

## Staff Summary Report



Council Meeting Date: 05/07/2009

Agenda Item Number: \_\_\_\_\_

**SUBJECT:** This is the second public hearing to adopt an ordinance granting a Power Distribution Easement to SRP for the Pier at Town Lake, located at 11 South Clubview Drive.

**DOCUMENT NAME:** 20090507PWWS03 EASEMENT (0904-02) Ordinance No. 2009.19

**COMMENTS:** The City of Tempe desires to grant the Power Distribution Easement to SRP for Tract A, parcel number 132-32-014.

**PREPARED BY:** Wendy Springborn-Pitman, Engineering Services Administrator (x8250)

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

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

**LEGAL REVIEW BY:** Cynthia McCoy, Assistant City Attorney (x2187)

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Adopt Ordinance No. 2009.19 and authorize the Mayor to execute any necessary documents.

**ADDITIONAL INFO:** This easement will enable SRP to provide electrical power to future city facilities.

ORDINANCE NO. 2009.19

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, GRANTING A POWER DISTRIBUTION EASEMENT TO SRP ON TRACT A, PIER 202, IN THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA AS DESCRIBED IN THE ATTACHED EXHIBIT.

\*\*\*\*\*

WHEREAS, SRP has requested a Power Distribution Easement from the City,  
and

WHEREAS, the Power Distribution Easement will be located on certain real property more particularly described on Exhibit "A", and will enable SRP to provide electricity to future City facilities; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to grant said easement.

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 grant of a power distribution easement to SRP over the property described in, and in the form attached hereto as Exhibit "A".

**Section 2.** The Mayor is hereby authorized to execute any documents that may be necessary to implement this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

Ordinance No. 2009.19  
Page Two

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

This \_\_\_\_\_ day of May, 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# EXHIBIT A

## WHEN RECORDED MAIL TO:

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

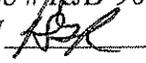
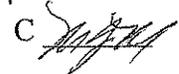
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### POWER DISTRIBUTION EASEMENT

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Maricopa County  
Parcel #132-32-014  
NE/4, SEC 14, T1N, R4E

Agt. BGR  
Job # KJB-9054

W  C 

### CITY OF TEMPE, a municipal corporation

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 (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel 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 Grantor's Property.

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:

Tract A, PIER 202, according to Book 943 of Maps, Page 33, records of Maricopa County, Arizona.

#### Easement Parcel:

Said easement being 8.00 feet in width, lying 4.00 feet on each side of the centerline (centerline of 8.00 foot easement) as delineated/depicted on the Exhibit "A", as prepared by CMX, dated 03-06-09 and by 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.

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.



**SRP JOB INFORMATION:**

SRP JOB NAME: PIER 202 INFRASTRUCTURE-S/L  
SRP JOB NO. : KJB-9054  
COORDINATES: 22 9/16 E 3 9/16 N  
SECTION 14, TOWNSHIP 1 NORTH, RANGE 4 EAST

**APPROVED**

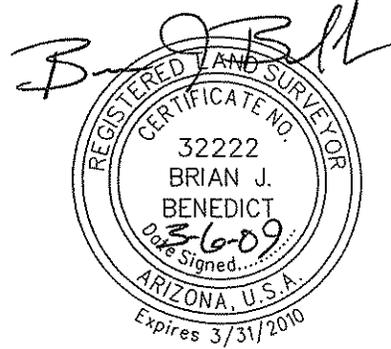
03-09-09

**SURVEY CREW:**

MIKE MILLS, DECEMBER 2008

**OWNER:**

CITY OF TEMPE  
132 E. 6TH STREET  
SUITE 101  
TEMPE, ARIZONA 85281



**BASIS OF BEARING:**

BASIS OF BEARING IS SOUTH 89°21'07" EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA PER DOCUMENT NO. 2007-1062868 ALSO KNOWN AS BOOK 949, PAGE 48, M.C.R.

**NOTE:**

1. ALL DIMENSIONS SHOWN ON THESE DRAWINGS REPRESENT HORIZONTAL GROUND DISTANCES, REPORTED IN INTERNATIONAL FEET AND DECIMALS OF INTERNATIONAL FEET, UNLESS SPECIFICALLY NOTED DIFFERENTLY.
2. THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT DOCUMENT.
3. EQUIPMENT PAD(S) ARE A PART OF THE EASEMENT UNLESS OTHERWISE NOTED.
4. THE EASEMENT LOCATED 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 STATUES, SECTION 40-380.21, ET.SWG., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.
5. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON THE RECORDED PLAT OF PIER 202 PREPARED BY LP/GAS ENGINEERING SIGNED BY RANDALL P. PHELPS DATED 8-16-07 AND PIER 202-AMMENDED PREPARED BY LP/GAS ENGINEERING SIGNED BY RANDALL P. PHELPS DATED 9-19-07.

