

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

**CC:** 17C  
**Amend No.** \_\_\_\_\_

**Date Prepared:** September 8, 2010    **Council Meeting Date:** October 19, 2010

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**TO:** Carl Swenson, City Manager  
**THROUGH:** Susan J. Daluddung, Deputy City Manager  
**FROM:** Andrew Granger, P. E., Engineering Director  
**SUBJECT:** Utility Easement, Arizona Public Service Company, Utility Booster Station at the Peoria Sports Complex (UT00297)

**RECOMMENDATION:**

Discussion and possible action to adopt a Resolution authorizing the City Manager to execute a Utility Easement to Arizona Public Service (APS) associated with providing electric services for the new utility booster station at the Peoria Sports Complex located at 16101 N. 83<sup>rd</sup> Avenue, and authorize the City Clerk to record the easement.

**SUMMARY:**

APS has agreed to construct the electric facilities necessary to provide underground power for the new utility booster station at the Peoria Sports Complex. APS has requested the easement over City owned property to allow them to install and maintain these facilities.

**FISCAL NOTE:** (if applicable)

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

**ATTACHMENT:** (if applicable)

1. Vicinity Map
2. Location Map
3. Resolution

**CONTACT:** Kristine Luna, Sr Real Property Administrator, 623-773-7199

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**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. #** 2010-92  
**LCON#** \_\_\_\_\_ **LIC. #** \_\_\_\_\_  
**Action Date:** \_\_\_\_\_



NOT TO SCALE

- DOVE VALLEY RD
- LONE MOUNTAIN RD
- MONTGOMERY RD
- DIXILETA DR
- PEAK VIEW RD
- DYNAMITE BL
- PINNACLE VISTA DR
- JOMAX RD
- YEARLING RD
- HAPPY VALLEY RD
- CALLE LEJOS
- PINNACLE PEAK RD
- WILLIAMS RD
- DEER VALLEY RD
- ROSE GARDEN LN
- BEARDSLEY RD
- UTOPIA RD
- UNION HILLS DR
- GROVERS AVE
- BELL RD
- PARADISE LN
- GREENWAY RD
- ACOMA DR
- THUNDERBIRD RD
- SWEETWATER AVE
- CACTUS RD
- CHOLLA ST
- PEORIA AVE
- MOUNTAIN VIEW RD
- OLIVE AVE
- BUTLER DR
- NORTHERN AVE

**LEGEND**

 Utility Booster Station at  
Peoria Sports Complex  
16101 N. 83rd Avenue



- 115TH AVE
- 111TH AVE
- 107TH AVE
- 103RD AVE
- 99TH AVE
- 95TH AVE
- 91ST AVE
- 87TH AVE
- 83RD AVE
- 79TH AVE
- 75TH AVE
- 71ST AVE



**VICINITY MAP**



NOT TO SCALE

L101

83RD AVE

PADRES WY

PARADISE LN

Utility Booster  
Station



# City of Peoria

## Utility Booster Station at Peoria Sports Complex

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

RESOLUTION NO. 2010-92

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES AND FACILITIES RELATED TO A BOOSTER STATION AT THE PEORIA SPORTS COMPLEX.

WHEREAS, Arizona Public Service Company has been requested, by the City of Peoria, to supply power to the new booster station at the Peoria Sports Complex, Arizona Public Service will require the City to grant a Utility Easement for the underground 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. 2010-92  
APS Utility Easement  
October 19, 2010  
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona this 19<sup>th</sup> day of October, 2010.

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Bob Barrett, Mayor

ATTEST:

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Rhonda Simmons, Acting City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

Attachment(s):

1. Utility Easement

## UTILITY EASEMENT

SW 1/4 SEC. 2  
T-3N, R-1E  
200-53-036E  
WA7042  
SURVEY 10-27  
JNJ

**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, 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"**

**That part of the East half of the West half of Section 2, Township 3 North, Range 1 East, Maricopa County, Arizona, described as follows:**

**Commencing at the Northeast corner of said Section 2;**

**Thence S 89°45'00"W, on an assumed bearing along the North line of said Section 2, a distance of 2641.60 feet;**

**Thence S 89°57'28"W, along said North line, a distance of 1323.02 feet, to the West line of said East half of the West half of Section 2;**

