

**VISTANCIA COMMUNITY FACILITIES DISTRICT
PEORIA, ARIZONA
DISTRICT COMMUNICATIONS**

CC: 2C
Amend No. _____

Date prepared: March 31, 2008

Council Meeting Date: April 15, 2008

TO: Terry Ellis, District Manager
FROM: *DM* David A Moody, P.E.; Engineering Director
PREPARED BY: Kris Luna, Real Property Administrator *KL*

SUBJECT: Adoption of a Resolution authorizing the granting of an Electric Utility Easement to Arizona Public Service Company for the underground electrical facilities for Vistancia Zone 4/5 Reservoir at Well Site 10, located at 28204 North El Mirage Road.

RECOMMENDATION:

That the District Board adopt a Resolution authorizing the District Manager to grant an Electric Utility Easement to Arizona Public Service Company for the Vistancia Zone 4/5 Reservoir; located at Well Site 10 at 28204 North El Mirage Road, and that the District Manager execute the easement, and further authorize the District Clerk to record the easement.

SUMMARY:

Vistancia Zone 4/5 Reservoir and Well Site 10 are being constructed as part of the required water production facilities, which are needed to supply drinking water for the Vistancia Development. Arizona Public Service Company (APS) requires an easement as a condition for providing electric service to the site. The purpose of the easement is for electrical facilities including underground electric lines and pad mounted transformers, the dimensions and locations of which are described in the attached Electric Utility Easement and exhibits.

ATTACHMENT (s):

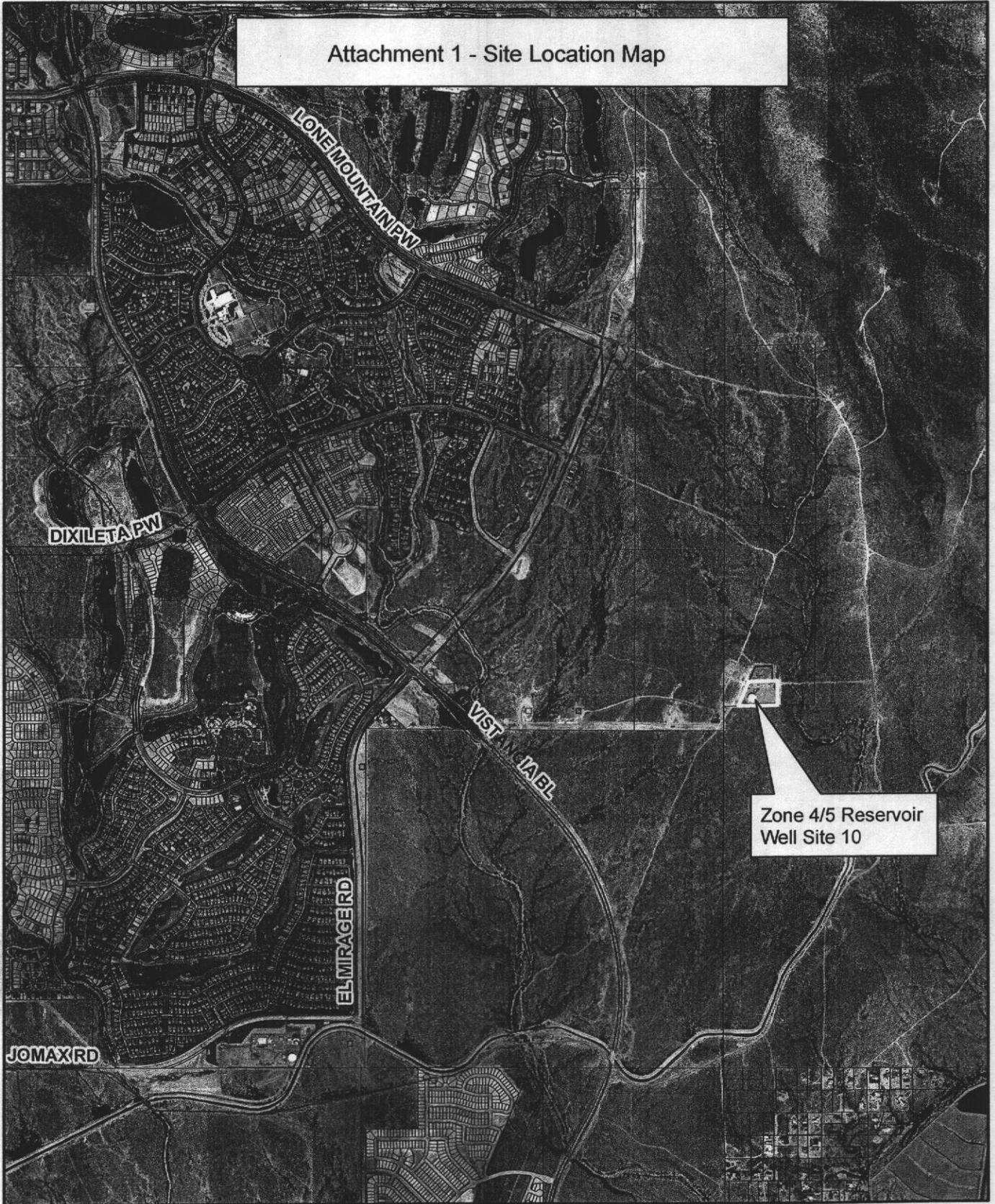
- 1 Site Location Map
- 2 Resolution with Easement

