

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: _____
Amend No. _____

Date Prepared: November 2, 2010 **Council Meeting Date:** December 7, 2010

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager
FROM: Andrew Granger, P. E., Engineering Director
SUBJECT: Irrigation Easement and Access Easement, Salt River Project, Osuna Park at 83rd Avenue and Washington Street

RECOMMENDATION:

Discussion and possible action to adopt a Resolution authorizing the City Manager to execute an irrigation easement necessary to allow the City to replace an existing irrigation pipe required by Salt River Project (SRP) and an access easement that will grant ingress and egress to all utility companies for maintenance purposes.

SUMMARY:

In conjunction with the Osuna Park project, an existing irrigation pipe will need to be replaced to accommodate the crossing of the pipe by heavy equipment during construction activities associated with the new park infrastructure. The stretch of pipe to be replaced runs from an existing irrigation structure on the east end of the park and runs south to Washington Street. The 20 foot access easement will be located along the easterly boundary of the irrigation easement and will be available for use by both SRP and other utility companies with facilities running through the park.

FISCAL NOTE: (if applicable)

There are no fiscal impacts associated with granting these easements. The costs associated with construction of the new pipe are funded through the Osuna Park construction project.

ATTACHMENTS: (if applicable)

1. Vicinity Map
2. Resolution

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

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. #** _____
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



Osuna Park
83rd Avenue & Washington Street

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

RESOLUTION NO. 2010-107

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN IRRIGATION EASEMENT AND ASSOCIATED ACCESS EASEMENT LOCATED IN OSUNA PARK, 83RD AVENUE AND WASHINGTON STREET.

WHEREAS, The City of Peoria desires to construct improvements in Osuna Park that will require the replacement of an existing Salt River Project (SRP) irrigation pipe and SRP is requesting that the City of Peoria execute an irrigation easement for the irrigation pipe and provide an ingress and egress access for use by any utility company that has facilities within the area.

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 granting the irrigation and access easements and authorize the City Manager to execute all the necessary documents; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of the attached irrigation and access easements, and authorize the City Manager to execute the easements.

Resolution No. 2010-107
Osuna Park Easements

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 7th day of December, 2010.

Bob Barrett, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENTS:

1. Salt River Project Irrigation Easement
2. Access Easement

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB350
P. O. Box 52025
Phoenix, Arizona 85072-2025

IRRIGATION EASEMENT

Maricopa County

R/W # 73 Agt.JAG

Job #

W JAG C PAR

KNOW ALL MEN BY THESE PRESENTS:

That

CITY OF PEORIA, ("Grantor"),
a municipal corporation

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 **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, ("Grantee"), an agricultural improvement district organized and existing under the laws of the State of Arizona, its successors and assigns, the right, easement and privilege to construct, reconstruct, operate and maintain an irrigation pipeline and irrigation turnout structure together with all the necessary and appurtenant facilities through, over, under and across the following described property:

Exhibit "A" attached hereto and made by reference a part hereof.

Grantor shall not convey any easements or grant any permits within the easement areas in which the facilities do not comply with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.

Grantor shall not erect, construct or permit to be erected or constructed any building or other structure, plant any trees, drill any well, install swimming pools, or alter ground level by cut or fill, within the limits of said rights of way, which do not comply with said Exhibit B.

Grantee shall have the right, but not the obligation, to erect, maintain and use gates in all fences which now cross said rights of way and to trim, cut and clear away trees or brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted.

The Grantee shall at all times have the right of full and free ingress and egress to said easement for the purpose heretofore specified.

Grantor and Grantee acknowledge that from time to time Grantee may find it necessary to construct, reconstruct, operate and maintain irrigation facilities and appurtenant conveniences lying within the easement areas.

Grantor shall pay Grantee all costs and expenses of any relocation of the irrigation facilities requested by Grantor, including but not limited to, the relocation of the facilities into the easement area described above.

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

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, successors in ownership and estate, assigns and lessees of the respective parties hereto.

