

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 13C
Amend No. _____

Date Prepared: January 24, 2008 Council Meeting Date: February 19, 2008

TO: Terry Ellis, City Manager
FROM:  David A. Moody, P. E., Engineering Director
PREPARED BY: Kristine Luna, Real Property Administrator 
SUBJECT: Adopt a Resolution authorizing the execution of a Utility Easement, associated with the construction of the Vistancia 5/6 Reservoir and Pump Station, located at 32154 N. Vistancia Boulevard

RECOMMENDATION:

That Mayor and Council have discussion and possible action to adopt a Resolution authorizing the City Manager to execute a Utility Easement to Arizona Public Service, associated with the construction of the Vistancia 5/6 Reservoir and Pump Station, located at 32154 N. Vistancia Boulevard, and record the Utility Easement with the Maricopa County Recorder's Office.

SUMMARY:

The development of the new reservoir and pump station will require the dedication of a Utility Easement to Arizona Public Service, along the westerly property boundary, to install electric facilities to the site. There are no costs associated with the granting of this easement.

ATTACHMENTS:

1. Sketch
2. Resolution
3. Utility 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. # 08-34
LCON# _____ LIC. # _____
Action Date: _____



CAP Canal

Utility Easement
for Zone 5/6 Reservoir

S14-T05N-R01W

VISTANCIA BL

WESTLAND RD

WESTLAND RD

CAVE OF SOL
VISTANCIA
Development

CALLE DE POMPAS

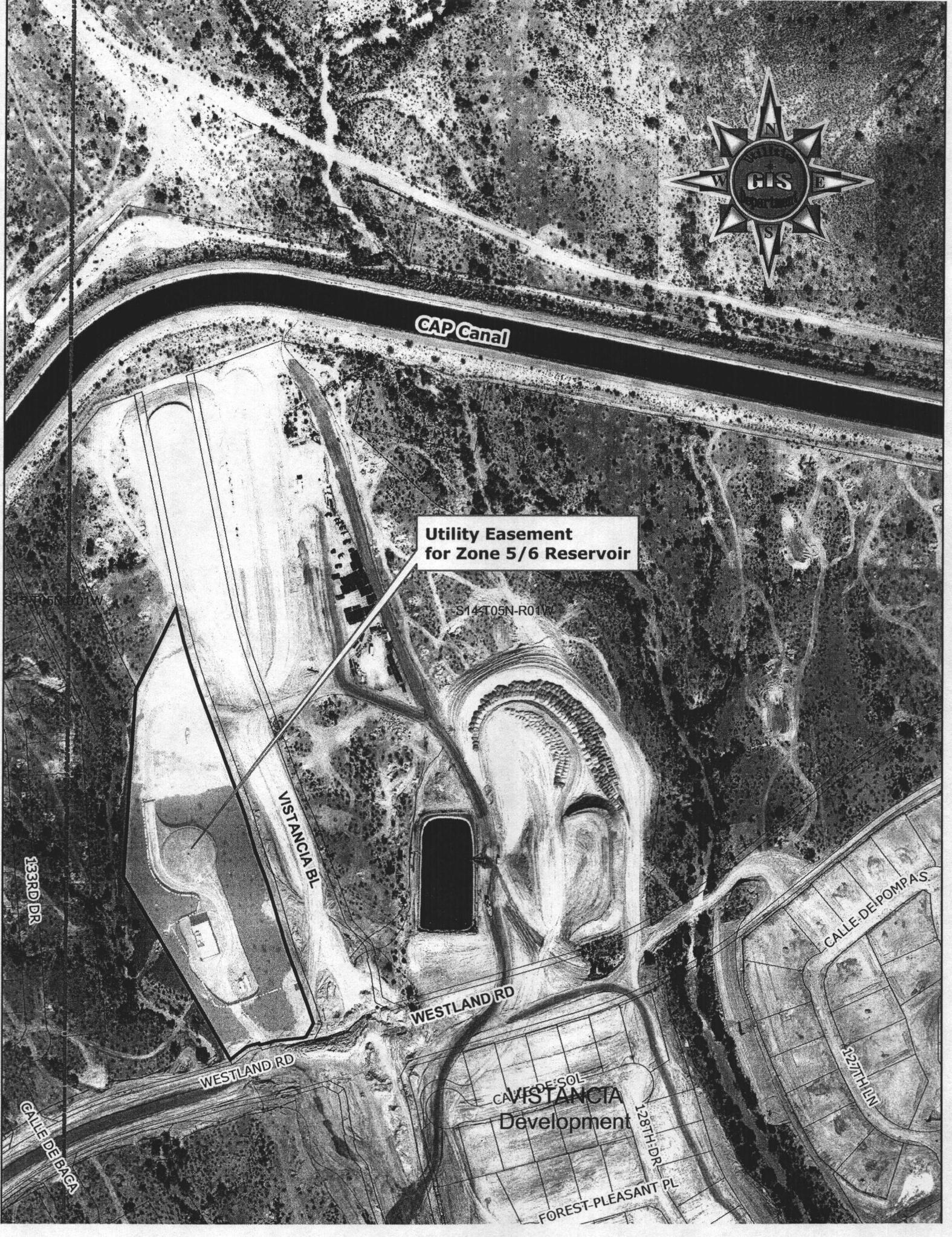
127TH DR

128TH DR

FOREST PLEASANT PL

133RD DR

CALLE DE BAGA



RESOLUTION NO. 08-34

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A PUBLIC UTILITY EASEMENT, ASSOCIATED WITH THE CONSTRUCTION OF THE VISTANCIA ZONE 5/6 RESERVOIR AND PUMP STATION.

WHEREAS, The City of Peoria is constructing the Vistancia Zone 5/6 Reservoir and Pump Station, located at 32154 N. Vistancia Blvd, which will require the dedication of an 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 an 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 document.

Resolution No. 08-34
APS Utility Easement
February 19, 2008
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria
this 19th day of February, 2008.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENT:

1. APS Utility Easement

UTILITY EASEMENT

SW 1/4 SEC. 14
T-5N, R-1W
W355606
SURVEY 480/63
RT

