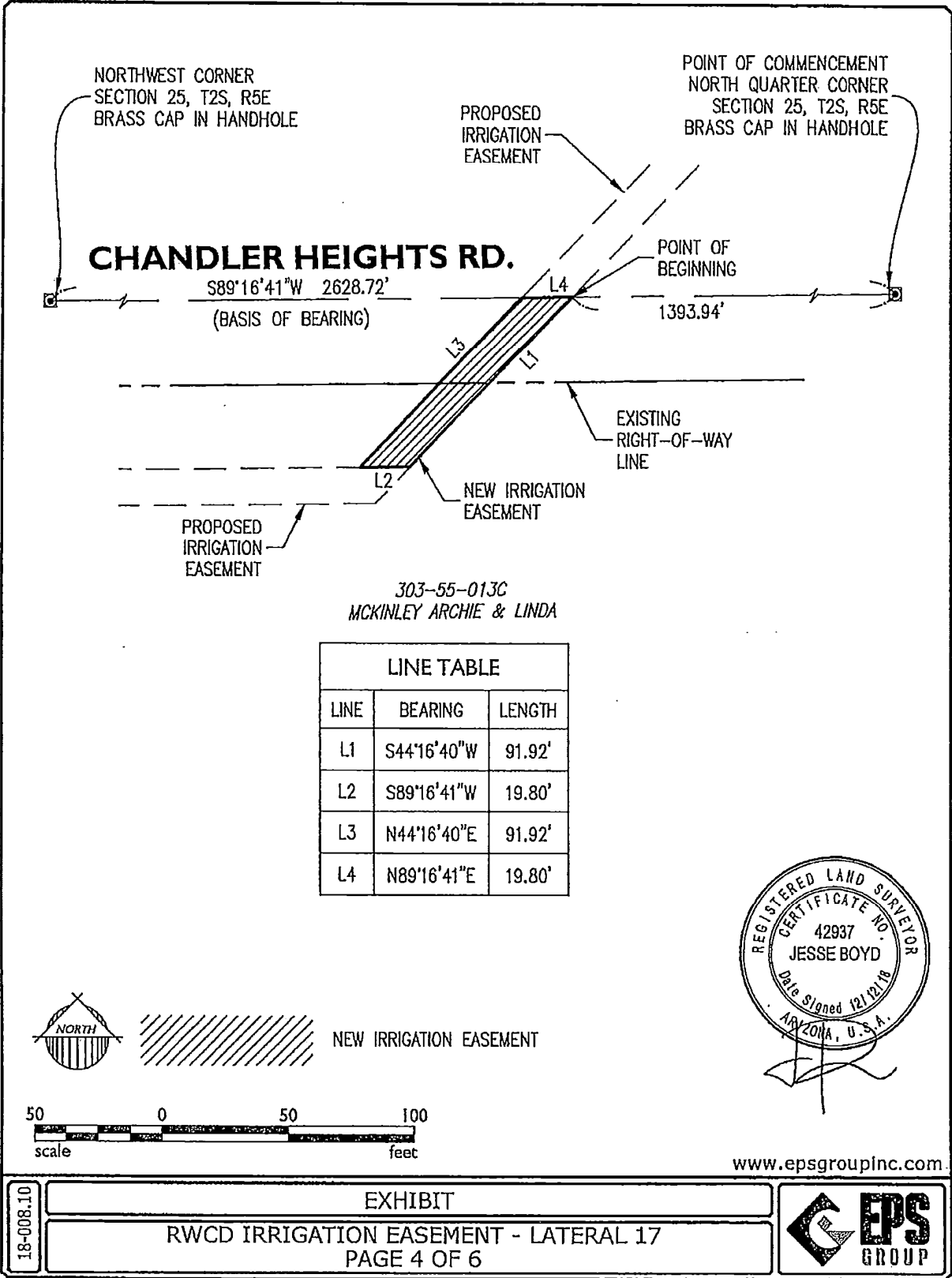
thence along the north line of said northwest quarter, North 89 degrees 16 minutes 41 seconds East, 19.80 feet to the POINT OF BEGINNING.

Contains 1,287 square feet 0.0295 acres, more or less.



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Tel (480) 503-2250 • Fax (480) 503-2258

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\Legal Description\_Legal15\_COC.docx PAGE 3 OF 6





**Legal Description  
RWCD Irrigation Easement - Lateral 17  
CITY OF CHANDLER**

Job No. 18-008.10

December 4, 2018

A portion of the northwest quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in handhole at the north quarter corner of said Section 26, from which a brass cap in handhole at the south quarter corner of said Section 26 bears South 0 degrees 14 minutes 51 seconds East, 5291.44 feet.

Thence along the north-south mid-section line of said Section 26, South 0 degrees 14 minutes 51 seconds East, 65.01 feet;

thence along a line 65 feet south of and parallel with the north line of said northwest quarter, South 88 degrees 48 minutes 19 seconds West, 32.12 feet to the POINT OF BEGINNING;

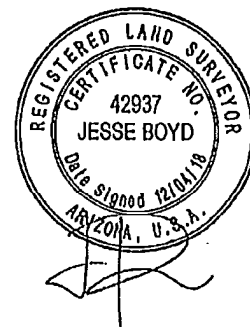
thence continuing along said line, South 88 degrees 48 minutes 19 seconds West, 13.67 feet;

thence North 1 degrees 11 minutes 42 seconds West, 6.50 feet;

thence along a line 58.50 feet south of and parallel with the north line of said northwest quarter, North 88 degrees 48 minutes 19 seconds East, 13.67 feet;

thence South 1 degrees 11 minutes 42 seconds East, 6.50 feet to the POINT OF BEGINNING.

