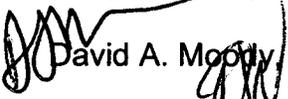


**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 3C
Amend No. _____

Date Prepared: February 12, 2008 Council Meeting Date: March 4, 2008

TO: Terry Ellis, City Manager
FROM:  David A. Moody, P.E., Engineering Director
THROUGH:  Dan Nissen, P.E., Assistant City Engineer
PREPARED BY: Ben Wilson, P.E., Civil Engineer 3CW
SUBJECT: Facility Transfer Agreement with Salt River Project for the abandonment of irrigation facilities for the Olive Avenue and 91st Avenue Intersection Improvement Project. Engineering Project No. P-0315.

RECOMMENDATION:

That Mayor and Council approve and authorize the City Manager to execute a Facilities Transfer Agreement with Salt River Project (SRP) for the abandonment of SRP irrigation facilities for the Olive Avenue and 91st Avenue Intersection Improvement Project.

SUMMARY:

Due to the increased traffic and development in the vicinity of 91st Avenue and Olive Avenue, the City of Peoria (City) applied for, and received, Federal funds (Congestion Management and Air Quality Funding) through Maricopa Association of Governments for the widening of the 91st Avenue and Olive Avenue intersection. The Federal funds received are for a share of the preparation of the Design Concept Report (DCR), design and construction of the intersection improvements which includes two through lanes for 91st Avenue, three through lanes for Olive Avenue, dual left turn lanes for all directions, separate right turn lanes for eastbound Olive Avenue and northbound 91st Avenue, installation of medians, catch basins and laterals, relocation of utilities, sidewalk modifications, traffic signal modifications, street lighting modifications, traffic signing and pavement marking modifications. Additional right-of-way will be acquired along with Sidewalk Easements and Temporary Construction Easements.

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. # _____
LCON# 01808 LIC. # _____
Action Date: _____

The project design is currently at the 95% stage. Arizona Department of Transportation (ADOT) is to review the entire design package and is responsible to advertise the project for bid, open bids, award the contract and provide inspection services. Currently, the construction phase is programmed to begin in the Spring 2009, following spring dry-up for SRP irrigation relocation.

The intersection widening has a significant impact on the surrounding area and requires relocation of existing utility company facilities such as Cox, Qwest, Southwest Gas, SRP irrigation and electrical facilities, APS electrical facilities, modification of the existing traffic signal, storm drain and water facilities, coordination with the proposed Peoria Unified School District (PUSD) conduit project, and removal and restoration of landscape materials and irrigation system located within the right-of-way.

The 91st Avenue and Olive Avenue widening project is relocating a SRP irrigation structure in the southwest corner of the intersection. An existing 60" diameter pipe is connected to this structure and runs easterly along Olive Avenue for approximately 150 feet where it transitions into a 48" diameter pipe. An 18' irrigation pipe connects perpendicularly to the 60" pipe and extends northerly approximately 100 feet. SRP has prior rights over these facilities and have given the City two options for relocating and reconnecting the irrigation structure to the existing irrigation facilities.

OPTION 1: Remove approximately 1000 feet of the existing 60", 48" and 18" diameter pipe and construct approximately 1,300 feet of new 48" pipe and slurry backfill the trench over the new pipe and existing pipes.

OPTION 2: Abandon the existing 60", 48" and 18" pipes in place, fill the inside of the abandoned pipe with slurry, construct approximately 1,300 feet of new 48" pipe and slurry backfill the trench over the new pipe.

Exhibit A will assist with explaining the two options. After review of the two options, staff determined that the cost of abandoning the pipes in place, OPTION 2, is less than the cost of OPTION 1. Therefore, staff is recommending that Council approve and authorize the City Manager to execute the SRP Agreement for the abandonment of approximately 1,000 feet of SRP irrigation pipe. The abandonment will meet all requirements established by the Arizona Blue Stake Law. SRP will provide tracer wire and as-built information. It will become a facility maintained and blue staked by the City, specifically, the Public Works Department.

ATTACHMENT:

