

March 14, 2024

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP, Community Development Director

FROM: Jeff Pregler
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2024-011
Acceptance of Sewer Easements
Northeast Highway 90-92 Limited Partnership (Cochise
Crossroads)

REQUEST:

Acceptance of a 22.5-foot Sewer Easement across a privately owned parcel to allow the construction of a public sewer line and to provide for the Wastewater Division to access and maintain their infrastructure in the future.

STAFF RECOMMENDATION:

The City Manager recommends approval.
The Assistant City Manager recommends approval.
The Community Development Director recommends approval.

INITIATED BY:

City of Sierra Vista
Northeast Highway 90-92 Limited Partnership

GENERAL INFORMATION:

A. Locations

South of Charleston Road along the northern portions of 107-16-026H

B. Site Area

Easement Area One-approximately 3,937.50 square feet (0.09 acres).
Easement Area Two- approximately 5,384.72 square feet (0.12 acres)

BACKGROUND:

A. Proposal/Summary

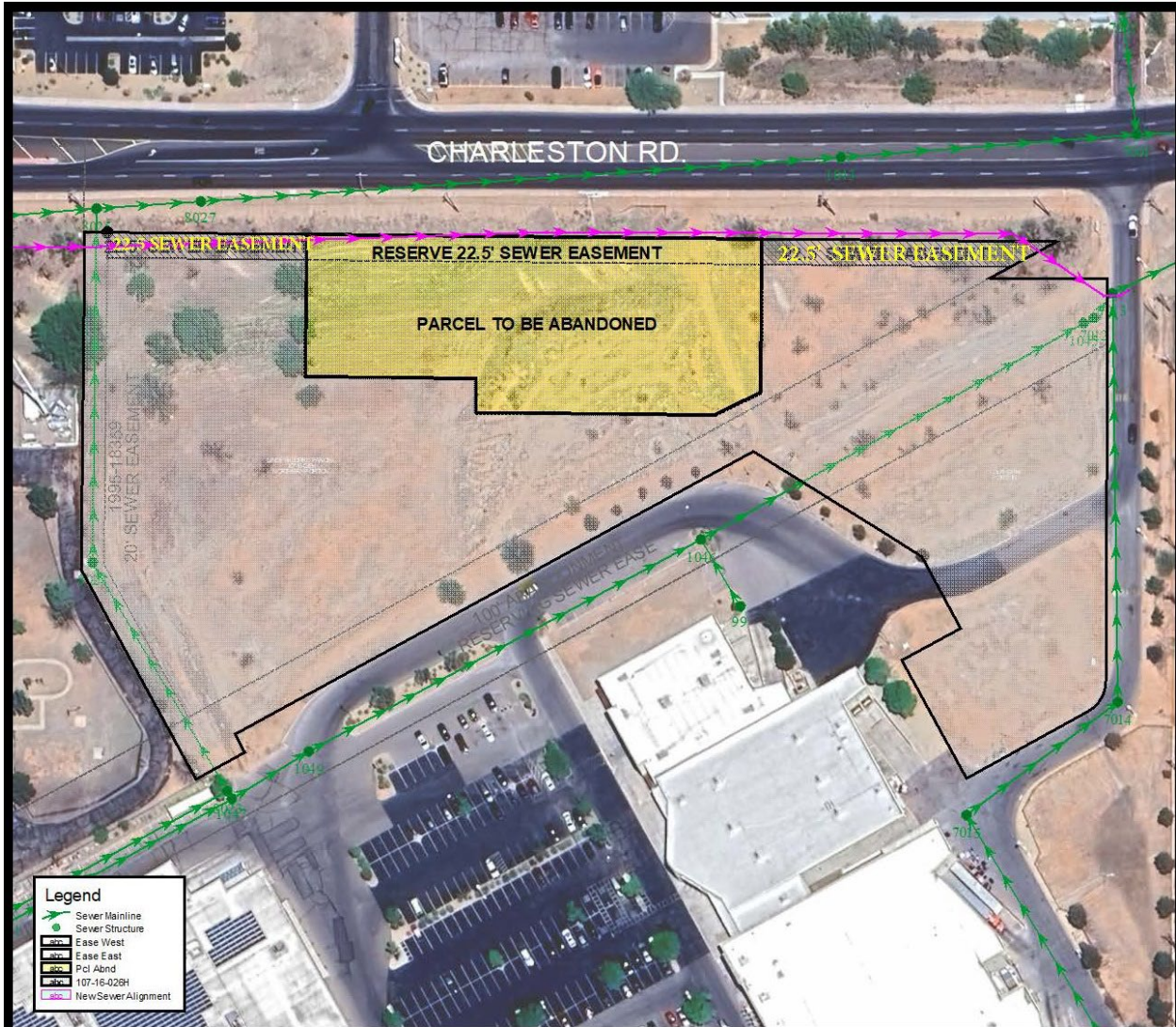
According to Public Works, the primary purpose of the new sewer line is to bypass flows from a sewer line in SR 90. The line in SR 90 is failing and it is extremely difficult to maintain. The new line will reroute the flow for this portion of the line. The new line is capable of serving the adjacent parcels. Stub-outs will be installed on two manholes of the new sewer to potentially serve the adjacent parcels. The failing sewer line will be abandoned once the new sewer line is connected.

