Staff Summary Report

Tempe

To: Mayor & City Council
Through: City Manager

Agenda Item Number
Meeting Date 09/05/02

SUBJECT: **ORDINANCE FOR INTRODUCTION**

PREPARED BY: HEIDI GRAHAM, SR. ENGINEERING ASSOC., LAND SERVICES (x8528)

REVIEWED BY: NEIL MANN, DEPUTY PW MANAGER/CITY ENGINEER (x8250)

LEGAL REVIEW BY: C. BRAD WOODFORD, CITY ATTORNEY (x8229)

BRIEF: Set public hearings for **September 12 and September 26, 2002,** to grant an electrical easement to Arizona Public Service (APS) for the new Fire Station, located at 655 S. Ash Avenue.

COMMENTS: **EASEMENTS (0904-02) ORDINANCE NO. 2002.38** Set public hearings for September 12, 2002, and September 26, 2002, to grant an electrical easement to Arizona Public Service (APS) for the new Fire Station, located at 655 S. Ash Avenue.

Document Name: (20020905PWDR05) Supporting Documents: Yes

SUMMARY: APS is requesting an easement to provide electric service to the new City of Tempe Fire Station at 655 S. Ash Avenue. Staff supports the easement grant.

RECOMMENDATION:

That the City Council hold public hearings and adopt Ordinance No. 2002.38 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE NO. 2002.38

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, GRANTING AN ELECTRICAL EASEMENT TO ARIZONA PUBLIC SERVICE (APS) FOR THE PURPOSE OF PROVIDE SERVICE TO THE FIRE STATION LOCATED AT 655 SOUTH ASH AVENUE, TEMPE, ARIZONA

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

WHEREAS, Arizona Public Service (APS) has requested an easement for an underground electric line on said property,

WHEREAS, it would appear to be in the best interest of the City of Tempe to grant an easement to Arizona Public Service (APS), and

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

SECTION I. That the City of Tempe does hereby authorize the grant of an easement to Arizona Public Service (APS) in the form attached hereto as Exhibit "A" and "A-1".

SECTION II. That the rights granted in the easement to Arizona Public Service (APS) shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part, and provided that the use of the easement shall not interfere with any public improvements or future public improvements upon grantors land.

SECTION III: The Mayor is authorized to execute the easement authorized herein.

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

ARIZONA this _____ day of _____, 2002.

_____
Mayor

ATTEST:

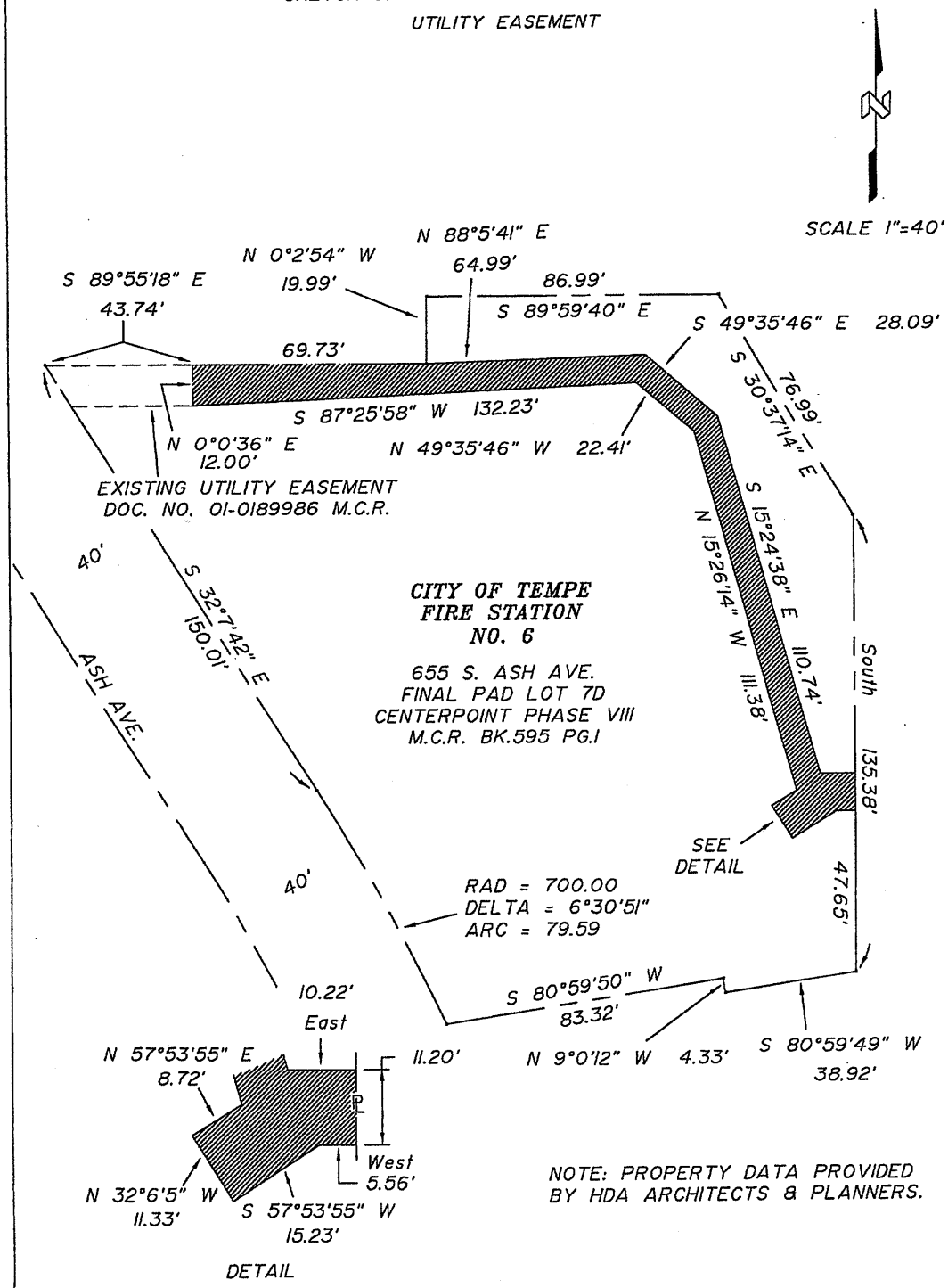
_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF UTILITY EASEMENT



