

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

CC: 25C  
Amend No. \_\_\_\_\_

Date Prepared: July 25, 2008

Council Meeting Date: August 26, 2008

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**TO:** Carl Swenson, City Manager

**FROM:** Dan Nissen, P.E., Acting Engineering Director

**PREPARED BY:** Kristine Luna, Real Property Administrator

**SUBJECT:** Adoption of a Resolution authorizing the execution of an Irrigation Easement to Salt River Project Agricultural Improvement and Power District, for an irrigation pipe related to the private development known as Peoria Commerce Center. (ML08-04)

**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 an irrigation pipe which will be required to be relocated as part of the improvements to 91<sup>st</sup> Avenue for the Peoria Commerce Development, located west of 91<sup>st</sup> Avenue, south of Olive Avenue.

**SUMMARY:**

A Minor Land Division (MLD) was submitted to develop a nine acre commercial center on the west side of 91<sup>st</sup> Avenue and south of Olive Avenue, known as Peoria Commerce Center. In order to meet the requirements of development, additional right of way for 91<sup>st</sup> Avenue was dedicated to the City as part of the minor land process. An existing SRP irrigation pipe will need to be relocated to provide room for the additional lane on 91<sup>st</sup> Avenue. SRP has requested an easement for the area within the City of Peoria right of way necessary to complete construction of the relocation of pipe.