1. SRP Irrigation Abandonment Agreement
2. Exhibit A

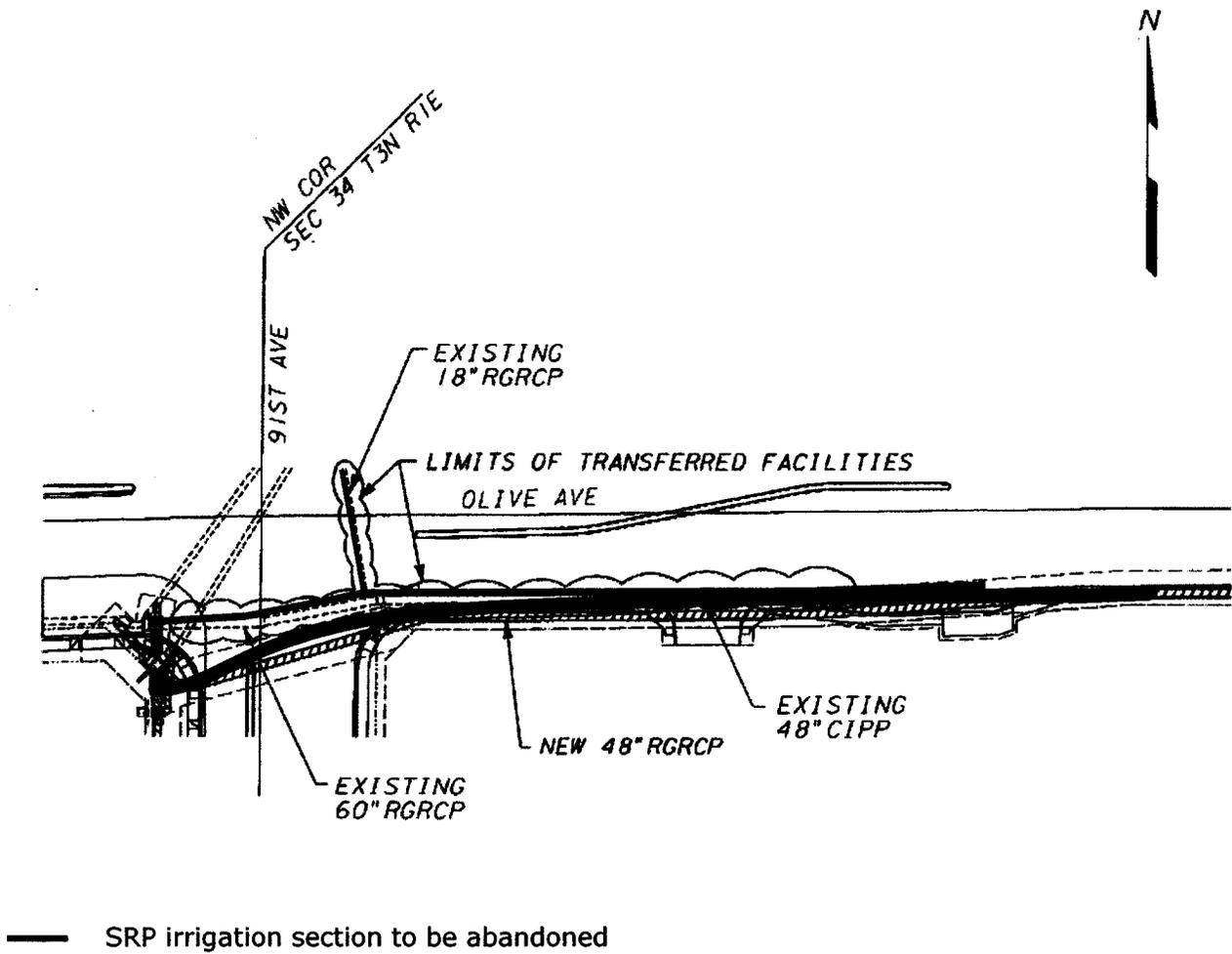


EXHIBIT A

FACILITY TRANSFER AGREEMENT

Salt River Project Agricultural Improvement and Power District, an agricultural improvement district organized and existing under the laws of the State of Arizona ("SRP"), and the City of Peoria ("City") have entered into this Facility Transfer Agreement ("Agreement") effective as of the date stated below.

Recitals

1. City has previously agreed to relocate SRP irrigation facilities located near 91st Avenue and Olive Avenue in connection with the City's 91st Avenue and Olive Avenue Improvement Project
2. City has previously agreed to remove and dispose of all SRP's existing facilities but now requests that the 60" RGRCP and 48" CIPP located approximately 47' to 60' south of Olive Avenue from 47' west of 91st Avenue to 325' east of 91st Avenue along with the 18" RGRCP located approximately from the southeast corner to the northeast corner of 91st Avenue and Olive Avenue be abandoned in place by SRP in lieu of removal – Reference attached Exhibit "A". These facilities will no longer transport irrigation water or tailwater.
3. SRP is willing to allow such abandonment, provided the City accepts ownership of and cost responsibilities for the abandoned facilities, reimburses SRP for any costs associated with such abandonment and enters into any license or permit that may be necessary.

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Agreement

In consideration of abandonment in place by SRP of the SRP facilities described above and further described on the attached Exhibit "A" (the "Facilities"), the transfer of title to such Facilities by SRP to the City, City's acceptance of such Facilities on the terms and conditions described herein, and other mutual promises and agreements contained herein, SRP and City agree as follows:

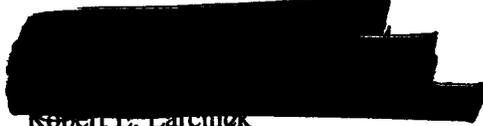
1. SRP hereby transfers, conveys, and delivers the Facilities to City.
2. City accepts ownership of the Facilities, together with all responsibility for the Facilities, including responsibility for compliance with the "Blue Stake Law", Arizona Revised Statutes, Sections 40-36.21 through 40-360.31, for Underground Facilities.
3. SRP has not inspected the Facilities or made any other investigation to determine whether the Facilities are appropriate for abandonment in place and use as part of City' project. SRP makes no representation or warranty, express or implied, with respect to the Facilities. SRP transfers and City accepts the Facilities on an "as is" basis, with all faults.
4. City agrees to indemnify and hold harmless SRP, the Salt River Valley Water Users Association, and their governing bodies, officers, employees and agents for any claim, demand, lawsuit or action of any kind, including claims for damages to property or for personal injury, in any way related to Facilities, including all costs of defending against such claims, demands, lawsuits or actions, including attorney fees and costs.