NOTE: PROPERTY DATA PROVIDED BY HDA ARCHITECTS & PLANNERS.

THE PURPOSE OF THIS EXHIBIT IS TO DEPICT THE DIMENSIONS AND APPROXIMATE LOCATION AND ALIGNMENT OF THE ELECTRIC LINE EASEMENT AREA. THE LOCATION AND ALIGNMENT OF THE ELECTRIC LINE AND TRANSFORMER AS ACTUALLY CONSTRUCTED SHALL TAKE PRECEDENCE OVER THE LOCATION AND ALIGNMENT SHOWN ON THIS EXHIBIT.

LEGEND

- EASEMENT AREA
- ROAD CENTERLINE
- PROPERTY LINE
- PROPERTY CORNER

JOB# W139827	DATE 7/22/02
SW 1/4 SEC 15	T 1N R 4E
SCALE 1"=40'	MAP#
R/W MIKE BOUCHE	
SURVEY: SMITH - GILES	
DRAWN BY: SMITH	

EXHIBIT A-1

UTILITY EASEMENT

SW-15-4N-4E
W139827
SURVEY 439-63
MJB

In consideration of One Dollar ($1.00), the receipt of which is hereby acknowledged CITY OF TEMPE, a municipal corporation (hereinafter called "Grantor") do(es) hereby grant and convey to ARIZONA PUBLIC SERVICE COMPANY (hereinafter called "Company"), its successors and assigns, an easement to construct operate and maintain electric lines and appurtenant facilities upon, across, over, and under the surface of the premises hereinafter described.

The premises through and across which this easement is granted are situated in Maricopa County, Arizona, and are described as follows:

FINAL P.A.D., LOT 7D, CENTERPOINT, PHASE VIII FOR DOWNTOWN FIRE STATION NO. 6, as recorded in the office of the County Recorder of Maricopa County, Arizona, in Book 595, Page 1.

Said utility easement in the above described premises consists of an easement area for underground electric lines and a padmounted transformer, the approximate dimensions and locations of which are shown on Exhibit "A" attached hereto and by this reference incorporated herein.

Together with the right to operate, repair, replace, maintain, and remove said lines and appurtenant facilities from said premises; to add to or alter said lines and/or facilities at any reasonable time, and to trim, prune or remove any trees or shrubs located within or outside the limits of this easement that in the judgment of the Company may interfere with the construction or endanger the operation of said lines and/or facilities, with access to said easement and egress therefrom to permit normal operations of the Company in connection with said lines and/or facilities, ~~and to permit the installation of the wires, fixtures, conduits, or cables of any other company within the boundaries of this easement.~~

Grantor shall not erect or construct or permit to be erected or constructed any building or other structure or drill any well within the limits of said easement; nor shall Grantor plant or permit to be planted any trees within the limits of said easement without the prior written consent of the Company; provided, however, Grantor shall have the right to construct and erect fences within the limits of said easement in a manner which will not unreasonably interfere with the Company's right of access to its lines and/or facilities.

By accepting this easement, the Company agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon.

Dated: _____

City of Tempe, a municipal corporation

WITNESS:

By: _____

_____

Title: _____

STATE OF }
} ss.
County of }

This instrument was acknowledged before me this _____ day of _____, 20_____, by

_____

_____

IN WITNESS WHEREOF I hereunto set my hand and official seal.

_____
Notary Public

My Commission Expires:

_____