

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 5C
Amend No. _____

Date Prepared: September 24, 2008 Council Meeting Date: October 21, 2008

TO: Carl Swenson, City Manager

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

THROUGH: Kristine Luna, Real Property Administrator

SUBJECT: Adopt a Resolution authorizing the execution of a Utility Easement to Arizona Public Service for utility lines located at the City Hall Complex along 83rd Avenue south of Monroe Avenue.

RECOMMENDATION:

That Mayor and Council have a discussion and possible action to adopt a Resolution authorizing the City Manager to execute a Utility Easement to Arizona Public Service associated with the utility lines located at the City Hall Complex along 83rd Avenue, and authorize the City Clerk to record the easement with the Maricopa County Recorder's Office.

SUMMARY:

In coordinating with Arizona Public Service (APS) during the renovation of the IT Building in 2004, it was discovered that an easement along the north side of the City Hall parcel from 83rd Avenue to 85th Avenue was no longer needed. APS prepared a document to abandon the north portion of the easement and inadvertently included the entire easement which included the strip to the south of Monroe along 83rd Avenue. This resolution is to create a Utility Easement to APS for the actual infrastructure already in place along 83rd Avenue south of Monroe and on the north side of Cinnabar Avenue to City Hall.

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

ATTACHMENTS:

1. Site Location
2. 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. # 08-140
LCON# _____ LIC. #
Action Date:

Site Location Map



LEGEND

 = Approximate Location of APS Easement



**Cityhall Complex
83rd Avenue
APS Power Easement**

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

RESOLUTION NO. 08 -140

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT ASSOCIATED WITH THE CITY HALL COMPLEX, LOCATED AT 8401 WEST MONROE AVENUE.

WHEREAS, The City of Peoria is the owner of the City Hall Complex at 8401 West Monroe Avenue, which will require the dedication of a Utility Easement for electric 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 a Utility Easement for electric 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 Arizona Public Service Company, and authorize the City Manager to execute the attached document.

Resolution No. 08-140
City Hall Complex APS Easement
October 21, 2008
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria
this 21st day of October, 2008.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENT:

1. Utility Easement

UTILITY EASEMENT

NE 1/4 SEC. 27
T-3N, R-1E
W219300
RT

CITY OF PEORIA, a municipal corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

The North 693.50 feet of Lot 158, ALTA LOMA, according to the plat of record in the office of the county recorder of Maricopa County, Arizona in Book 5 of Maps, page 19.

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):**

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantor shall maintain a clear area that extends 2 feet from and around all edges of all transformer pads and 3 feet from and around all other equipment pads, and a clear operational area that extends 10 feet immediately in front of all transformer and other equipment openings. No obstructions, trees, shrubs, fixtures, or permanent structures shall be placed by Grantor within said areas.

Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

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, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

Resolution No. 08-140

**UTILITY EASEMENT
T-3N, R-1E
W219300
RT**

ATTEST:

Mary Jo Kief, City Clerk

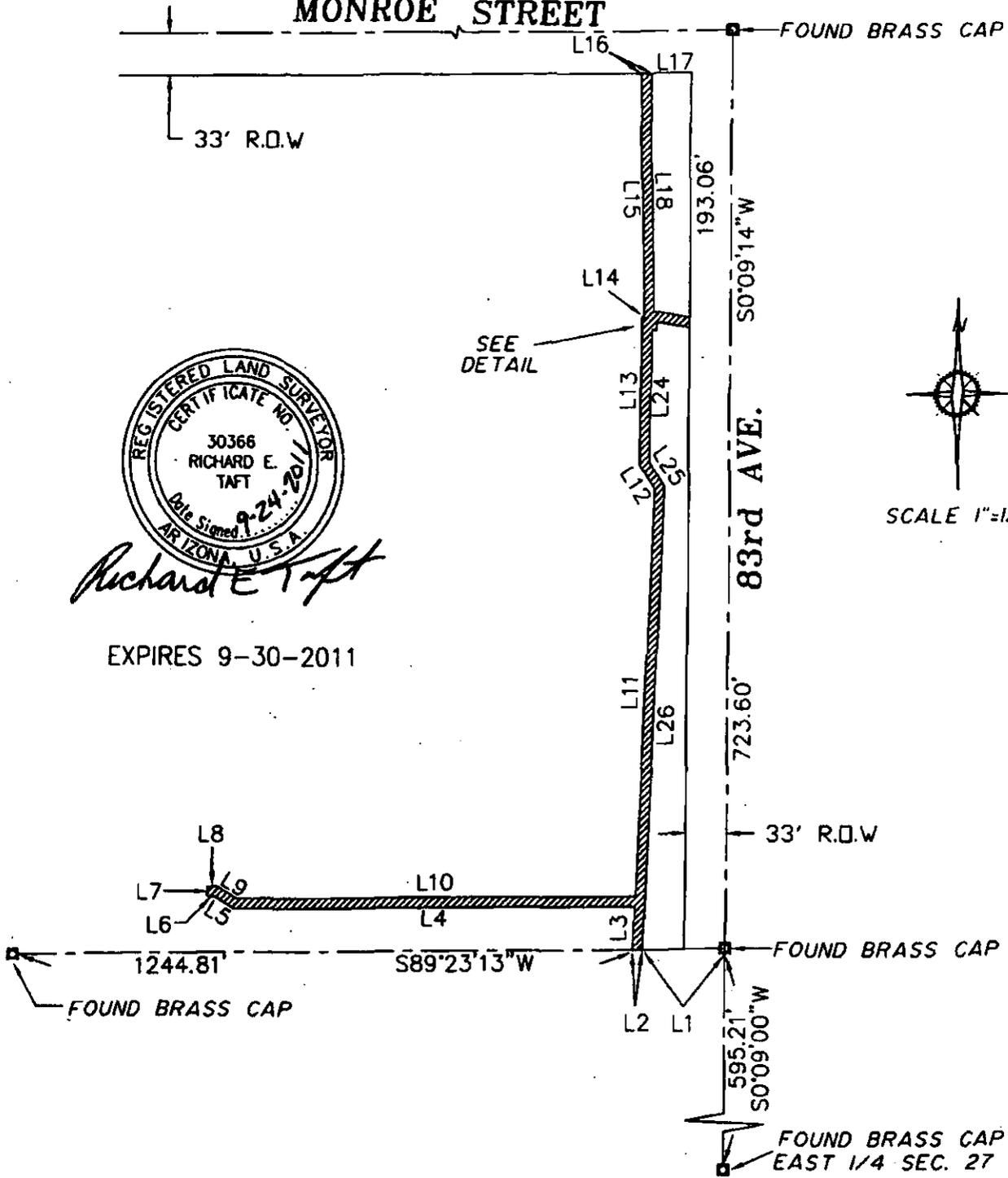
APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT

