

June 22, 2023

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Sharon Flissar, Director of Public Works

FROM: Angela Dixon-Maher, P.E., Senior Civil Engineer

SUBJECT: REQUEST FOR AGENDA ITEM
PLACEMENT RESOLUTION 2023-049,
Electrical Utility Easement for the Veteran's Memorial
Park Sports Complex Restroom Building

RECOMMENDATIONS:

The Director of Public Works recommends approval.

The Assistant City Manager recommends approval.

The City Manager recommends approval.

INITIATED BY:

The City of Sierra Vista

BACKGROUND:

The City of Sierra Vista has requested electrical service to the Veteran's Memorial Park Sports Complex Restroom Building. This building is brand new construction. In order for Sulphur Springs Electric to supply power to a brand-new meter pedestal, the City of Sierra Vista is required to grant an easement for the placement of underground electrical lines between a nearby transformer to the new building's service pedestal. The easement agreement would allow for a perpetual easement at the site to construct, reconstruct, operate, and maintain electrical service. The easement is located northwest of the Sports Division building, leading to the base of the meter that is located approximately half-way to the new building.

BUDGET APPROPRIATIONS:

Not applicable.

RESOLUTION 2023-049

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 property situated in the Southwest quarter of the Southeast quarter of Section 36, Township 21 South, Range 20 East between Fry Boulevard and Martin Luther King Junior Boulevard immediately west of Avenida Escuela.

WHEREAS, Sulphur Springs Valley Electric Cooperative, an electrical utility provider, desires an easement for the placement of electrical facilities on City-owned property northwest of the Veteran's Memorial Park Sports Complex Sports Division building and just southeast of a new restroom building; and

WHEREAS, the installation of the utilities is to support the Veteran's Memorial Park Sports Complex restroom building and future electrical needs in Veteran's Memorial Park Sports Complex; 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 immediately northwest of the Veteran's Memorial Sports Complex Sports Division Building and southeast of the new restroom facilities, 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 22ND DAY OF JUNE 2023.

CLEA MCCAA II
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN WILLIAMS
City Attorney

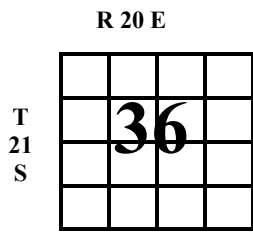
PREPARED BY:
Angela Dixon-Maher, P.E., Senior Civil Engineer, Public Works

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 aside from those existing, and 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 _____ day
of _____, 20__.

CLEA MCCAII II, *Mayor*
City of Sierra Vista

STATE OF _____)
_____) ss
COUNTY OF _____)

On this, the _____ day of _____, 20__, before me, the undersigned Notary Public, personally appeared _____

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:

That portion of the Southwest quarter of the Southeast quarter of Section 36, Township 21 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the South quarter corner of said Section 36, said point being a mag nail in pavement in the centerline of Fry Boulevard from which the Southeast corner of said Section 36, said point being a brass cap survey monument in a hand well at the centerline intersection of Fry Boulevard and Highway 90, bears South $89^{\circ} 42' 51''$ East, a distance of 2,644.37 feet;

thence North $00^{\circ} 18' 07''$ East upon the West line of said Southwest quarter, a distance of 50.00 feet, said point lying upon the Northerly right of way of Fry Boulevard as shown on the Arizona Highway Dept. Right-of-way map, Ft. Huachuca-Bisbee Location, recorded in Book 000 of Maps and Plat, page 390, records of Cochise County, Arizona;

thence continue upon said West line North $00^{\circ} 18' 07''$ East, a distance of 515.85 feet to the POINT OF BEGINNING;

thence continue upon said West line North $00^{\circ} 18' 07''$ East, a distance of 757.98 feet to the Northwest corner of said Southwest quarter;

thence upon the North line of said Southwest quarter South $89^{\circ} 43' 02''$ East, a distance of 1,197.05 feet to a point of curvature of a tangent curve, concave to the Southwest;

thence upon said curve to the right, having a radius of 25.00 feet and a central angle of $90^{\circ} 00' 00''$ for an arc distance of 39.27 feet to a point of tangency, said point lying upon the Westerly right of way line of Avenida Escuela, as recorded in Fee No. 0608-30153, records of Cochise County, Arizona;

EXHIBIT "A"

thence upon said Westerly right of way line South 00° 17' 47" West, a distance of 769.03 feet;

thence North 89° 42' 51" West, a distance of 545.00 feet;

thence North 00° 17' 09" East, a distance of 169.77 feet;

thence South 73° 59' 13" West, a distance of 415.13 feet;

thence North 89° 42' 51" West, a distance of 184.96 feet;

thence South 00° 17' 09" West, a distance of 17.28 feet;

thence North 89° 42' 51" West, a distance of 93.71 feet to the POINT OF BEGINNING.

