

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 24C
Amend No. _____

Date Prepared: July 21, 2008

Council Meeting Date: August 26, 2008

TO: Carl Swenson, *CS* City Manager
FROM: Dan Nissen, P.E., Acting Engineering Director
PREPARED BY: Kristine Luna, Real Property Administrator *KL*
SUBJECT: Adoption of a Resolution authorizing the execution of an Irrigation Easement to Salt River Project Agricultural Improvement and Power District, for irrigation facilities related to the intersection widening at 91st Avenue and Olive Avenue.

RECOMMENDATION:

That Mayor and Council adopt a Resolution authorizing the City Manager to execute an Irrigation Easement to Salt River Project Agricultural Improvement and Power District (SRP) for irrigation facilities related to the intersection widening at 91st Avenue and Olive Avenue.

SUMMARY:

The improvements to the intersection at 91st Avenue and Olive Avenue will require relocating the SRP irrigation facilities in order to provide room for the additional lanes to increase traffic flow through the intersection. To complete the project, it will be necessary to relocate an existing irrigation structure on the southwest corner of the intersection and relocate multiple irrigation pipes associated with the intersection widening. SRP has requested an easement for the area within the City of Peoria right of way necessary to complete construction of the new facilities.

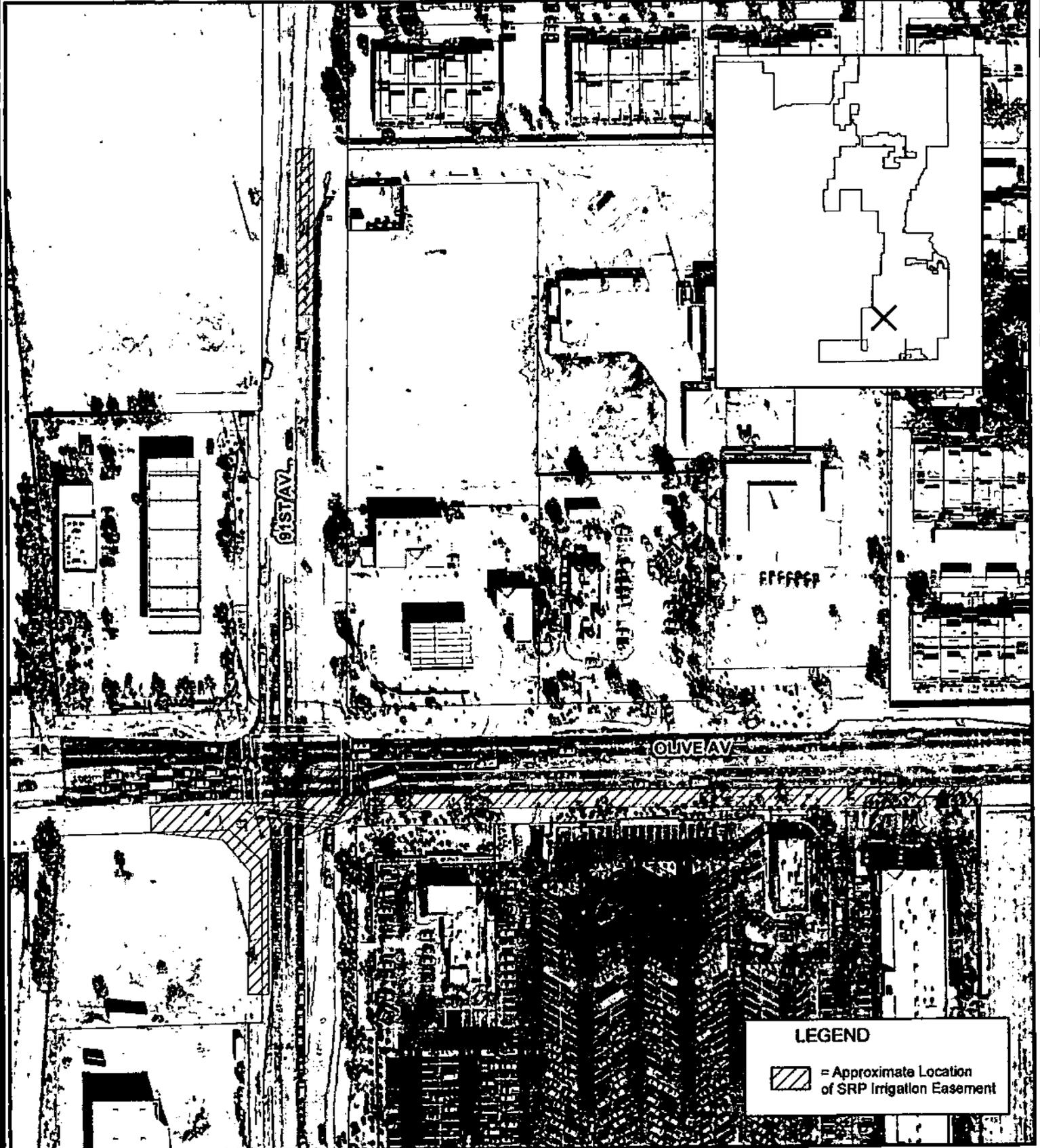
ATTACHMENTS:

