

ORDINANCE NO. 4956

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, GRANTING THREE (3) IRRIGATION EASEMENTS TO ROOSEVELT WATER CONSERVATION DISTRICT ("RWCD") WITHIN PORTIONS OF CHANDLER HEIGHTS ROAD ON EITHER SIDE OF COOPER ROAD INTERSECTION, AT NO COST, TO ACCOMMODATE THE COOPER ROAD FROM ALAMOSA DRIVE TO RIGGS ROAD IMPROVEMENT PROJECT.

WHEREAS, the City of Chandler is improving Cooper Road from Alamosa Drive to Riggs Road along with a portion of Chandler Heights Road (the "Project"); and

WHEREAS, in order to accommodate the construction of this Project it is necessary to provide RWCD with three (3) irrigations easements allowing RWCD to cross Chandler Heights Road with their facilities; and

WHEREAS, the easements are being granted at no cost to RWCD as they are being granted to accommodate a City of Chandler project.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That the City Council of the City of Chandler, Arizona, authorizes and approves the granting of three (3) Irrigation Easements to the Roosevelt Water Conservation District, at no cost, across those portions of Chandler Heights Road legally described and depicted in the attached Exhibit "A", "A-1" and "A-2".

Section 2. That the granting of said Irrigation Easements shall be in substantially the form attached as Exhibits "B", "B-1" and "B-2".

Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to execute the easements and this Ordinance on behalf of the City.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____ 2021.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2021.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4956 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2021, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY



Published:

EXHIBIT "A"



**Legal Description
RWCD Irrigation Easement - Lateral 17
City of Chandler**

Job No. 17-007.41

November 14, 2018

Parcel 1:

A portion of the northeast quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the northeast corner of said Section 26, from which a brass cap flush at the east quarter corner of said Section 26 bears South 00 degrees 11 minutes 49 seconds East, 2647.44 feet.

thence along the east line of said northeast quarter, South 00 degrees 11 minutes 49 seconds West, 75.01 feet to the POINT OF BEGINNING;

thence South 0 degrees 11 minutes 49 seconds East, 14.00 feet;

thence South 88 degrees 48 minutes 47 seconds West, 71.01 feet;

thence North 45 degrees 41 minutes 31 seconds West, 19.63 feet;

thence North 88 degrees 48 minutes 47 seconds East, 85.01 feet to the POINT OF BEGINNING.

Together with the following described parcel:

Parcel 2:

A portion of the northeast quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:



COMMENCING at a brass cap in hand hole at the northeast corner of said Section 26, from which a brass cap flush at the east quarter corner of said Section 26 bears South 00 degrees 11 minutes 49 seconds East, 2647.44 feet.

thence along the east line of said northeast quarter, South 00 degrees 11 minutes 49 seconds West, 75.01 feet;

thence South 88 degrees 48 minutes 47 seconds West, 124.38 feet to the POINT OF BEGINNING;

thence South 88 degrees 48 minutes 47 seconds West, 14.00 feet;

thence North 0 degrees 32 minutes 39 seconds West, 75.00 feet;

thence North 88 degrees 48 minutes 47 seconds East, 14.00 feet;

thence South 0 degrees 32 minutes 39 seconds East, 75.00 feet to the POINT OF BEGINNING.

Together with the following described parcel:

Parcel 3:

A portion of the northeast quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the northeast corner of said Section 26, from which a brass cap flush at the east quarter corner of said Section 26 bears South 00 degrees 11 minutes 49 seconds East, 2647.44 feet.

thence along the east line of said northeast quarter, South 00 degrees 11 minutes 49 seconds West, 75.01 feet;

thence South 88 degrees 48 minutes 47 seconds West, 391.75 feet;

thence North 0 degrees 11 minutes 55 seconds West, 10.00 feet;



thence South 88 degrees 48 minutes 47 seconds West, 138.53 feet to the POINT OF BEGINNING;

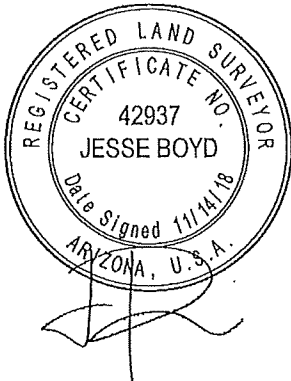
thence South 88 degrees 48 minutes 47 seconds West, 14.00 feet;

thence North 1 degrees 11 minutes 34 seconds West, 32.00 feet;

thence North 88 degrees 48 minutes 47 seconds East, 14.00 feet;

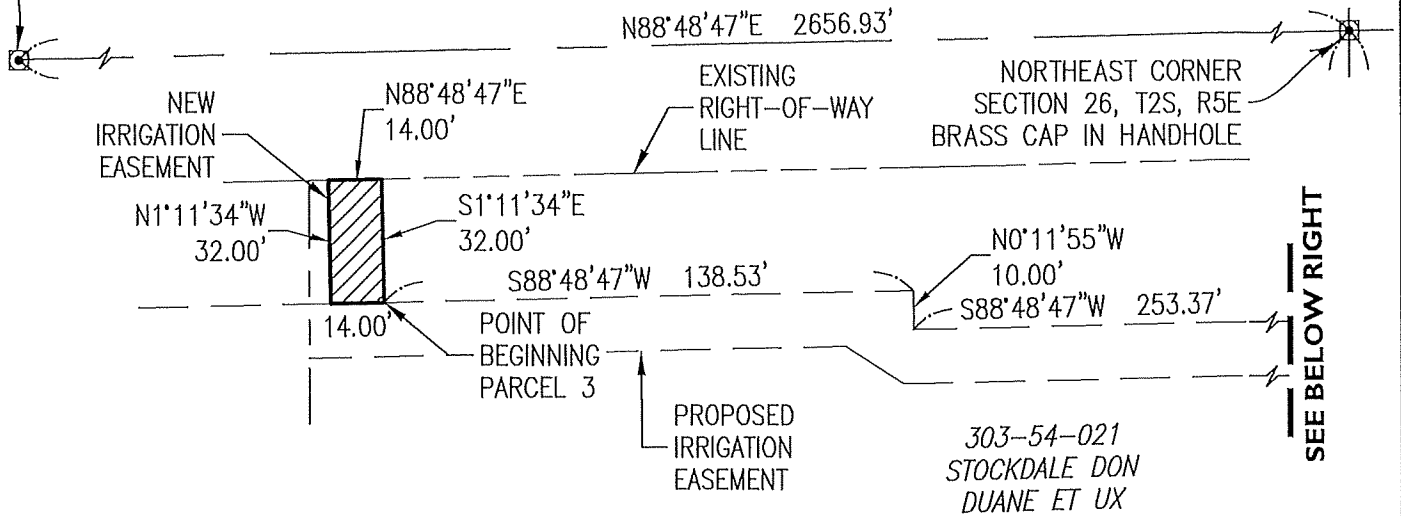
thence South 1 degrees 11 minutes 34 seconds East, 32.00 feet to the POINT OF BEGINNING.

