

July 27, 2023

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 2023-058
Granting of Public Utility Easement

REQUEST:

The City is requesting the granting of a Public Utility Easement (PUE) to allow the utility companies to access and maintain their infrastructure in City owned alleyways.

RECOMMENDATION:

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

GENERAL INFORMATION:

A. Location

North Avenue, adjacent to parcels # 106-61-014A, (Hot Rods and Customs by Jack), 106-61-012, (CMAK Property), and 106-61-015A (LifeHouse Church)

B. Site Area

Easement Area One -6,480 sf (MOL)
Easement Area Two-7,340 sf (MOL)

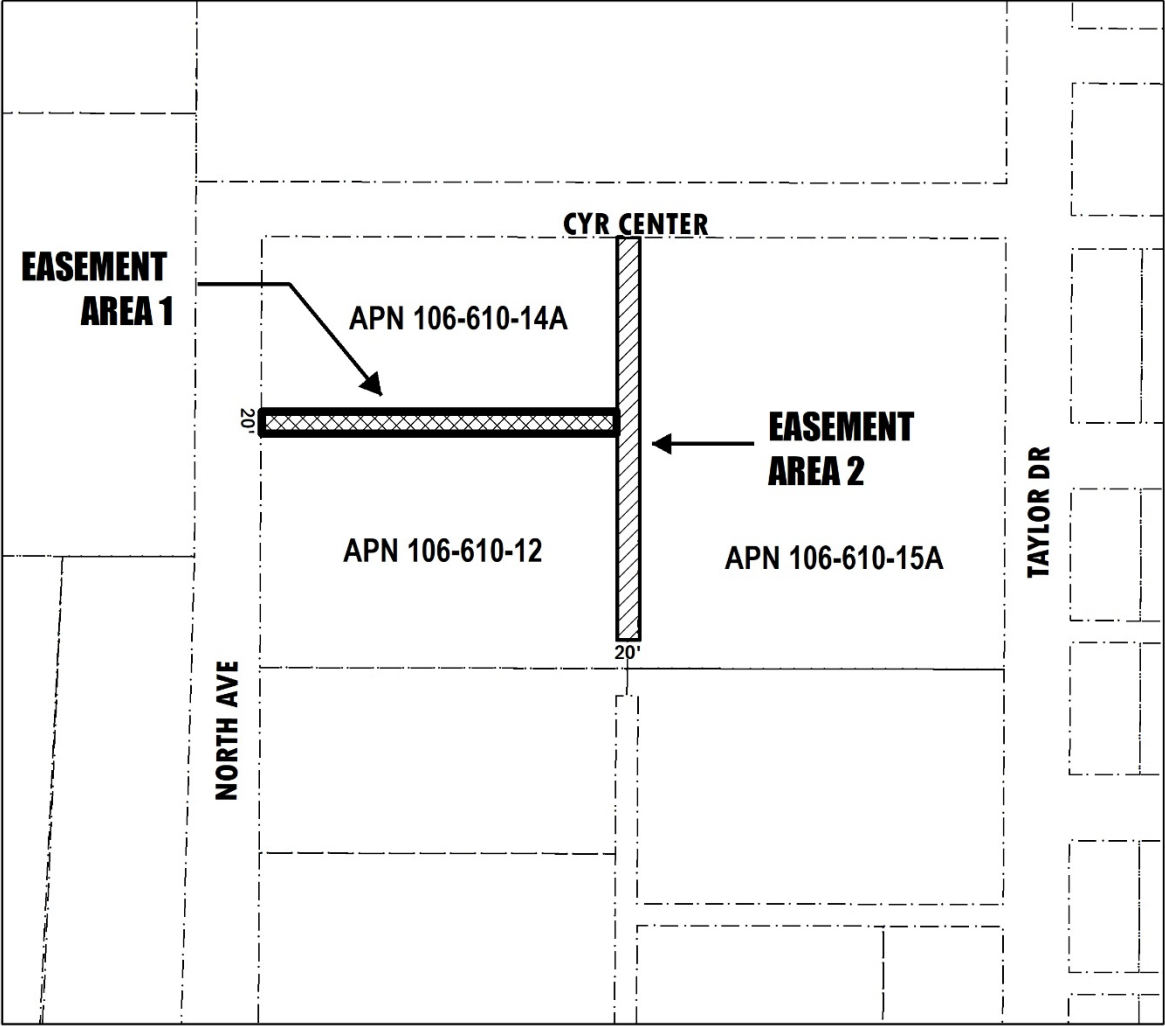
BACKGROUND:

A. Proposal/Summary

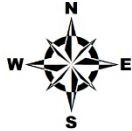
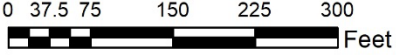
The City is initiating an abandonment of two alleyway sections located between Cyr Center and North Garden Avenue. After notifying the utility companies of the abandonment, SSVEC and Century Link/Lumen have requested that 20-foot-wide utility easements be provided to allow access for maintaining their utilities. Staff is therefore requesting the City Council grant two 20-foot wide public utility easements, as shown in Exhibit A.