Notwithstanding any of the aforesaid provisions, the easement rights granted herein shall be further subject to the following covenants, restrictions and conditions:

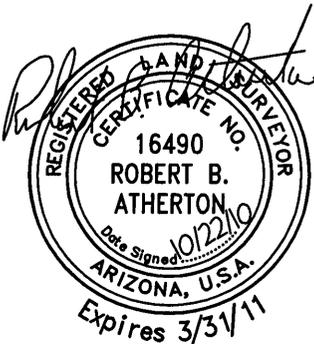
1. Grantor reserves the right to construct, install, operate, maintain, repair, replace and reinstall surface parking areas, driveways, roadways, sidewalks, curbs and gutters, landscaping, irrigation lines and street lighting on the surface of the easement areas.
2. Grantor reserves the right to construct and install public utilities, and to grant easements and permits for public utility purposes, in, upon, under, over and across the easement areas subject to compliance with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.
3. In the event that any repair, maintenance, replacement or installation of the irrigation facilities and appurtenant conveniences will cause a disturbance or a disruption of any public street or paved roadway, Grantee shall notify Grantor, pursuant to existing practices, before Grantee undertakes any such action. In the event of an emergency, Grantee shall have use of any public street or paved roadway as it reasonably deems necessary and appropriate to correct, repair, replace or reconstruct irrigation facilities affected by the emergency and notify Grantor, pursuant to existing practices, as soon as practical after responding to the emergency. Grantee shall provide for advance warning signs, barricades, flagmen, flares, and other devices when necessary to protect the roadway user as set forth in the "Manual on Uniform Traffic Control Devices" and any amendments and/or revisions thereto.
4. Grantor shall warrant and defend the rights, easements and privileges hereby granted and the priority of this easement against all persons whomsoever.

**NEW SALT RIVER PROJECT
20' WIDE IRRIGATION
EASEMENT**

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, THE NORTHWEST QUARTER OF SECTION 26, THE NORTHEAST QUARTER OF SECTION 27 AND THE SOUTHEAST QUARTER OF SECTION 22 TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA ALSO LOCATED ON LOT 2 OF OSUNA PARK, A SUBDIVISION RECORDED IN BOOK 1014, PAGE 11, MCR, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE COMMON SECTION CORNER OF SAID SECTIONS 23, 26, 27 AND 22; THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22 A DISTANCE OF 10.00 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SRP IRRIGATION EASEMENT AS RECORDED IN DOCKET 2006 1581456 SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 00 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22 AND THE EAST LINE OF THE EXISTING SRP IRRIGATION EASEMENT A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF SAID EXISTING SRP IRRIGATION EASEMENT SAID POINT BEING LOCATED ON THE COMMON LOT LINE BETWEEN SAID LOTS 1 AND 2 OF SAID OSUNA PARK PLAT; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SAID COMMON LOT LINE INTO SAID SECTION 23 A DISTANCE OF 12.28 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 58 SECONDS WEST A DISTANCE OF 29.78 FEET TO A POINT ON THE SECTION LINE BETWEEN SAID SECTIONS 23 AND 26; THENCE CONTINUING SOUTH 00 DEGREES 36 MINUTES 58 SECONDS WEST A DISTANCE OF 113.71 FEET TO A POINT ON THE RIGHT OF WAY LINE OF 83RD AVENUE AS SHOWN ON SAID PLAT OF OSUNA PARK; THENCE CONTINUING SOUTH 00 DEGREES 36 MINUTES 58 SECONDS WEST A DISTANCE OF 13.53 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 02 SECONDS WEST A DISTANCE OF 12.28 FEET TO THE END OF THE CENTERLINE OF AN EXISTING 16 FOOT WIDE SRP IRRIGATION EASEMENT AS RECORDED IN DOCKET 97 0622529; THENCE CONTINUING NORTH 89 DEGREES 23 MINUTES 02 SECONDS WEST A DISTANCE OF 1.36 FEET TO A POINT ON THE RIGHT OF WAY LINE OF 83RD AVENUE AS SHOWN ON SAID PLAT OF OSUNA PARK; THENCE CONTINUING NORTH 89 DEGREES 23 MINUTES 02 SECONDS WEST A DISTANCE OF 6.37 FEET TO THE NORTHWEST CORNER OF SAID EXISTING 16 FOOT WIDE SRP IRRIGATION EASEMENT; THENCE NORTH 00 DEGREES 36 MINUTES 58 SECONDS EAST A DISTANCE OF 124.97 FEET; THENCE NORTH 43 DEGREES 35 MINUTES 02 SECONDS WEST A DISTANCE OF 2.52 FEET TO A POINT ON THE COMMON SECTION LINE BETWEEN SAID SECTION 22 AND 27; THENCE CONTINUING THENCE NORTH 43 DEGREES 35 MINUTES 02 SECONDS WEST A DISTANCE OF 13.80 FEET TO A POINT ON THE SOUTH SIDE OF AN EXISTING SRP IRRIGATION EASEMENT AS RECORDED ON DOCKET 2006 1581456; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE SOUTH EDGE OF SAID SRP IRRIGATION EASEMENT A DISTANCE OF 19.25 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED.



