

ORDINANCE NO. 3028 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN IRRIGATION EASEMENT IN FAVOR OF SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT LOCATED ON WESTBOUND GLENDALE AVENUE 571 FEET WEST OF 99TH AVENUE; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, 101 Healthcare, LLC is the current owner and developer the real property located at 99th Avenue and Glendale Avenue; and

WHEREAS, incidental to 101 W Healthcare's redevelopment of said property, an irrigation pipeline owned and/or operated by the United States and managed by the Salt River Project ("SRP") must be relocated to property owned by the City, as depicted in the attached map and legally described in Exhibit A; and

WHEREAS, the City is willing to provide SRP with the Irrigation Easement to relocate its irrigation pipeline and related facilities as attached hereto as Exhibit B.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the City Council hereby approves entering into the Irrigation Easement attached hereto and directs that the City Manager to execute said Easement on behalf of the City.

SECTION 2. That the City Council authorizes the City Manager to execute and deliver the same to SRP so that SRP may record the Irrigation Easement with the Maricopa County Recorder's Office. SRP shall provide a copy of the recorded Irrigation Easement to the City Clerk once it is filed with the Maricopa County Recorder.

SECTION 3. That the City Clerk is instructed and authorized to forward a certified copy of this Ordinance and Irrigation Easement for recording to the Maricopa County Recorder's Office.

SECTION 4. Whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 6th day of December, 2016.

M A Y O R

ATTEST:

City Clerk (SEAL)

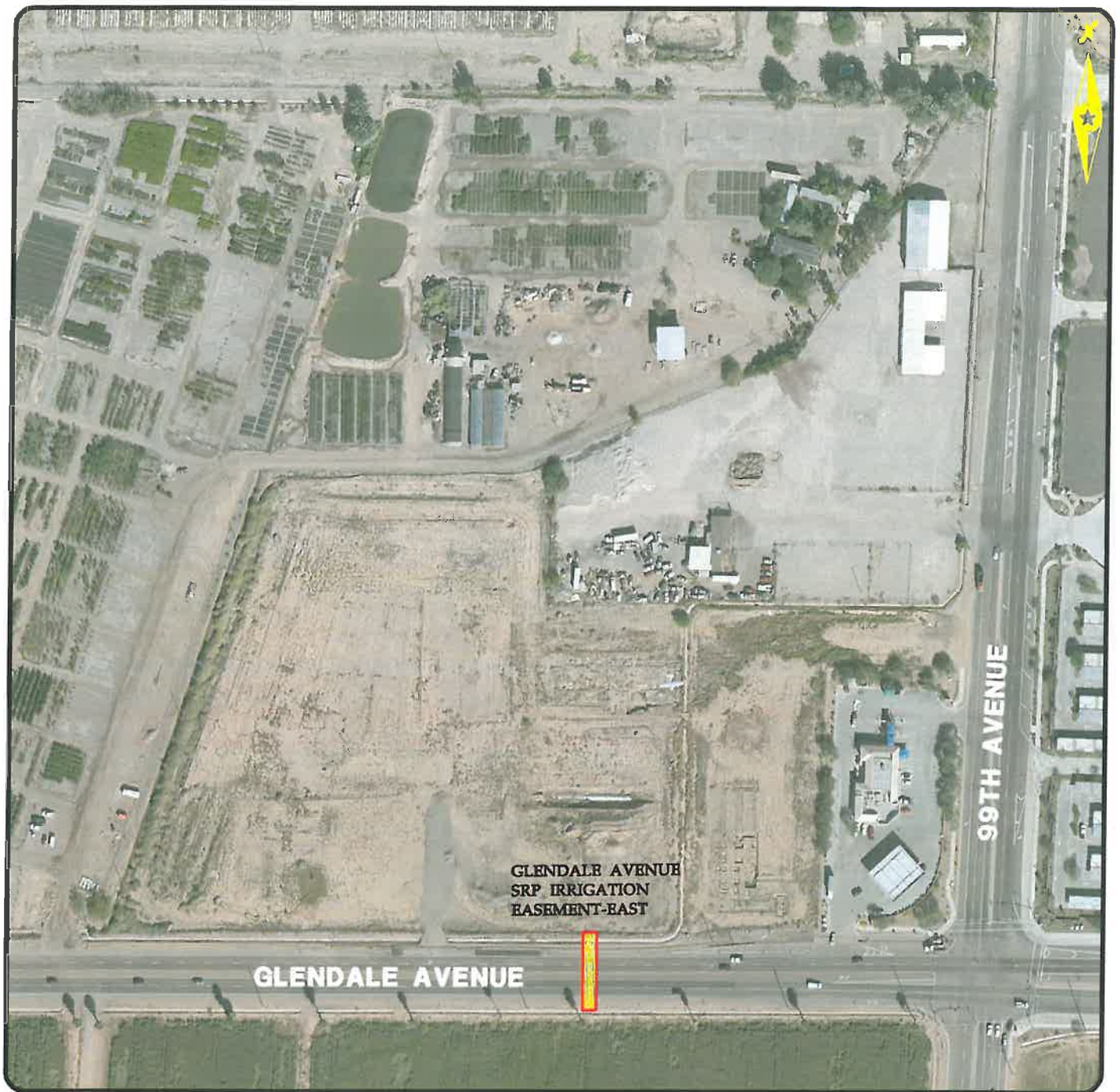
APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

