

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 12C
Amend No. _____

Date Prepared: August 17, 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 *am for KL*
SUBJECT: Adoption of a resolution authorizing the execution of a public utility easement, and the dedication of a public roadway associated with the construction of the Butler Water Reclamation Facility (8660 North 79th Avenue)

RECOMMENDATION:

That Mayor and Council adopt a resolution authorizing the City Manager to execute a public utility easement, and the dedication of a public roadway associated with the construction of the Butler Water Reclamation Facility (8660 North 79th Avenue).

SUMMARY:

The development of the Butler Water Reclamation Facility will require the dedication of land rights to the public. The City development review team has requested the dedication of right of way for 79th Avenue and Butler Drive and a public utility easement adjacent to the dedicated rights of way.

These dedications will allow for the current and future expansion of City roadways and utilities in the immediate area.

ATTACHMENT:

1. Resolution

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # 07-132
LCON# _____ LIC. # _____
Action Date: _____

RESOLUTION NO. 07 -132

RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF PEORIA, ARIZONA, AUTHORIZING THE
GRANTING OF A PUBLIC UTILITY EASEMENT, AND A
ROADWAY DEDICATION ASSOCIATED WITH THE
CONSTRUCTION OF THE BUTLER WATER
RECLAMATION FACILITY

WHEREAS, The City of Peoria is developing a water reclamation facility located at 8660 North 79th Avenue which will require the dedication of land rights for roadways and public utilities.

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 for public utilities, roadway dedication to the public for the installation and maintenance of public roadways and public utilities, 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 these land rights to the public, and authorize the City Manager to execute the documents.

Resolution No. 07-132
Easement & Roadway Dedication
September 4, 2007
Page 2

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

ATTACHMENTS:

1. Public Utility Easement
2. Dedication of Public Roadway

When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe
Peoria, Arizona 85345

PUBLIC UTILITY EASEMENT

The City of Peoria, an Arizona municipal corporation, Grantor(s), for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the public, in Maricopa County, Arizona, its successors, and assigns, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of all public utilities over, under, and across the following described property situated in the County of Maricopa, State of Arizona, described as follows:

See Attached Description, Exhibit "A"

And the Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

This easement includes the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said easement, so as to prevent the same from interfering with the efficient maintenance and operation of said public utilities.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted all rights herein granted shall cease and revert to the grantors, their heirs or assigns.

The City of Peoria shall not be responsible for replacing any landscaping or any improvement placed in the easement by grantee or its successors or assigns.

79th Ave & Butler

GRANTOR

**CITY OF PEORIA,
an Arizona municipal corporation**

By _____
Terrence L. Ellis
City Manager

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Stephen M. Kemp, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing was subscribed and sworn to before me this _____ day of _____, 200__, by Terrence L. Ellis, City Manager of the City of Peoria, for the purposes contained therein.

Notary Public

My Commission Expires:



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 35;

THENCE S00°05'04"E ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 607.59' TO THE POINT OF BEGINNING;

THENCE CONTINUING S00°05'04"E ALONG SAID EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 20.33 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET FROM WHICH THE CENTER BEARS S67°53'36"E;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 22°11'29" AN ARC LENGTH OF 209.15 FEET;

THENCE S00°05'04" E 40.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1764.38' TO A POINT 40.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER;

THENCE S88°04'03"W A DISTANCE OF 1289.40 FEET TO A POINT ON THE WESTERLY LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE N00°01'26"W ALONG SAID WESTERLY LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER A DISTANCE OF 8.00 FEET;

THENCE N88°04'03"E PARALLEL WITH AND 48.00 NORTH OF SAID SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1281.39 FEET TO A POINT 48.00 FEET WEST OF SAID EAST LINE OF SAID NORTHWEST QUARTER;

THENCE N00°05'04"W PARALLEL WITH AND 48.00 FEET WEST OF SAID EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1756.63 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 548.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 24°09'34" AN ARC LENGTH OF 231.07 FEET TO THE POINT OF BEGINNING.

Page 1 of 2

Title: 8'PUE

Preparing Firm: City of Peoria

Address: 8401 W. Monroe St.