CITY OF PEORIA, an Arizona municipal corporation, (hereinafter called "Grantor"), 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 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 "B" 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 2.00 feet from and around all edges of all transformer pads and 3.00 feet from and around all other pads, and a clear operational area that extends 10.00 feet immediately in front of all transformers and other equipment openings. No obstructions, trees, shrubs, fixtures, of 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.

APS Job. W355606
Legal Description for Reservoir

EXHIBIT "A"

A parcel of land lying within the West Half of Section 14, Township 5 North, Range 1 West of the Gila & Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southwest corner of said Section 14 (GLO brass cap) from which point the South quarter corner thereof bears S 89°42'04" E a distance of 2643.63 feet;

Thence N 13°21'35" E a distance of 1786.38 feet to the POINT OF BEGINNING;

Thence N 30°19'36" W a distance of 519.87 feet;

Thence N 03°29'25" E a distance of 459.08 feet to a point on the East line of the Central Arizona Project Canal;

Thence N 25°32'03" E, leaving said East line, a distance of 225.94 feet to a point on the West line of Tract "K" as shown on the Map of Dedication for Vistancia Boulevard, Lone Mountain Road, Creosote Drive & Westland Road, recorded in Book 721, Page 11, Maricopa County Records, said point being the beginning of a non-tangent curve to the left from which point the radius point bears N 78°31'32" E;

Thence along said West line of Tract "K" the following seven (7) courses and distances;

Thence 222.14 feet along the arc of said curve to the left, having a radius of 1426.00 feet, through a central angle of 08°55'31" and a chord bearing S 15°56'14" E;

Thence S 20°23'59" E a distance of 316.55 feet;

Thence S 16°35'08" E a distance of 90.20 feet;

Thence S 20°23'59" E a distance of 79.79 feet;

Thence S 16°35'08" E a distance of 180.40 feet;

Thence S 20°23'59" E a distance of 126.34 feet;

Thence 62.66 feet along the arc of a curve to the left, having a radius of 1256.00 feet, through a central angle of 02°51'30", and a chord bearing S 18°58'14" E to a Northwesterly corner of Tract "H" as shown on said Map of Dedication;

Thence along a North line of said Tract "H" the remaining courses and distances;

Thence S 28°46'44" W a distance of 37.46 feet;

Thence S 74°03'31" W a distance of 7.88 feet;

Thence S 83°27'07" W a distance of 70.95 feet;

Thence S 74°03'31" W a distance of 36.51 feet;

Thence N 15°56'29" W a distance of 5.00 feet;

Thence S 74°03'31" W a distance of 32.19 feet;