EASEMENT DESCRIPTION:

A 20.00-foot-wide easement located within a portion of the above-described parcel lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Southeast corner of the above-described parcel;

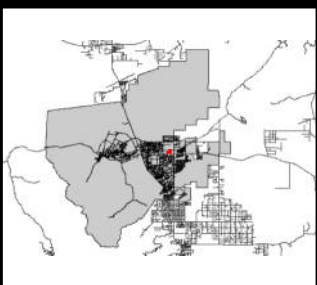
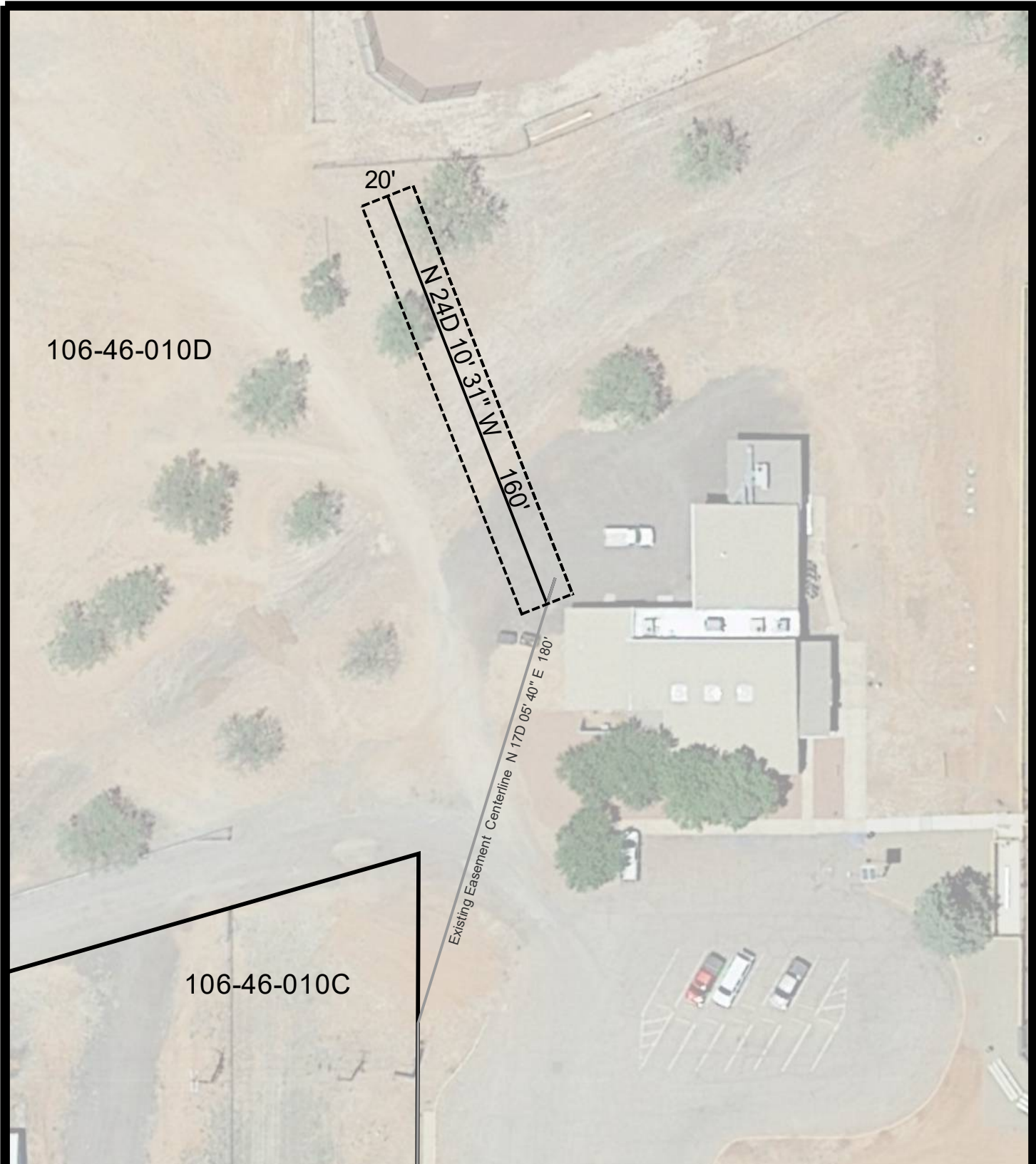
thence North 89° 42' 51" West, along the South line of said parcel, a distance of 545.00 feet;

thence North 00° 17' 09" East, along a West line of said parcel, a distance of 107.54 feet to the beginning of an existing Underground Utility Right of Way Easement granted to Sulphur Springs Valley Electric Cooperative by the City of Sierra Vista as recorded in Document No. #2021- 33311 in the Cochise County Recorder's Office;

thence following course of said existing easement, North 17° 05' 40" East, a distance of 170.00 feet to the POINT OF BEGINNING, said point being 10.00 feet from the point of terminus of said existing easement;

thence North 24° 10' 31" West, a distance of 160.00 feet to the POINT OF TERMINUS for said easement.

The sidelines of the above-described easement are to be lengthened or shortened to intersect at angle points.



VMP Sports Complex
SSVEC Easement
for Restroom

This map is a product of the
City of Sierra Vista GIS