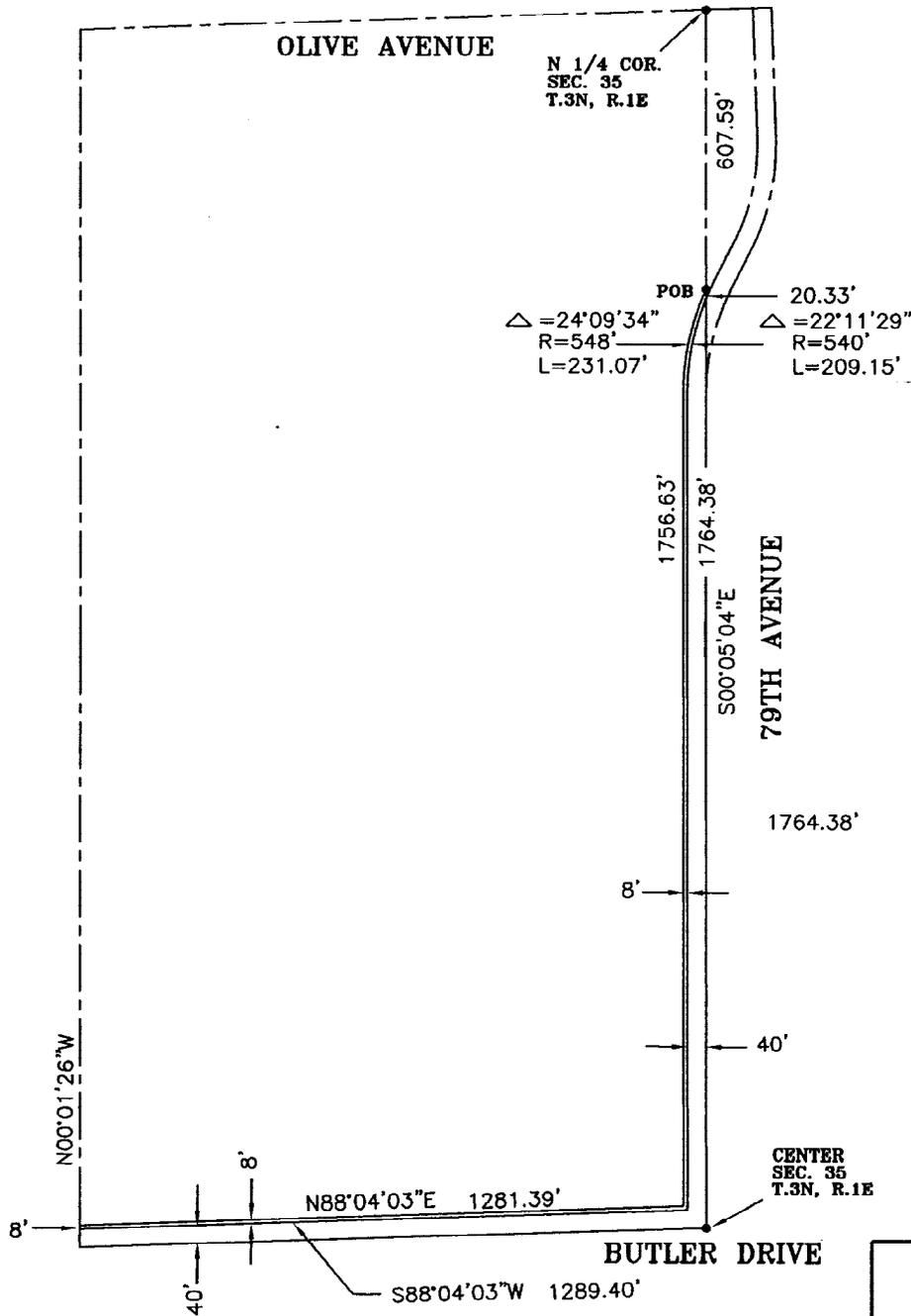
Phone: 623-773-7210

Fax: 623-773-7211





EXHIBIT A SKETCH



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Title: 8' PUE

Preparing Firm: City of Peoria

Address: 8401 W. Monroe St.

Phone: 623-773-7210

Fax: 623-773-7211



When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe
Peoria, Arizona 85345

DEDICATION OF PUBLIC ROADWAY

The City of Peoria, an Arizona Municipal Corporation, Grantor(s), for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby dedicate to the public, in Maricopā County, Arizona, its successors and assigns, the following property to be used as a public roadway:

(See attached description, Exhibit A)

for public roadway and City of Peoria utilities or other utilities as expressly authorized by the City of Peoria.

The Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to dedicate it.

GRANTOR

**CITY OF PEORIA,
an Arizona municipal corporation**

By _____
Terrence L. Ellis
City Manager

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Stephen M. Kemp, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing was subscribed and sworn to before me this _____ day of _____, 2007, by Terrence L. Ellis, City Manager of the City of Peoria, for the purposes contained therein.

Notary Public

My Commission Expires:



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID 35;

THENCE S00°05'04"E ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 627.92 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S00°05'04"E ALONG SAID EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2007.07 FEET TO THE CENTER OF SAID SECTION 35;

THENCE S88°04'03"W ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1329.46 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF OF THE NORTHWEST CORNER OF SAID SECTION 35;

THENCE N00°01'26" W ALONG THE WESTERLY LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 35 A DISTANCE OF 40.02 FEET;

THENCE N88°04'03"E 40.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1289.40 FEET TO A POINT 40.00 FEET WEST OF SAID EAST LINE OF SAID NORTHWEST QUARTER;

THENCE N00°05'04"W 40.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1764.38 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 540.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 22°11'29" AN ARC LENGTH OF 209.15 FEET TO THE POINT OF BEGINNING.

