

ORDINANCE NO. 4998

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 THAT WERE RELOCATED AS PART OF AN AGREEMENT FOR CITY PARTICIPATION IN OFFSITE CONSTRUCTION COSTS FOR THE WHISPERING HEIGHTS SUBDIVISION LOCATED AT CHANDLER HEIGHTS ROAD AND LINDSAY ROAD

WHEREAS, on June 20, 2006, the City of Chandler and Brown Family Communities (the "Developer") entered into an Agreement FOR City Participation in Offsite Construction Costs (the "Agreement"); and

WHEREAS, the Agreement required the City to reimburse the Developer for construction of offsite improvements that exceeded the Developer's offsite improvement obligation (the "Improvements"); and

WHEREAS, the Improvements included the relocation of Roosevelt Water Conservation District (RWCD) irrigation facilities along the north side of Chandler Heights Road from 100 feet west of Lindsay to approximately ½ mile east of Lindsay Road; and

WHEREAS, the Agreement further requires that the City grant RWCD an easement for the relocated irrigation facilities; and

WHEREAS, City determined during a recent review of project documents that it has not yet granted an easement for the relocated irrigation facilities.

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 an irrigation easement to RWCD, at no cost, through, under and across that certain property legally described and depicted in Exhibit "A" attached hereto and made a part hereof by this reference.

Section 2. That the granting of said irrigation easement shall be in a form approved by the City Attorney attached hereto as Exhibit "B".

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.4998 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
RWCD LATERAL 17 EASEMENT
CITY OF CHANDLER

Job No. 18-008.77

July 11, 2019

A portion of the Southwest Quarter of Section 20, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona;

COMMENCING at a brass cap in handhole at the south quarter-corner of said Section 20, from which a brass cap in handhole at the southwest corner of said Section 20 bears South 89 degrees 37 minutes 54 seconds West, 2655.03 feet;

thence South 89 degrees 37 minutes 54 seconds West, along the south line of said Southwest Quarter, 64.25 feet;

thence North 0 degrees 22 minutes 06 seconds West, 63.00 feet to a point on the north line of the south 63.00 feet of said Southwest Quarter, said point being the POINT OF BEGINNING;

thence South 89 degrees 37 minutes 54 seconds West, along said north line, 956.74 feet;

thence North 0 degrees 22 minutes 06 seconds West, 6.00 feet to a point on the north line of the south 69.00 feet of said Southwest Quarter;

thence South 89 degrees 37 minutes 54 seconds West, along said north line, 355.50 feet;

thence South 0 degrees 22 minutes 06 seconds East, 6.00 feet to a point on the north line of the south 63.00 feet of said Southwest Quarter;

thence South 89 degrees 37 minutes 54 seconds West, along said north line, 313.39 feet;

thence North 0 degrees 22 minutes 06 seconds West, 6.00 feet to a point on the north line of the south 69.00 feet of said Southwest Quarter;

thence South 89 degrees 37 minutes 54 seconds West, along said north line, 347.50 feet;



thence South 0 degrees 22 minutes 06 seconds East, 6.00 feet to a point on the north line of the south 63.00 feet of said Southwest Quarter;

thence South 89 degrees 37 minutes 54 seconds West, along said north line, 234.19 feet;

thence North 0 degrees 22 minutes 06 seconds West, 10.00 feet to a point on the north line of the south 73.00 feet of said Southwest Quarter;

thence South 89 degrees 37 minutes 54 seconds West, along said north line, 382.27 feet to a point on the west line of said Southwest Quarter;

thence North 0 degrees 33 minutes 46 seconds East, along said west line, 12.00 feet to a point on the north line of the south 85.00 feet of said Southwest Quarter;

thence North 89 degrees 37 minutes 54 seconds East, along said north line, 1630.98 feet;

thence South 58 degrees 20 minutes 10 seconds East, 18.85 feet to a point on the north line of the south 75.00 feet of said Southwest Quarter;

thence North 89 degrees 37 minutes 54 seconds East, along said north line, 942.44 feet to a point on the west line of a RWCD Irrigation Facilities Easement recorded as Document No. 2019-0380686, Maricopa County records;

thence South 0 degrees 22 minutes 06 seconds East, along said west line, 12.00 feet to the POINT OF BEGINNING.

Contains 39,425 square feet 0.9051 acres, more or less.