EXHIBIT A



**99TH AVENUE & GLENDALE
GLENDALE AVENUE SRP IRRIGATION
EASEMENT-EAST**



EXHIBIT B

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT
Land Department/PAB348
P. O. Box 52025
Phoenix, Arizona 85072-2025

IRRIGATION EASEMENT

Maricopa County

R/W # 4 Agt. PJH
Job # LJ51858
W PJH C _____

KNOW ALL MEN BY THESE PRESENTS:

That

CITY OF GLENDALE, ("Grantor"),
an Arizona municipal corporation

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 **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, for itself and on behalf of the United States of America and as manager of the federal Salt River Reclamation Project, 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.

IN WITNESS WHEREOF, **THE CITY OF GLENDALE**, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s) this _____ day of _____, _____.

THE CITY OF GLENDALE,
an Arizona municipal corporation

By: _____

Its: _____

APPROVED AS TO FORM:

City Attorney for the City of
Glendale

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, _____, before me, the undersigned, personally appeared _____, as _____, of **THE CITY OF GLENDALE**, an Arizona municipal corporation, and such authorized representative acknowledged that this document was executed on behalf of the corporation for the purposes therein contained.

Notary Public

My Commission Expires:

Notary Stamp/Seal

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

GLENDALE AVENUE SRP IRRIGATION EASEMENT
LEGAL DESCRIPTION
EXHIBIT 'A'

A PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5 MONUMENTED BY AN MCDOT BRASS CAP FLUSH AT THE INTERSECTION OF GLENDALE AVENUE AND 99th AVENUE;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 5 AND THE CENTERLINE OF GLENDALE AVENUE, 571.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 46.50 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 20.00 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 114.50 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 20.00 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 68.00 FEET TO THE POINT OF BEGINNING.



EXPIRES 6-30-2019

Site Consultants, Inc.
113 S. Rockford Drive, Tempe Arizona 85281
Tele: 480-894-2820 Fax: 480-894-2847
SCI #2030 SCALE: N.T.S. DATE: 9-21-2016
PAGE 1 OF 3