The new sewer line will be crossing portions of parcel 107-16-026H. The horizontal alignment of the new sewer line is dictated by the location of existing sewer lines at both the upstream and downstream ends of the new sewer. A new sewer easement is required to access the new sewer line on private property. The 22.5 foot sewer easement is wide enough to allow Public Works to safely access and maintain the line. The easement is identified on Exhibit A.

This request is being considered in conjunction with a request for abandonment for a portion of Charleston Road right-of-way. Should the City abandon the property, ownership of the property will transfer to the adjacent property owner, Northeast Highway 90-92 Limited Partnership, which can be used for additional developable area. Once abandoned, an additional 22.5 foot sewer easement will be recorded with the parcel, which will connect to the sewer easements to the west and east of the parcel.

LOCATION MAP: See Attachment A

ATTACHMENT A



RESOLUTION 2024-011

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; ACCEPTING TWO 22.5-FOOT WIDE SEWER EASEMENTS, AS OUTLINED IN EXHIBIT A, LOCATED IN A PORTION OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 21 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the sewer line in the State Route 90 right-of-way is failing and difficult to maintain; and

WHEREAS, the construction of a new sewer line is required to reroute the flows from the failing line after removal; and

WHEREAS, the new sewer line will cross a portion of parcel 107-16-026H, as shown in Exhibit A; and

WHEREAS, a sewer easement is required when sewer lines are located on private property; and

WHEREAS, accepting the sewer easement will allow the Wastewater Division to access and maintain their infrastructure within the easement; and

WHEREAS, it is reaffirming settled policy of the City Council, to accept easements on privately-owned property as determined necessary by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council regarding the acceptance of easements, be, and hereby is, reaffirmed.

SECTION 2

That the document attached hereto and made a part hereof, for sewer line easements located on parcel 107-16-026H, as shown on Exhibit A, be, and hereby is, accepted.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 14TH DAY OF MARCH 2024.

CLEA MCCAII
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Jeff Pregler
Planner

SEWER EASEMENT

WITNESSETH: That WHEREAS for the convenience of the undersigned parties it is necessary for the City of Sierra Vista, a municipal corporation of Cochise County, Arizona, to allow construction and maintenance of a sanitary sewer line across certain property of the undersigned parties, which portion of said property herein granted is more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

The above-described property is a portion of the real property belonging to Grantor more particularly described in Exhibit "B" hereto.

SEE ATTACHED EXHIBIT "B"

NOW, THEREFORE, WE, THE UNDERSIGNED PARTIES, AS GRANTOR, FOR AND IN CONSIDERATION of One Dollar (\$1.00) to us in hand paid by the City of Sierra Vista, receipt of which is hereby acknowledged, do hereby grant and convey unto the City of Sierra Vista an easement in perpetuity over and across the above-described property for the purpose of constructing, maintaining, operating, inspecting, and repairing necessary sewer line facilities and the necessary adjuncts thereto, laid thereon and therein, and it is distinctly understood and agreed that the City of Sierra Vista shall at all times have the right to enter upon said premises when necessary for the purposes above mentioned.

Grantor reserves the right to use the easement for purposes which will not interfere with the City of Sierra Vista's full enjoyment of the right hereby granted; provided, that the Grantor shall not erect or construct any building or other structure upon or in said easement which will in any manner interfere with the use of or access to said easement by the City of Sierra Vista.

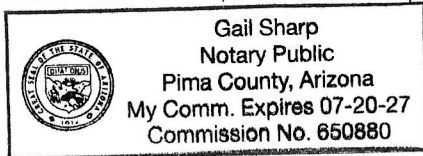
In exercising its right of entry for construction, maintenance, or repair of said Sanitary Sewer Line, the City of Sierra Vista shall restore the surface of the ground to its former state.

DATED this 5TH day of MARCH, 2024
NORTHEAST HIGHWAY 90-92 LIMITED PARTNERSHIP, an Arizona limited partnership
By: Christopher/Jude Corporation, an Arizona corporation, its General Partner

By: Thomas Naifeh
Thomas Naifeh, its President

STATE OF ARIZONA
COUNTY OF PIMA

The foregoing instrument was acknowledged before me this March 5, 2024, by Thomas Naifeh, President of Christopher/Jude Corporation, an Arizona corporation, General Partner of NORTHEAST HIGHWAY 9092 LIMITED PARTNERSHIP, an Arizona limited partnership, on behalf of the partnership.



