

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 22C
Amend No. _____

Date Prepared: February 12, 2009

Council Meeting Date: April 7, 2009

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager 

FROM: Andrew Granger, P.E., Engineering Director 

PREPARED BY: Kristine Luna, Real Property Administrator 

SUBJECT: Adoption of a Resolution authorizing the execution of an electrical Utility Easement to Arizona Public Service (APS)

RECOMMENDATION:

Discussion and possible action to adopt a Resolution authorizing the City Manager to execute a Utility Easement to Arizona Public Service associated with providing power to the Public Safety radio tower site located at 9510 W. Lone Mountain Parkway, just west of Lake Pleasant Parkway, and authorize the City Clerk to record the easement.

SUMMARY:

APS has agreed to construct the electric facilities necessary to provide power to the newly constructed Public Safety radio tower site that will allow for increased radio coverage in the northerly part of the City of Peoria. APS has requested an easement over City owned property to allow them to install and maintain these facilities.

FISCAL NOTE:

There is no fiscal impact to the City associated with granting this easement.

ATTACHMENTS:

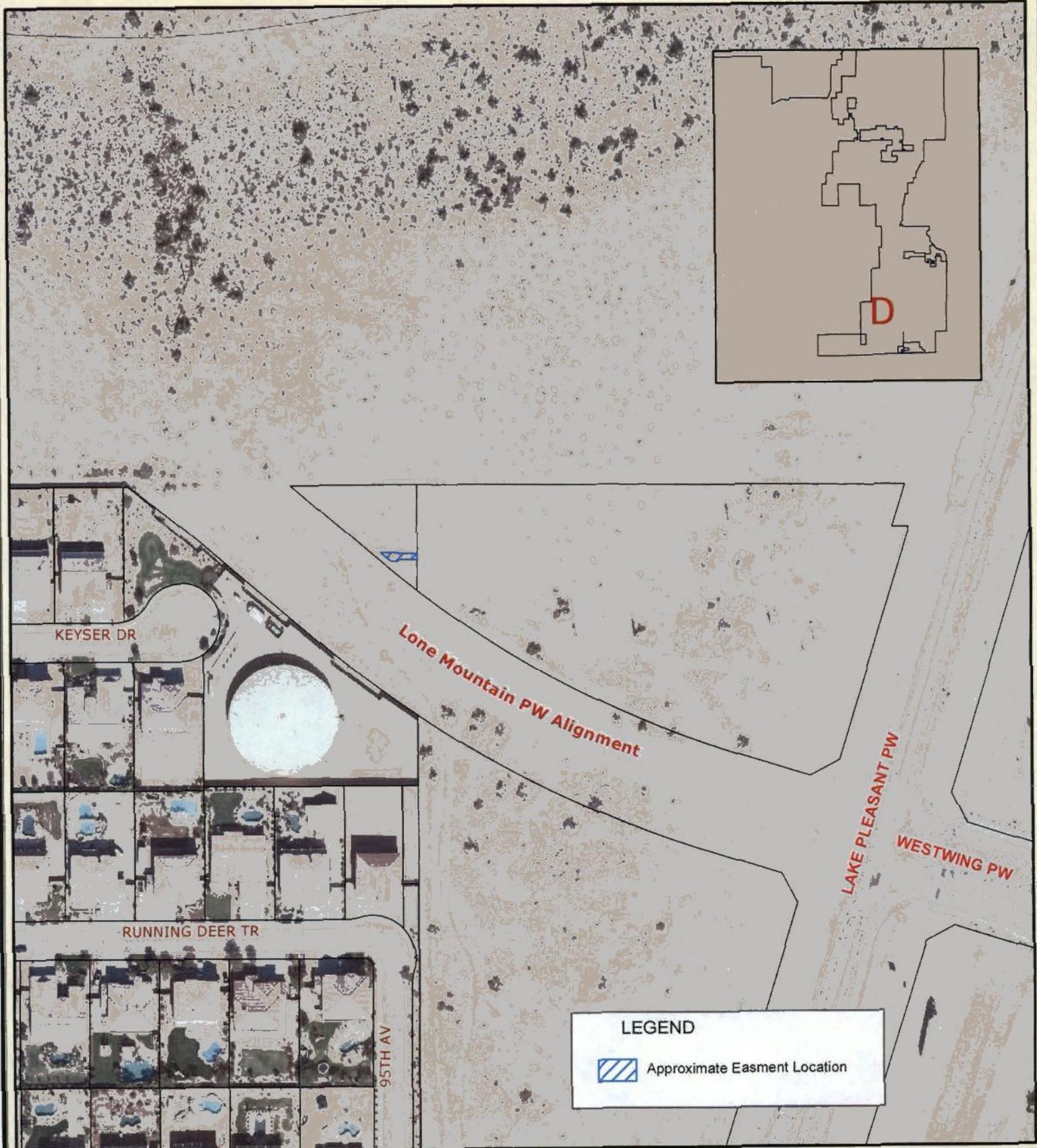
1. Site Location Map
2. Resolution

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. # 09-38
LCON# _____ LIC. # _____
Action Date: _____

Site Location Map



Pleasant Valley Unit 2 Utility Easement

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

RESOLUTION NO. 09-38

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A POWER DISTRIBUTION EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES AND FACILITIES RELATED TO THE PUBLIC SAFETY RADIO TOWER SITE LOCATED AT 9510 WEST LONE MOUNTAIN PARKWAY

WHEREAS, Arizona Public Service Company (APS) has been requested, by the City of Peoria, to supply power to the Public Safety radio tower site, located at 9510 W. Lone Mountain Parkway, just west of Lake Pleasant Parkway. In order to supply power, APS will require the City to grant a Power Distribution Easement for the power lines.

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 to Arizona Public Service Company, 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 the attached Utility Easement to Arizona Public Service Company, and authorize the City Manager to execute the easement.

Resolution No. 09-38
Arizona Public Service Company Utility Easement
April 7, 2009
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria
this 7th day of April, 2009.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

UTILITY EASEMENT

NW 1/4 SEC. 33
T-5N, R-1E
201-36-375
W423803
SURVEY 482/44
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");

TRACT F of PLEASANT VALLEY UNIT 2 as recorded in the Office of the Maricopa County Recorder in Book 628 Page 49, Instrument Number 03-0382642.

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 2.00 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, 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.

