

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and City Council
From: Denny Birkland, ext. 7623,
Management Services
Date: August 7, 2008
Meeting Date: August 19, 2008



TITLE: Consideration of Resolution 2008-39 A RESOLUTION GRANTING AN EASEMENT TO ARIZONA PUBLIC SERVICE

RECOMMENDED ACTION:

Meeting of August 19, 2008 Read Resolution 2008-39 by title only and adopt.

ACTION SUMMARY:

This action grants an easement to Arizona Public Service.

DISCUSSION:

Background/History:

Arizona Public Service supplies electrical power to the new Fire Station #1 at 1972 South Thompson Street. The electrical service comes from Thompson Street and runs easterly across City owned property at the northwest portion of the property. APS has requested the granting of an easement for the service line to maintain the electrical facility. The easement grants them permission to place there lines and other facilities on City property and to continue to maintain service.

Key Considerations:

The easement is 10 feet wide.

Community Benefits and Considerations:

N/A

Community Involvement:

N/A

Financial Implications:

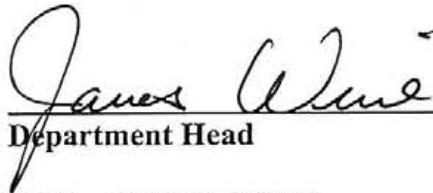
There is no direct cost associated with this action.

Options and Alternatives:

Adopt Resolution 2008-39
Do Not Read Resolution 2008-39

Attachments/Exhibits:

Resolution 2008-39
Easement
Map



Department Head

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
<u>JAS</u>	GRANTS/CONTRACTS	_____	_____	IGAS	_____
_____	LEGAL	<u>9/7/2008</u>	_____	_____	_____

DATE OF COUNCIL APPROVAL: _____

RESOLUTION NO. 2008-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, GRANTING A PUBLIC UTILITY EASEMENT AT 1972 SOUTH THOMPSON STREET TO ARIZONA PUBLIC SERVICE COMPANY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE INSTRUMENTS TO CONVEY SAID EASEMENT.

WHEREAS, Arizona Public Service Company has requested that the City grant it a public utility easement over and across certain real property owned by the City of Flagstaff located at 1972 South Thompson Street; and

WHEREAS, the City of Flagstaff desires to grant said public utility easement to Arizona Public Service Company;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That the public utility easement, attached hereto and made a part hereof by this reference, be and hereby is granted, without any warranty of title, and approved.

SECTION 2. That the public utility easement granted to Arizona Public Service shall be subject to all encumbrances, liens, limitations, restrictions and estates as exist on the land of which the easement is a part.

SECTION 3. That the City Manager be and hereby is authorized to execute any documents that may be necessary to carry out the provisions of this Resolution. All documents shall be in a form approved by the City Attorney.

SECTION 4. That City staff is hereby authorized to take such other and further measures and actions as are necessary and appropriate to carry out the terms, provisions, and intents of this Resolution, including, but not limited to, the recording in the Office of the Coconino County Recorder of the public utility easement attached hereto.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2008.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

James G. Guel for

CITY ATTORNEY

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When recorded, please return to :
APS RIGHT OF WAY DEPT.
2200 E Huntington Dr.
FLAGSTAFF, AZ. 86004
APN# 112-27-025D
SE1/4 S20 T21N R7E
W311772
DMR

UTILITY EASEMENT

CITY OF FLAGSTAFF, a Municipal Corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Coconino County, Arizona (hereinafter called "Grantor's Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement **10** feet in width, at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantor shall maintain a clear area that extends 5 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 10 feet immediately in front of all transformer and other equipment openings. No obstructions, trees, shrubs, fixtures, or permanent structures shall be placed by Grantor within said areas.

Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

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, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

IN WITNESS WHEREOF, **CITY OF FLAGSTAFF**, a Municipal Corporation, has caused this Utility Easement to be executed by its duly authorized representative, this ____ day of _____, 2006.

CITY OF FLAGSTAFF.

By: _____

Its: _____

(Signature)

STATE OF ARIZONA }
 } ss.
County of Coconino }

This instrument was acknowledged before me this _____ day of _____, 2007 by _____.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

EXHIBIT "A"

Lot 22B, WOODLANDS VILLAGE UNIT TWO-REPLAT, according to Case 5, Maps 34 and 34A, records of Coconino County, Arizona;

EXCEPT that part lying within said Parcel according to Survey and Split of Lots 20C, 20D, 22A, and 22B, WOODLANDS VILLAGE UNIT TWO-REPLAT, according to Case 5, Maps 34 and 34A, records of Coconino County, Arizona and revised in Case 7, Map 26, records of Coconino County, Arizona, as conveyed by Deed recorded in Docket 1990, page 914, records of Coconino County, Arizona.

