CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

CC: 11 C
Amend No. _____

Date Prepared: August 15, 2007 **Council Meeting Date:** September 4, 2007

TO: Terry Ellis, City Manager

FROM: David A. Moody, P. E., Engineering Director

PREPARED BY: Kristine Luna, Real Property Administrator KL for KL

SUBJECT: Adoption of a resolution authorizing the execution of an easement to Southwest Gas for gas lines located at the Municipal Operation Center (8850 North 79th Avenue)

RECOMMENDATION:

That Mayor and Council adopt a resolution authorizing the City Manager to execute an easement to Southwest Gas for gas lines and facilities related to the development of the new Municipal Operations Center.

SUMMARY:

Southwest Gas installed gas lines and related facilities necessary to supply natural gas to the new Municipal Operations Center. As-built drawings have been completed and they have requested the City grant them an easement for facilities currently in place, as agreed to during the construction of the improvements.

There is no cost associated with the granting of this easement.

ATTACHMENT:

1. Resolution

CITY CLERK USE ONLY:

- ☐ **Consent Agenda**
- ☐ **Carry Over to Date:**_____
- ☐ **Approved**
- ☐ **Unfinished Business (Date heard previous:**_____**)**
- ☐ **New Business**

ORD. #_____ **RES. #** 07-131
LCON#_____ **LIC. #**_____
Action Date: _____

REV. 10/99

RESOLUTION NO. 07 -131

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO SOUTHWEST GAS CORPORATION FOR UNDERGROUND GAS LINES AND RELATED FACILITIES.

WHEREAS, the City of Peoria requested natural gas service to be provided to our Municipal Operations Building located at 8850 North 79th Avenue and Southwest Gas Corporation agreed to provide natural gas service if the City of Peoria was willing to grant an easement.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the granting of an easement to Southwest Gas Corporation, and authorize the City Manager to execute the document; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of said easement, and authorizes the City Manager to execute the easement.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria this 4th day of September, 2007.

_____
Bob Barrett, Mayor

ATTEST:

_____
Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

ATTACHMENT:

1. Easement

APN # 142-21-003G

Recording Requested By And Return To:
Southwest Gas Corporation

Please Hold for Pick-Up

SOUTHWEST GAS CORPORATION
GRANT OF EASEMENT

This form is used to acquire land rights for installation of pipeline(s) and appurtenances.

Prepared By	Mary Carson	Approved By	Greg Cooper BC
Sec. 35	T 3N R 1E	Meridian	G&SRB&M
County	Maricopa	State	Arizona
W.R. No.	533196	W.O. No.	

I (We) City of Peoria, an Arizona Municipal Corporation

For and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, hereinafter referred to as Grantor(s), does hereby grant, convey, quitclaim and release unto **SOUTHWEST GAS CORPORATION**, a California Corporation, its, successors and assigns hereinafter referred to as Grantee, a permanent easement 8 feet wide for the installation and maintenance of a gas pipeline or pipelines and appurtenances, across, over, under and through the following described property, to wit:

SEE ATTACHED EXHIBIT(s) A&B

together with the right of ingress and egress to and from the said easement and the right to use existing roads for the purpose of constructing, inspecting, repairing, and maintaining said pipeline or pipelines and appurtenances and the removal or replacement of same, in whole or in part, at will.

Grantor agrees that no buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, except for street, road or driveway purposes, which Grantor agrees shall not interfere with Grantee's exercise of the rights herein granted. Grantee agrees to work with due care in the exercise of its rights on the property and to restore it to reasonably the same condition which existed before the work was performed.

Except as provided above, Grantee agrees to pay all damages which are caused by the Grantee's exercise of the rights herein granted.

 APN # 142-21-003G

W.R. No. 533196 W.O. No. _____

The undersigned hereby affirms that there is no Social Security Number contained in this document submitted for recording.

TO HAVE AND TO HOLD said easement unto Grantee, its successors and assigns, together with all rights granted hereby, forever.

IN WITNESS WHEREOF, the undersigned has executed this Grant of Easement this _____ day of _____ , 2007 .