Contains 2,590 square feet 0.0595 acres, more or less.



NORTH QUARTER CORNER
SECTION 26, T2S, R5E,
BRASS CAP IN HANDHOLE

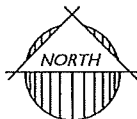
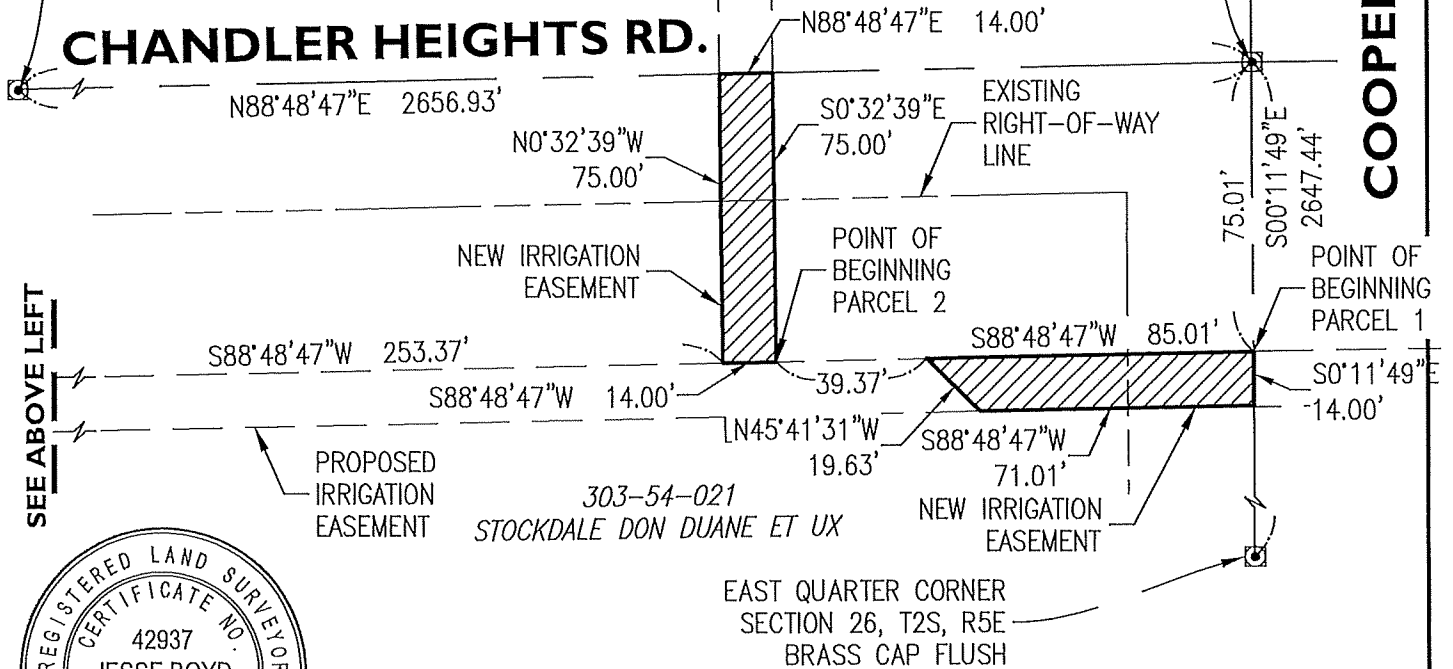
CHANDLER HEIGHTS RD.



NORTH QUARTER CORNER
SECTION 26, T2S, R5E,
BRASS CAP IN HANDHOLE

CHANDLER HEIGHTS RD.

POINT OF COMMENCEMENT
NORTHEAST CORNER
SECTION 26, T2S, R5E
BRASS CAP IN HANDHOLE



NEW IRRIGATION EASEMENT

www.epsgroupinc.com

17-007.41

EXHIBIT

RWCD IRRIGATION EASEMENT - LATERAL 17
CITY OF CHANDLER



EXHIBIT "A-1"



**Legal Description
RWCD Irrigation Easement - Lateral 17
CITY OF CHANDLER**

Job No. 17-007.41

November 14, 2018

A portion of the southeast quarter of Section 23, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the southeast corner of said Section 23, from which a brass cap in handhole at the south quarter corner of said Section 23 bears South 88 degrees 48 minutes 47 seconds West, 2656.93 feet.

thence along the south line of said southeast quarter, South 88 degrees 48 minutes 47 seconds West, 124.83 feet to the POINT OF BEGINNING;

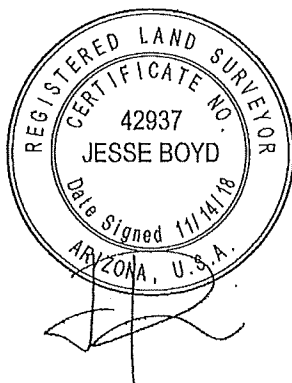
thence South 88 degrees 48 minutes 47 seconds West, 14.00 feet;

thence North 0 degrees 32 minutes 39 seconds West, 63.84 feet;

thence North 88 degrees 48 minutes 47 seconds East, 14.00 feet;

thence South 0 degrees 32 minutes 39 seconds East, 63.84 feet to the POINT OF BEGINNING.

Contains 892.98 square feet or 0.0205 acres, more or less.