EPS Group, Inc. • 1130 N Alma School Road, Suite 120 • Mesa, AZ 85201

Tel (480) 503-2250 • Fax (480) 503-2258

S:\Projects\2018\18-008\18-008.77-RWCD-17-COC-Chandler-Heights-Gilbert to Val Vista\Legal Survey\Legals\18-008.77
RWCD - Legal.docx

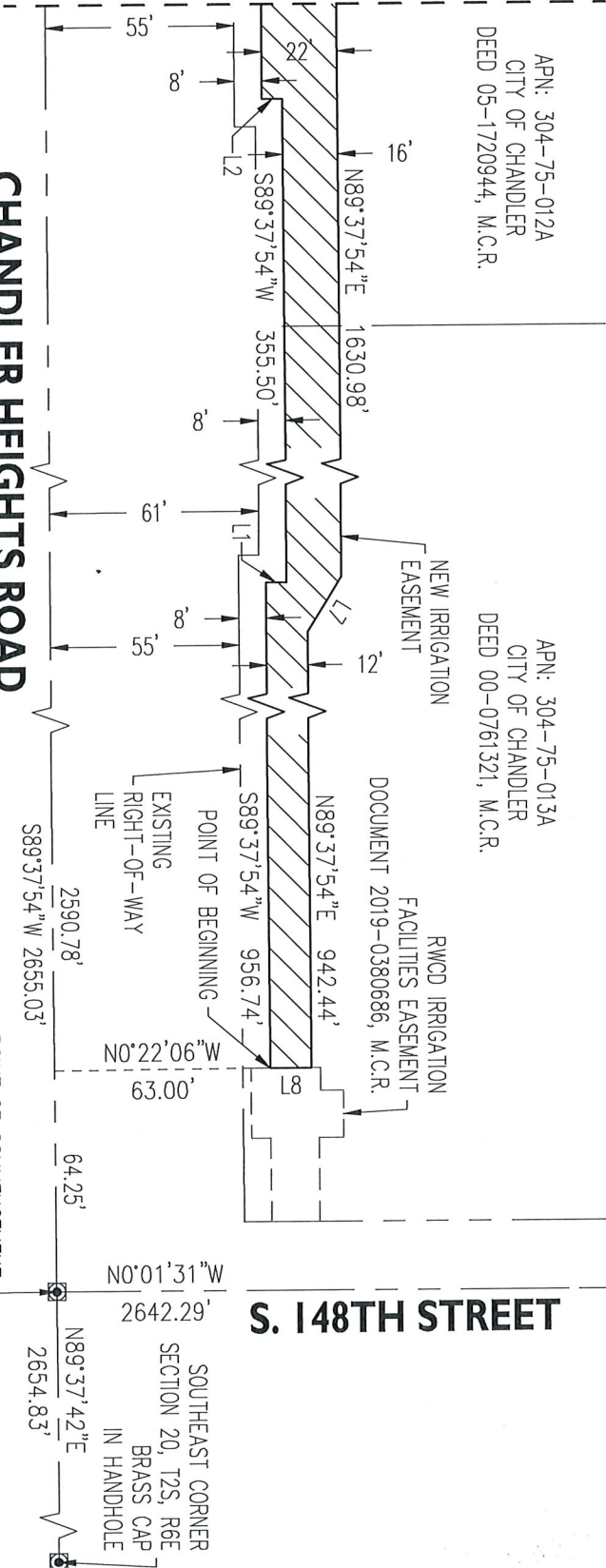
APN: 304-75-012A
CITY OF CHANDLER
DEED 05-1720944, M.C.R.

APN: 304-75-013A
CITY OF CHANDLER
DEED 00-0761321, M.C.R.

CENTER QUARTER-CORNER
SECTION 20, T2S, R6E
REBAR WITH CAP "RLS 42937"

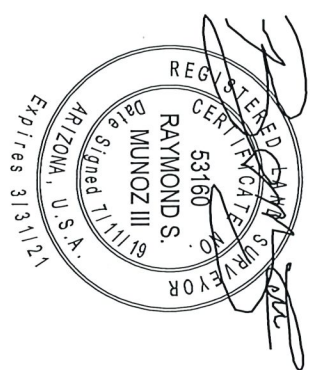
MATCH LINE SEE SHEET 2

CHANDLER HEIGHTS ROAD



POINT OF COMMENCEMENT
SOUTH QUARTER-CORNER
SECTION 20, T2S, R6E
BRASS CAP IN HANDHOLE

SOUTHEAST CORNER
SECTION 20, T2S, R6E
BRASS CAP
IN HANDHOLE



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°22'06"W	6.00'
L2	S00°22'06"E	6.00'