MONROE STREET



Richard E. Taft

EXPIRES 9-30-2011

SEE
DETAIL



SCALE 1"=120'

LEGEND

	EASEMENT AREA
	ROAD CENTERLINE
	PROPERTY LINE
	FOUND BRASS CAP

JOB# W219300	DATE: 9/24/08
NE 1/4 SEC 27	T 3N R 1E
SCALE: 1" = 120'	
R/W: RICHARD TAFT	
SURVEY: TAFT-OLSON	
DRAWN BY: RICHARD TAFT	

EXHIBIT "A"

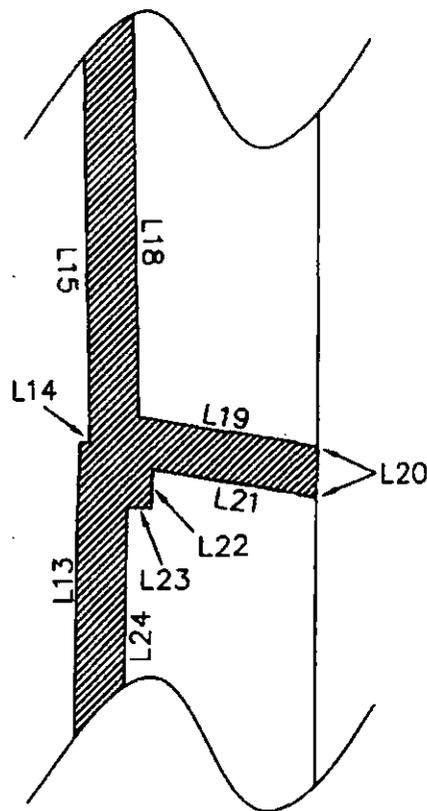
LINE TABLE AND DETAIL

NUM	BEARING	DISTANCE
L1	S89°23'13"W	66.34'
L2	S89°23'13"W	8.01'
L3	N2°21'07"E	34.05'
L4	S89°23'13"W	320.48'
L5	N58°21'38"W	18.74'
L6	S89°23'13"W	5.01'
L7	N0°27'04"W	8.00'
L8	N89°23'13"E	7.30'
L9	S58°21'38"E	18.74'
L10	N89°23'13"E	318.58'
L11	N2°21'07"E	320.69'
L12	N31°21'48"W	22.28'
L13	N0°37'46"E	117.37'
L14	N90°00'00"E	1.53'
L15	N0°59'27"W	191.80'
L16	N89°24'05"E	8.00'
L17	N89°24'05"E	32.41'
L18	S0°59'27"E	187.75'
L19	S80°05'20"E	29.08'
L20	S0°09'14"W	8.12'
L21	N80°05'20"W	26.70'
L22	S0°00'00"E	6.00'
L23	S90°00'00"W	3.90'
L24	S0°37'46"W	104.80'
L25	S31°21'48"E	22.41'
L26	S2°21'07"W	364.75'



SCALE = NONE

DETAIL



Richard E. Taft

EXPIRES 9-30-2011

LEGEND

- EASEMENT AREA
- ROAD CENTERLINE
- PROPERTY LINE
- FOUND BRASS CAP

JOB# W219300	DATE: 9/24/08
NE 1/4 SEC 27 T 3N R 1E	
SCALE = NONE	
R/W: RICHARD TAFT	
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