1. Site Location Map
2. Resolution

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

ORD. # _____ RES. # 08-125
LCON# _____ LIC. # _____
Action Date: _____

Site Location Map



LEGEND

 = Approximate Location of SRP Irrigation Easement

91st Avenue & Olive Intersection Improvements SRP Irrigation Easement

Note: This map is based on imprecise source data, subject to change and for GENERAL REFERENCE ONLY



RESOLUTION NO. 08-125

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR IRRIGATION FACILITIES.

WHEREAS, Salt River Project Agricultural Improvement and Power District, a Political Subdivision of the State of Arizona (SRP) was requested, by the City of Peoria, to relocate irrigation facilities to accommodate the intersection widening improvements at 91st Avenue and Olive Avenue. The construction required the new system to be tied into the existing system, within City right of way, SRP has requested that the City of Peoria grant this 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 Irrigation Easement to Salt River Agricultural and Power Improvement District, 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 an Irrigation Easement to Salt River Project Agricultural and Power District, and authorize the City Manager to execute the easement.

Resolution No. 08-125
SRP Irrigation Easement – PW00245 91st Avenue/Olive Avenue
August 26, 2008
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria
this 26th day of August, 2008.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENT:

1. Irrigation Easement

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB350
P. O. Box 52025
Phoenix, Arizona 85072-2025

IRRIGATION EASEMENT

Maricopa County
91st Ave and Olive

R/W # 66, 67, 68 Agt. JAG
Job # RD-62745
W JAG CSV

KNOW ALL MEN BY THESE PRESENTS:

That

CITY OF PEORIA, ("Grantor"),
an Arizona municipal corporation

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 **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, ("Grantee"), an agricultural improvement district organized and existing under the laws of the State of Arizona, its successors and assigns, the right, easement and privilege to construct, reconstruct, operate and maintain an irrigation pipeline and irrigation turnout structure together with all the necessary and appurtenant facilities through, over, under and across the following described property:

Exhibit "A" pages 1 through 7, attached hereto and made by reference a part hereof.

Grantor shall not convey any easements or grant any permits within the easement areas in which the facilities do not comply with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.

Grantor shall not erect, construct or permit to be erected or constructed any building or other structure, plant any trees, drill any well, install swimming pools, or alter ground level by cut or fill, within the limits of said rights of way, which do not comply with said Exhibit B.

Grantee shall have the right, but not the obligation, to erect, maintain and use gates in all fences which now cross said rights of way and to trim, cut and clear away trees or brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted.

The Grantee shall at all times have the right of full and free ingress and egress to said easement for the purpose heretofore specified.

Grantor and Grantee acknowledge that from time to time Grantee may find it necessary to construct, reconstruct, operate and maintain irrigation facilities and appurtenant conveniences lying within the easement areas.

Grantor shall pay Grantee all costs and expenses of any relocation of the irrigation facilities requested by Grantor, including but not limited to, the relocation of the facilities into the easement area described above.

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

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, successors in ownership and estate, assigns and lessees of the respective parties hereto.

Notwithstanding any of the aforesaid provisions, the easement rights granted herein shall be further subject to the following covenants, restrictions and conditions:

1. Grantor reserves the right to construct, install, operate, maintain, repair, replace and reinstall surface parking areas, driveways, roadways, sidewalks, curbs and gutters, landscaping, irrigation lines and street lighting on the surface of the easement areas.
2. Grantor reserves the right to construct and install public utilities, and to grant easements and permits for public utility purposes, in, upon, under, over and across the easement areas subject to compliance with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.
3. In the event that any repair, maintenance, replacement or installation of the irrigation facilities and appurtenant conveniences will cause a disturbance or a disruption of any public street or paved roadway, Grantee shall notify Grantor, pursuant to existing practices, before Grantee undertakes any such action. In the event of an emergency, Grantee shall have use of any public street or paved roadway as it reasonably deems necessary and appropriate to correct, repair, replace or reconstruct irrigation facilities affected by the emergency and notify Grantor, pursuant to existing practices, as soon as practical after responding to the emergency. Grantee shall provide for advance warning signs, barricades, flagmen, flares, and other devices when necessary to protect the roadway user as set forth in the "Manual on Uniform Traffic Control Devices" and any amendments and/or revisions thereto.
4. Grantor shall warrant and defend the rights, easements and privileges hereby granted and the priority of this easement against all persons whomsoever.