City of Peoria

Grantor _____
Name Title

Grantor _____
Printed Name Printed Title

ACKNOWLEDGMENT

STATE OF _____)
)
COUNTY OF _____)

On _____ , before me, _____ (Notary Public) personally appeared _____ (Grantor) personally known to me (or proved to me on basis of satisfactory evidence) to be the person(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he, she or they executed the same in his, her or their authorized capacity(ies), and that by his, her or their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
(Notary Public)

(Seal)

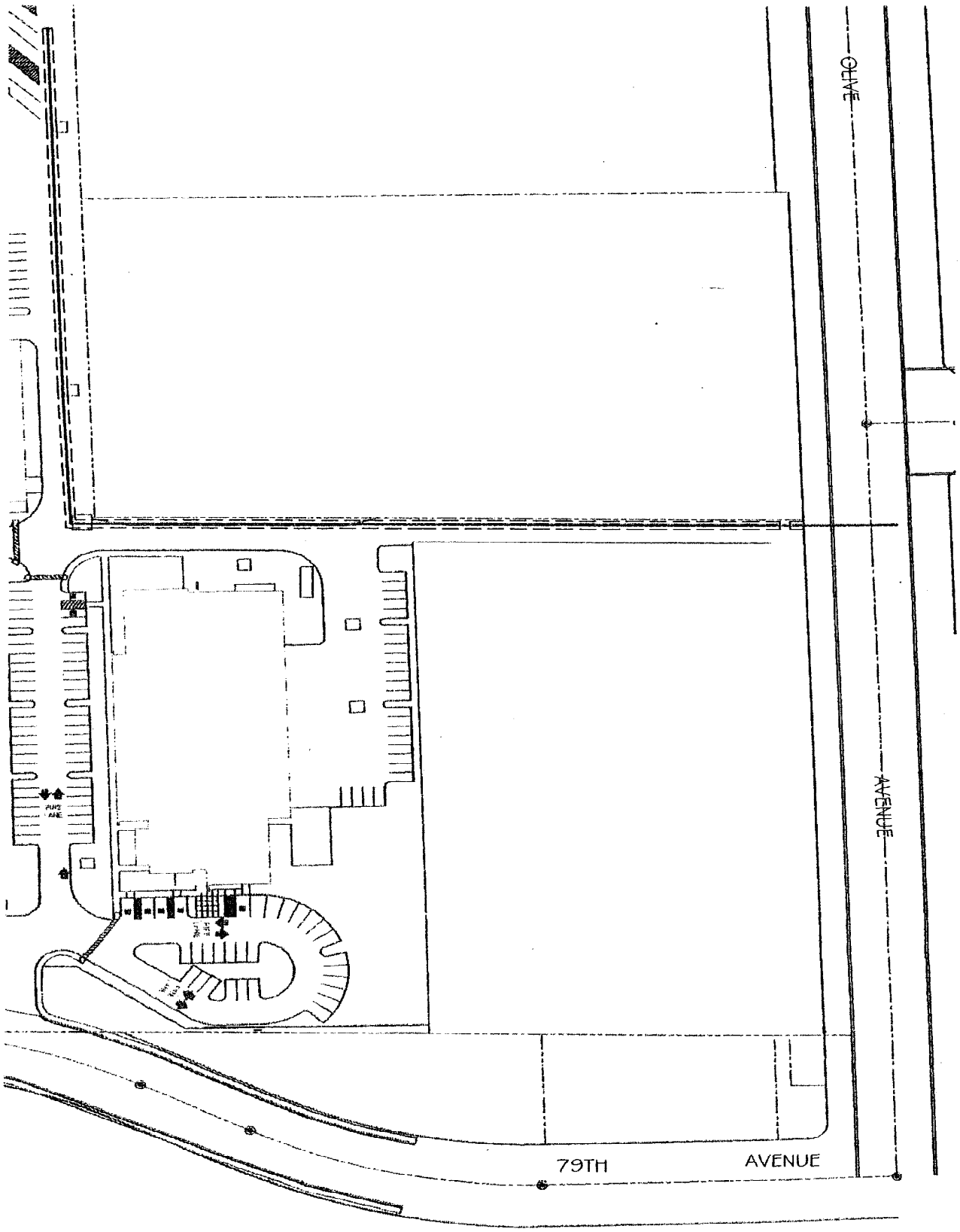
EXHIBIT "A"

SOUTHWEST GAS CORPORATION
GRANT OF EASEMENT
WR# 533196

APN 142-21-003G

THAT PORTION OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST, G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND EIGHT (8) FEET IN WIDTH, BEING FOUR (4) FEET ON EACH SIDE OF THE CENTERLINE OF THE NATURAL GAS PIPELINE(S), LYING WITHIN A PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, IN INSTRUMENT # 860483182, ON SEPTEMBER 8, 1986.

EXHIBIT "B"

GRANT OF EASEMENT
WR 533196
8445 N 79th AVE
SOUTHWEST GAS CORPORATION