Page 1 of 2

Title: 40' RIW

Preparing Firm: City of Peoria

Address: 8401 W. Monroe St.

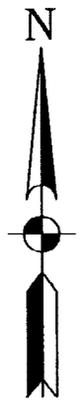
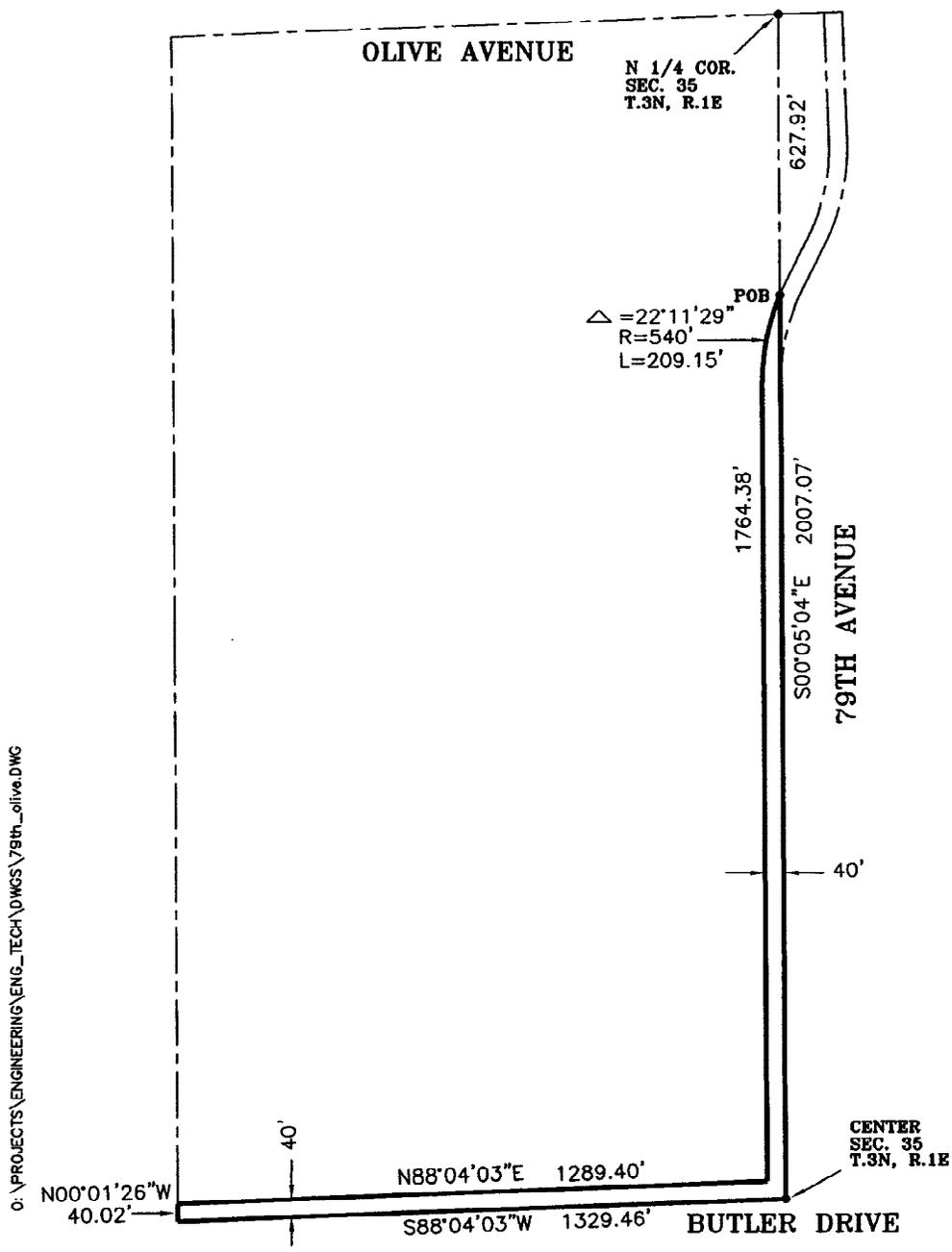
Phone: 623-773-7210

Fax: 623-773-7211





EXHIBIT A SKETCH



N.T.S.
SEC. 35
T3N, R1E

O:\PROJECTS\ENGINEERING\ENG_TECH\DWGS\79th_olive.DWG

Title: 40' RIW

Preparing Firm: City of Peoria

Address: 8401 W. Monroe St.

Phone: 623-773-7210 **Fax:** 623-773-7211