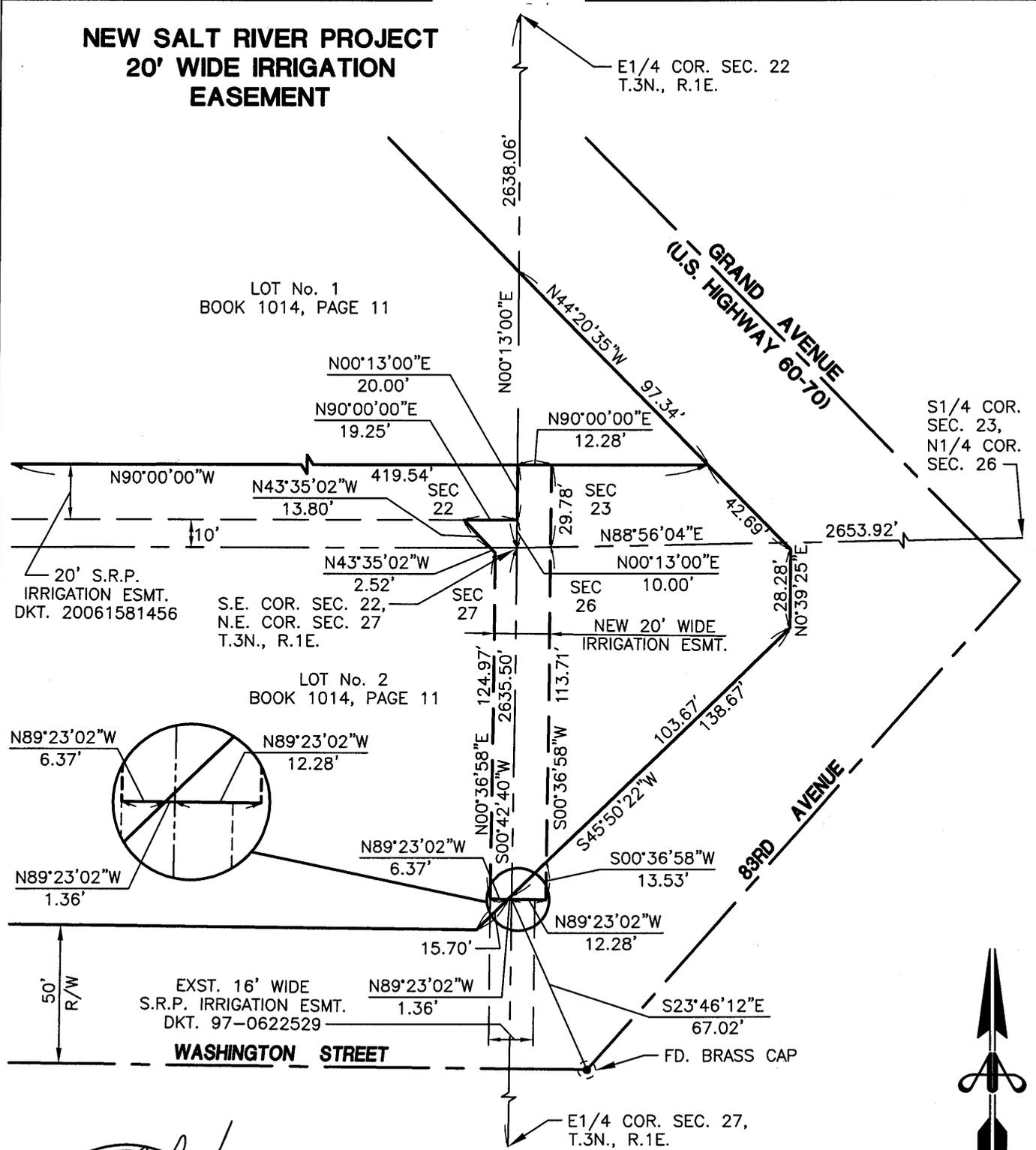
JOHNNY E. OSUNA MEMORIAL PARK
CITY OF PEORIA
COMMUNITY SERVICES DEPARTMENT
8306 WEST PEORIA AVENUE
PEORIA, ARIZONA



ATHERTON ENGINEERING, INC.
Civil Engineers and Land Surveyors
1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028
(602) 279-7331 * FAX (602) 230-1908

EXHIBIT A

**NEW SALT RIVER PROJECT
20' WIDE IRRIGATION
EASEMENT**



S1/4 COR. SEC. 23,
N1/4 COR. SEC. 26

20' S.R.P. IRRIGATION ESMT. DKT. 20061581456

S.E. COR. SEC. 22,
N.E. COR. SEC. 27
T.3N., R.1E.

