

Staff Summary Report



Council Meeting Date: 05/14/2009

Agenda Item Number: _____

SUBJECT: This is the second public hearing to adopt ordinances authorizing the Mayor to execute Power Distribution Easements with Salt River Project Agricultural Improvement and Power District (Job #KJ3-10906 & Job #KJ6-271) for the Energization of the City of Tempe/Valley Metro Rail Employee Parking Lot located at Apache Boulevard and the Price/101 Freeway.

DOCUMENT NAME: 20090514PWS02 SALT RIVER PROJECT (0113-03) ORDINANCE NO. 2009.17 and ORDINANCE NO. 2009.22

COMMENTS: The City of Tempe desires the Power Distribution Easements for the City of Tempe/Valley Metro Rail Employee Parking Lot located at Apache Boulevard and the Price/101 Freeway. The locations are further described in the attached Exhibit "A" & "B".

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

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

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

DEPARTMENT REVIEW BY: Glenn Kephart, Public Works Manager (x8205)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2009.17 and Ordinance No. 2009.22 and authorize the Mayor to execute any necessary documents.

ADDITIONAL INFO: These are two separate easement areas that must be created within this parcel to energize the City of Tempe/Valley Metro Rail Parking Lot. The City must enter into this power distribution easements with Salt River Project to complete the project.

ORDINANCE NO. 2009.17

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A POWER DISTRIBUTION EASEMENT WITH SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT (JOB #KJ3-10906) TO PROVIDE ENERGIZATION TO THE CITY OF TEMPE/VALLEY METRO RAIL EMPLOYEE PARKING LOT.

WHEREAS, the City of Tempe has constructed the City of Tempe/Valley Metro Employee Parking Lot at Apache Boulevard and the Price/101 Freeway.

WHEREAS, the City desires to grant Salt River Project Agricultural Improvement and Power District a power distribution easement to enable SRP to provide power to the project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1: That the City of Tempe does hereby authorize the granting of an easement to Salt River Project Agricultural Improvement and Power District for the transmission and distribution of electricity at the location described in, and in the form attached hereto as, Exhibit "A", such easement and other rights granted to Salt River Project to be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

Section 2. That the Mayor is authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance, including without limitation the easement.

Section 3: Pursuant to City Charter, Part 1, Article II, Section 2.12 (c), ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of May, 2009.

Hugh L. Hallman, Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

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

EXHIBIT A

POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel # 134-35-044
SW4 Sec. 19 T1N R5E

Agt. MNT
Job # KJ3-10906

W WJS CMJM

**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. Grantee is hereby authorized to permit others to use the Easement Parcel for additional Facilities jointly with or separately from the Grantee for their purposes limited to transmission or distribution of electricity.

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:

LOT 1, PRICE / APACHE PARK AND RIDE, according to Book 1021 of Maps, page 48, records of Maricopa County, Arizona.

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, including equipment pad areas, as depicted on the attached Exhibit "A", 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.

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.

EXHIBIT "A"

W1/4 COR
SEC. 19
T1N, R5E
BC IN HH

C1/4 COR
SEC. 19
T1N, R5E
PIPE IN HH

APACHE BLVD

BASIS OF BEARINGS

N89° 43' 42" E 2681.46' (M)

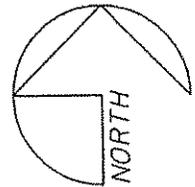
417.21' (R)

N89° 43' 42" E 390.10' (R)

2264.25' (C)

S00° 04' 23" E
59.80' (R)

SEE DETAIL
SHEET 2



NOT TO SCALE

SR101 NORTHBOUND
FRONTAGE RD

LOT 1
PER BK. 1021,
PG. 48
M.C.R.

S00° 04' 23" E 460.19' (R)

S00° 21' 37" E 489.24' (M)

S02° 19' 53" E
134.50' (R)

S06° 06' 03" E
92.43' (M)

D1 254.58' (C)

300.00' (R)

S89° 43' 42" W

D1=45.42' (C)

NOTE

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

SRP JOB #
KJ3-10906

EQUIPMENT PAD(S) ARE A PART
OF THE EASEMENT UNLESS
OTHERWISE NOTED.