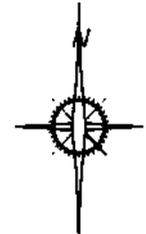
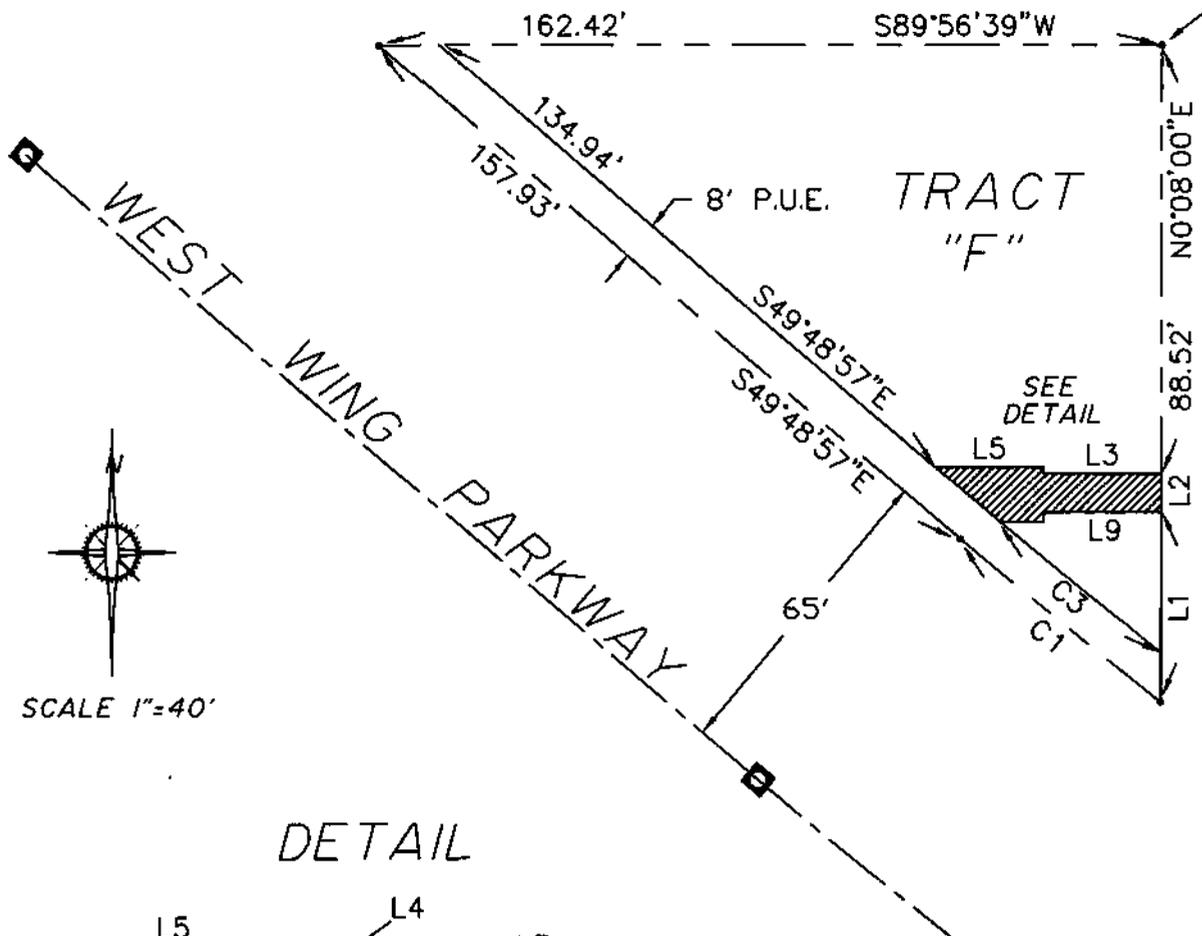
The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT

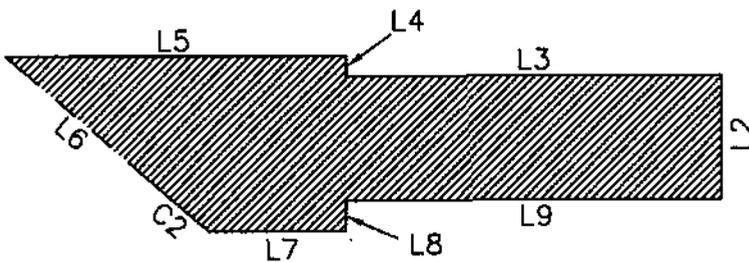
PLEASANT VALLEY UNIT 2

NORTH 1/4
SEC. 33



SCALE 1"=40'

DETAIL



NUM	DELTA	ARC	RADIUS
C1	2°22'41"	53.33'	1285.00'
C2	0°10'53"	4.04'	1277.00'
C3	1°55'08"	42.76'	1277.00'

NUM	BEARING	DISTANCE
L1	N0°08'00"E	38.80'
L2	N0°08'00"E	8.00'
L3	S89°58'02"W	24.37'
L4	N0°01'57"W	1.33'
L5	S89°57'48"W	22.34'
L6	S49°48'57"E	17.55'
L7	N89°57'48"E	8.94'
L8	N0°01'57"W	2.00'
L9	N89°58'02"E	24.35'

LEGEND

- EASEMENT AREA
- ROAD CENTERLINE
- PROPERTY LINE
- PROPERTY CORNER

JOB# W423803	DATE: 12/01/08
NW 1/4 SEC 33	T 5N R 1E
SCALE: 1" = 40'	MAP 482/44
R/W: RICHARD TAFT	
SURVEY: TAFT-JOHNSON	
DRAWN BY: RICHARD TAFT	