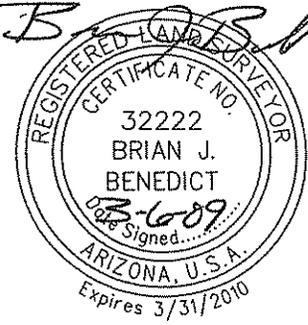
|                     |   |   |
|---------------------|---|---|
| CMX PROJ. 7354.S001 | EXHIBIT "A"<br>PIER 202-TRACT A<br>TEMPE, ARIZONA | <br>MESA OFFICE<br>4135 S. POWER RD. STE 103, MESA, AZ<br>PH (480) 656-5500 FAX (480) 656-5501 |
| DATE: 03/06/09      |   |   |
| SCALE: NONE         |   |   |
| DRAWN BY: JDL       | EXHIBIT - SHEET 1 OF 4                            |   |
| CHECKED BY: BJB     |   |   |

# CERTIFICATION

THESE RESULTS ARE BASED ON DATA GATHERED FROM FIELD SURVEY MEASUREMENT WORK PERFORMED UNDER MY OVERALL DIRECTION. THE PURPOSE OF SAID RESULTS OF SURVEY IS TO BECOME THE BASIS FOR THE PREPARATION OF SRP ELECTRIC AND/OR IRRIGATION UTILITY LAND RIGHTS DOCUMENTS, AND EXHIBITS, AND IT WAS CREATED AND/OR GATHERED SOLELY TO MEET THAT SPECIFIC PURPOSE, USAGE BY OTHERS FOR ANY OTHER PURPOSE MAY NOT BE APPROPRIATE. IT IS ENTIRELY THE RESPONSIBILITY OF ANY OTHER USERS TO DETERMINE ITS SUITABILITY FOR ANOTHER PURPOSE.

*Brian J. Benedict* 36-09 32222

BRIAN J. BENEDICT                      DATE                      NUMBER  
 CMX  
 7740 NORTH 16TH ST.  
 SUITE 100  
 PHOENIX, AZ 85020  
 (602) 567-1900



## LEGEND

- ⊗ FOUND BRASS CAP IN HAND HOLE
- ⊙ FOUND BRASS CAP FLUSH
- FOUND 1/2" REBAR W/CAP RLS 19344
- MONUMENT LINE
- PROPERTY BOUNDARY
- - - - - EASEMENT LINE
- EM ELECTRIC MARKER
- (M) MEASURED
- (R) RECORD
- (C) CALCULATED
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- - - - - CENTERLINE OF PROPOSED 8' ELECTRIC EASEMENT

## STATE PLANE COORDINATES:

THE COORDINATES REPRESENTED IN THIS TABLE ARE STATE PLANE COORDINATES (GRID) NAD83 (EPOCH 1999), ARIZONA CENTRAL ZONE (202) VALUES IN INTERNATIONAL FEET.  
 GROUND TO GRID CONVERSION FACTOR = 1.000151174

| POINT                     | NORTHING   | EASTING    | DESCRIPTION           |
|---------------------------|------------|------------|-----------------------|
| NE COR. SEC. 14 T1N R4E   | 886440.154 | 702142.052 | BRASS CAP IN HANDHOLE |
| E1/4 COR. SEC. 14 T1S R4E | 883687.091 | 702319.700 | BRASS CAP IN HANDHOLE |
| W1/4 COR. SEC. 14 T1N R4E | 883745.826 | 697067.998 | BRASS CAP FLUSH       |
| N1/4 COR. SEC. 14 T1N R4E | 886426.483 | 699607.245 | BRASS CAP FLUSH       |