LINE TABLE		
LINE	BEARING	LENGTH
L7	S58°20'10"E	18.85'
L8	S00°22'06"E	12.00'

SHEET 1 OF 3



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NEW IRRIGATION
EASEMENT

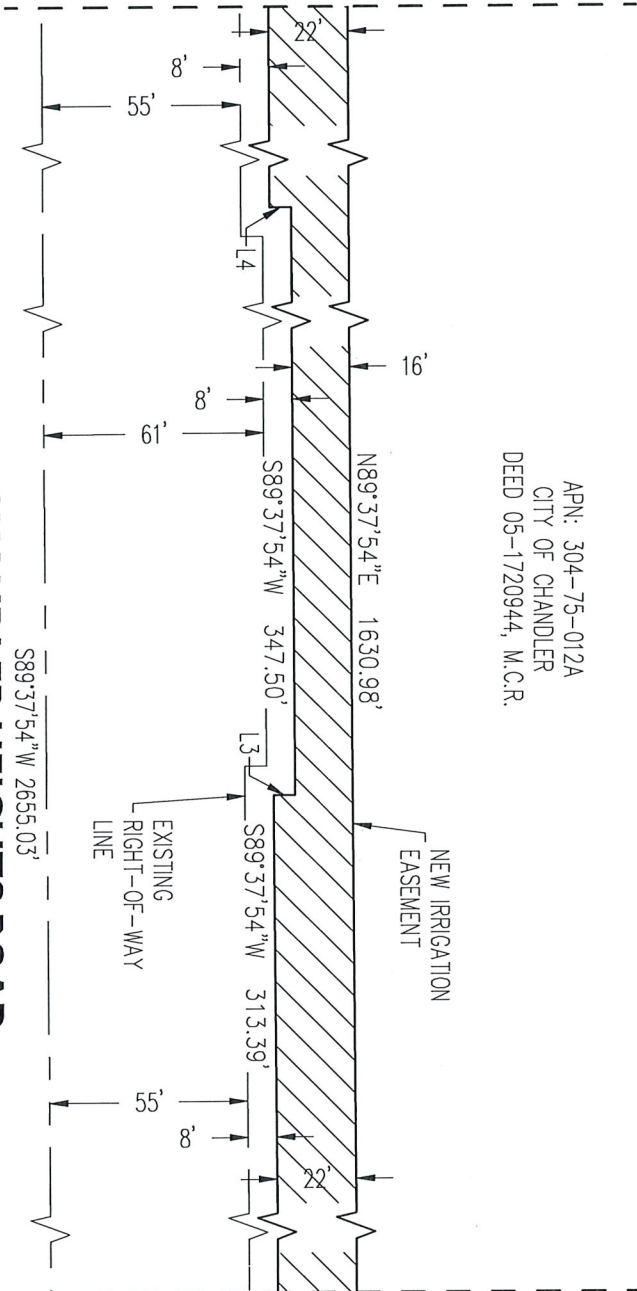
18-088-77

RWCD LATERAL 17 EASEMENT
CITY OF CHANDLER



APN: 304-75-012A
CITY OF CHANDLER
DEED 05-1720944, M.C.R.

MATCH LINE SEE SHEET 3

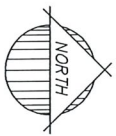
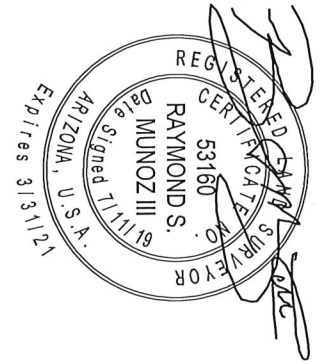


MATCH LINE SEE SHEET 1

CHANDLER HEIGHTS ROAD

LINE TABLE

LINE	BEARING	LENGTH
L3	N00°22'06"W	6.00'
L4	S00°22'06"E	6.00'