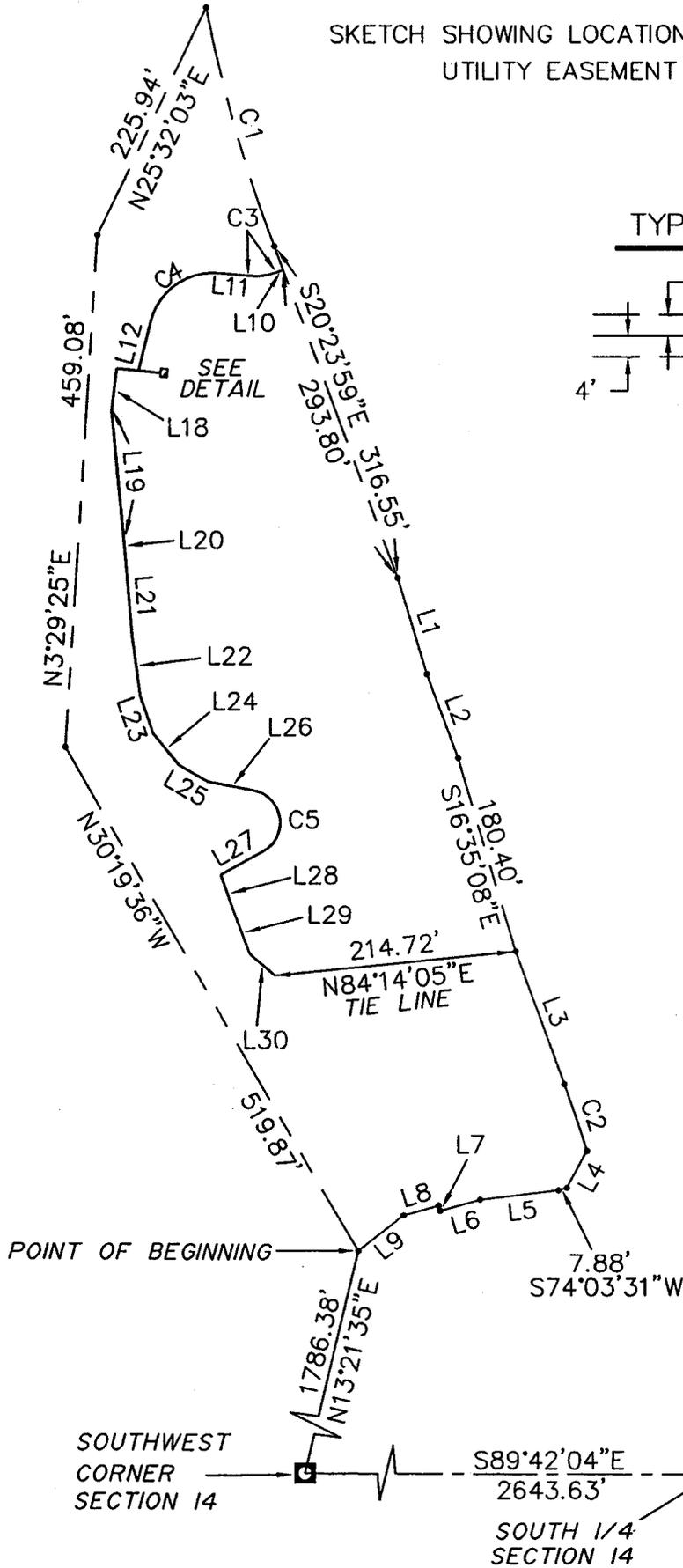
Thence S 51°32'41" W a distance of 51.14 feet to the POINT OF BEGINNING.

Said Description contains 5.7481 acres of land, more or less, including any easements of record.

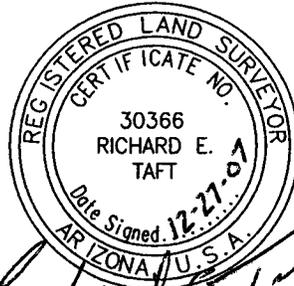
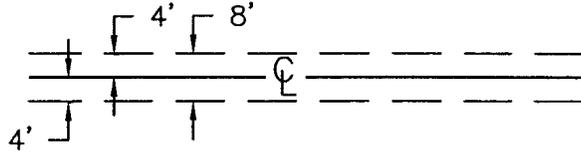
The basis of bearing for the above description is S 89°42'04" E for the South line of the Southwest Quarter of Section 14, Township 5 North, Range 1 West of the Gila & Salt River Meridian as shown on an Amended Results of Survey recorded in Book 632, Page 24, Maricopa County Records.

