

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 26C
Amend No. _____

Date Prepared: April 13, 2008 Council Meeting Date: May 6, 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 Power Distribution Easement to Salt River Project for the installation of underground power and related facilities at the Butler Water Reclamation Facility (WRF) Influent Pump Station, located at 9976 West Northern Avenue.

RECOMMENDATION:

That Mayor and Council have discussion and possible action to adopt a Resolution authorizing the City Manager to execute a Power Distribution Easement to Salt River Project (SRP) needed for the installation of power transmission lines related to the Butler WRF Influent Pump Station, located at 9976 West Northern Avenue.

SUMMARY:

The Butler WRF Influent Pump Station requires electric service to be installed from Northern Road diagonally across the center portion of the site. SRP has requested a Power Distribution Easement for the installation of underground power transmission lines needed for the facility.

ATTACHMENTS:

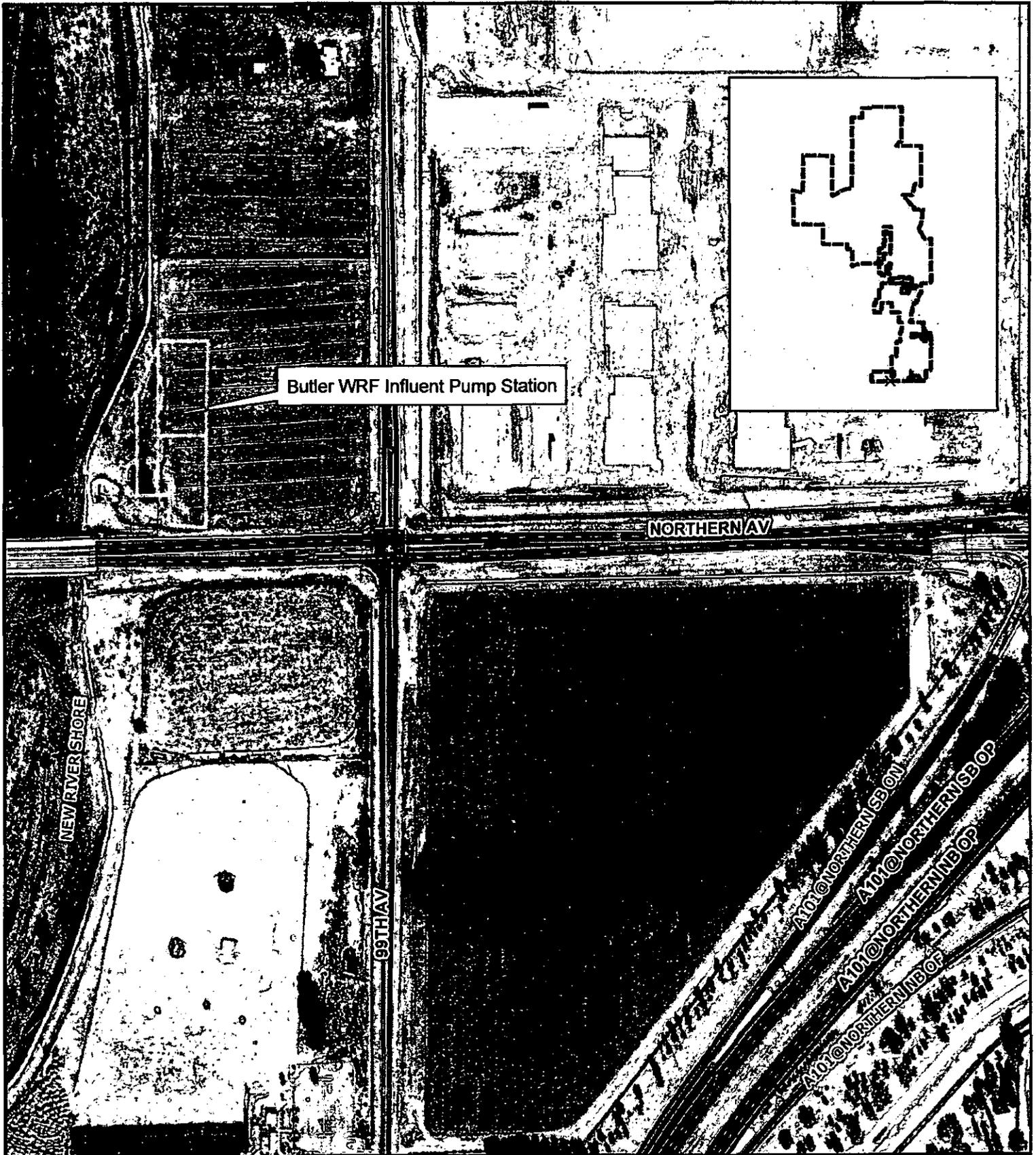
- 1. Site Location Map
- 2. Resolution
- 3. Power Distribution Easement