EXHIBIT "B"

APS CENTERLINE EASEMENT DESCRIPTION:

COMMENCING at the Northwest corner of Lot 22B, WOODLANDS VILLAGE UNIT TWO-REPLAT, according to Case 5, Maps 34 and 34A, records of Coconino County, Arizona;

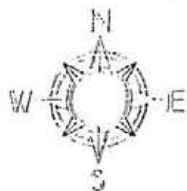
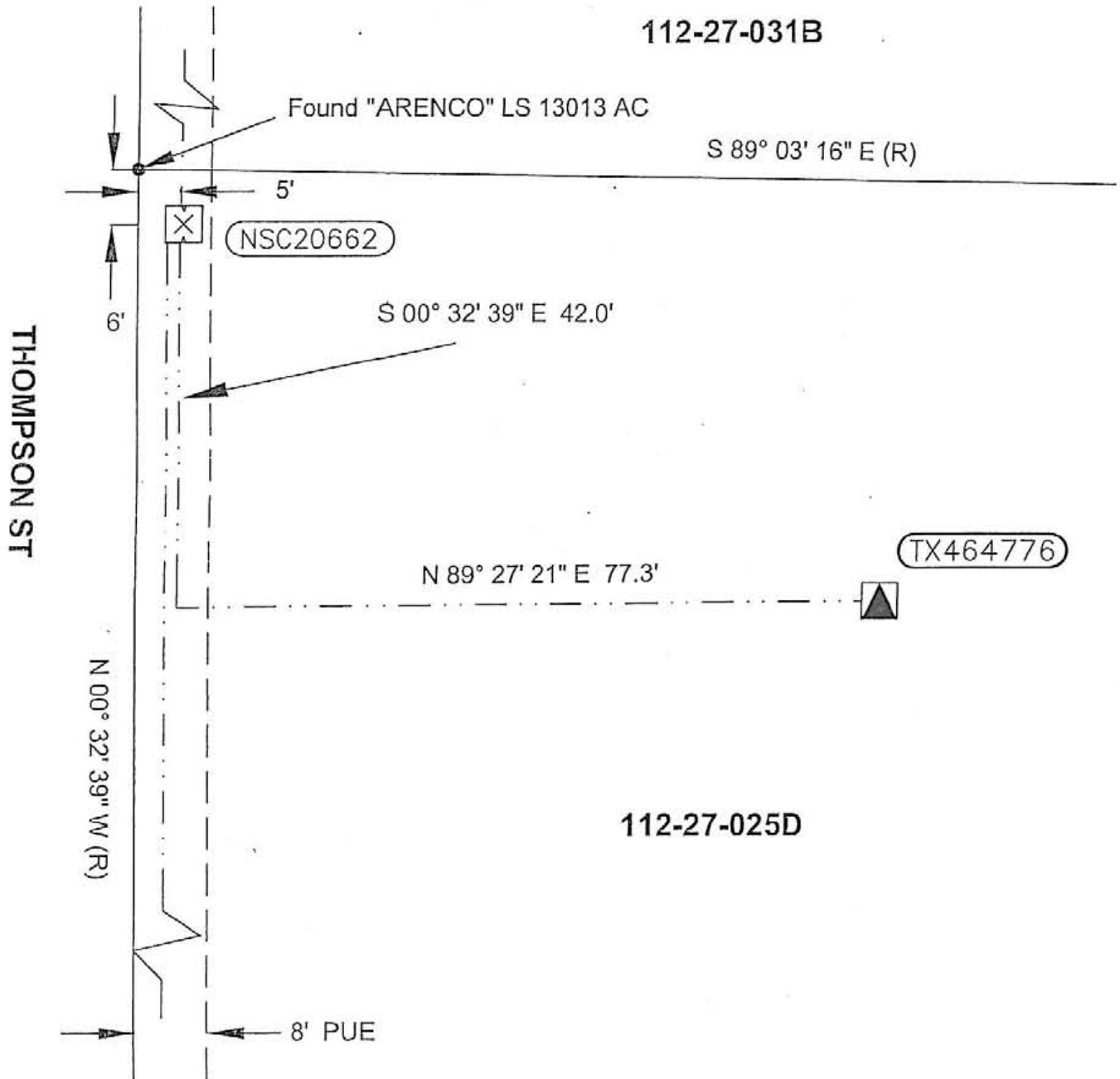
THENCE South $00^{\circ} 32' 39''$ East along the West boundary of said Lot 22B, a distance of 48.0 feet;

THENCE North $89^{\circ} 27' 21''$ East, a distance of 8.0 feet to the POINT OF BEGINNING;

THENCE North $89^{\circ} 27' 21''$ East, a distance of 75.0 feet to an APS padmount transformer.