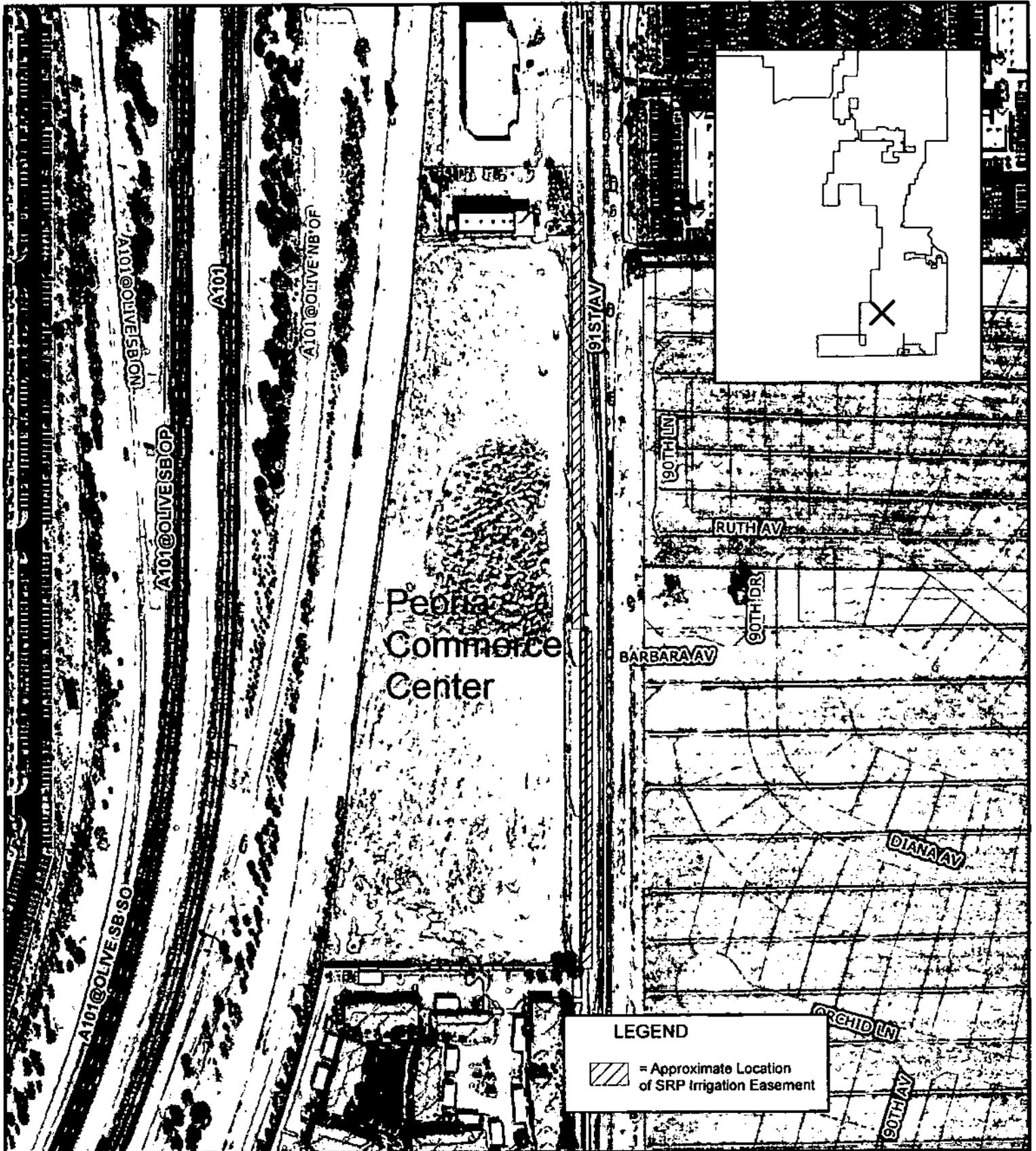
**ATTACHMENTS:**

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. # 08-126  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

# Site Location Map



## Peoria Commerce Center (ML08-04) 91st Avenue Right of Way SRP Irrigation Easement

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

**RESOLUTION NO. 08-126**

**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 a private development known as Peoria Commerce, to relocate an irrigation pipe to accommodate additional right of way along 91<sup>st</sup> 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. 08-126  
SRP Irrigation Easement – Peoria Commerce (ML08-04)  
August 26, 2008  
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria  
this 26<sup>th</sup> 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/PAB348  
P. O. Box 52025  
Phoenix, Arizona 85072-2025

**IRRIGATION EASEMENT**

Maricopa County

R/W #67 Agt. PJH  
Job #RD-52650  
W-~~PJH~~ C CSV

**KNOW ALL MEN BY THESE PRESENTS:**

That

**CITY OF PEORIA, ("Grantor"),**  
a 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" 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

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HANDHOLE AT THE INTERSECTION OF BUTLER DRIVE AND 91ST AVENUE MARKING THE EAST QUARTER CORNER OF SAID SECTION 33 FROM WHICH A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP IN HANDHOLE AT THE INTERSECTION OF OLIVE AVENUE AND 91ST AVENUE MARKING THE NORTHEAST CORNER OF SAID SECTION 33 BEARS NORTH 00 DEGREES 00 MINUTES 04 SECONDS EAST A DISTANCE OF 2646.26 FEET SAID LINE BEING THE CENTERLINE OF 91ST AVENUE AND THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 AND THE BASIS FOR THE BEARINGS IN THIS DESCRIPTION;

THENCE NORTH 00 DEGREES 00 MINUTES 04 SECONDS EAST 722.67 FEET ALONG SAID EAST LINE TO A FOUND CITY OF PEORIA BRASS CAP FLUSH; THENCE NORTH 89 DEGREES 59 MINUTES 46 SECONDS WEST 28.00 FEET TO THE WEST LINE OF THE EAST 28.00 FEET OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89 DEGREES 59 MINUTES 46 SECONDS WEST 20.00 FEET TO THE WEST LINE OF THE EAST 48.00 FEET OF SAID NORTHEAST QUARTER;

THENCE NORTH 00 DEGREES 00 MINUTES 04 SECONDS EAST 539.13 FEET ALONG SAID WEST LINE;

THENCE NORTH 26 DEGREES 43 MINUTES 43 SECONDS WEST 15.56 FEET TO THE WEST LINE OF THE EAST 55.00 FEET OF SAID NORTHEAST QUARTER;

THENCE NORTH 00 DEGREES 00 MINUTES 04 SECONDS EAST 671.78 FEET ALONG SAID WEST LINE;

THENCE SOUTH 89 DEGREES 59 MINUTES 56 SECONDS EAST 20.00 FEET TO THE WEST LINE OF THE EAST 35.00 FEET OF SAID NORTHEAST QUARTER;