**GLENDALE AVENUE
SRP IRRIGATION EASEMENT
EXHIBIT 'A'**

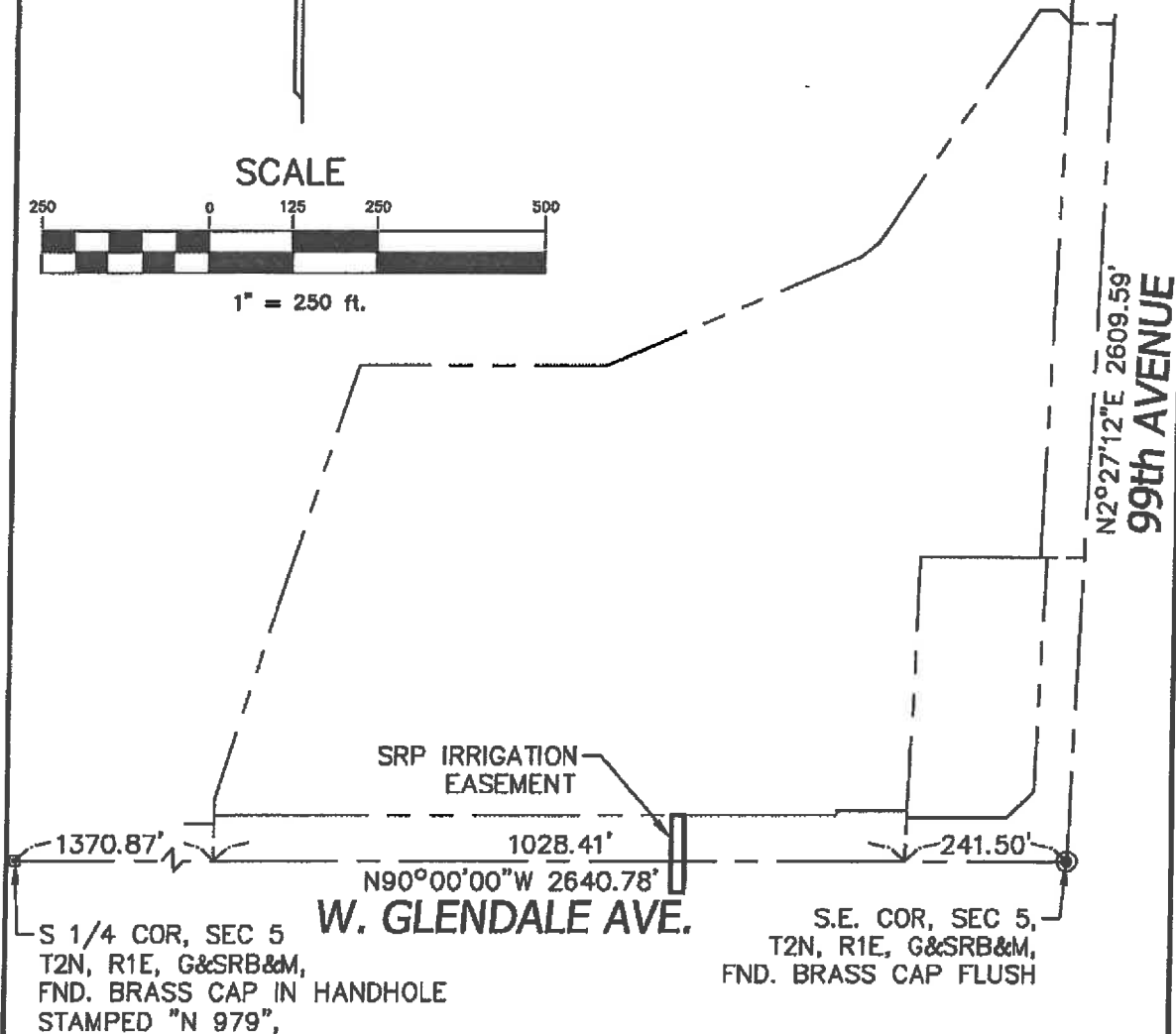
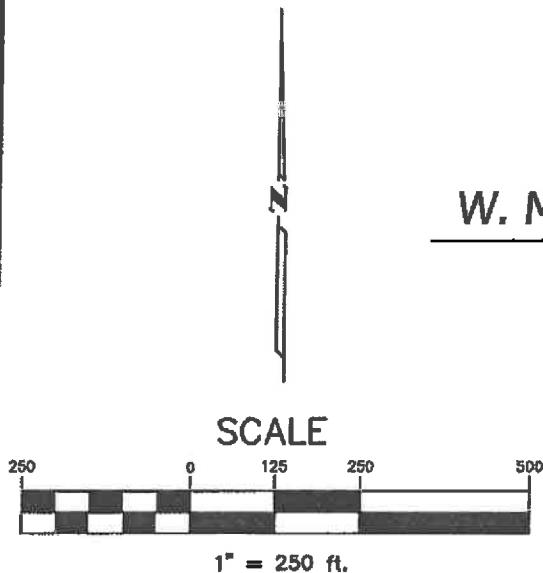
Site Consultants, Inc.
113 S. Rockford Drive, Tempe Arizona 85281
Tele: 480-894-2820 Fax: 480-894-2847
SCI #2030 SCALE: 1" = 250' DATE: 9-21-2016
PAGE 2 OF 3

E. 1/4 COR, SEC 5,
T2N, R1E, G&SRB&M,
FND. 1/2" REBAR
POINT OF COMMENCEMENT



EXPIRES 6-30-2019

W. MYRTLE AVE. ALIGNMENT



S 1/4 COR, SEC 5
T2N, R1E, G&SRB&M,
FND. BRASS CAP IN HANDHOLE
STAMPED "N 979",

S.E. COR, SEC 5,
T2N, R1E, G&SRB&M,
FND. BRASS CAP FLUSH

GLENDAL AVENUE
SRP IRRIGATION EASEMENT
EXHIBIT 'A'