303-45-881
CREEKWOOD RANCH
HOMEOWNERS ASSOCIATION

NEW IRRIGATION
EASEMENT

N88°48'47"E
14.00'

EXISTING
RIGHT-OF-WAY
LINE

EAST QUARTER CORNER
SECTION 23, T2S, R5E
BRASS CAP
IN HANDHOLE

N0°32'39"W
63.84'

S0°32'39"E
63.84'

CHANDLER HEIGHTS RD.

2516.78'

14.00'

124.83'

S88°48'47"W 2656.93'
(BASIS OF BEARING)

POINT OF
BEGINNING

EXISTING
RIGHT-OF-WAY
LINE

PROPOSED
IRRIGATION
EASEMENT

SOUTH QUARTER CORNER
SECTION 23, T2S, R5E
BRASS CAP
IN HANDHOLE

303-54-021
STOCKDALE DON DUANE ET UX

PROPOSED
IRRIGATION
EASEMENT

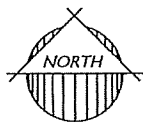
EAST QUARTER CORNER
SECTION 26, T2S, R5E
BRASS CAP
FLUSH

COOPER RD.

S00°23'09"E 2640.06'

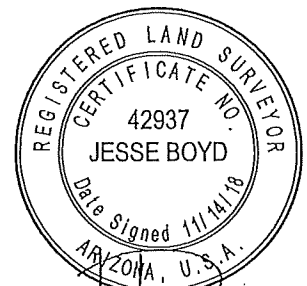
POINT OF
COMMENCEMENT
SOUTHEAST CORNER
SECTION 23, T2S, R5E
BRASS CAP
IN HANDHOLE

S00°11'49"E 2647.44'



NEW IRRIGATION EASEMENT

40 0 40 80
scale feet



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17-007.41

EXHIBIT

RWCD IRRIGATION EASEMENT - LATERAL 17
CITY OF CHANDLER



EXHIBIT "A-2"



**Legal Description
RWCD Irrigation Easement - Lateral 17
CITY OF CHANDLER**

Job No. 17-007.41

November 14, 2018

Parcel 1:

A portion of the northwest quarter of Section 25, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the northwest corner of said Section 25, from which a brass cap in handhole at the north quarter corner of said Section 25 bears North 89 degrees 16 minutes 40 seconds East, 2628.72 feet.

thence along the north line of said northwest quarter, South 0 degrees 11 minutes 49 seconds East, 75.00 feet to the POINT OF BEGINNING;

thence North 89 degrees 16 minutes 40 seconds East, 74.31 feet;

thence South 44 degrees 32 minutes 28 seconds West, 19.89 feet;

thence South 89 degrees 16 minutes 40 seconds West, 60.31 feet;

thence North 0 degrees 11 minutes 49 seconds West, 14.00 feet to the POINT OF BEGINNING.

Together with the following described parcel:

Parcel 2:

A portion of the northwest quarter of Section 25, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the northwest corner of said Section 25, from which a brass cap in handhole at the north quarter corner of said Section 25 bears North 89 degrees 16 minutes 40 seconds East, 2628.72 feet.



thence along the north line of said northwest quarter, South 0 degrees 11 minutes 49 seconds East, 75.00 feet;

thence North 89 degrees 16 minutes 40 seconds East, 74.31 feet;

thence North 89 degrees 16 minutes 40 seconds East, 180.00 feet;

thence North 0 degrees 42 minutes 58 seconds West, 10.00 feet;

thence North 89 degrees 16 minutes 40 seconds East, 10.00 feet to the POINT OF BEGINNING;

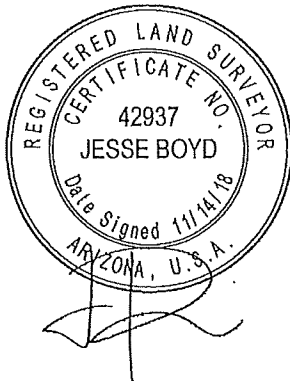
thence North 44 degrees 16 minutes 40 seconds East, 45.25 feet;

thence North 89 degrees 16 minutes 40 seconds East, 19.80 feet;

thence South 44 degrees 16 minutes 40 seconds West, 45.25 feet;

thence South 89 degrees 16 minutes 40 seconds West, 19.80 feet to the POINT OF BEGINNING.

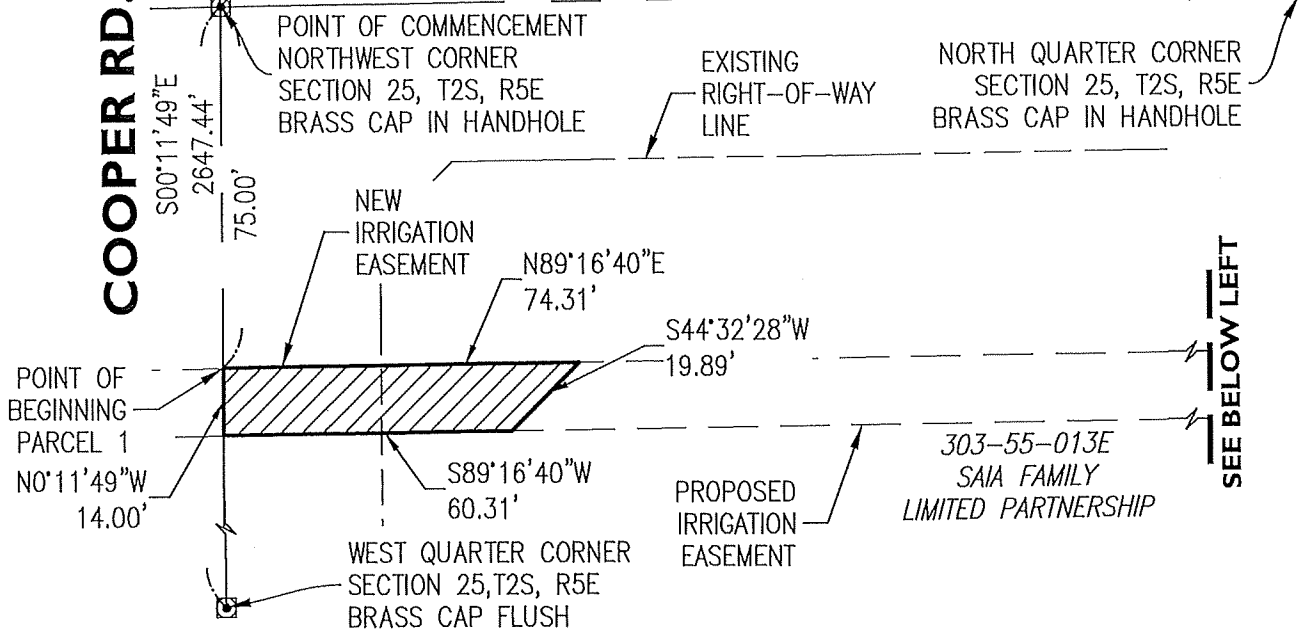
Contains 1,572.516 square feet or 0.0361 acres, more or less.