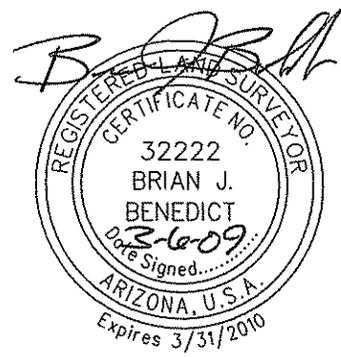
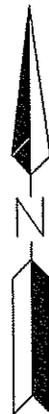
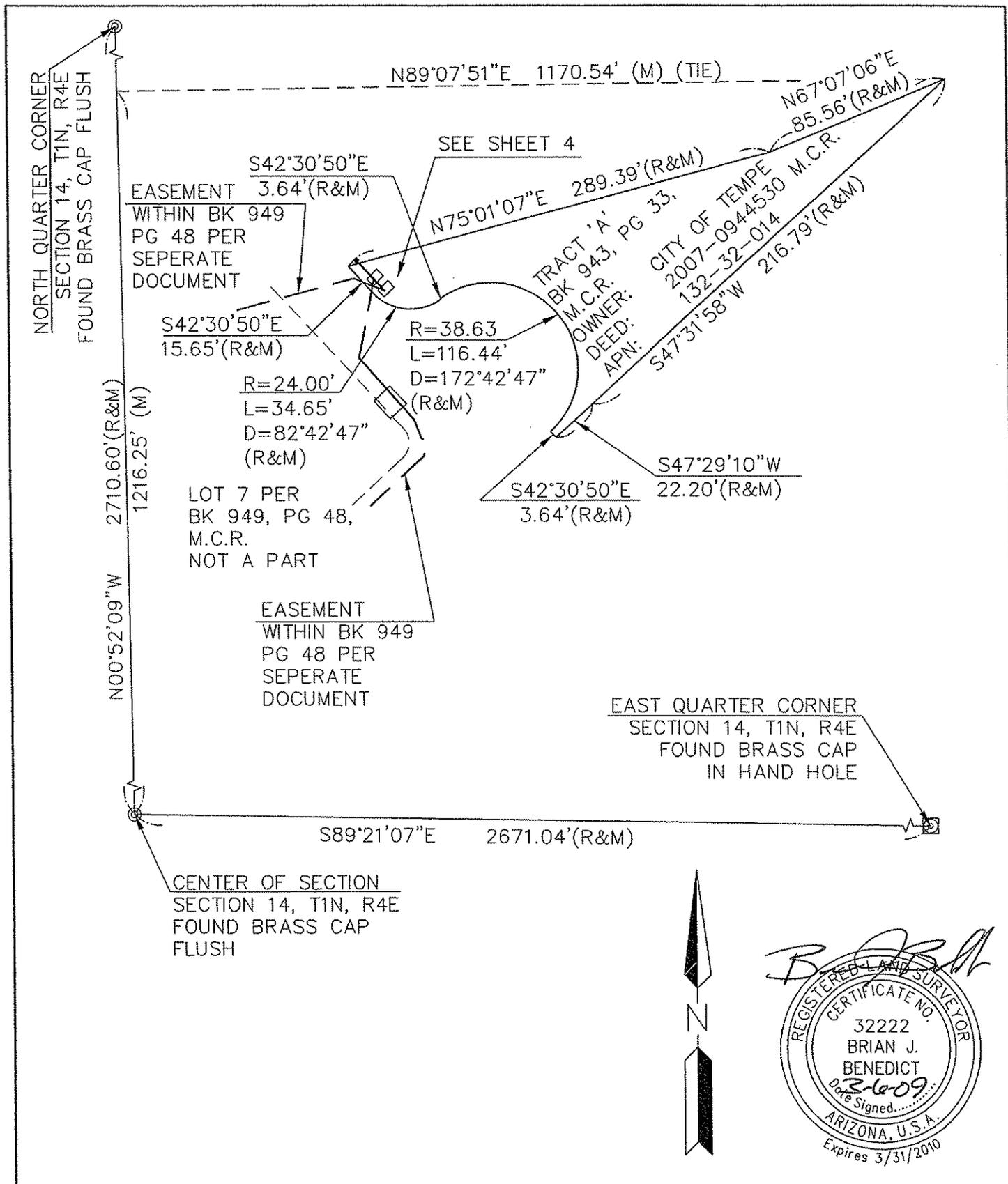
|             |           |
|-------------|-----------|
| CMX PROJ.   | 7354.S001 |
| DATE:       | 03/06/09  |
| SCALE:      | NONE      |
| DRAWN BY:   | JDL       |
| CHECKED BY: | BJB       |