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. # VCFO 08-01
LCON# _____ LIC. # _____
Action Date: _____

Attachment 1 - Site Location Map



Zone 4/5 Reservoir
Well Site 10



Vistancia Zone 4/5 Reservoir
Well Site 10
28204 N El Mirage Road

Reference:
Q:\PROJECTS\ENGINEERING\Individuals
\Linda_C\VistanciaZone45Res.mxd

NOTE:
This Map is based on imprecise
source data, subject to change and
FOR GENERAL REFERENCE ONLY.



RESOLUTION NO. VCFD 08-01

RESOLUTION OF THE VISTANCIA COMMUNITY FACILITIES DISTRICT BOARD, AUTHORIZING THE GRANTING OF AN EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY FOR ELECTRICAL FACILITIES AT VISTANCIA ZONE 4/5 RESERVOIR AT WELL SITE NO. 10.

WHEREAS, Arizona Public Service has requested the District Board to grant an Electric Utility Easement to accommodate the installation of underground power and related facilities for Vistancia Zone 4/5 Reservoir Pump Station, located at Well Site 10 at 28204 North El Mirage Road (see Attached);

WHEREAS, pursuant to Arizona Revised Statutes Section 48-709(A)(3), the District Board may convey any right, title or interest in any District real property in such terms as the District Board determines to be appropriate and necessary; and

WHEREAS, pursuant to State law and in accordance with findings that granting the easement is appropriate and necessary, the District Board consents to the granting of an Electric Utility Easement to Arizona Public Service Company and authorizes the District Manager to execute all documents; and

THEREFORE, BE IT RESOLVED that the District Board of the Vistancia Community Facilities District authorizes the granting of an Electric Utility Easement to Arizona Public Service Company, and authorizes the District Manager to execute the Electric Utility Easement.

PASSED AND ADOPTED by the District Board of the Vistancia Community Facilities District this 15th day of April, 2008.

Bob Barrett, District Board Chairman

ATTEST:

Mary Jo Kief, District Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, District Attorney

ATTACHMENT:

Utility Easement

SW-30-5N-1E
W380699
RCB

UTILITY EASEMENT

VISTANCIA COMMUNITY FACILITIES DISTRICT, a community facilities district formed by the City of Peoria, Arizona, (hereinafter called "Grantor(s)"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

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

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 fifteen (15) feet in width, 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"):

The South fifteen (15) feet of the parcel of land described on the attached EXHIBIT "A".

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.

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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.

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.

**VISTANCIA COMMUNITY FACILITIES DISTRICT,
A community facilities district formed by the City of
Peoria, Arizona**

By: _____

Title: _____

**** NOTARY ACKNOWLEDGEMENT ON FOLLOWING SHEET ****

SW-30-5N-1E
W380699
RCB

STATE OF ARIZONA }
 } ss.
County of _____ }

This instrument was acknowledged before me this _____ day of _____,
200__ by

Grantor(s)

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal

Notary Public

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EXHIBIT "A"

VISTANCIA, ZONE 4/5, as more particularly described as follows:

A parcel of land within the Southwest quarter of Section 30 Township 5 North, Range 1 East Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 30, from which the Southeast corner of Section 25, Township 5 North, Range 1 West, Gila and Salt River Meridian, bears S 00° 08' 29" W a distance of 356.08 feet;

Thence North 89 degrees 09 minutes 15 seconds East along the South line of said Section 30 a distance of 210.13 feet to the TRUE POINT OF BEGINNING;

Thence N 22° 50' 55" E a distance of 394.32 feet;

Thence N 89° 09' 15" E a distance of 418.94 feet;

Thence S 00° 00' 00" W a distance of 361.12 feet;

Thence S 89° 09' 15" W a distance of 572.07 feet to the POINT OF BEGINNING.