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5. City shall reimburse SRP for any costs incurred by SRP in connection with abandonment of the Facilities, including any costs and fees charged by the U.S. Bureau of Reclamation, if applicable.

6. This Agreement shall be effective upon the last date signed below.

SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT

BY: 

Robert E. Larchuk
Manager, Water Engineering

DATE: 8/15/2007

CITY OF PEORIA

BY: _____

Terrence L. Ellis, City Manager
(Print or type name)

DATE: _____

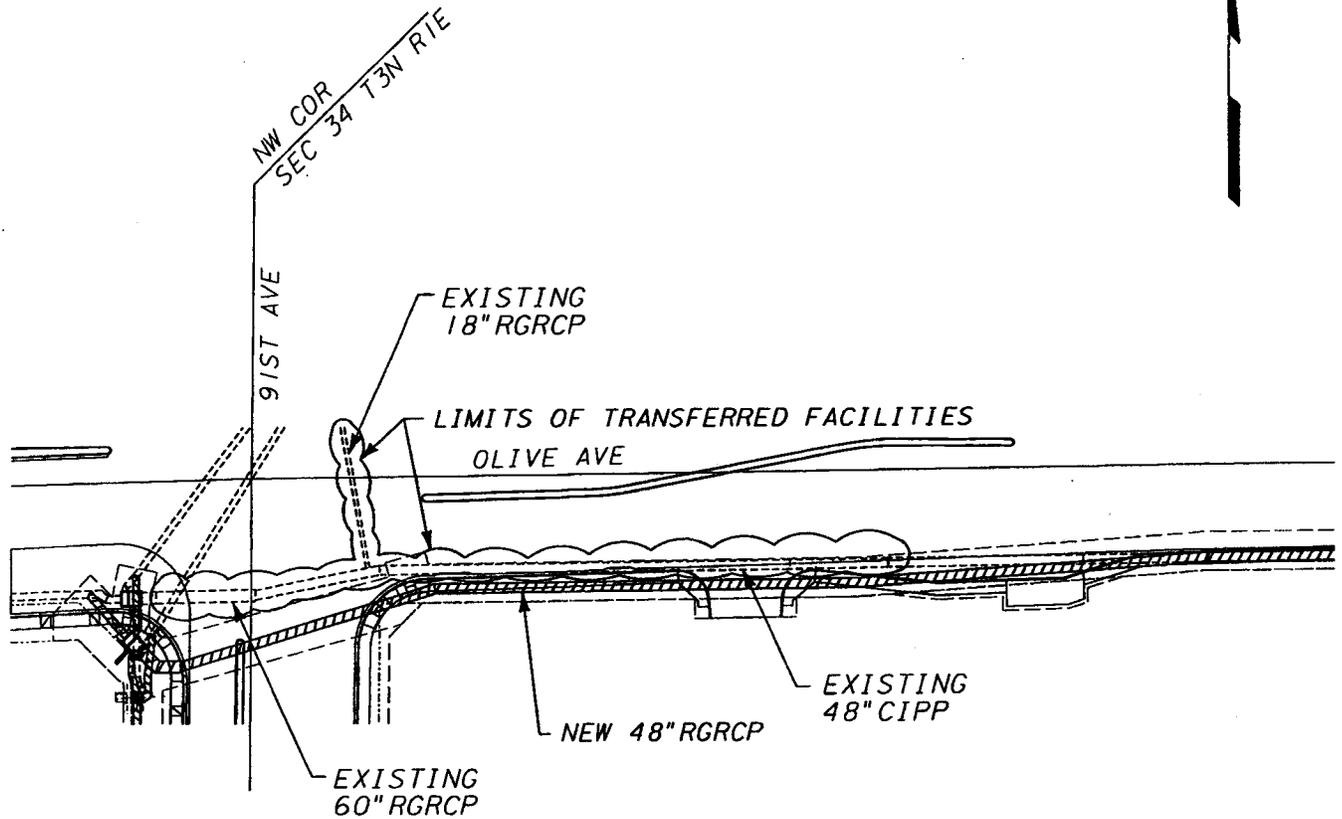
ATTEST:

BY: _____
Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

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REFERENCES



SALT RIVER PROJECT
WATER ENGINEERING STANDARD

91ST AVE AND OLIVE AVE
CITY OF PEORIA
91ST AVE AND OLIVE AVE IMPROVEMENT

L **01808;**

SCALE: NOT TO SCALE

DWG: XFER EXHIBIT.DGN

DWG SIZE

22X17

EXHIBIT 'A'

*****SYTIME*****