EXHIBIT A

LEGAL DESCRIPTION

Parcel # 1 SRP Easement

A portion of the Northeast Quarter of the Northeast Quarter of Section 33, and the Northwest Quarter of the Northwest Quarter of Section 34, Township 3 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona. More fully described as follows:

Commencing at the Northwest Corner of Section 34;

THENCE South 00 degrees 01 minutes 45 seconds East
Along the West Section line of Section 34 (91st Avenue) for a
Distance of 70.15 feet to The True Point of Beginning;
THENCE North 74 degrees 23 minutes 20 seconds East for a
Distance of 72.51 feet To an Angle point;
THENCE North 15 degrees 36 minutes 40 seconds West for a
Distance of 7.41 feet To an Angle Point
THENCE North 74 degrees 23 minutes 20 seconds East for a
Distance of 21.05 feet To an Angle point;
THENCE South 15 degrees 36 minutes 40 seconds East for a
Distance of 6.45 feet To an Angle point;
THENCE South 07 degrees 52 minutes 03 seconds West for a
Distance of 20.22 feet To an Angle Point
THENCE South 44 degrees 41 minutes 20 seconds West for a
Distance of 14.96 feet To an Angle point;
THENCE South 74 degrees 23 minutes 20 seconds West for a
Distance of 126.20 feet To an Angle point;
THENCE South 00 degrees 00 minutes 05 seconds West for a
Distance of 97.29 feet To an Angle point;
THENCE South 15 degrees 29 minutes 45 seconds East for a
Distance of 34.11 feet To an Angle point;
THENCE South 00 degrees 04 minutes 02 seconds East for a
Distance of 40.21 feet To an Angle point;
THENCE South 89 degrees 55 minutes 58 seconds West for a
Distance of 20.00 feet To an Angle point;
THENCE North 00 degrees 04 minutes 02 seconds West for a
Distance of 37.50 feet To an Angle point;
THENCE North 15 degrees 29 minutes 45 seconds West for a
Distance of 34.15 feet To an Angle point;
THENCE North 00 degrees 00 minutes 15 seconds East for a
Distance of 102.75 feet To an Angle point;
THENCE North 45 degrees 52 minutes 21 seconds West for a
Distance of 33.33 feet To an Angle point;
THENCE South 88 degrees 09 minutes 36 seconds West for a
Distance of 12.50 feet To an Angle point;
THENCE North 01 degrees 42 minutes 59 seconds West for a
Distance of 13.68 feet To an Angle point;
THENCE North 44 degrees 07 minutes 29 seconds East for a
Distance of 27.50 feet To an Angle point;
THENCE South 45 degrees 52 minutes 31 seconds East for a
Distance of 16.15 feet To an Angle point;
THENCE North 10 degrees 38 minutes 46 seconds East for a
Distance of 16.90 feet to an Angle point;
THENCE South 79 degrees 21 minutes 14 seconds East for a
Distance of 20.00 feet To an Angle point;

EXHIBIT A

THENCE South 10 degrees 38 minutes 46 seconds West for a Distance of 19.98 feet To an Angle point;

THENCE South 00 degrees 11 minutes 30 seconds West for a Distance of 8.40 feet To an Angle point;

THENCE South 49 degrees 03 minutes 52 seconds East for a Distance of 8.50 feet To an Angle point;

THENCE North 89 degrees 24 minutes 33 seconds East for a Distance of 4.72 feet To an Angle point;

THENCE North 74 degrees 23 minutes 20 seconds East for a Distance of 42.44 feet Back to The True Point of Beginning;

Together with and subject to covenants, easements, and Restrictions of record.

Said property contains 0.21 acres more or less.

Prepared by: Engineering Alliance, Inc.

