

ORDINANCE NO. 5011

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 AN EXISTING UNDERGROUND IRRIGATION FACILITY THAT CROSSES THE WEST SIDE OF WHITE PLACE JUST NORTH OF CHANDLER HEIGHTS ROAD.

WHEREAS, City staff recently determined that existing RWCD underground irrigation facilities located within City right-of-way on the west side of White Place just north of Chandler Heights Road are not covered by an irrigation facilities easement; and

WHEREAS, RWCD is requesting that the City of Chandler grant RWCD an irrigation facilities easement of approximately 546 square feet for their facilities on the west side of White Place just north of Chandler Heights Road; and

WHEREAS, the City of Chandler is willing to grant an irrigation easement to RWCD, at no cost, in exchange for RWCD's abandonment of existing RWCD easements containing approximately 1,667 square feet located in future City right-of-way that will no longer be needed due to irrigation facility relocations that will take place as part of the Old Stone Ranch – Phase 4 development.

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 _____, 2022.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2022.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5011 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2022, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Published in the Arizona Republic on:

EXHIBIT "A"
(Legal Description and Drawing)



EXHIBIT A
Legal Description
RWCD IRRIGATION EASEMENT
LATERAL 17

Job No. 21-0181-059

February 24, 2022

A portion of the Southeast Quarter of Section 19, Township 2 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

COMMENCING at a brass cap flush at the southeast corner of said Section 19, from which a brass cap flush at the south quarter corner of said Section 19 bears South 89 degrees 49 minutes 26 seconds West, (basis of bearing), 2,641.41 feet;

thence along the South line of said Southeast Quarter, South 89 degrees 49 minutes 26 seconds West, 1,320.70 feet;

thence North 0 degrees 19 minutes 20 seconds East, 59.00 feet to the **POINT OF BEGINNING**;

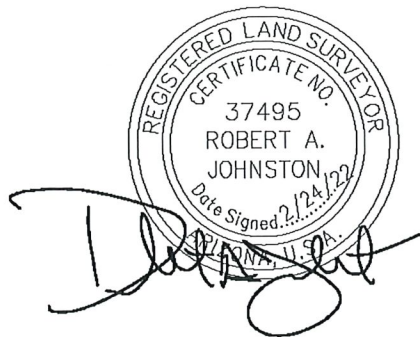
thence South 89 degrees 49 minutes 26 seconds West, 46.00 feet;

thence North 45 degrees 04 minutes 23 seconds East, 19.89 feet;

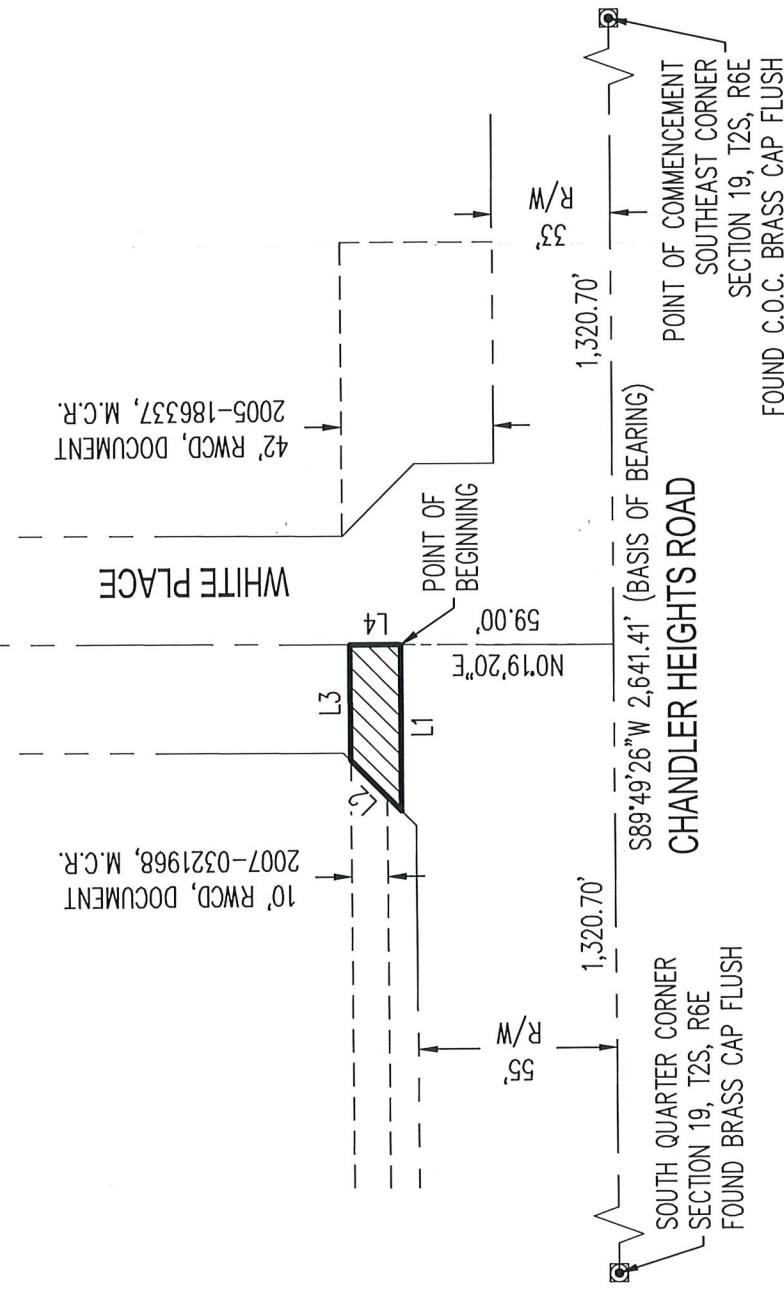
thence North 89 degrees 49 minutes 26 seconds East, 32.00 feet;

thence South 0 degrees 19 minutes 20 seconds West, 14.00 feet to the **POINT OF BEGINNING**.