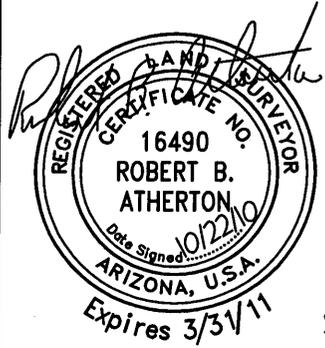
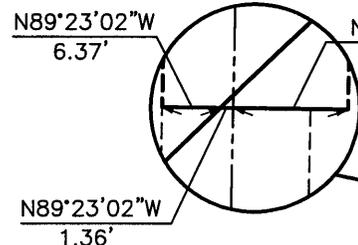
LOT No. 2
BOOK 1014, PAGE 11

EXST. 16' WIDE S.R.P. IRRIGATION ESMT. DKT. 97-0622529

WASHINGTON STREET

GRAND AVENUE
(U.S. HIGHWAY 60-70)

89th AVENUE



JOHNNY E. OSUNA MEMORIAL PARK
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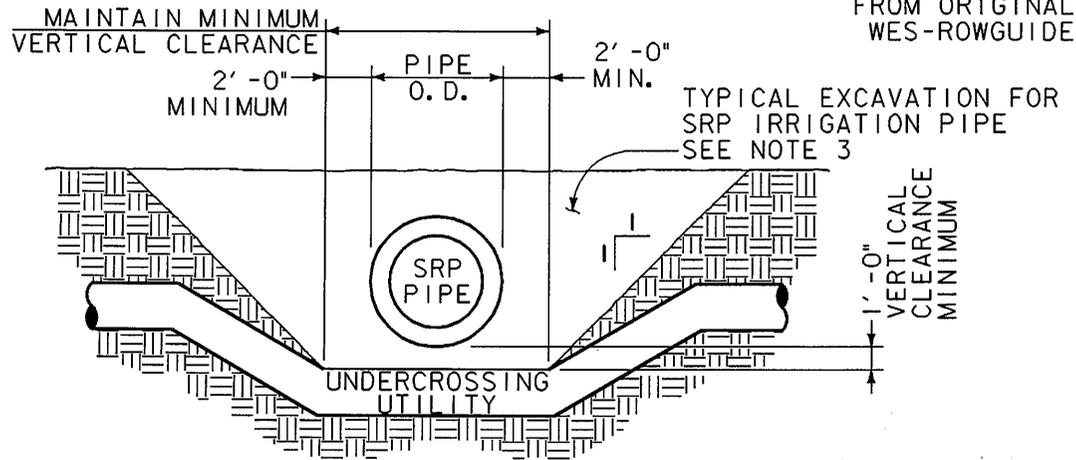
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EXHIBIT B

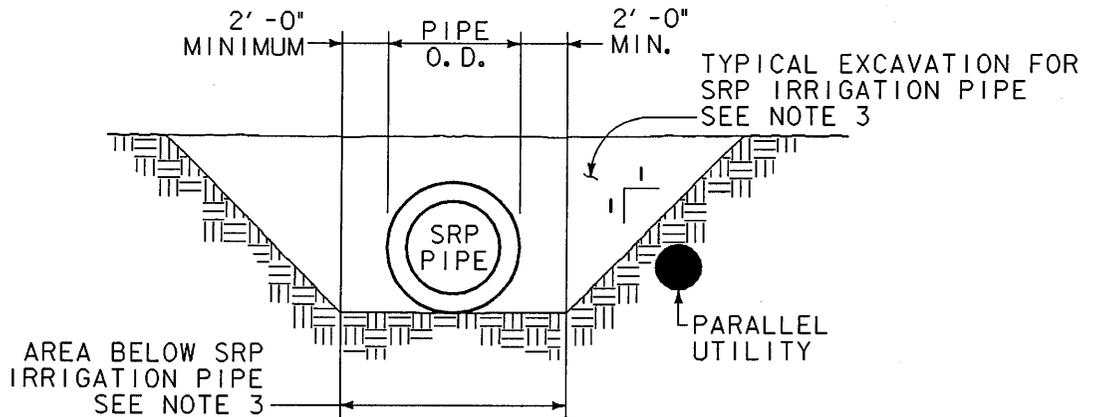
(PAGE 1 OF 2)