APS Extension to City of Flagstaff

Situate in a portion of the Southeast 1/4 Section 20
Township 21 North, Range 7 East, G. & S.R.M.,
Coconino County, Arizona

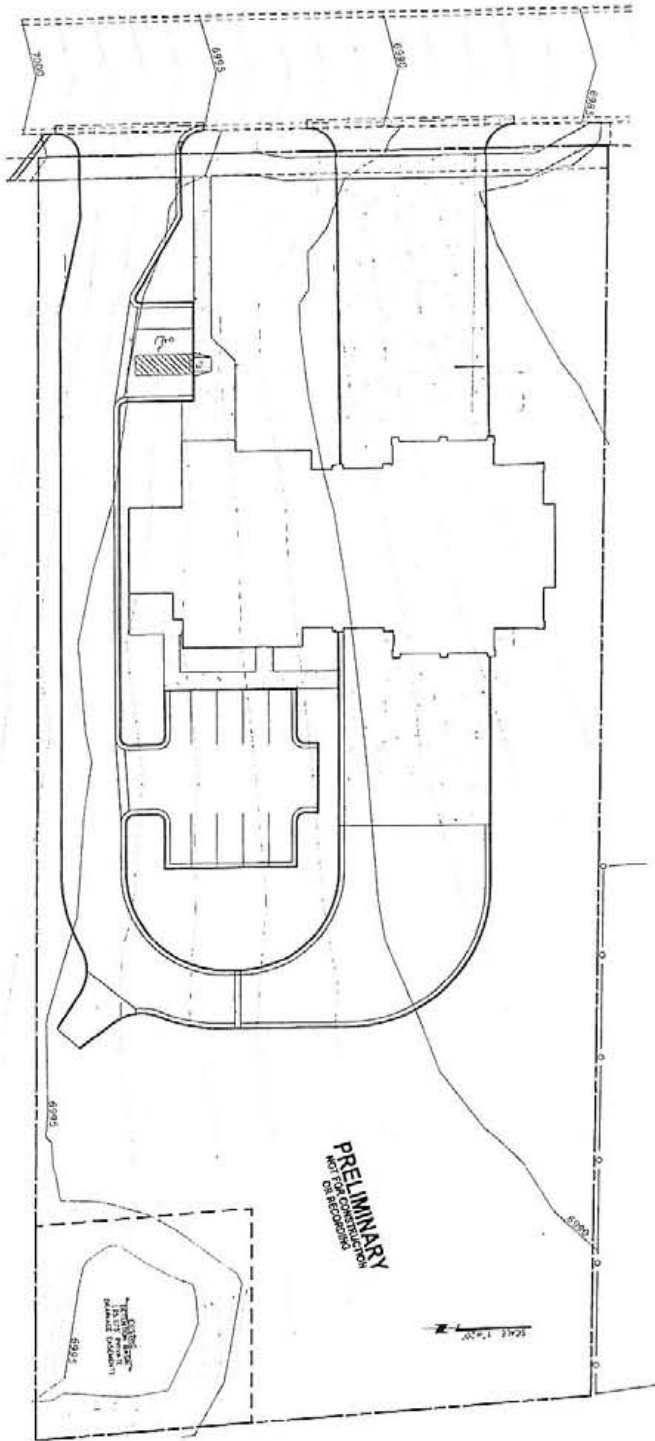


APS FLAGSTAFF
NE DIVISION SURVEY
JOB NO. W311772
CREW: M. STOLL
05/31/2007
DRAWN BY: D. REMINGTON

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CITY OF FLAGSTAFF
 EASEMENT EXHIBIT
 FOR
 CITY OF FLAGSTAFF
 FIRE STATION #1

PROJECT IS LOCATED
 IN THE S 1/2 OF SEC. 4, T21N, R7E,
 G & SRM, COCONINO COUNTY, ARIZONA
 INSTRUMENT #2360217



SHEET NO. 1 OF 1
 CDP PROJECT # 24-04715

DATE DESIGNED	PROJECT NO. 2364	REVISIONS	
DESIGNED BY: KWH	PER EASEMENT EXHIBIT		
DRAWN BY: ALW	VERY SCALE		
CHECKED BY: KWH	1/2" SCALE 1/8" = 1'-0"		

Mogollon Inc.
 ENGINEERING & SURVEYING

4610 South Ft. Huachuca, Flagstaff, AZ 86001
 P.O. Box 8702, Flagstaff, AZ 86002
 Phone 908-224-2224 • Fax 908-513-2205

C.O.F. FIRE STATION #1
 EASEMENT EXHIBITS

01/31/08
 MES# 05569

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