

ORDINANCE NO. 4995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, GRANTING AN IRRIGATION EASEMENT TO ROOSEVELT WATER CONSERVATION DISTRICT AT NO COST FOR IRRIGATION FACILITIES RELOCATED ON THE SOUTH SIDE OF CHANDLER HEIGHTS ROAD BETWEEN 122ND STREET AND 124TH STREET AS PART OF THE CHANDLER HEIGHTS IMPROVEMENT PROJECT.

WHEREAS, the City of Chandler acquired title to property fronting Chandler Heights Road between 122nd Street and 124th Street as part of the Chandler Heights Improvement Project that includes planned roadway improvements to Chandler Heights Road from McQueen Road to Gilbert Road; and

WHEREAS, the property acquired by the City of Chandler includes a Roosevelt Water Conservation District (RWCD) canal lateral that will be relocated onto private property in connection with the City's planned roadway improvements to Chandler Heights Road; and

WHEREAS, TriPointe Homes is developing a residential community known as Treeland on private property located on the south side of Chandler Heights Road between 112nd Street and 124th Street; and

WHEREAS, the Treeland property includes a RWCD irrigation easement that the City acquired for the Chandler Heights Improvement Project; and

WHEREAS, in connection with developing the Treeland property, TriPointe Homes must improve a portion of Chandler Heights Road, including relocation of a RWCD lateral canal fronting the Treeland property into the RWCD easement acquired by the City, consistent with the City's improvement plans for Chandler Heights Road; and

WHEREAS, RWCD requires an irrigation easement from the City of Chandler to allow the RWCD canal being relocated by TriPointe Homes to tie into RWCD irrigation facilities located in City right-of-way immediately east of the Treeland property;

WHEREAS, the relocation of these RWCD facilities is in furtherance of the City's public improvements to Chandler Heights Road.

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

Section 1. Granting an irrigation easement to RWCD, at no cost, through, under, and across that property legally described and depicted in Exhibit "A" attached to and made a part of this ordinance.

Section 2. That the irrigation easement shall be in substantially the form attached hereto as Exhibit "B" and approved by the City Attorney.

Section 3. That the Mayor of the City of Chandler, Arizona, is hereby authorized to execute the irrigation easement 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. 4995 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 the vote was ____ ayes, and ____ nays.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



EXHIBIT "A"
(Legal Description and Drawing)



**Legal Description
RWCD Lateral 17 Irrigation Easement
Chandler, Arizona**

Job No. 19-0022

September 17, 2021

That portion of the Northeast quarter of Section 26, Township 2 South, Range 5 East, of the Gila and Salt River Meridian, described as follows:

BEGINNING at the North quarter corner of said Section 26, said point being marked by a brass cap in hand hole from which the Northeast corner of said Section 26, said point being marked by a brass cap in hand hole bears North 89 degrees 59 minutes 17 seconds East (Basis of Bearing), 2657.05 feet;

thence along the North-South mid-section line of said Section 26, South 0 degrees 55 minutes 33 seconds West, 65.01 feet, to the North line of an existing RWCD Irrigation Easement, recorded as document number 2020-0322672, Maricopa County Records;

thence along said North line of the existing RWCD Irrigation Easement, North 89 degrees 59 minutes 30 seconds East, 58.69 feet to the POINT OF BEGINNING;

thence departing said North line of the existing RWCD Irrigation Easement, North 46 degrees 10 minutes 43 seconds East, 26.01 feet;

thence North 89 degrees 59 minutes 17 seconds East, 143.49 feet;

thence North 44 degrees 59 minutes 17 seconds East, 35.33 feet;

thence South 89 degrees 57 minutes 33 seconds East, 9.90 feet;

thence South 0 degrees 03 minutes 18 seconds East, 14.33 feet;

thence North 89 degrees 47 minutes 43 seconds West, 4.44 feet;

thence South 44 degrees 59 minutes 17 seconds West, 34.87 feet;

thence South 89 degrees 59 minutes 17 seconds West, 143.66 feet;

thence South 46 degrees 10 minutes 43 seconds West, 5.79 feet, to said North line of the existing RWCD Irrigation Easement;



thence along said North line of the existing RWCD Irrigation Easement, South 89 degrees 59 minutes 30 seconds West, 20.22 feet to the POINT OF BEGINNING.

Said overall portion of land contains 2,827 square feet or 0.0649 acres, more or less, and being subject to any easements, restrictions, and/or rights-of-ways of record or otherwise.

This description shown hereon is not to be used to violate subdivision regulations of the state, county and/or municipality or any other land division restrictions.

