

ORDINANCE NO. O22-20

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A POWER DISTRIBUTION EASEMENT IN FAVOR OF SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AT 7111 NORTH 99<sup>TH</sup> AVENUE AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE.

WHEREAS, Empire Residential Communities Fund IV, LLC (Empire) is the current owner and developer of the real property located at the northwest corner of 99<sup>th</sup> Avenue and Desert River Boulevard; and

WHEREAS, Empire is developing said property as a mixed-use development known as Desert River II; and

WHEREAS, an easement is required on adjacent property owned by the City to facilitate the power distribution design, as described in Exhibit "A"; and

WHEREAS, the City is willing to provide SRP with the power distribution easement, as attached hereto as Attachment 1, to protect its facilities.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the City Council hereby approves granting the power distribution easement to SRP and authorizes and directs the City Manager to execute said easement, attached hereto as Attachment 1, on behalf of the City.

SECTION 2. That the City Clerk is instructed and authorized to forward a certified copy of this Ordinance and power distribution easement for recording to the Maricopa County Recorder's Office.

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

(Signatures on following page)

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 12<sup>th</sup> day of April, 2022.

\_\_\_\_\_  
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

# ATTACHMENT 1

**WHEN RECORDED MAIL TO:**

**SALT RIVER PROJECT**  
Land Department/PAB10W  
P. O. Box 52025  
Phoenix, Arizona 85072-2025

**EXEMPT PURSUANT TO  
A.R.S. §§ 11-1134(A)(2) and (A)(3)**

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**POWER DISTRIBUTION EASEMENT**

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Maricopa County  
Parcel # 142-56-032  
NW ¼, SEC. 04, T02N, R01E

Agt. HAS  
Job # LJ81226 / T3339283  
W HAS C JEP  
R/W #

**CITY OF GLENDALE, an Arizona municipal corporation,**

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

**Grantor's Property:**

A portion of the Northwest quarter of Section 04, Township 02N North, Range 01E East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**Easement Parcel:**

See Exhibit "A" attached hereto and by their reference made a part hereof.

**CAUTION:** Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

By accepting this easement, Grantee agrees to restore the surface of the Easement Parcel upon completion of the initial installation and any subsequent construction, reconstruction, repair or maintenance work that may be required.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

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, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

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EXHIBIT "A"

SRP JOB NUMBER: T3339283  
SRP JOB NAME: DESERT RIVER – CONV  
TTRSS: 2N1E04

DATE: 01-27-2022  
PAGE: 1 OF 3

AN EASEMENT WITHIN A PARCEL OF LAND AS DESCRIBED PER DOCUMENT 2005-1096040, MARICOPA COUNTY RECORDER (MCR) LOCATED IN THE NORTHWEST QUARTER OF SECTION 04, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**COMMENCING** AT THE WEST QUARTER CORNER OF SAID SECTION 04, FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 04 BEARS NORTH 88 DEGREES 15 MINUTES 21 SECONDS EAST, A DISTANCE OF 2651.70 FEET, **(BASIS OF BEARINGS)**;

THENCE ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 04, NORTH 88 DEGREES 15 MINUTES 21 SECONDS EAST, A DISTANCE OF 33.01 FEET;

THENCE CONTINUE NORTH 88 DEGREES 15 MINUTES 21 SECONDS EAST, A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 00 DEGREES 07 MINUTES 49 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE NORTH 88 DEGREES 15 MINUTES 21 SECONDS EAST, A DISTANCE OF 8.00 FEET TO THE WEST LINE OF AN SRP EASEMENT, BEING 7.00 FEET IN WIDTH, AS DESCRIBED PER DOCKET 9746, PAGE 629, MCR;

THENCE ALONG SAID WEST LINE, SOUTH 00 DEGREES 07 MINUTES 49 SECONDS EAST, A DISTANCE OF 8.00 FEET TO SAID EAST-WEST MID-SECTION LINE;

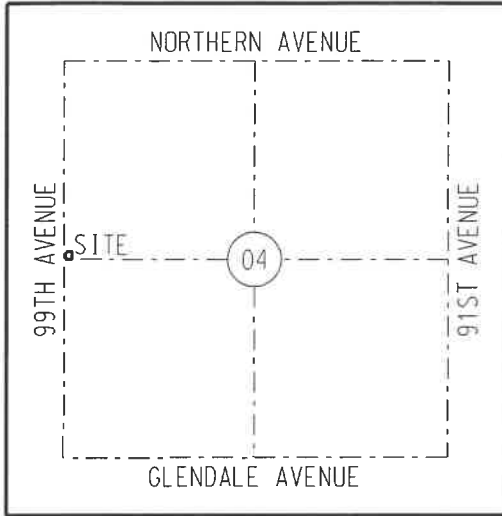
THENCE ALONG SAID EAST-WEST MID-SECTION LINE SOUTH 88 DEGREES 15 MINUTES 21 SECONDS WEST, A DISTANCE OF 8.00 FEET TO SAID **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS AN AREA OF 64.0 SQUARE FEET, OR 0.001 ACRE(S), MORE OR LESS.