REV NO.	DATE
4	10/18/07

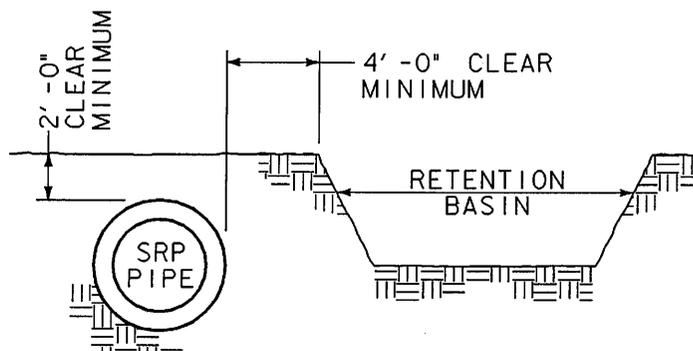
DWG REFERENCED FROM ORIGINAL WES-ROWGUIDE



PIPELINE - UTILITY CROSSING



PIPELINE - PARALLEL UTILITY



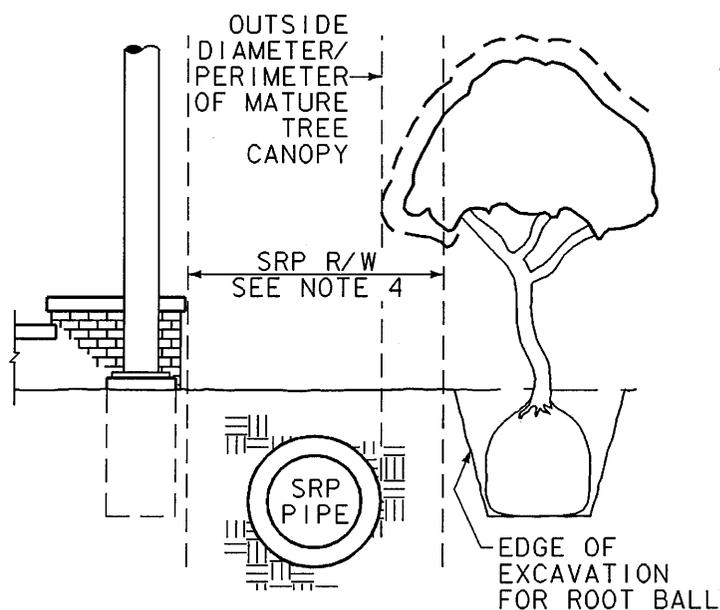
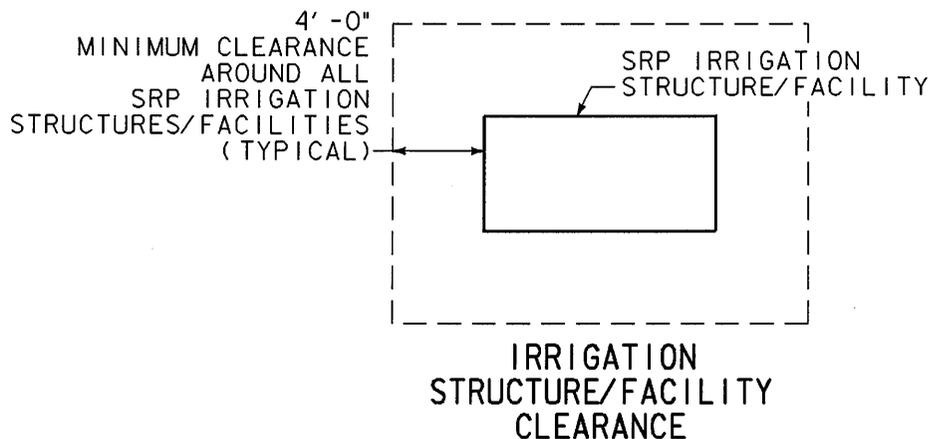
PIPELINES - RETENTION BASIN