CHANDLER HEIGHTS RD.

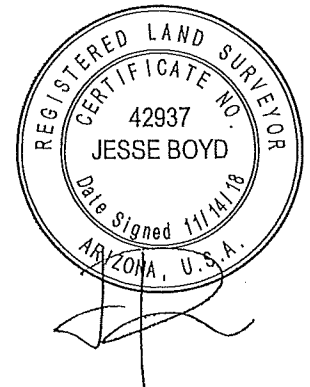
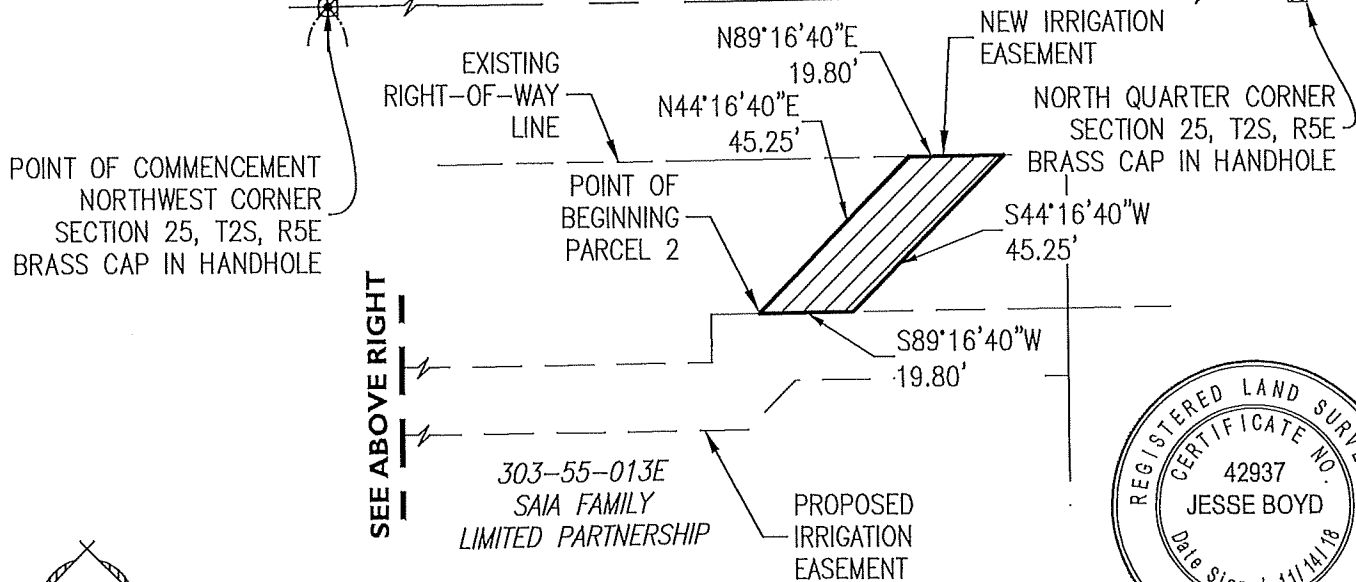
(BASIS OF BEARING)
N89°16'40"E 2628.72'

COOPER RD.



CHANDLER HEIGHTS RD.

(BASIS OF BEARING)
N89°16'40"E 2628.72'



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17-007.41

EXHIBIT

RWCD IRRIGATION EASEMENT - LATERAL 17
CITY OF CHANDLER



EXHIBIT "B"

WHEN RECORDED RETURN TO:

Roosevelt Water Conservation District
P.O. Box 100
15400 S. Higley Road
Higley, AZ 85236

**ROOSEVELT WATER CONSERVATION DISTRICT
IRRIGATION FACILITIES EASEMENT**

(COC – Cooper Road @ Chandler Heights - RWCD Lat 17-5W – COC West #1)

**NE¼ S26 T2S R5E
Maricopa County G&SRM**

CITY OF CHANDLER, a municipal corporation ("Grantor"), for and in consideration of the sum of Ten Dollars and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an Arizona irrigation and water conservation district organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon, and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of construction, installation, maintenance, operation, repair, reconstruction, replacement, removal, and access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution, and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as Grantor may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the of the Northeast ¼ of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee records a document to formally abandon the Easement Grantee's rights hereunder to the part or the property abandoned shall cease and Grantee's rights to the part of the property abandoned shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns, and lessees.

Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Easement Agreement this _____ day of _____, 2019.

GRANTOR:
CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

APPROVED AS TO FORM

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

CITY ATTORNEY 

On this _____ day of _____, 2019, the foregoing instrument was acknowledged before me by _____, the _____ of the CITY OF CHANDLER, an Arizona municipal corporation, and such authorized representative acknowledged that this document was executed on behalf of the municipal corporation for the purposes therein contained.

My Commission Expires:

Notary Public

GRANTEE:
ROOSEVELT WATER CONSERVATION DISTRICT

By: _____
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2019, the foregoing instrument was acknowledged before me by Shane M. Leonard, the General Manager of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

My Commission Expires:

Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY

[To Be Attached]



**Legal Description
RWCD Irrigation Easement - Lateral 17
City of Chandler**

Job No. 17-007.41

November 14, 2018

Parcel 1:

A portion of the northeast quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the northeast corner of said Section 26, from which a brass cap flush at the east quarter corner of said Section 26 bears South 00 degrees 11 minutes 49 seconds East, 2647.44 feet.

thence along the east line of said northeast quarter, South 00 degrees 11 minutes 49 seconds West, 75.01 feet to the POINT OF BEGINNING;

thence South 0 degrees 11 minutes 49 seconds East, 14.00 feet;

thence South 88 degrees 48 minutes 47 seconds West, 71.01 feet;

thence North 45 degrees 41 minutes 31 seconds West, 19.63 feet;

thence North 88 degrees 48 minutes 47 seconds East, 85.01 feet to the POINT OF BEGINNING.