Gail Sharp
Notary Public

EXHIBIT "A"

Sewer Easement Description for Assessor Parcel # 107-16-026H

A 22.50-foot-wide permanent easement for the construction, operation, and maintenance of a sanitary sewer line, across and under that portion of Assessor Parcel No. 107-16-026H as recorded in Fee# _____ of the Records of Cochise County, Arizona, situated in the southwest quarter of Section 31, Township 21 South, Range 21 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

Sewer Easement # 1 Legal Description

Being a portion of the Southwest quarter of Section 31, Township 21 South, Range 21 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Section 31;

THENCE North $00^{\circ}14' 43''$ East along the centerline of State Highway 90 Bypass a distance of 1438.75 feet to a point on the centerline of Charleston Road;

THENCE South $89^{\circ}45' 24''$ East along the centerline of Charleston Road a distance of 455.22 feet;

THENCE South $00^{\circ}14' 36''$ West a distance of 75.00 feet to the Northwest corner of Parcel IV as recorded in Record of Survey Book 44 Pages 35 & 35A at the Cochise County, Arizona Recorder's Office;

THENCE South $89^{\circ} 45' 24''$ East a distance of 20.00 feet to the POINT OF BEGINNING; THENCE South $00^{\circ}15' 31''$ West a distance of 22.50 feet;

THENCE South $89^{\circ}45' 24''$ East to the East line of Parcel IV a distance of 175.00 feet; THENCE North $00^{\circ}15' 31''$ East a distance of 22.50 feet;

THENCE North $89^{\circ} 45' 24''$ West a distance of 175.00' to the POINT OF BEGINNING; Easement contains approximately 3,937.50 square feet (0.09 acres).

Sewer Easement # 2 Legal Description

Being a portion of the Southwest quarter of Section 31, Township 21 South, Range 21 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Section 31;

THENCE North $00^{\circ}14'43''$ East along the centerline of State Highway 90 Bypass a distance of 1438.75 feet to a point on the centerline of Charleston Road;

THENCE South $89^{\circ}45'24''$ East along the centerline of Charleston Road a distance of 455.22 feet;

THENCE South 00°14'36" West a distance of 75.00 feet to the Northwest corner of Parcel IV as recorded in Record of Survey Book 44 Pages 35 & 35A at the Cochise County Recorder's Office;

THENCE South 89°45'24" East to the east line of "HWY. DEPT. Parcel" as shown on above referenced Record of Survey a distance of 595.00 feet to the POINT OF BEGINNING:

THENCE continue South 89°45'24" East a distance of 258.60 feet;

THENCE South 61°02'45" West along the northern boundary of a 100-foot-wide abandonment of Old Charleston Road and reserved as a 100-foot-wide sewer easement as recorded in the Cochise County Recorder Office as Fee #880305369 (1988-05369) a distance of 46.12 feet;

THENCE North 89°45'24" West to the east line of "HWY. DEPT. Parcel" a distance of 218.34 feet;

THENCE North 00°15'31" East a distance of 22.50 feet to the POINT OF BEGINNING; Easement contains approximately 5,384.72 square feet (0.12 acres)

