

ORDINANCE NO. O23-30

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN IRRIGATION EASEMENT IN FAVOR OF SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT IN NORTHERN AVENUE WEST OF 67TH AVENUE AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, the City of Glendale controls Northern Avenue west of 67th Avenue; and

WHEREAS, Salt River Project Agricultural Improvement and Power District (“SRP”) would like to install a new irrigation pipe across Northern Avenue west of the intersection of 67th Avenue and Northern Avenue; and

WHEREAS, the City is willing to provide SRP with the Irrigation Easement to protect its facilities through, over, under and across the property described in Exhibit “A”.

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

SECTION 1. That the City Council hereby approves entering into the Irrigation Easement and directs the City Manager to execute said Easement on behalf of the City, as attached hereto as Attachment 1.

SECTION 2. That the City Clerk is instructed and authorized to forward a certified copy of this Ordinance and Irrigation 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 12th day of September 2023.

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

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB10W

P. O. Box 52025

Phoenix, Arizona 85072-2025

IRRIGATION EASEMENT

Maricopa County

Parcel # Grand and Northern

SE ¼, SEC. 36, T03N, R01E

NE ¼, SEC 01, T02N, R01E

Agt. PAR

Job# LJ93322/T3443695

W PAR _____ C JEP _____

R/W # _____

KNOW ALL MEN BY THESE PRESENTS:

That

CITY OF GLENDALE, ("Grantor"),
an Arizona municipal corporation

FOR AND IN CONSIDERATION OF THE SUM of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to the **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, ("Grantee"), an agricultural improvement district organized and existing under the laws of the State of Arizona, its successors and assigns, for itself and on behalf of the United States of America and as manager of the federal Salt River Reclamation Project, the right, easement and privilege to construct, reconstruct, operate, repair, and maintain an irrigation pipeline and irrigation turnout structure together with all the necessary and appurtenant facilities through, over, under and across the following described property:

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

Grantor shall not convey any easements or grant any permits within the easement areas in which the facilities do not comply with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.

Grantor shall not erect, construct or permit to be erected or constructed any building or other structure, plant any trees, drill any well, install swimming pools, or alter ground level by cut or fill, within the limits of said easement, which do not comply with said Exhibit B.

Grantee shall have the right, but not the obligation, to erect, maintain and use gates in all fences which now cross said easement and to trim, cut and clear away trees or brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted.

The Grantee shall at all times have the right of full and free ingress and egress to said easement for the purpose heretofore specified.

Grantor and Grantee acknowledge that from time to time Grantee may find it necessary to construct, reconstruct, operate and maintain irrigation facilities and appurtenant conveniences lying within the easement areas.

Grantor shall pay Grantee all costs and expenses of any relocation of the irrigation facilities requested by Grantor, including but not limited to, the relocation of the facilities into the easement area described above. Grantee shall pay all costs and expenses of any relocation of the irrigation facilities requested by Grantee.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purpose herein granted, all rights herein granted shall cease and revert to the Grantors, their heirs or assigns.

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, successors in ownership and estate, assigns and lessees of the respective parties hereto.

Notwithstanding any of the aforesaid provisions, the easement rights granted herein shall be further subject to the following covenants, restrictions and conditions:

1. Grantor reserves the right to construct, install, operate, maintain, repair, replace and reinstall surface parking areas, driveways, roadways, sidewalks, curbs and gutters, landscaping, irrigation lines and street lighting on the surface of the easement areas.

2. Grantor reserves the right to construct and install public utilities, and to grant easements and permits for public utility purposes, in, upon, under, over and across the easement areas, subject to compliance with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.

3. In the event that any repair, maintenance, replacement or installation of the irrigation facilities and appurtenant conveniences will cause a disturbance or a disruption of any public street or paved roadway, Grantee shall notify Grantor, pursuant to existing practices, before Grantee undertakes any such action. In the event of an emergency, Grantee shall have use of any public street or paved roadway as it reasonably deems necessary and appropriate to correct, repair, replace or reconstruct irrigation facilities affected by the emergency and notify Grantor, pursuant to existing practices, as soon as practical after responding to the emergency. Grantee shall provide for advance warning signs, barricades, flagmen, flares, and other devices when necessary to protect the roadway user as set forth in the "Manual on Uniform Traffic Control Devices" and any amendments and/or revisions thereto.