Together with the following described parcel:

Parcel 2:

A portion of the northeast quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:



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thence along the east line of said northeast quarter, South 00 degrees 11 minutes 49 seconds West, 75.01 feet;

thence South 88 degrees 48 minutes 47 seconds West, 124.38 feet to the POINT OF BEGINNING;

thence South 88 degrees 48 minutes 47 seconds West, 14.00 feet;

thence North 0 degrees 32 minutes 39 seconds West, 75.00 feet;

thence North 88 degrees 48 minutes 47 seconds East, 14.00 feet;

thence South 0 degrees 32 minutes 39 seconds East, 75.00 feet to the POINT OF BEGINNING.

Together with the following described parcel:

Parcel 3:

A portion of the northeast quarter of Section 26, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

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thence along the east line of said northeast quarter, South 00 degrees 11 minutes 49 seconds West, 75.01 feet;

thence South 88 degrees 48 minutes 47 seconds West, 391.75 feet;

thence North 0 degrees 11 minutes 55 seconds West, 10.00 feet;



thence South 88 degrees 48 minutes 47 seconds West, 138.53 feet to the POINT OF BEGINNING;

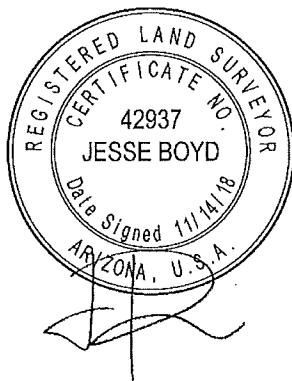
thence South 88 degrees 48 minutes 47 seconds West, 14.00 feet;

thence North 1 degrees 11 minutes 34 seconds West, 32.00 feet;

thence North 88 degrees 48 minutes 47 seconds East, 14.00 feet;

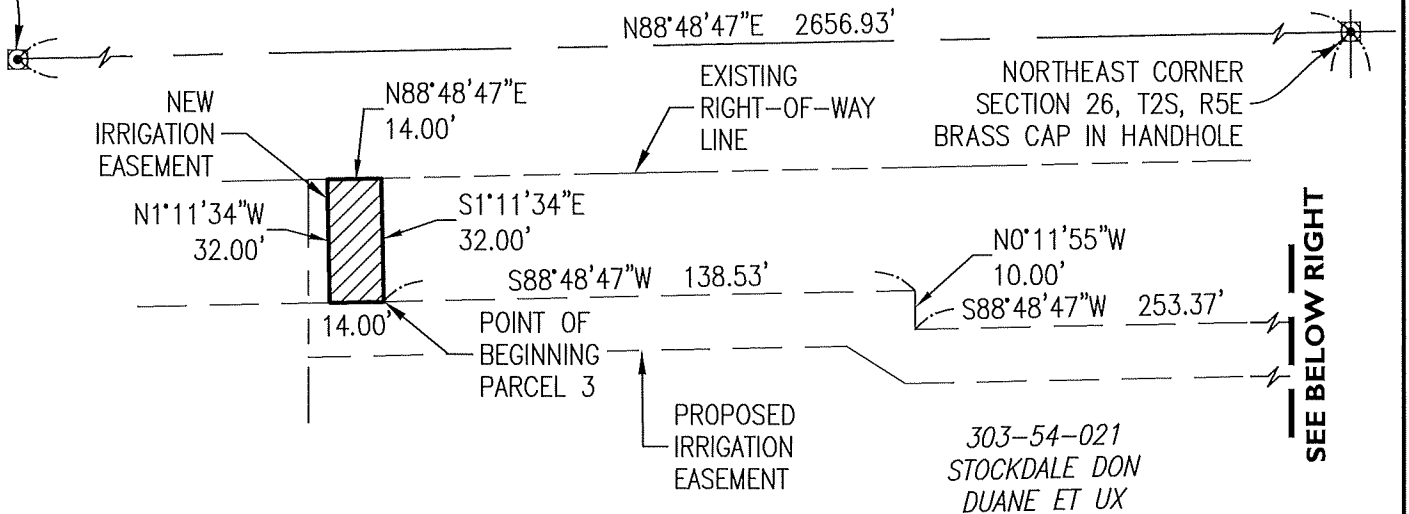
thence South 1 degrees 11 minutes 34 seconds East, 32.00 feet to the POINT OF BEGINNING.

Contains 2,590 square feet 0.0595 acres, more or less.



