

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

cc: 19C
Amend No. _____

Date prepared: August 5, 2009 **Council Meeting Date:** September 15, 2009

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager
FROM: Andrew Granger, P. E., Engineering Director
THROUGH: Kristine Luna, SRWA, Senior Real Property Administrator
PREPARED BY: Angela Manuel, Property Agent

SUBJECT: Adopt a Resolution authorizing the execution of two (2) easements for a Public Water Line and Public Utilities and one (1) Dedication of Public Roadway associated with the Pinnacle Peak Public Safety Facility site, located at 23100 N. Lake Pleasant Parkway

RECOMMENDATION:

Discussion and possible action to adopt a Resolution authorizing the City Manager to execute two (2) easements for a Public Water Line and Public Utilities and one (1) Dedication of Public Roadway associated with the development of the Pinnacle Peak Public Safety Facility site, located at 23100 N. Lake Pleasant Parkway.

SUMMARY:

Expansion of the Pinnacle Peak Public Safety Facility (PPPSF) site requires the dedication of land rights to the public. City staff recommends the dedication of a twenty foot wide waterline easement along the northern edge of the PPPSF site, a twenty-five foot wide strip of public roadway along the 102nd Avenue alignment and an eight foot wide public utility easement adjacent to the public roadway dedication.

These dedications will allow for the current and future expansion of City roadways and utilities in the immediate area.

CITY CLERK USE ONLY:

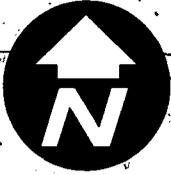
- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # 09-110
LCON# _____ LIC. # _____
Action Date: _____

Council Communication
Easements – Pinnacle Peak Public Safety Facility Site
September 15, 2009
Page: 2

ATTACHMENTS:

1. Site Location Map
2. Resolution
3. Easement for Public Water Line
4. Dedication of Public Roadway
5. Public Utility Easement



20' Waterline

25' Dedication of Roadway

200-10-034B

8' PUE

Public Safety Facility

LAKE PLEASANT PKWY

LEGEND



20' Waterline



25' Dedication of Roadway



8' Public Utility Easement

City of Peoria
Vicinity Map



NOTE:

This Map is based on imprecise source data, subject to change and FOR GENERAL REFERENCE ONLY.
Source Document: O:\PROJECTS\ENG\2009\2009-08-11\Angelo\Map_20_Willam\Pinna\Pack_Rd_JPP.mxd

RESOLUTION NO. 09-110

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A PUBLIC WATERLINE EASEMENT, PUBLIC UTILITY EASEMENT AND A DEDICATION OF PUBLIC ROADWAY ASSOCIATED WITH THE PINNACLE PEAK PUBLIC SAFETY FACILITY LOCATED AT 23100 NORTH LAKE PLEASANT PARKWAY.

WHEREAS, The City of Peoria has developed a portion of the Pinnacle Peak Public Safety Facility at 23100 North Lake Pleasant Parkway which requires the dedication of land rights for a public waterline, public utilities and roadways.

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 a public waterline, public utilities and a roadway dedication to the public for the installation and maintenance of a public waterline, public utilities and public roadways, and authorize the City Manager to execute the documents; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of these land rights to the public, and authorize the City Manager to execute the documents.

Resolution No. 09-110
Easements & Roadway Dedication
September 15, 2009
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria
this 15th day of September, 2009.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENTS:

1. Public Waterline Easement
2. Public Utility Easement
3. Dedication of Public Roadway

When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe Street
Peoria, AZ 85345

EASEMENT FOR PUBLIC WATER LINE

The City of Peoria, an Arizona municipal corporation, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the public, in Maricopa County, Arizona, its successors, and assigns, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of a water line over, under, and across the following described property situated in the County of Maricopa, State of Arizona, described as follows:

See Attached Description, Exhibit "A"

And the Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

The said easement to include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said easement, so as to prevent the same from interfering with the efficient maintenance and operation of said water lines.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted all rights herein granted shall cease and revert to the grantors, their heirs or assigns.

The City of Peoria shall not be responsible for replacing any landscaping or any improvement placed in the easement by Grantee or its successors or assigns, except as noted herein.

Dated this _____ day of September, 2009.