If Grantee performs excavation activities on the easement areas and Grantee damages any improvements of Grantor that are in compliance with Grantor's requirements hereunder, Grantee will promptly restore such improvements to as close to their condition prior to such damage as is reasonably possible at the expense of Grantee

4. Grantor shall warrant and defend the rights, easements and privileges hereby granted and the priority of this easement against all persons whomsoever.

EXHIBIT "A"

SRP JOB NUMBER: T3443695
SRP JOB NAME: AFC WTR - WATER GROUP SUPPORT - AZPDES PERMIT
TTRRSS: 2N1E01

DATE: 05-30-2023
PAGE: 1 OF 3

AN EASEMENT WITHIN THE RIGHT OF WAY OF NORTHERN AVENUE LOCATED IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 1 EAST AND THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, BEING A BRASS CAP IN HAND HOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 1, BEING A BRASS IN HAND HOLE, BEARS SOUTH 88 DEGREES 28 MINUTES 02 SECONDS WEST, A DISTANCE OF 2650.63 FEET (**BASIS OF BEARINGS**);

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1, SOUTH 88 DEGREES 28 MINUTES 02 SECONDS WEST, A DISTANCE OF 260.61 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 01 DEGREES 31 MINUTES 58 SECONDS EAST, A DISTANCE OF 55.00 FEET;

THENCE SOUTH 88 DEGREES 28 MINUTES 42 SECONDS WEST, A DISTANCE OF 4.41 FEET;

THENCE NORTH 01 DEGREES 13 MINUTES 17 SECONDS WEST, A DISTANCE OF 55.00 FEET TO SAID NORTH LINE;

THENCE NORTH 01 DEGREES 12 MINUTES 49 SECONDS WEST, A DISTANCE OF 29.27 FEET;

THENCE NORTH 88 DEGREES 47 MINUTES 11 SECONDS EAST, A DISTANCE OF 3.94 FEET;

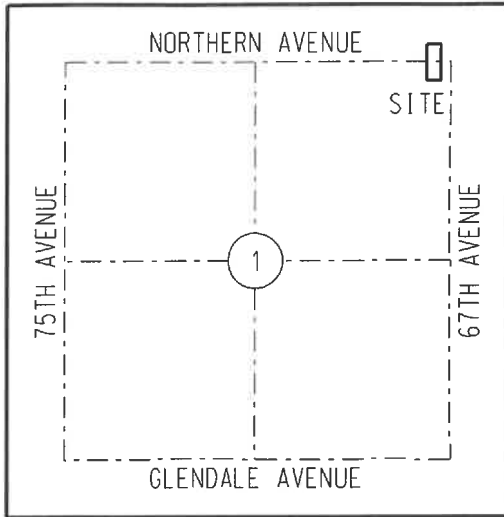
THENCE SOUTH 01 DEGREES 31 MINUTES 58 SECONDS EAST, A DISTANCE OF 29.25 FEET TO THE **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS AN AREA OF 352 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.

END OF DESCRIPTION



EXHIBIT "A"



VICINITY MAP (NTS)
T2N, R1E
G&SRM

LEGEND

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

ABBREVIATION TABLE

APN	ASSESSOR'S PARCEL NUMBER
ADOT	ARIZONA DEPARTMENT OF TRANSPORTATION
BCHH	BRASS CAP IN HAND HOLE
MCR	MARICOPA COUNTY RECORDER
(M)	MEASURED
LVI	LAST VISUAL INSPECTION
NTS	NOT TO SCALE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
USBR	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION



