

Staff Summary Report

Council Meeting Date: 08/14/2008

Agenda Item Number: _____

SUBJECT: This is the **introduction and first public hearing** to adopt an ordinance granting an easement to Salt River Project to install and maintain the facilities necessary to provide electrical service across City-owned property at 230 E. Marigold Lane. The second public hearing is scheduled for **September 11, 2008**.

DOCUMENT NAME: 20080814PWCH05 EASEMENTS (0904-02)
ORDINANCE NO. 2008.33

SUPPORTING DOCS: Yes

COMMENTS: Salt River Project has requested an underground electrical line easement across a portion of City-owned property at 230 E. Marigold Lane (aka parcel number 132-04-003c) as described in the attached Exhibits. The electrical service is to serve a cell tower located in that area. Approval of this ordinance will result in the grant of a permanent easement to Salt River Project to allow the installation and maintenance of an electrical line and related equipment.

PREPARED BY: Larry Shobe, Engineering Services Administrator (x8417)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8205)

LEGAL REVIEW AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.33 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.33

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, GRANTING AN ELECTRICAL LINE EASEMENT TO SALT RIVER PROJECT, ON A PORTION OF CITY OWNED PROPERTY AT 230 E. MARIGOLD LANE (AKA ASSESSOR'S PARCEL NUMBER 132-04-003C) LOCATED IN SECTION 10, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AS DESCRIBED IN THE ATTACHED EXHIBITS.

WHEREAS, it has been determined that the City of Tempe owns certain real estate described herein, and,

WHEREAS, Salt River Project has requested an easement for the placement of an underground electrical line and related equipment on said property, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS

Section 1. That the City of Tempe does hereby authorize the granting of an easement to Salt River Project on the property described in, and in the form attached hereto as, Exhibit A and A-1 consisting of 2 pages.

Section 2. That the easement and other rights granted to Salt River Project shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

Section 3. The Mayor is authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

Ordinance No. 2008.33
Page Two

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA this _____ day of September, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

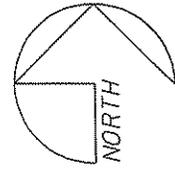
City Attorney

EXHIBIT "A"

Grantor's Property

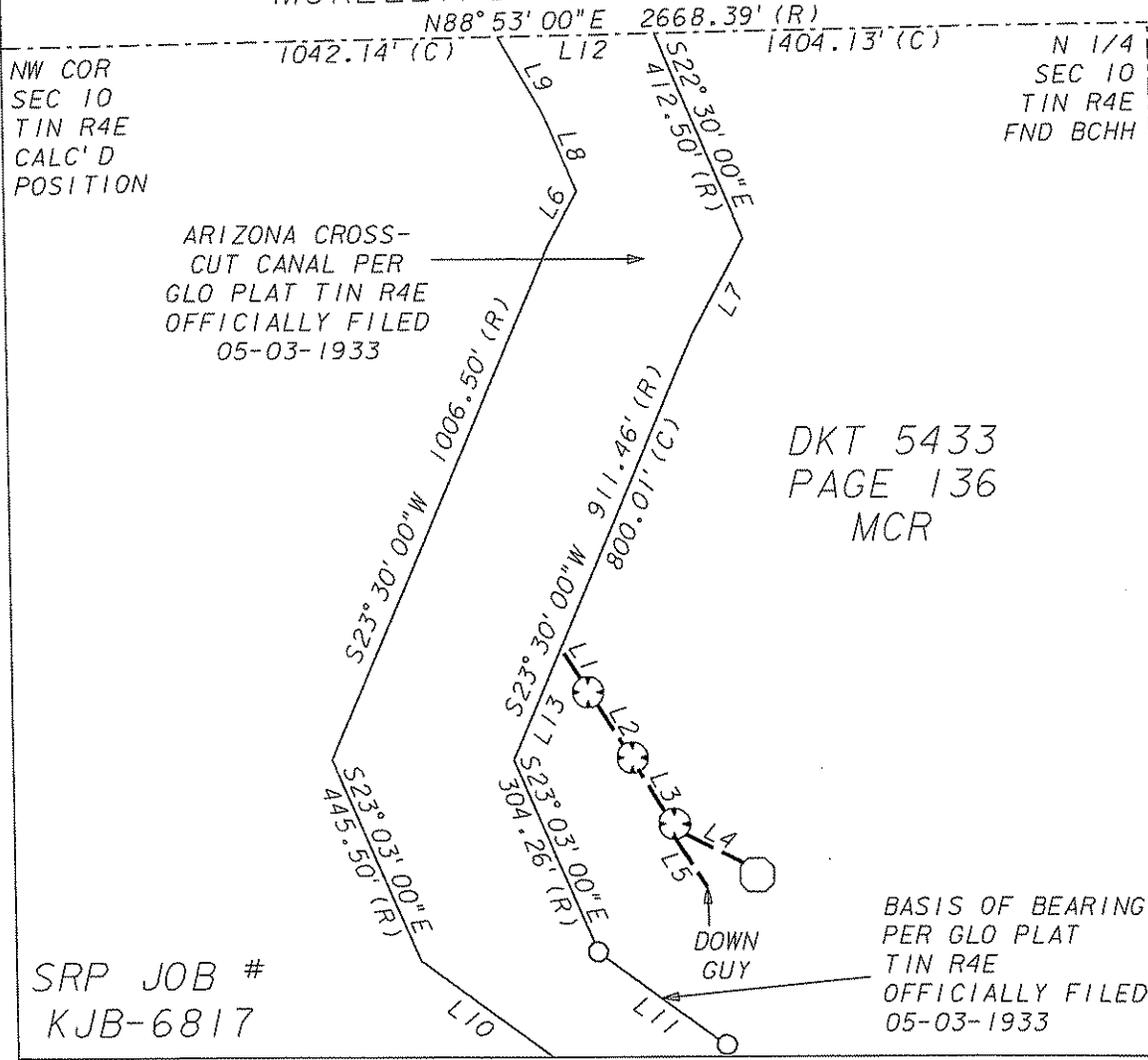
Lot 1, Section 10, Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, as described in Docket 5433, page 136, records of Maricopa County, Arizona.