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NEW IRRIGATION
EASEMENT

18-088-77

SHEET 2 OF 3

EXHIBIT

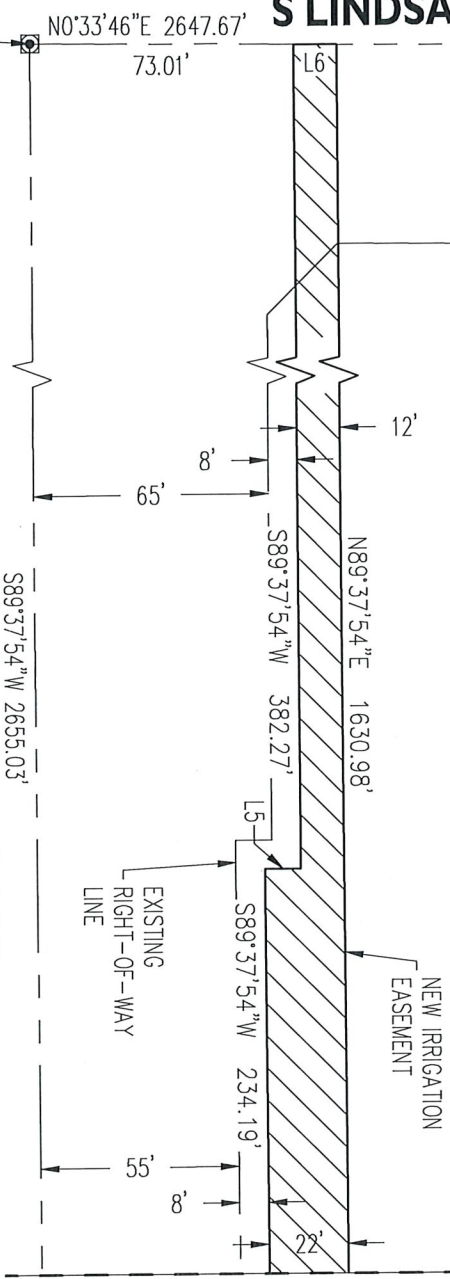
RWCD LATERAL 17 EASEMENT
CITY OF CHANDLER



WEST QUARTER CORNER
SECTION 20, T2S, R6E
FOUND BRASS CAP FLUSH

APN: 304-75-012A
CITY OF CHANDLER
DEED 05-1720944, M.C.R.

S LINDSAY ROAD



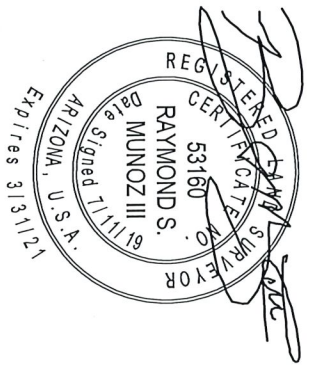
CHANDLER HEIGHTS ROAD

SOUTHWEST CORNER
SECTION 20, T2S, R6E
BRASS CAP IN HANDHOLE

MATCH LINE SEE SHEET 2

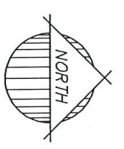
LINE TABLE

LINE	BEARING	LENGTH
L5	N00°22'06"W	10.00'
L6	N00°33'46"E	12.00'



NEW IRRIGATION
EASEMENT

SHEET 3 OF 3



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EXHIBIT

RWCD LATERAL 17 EASEMENT
CITY OF CHANDLER

18-088-77



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 Chandler Heights II - RWCD Lat 17 3.5W-3W (COC Veterans Oasis Park))

**SW¼ S20 T2S R6E
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 Southwest ¼ of Section 20, Township 2 South, Range 6 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 as of the dates shown below.

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]



**Legal Description
RWCD LATERAL 17 EASEMENT
CITY OF CHANDLER**

Job No. 18-008.77

July 11, 2019

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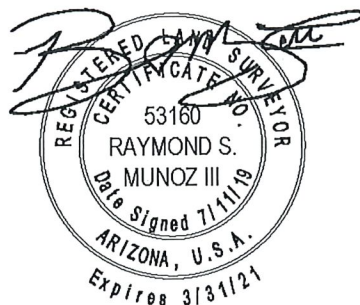
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S:\Projects\2018\18-008\18-008.77-RWCD-17-COC-Chandler-Heights-Gilbert to Val Vista\Legal Survey\Legals\18-008.77
RWCD - Legal.docx

