Staff Summary Report

Tempe

Council Meeting Date: 09/12/02 **Agenda Item Number:** _____

SUBJECT: Set public hearings for **September 26** and **October 3, 2002** to grant an underground electric easement to Salt River Project (SRP) in the vicinity of Rio Salado Parkway and Priest Drive.

DOCUMENT NAME: (20020912PWDR05) **EASEMENT GRANT (0904) ORDINANCE NO. 2002.40**

SUPPORTING DOCS: Yes

COMMENTS: N/A

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

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

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

FISCAL NOTE: N/A

RECOMMENDATION: Hold public hearings and adopt Ordinance No. 2002.40 and authorize the Mayor to execute any necessary documents. Staff supports this easement.

Approved by Glenn Kephart, Public Works Manager

HOLD FOR PICK UP:

SALT RIVER PROJECT
Land Department/PAB 400
P.O. Box 52025
Phoenix, Arizona 85072-2025

EXHIBIT A

POWER DISTRIBUTION EASEMENT

Maricopa County
Rio Salado Parkway/Priest Drive

R/W #2275 Agt. JMT
Job #KJ2-5354/12kVUG

CITY OF TEMPE,
a municipal corporation

hereinafter called Grantor, for valuable consideration, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, and 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, and easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to as the "Easement Property"), 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, and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith and for the transmission and distribution of existing telephone, audio and/or visual signal and other communication or data transmission purposes at such locations and elevations, in, upon, over, under, across and along the Easement Property, together with the right of ingress and egress to, from, across and along the Easement Property and with the right to use lands adjacent to said easement during temporary periods of construction.

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 below and depicted on Exhibit A, attached hereto and made a part hereof:

GRANTOR'S PROPERTY
A portion of the East Half of Section 16, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Easement Parcel No. 1

Commencing at the intersection of Rio Salado Parkway and First Street, Tempe, Arizona; thence North 60 degrees 12 minutes 12 seconds East (an assumed bearing), along the centerline of Rio Salado Parkway, a distance of 21.50 feet;
thence North 29 degrees 48 minutes 14 seconds West, a distance of 21.00 feet;
thence North 60 degrees 12 minutes 12 seconds East a distance of 72.00 feet to a point hereinafter known as Point A;
thence from said Point A, North 29 degrees 48 minutes 00 seconds West, a distance of 40.80 feet to a point hereinafter known as Point B;
thence from said Point B, continue North 29 degrees 48 minutes 00 seconds West, a distance of 4.00 feet to the **POINT OF BEGINNING** of the easement described herein to a point on the southerly edge of a 4.20 foot by 6.40 foot equipment pad area, said area being a part of this easement and therein terminating;
thence ALSO from said Point B, North 76 degrees 17 minutes 31 seconds West, a distance of 9.00 feet to the southerly edge of a 3.50 foot by 3.50 foot equipment pad area, said area being a part of this easement and therein terminating.

Easement Parcel No. 2

Said easement being 8.00 feet in width, lying 4.00 feet on each side of the following described centerline:
Commencing at Point A as referenced in Easement Parcel No. 1;
thence from said Point A, North 60 degrees 12 minutes 12 seconds East, a distance of 302.40 feet;
thence North 71 degrees 55 minutes 33 seconds East, a distance of 108.80 feet;
thence North 78 degrees 14 minutes 39 seconds East, a distance of 108.80 feet;
thence North 00 degrees 19 minutes 22 seconds East, a distance of 17.20 feet;
thence North 83 degrees 20 minutes 18 seconds East, a distance of 62.46 feet;
thence North 00 degrees 19 minutes 22 seconds East, a distance of 16.1 feet to the **POINT OF BEGINNING** of the easement herein described;
thence North 00 degrees 19 minutes 22 seconds East, a distance of 374.50 feet to a terminus.

CAUTION: Facilities placed within the Easement Property 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.

Except as expressly set forth herein, 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 Property.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation within the Easement Property 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 Property 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.

The individual executing this document represents and warrants: (i) that he or she is authorized to do so on behalf of the Grantor; (ii) that he or she has full legal power and authority to bind Grantor in accordance with the terms herein and, if necessary, has obtained all required consents or delegations of such power and authority (whether from any partner, owner, spouse, shareholder, director, member, manager, creditor, investor, developer, governmental authority, judicial or administrative body, association, or other person or entity); and (iii) that the execution, delivery, and performance by Grantor of this document and all others relating to the easement will not constitute a default under any agreement to which Grantor is a party. The individual executing this document shall indemnify, defend and hold harmless Grantee for, from and against any and all losses, costs, expenses, liabilities, claims, demands, and actions of any kind or nature, including court costs and attorney's fees, arising or accruing as a result of the falsity of any of his or her representations and warranties contained in this document.

IN WITNESS WHEREOF, **THE CITY OF TEMPE,** a municipal corporation, has caused its name to be executed by its duly authorized representative, this _____day of_____, 2002.