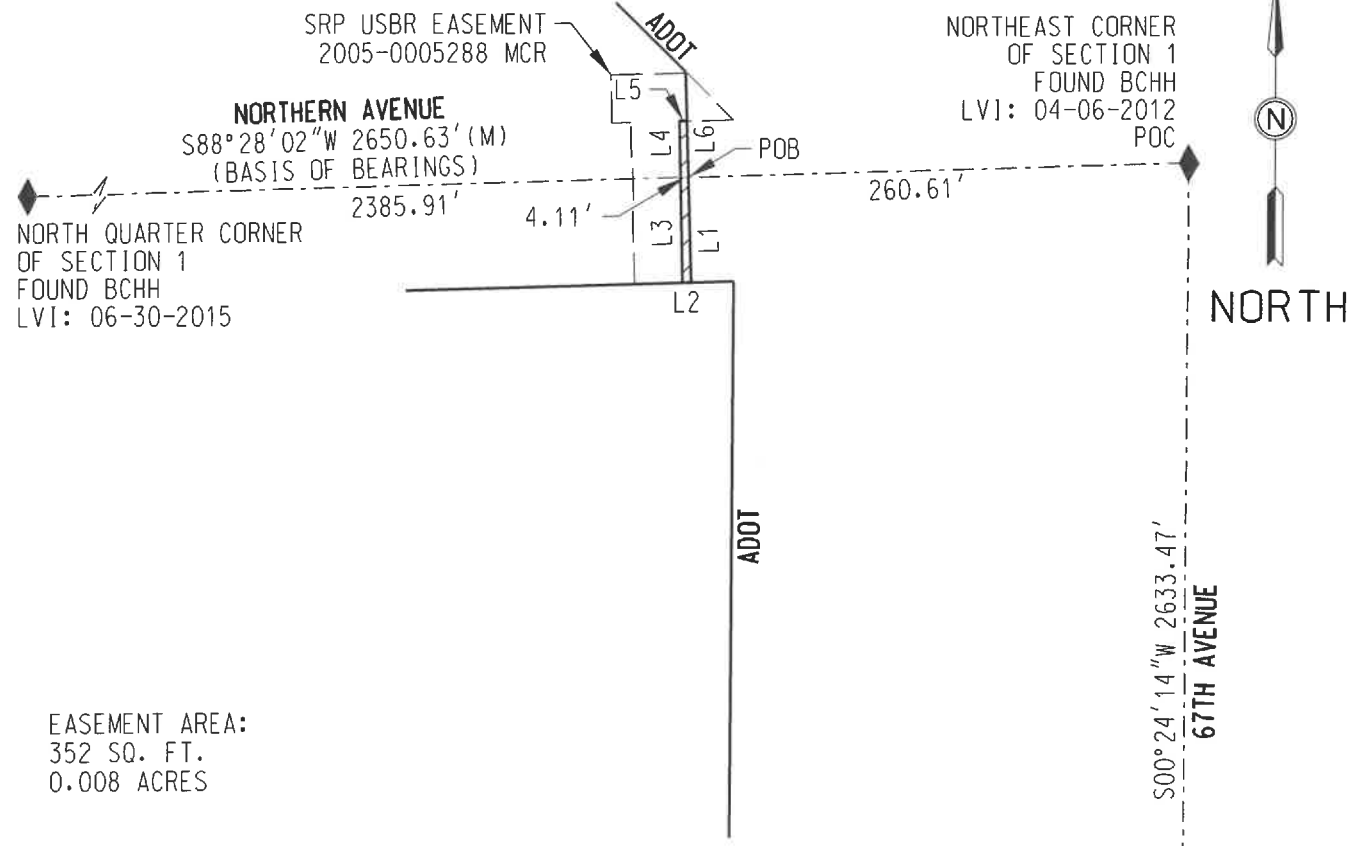
BASIS OF BEARINGS:
BASED ON THE MARICOPA COUNTY
LOW DISTORTION PROJECTION
COORDINATE SYSTEM.

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.