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

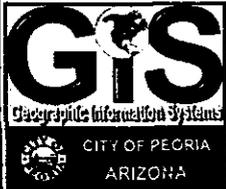
ORD. # _____ RES. # 08-70
LCON# _____ LIC. # _____
Action Date: _____

Site Location Map



Butler WRF Influent Pump Station SRP Power Distribution Easement

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



RESOLUTION NO. 08-70

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A POWER DISTRIBUTION EASEMENT TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES RELATED TO THE BUTLER WATER RECLAMATION FACILITY (WRF) INFLUENT PUMP STATION.

WHEREAS, Salt River Project Agricultural Improvement and Power District, a Political Subdivision of the State of Arizona (SRP) has been requested, by the City of Peoria, to supply power to the Butler WRF Influent Pump Station, located at 9976 West Northern Avenue. In order to supply power, SRP 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 Power Distribution 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 the attached Power Distribution Easement to Salt River Project Agricultural and Power District, and authorize the City Manager to execute the easement.

Resolution No. 08-70
SRP Power Distribution Easement
May 6, 2008
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria
this 6th day of May, 2008.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB400

P. O. Box 52025

Phoenix, Arizona 85072-2025

POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel # 142-61-961 & 009Y
SE4 Sec. 32 T3N R1E

R/W # 2060C Agt. MNT

Job # KJB-80013

W MNT C ASR

**CITY OF PEORIA,
an Arizona municipal corporation,**

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property. Grantee is hereby authorized to permit others to use the Easement Parcel for additional Facilities jointly with or separately from the Grantee for their purposes.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property:

A portion of the Southeast quarter of Section 32, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as "PUMP SITE SOUTH PARCEL" in Instrument No. 2006-1559938 and as "STORMWATER RETENTION BASIN" in Instrument No. 2007-0373232, records of Maricopa County, Arizona.

Easement Parcel:

Said easement being 8.00 feet in width, lying 4.00 feet on each side of the line described as "CENTERLINE OF 8' EASEMENT" on EXHIBIT A, including equipment pad areas, prepared by SRP Surveys Department, dated March 27, 2008, attached hereto and by this reference made a part hereof.

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

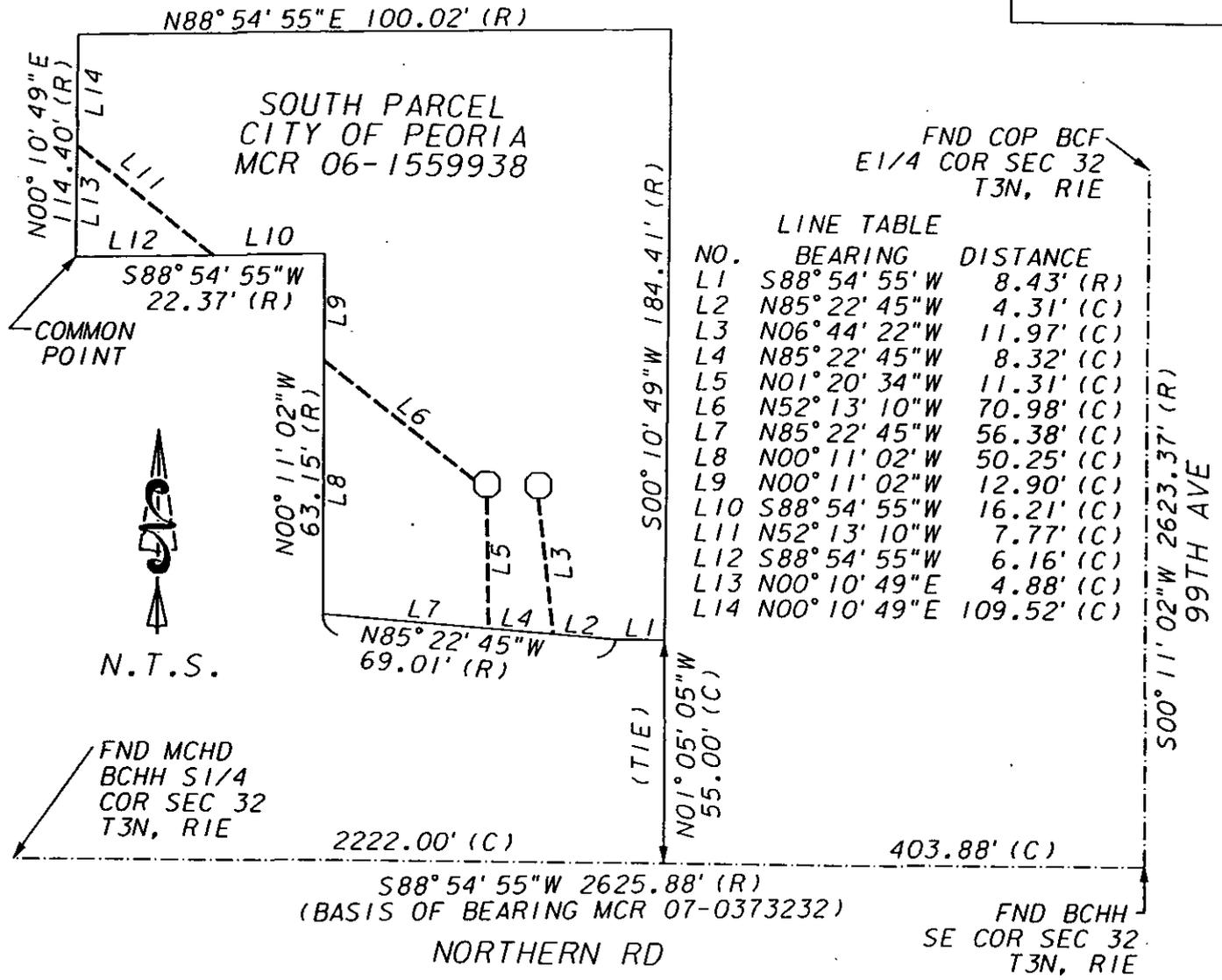
In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