EXHIBIT "B"

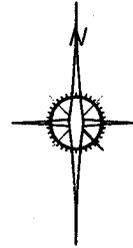
SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT



TYPICAL EASEMENT DETAIL



Richard E. Taft



SCALE 1"=150'

LEGEND

- C/L EASEMENT
- SECTION LINE
- PROPERTY LINE
- PROPERTY CORNER

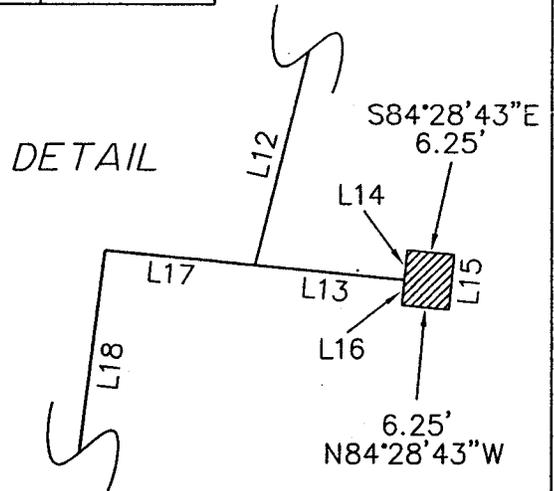
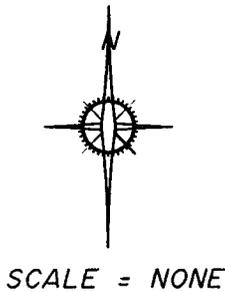
JOB# W355606	DATE: 12/27/07
SW 1/4 SEC 14 T 5N R 1W	
SCALE: 1"= 150'	MAP 480/63
R/W: RICHARD TAFT	
SURVEY: TAFT-OLSON	
DRAWN BY: RICHARD TAFT	

EXHIBIT "B"

SKETCH SHOWING LOCATION AND LIMITS OF UTILITY EASEMENT

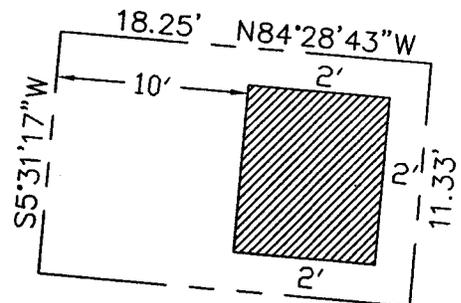
NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	8°55'31"	222.14'	1426.00'	S15°56'14"E	221.91'
C2	2°51'30"	62.66'	1256.00'	S18°58'14"E	62.65'
C3	25°20'05"	24.32'	55.00'	S82°29'22"W	24.12'
C4	82°45'58"	84.20'	58.29'	S54°18'23"W	77.07'
C5	130°21'01"	66.15'	29.08'	S7°15'37"E	52.78'

NUM	BEARING	DISTANCE
L1	S16°35'08"E	90.20'
L2	S20°23'59"E	79.79'
L3	S20°23'59"E	126.34'
L4	S28°46'44"W	37.46'
L5	S83°27'07"W	70.95'
L6	S74°03'31"W	36.51'
L7	N15°56'29"W	5.00'
L8	S74°03'31"W	32.19'
L9	S51°32'41"W	51.14'
L10	S69°49'36"W	6.41'
L11	N84°50'34"W	26.23'
L12	S13°50'16"W	44.38'
L13	S84°28'47"E	19.77'
L14	N5°31'17"E	4.00'
L15	S5°31'17"W	7.33'
L16	N5°31'17"E	3.33'
L17	N84°28'47"W	19.61'
L18	S7°04'54"W	37.30'
L19	S5°30'33"E	112.07'
L20	S5°43'57"E	18.68'
L21	S4°56'25"E	72.23'
L22	S7°49'09"E	54.60'
L23	S19°25'52"E	34.91'
L24	S40°25'49"E	36.18'
L25	S60°08'44"E	29.02'
L26	S79°11'16"E	45.74'
L27	S60°38'16"W	44.91'
L28	S19°20'28"E	36.89'
L29	S20°32'47"E	39.20'
L30	S49°03'06"E	29.48'



Richard E. Taft

TRANSFORMER EASEMENT
DETAIL



JOB# W355606	DATE: 12/27/07
SW 1/4 SEC 14	T 5N R 1W
SCALE: NONE	MAP 480/63
R/W: RICHARD TAFT	
SURVEY: TAFT-OLSON	
DRAWN BY: RICHARD TAFT	