Site Consultants, Inc.
 113 S. Rockford Drive, Tempe Arizona 85281
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 SCI #2030 SCALE: N.T.S. DATE: 9-21-2016
 PAGE 3 OF 3

LEGEND

____ PROPOSED EASEMENT
 --- LOT LINE
 --- CENTER LINE

FND. FOUND

P.O.B. POINT OF BEGINNING

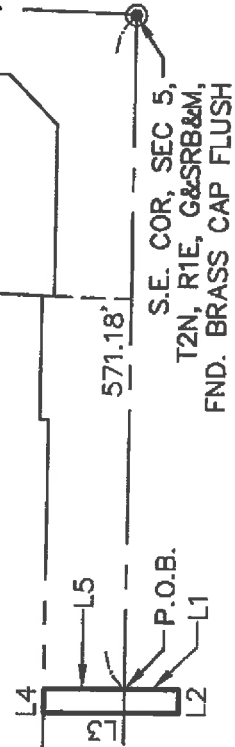
R.O.W. RIGHT OF WAY

M.C.R. MARICOPA COUNTY RECORDER

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S0°00'00"E	46.50'
L2	N90°00'00"W	20.00'
L3	N0°00'00"E	114.50'
L4	N90°00'00"E	20.00'
L5	S0°00'00"E	68.00'



EXPIRES 6-30-2019



N90°00'00"W 2640.78'

W. GLENDAL AVENUE.

S.E. COR, SEC 5,
 T2N, R1E, G&SRB&M,
 FND. BRASS CAP FLUSH

EXHIBIT B

(PAGE 1 OF 2)

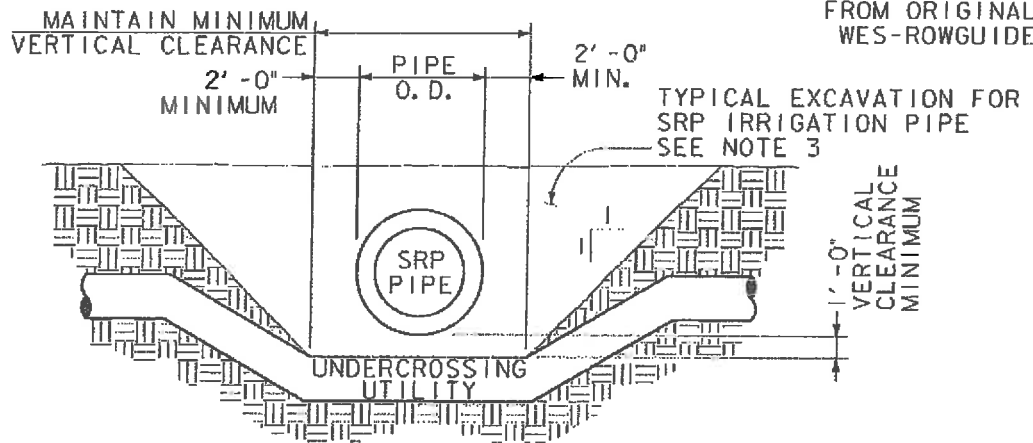
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NO.

DATE

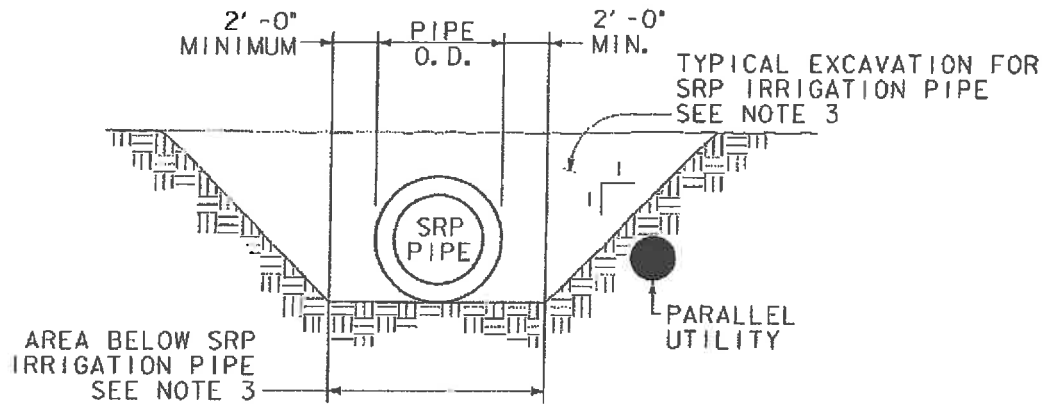
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06/08/11