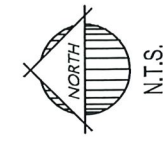
Containing an area of 546 square feet or 0.0125 acres, more or less.



EPS Group, Inc. • 1130 N Alma School Road, Suite 120 • Mesa, AZ 85201
Tel (480) 503-2250 • Fax (480) 503-2258



REGISTERED LAND SURVEYOR
 CERTIFICATE NO. 37495
 ROBERT A. JOHNSTON
 Date Signed: 2/24/22



LINE TABLE		
LINE	BEARING	LENGTH
L3	N89°49'26"E	32.00'
L4	S00°19'20"W	14.00'

LINE TABLE		
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21-0181-059

RWCD IRRIGATION EASEMENT
 LATERAL 17

EXHIBIT



2045 S. Vineyard Ave.
 Ste. 101 Mesa, AZ 85210
 T:480.503.2250 | F:480.503.2258
 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**

(Lat 17 @ 3.25W – White Place (Montecito @ Old Stone Ranch))

**SE¼ S19 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 Southeast ¼ of Section 19, Township 2 South, Ranch 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 this _____ day of _____, 2022.

GRANTOR:

CITY OF CHANDLER, an Arizona municipal corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this _____ day of _____, 2022, 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 _____, 2022, 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**

Job No. 21-0181-059

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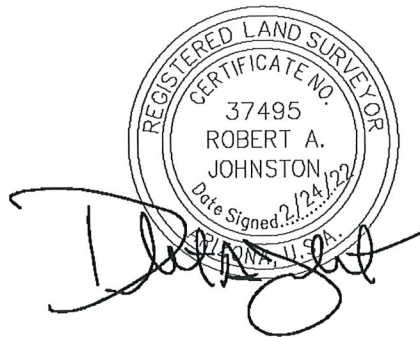
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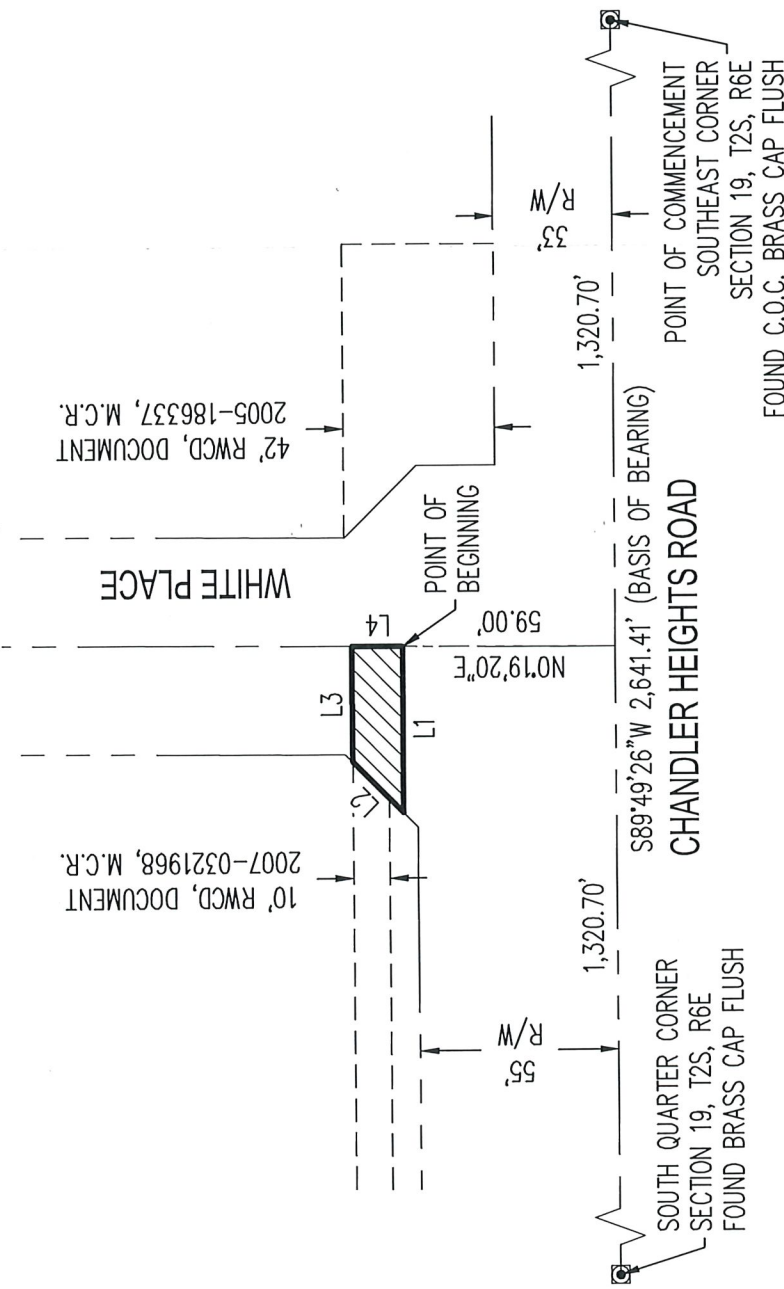
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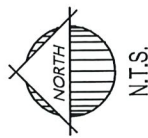
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 ROBERT A. JOHNSTON
 Date Signed: 12/24/2021

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