THE CITY OF TEMPE,
a municipal corporation

By _____
Neil Guiliano, Mayor

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this _____ day of

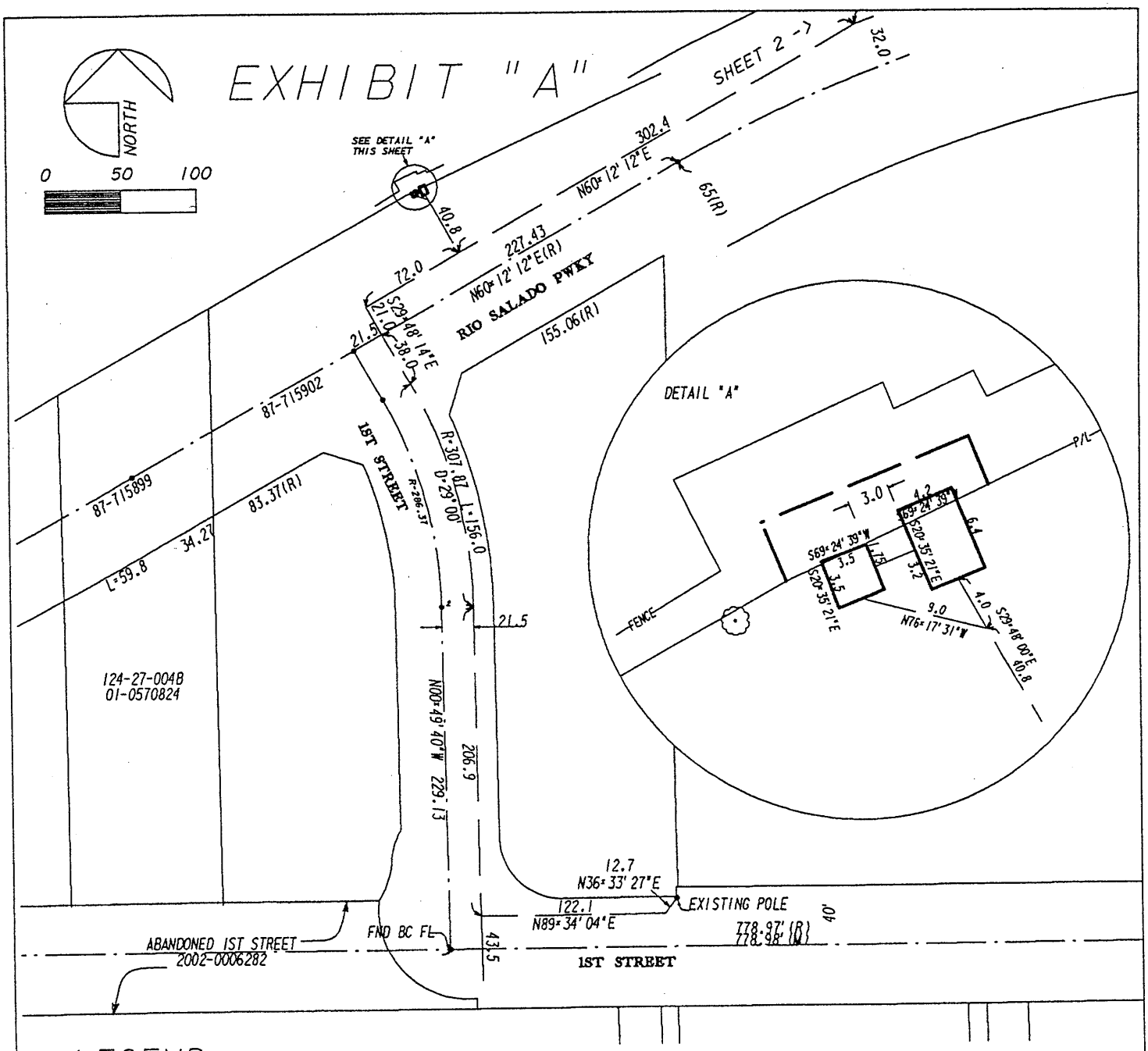
_____, 2002, by _____, Mayor of

the City of Tempe, a municipal corporation, on behalf of such corporation.

My Commission Expires: _____
Notary Public

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1131 and 11-1132 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(s) and (A)(3).