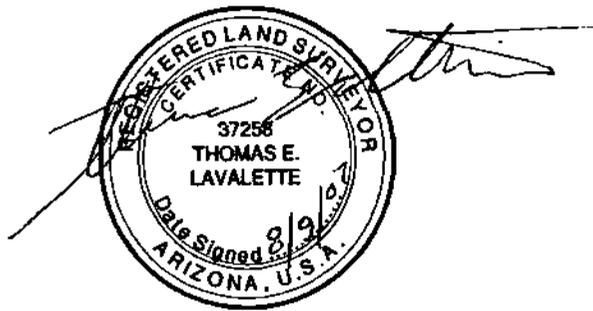
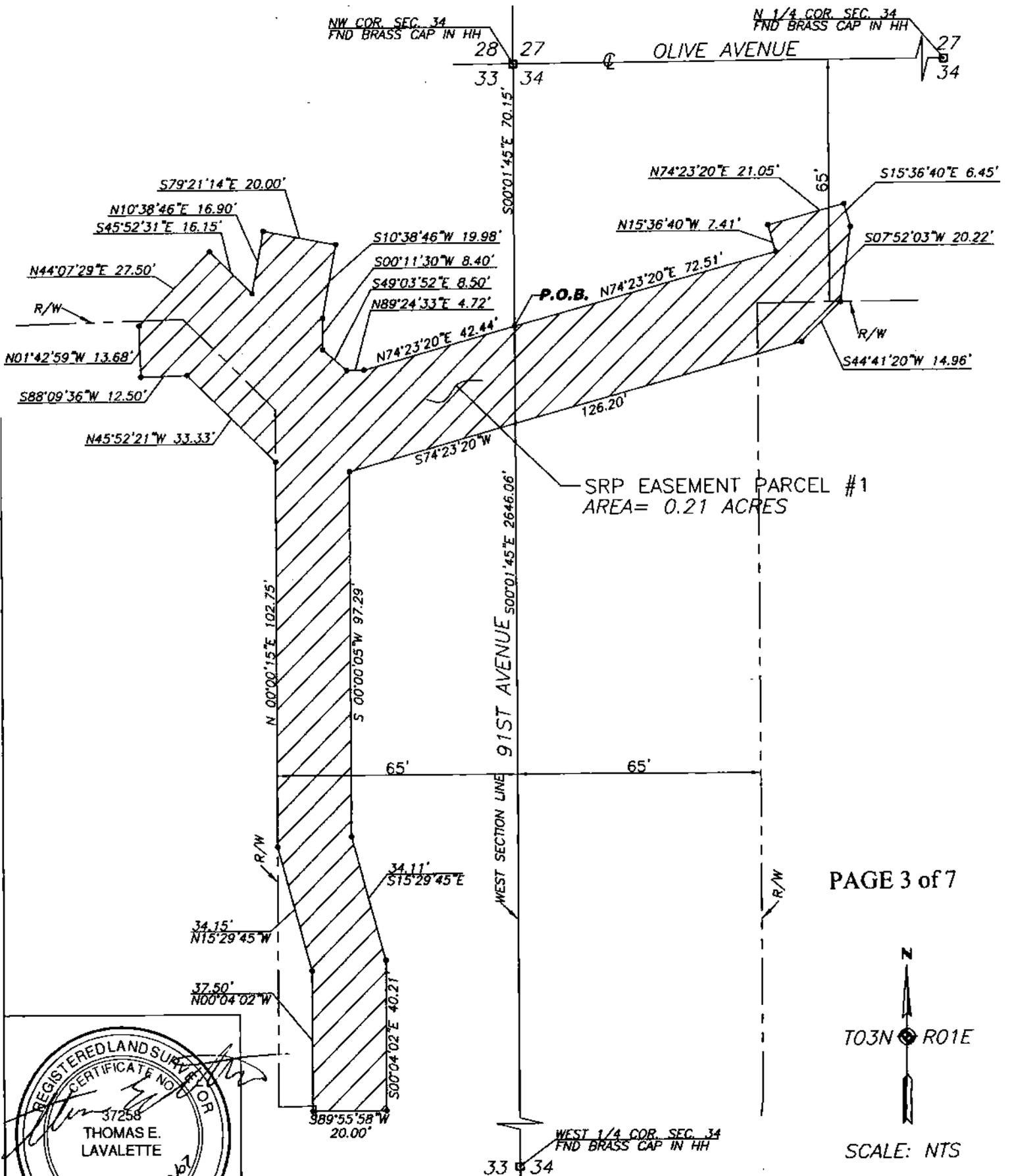


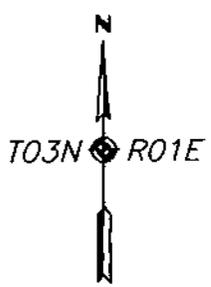
EXHIBIT A

SRP EASEMENT (PARCEL #1)



SRP EASEMENT PARCEL #1
AREA= 0.21 ACRES

PAGE 3 of 7



SCALE: NTS



ENGINEERING ALLIANCE, INC.
 5727 N. 7TH STREET, SUITE 120
 PHOENIX, ARIZONA 85014 (602) 248-4209

EXHIBIT A

LEGAL DESCRIPTION Parcel # 2 SRP Easement

A Portion of the Northwest Quarter of the Northwest Quarter of Section 34, Township 3 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona. More fully described as follows:

Commencing at the Northwest corner of Section 34;

THENCE North 89 degrees 23 minutes 21 seconds East for a Distance of 89.41 feet Along the North Section line of Section 34 (Olive Avenue);

THENCE South 00 degrees 36 minutes 39 seconds East for a Distance of 45.00 feet To the True Point of Beginning;

THENCE North 89 degrees 23 minutes 21 seconds East for a Distance of 220.01 feet To an Angle Point;

THENCE North 86 degrees 12 minutes 33 seconds East for a Distance of 180.28 feet To an Angle Point;

THENCE North 89 degrees 23 minutes 21 seconds East for a Distance of 272.25 feet to an a Angle Point;

THENCE South 00 degrees 37 minutes 02 seconds East for a Distance of 20.00 feet To an Angle Point;

THENCE South 89 degrees 23 minutes 21 seconds West for a Distance of 271.70 feet To an Angle Point;

THENCE South 86 degrees 12 minutes 33 seconds West for a Distance of 180.28 feet To an Angle Point;

THENCE South 89 degrees 23 minutes 21 seconds West for a Distance of 223.55 feet To an Angle Point;

THENCE North 07 degrees 52 minutes 03 seconds East for a Distance of 20.22 feet Back to The True Point of Beginning;

Together with and subject to covenants, easements, and Restrictions of record.