THENCE SOUTH 00 DEGREES 00 MINUTES 04 SECONDS WEST 667.02 FEET ALONG SAID WEST LINE;

THENCE SOUTH 26 DEGREES 43 MINUTES 43 SECONDS EAST 15.56 FEET TO THE WEST LINE OF THE EAST 28.00 FEET OF SAID NORTHEAST QUARTER;

THENCE SOUTH 00 DEGREES 00 MINUTES 04 SECONDS WEST 543.88 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

COMPRISING 0.563 ACRES OR 24,529 SQUARE FEET, MORE OR LESS, SUBJECT TO ALL EASEMENTS OF RECORD.

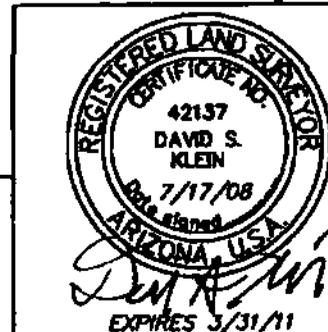
Title: SRP Irrigation Easement, 91st & Olive

Preparing Firm: Superior Surveying Services, Inc.

Address: 21415 N. 23rd Avenue, Phoenix, AZ 85027

Phone: (623) 869-0223

Fax: (623) 869-0726

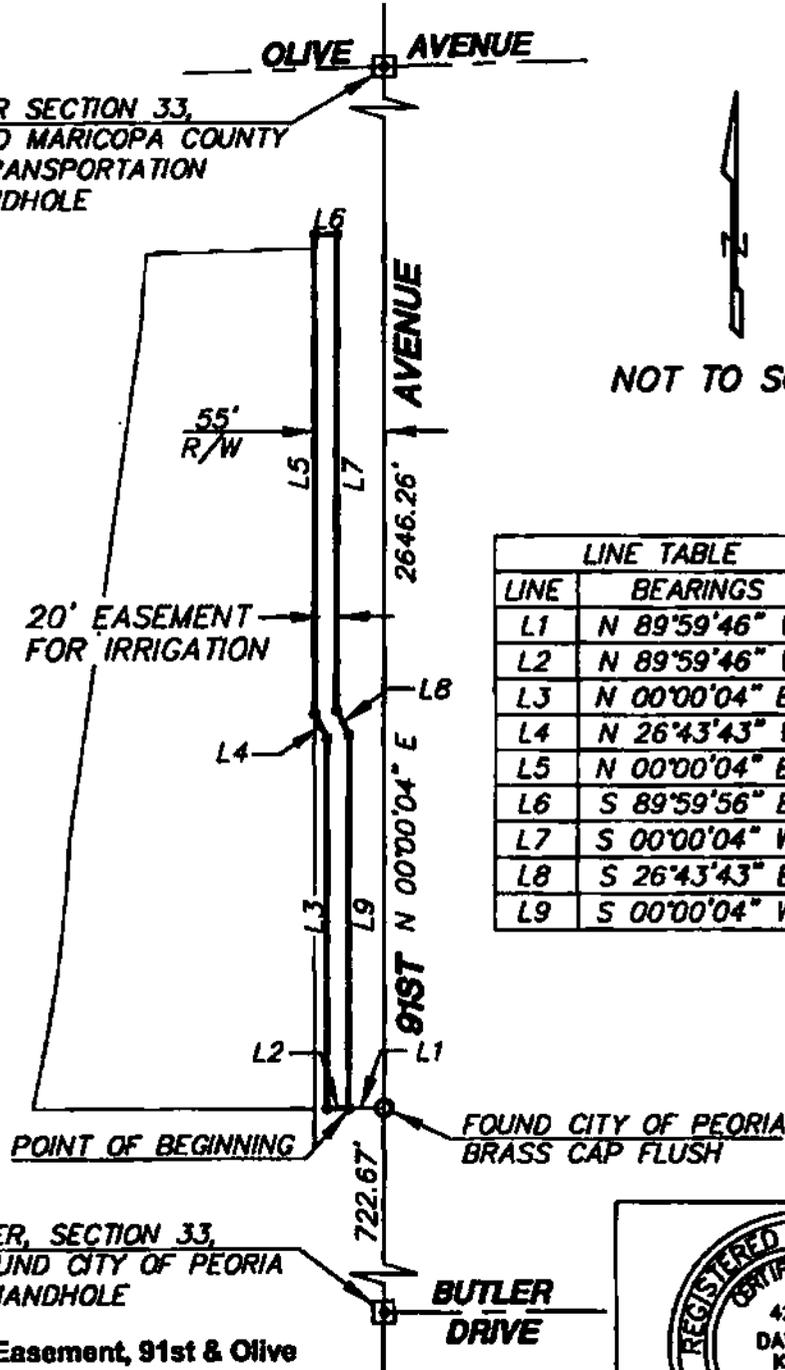




