

ORDINANCE NO. 017-02

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 DISCOVERY DRIVE WEST OF 79TH AVENUE; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the Salt River Project Agricultural Improvement and Power District (“SRP”) wishes to construct an irrigation structure to pipe an open irrigation ditch south of a school on Discovery Drive; and

WHEREAS, SRP wishes to locate the new irrigation within the City’s Discovery Drive right-of-way, as depicted in the attached map and legally described in Exhibit A; and

WHEREAS, the City has determined that granting SRP this irrigation will address operational and public safety concerns and that it is in the public interest; and

WHEREAS, time is of the essence in constructing the irrigation structure during SRP’s seasonal “dry-up,” which is expected to begin on January 4, 2017.

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 legally described in Exhibit B 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 10th day of January, 2017.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager

EXHIBIT A

MAP REMOVED –
PROTECTED CRITICAL
INFRASTRUCTURE
INFORMATION

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 # 481 Agt. JAG

Job # LJ63623

W  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, repair, 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 easement, 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 easement 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. Grantee shall pay all costs and expenses of any relocation of the irrigation facilities requested by Grantee.

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.

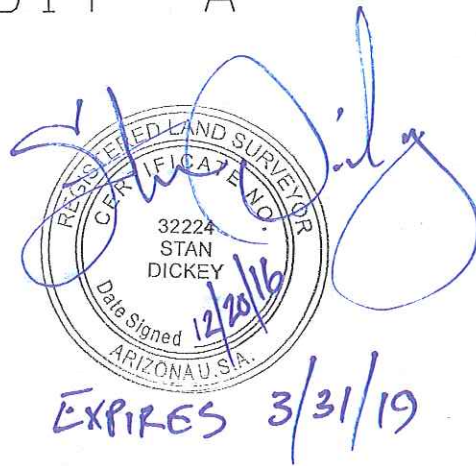
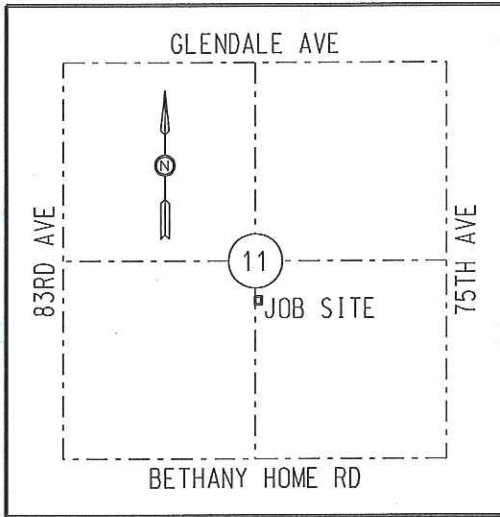
2. Grantor reserves the right to construct and install public utilities, and to grant easements and permits for public utility purposes, in, upon, under, over and across the easement areas, subject to compliance with the specifications shown in Exhibit B attached hereto and by this reference made a part 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.

If Grantee performs excavation activities on the easement areas and Grantee damages any improvements of Grantor that are in compliance with Grantor's requirements hereunder, Grantee will promptly restore such improvements to as close to their condition prior to such damage as is reasonably possible at the expense of Grantee.

4. Grantor shall warrant and defend the rights, easements and privileges hereby granted and the priority of this easement against all persons whomsoever.

EXHIBIT "A"




LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- ——— LIMITS OF IRRIGATION EASEMENT
- EXISTING EASEMENT
- ◆ SECTION CORNER AS NOTED

ABBREVIATION TABLE

APN	ASSESSOR PARCEL NUMBER
BCHH	BRASS CAP IN HAND HOLE
FD	FOUND
LVI	LAST VISUAL INSPECTION
MCR	MARICOPA COUNTY RECORDER
(M)	MEASURED
NTS	NOT TO SCALE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		 SURVEY DIVISION LAND DEPARTMENT
SRP JOB NUMBER: W1379901-017	SCALE: NTS	
AMP W/O NUMBER: W1379901-017	SHEET: 1 OF 2	PIPING 600' OF OPEN DITCH SW1/4 & SE1/4 SECTION 11 T.2 N., R.1 E 4.4 EAST - 10.4 NORTH
AGENT: GRAVEL	SHEET SIZE: 8.5"x11"	
DRAWN: TODARO	REVISION: #2	
CHECKED BY:	CREW CHIEF: WHITMOYER	
DATE: 12-19-16	FIELD DATE: 5-3-10	

2627.32' (M) (OVERALL) -----
752.45'

POB

537.16'

622.15'

BASIS OF BEARINGS

S00°16'27"W

1839.86'

S1/4 COR
SEC 11
T2N, R1E
BCHH
LVI 5-3-16

BETHANY HOME RD

L1	N89° 22' 11" E	6.80'
L2	S00° 16' 27" W	35.01'
L3	S89° 22' 11" W	6.80'
L4	N00° 16' 27" E	35.01'

POB

52.45'

537.16'

L1

530.36'