EXHIBIT "A-1"



N.T.S.

MCKELLIPS ROAD (ALIGNMENT)



DKT 5433
PAGE 136
MCR

SRP JOB #
KJB-6817

SALT RIVER PROJECT A.1.
& POWER DISTRICT

CITY OF PHOENIX CELL TOWER NW 1/4 SEC 10 TIN R4E

UNDERGROUND & OVERHEAD ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY	DESIGNED <u>E. APPLEGET</u> AGENT: <u>M. TILLER</u>
	DRAWN <u>M. GOREHAM</u> APPROVED: _____
	DATE <u>03-12-08</u> CHECKED BY: _____
	SCALE <u>N.T.S.</u> SHEET <u>1</u> OF <u>2</u>

EXHIBIT "A-1"

LINE TABLE		
	BEARING	DISTANCE
L1	S32° 16' 41" E	125.45' (C)
L2	S32° 17' 16" E	135.01' (M)
L3	S32° 16' 43" E	179.97' (M)
L4	S63° 29' 10" E	10.68' (M)
L5	S32° 16' 47" E	25.00' (M)
L6	S28° 31' 00" W	309.54' (R)
L7	S28° 31' 00" W	396.00' (R)
L8	S22° 30' 00" E	349.80' (R)
L9	S30° 04' 00" E	48.84' (R)
L10	S53° 42' 00" E	212.52' (R)
L11	S53° 42' 00" E	228.36' (R)
L12	N88° 53' 00" E	222.12' (C)
L13	S23° 30' 00" W	111.45' (C)

LEGEND

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- ⊗ SRP POLE
- GLO MONUMENT (ANGLE POINT)
- EQUIPMENT PAD 7.5' x 5.5' - ARE PART OF THE EASEMENT UNLESS OTHERWISE NOTED.

THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

SALT RIVER PROJECT A.1. & POWER DISTRICT	
CITY OF PHOENIX CELL TOWER NW 1/4 SEC 10 TIN R4E UNDERGROUND & OVERHEAD ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY	
DESIGNED <u>E. APPLEGET</u> AGENT	<u>M. TILLER</u>
DRAWN <u>M. GOREHAM</u>	APPROVED: _____
DATE <u>03-12-08</u>	CHECKED BY: _____
SCALE <u>N.T.S.</u>	SHEET <u>2</u> OF <u>2</u>

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT
Land Department/PAB400
P. O. Box 52025
Phoenix, Arizona 85072-2025

OVERHEAD AND UNDERGROUND POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel # 132-04-003C
NW4 Sec. 10 T1N R4E

R/W # 2335A Agt. MNT
Job # KJB-6817
W _____ C _____

CITY OF TEMPE,
a municipal corporation of the State of Arizona,

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described in the attached legal description on Exhibit A and A-1 attached hereto and a part hereof, to construct, install, reconstruct, replace, remove, repair, operate and maintain a line of poles with wires suspended thereon and all necessary and proper guys, anchorage, crossarms, braces, underground electrical conductors, underground conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes, transformers and all other appliances, appurtenances and fixtures for the transmission and distribution of electricity, and for all other purposes connected therewith (collectively "Facilities") at such locations and elevations, in, upon, over, under, across, through and along the Grantor's Property, as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Easement Parcel.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property:

A portion of Lot 1, Section 10, Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described on the attached Exhibit A.

Easement Parcel:

Said easement being 8.00 feet in width, lying 4.00 feet on each side of the line described as "CENTERLINE OF 8' EASEMENT" as shown on Exhibit A-1, including equipment pad areas, prepared by SRP Surveys Department, dated March 12, 2008, attached hereto and by this reference made a part hereof.

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation. Notice is also hereby given that any activity performed within the Easement Parcel shall comply with the Arizona Overhead Powerline Safety Law, Arizona Revised Statutes 40-360.41-45.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

IN WITNESS WHEREOF, **CITY OF TEMPE**, a municipal corporation of the State of **Arizona**, has caused its name to be executed by its duly authorized representative(s), this _____ day of _____, _____.

CITY OF TEMPE,
a municipal corporation of the State of Arizona,

By _____

Its _____

By _____

Its _____

STATE OF _____)

) ss

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ and _____ as _____ and _____, respectively, of **CITY OF TEMPE, a municipal corporation of the State of Arizona**, on behalf of such corporation.

My Commission Expires:

Notary Public

Notary Stamp/Seal

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).