

RESOLUTION 2021-027

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; GRANTING ELECTRICAL UTILITY EASEMENTS ON CITY-OWNED PROPERTY; 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 and maintains dedicated drainage situated in the Southeast section quarter of Section 02, Township 22 South, Range 20 East, located along the southeastern portion of Early Spring Lane and Middle Creek Lane.

WHEREAS, Sulphur Springs Valley Electric Cooperative, an electrical utility provider, desires an easement for the placement of electrical facilities on City-owned property at the edge of one of the detention basins within the Cañada Vista Subdivision; and

WHEREAS, the installation of the utilities is to support future residents of the new Subdivision known as Cañada Vista; and

WHEREAS, it is settled policy of the City Council, most recently affirmed by Resolution 4630, to provide easements on City-owned property as determined to be necessary by the City Council; and

WHEREAS, the City Council has determined it to be necessary to grant an electrical utility 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, most recently affirmed by Resolution 4630, be, and hereby is, reaffirmed.

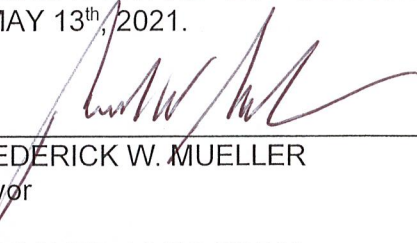
SECTION 2

That it be, and hereby is, determined to be necessary to grant a permanent electrical easement, as described in the easement description attached, on City-owned property at the edge of a detention basin within the Cañada Vista Subdivision, for the purpose of the placement of electrical utilities.


SECTION 3

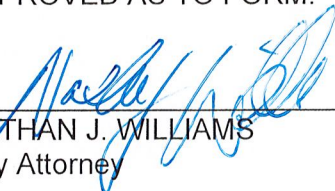
The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS DAY OF MAY 13<sup>th</sup>, 2021.

  
\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

ATTEST:

  
\_\_\_\_\_  
JILL ADAMS  
City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
NATHAN J. WILLIAMS  
City Attorney

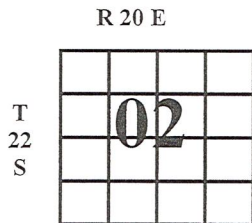
PREPARED BY:  
Bryce Kirkpatrick, Civil Engineer, Public Works

When recorded mail to:

Jill Adams  
City Clerk  
The City of Sierra Vista  
1011 N Coronado Dr.  
Sierra Vista, Arizona 85635

This space reserved for recording information.

## *Underground Utility Right-of-Way Easement*



### KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **CITY OF SIERRA VISTA, a Body Politic**, referred to as "Grantor", for good and valuable consideration, the receipt of which is hereby acknowledged grants unto **SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC.**, herein after referred to as "Grantee", and to its successors or assigns, a right-of-way easement over, upon, under and across and the right to enter upon the land of the undersigned, situated in the County of Cochise, State of Arizona, described as follows:


SEE ATTACHED EXHIBIT "A"

All easements shown hereon are hereby dedicated, together with the right of ingress and egress, for the sole purpose of construction, inspection, repair, removal, replacement, and maintenance of said public utilities at will. No non-utility improvements shall be placed upon, over, or under the subject area including, but not limited to, buildings, and structures except for improvements for street, road, driveway, or landscape purposes, which the grantor agrees shall not interfere or be inconsistent with grantees' exercise of the rights granted herein.

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, the grantee shall be responsible for any damages caused to the grantor's improvements and shall restore the surface or the ground to its former state.

The grantor covenants that it is the owner of the above-described land and that said land is free and clear of encumbrances and liens.

IN WITNESS WHEREOF, the undersigned set his hand this 13th day of May, 2021.

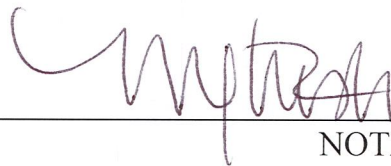
  
\_\_\_\_\_  
FREDERICK W. MUELLER, Mayor  
City of Sierra Vista

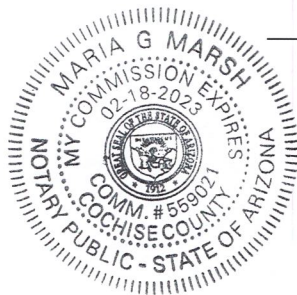
STATE OF Arizona )  
                                  ) ss  
COUNTY OF Cochise )

On this, the 13th day of May, 2021, before me, the undersigned Notary Public, personally appeared Frederick W. Mueller

\_\_\_\_\_ known to me to be the person(s) whose name(s) is/are subscribed herein and acknowledged that he executed said document for the purposes set forth therein.