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, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

The individual executing this document represents and warrants: (i) that he or she is authorized to do so on behalf of Grantor; (ii) that he or she has full legal power and authority to bind Grantor in accordance with the terms herein and, if necessary, has obtained all required consents or delegations of such power and authority (whether from any partner, owner, spouse, shareholder, director, member, manager, creditor, investor, developer, governmental authority, judicial or administrative body, association, or other person or entity); and (iii) that the execution, delivery, and performance by Grantor of this document and all others relating to the easement will not constitute a default under any agreement to which Grantor is a party. The individual executing this document shall indemnify, defend and hold harmless Grantee for, from and against any and all losses, costs, expenses, liabilities, claims, demands, and actions of any kind or nature, including court costs and attorneys' fees, arising or accruing as a result of the falsity of any of his or her representations and warranties contained in this document.

EXHIBIT "A"

SRP JOB
KJB-80013



LINE TABLE

NO.	BEARING	DISTANCE
L1	S88° 54' 55" W	8.43' (R)
L2	N85° 22' 45" W	4.31' (C)
L3	N06° 44' 22" W	11.97' (C)
L4	N85° 22' 45" W	8.32' (C)
L5	N01° 20' 34" W	11.31' (C)
L6	N52° 13' 10" W	70.98' (C)
L7	N85° 22' 45" W	56.38' (C)
L8	N00° 11' 02" W	50.25' (C)
L9	N00° 11' 02" W	12.90' (C)
L10	S88° 54' 55" W	16.21' (C)
L11	N52° 13' 10" W	7.77' (C)
L12	S88° 54' 55" W	6.16' (C)
L13	N00° 10' 49" E	4.88' (C)
L14	N00° 10' 49" E	109.52' (C)