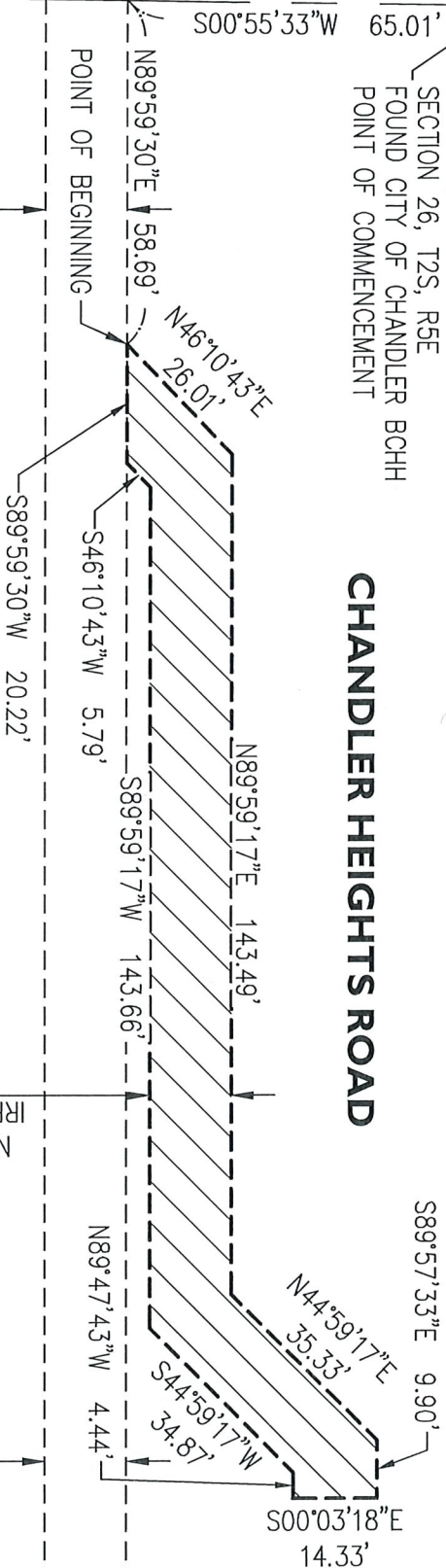


NORTHEAST CORNER
SECTION 26, T2S, R5E
FOUND BCHH

N89°59'17"E 2657.05' (BASIS OF BEARING)

NORTH QUARTER CORNER
SECTION 26, T2S, R5E
FOUND CITY OF CHANDLER BCHH
POINT OF COMMENCEMENT

CHANDLER HEIGHTS ROAD

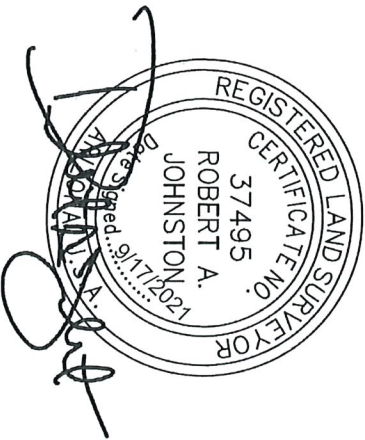


EX. 14' RWCD IRR ESMT
DOC 2020-0609853, MCR

EX. 14' RWCD IRR ESMT
DOC 2020-0322672, MCR

NEW 14' RWCD
IRRIGATION ESMT

EX. 14' RWCD IRR ESMT
DOC 2020-0322672, MCR



19-0022

ROOSEVELT WATER CONSERVATION DISTRICT
IRRIGATION EASEMENT

LATERAL 17



1130 N ALMA SCHOOL RD
Ste. 120 Mesa, AZ 85201
T-480.503.2250 | F-480.835.1799
www.epsgroupinc.com

EXHIBIT "B"
(RWCD Irrigation Easement)

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**

(RWCD Lat 17 - 5¼-5½W - Tri Pointe Treeland)

**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 _____, 2021.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2021, 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

APPROVED AS TO FORM

CITY ATTORNEY



GRANTEE:
ROOSEVELT WATER CONSERVATION DISTRICT

By: _____
Shane M. Leonard, General Manager

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of _____, 2021, 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]



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September 17, 2021

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FOUND BCHH

N89°59'17"E 2657.05' (BASIS OF BEARING)

NORTH QUARTER CORNER
SECTION 26, T2S, R5E
FOUND CITY OF CHANDLER BCHH
POINT OF COMMENCEMENT

CHANDLER HEIGHTS ROAD

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N89°59'30"E 58.69'
POINT OF BEGINNING
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N89°59'17"E 143.49'
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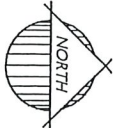
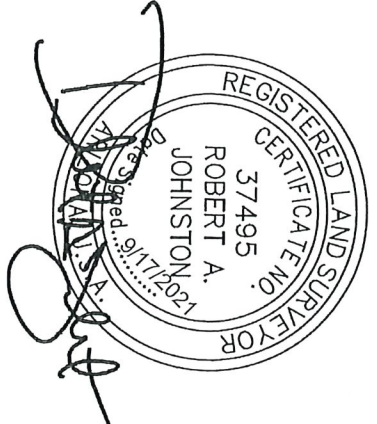
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