CAUTION

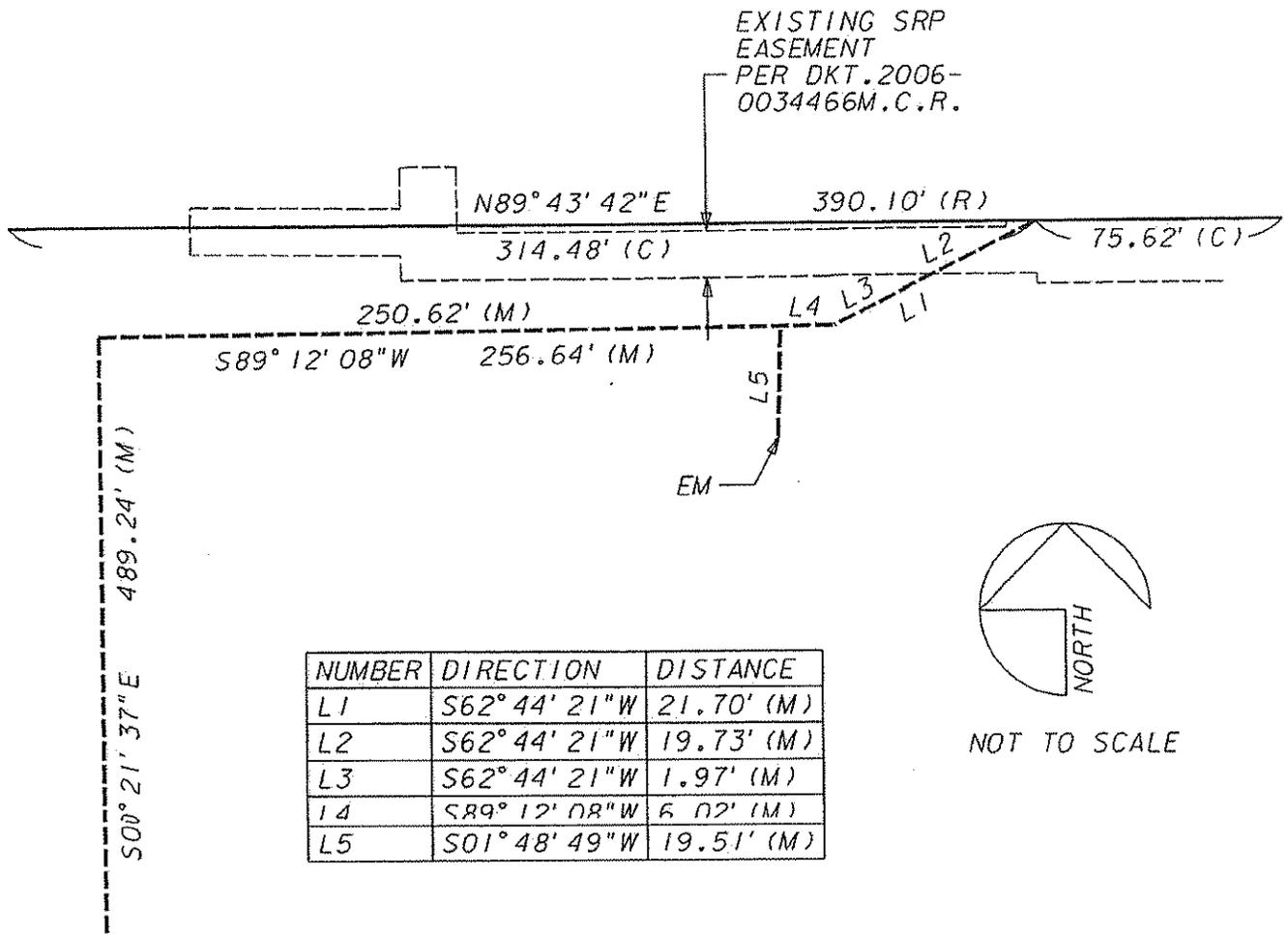
THE EASEMENT LOCATION AS
HEREON DELINEATED MAY
CONTAIN HIGH VOLTAGE ELECTRICAL
EQUIPMENT, NOTICE IS HEREBY GIVEN
THAT THE LOCATION OF UNDERGROUND
ELECTRICAL CONDUCTORS OR
FACILITIES MUST BE VERIFIED
AS REQUIRED BY ARIZONA REVISED
STATUTES, SECTION 40-380.21,
ET. SEQ., ARIZONA BLUE STAKE
LAW, PRIOR TO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