EXHIBIT B

(PAGE 2 OF 2)

REV NO.	DATE
4	10/18/07

DWG REFERENCED
FROM ORIGINAL
WES-ROWGUIDE



PIPELINES - LANDSCAPING

NOTES

1. THESE GUIDELINES ARE PROVIDED AS A GENERAL AID TO PLANNING. ACTUAL SRP REQUIREMENTS MAY VARY BASED ON SITE-SPECIFIC CONDITIONS, OPERATIONAL CONSIDERATIONS, ETC.
2. AN SRP LICENSE IS REQUIRED FOR UTILITIES CROSSING/PARALLEL TO SRP IRRIGATION PIPE IN SRP RIGHT-OF-WAY. SRP REQUIRES ENGINEER DESIGNED UTILITY CROSSING/LOCATION AND EXCAVATION PLAN.
3. OTHER UTILITIES ARE NOT PERMITTED IN THESE AREAS.
4. SRP MAY LICENSE LIMITED USES OF ITS RIGHT-OF-WAY SUCH AS PARKING, SIDEWALK, LAWN, ETC. POLES, STRUCTURES AND TREES ARE TYPICALLY NOT PERMITTED IN SRP RIGHT-OF-WAY. INCLUDE DESIGN DRAWINGS FOR PROPOSED USE WHEN SUBMITTING REQUEST TO SRP FOR LICENSE.
5. REQUESTS FOR SRP LICENSES ARE HANDLED ON A CASE-BY-CASE BASIS. CONTACT SRP AT 602-236-2962 REGARDING LICENSES FOR SITES LOCATED NORTH OF THE SALT RIVER AND AT 602-236-5799 REGARDING LICENSES FOR SITES SOUTH OF THE SALT RIVER.

When Recorded/Executed Mail to:

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

ACCESS 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, does 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 ingress and egress associated with the maintenance and operation of public utilities over, 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 and that it has a good and lawful right to convey it.

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.

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.

Dated this _____ day of _____, 2010.

GRANTOR: CITY OF PEORIA, an Arizona municipal corporation

By: _____
Carl Swenson
Its: City Manager

ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

City Clerk

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

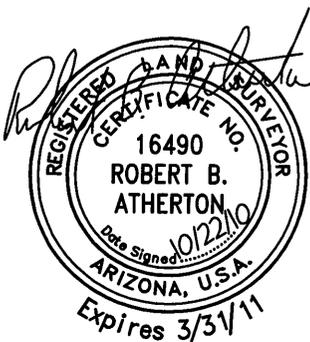
My Commission Expires:

**NEW 20' WIDE
INGRESS/EGRESS EASEMENT**

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA ALSO LOCATED ON LOTS 1 AND 2 OF OSUNA PARK, A SUBDIVISION RECORDED IN BOOK 1014, PAGE 11, MCR MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 23 AND THE NORTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 00 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23 A DISTANCE OF 30.00 FEET TO A POINT ON THE COMMON LOT LINE BETWEEN SAID LOTS 1 AND 2 OF OSUNA PARK; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID COMMON LOT LINE A DISTANCE OF 4.85 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 00 DEGREES 36 MINUTES 58 SECONDS EAST A DISTANCE OF 64.26 FEET TO A POINT ON THE RIGHT OF WAY LINE OF GRAND AVENUE AS SHOWN ON THE PLAT OF SAID OSUNA PARK; THENCE SOUTH 44 DEGREES 20 MINUTES 35 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 28.33 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 58 SECONDS WEST A DISTANCE OF 43.98 FEET TO A POINT ON THE COMMON LOT LINE BETWEEN SAID LOTS 1 AND 2; THENCE CONTINUING SOUTH 00 DEGREES 36 MINUTES 58 SECONDS WEST A DISTANCE OF 29.55 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING SOUTH 00 DEGREES 36 MINUTES 58 SECONDS WEST A DISTANCE OF 101.60 FEET TO A POINT ON THE RIGHT OF WAY LINE OF 83RD AVENUE AS SHOWN ON THE PLAT OF SAID OSUNA PARK; THENCE SOUTH 45 DEGREES 50 MINUTES 22 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 28.17 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 58 SECONDS EAST A DISTANCE OF 120.86 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING NORTH 00 DEGREES 36 MINUTES 58 SECONDS EAST A DISTANCE OF 29.92 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED.