GRANTOR: CITY OF PEORIA, an Arizona municipal corporation

By: _____
Carl Swenson
City Manager

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Stephen M. Kemp, City Attorney

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this date, before me, a Notary Public, personally appeared Carl Swenson known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.

Notary Public

My Commission Expires:



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTIONS 17, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 20.00 FEET OF THE NORTH 48.50' OF SAID NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTIONS 17;

EXCEPT:
THE WEST 25.00 FEET THEREOF,

Page 1 of 2

Title: WATERLINE EASEMENT

Preparing Firm: City of Peoria

Address: 9875 N. 85th Avenue

Phone: 623-773-7210

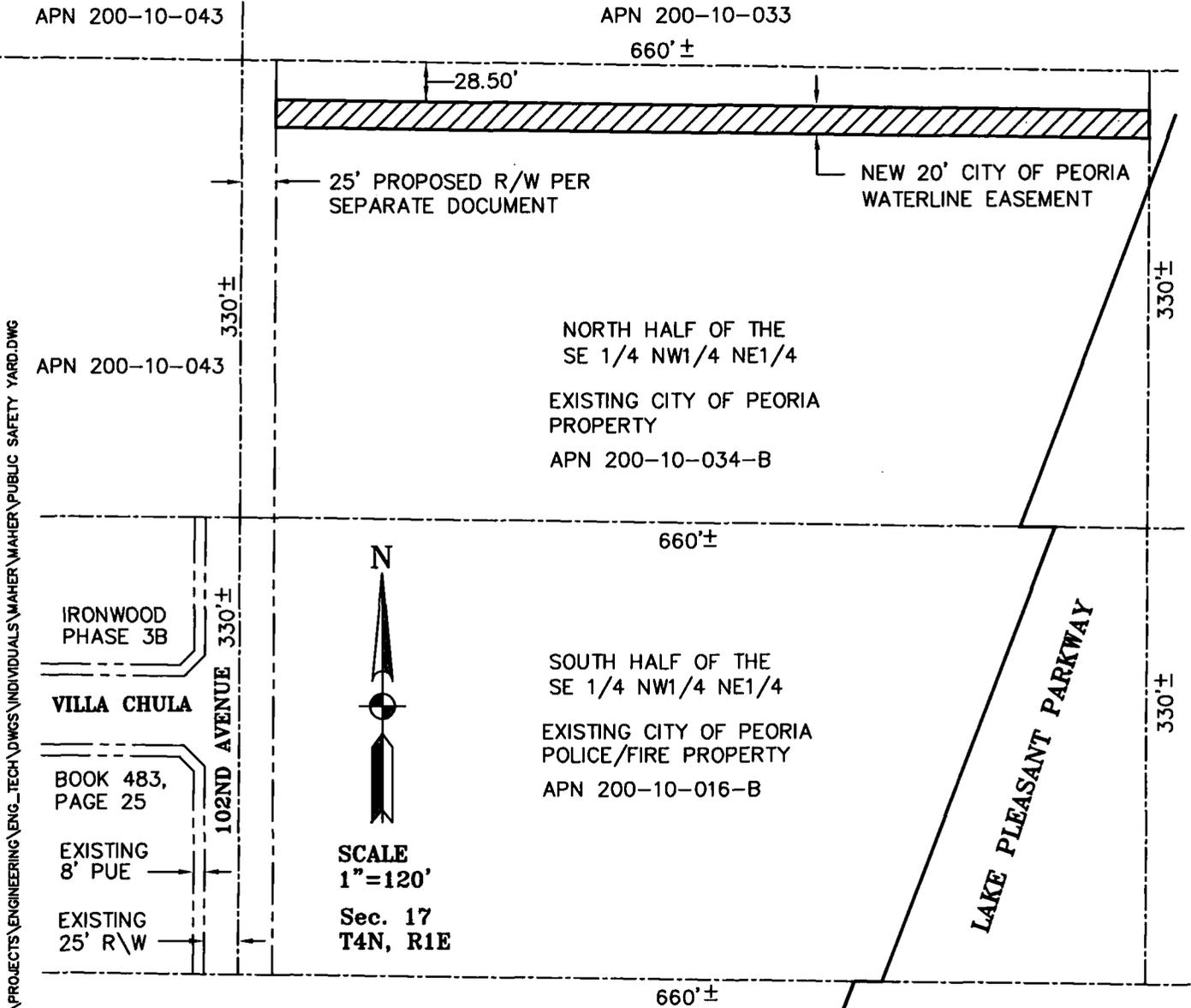
Fax: 623-773-7211





EXHIBIT A

SKETCH



c:\PROJECTS\ENGINEERING\ENG_TECH\DWGS\INDIVIDUALS\MAHER\PUBLIC SAFETY_YARD.DWG

Title: WATERLINE EASEMENT

Preparing Firm: City of Peoria

Address: 9875 N. 85th Avenue

Phone: 623-773-7210

Fax: 623-773-7211



When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe
Peoria, Arizona 85345

PUBLIC UTILITY EASEMENT

The City of Peoria, Arizona municipal corporation, in Maricopa County, Arizona, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the public, in Maricopa County, Arizona, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of all public utilities over, under, and across the following described property situated in the County of Maricopa, State of Arizona, described as follows:

See Attached Description, Exhibit "A"

(Exhibit is the same description/sketch for the PUE and Dedication of Public Roadway)

And the Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

The said easement to include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said easement, so as to prevent the same from interfering with the efficient maintenance and operation of said public utilities and storm drain.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted all rights herein granted shall cease and revert to the grantors, their heirs or assigns.



EXHIBIT A

LEGAL DESCRIPTION

PORTIONS OF THE SOUTHEAST QUARTER OF THE NORTHWEST OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