L4

L2

W DISCOVERY DRIVE
(FORMERLY MARYLAND AVE)
1991-447263 MCR

L3

615.35

622.15



SCALE: NTS

SHEET: 2 OF 2

SHEET SIZE: 8.5"x11"

REVISION: #2

CREW CHIEF: WHITMOYER

FIELD DATE: 5-3-10

PIPING 600' OF OPEN DITCH
SW1/4 & SE1/4 SECTION 11
T.2 N., R.1 E
4.4 EAST - 10.4 NORTH

EXHIBIT "A"
LEGAL DESCRIPTION
SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT

Irrigation Easement

Date: 08/31/2016

SRP Job Name: PIPING 600' OF OPEN DITCH

SE1/4 Section 11 T2N, R1E

A parcel of land located within the Southeast Quarter (SE1/4) of Section 11, Township 2 North (T2N), Range 1 East (R1E), of the Gila and Salt River Meridian, Maricopa County, Arizona and being more particularly described as follows:

COMMENCING at the Center Quarter Corner of said Section 11, being a found Iron Bar with Cap, from which the South Quarter Corner of Section 11 T2N, R1E, being a found Brass Cap in Handhole bears S00°16'27"W(Basis of Bearings), a distance of 2627.32 feet (measured);

THENCE S00°16'27"W along the North/South midsection line of said Section 11, a distance of 752.45 feet to the northerly line of a 35.00 foot Right of Way described in Maricopa County Recorder document number 1991-447263, and to the **POINT OF BEGINNING**;

THENCE N89°22'11"E, along the northerly line of said 35 foot right of way, a distance of 6.80 feet;

THENCE S00°16'27"W, along a line parallel with and 6.80 feet east of said North/South midsection line of said Section 11, a distance of 35.01 feet;

THENCE S89°22'11"W, along the southerly line of said 35.00 foot Right of Way, a distance of 6.80 feet;

THENCE N00°16'27"E, along said North/South midsection line of said Section 11, a distance of 35.01 feet to the **POINT OF BEGINNING**.

Containing within said bounds 0.01 acres, more or less

END OF DESCRIPTION

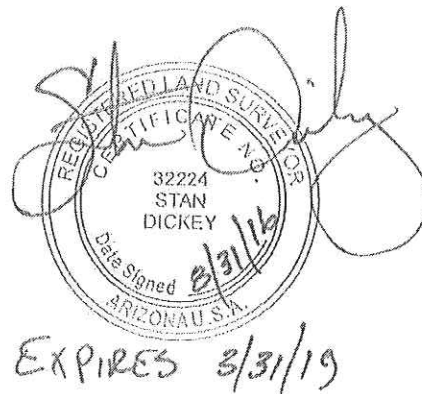


EXHIBIT B

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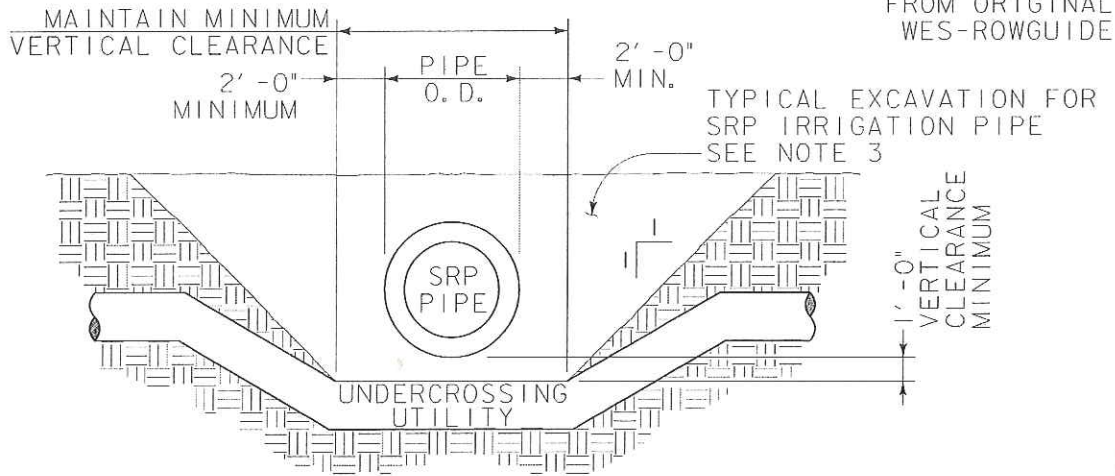
REV
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DATE