SALT RIVER PROJECT A.I.
& POWER DISTRICT

COT IMPROVEMENT
@ APACHE/SR101
SW1/4, SEC. 19, T1N, R5E
UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY

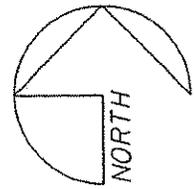
DESIGNED	SOUDER	AGENT	TILLER
DRAWN	PEHRSON	APPROVED:	JBT
DATE	04/01/09	APPROVED:	
SCALE	N.T.S.	SHEET	1 OF 2

EXHIBIT "A"



EXISTING SRP
EASEMENT
PER DKT. 2006-
0034466M.C.R.

NUMBER	DIRECTION	DISTANCE
L1	S62° 44' 21" W	21.70' (M)
L2	S62° 44' 21" W	19.73' (M)
L3	S62° 44' 21" W	1.97' (M)
L4	S89° 12' 08" W	6.02' (M)
L5	S01° 48' 49" W	19.51' (M)



NOT TO SCALE

SRP JOB #
KJ3-10906

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

SALT RIVER PROJECT A.I. & POWER DISTRICT			
COT IMPROVEMENT @ APACHE/SR101 SW 1/4, SEC. 19, T1N, R5E UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY			
DESIGNED	<u>SOUDER</u>	AGENT	<u>TILLER</u>
DRAWN	<u>PEHRSON</u>	APPROVED:	<u>SBT</u>
DATE	<u>04/01/09</u>	APPROVED:	_____
SCALE	<u>N.T.S.</u>	SHEET	<u>2</u> OF <u>2</u>

ORDINANCE NO. 2009.22

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A POWER DISTRIBUTION EASEMENT WITH SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT (JOB #KJ6-271) TO PROVIDE ENERGIZATION TO THE CITY OF TEMPE/VALLEY METRO RAIL EMPLOYEE PARKING LOT.

WHEREAS, the City of Tempe has constructed the City of Tempe/Valley Metro Employee Parking Lot at Apache Boulevard and the Price/101 Freeway.

WHEREAS, the City desires to grant Salt River Project Agricultural Improvement and Power District a power distribution easement to enable SRP to provide power to the project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1: The City of Tempe hereby authorize the granting of an easement to Salt River Project for the transmission and distribution of electricity at the location described in, and in the form attached hereto as, Exhibit "B", such easement and other rights granted to Salt River Project to be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

Section 2. That the Mayor is authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance, including without limitation the easement.

Section 2: Pursuant to City Charter, Part 1, Article II, Section 2.12 (c), ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of May, 2009.

Hugh L. Hallman, Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB400

P. O. Box 52025

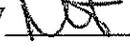
Phoenix, Arizona 85072-2025

EXHIBIT B

POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel # 134-35-045
SW4 Sec. 19 T1N R5E

Agt. MNT
Job # KJ6-271

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. Grantee is hereby authorized to permit others to use the Easement Parcel for additional Facilities jointly with or separately from the Grantee for their purposes limited to transmission or distribution of electricity.

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:

That portion of the Southwest quarter of Section 19, Township 1 North, Range 5 East of the Gila and Salt River Base and Meridian, as described in Instrument No. 2007-0748603, records of Maricopa County, Arizona.

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, including equipment pad areas, as depicted on the attached Exhibit "A", 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.

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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.