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT		SURVEY DIVISION LAND DEPARTMENT
SRP LDWR NUMBER: NA	SCALE: NTS	
I.O. NUMBER: T3443695	SHEET: 2 OF 3	AFC WTR - WATER GROUP SUPPORT - AZPDES PERMIT NE 1/4, SECTION 1 T.2 N., R.1 E. SE 1/4, SECTION 36 T.3 N., R.1 E. 12.1 NORTH - 5.1 EAST
AGENT: RAFFIELD	SHEET SIZE: 8.5"x11"	
DRAWN: MALEK	REVISION: 0	
CHECKED BY: HOWARD	CREW CHIEF: FIX	
DATE: 05-30-2023	FIELD DATE: 04-21-2023	

EXHIBIT "A"



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S01°31'58"E	55.00'
L2	S88°28'42"W	4.41'
L3	N01°13'17"W	55.00'
L4	N01°12'49"W	29.27'
L5	N88°47'11"E	3.94'
L6	S01°31'58"E	29.25'

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT & POWER DISTRICT	
SRP LDWR NUMBER: NA	SCALE: NTS
I.O. NUMBER: T3443695	SHEET: 3 OF 3
AGENT: RAFFIELD	SHEET SIZE: 8.5"x11"
DRAWN: MALEK	REVISION: 0
CHECKED BY: HOWARD	CREW CHIEF: FIX
DATE: 05-30-2023	FIELD DATE: 04-21-2023

SURVEY DIVISION
LAND DEPARTMENT

AFC WTR - WATER GROUP
SUPPORT - AZPDES PERMIT
NE 1/4, SECTION 1
T.2 N., R.1 E.
SE 1/4, SECTION 36
T.3 N., R.1 E.
12.1 NORTH - 5.1 EAST

EXHIBIT B

(PAGE 1 OF 2)