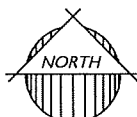
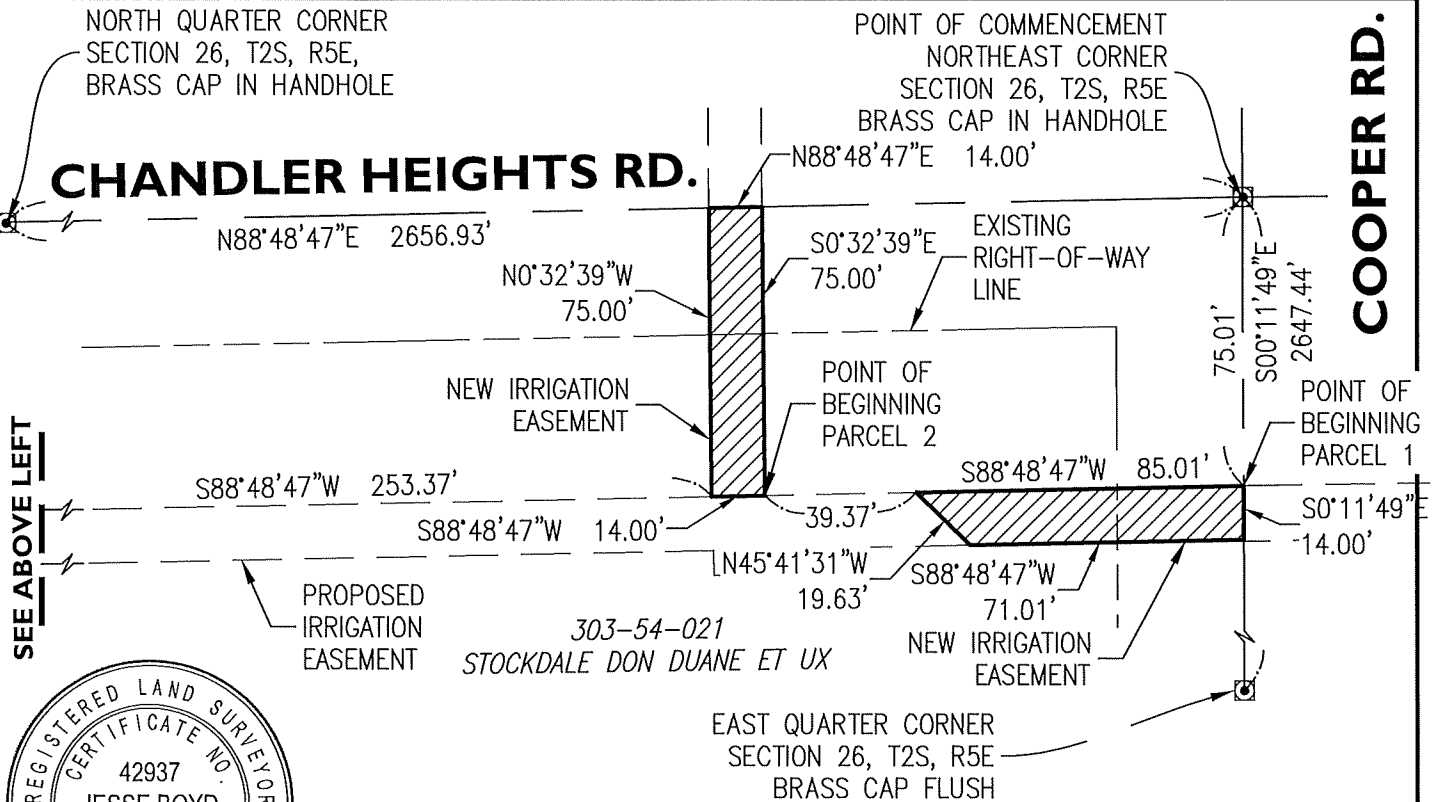
NORTH QUARTER CORNER
SECTION 26, T2S, R5E,
BRASS CAP IN HANDHOLE

CHANDLER HEIGHTS RD.



NORTH QUARTER CORNER
SECTION 26, T2S, R5E,
BRASS CAP IN HANDHOLE

CHANDLER HEIGHTS RD.



NEW IRRIGATION EASEMENT

www.epsgroupinc.com

17-007.41

EXHIBIT

RWCD IRRIGATION EASEMENT - LATERAL 17
CITY OF CHANDLER



EXHIBIT "B-1"

WHEN RECORDED RETURN TO:

Roosevelt Water Conservation District
P.O. Box 100
15400 S. Higley Road
Higley, AZ 85236

**ROOSEVELT WATER CONSERVATION DISTRICT
IRRIGATION FACILITIES EASEMENT**

(COC – Cooper Road @ Chandler Heights - RWCD Lat 17-5W – COC West #2)

**SE¼ S23 T2S R5E
Maricopa County G&SRM**

CITY OF CHANDLER, a municipal corporation ("Grantor"), for and in consideration of the sum of Ten Dollars and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an Arizona irrigation and water conservation district organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon, and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of construction, installation, maintenance, operation, repair, reconstruction, replacement, removal, and access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution, and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as Grantor may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the of the Southeast ¼ of Section 23, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee records a document to formally abandon the Easement Grantee's rights hereunder to the part or the property abandoned shall cease and Grantee's rights to the part of the property abandoned shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns, and lessees.

Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Easement Agreement this _____ day of _____, 2019.

GRANTOR:
CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

APPROVED AS TO FORM

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

CITY ATTORNEY 

On this ____ day of _____, 2019, the foregoing instrument was acknowledged before me by _____, the _____ of the CITY OF CHANDLER, an Arizona municipal corporation, and such authorized representative acknowledged that this document was executed on behalf of the municipal corporation for the purposes therein contained.

My Commission Expires:

Notary Public

GRANTEE:
ROOSEVELT WATER CONSERVATION DISTRICT

By: _____
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2019, the foregoing instrument was acknowledged before me by Shane M. Leonard, the General Manager of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

My Commission Expires:

Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY

[To Be Attached]



**Legal Description
RWCD Irrigation Easement - Lateral 17
CITY OF CHANDLER**

Job No. 17-007.41

November 14, 2018

A portion of the southeast quarter of Section 23, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the southeast corner of said Section 23, from which a brass cap in handhole at the south quarter corner of said Section 23 bears South 88 degrees 48 minutes 47 seconds West, 2656.93 feet.

thence along the south line of said southeast quarter, South 88 degrees 48 minutes 47 seconds West, 124.83 feet to the POINT OF BEGINNING;

thence South 88 degrees 48 minutes 47 seconds West, 14.00 feet;

thence North 0 degrees 32 minutes 39 seconds West, 63.84 feet;

thence North 88 degrees 48 minutes 47 seconds East, 14.00 feet;

thence South 0 degrees 32 minutes 39 seconds East, 63.84 feet to the POINT OF BEGINNING.

Contains 892.98 square feet or 0.0205 acres, more or less.