EXHIBIT "A"



LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF 8' EASEMENT AND 12KV UNDERGROUND POWER
- 12KV UNDERGROUND POWER WITHIN RIGHT-OF-WAY

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 STATUES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

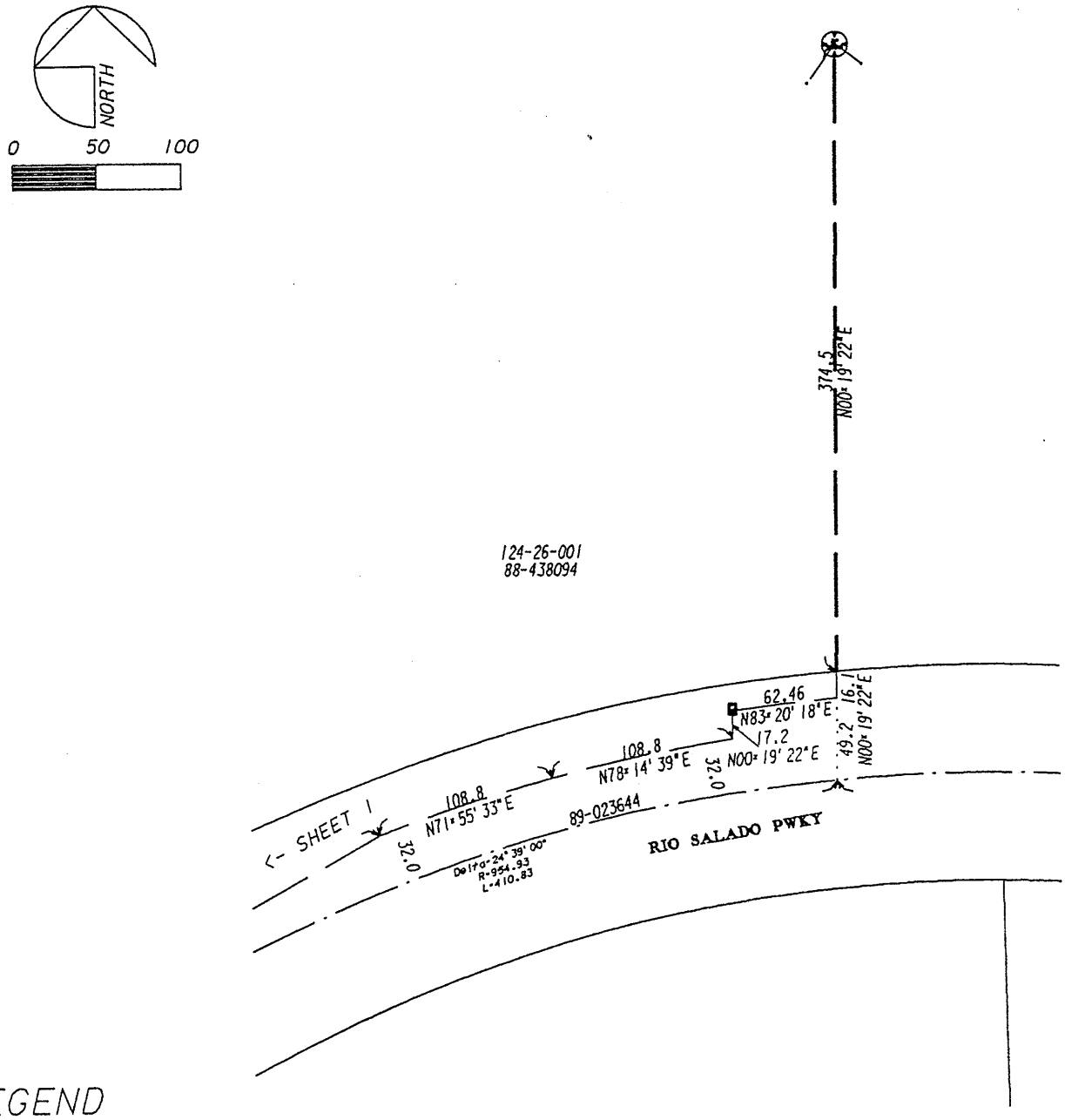
THIS EXHIBIT IS INTENDED TO ACCOMPANY A DESCRIPTION, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

SALT RIVER PROJECT A.I.
& POWER DISTRICT
MARICOPA COUNTY, ARIZONA

RIO SALADO - PRIEST
KJ2-5324
SEC 16, T1N, R4E
12 KV UNDERGROUND ELECTRIC
POWER LINE EASEMENT

DESIGNED	EDM	AGENT	TRUPIANO
DRAWN	MORRIS	APPROVED:	
DATE	08-16-02		
SCALE	N.T.S.	SHEET 1 OF 2	

EXHIBIT "A"



LEGEND

SECTION AND CENTERLINE

PROPERTY LINE

CENTERLINE OF 8' EASEMENT

EPAD — EQUIPMENT PAD - UNLESS OTHERWISE NOTED ARE PART OF THE EASEMENT

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MARICOPA COUNTY, ARIZONA

RIO SALADO - PRIEST
KJ2-5324
SEC 16, T1N, R4E
12 KV UNDERGROUND ELECTRIC
POWER LINE EASEMENT

DESIGNED	EDM	AGENT	TRUPIANO
DRAWN	MORRIS	APPROVED:	
DATE	08-16-02		
SCALE	N.T.S.	SHEET 2 OF 2	