**Thence S 01°56'58"E, along said West line, a distance of 2318.37 feet;**

**Thence S 00° 37'06"W along said West line, a distance of 420.00 feet to the actual point of beginning;**

**Thence N 88°43'38"E, a distance of 972.00 feet;**

**Thence S 00°37'06"W, a distance of 869.84 feet;**

**Thence S 44° 29'15"W, a distance of 324.03 feet;**

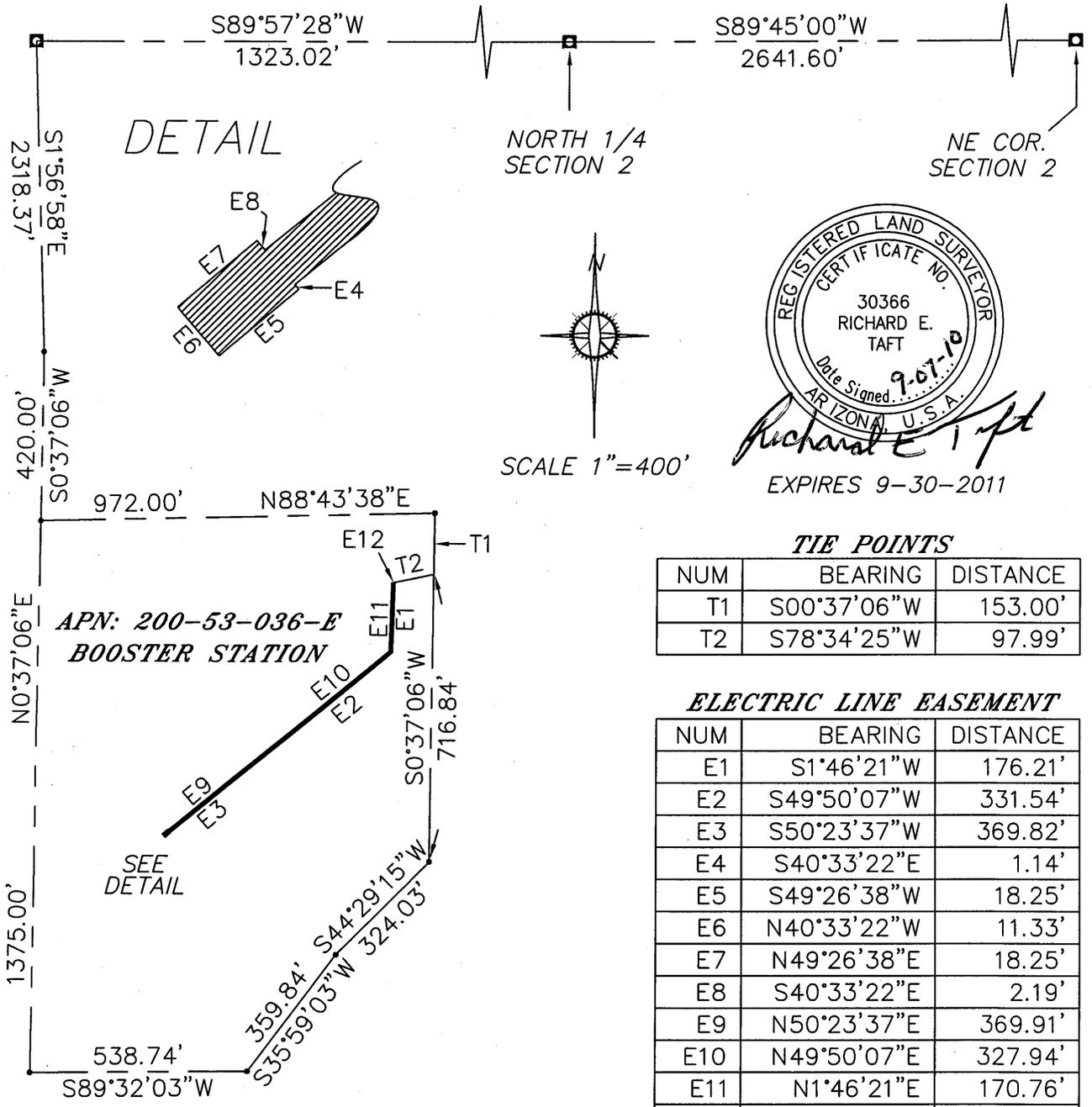
**Thence S 35°59'03"W, a distance of 359.84 feet;**

**Thence S 89°32'03"W, a distance of 538.74 feet to said West line;**

**Thence N 00°37'06"E, along said West line, a distance of 1375.00 feet to the actual point of beginning and there terminating.**

# EXHIBIT "B"

SKETCH SHOWING LOCATION AND LIMITS OF  
UTILITY EASEMENT



**TIE POINTS**

NUM	BEARING	DISTANCE
T1	S00°37'06"W	153.00'
T2	S78°34'25"W	97.99'

**ELECTRIC LINE EASEMENT**

NUM	BEARING	DISTANCE
E1	S1°46'21"W	176.21'
E2	S49°50'07"W	331.54'
E3	S50°23'37"W	369.82'
E4	S40°33'22"E	1.14'
E5	S49°26'38"W	18.25'
E6	N40°33'22"W	11.33'
E7	N49°26'38"E	18.25'
E8	S40°33'22"E	2.19'
E9	N50°23'37"E	369.91'
E10	N49°50'07"E	327.94'
E11	N1°46'21"E	170.76'
E12	N78°34'25"E	8.22'

**LEGEND**

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

JOB# WA7042	DATE: 08/30/10
SW 1/4 SEC 2	T 3N R 1E
SCALE: 1"= 400'	INDEX 10-27
R/W: JAYSON JOHNSON	
SURVEY: JOHNSON-BOTT	
DRAWN BY: JAYSON JOHNSON	