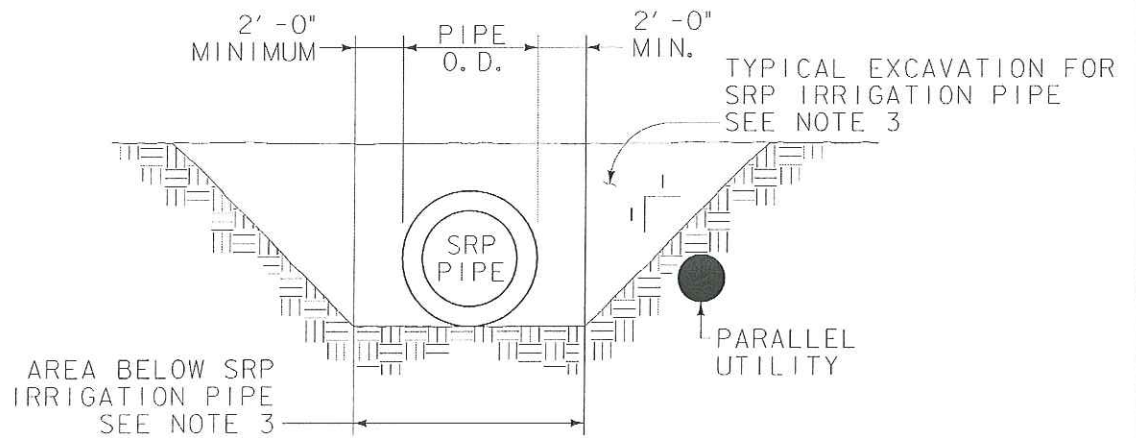
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06/08/11

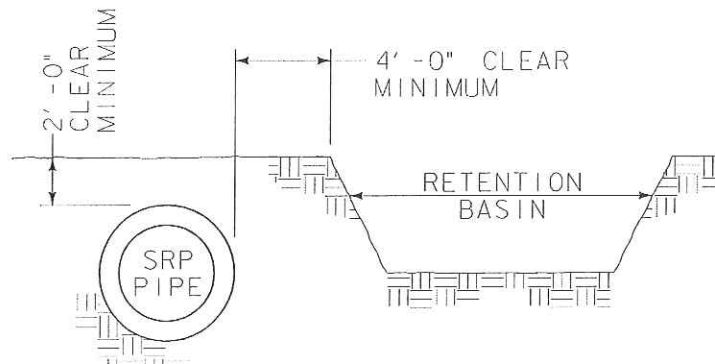
DWG REFERENCED
FROM ORIGINAL
WES-ROWGUIDE



PIPELINE - UTILITY CROSSING



PIPELINE - PARALLEL UTILITY



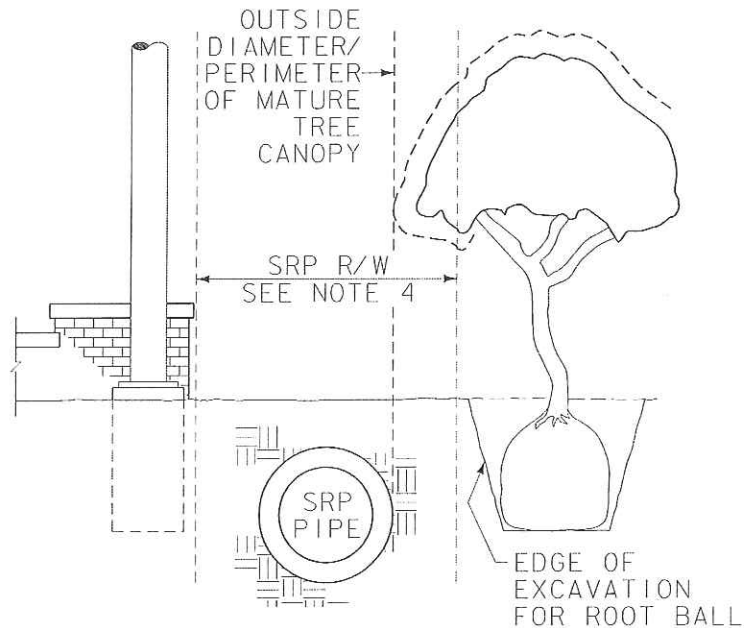
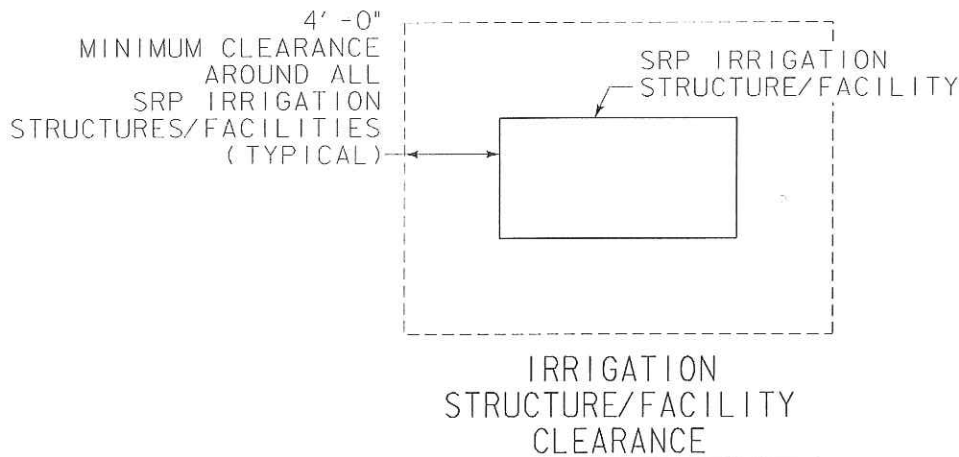
PIPELINES - RETENTION BASIN

EXHIBIT B

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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.