LOCATION EXHIBIT

PUBLIC UTILITY EASEMENT AREAS



SOURCE:
Prepared by Sierra Vista Community Development Department



RESOLUTION 2023-058

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; GRANTING TWO 20-FOOT WIDE PUBLIC UTILITY EASEMENTS, 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 the public alleyway as shown on Exhibit A; and

WHEREAS, the public utility companies have existing infrastructure within the alleyway areas; and

WHEREAS, granting the public utility easement will allow utility companies to access and maintain their infrastructure within the alleyway; 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 easements 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 public utility easement, as described in Exhibit A, for purposes of locating and maintaining 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 APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 27TH DAY OF JULY 2023.

CLEA MCCAII
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN 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.

PUBLIC UTILITY 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 all public utility companies, referred to as "Grantee", a public utility easement, 20 feet wide, for the installation and maintenance of their utility system, over, under, and through the following described property:

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 27th day of July, 2023

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

Easement Description 1:

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

Beginning at a point which is North $00^{\circ}01'15''$ West, a distance of 1,985.00 feet and South $89^{\circ}51'30''$ West, a distance of 1,091.36 feet from the Southeast corner of the Northwest quarter of said Section 34;

Thence South $89^{\circ}51'30''$ West, a distance of 324.51 feet;

Thence South $0^{\circ}01'15''$ East, a distance of 20.00 feet;

Thence North $89^{\circ}51'30''$ East, a distance of 324.51 feet;

Thence North $0^{\circ}01'15''$ West, a distance of 20.00 feet to the POINT OF BEGINNING.

Easement Description 2:

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

Beginning at a point which is North $00^{\circ}01'15''$ West, a distance of 1,776.15 feet and South $89^{\circ}51'30''$ West, a distance of 1,091.36 feet from the Southeast corner of the Northwest quarter of said Section 34;

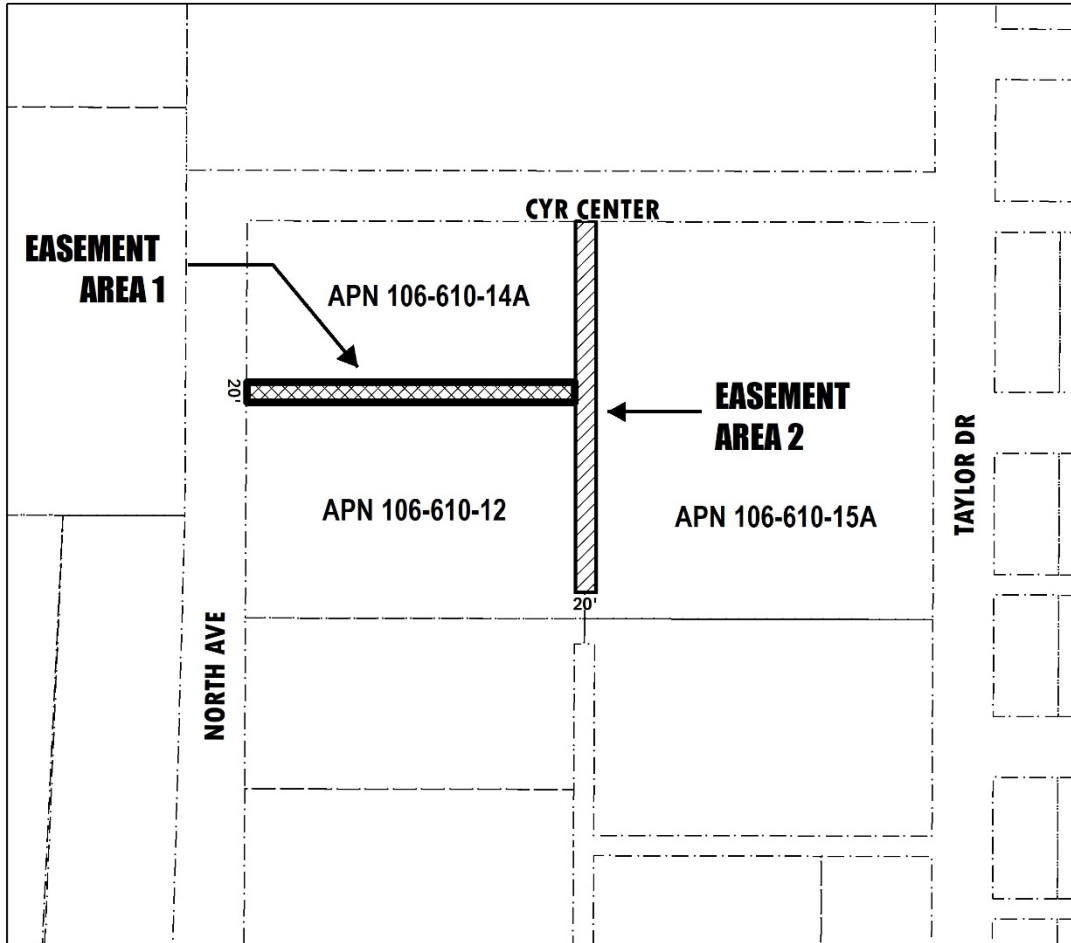
Thence North $00^{\circ}01'15''$ West, a distance of 367.20 feet;

Thence East 20' to the Northwest corner of Parcel I as shown in Record of Survey Book 20, Page 54 (FEE NO. 030411026);

Thence South $00^{\circ}13'12''$ East (South $00^{\circ}01'15''$ East,) a distance of 367.20 feet (367.20 feet;)

Thence 20' West to the POINT OF BEGINNING.

LOCATION EXHIBIT PUBLIC UTILITY EASEMENT AREAS



SOURCE:
Prepared by Sierra Vista Community Development Department