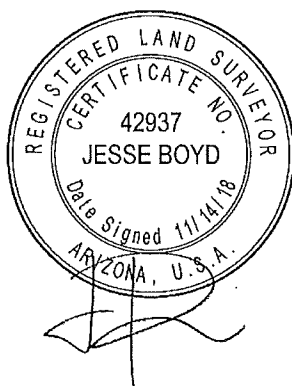


EXHIBIT "B-2"

WHEN RECORDED RETURN TO:

Roosevelt Water Conservation District
P.O. Box 100
15400 S. Higley Road
Higley, AZ 85236

**ROOSEVELT WATER CONSERVATION DISTRICT
IRRIGATION FACILITIES EASEMENT**

(COC – Cooper Road @ Chandler Heights - RWCD Lat 17-5W – COC East)

**NW¼ S25 T2S R5E
Maricopa County G&SRM**

CITY OF CHANDLER, a municipal corporation ("Grantor"), for and in consideration of the sum of Ten Dollars and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **ROOSEVELT WATER CONSERVATION DISTRICT**, an Arizona irrigation and water conservation district organized and existing under the laws of the State of Arizona, its employees, agents, contractors, co-owners, participants, licensees and permittees, and its and their respective successors and assignees, whether in whole or in part (collectively, "Grantee"), a non-exclusive easement ("Easement") in, on, over, across, upon, and under the lands described in Exhibit A attached hereto (hereinafter "Easement Property") for the purposes of construction, installation, maintenance, operation, repair, reconstruction, replacement, removal, and access to and improvement of irrigation system facilities, which include, but are not limited to, sub-surface and surface piping, turnouts, gates, ditches and access roadways, and other appliances, appurtenances, and fixtures associated with the transmission, distribution, and delivery of water and other related purposes (collectively, "Facilities"), at such locations and elevations over, across, under, and upon the Easement Property as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Property as Grantor may now or in the future deem convenient or necessary.

The lands over, across, under, and upon which this Easement is granted are situated in the County of Maricopa, State of Arizona, in portions of the of the Northwest ¼ of Section 25, Township 2 South, Range 5 East of the Gila and Salt River Meridian, as are more particularly described in Exhibit A attached hereto.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Property for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Easement Property or the Facilities, or endanger any of the Facilities or the use thereof.

If Grantee records a document to formally abandon the Easement Grantee's rights hereunder to the part or the property abandoned shall cease and Grantee's rights to the part of the property abandoned shall revert to Grantor.

The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns, and lessees.

Notice is given that excavation and related activity within the Easement Property may be subject to compliance with Arizona's Underground Facilities Act, A.R.S. §§ 40-360.21, et seq.

IN WITNESS WHEREOF, the parties hereto have executed this Irrigation System Facilities Easement Agreement this _____ day of _____, 2019.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____ APPROVED AS TO FORM

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

CITY ATTORNEY



On this ____ day of _____, 2019, the foregoing instrument was acknowledged before me by _____, the _____ of the CITY OF CHANDLER, an Arizona municipal corporation, and such authorized representative acknowledged that this document was executed on behalf of the municipal corporation for the purposes therein contained.

My Commission Expires:

Notary Public

GRANTEE:
ROOSEVELT WATER CONSERVATION DISTRICT

By: _____
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2019, the foregoing instrument was acknowledged before me by Shane M. Leonard, the General Manager of the ROOSEVELT WATER CONSERVATION DISTRICT, an irrigation district organized and existing under the laws of the State of Arizona ("RWCD"), on behalf of RWCD.

My Commission Expires:

Notary Public

Exhibit A
to
Irrigation System Facilities Easement Agreement

DESCRIPTION OF IRRIGATION SYSTEM FACILITIES EASEMENT PROPERTY

[To Be Attached]



**Legal Description
RWCD Irrigation Easement - Lateral 17
CITY OF CHANDLER**

Job No. 17-007.41

November 14, 2018

Parcel 1:

A portion of the northwest quarter of Section 25, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the northwest corner of said Section 25, from which a brass cap in handhole at the north quarter corner of said Section 25 bears North 89 degrees 16 minutes 40 seconds East, 2628.72 feet.

thence along the north line of said northwest quarter, South 0 degrees 11 minutes 49 seconds East, 75.00 feet to the POINT OF BEGINNING;

thence North 89 degrees 16 minutes 40 seconds East, 74.31 feet;

thence South 44 degrees 32 minutes 28 seconds West, 19.89 feet;

thence South 89 degrees 16 minutes 40 seconds West, 60.31 feet;

thence North 0 degrees 11 minutes 49 seconds West, 14.00 feet to the POINT OF BEGINNING.

Together with the following described parcel:

Parcel 2:

A portion of the northwest quarter of Section 25, Township 2 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole at the northwest corner of said Section 25, from which a brass cap in handhole at the north quarter corner of said Section 25 bears North 89 degrees 16 minutes 40 seconds East, 2628.72 feet.



thence along the north line of said northwest quarter, South 0 degrees 11 minutes 49 seconds East, 75.00 feet;

thence North 89 degrees 16 minutes 40 seconds East, 74.31 feet;

thence North 89 degrees 16 minutes 40 seconds East, 180.00 feet;

thence North 0 degrees 42 minutes 58 seconds West, 10.00 feet;

thence North 89 degrees 16 minutes 40 seconds East, 10.00 feet to the POINT OF BEGINNING;

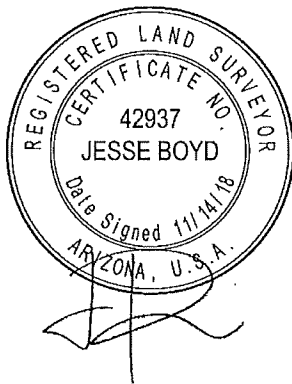
thence North 44 degrees 16 minutes 40 seconds East, 45.25 feet;

thence North 89 degrees 16 minutes 40 seconds East, 19.80 feet;

thence South 44 degrees 16 minutes 40 seconds West, 45.25 feet;

thence South 89 degrees 16 minutes 40 seconds West, 19.80 feet to the POINT OF BEGINNING.