THE WESTERLY 25.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17; TOGETHER WITH:

PARCEL 2:

THE EASTERLY 8.00 FEET OF THE WESTERLY 33.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17.

Page 1 of 2

Title: R/W & PUE

Preparing Firm: City of Peoria

Address: 9875 N. 85th Avenue

Phone: 623-773-7210

Fax: 623-773-7211





EXHIBIT A

SKETCH

APN 200-10-043

APN 200-10-033

660'±

NORTH HALF OF THE
SE 1/4 NW1/4 NE1/4

EXISTING CITY OF PEORIA
PROPERTY

APN 200-10-034-B



SCALE
1"=120'
Sec. 17
T4N,R1E

APN 200-10-043

NEW 8' PUE (PARCEL 2)

NEW 25' R\W (PARCEL 1)

660'±

IRONWOOD
PHASE 3B

VILLA CHULA

BOOK 483,
PAGE 25

EXISTING
8' PUE

EXISTING
25' R\W

102ND AVENUE 330'±

SOUTH HALF OF THE
SE 1/4 NW1/4 NE1/4

EXISTING CITY OF PEORIA
POLICE/FIRE PROPERTY

APN 200-10-016-B

660'±

LAKE PLEASANT PARKWAY

330'±

Page 2 of 2

Title: R/W & PUE

Preparing Firm: City of Peoria

Address: 9875 N. 85th Avenue

Phone: 623-773-7210

Fax: 623-773-7211



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When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe
Peoria, Arizona 85345

DEDICATION OF PUBLIC ROADWAY

City of Peoria, an Arizona municipal corporation, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby dedicate to the public, in Maricopa County, Arizona, the following described property:

See attached description, Exhibit "A"
(Exhibit is the same description/sketch for the PUE and Dedication of Public Roadway)

for public roadway and utility purposes.

The Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to dedicate it.

Dated this _____ day of September, 2009.

GRANTOR: CITY OF PEORIA, an Arizona municipal corporation

By: _____
Carl Swenson
City Manager

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Stephen M. Kemp, City Attorney

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this date, before me, a Notary Public, personally appeared Carl Swenson known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.

Notary Public

My Commission Expires:



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PARCEL 1:

THE WESTERLY 25.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17; TOGETHER WITH:

PARCEL 2:

THE EASTERLY 8.00 FEET OF THE WESTERLY 33.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17.