# EXHIBIT A

## SKETCH

NORTHEAST CORNER SECTION 33,  
T-3N, R-1E, FOUND MARICOPA COUNTY  
DEPARTMENT OF TRANSPORTATION  
BRASS CAP IN HANDHOLE



NOT TO SCALE

LINE TABLE		
LINE	BEARINGS	LENGTH
L1	N 89°59'46" W	28.00'
L2	N 89°59'46" W	20.00'
L3	N 00°00'04" E	539.13'
L4	N 26°43'43" W	15.56'
L5	N 00°00'04" E	671.78'
L6	S 89°59'56" E	20.00'
L7	S 00°00'04" W	667.02'
L8	S 26°43'43" E	15.56'
L9	S 00°00'04" W	543.88'

EAST 1/4 CORNER, SECTION 33,  
T-3N, R-1E, FOUND CITY OF PEORIA  
BRASS CAP IN HANDHOLE

Title: SRP Irrigation Easement, 91st & Olive

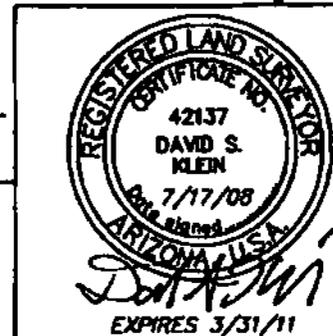
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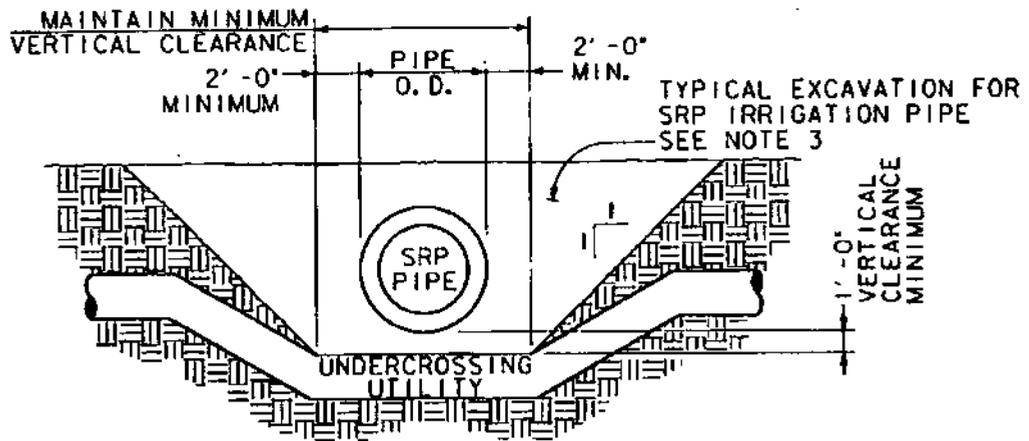
Fax: (623) 869-0726

