

April 25, 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 2024-024
Granting of Sewer Easement

REQUEST:

The City is requesting the granting of a sewer easement to allow the Church of God to extend their sewer line to connect with the 8-inch main line located within Soldier's Creek Park.

RECOMMENDATION:

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

BACKGROUND:

A. Proposal/Summary

The Church of God is requesting to connect to the City's 8-inch sewer line that crosses a portion of Solider Creek Park which is the closest and most feasible point of service. This connection requires the City to grant the property owner an easement to install their private line across public property. The private drain line will run approximately 10 feet inside the eastern property line of Solider Creek Park which is currently unimproved and will not cause any significant disturbance. The sewer easement, as depicted and described in Exhibit "A" will be 20-feet wide to accommodate its installation and future maintenance.

Aerial Imagery of Proposed Agreement as shown in EXHIBIT "A"



Overview of Subject Parcels



RESOLUTION 2024-024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; GRANTING A 20-FOOT WIDE SEWER EASEMENT, AS OUTLINED IN EXHIBIT A, LOCATED IN A PORTION OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 20 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 City of Sierra Vista owns property as shown on Exhibit A;
and

WHEREAS, the Church of God would like to extend their sewer line ultimately to connect with the sewer line located in Soldier's Creek Park; and

WHEREAS, granting the sewer easement will legally allow the placement of the sewer line to be located on City owned property; and

WHEREAS, it is reaffirming settled policy of the City Council, to provide easements on City-owned property as determined necessary by the City Council; and

WHEREAS, the City Council has determined it to be necessary to grant permanent easement as identified and attached herein.

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 granting of easements, be, and hereby is, reaffirmed.

SECTION 2

That it be, and hereby is, determined to be necessary to grant a sewer easement, as described in Exhibit A, for purposes of locating a sewer line.

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 25th DAY OF APRIL 2024.

CLEA MCCA II
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Jeff Pregler, Planner

When recorded mail to:
City of Sierra Vista

This space reserved for recording information.

SEWER EASEMENT

For and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, the City of Sierra Vista, a Body Politic, referred to as the "Grantor", grants unto Church of God, referred to as "Grantee", a sewer easement, 25 feet wide, for the purposes of connecting and placing a sewer line from Grantee's property to Grantor's property, as described in Exhibit A

SEE EXHIBIT A

All easements shown hereon, are hereby granted, together with the right of ingress and egress, for the sole purpose of construction, inspection, repair, removal, replacement and maintenance of "Grantees" at will. No non-utility improvements by the "Grantees" shall be placed upon, over, or under the subject area including, but not limited to, buildings, and structures.

Grantee shall not be liable for any damage to said improvements placed upon the easement due to necessary utility operations using reasonable care. However, in the event that a grantee fails to use reasonable care in exercising its right of entry for construction, maintenance, or repairs of said utility system, it shall be responsible for any damages caused to the property and shall restore the surface or the ground to its former state.

This Easement and the provisions herein, shall run with the land, and shall extend to and be binding upon the parties hereto and their respective successors and assigns.

Dated this 25^h day of April 2024

CITY OF SIERRA VISTA

By: _____
Mayor Clea McCaa II

State of Arizona }
 } ss.
County of Cochise }

Before me, a Notary, in and for the County of Cochise, State of Arizona, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that _____ executed the same for the purpose and consideration herein expressed.

Given under my hand and seal of this office day of _____, 20 _____

NOTARY PUBLIC

My commission expires:

EXHIBIT "A"

Being a portion Section 34, Township 20 South, Range 21 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

BEGINNING at the most Northeasterly Corner of Parcel NO. 106-65-014 which is also the most easterly corner of the City of Sierra Vista Parcel NO. 106-65-001 as shown below;

Then following the Northeasterly line of Parcel 106-65-001, N43°19'W a distance of 76.70';

Then continuing N43°19'W a distance of 20.00';

Then S46°41'W a distance of 20.00';

Then S46°19'E a distance of 96.70' to the Southeasterly line of Parcel No. 106-65-001;

Then N46°41'E a distance of 20.00' to the POINT OF BEGINNING.

The above described area contains approximately 1,938.88 SQ. FT. (0.04 Acres)