Page 1 of 2

Title: R/W & PUE

Preparing Firm: City of Peoria

Address: 9875 N. 85th Avenue

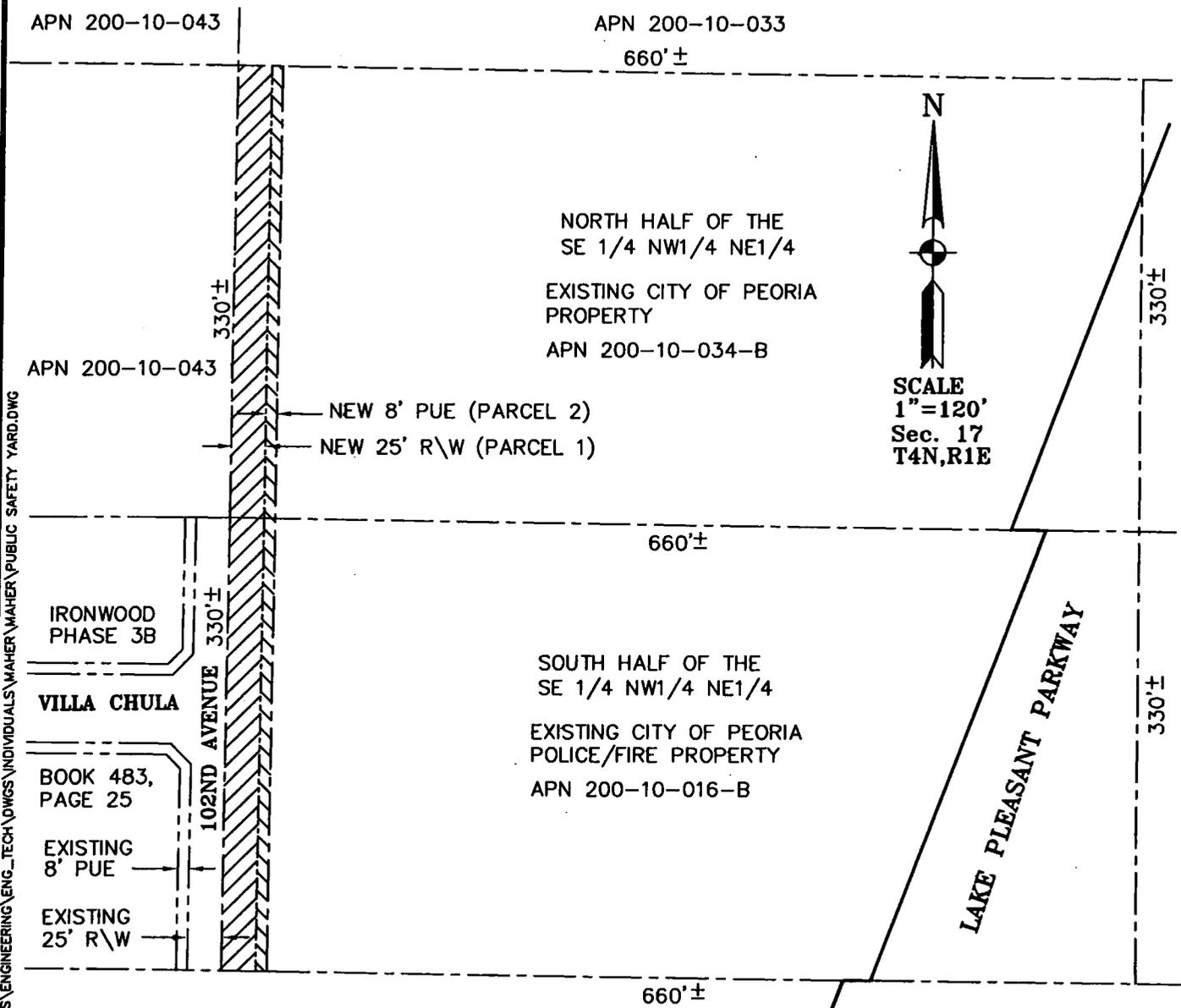
Phone: 623-773-7210

Fax: 623-773-7211





EXHIBIT A SKETCH



C:\PROJECTS\ENGINEERING\ENG_TECH\DWGS\INDIVIDUALS\MAHER\MAHER PUBLIC SAFETY YARD.DWG

Title: R/W & PUE

Preparing Firm: City of Peoria

Address: 9875 N. 85th Avenue

Phone: 623-773-7210

Fax: 623-773-7211



Vicinity Map

Dedication of Public Roadway

Waterline Easement

Public Utility Easement

VILLA CHULA

102ND AV

JESSIE LN

102ND AV

PATRICK LN

LAKE PLEASANT PW

LAKE PLEASANT PW

JESSIE LN

101ST AV

PATRICK LN