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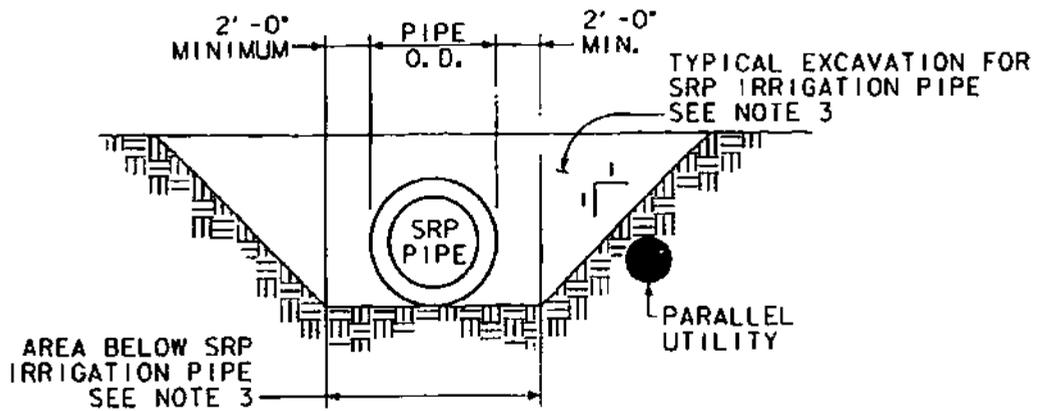


# EXHIBIT B

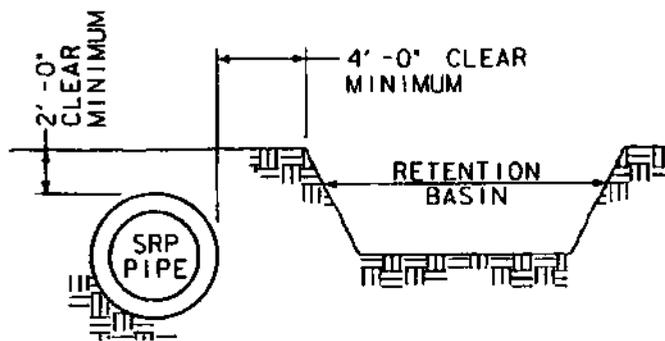
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PIPELINE - UTILITY CROSSING



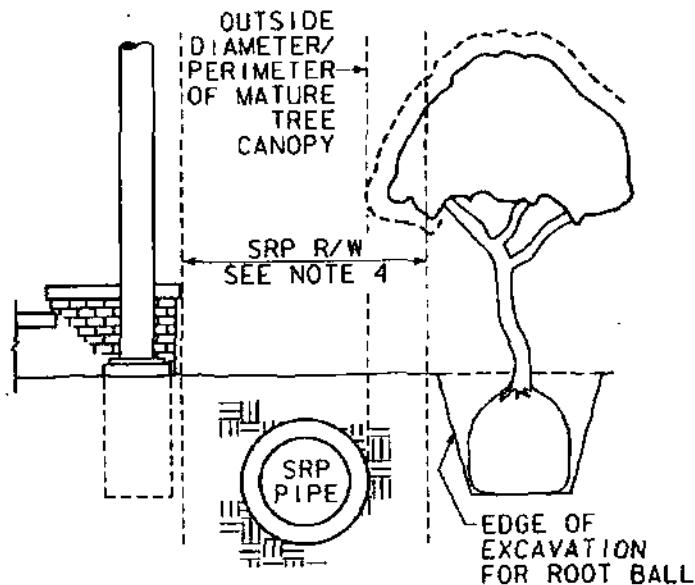
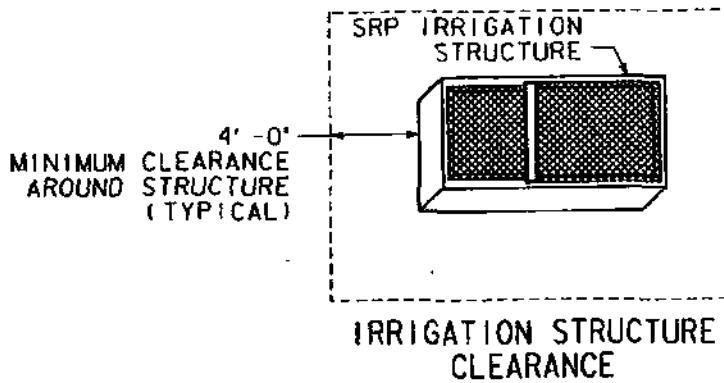
PIPELINE - PARALLEL UTILITY



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.