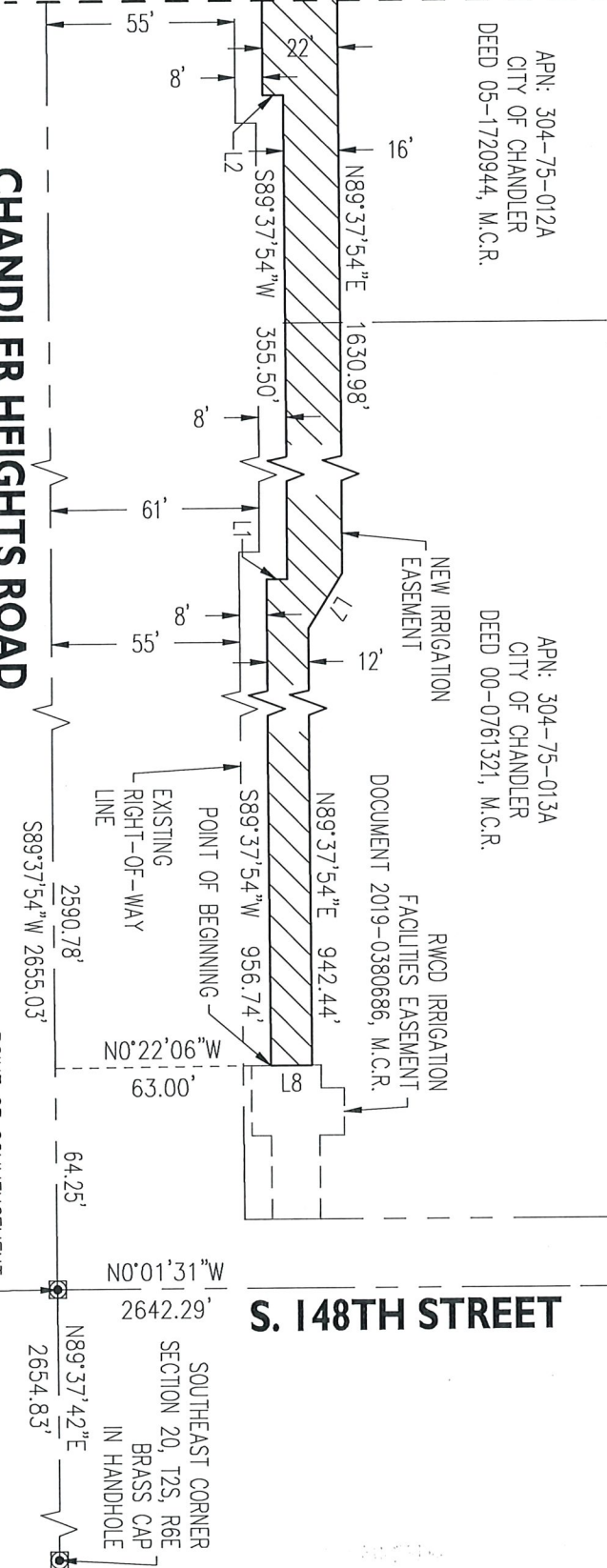
MATCH LINE SEE SHEET 2

APN: 304-75-012A
CITY OF CHANDLER
DEED 05-1720944, M.C.R.

APN: 304-75-013A
CITY OF CHANDLER
DEED 00-0761321, M.C.R.

CENTER QUARTER-CORNER
SECTION 20, T2S, R6E
REBAR WITH CAP "RLS 42937"

CHANDLER HEIGHTS ROAD

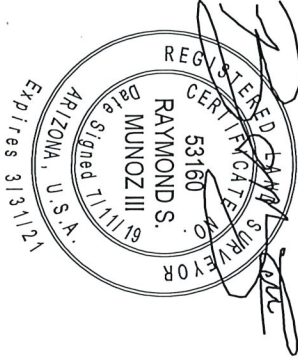


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SECTION 20, T2S, R6E
BRASS CAP IN HANDHOLE