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

  
\_\_\_\_\_  
NOTARY PUBLIC



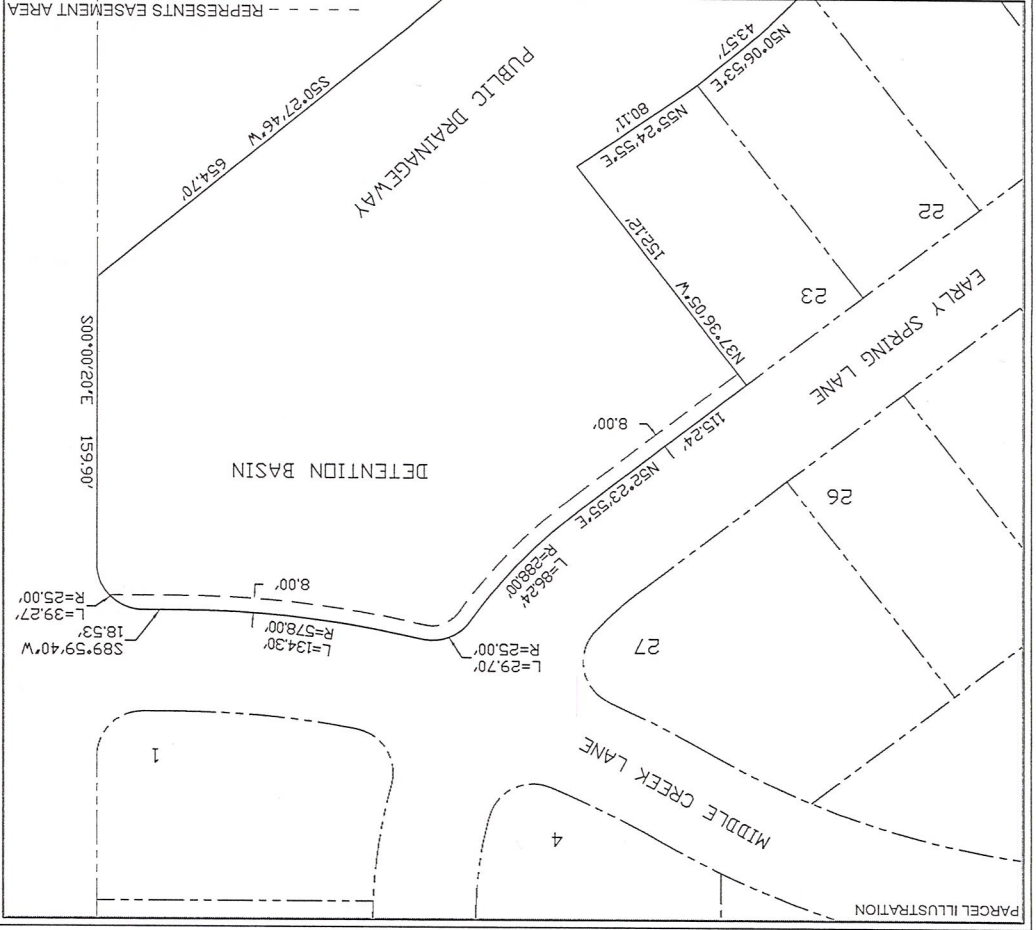
## EXHIBIT "A"

### PARCEL DESCRIPTION:

The "DETENTION BASIN", which is a portion of the Public Drainageway as shown on and dedicated to the Public per the FINAL PLAT FOR CANADA VISTA, according to Book 16 of Maps, page 27B, records of Cochise County, Arizona, being a portion of Southeast quarter of Section 2, Township 22 South, Range 20 East of the Gila and Salt River base and Meridian, Cochise County, Arizona.

### EASEMENT DESCRIPTION:

An 8.00-foot-wide easement whose Easterly and Southerly lines are parallel with and measured 8.00 feet from the Westerly and Northerly lines of the above described "DETENTION BASIN", said Westerly Line being coincident with and adjacent to the Easterly line of Early Spring Lane and said Northerly line being coincident with and adjacent to the Southerly line of Middle Creek Lane.



SECTION REPRESENTATION R 20 E

SECTION 02

EXHIBIT "A"

GRANTOR: City of Sierra Vista  
 DRAWN BY: Ruth Bigelow  
 DATE DRAWN: March 22, 2021

EASEMENT NO. E16658  
 WORK ORDER NO. 87121  
 FILE NO.

Subitur Springs Valley Electric Cooperative, Inc.

DRAWINGS NOT TO SCALE - FOR REPRESENTATION PURPOSES ONLY