END OF DESCRIPTION



# EXHIBIT "A"



VICINITY MAP (NTS)  
T2N, R1E  
G&SRM

## LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- EXISTING EASEMENT AS NOTED
- TIE LINE
- ◆ SECTION CORNER AS NOTED
- ▨ EASEMENT AREA



BASIS OF BEARINGS:  
BASED ON THE MARICOPA COUNTY  
LOW DISTORTION PROJECTION  
COORDINATE SYSTEM.

## ABBREVIATION TABLE

APN	ASSESSOR'S PARCEL NUMBER
BCHH	BRASS CAP IN HAND HOLE
LVI	LAST VISUAL INSPECTION
(M)	MEASURED
MCR	MARICOPA COUNTY RECORDER
NTS	NOT TO SCALE
POB	POINT OF BEGINNING
SRP	SALT RIVER PROJECT
OH	OVERHEAD
UG	UNDERGROUND

## CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

## NOTES

THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT. ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.

ALL ELECTRIC LINES SHOWN ARE MEASURED TO THE WINDOW OF THE EQUIPMENT PAD UNLESS OTHERWISE NOTED.

SALT RIVER PROJECT  
AGRICULTURAL IMPROVEMENT & POWER DISTRICT



SURVEY DIVISION  
LAND DEPARTMENT

SRP LDWR NUMBER: NA	SCALE: NTS
I.O. NUMBER: T3339283	SHEET: 2 OF 3
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"
DRAWN: MALEK	REVISION: 0
CHECKED BY: HOWARD	CREW CHIEF: BELOW
DATE: 02-02-2022	FIELD DATE: 01-07-2022

JEP

DESERT RIVER - CONV  
NW 1/4, SECTION 04  
T.2 N., R.1 E.  
11.44 NORTH - 2.00 EAST

# EXHIBIT "A"

NORTHWEST CORNER  
OF SECTION 4  
FOUND BCHH  
LVI: 08-03-2007

NORTHERN AVENUE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N88° 15' 21"E	33.01'
L2	N88° 15' 21"E	6.00'
L3	N00° 07' 49"W	8.00'
L4	N88° 15' 21"E	8.00'
L5	S00° 07' 49"E	8.00'
L6	S88° 15' 21"W	8.00'



N00° 07' 49" W 2583.73'

LOOP 101

WEST 1/4 CORNER  
OF SECTION 4  
FOUND 1/2" REBAR  
LVI: 11-26-2018

SEE DETAIL  
BELOW

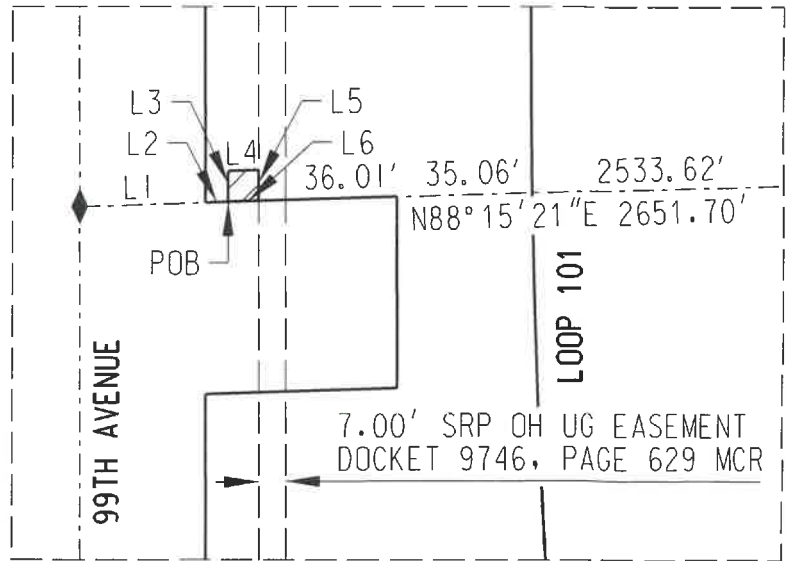
2533.62'

N88° 15' 21" E 2651.70' (M)  
(BASIS OF BEARING)

CENTER OF SECTION 4  
FOUND 3/4" IRON PIPE  
LVI: 09-10-2019

N00° 07' 30" W 2609.54' 99TH AVENUE

APN 142-56-032  
2005-1096040 MCR



SOUTHWEST CORNER  
OF SECTION 4  
FOUND BRASS CAP FLUSH  
LVI: 08-28-2013

GLENDALE AVENUE

SALT RIVER PROJECT  
AGRICULTURAL IMPROVEMENT & POWER DISTRICT



SURVEY DIVISION  
LAND DEPARTMENT

SRP LDWR NUMBER: NA	SCALE: NTS
I.O. NUMBER: T3339283	SHEET: 3 OF 3
AGENT: SOLIZ	SHEET SIZE: 8.5"x11"
DRAWN: MALEK	REVISION: 0
CHECKED BY: HOWARD	CREW CHIEF: BEHLOW
DATE: 02-02-2022	JEP FIELD DATE: 01-07-2022

DESERT RIVER - CONV  
NW 1/4, SECTION 04  
T.2 N., R.1 E.  
11.44 NORTH - 2.00 EAST