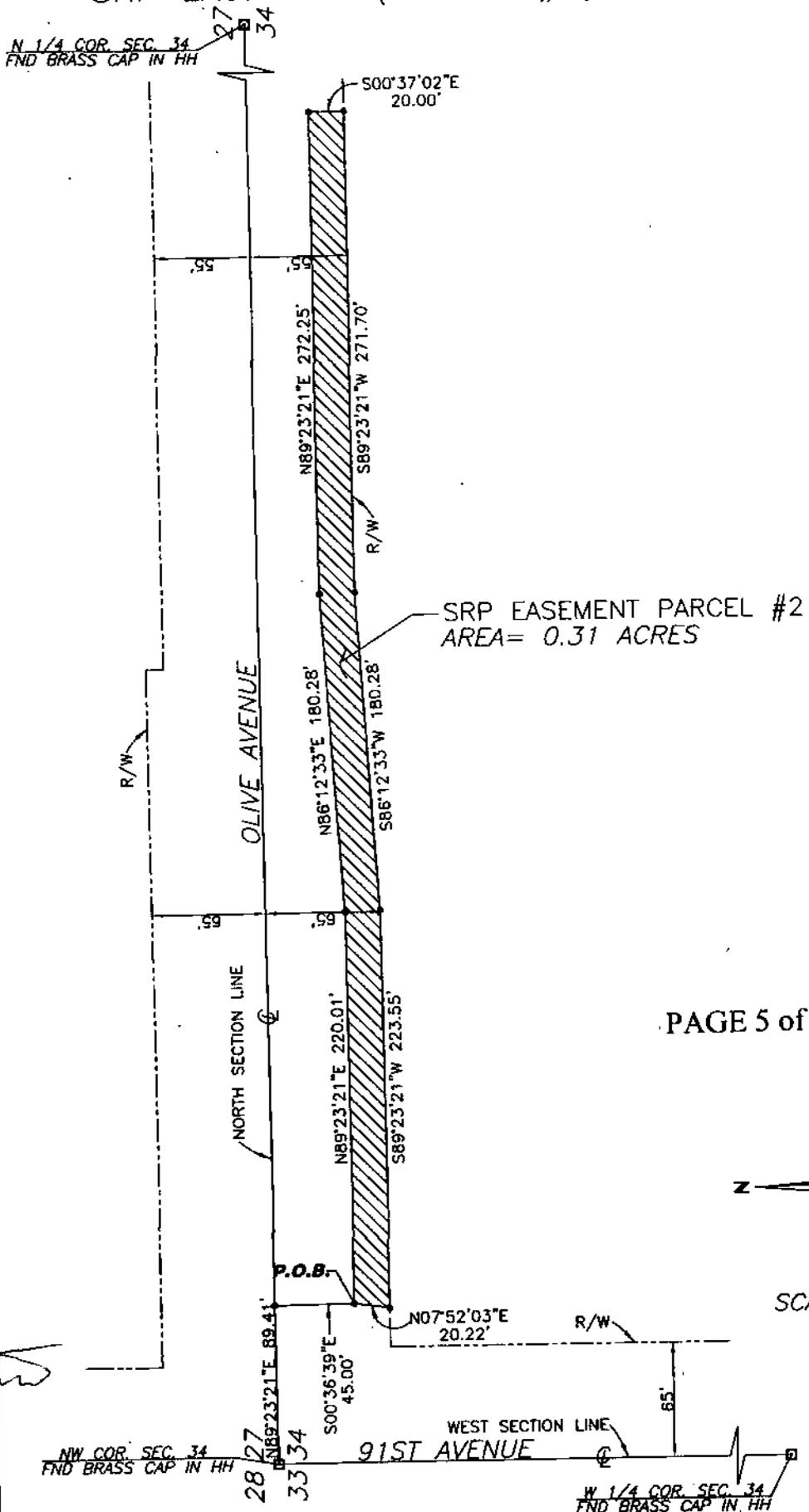
Said property contains 0.31 acres more or less.

Prepared by: Engineering Alliance, Inc.