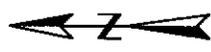
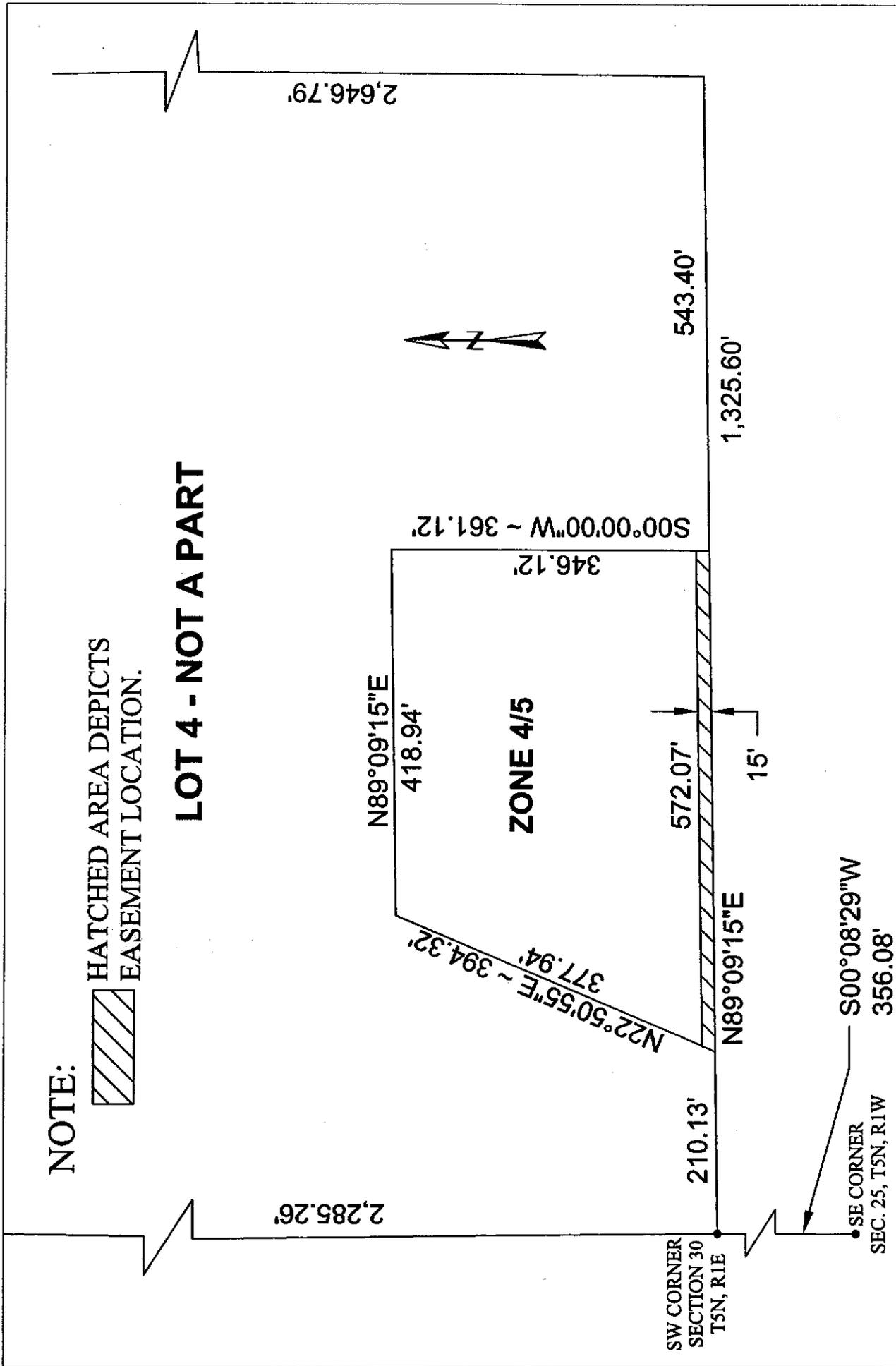
The boundary lines of the above described easement shall be lengthened or shortened as to intersect the property lines.

NOTE:



HATCHED AREA DEPICTS
EASEMENT LOCATION.

LOT 4 - NOT A PART



THE PURPOSE OF THIS EXHIBIT IS TO DEPICT THE DIMENSIONS AND APPROXIMATE LOCATION AND ALIGNMENT OF THE EASEMENT. THE LOCATION AND ALIGNMENT OF THE FACILITIES AS ACTUALLY CONSTRUCTED SHALL TAKE PRECEDENCE OVER THE LOCATION AND ALIGNMENT SHOWN ON THIS EXHIBIT.



EASEMENT EXHIBIT
ZONE 4/5, SW30, T5N, R1E

W/C#: W380699

DATE: 02/07/08

BY: S. RENDON

SCALE: N.T.S.

FILENAME: FACILITIES.DWG SHEET 1 OF 1