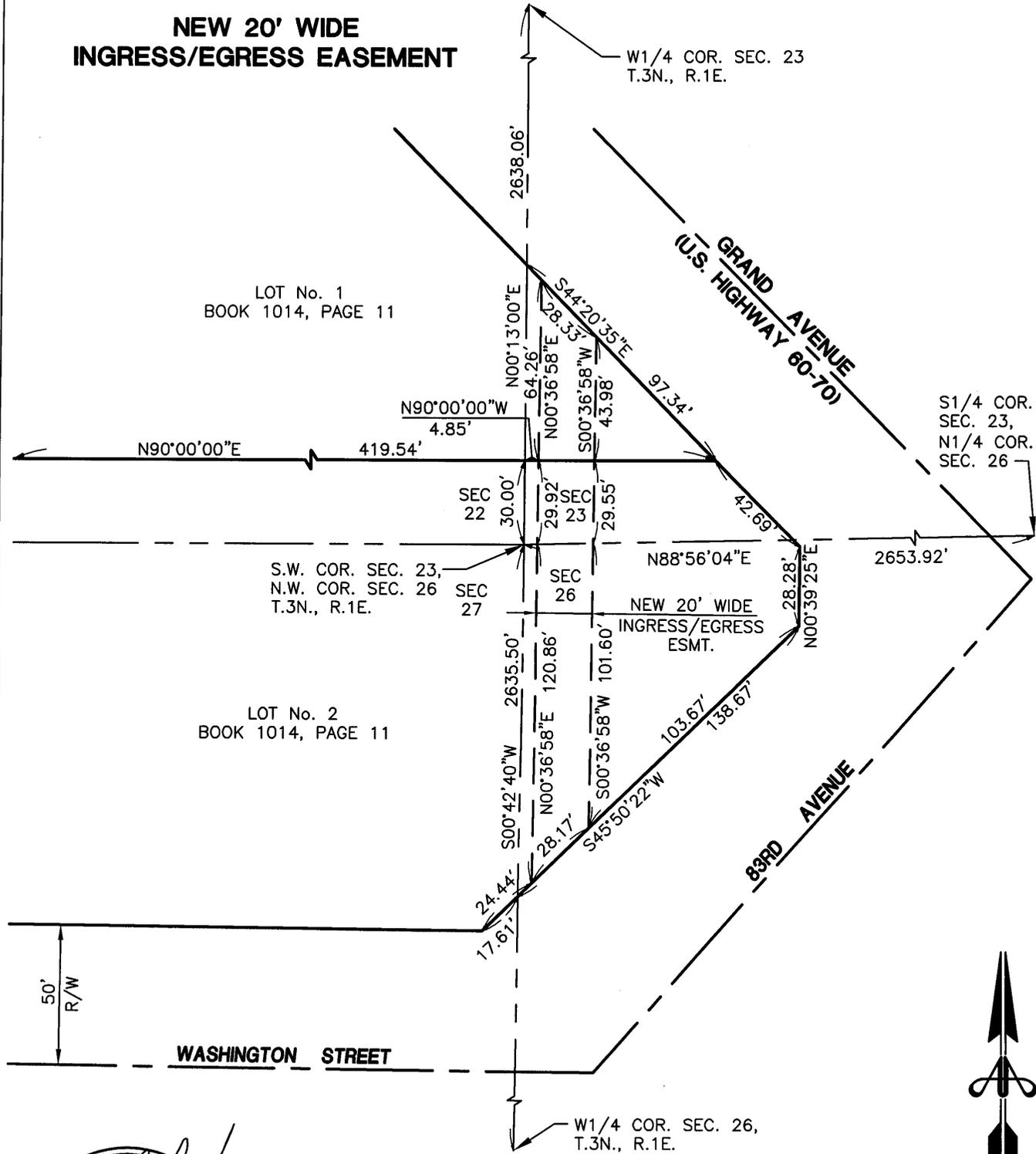


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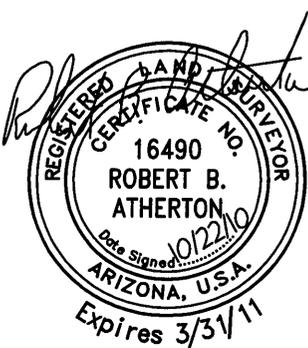
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**NEW 20' WIDE
INGRESS/EGRESS EASEMENT**



LOT No. 1
BOOK 1014, PAGE 11

LOT No. 2
BOOK 1014, PAGE 11



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