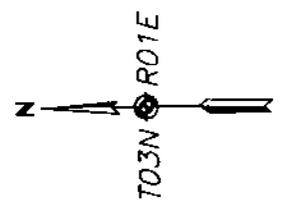
EXHIBIT A

SRP EASEMENT (PARCEL #2)

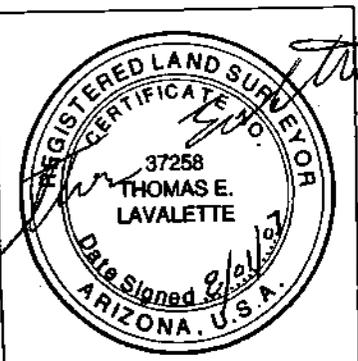


SRP EASEMENT PARCEL #2
AREA= 0.31 ACRES

PAGE 5 of 7



SCALE: NTS



EA **ENGINEERING ALLIANCE, INC.**
 5727 N. 7TH STREET, SUITE 120
 PHOENIX, ARIZONA 85014 (602) 248-4203

EXHIBIT A

LEGAL DESCRIPTION Parcel # 3 SRP Easement

A Portion of the Southwest Quarter of the Southwest Quarter of Section 27, Township 3 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona. More fully described as follows:

Commencing at the Southwest corner of Section 27;

THENCE North 00 degrees 23 minutes 51 seconds East for a Distance of 511.98 feet Along the West Section line of Section 27 (91st Avenue);

THENCE South 89 degrees 36 minutes 09 seconds East for a Distance of 25.00 feet To the True Point of Beginning;

THENCE North 00 degrees 23 minutes 44 seconds East for a Distance of 182.32 feet To an Angle Point;

THENCE South 89 degrees 36 minutes 16 seconds East for a Distance of 20.00 feet To an Angle Point;

THENCE South 00 degrees 23 minutes 44 seconds West for a Distance of 182.32 feet to an a Angle Point;

THENCE North 89 degrees 36 minutes 16 seconds West for a Distance of 20.00 feet Back to The True Point of Beginning;

Together with and subject to covenants, easements, and Restrictions of record.

Said property contains 0.08 acres more or less.

Prepared by: Engineering Alliance, Inc.

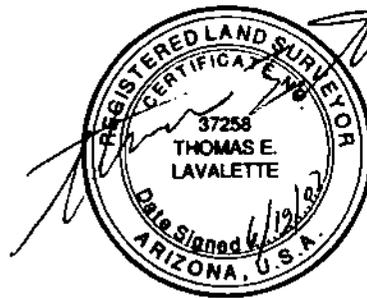
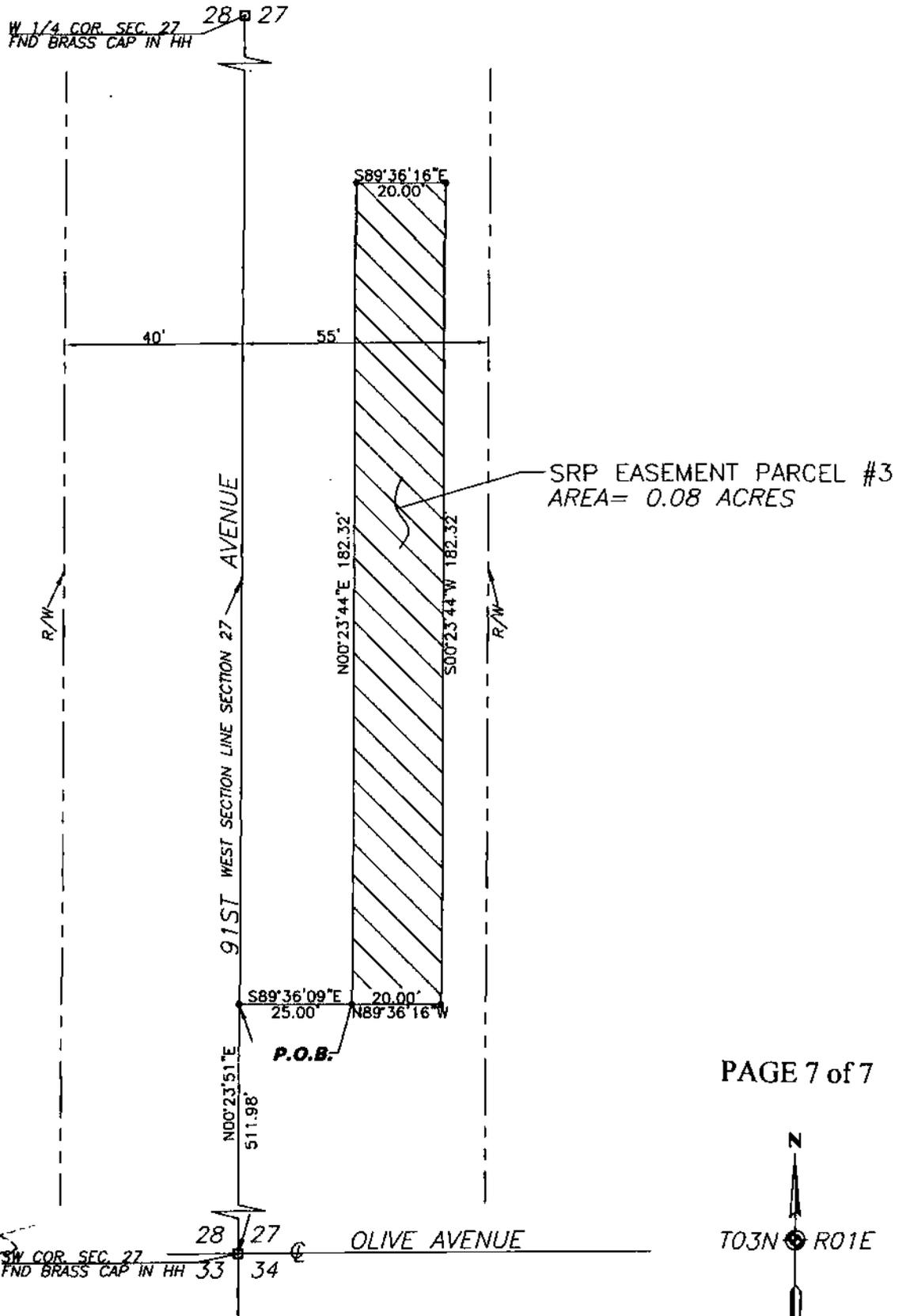
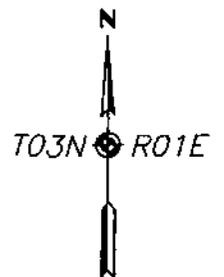