REV NO.	DATE
7	10/26/20

DWG REFERENCED
FROM ORIGINAL
WES-ROWGUIDE

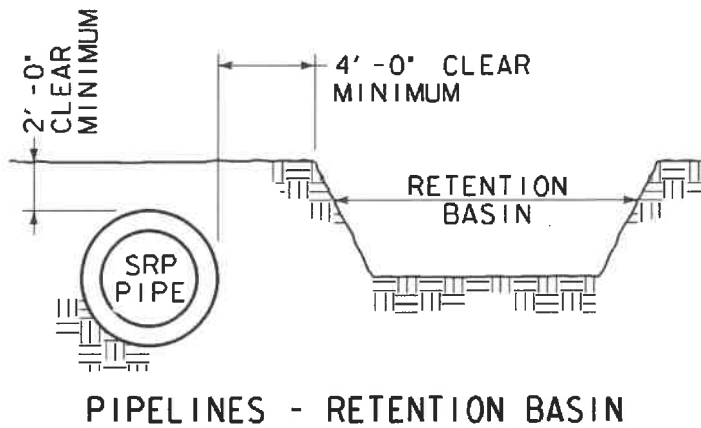
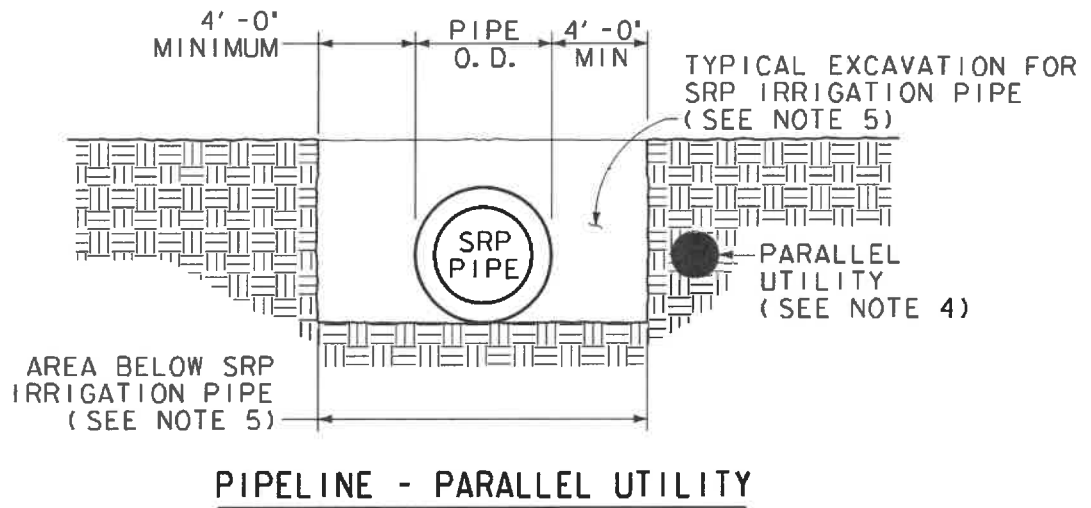
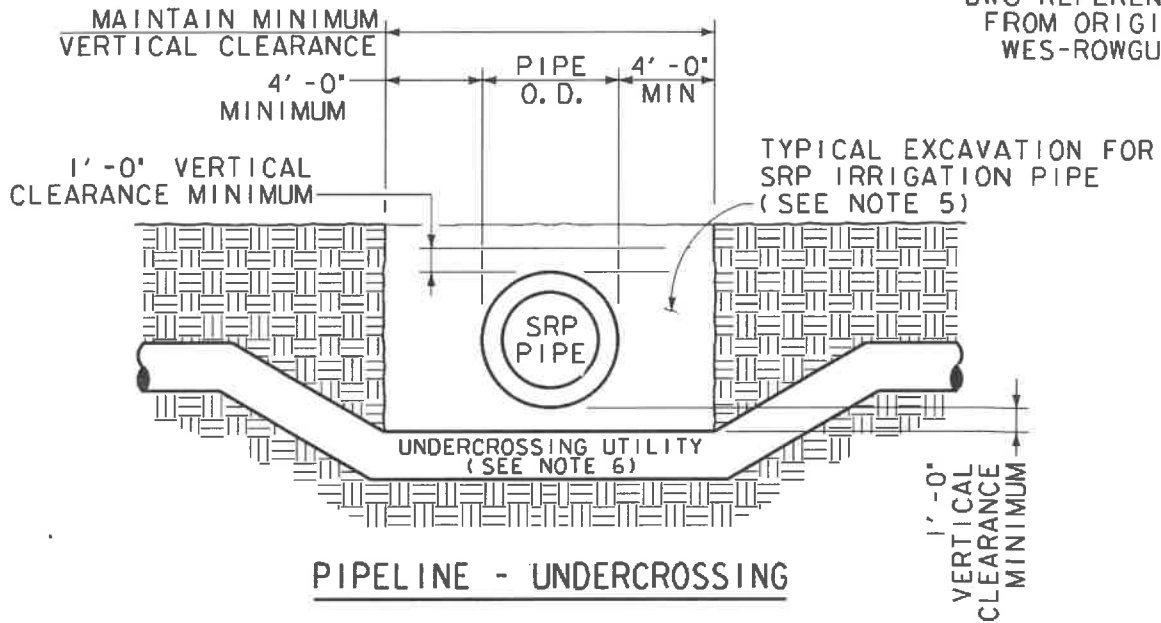
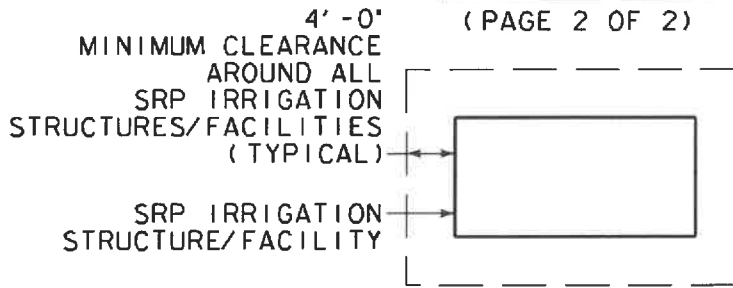