EXHIBIT A - MAP

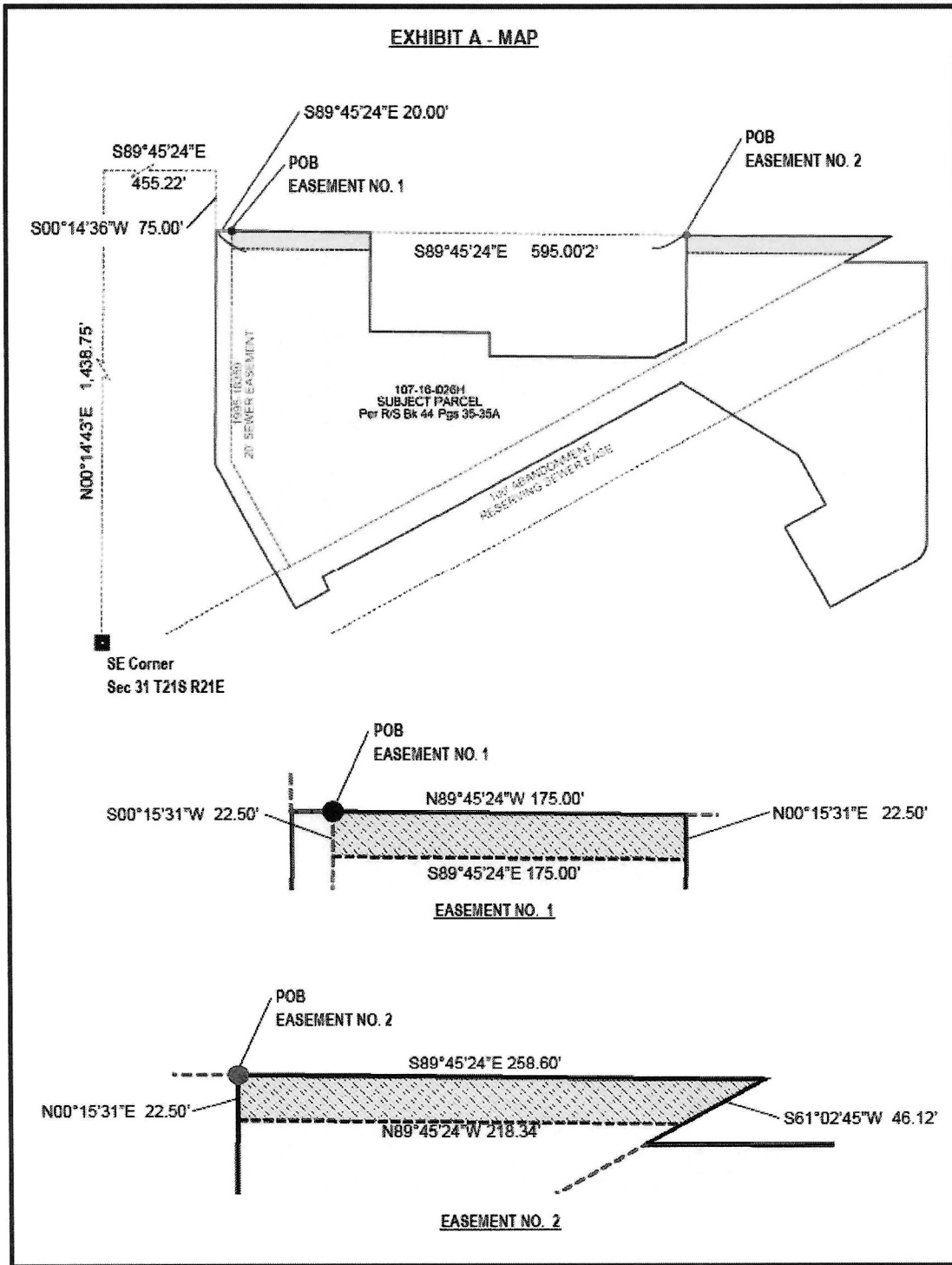


EXHIBIT "B"

Assessor Parcel #107-16-026H Property Legal Description

COM AT SW COR OF SEC 31 THN N0DEG 14MIN E1438.75' S89DEG 45MIN E455.22' S0DEG 14MIN W75' TO POB THN S89DEG 45MIN E195' S0DEG 15 MIN W125' S89DEG 45MIN E150' S0DEG 15MIN W30' S89DEG 45MIN E210' N63DEG 40MIN E44.73' N0DEG 15MIN E135' S89DEG 45MIN E258.60' S61 DEG 02MIN

W67.02' N89DEG 55MIN E103.77' S0DEG 41MIN
E353.34' TO PNT OF CURVE A RAD OF 30' A DIST OF
31.91' S60DEG 54MIN W121.70' N29DEG 05MIN
W118.73'N61DEG 0MIN E58.65' N28DEG 59MIN W71.52'
N58DEG 24MIN W35' S61DEG 0MIN E430.14' N28DEG
59MIN W27.97' S61DEG 0MIN W74.39' S28DEG 59MIN
E43.50' S61DEG 0MIN W 44.19' S29DEG 05MIN E64.45'
TO PNT OF CURVE A RAD 45' ARC 26.10' S04DEG
08MIN W2.64 W45.59' TO PNT OF CURVE A RAD OF 25'
A DIST OF 14.50' S29DEG 05MIN E138.87' S60DEG
54MIN W15' N29DEG05MIN W 46.97' S60DEG 54MIN
W19.62' N29DEG 05MIN W112.66' N60DEG 54MIN E
11.13' N29DEG 05MIN W50.35' N60DEG 54MIN E23.50'
N29DEG 05MIN W 191.09' S60DEG 57MIN W48.56'
N29DEG 03MIN W209.58' N0DEG 15MIN E296.01' TO
POB EXC ANY POR LYING W/IN COCHISE
CROSSROADS PH 3 PER M/PLTS BK 16 PGS 10-10A
SEC 31-21-21 5.518AC.