**EXHIBIT "A"**  
 PIER 202-TRACT A  
 TEMPE, ARIZONA

**EXHIBIT - SHEET 2 OF 4**



**CMX**  
 MESA OFFICE  
 4135 S. POWER RD. STE 103, MESA, AZ  
 PH (480) 656-5500 FAX (480) 656-5501



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|-------------|-----------|
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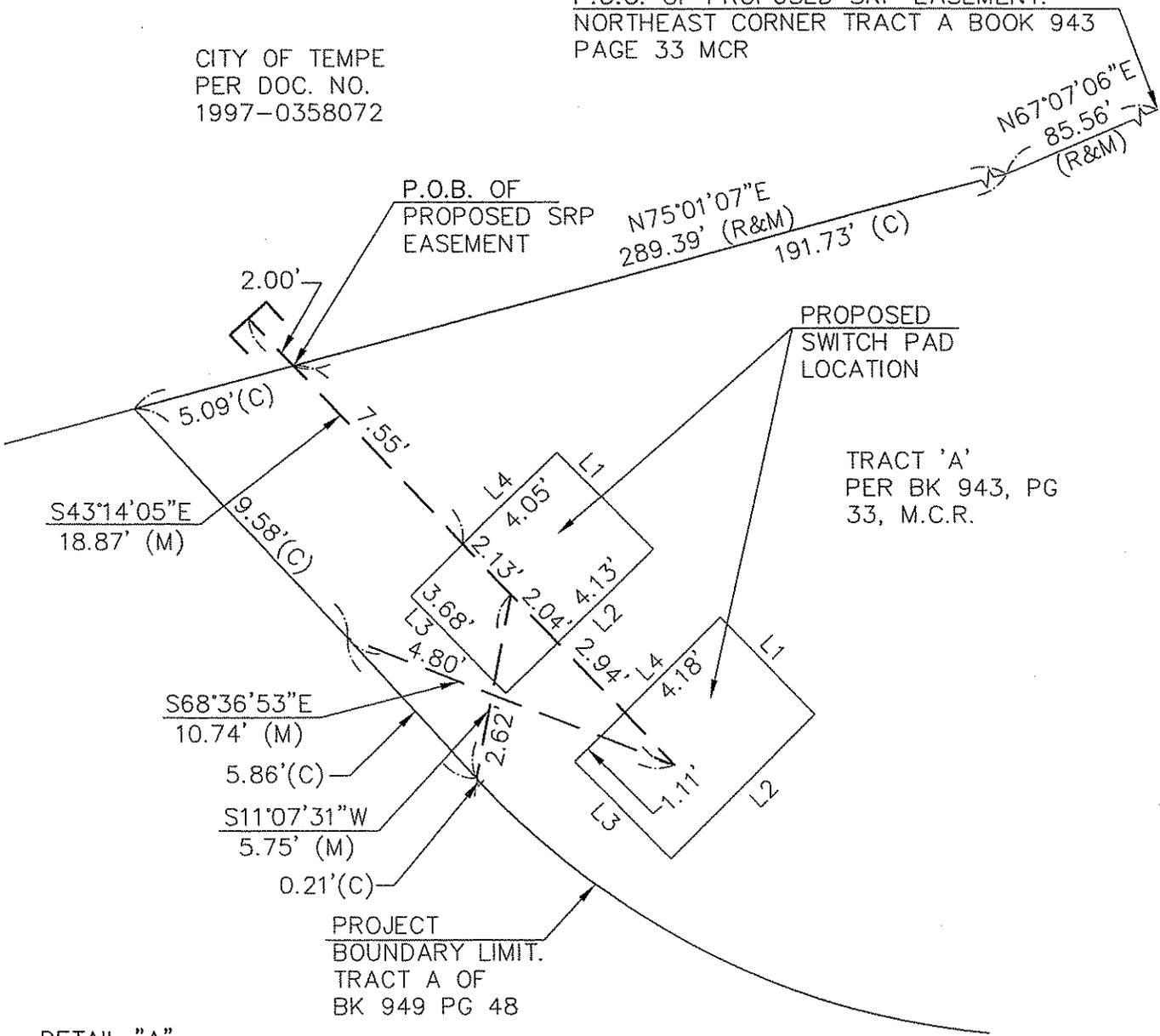
**EXHIBIT "A"**  
PIER 202-TRACT A  
TEMPE, ARIZONA

**EXHIBIT - SHEET 3 OF 4**

**CMX**  
MESA OFFICE  
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P.O.C. OF PROPOSED SRP EASEMENT.  
 NORTHEAST CORNER TRACT A BOOK 943  
 PAGE 33 MCR

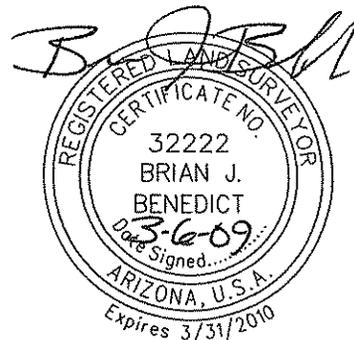
CITY OF TEMPE  
 PER DOC. NO.  
 1997-0358072



TRACT 'A'  
 PER BK 943, PG  
 33, M.C.R.

DETAIL "A"

| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L1 (M)     | S44°19'26"E | 4.17'    |
| L2 (M)     | S45°40'34"W | 6.33'    |
| L3 (M)     | N44°19'26"W | 4.17'    |
| L4 (M)     | N45°40'34"E | 6.33'    |



|             |           |
|-------------|-----------|
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**EXHIBIT "A"**  
 PIER 202-TRACT A  
 TEMPE, ARIZONA  
**EXHIBIT - SHEET 4 OF 4**

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