EXHIBIT A

SRP EASEMENT (PARCEL #3)



PAGE 7 of 7

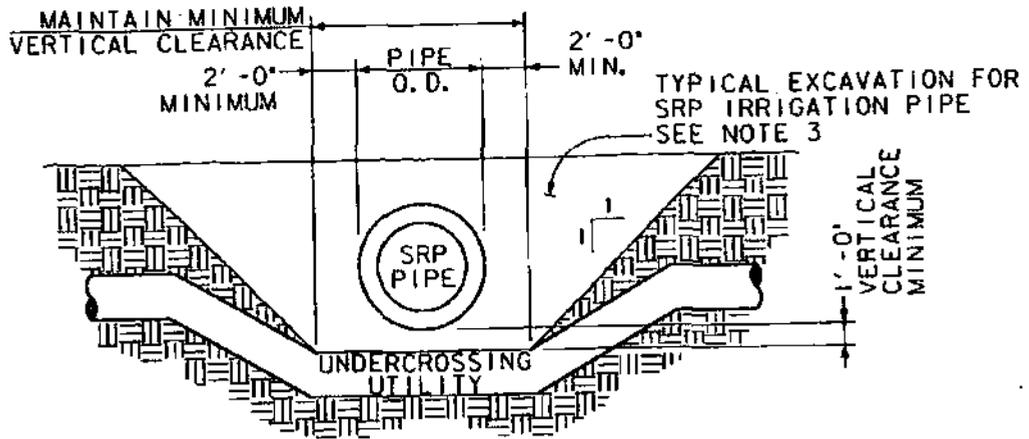


SCALE: NTS

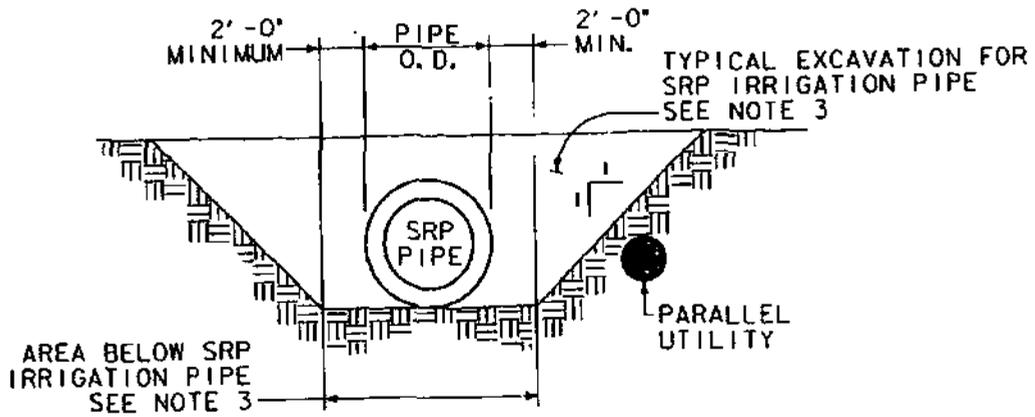


EXHIBIT B

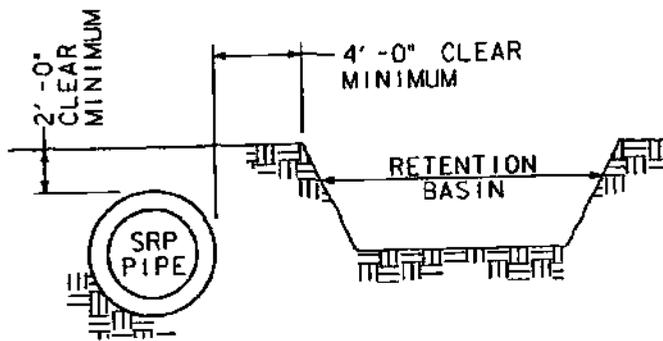
(PAGE 1 OF 2)



PIPELINE - UTILITY CROSSING



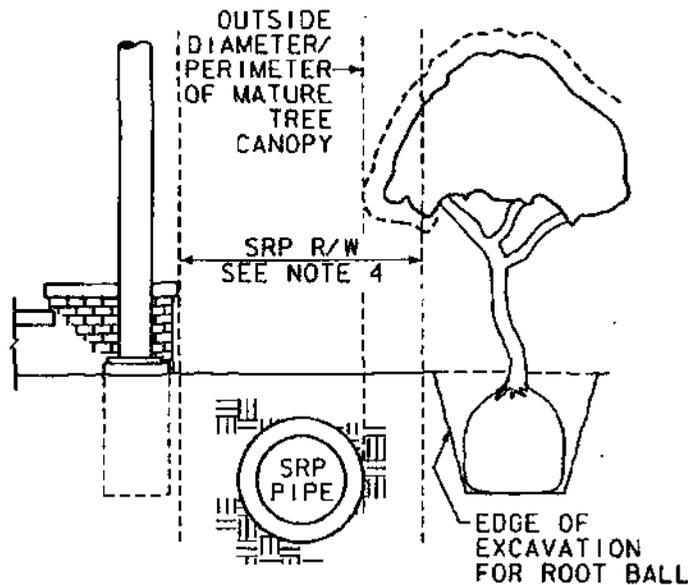
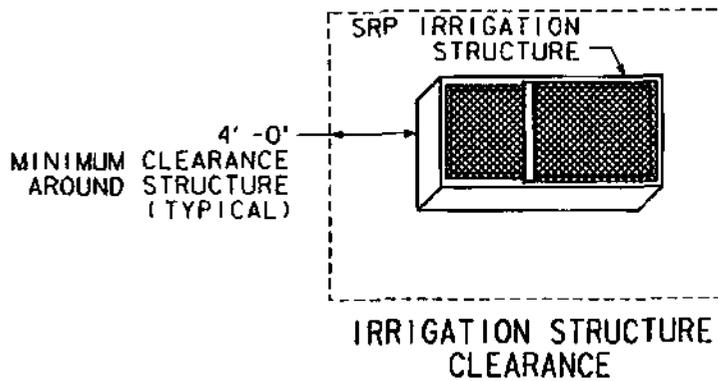
PIPELINE - PARALLEL UTILITY



PIPELINES - RETENTION BASIN

EXHIBIT B

(PAGE 2 OF 2)



PIPELINES - LANDSCAPING

NOTES

1. THESE GUIDELINES ARE PROVIDED AS A GENERAL AID TO PLANNING. ACTUAL SRP REQUIREMENTS MAY VARY BASED ON SITE-SPECIFIC CONDITIONS, OPERATIONAL CONSIDERATIONS, ETC.
2. AN SRP LICENSE IS REQUIRED FOR UTILITIES CROSSING/PARALLEL TO SRP IRRIGATION PIPE IN SRP RIGHT-OF-WAY. SRP REQUIRES ENGINEER DESIGNED UTILITY CROSSING/LOCATION AND EXCAVATION PLAN.
3. OTHER UTILITIES ARE NOT PERMITTED IN THESE AREAS.
4. SRP MAY LICENSE LIMITED USES OF ITS RIGHT-OF-WAY SUCH AS PARKING, SIDEWALK, LAWN, ETC. POLES, STRUCTURES AND TREES ARE TYPICALLY NOT PERMITTED IN SRP RIGHT-OF-WAY. INCLUDE DESIGN DRAWINGS FOR PROPOSED USE WHEN SUBMITTING REQUEST TO SRP FOR LICENSE.
5. REQUESTS FOR SRP LICENSES ARE HANDLED ON A CASE-BY-CASE BASIS. CONTACT SRP AT 602-236-2962 REGARDING LICENSES FOR SITES LOCATED NORTH OF THE SALT RIVER AND AT 602-236-5799 REGARDING LICENSES FOR SITES SOUTH OF THE SALT RIVER.