EXHIBIT B

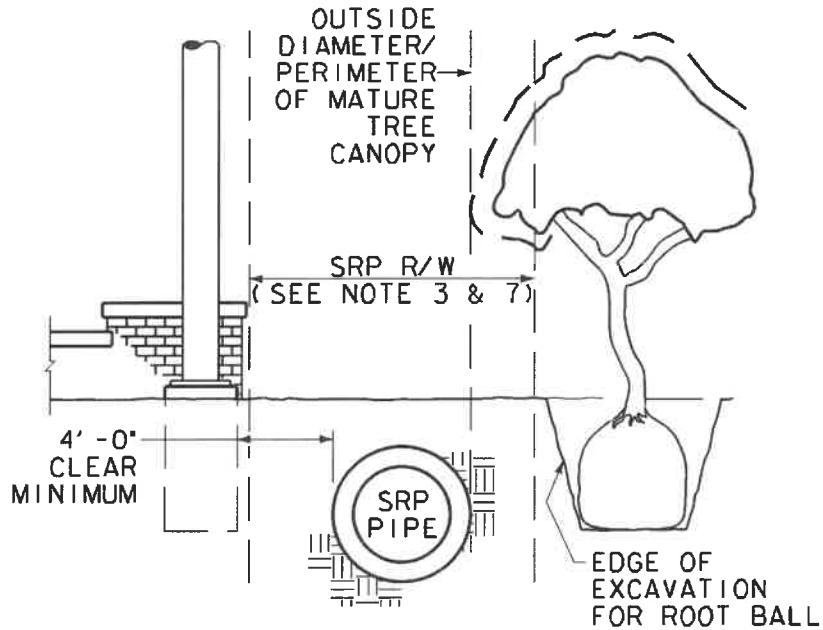
(PAGE 2 OF 2)

REV NO.	DATE
7	10/26/20



DWG REFERENCED
FROM ORIGINAL
WES-ROWGUIDE

IRRIGATION STRUCTURE/FACILITY CLEARANCE



PIPELINES - LANDSCAPING

NOTES

1. THESE GUIDELINES ARE PROVIDED AS A GENERAL AID TO PLANNING. ACTUAL SRP REQUIREMENTS MAY VARY BASED ON SITE-SPECIFIC CONDITIONS, OPERATIONAL CONSIDERATIONS, ETC.
2. AN SRP LICENSE IS REQUIRED FOR UTILITIES CROSSING/PARALLEL TO SRP IRRIGATION PIPE IN SRP RIGHT-OF-WAY. SRP REQUIRES ENGINEER DESIGNED UTILITY CROSSING/LOCATION AND EXCAVATION PLAN.
3. SRP MAY LICENSE LIMITED USES OF ITS RIGHT-OF-WAY SUCH AS PARKING, SIDEWALK, LAWN, ETC. POLES, STRUCTURES AND TREES ARE TYPICALLY NOT PERMITTED IN SRP RIGHT-OF-WAY. INCLUDE DESIGN DRAWINGS FOR PROPOSED USE WHEN SUBMITTING REQUEST TO SRP FOR LICENSE.
4. UTILITIES PARALLEL TO SRP IRRIGATION PIPE ARE REVIEWED ON A CASE-BY-CASE BASIS. LOCATE PARALLEL UTILITY OUTSIDE OF AREA SRP EXCAVATES WHEN MAINTAINING IRRIGATION PIPE. TYPICAL EXCAVATION INCLUDES AREA ABOVE AND TO EACH SIDE OF SRP IRRIGATION PIPE. SIDE EXCAVATION IS 4'-0" FROM THE OUTSIDE DIAMETER OF THE SRP IRRIGATION PIPE.
5. OTHER UTILITIES ARE NOT PERMITTED IN THESE AREAS.
6. PRIMARY POWER/ELECTRIC FACILITIES, GAS, AND SEWER, MUST GO UNDER THE SRP IRRIGATION PIPE. OVERCROSSINGS OF TRAFFIC SIGNAL, STREET LIGHT ELECTRICAL FACILITIES, WATER, AND COMMUNICATIONS, ARE ALLOWED UP TO 3' IN CONDUIT AS LONG AS THE 1'-0" CLEARANCE OVER THE PIPE IS MET.
7. REQUESTS TO INSTALL TREE PLANTERS CAN OCCUR ANYWHERE WITHIN THE SRP R/W LIMITS AND ARE REVIEWED ON A CASE-BY-CASE BASIS.