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NEW IRRIGATION
EASEMENT

18-088-77

SHEET 1 OF 3



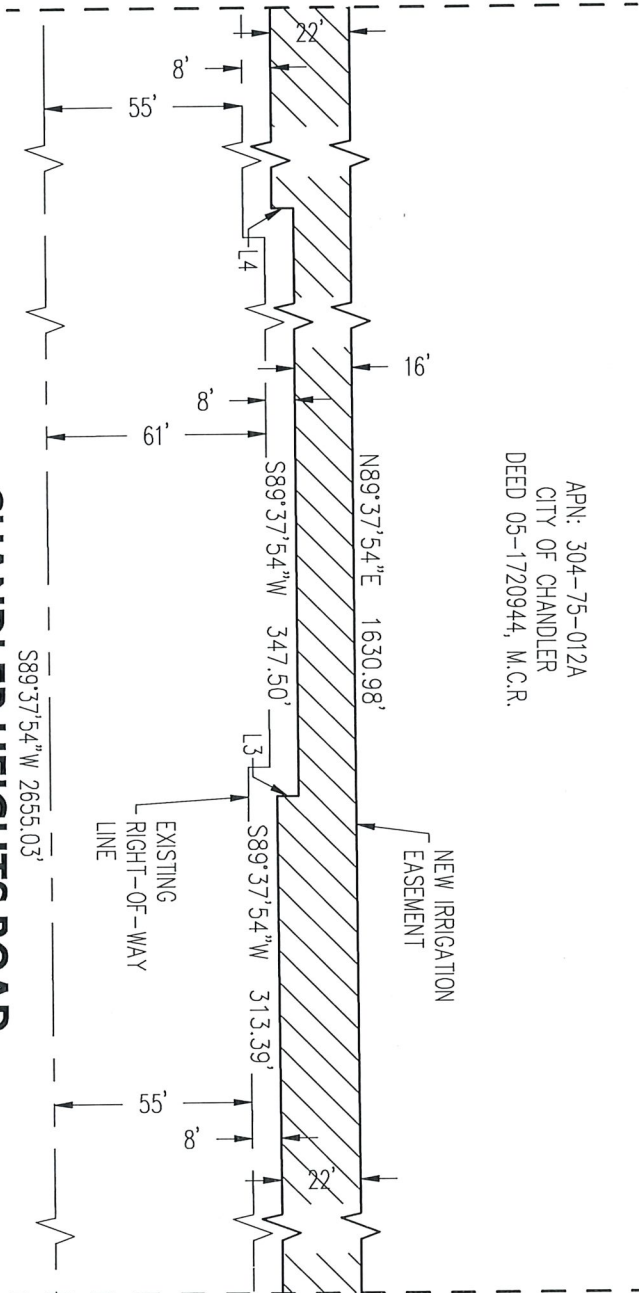
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EXHIBIT

RWCD LATERAL 17 EASEMENT
CITY OF CHANDLER



MATCH LINE SEE SHEET 3



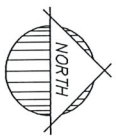
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CHANDLER HEIGHTS ROAD

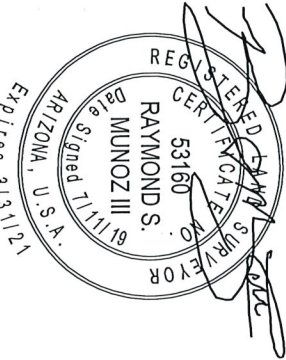
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NEW IRRIGATION
EASEMENT

18-088-77

EXHIBIT

RWCD LATERAL 17 EASEMENT
CITY OF CHANDLER



WEST QUARTER CORNER
SECTION 20, T2S, R6E
FOUND BRASS CAP FLUSH

S LINDSAY ROAD

APN: 304-75-012A
CITY OF CHANDLER
DEED 05-1720944, M.C.R.

N0°33'46"E 2647.67'
73.01'

SOUTHWEST CORNER
SECTION 20, T2S, R6E
BRASS CAP IN HANDHOLE

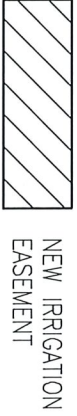
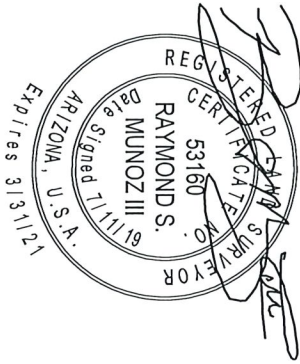
CHANDLER HEIGHTS ROAD

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NEW IRRIGATION
EASEMENT

MATCH LINE SEE SHEET 2

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SHEET 3 OF 3



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18-088-77

EXHIBIT

RWCD LATERAL 17 EASEMENT
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