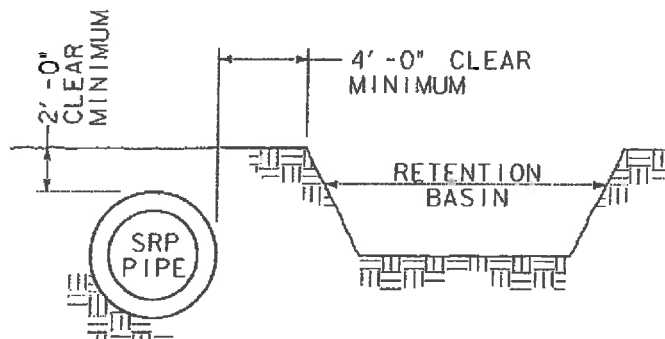
DWG REFERENCED
FROM ORIGINAL
WES-ROWGUIDE



PIPELINE - UTILITY CROSSING



PIPELINE - PARALLEL UTILITY



PIPELINES - RETENTION BASIN

EXHIBIT B

(PAGE 2 OF 2)

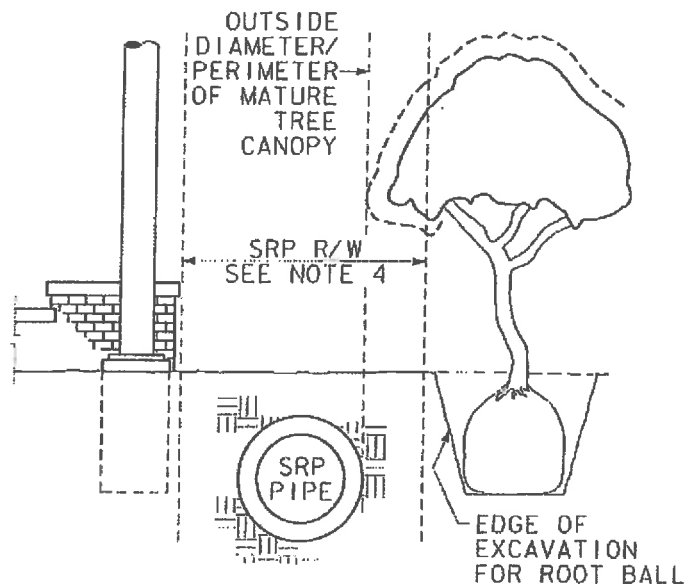
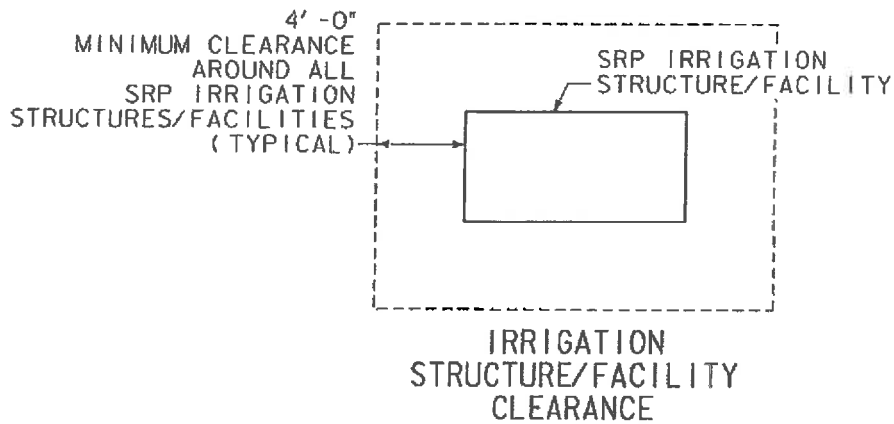
REV
NO.

DATE

5

06/08/11

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 602-236-5799 REGARDING LICENSES FOR SITES LOCATED NORTH AND SOUTH OF THE SALT RIVER.