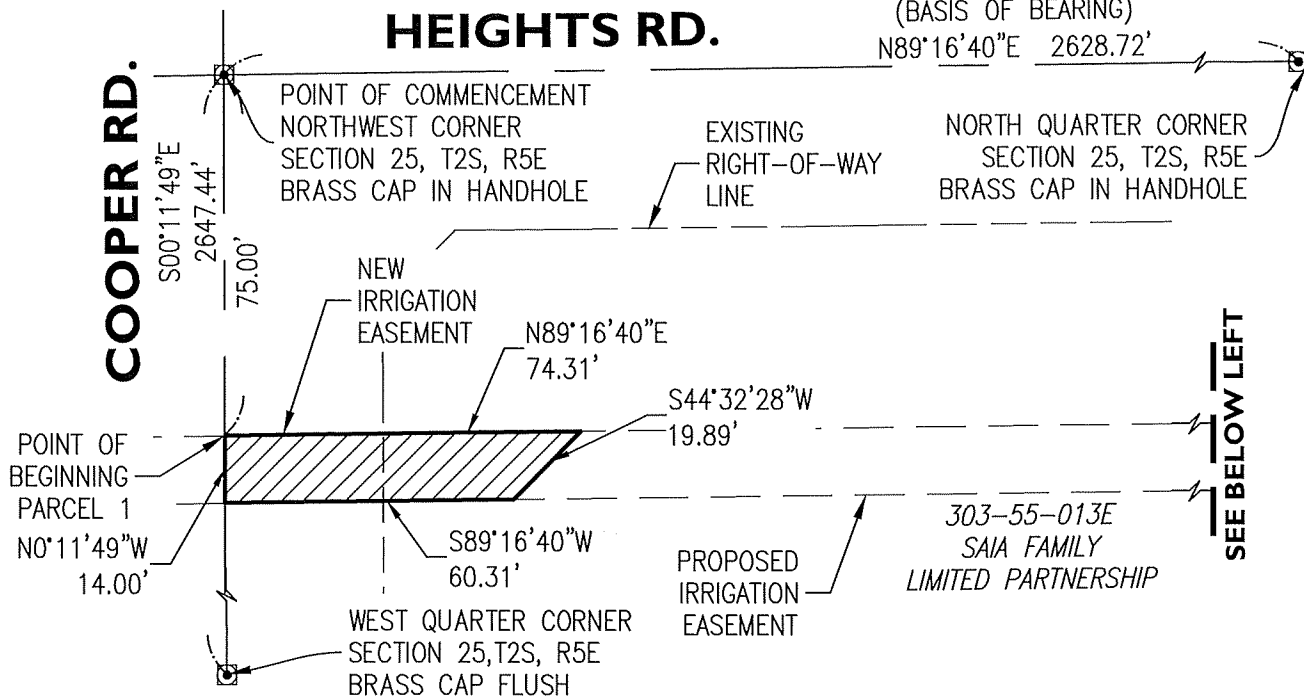
Contains 1,572.516 square feet or 0.0361 acres, more or less.



CHANDLER HEIGHTS RD.

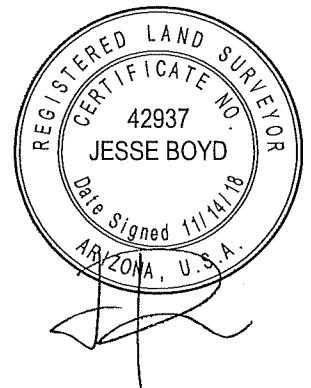
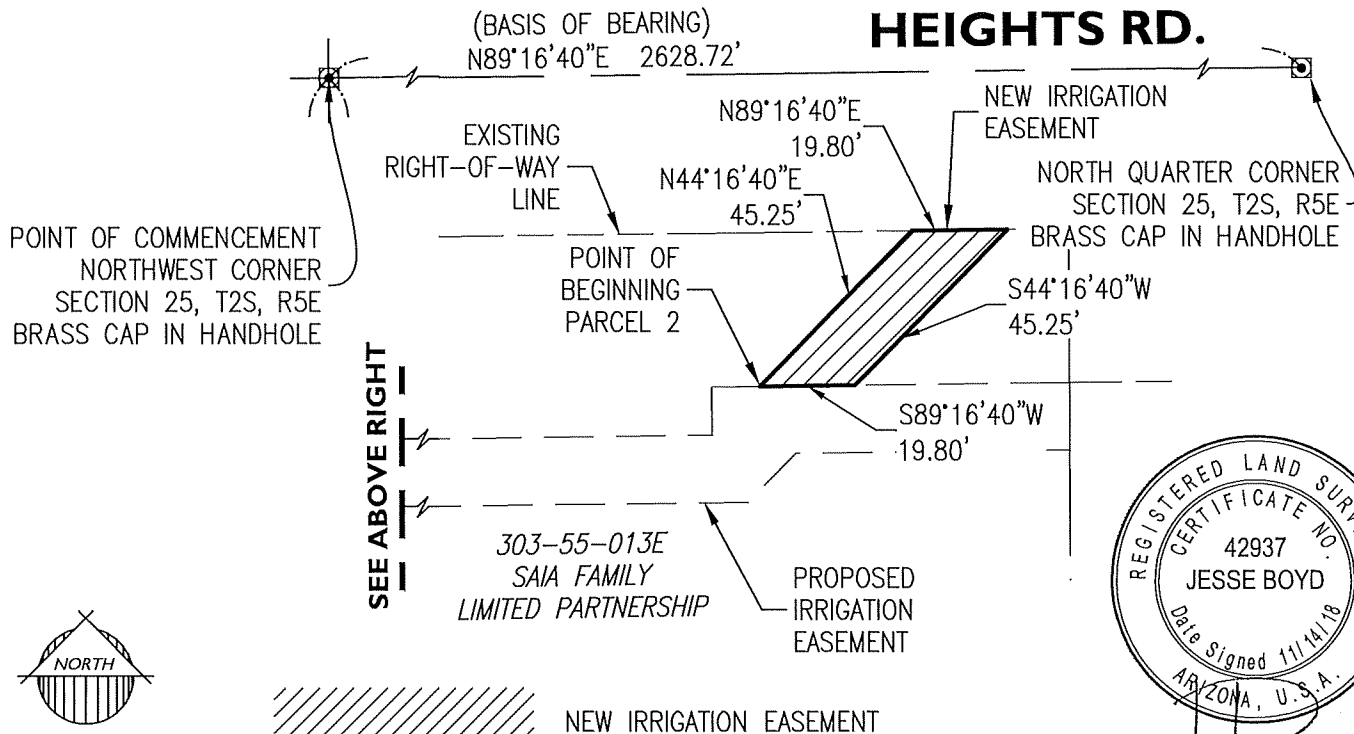
(BASIS OF BEARING)
N89°16'40"E 2628.72'

COOPER RD.



CHANDLER HEIGHTS RD.

(BASIS OF BEARING)
N89°16'40"E 2628.72'



www.epsgroupinc.com

17-007.41

EXHIBIT

RWCD IRRIGATION EASEMENT - LATERAL 17
CITY OF CHANDLER