Contains 88.86 square feet or 0.0020 acres, more or less.



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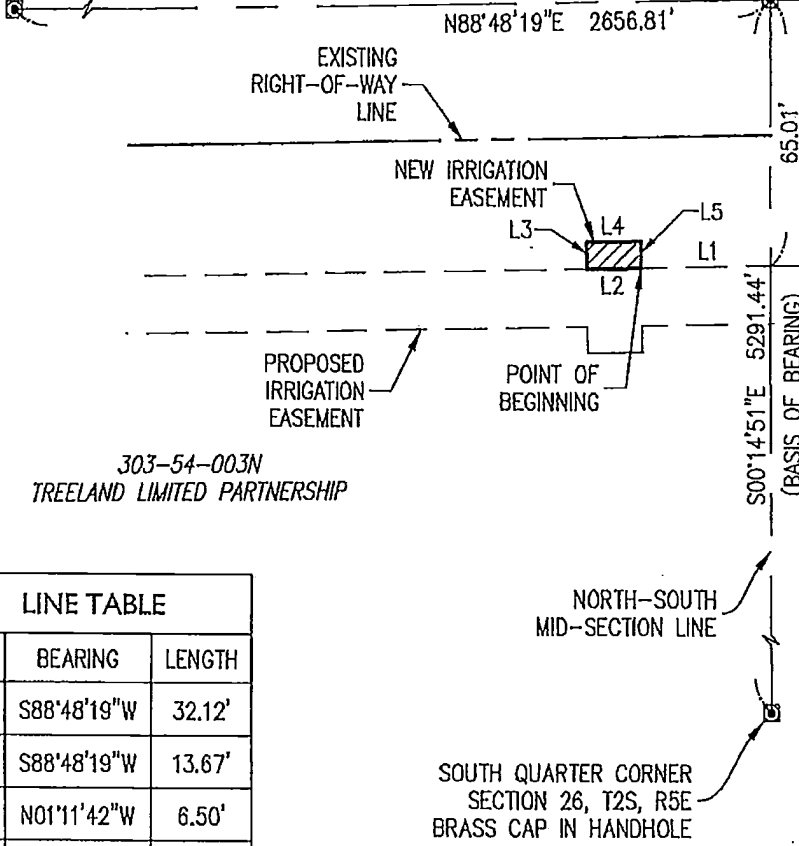
Tel (480) 503-2250 • Fax (480) 503-2258

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\Legal Description\_Legal4\_COC.docx PAGE 5 OF 6

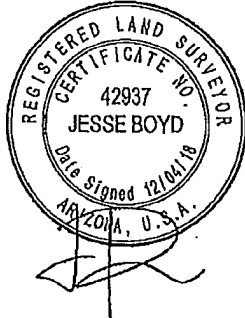
NORTHWEST CORNER  
SECTION 26, T2S, R5E  
BRASS CAP IN HANDHOLE

POINT OF COMMENCEMENT  
NORTH QUARTER CORNER  
SECTION 26, T2S, R5E  
BRASS CAP IN HANDHOLE

**CHANDLER HEIGHTS RD.**



LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°48'19"W	32.12'
L2	S88°48'19"W	13.67'
L3	N01°11'42"W	6.50'
L4	N88°48'19"E	13.67'
L5	S01°11'42"E	6.50'



NEW IRRIGATION EASEMENT



www.epsgrouplnc.com

18-008.10

EXHIBIT  
RWCD IRRIGATION EASEMENT - LATERAL 17  
PAGE 6 OF 6





**WHEN RECORDED RETURN TO:**

Roosevelt Water Conservation District P.O. Box 100  
15400 S. Higley Road  
Higley, AZ 85236

**ROOSEVELT WATER CONSERVATION DISTRICT  
IRRIGATION FACILITIES EASEMENT**

(RWCD Lat 17,5-3W - T06 ST112 - Easement No. 6 - Clout West of Val Vista)

**SE¼ S29 T2S R5E  
Maricopa County G&SRM**

**CITY OF CHANDLER**, a municipal corporation ("Grantor"), for and in consideration of the sum of Ten Dollars and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an Arizona irrigation and water conservation district organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon, and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of construction, installation, maintenance, operation, repair, reconstruction, replacement, removal, and access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution, and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as Grantee may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the of the Southeast ¼ of Section 29, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee records a document to formally abandon the Easement Grantee's rights hereunder to the part or the property abandoned shall cease and Grantee's rights to the part of the property abandoned shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns, and lessees.

Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Easement Agreement this \_\_\_\_ day of \_\_\_\_\_, 2020.

GRANTOR:  
CITY OF CHANDLER, an Arizona municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF ARIZONA            )  
  ) ss.  
COUNTY OF MARICOPA        )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, the foregoing Instrument was acknowledged before me by \_\_\_\_\_, the \_\_\_\_\_ of the CITY OF CHANDLER, an Arizona municipal corporation, and such authorized representative acknowledged that this document was executed on behalf of the municipal corporation for the purposes therein contained.

My Commission Expires: \_\_\_\_\_  
Notary Public

APPROVED AS TO FORM

CITY ATTORNEY 

GRANTEE:  
ROOSEVELT WATER CONSERVATION DISTRICT

By: \_\_\_\_\_  
Shane M. Leonard, General Manager

STATE OF ARIZONA        )  
                                  ) ss.  
COUNTY OF MARICOPA    )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, the foregoing instrument was acknowledged before me by Shane M. Leonard, the General Manager of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

My Commission Expires:

\_\_\_\_\_  
Notary Public