SALT RIVER PROJECT A.1.
& POWER DISTRICT

CITY OF PEORIA INFLUR PUMP STA
SE 1/4 SEC 32, T3N, R1E

UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY

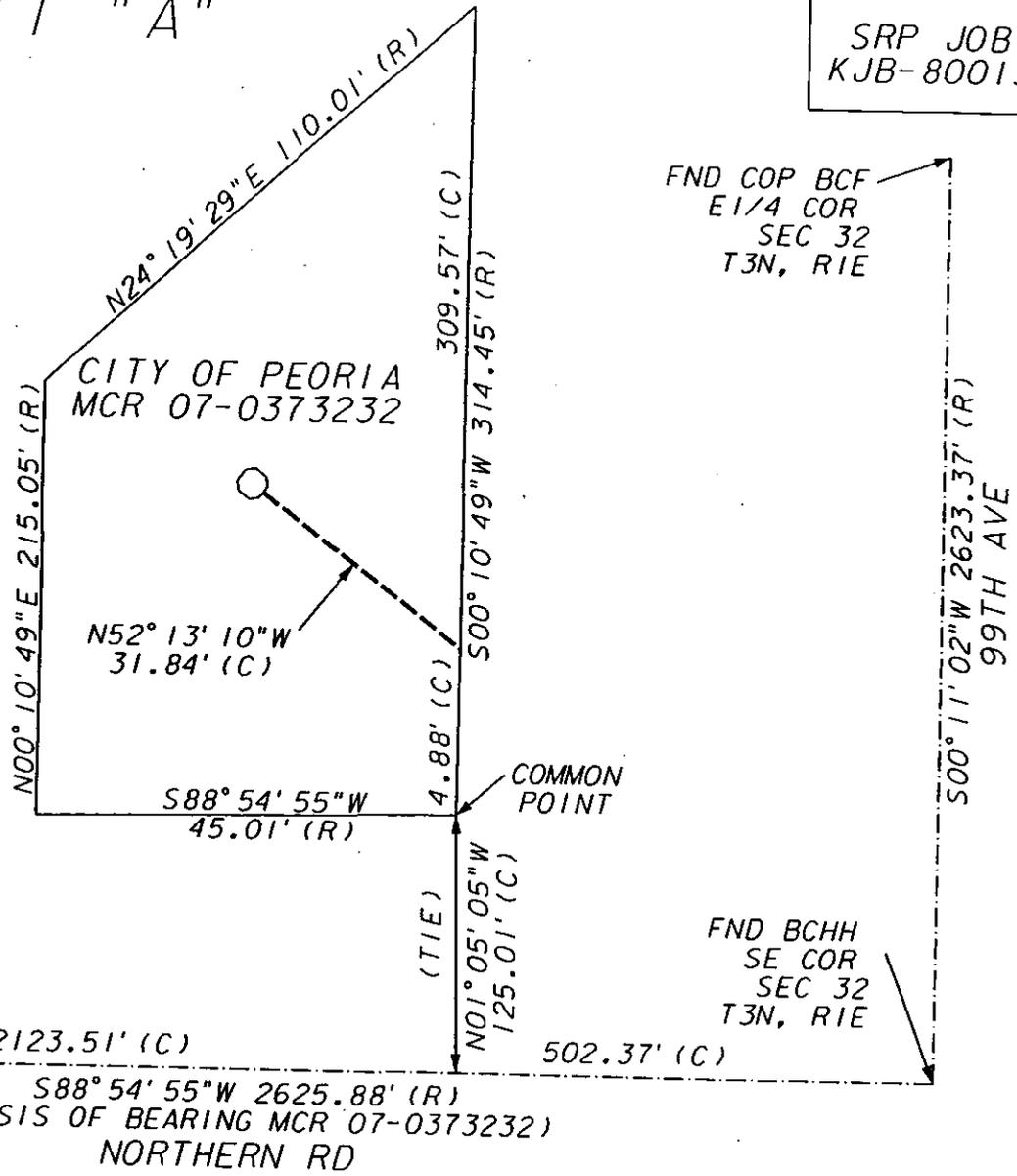
DESIGNED BANUELOS AGENT TILLER
DRAWN DENNIS.V CHECKED VH
DATE 03-27-08 APPROVED
SCALE N.T.S. SHEET 1 OF 2

EXHIBIT "A"

SRP JOB
KJB-80013



FND COP BCF
E 1/4 COR
SEC 32
T3N, R1E



FND MCHD
BCHH S 1/4
COR SEC 32
T3N, R1E

FND BCHH
SE COR
SEC 32
T3N, R1E

S88° 54' 55" W 2625.88' (R)
(BASIS OF BEARING MCR 07-0373232)
NORTHERN RD

LEGEND

- SECTION AND CENTERLINE
- _____ PROPERTY LINE
- CENTERLINE OF 8' EASEMENT
- EQUIPMENT PAD - 10.00' X 10.00'
UNLESS OTHERWISE NOTED
ARE PART OF THE EASEMENT

NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION.

NOTE: THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT, IT IS NOT A SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH.

COP BCF CITY OF PEORIA BRASS CAP FLUSH
CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

SALT RIVER PROJECT A.1. & POWER DISTRICT	
CITY OF PEORIA INFLUR PUMP STA SE 1/4 SEC 32, T3N, R1E	
UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY MARICOPA COUNTY	
DESIGNED BANUELOS	AGENT TILLER
DRAWN DENNIS, V.	CHECKED <u>VR</u>
DATE 03-27-08	APPROVED
SCALE N.T.S.	SHEET 2 OF 2