EXHIBIT "A"

W1/4 COR
SEC. 19
T1N, R5E
BC IN HH

C1/4 COR
SEC. 19
T1N, R5E
PIPE IN HH

APACHE BLVD

BASIS OF BEARINGS

N89° 43' 42" E 2681.46' (M)

2264.25' (C)

417.21'
(C)

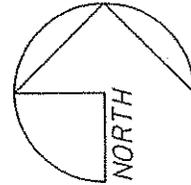
S00° 04' 23" E
519.99' (C) (TIE)

S02° 19' 53" E
134.50' (C) (TIE)

N89° 41' 13" E (R) 300.00' (R)

N89° 43' 42" E (M) 300.00' (M)

SEE DETAIL
SHEET 2



NOT TO SCALE

SRI01 NORTHBOUND
FRONTAGE RD

646.74' (R)
646.74' (M)

DKT. 2007-
0748603 M.C.R.

S02° 22' 22" E (R)
S02° 19' 53" E (M)

SRP JOB #
KJ6-271

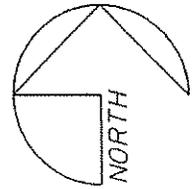
SALT RIVER PROJECT A.I.
& POWER DISTRICT

COT EMPLOYEE PARKING
SW 1/4, SEC. 19, T1N, R5E

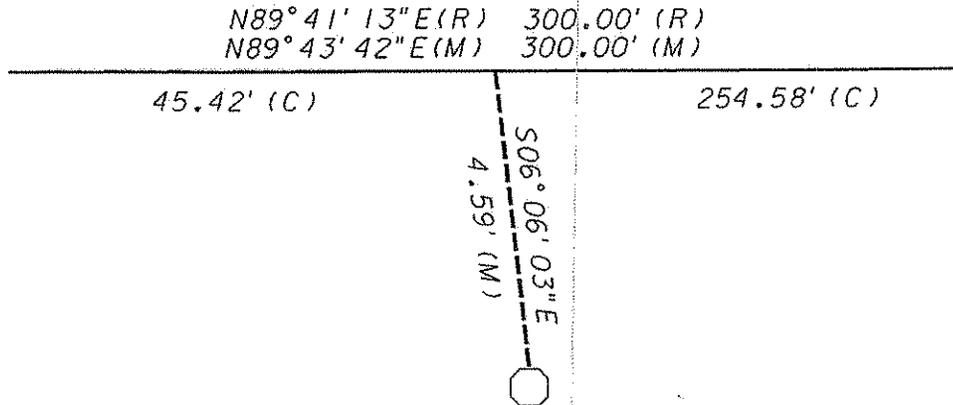
UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY

DESIGNED	<u>SOUDER</u>	AGENT	<u>TILLER</u>
DRAWN	<u>PEHRSON</u>	APPROVED:	<u>SBT</u>
DATE	<u>04/01/09</u>	APPROVED:	
SCALE	<u>N.T.S.</u>	SHEET	<u>1</u> OF <u>2</u>

EXHIBIT "A"



NOT TO SCALE



N89°41'13"E(R) 300.00' (R)
 N89°43'42"E(M) 300.00' (M)

45.42' (C)

254.58' (C)

S06°06'03"E
 4.59' (M)

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
- EQUIPMENT PAD
3.50' x 3.50'

SRP JOB #
 KJ6-271

NOTE

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

EQUIPMENT PAD(S) ARE A PART OF THE EASEMENT UNLESS OTHERWISE NOTED.

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.I.
 & POWER DISTRICT

COT EMPLOYEE PARKING
 SW 1/4, SEC. 19. T1N, R5E

UNDERGROUND ELECTRIC
 POWER LINE RIGHT-OF-WAY
 MARICOPA COUNTY

DESIGNED	<u>SOUDER</u>	AGENT	<u>TILLER</u>
DRAWN	<u>PEHRSON</u>	APPROVED:	<u>SBT</u>
DATE	<u>04/01/09</u>	APPROVED:	_____
SCALE	<u>N.T.S.</u>	SHEET	<u>2</u> OF <u>2</u>