

RESOLUTION 2022-016

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; GRANTING 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 property situated in the Eastern half of Section 10, Township 22 South, Range 20 East, located at the west side of the intersection of South Seventh Street and Buffalo Soldier Trail.

WHEREAS, Arizona Water Company, a private water utility desires to have a utility easement recorded on property that is owned by the City of Sierra Vista and was granted via a land patent from the Federal Government.

WHEREAS, Arizona Water has existing utilities in the area which will provide service to the new Emergency Medical Services Substation; and

WHEREAS, it is settled policy of the City Council, to provide a utility easement 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 a 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.

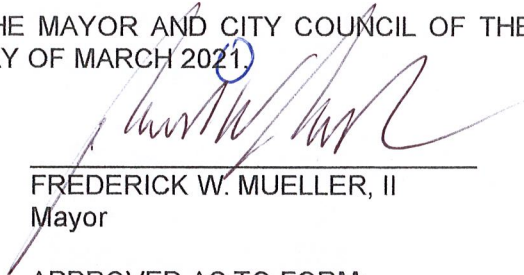
SECTION 2

That easement along Buffalo Soldier Trail be, and hereby is, dedicated for public utility use in accordance with the attached exhibit.

SECTION 3

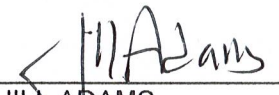
The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 24TH DAY OF MARCH 2021.



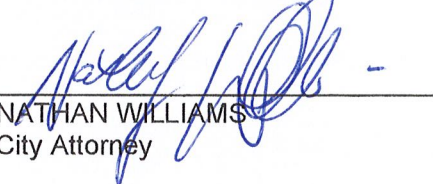
FREDERICK W. MUELLER, II
Mayor

ATTEST:



JILL ADAMS
City Clerk

APPROVED AS TO FORM:



NATHAN WILLIAMS
City Attorney

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

ARIZONA WATER COMPANY

3805 N. BLACK CANYON HIGHWAY, PHOENIX, AZ 85015-5351 • P.O. BOX 29006, PHOENIX, AZ 85038-9006
PHONE: (602) 240-6860 • FAX: (602) 240-6874 • TOLL FREE: (800) 533-6023 • www.azwater.com

April 14, 2022

Kennie Downing
City of Sierra Vista
1011 N. Coronado Drive
Sierra Vista, AZ 85635

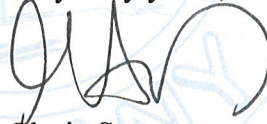
Re: Easement for Pipelines to Serve PE 2179 Sierra Vista EMS Station

Dear Ms. Downing:

Please have the enclosed easement signed, notarized, and returned to Arizona Water Company for recording. A recorded copy of the easement will be forwarded to the Grantor.

This easement is required before Arizona Water Company will release to construction the above-referenced project. Please call me at this office if you have any questions.

Very truly yours,



Gloria Sesmas
Development Coordinator II
developmentservices@azwater.com

gs
Enclosure

Recording Requested By:
ARIZONA WATER COMPANY

When Recorded, Mail To:
Arizona Water Company
P.O. Box 29006
Phoenix, Arizona 85038-9006

ABOVE SPACE RESERVED FOR COUNTY RECORDER

GRANT OF EASEMENT

City of Sierra Vista, a Arizona local government (hereinafter referred to as "Grantor"), for a valuable consideration, receipt of which is hereby acknowledged, grants to ARIZONA WATER COMPANY, an Arizona corporation, its successors and assigns (hereinafter referred to as "Grantee"), a perpetual easement and the right to excavate for, install, operate, maintain, remove or replace one or more pipelines, including valves, hydrants, meters and other equipment and appurtenances, for the purpose of conveying water for domestic use, fire protection and irrigation, ingress and egress, or other purposes, and to use the same for such purposes, on that certain real property in the County of Cochise, State of Arizona, described as follows:

See Exhibit A and Exhibit B, attached hereto and made a part hereof,

GRANTOR agrees for itself, its successors and assigns that no building or other structure will be constructed, or other obstruction placed, over this easement or over any facilities of Grantee; provided, however, that with Grantee's prior consent, Grantor may build over this easement after first paying to Grantee the cost of relocating the facilities and granting an alternative easement satisfactory to Grantee and without additional cost to Grantee.

GRANTEE, its agents and employees, shall at all times have the right of unobstructed ingress and egress to said real property, and free access to said pipelines, equipment and appurtenances for the purpose of maintaining, operating, removing or replacing same including the right to trim or remove any trees or shrubs that in Grantee's judgment interfere with the rights herein granted. Grantee agrees to use reasonable care to avoid damage to the property of Grantor in the exercise of this easement.

The individuals signing this Grant of Easement warrant that they have read this Grant of Easement, have the authority to execute this Grant of Easement, and will furnish such evidence reasonably necessary to validate such authority upon request.

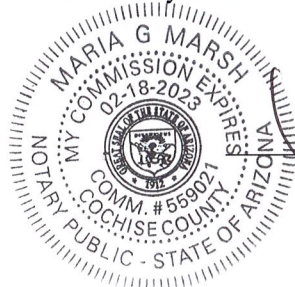
EXECUTED this 18th day of April, year of 2022.

By: *Heather Dunning*
City of Sierra Vista

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

This foregoing instrument was acknowledged before me this 18th day of April 2022 by City of Sierra Vista. IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission Expires:
02-18-23



[Signature]
Notary Public

APN NO. 105-15-004

EXHIBIT A

THAT PORTION OF GOVERNMENT LOTS 8 AND 9 OF SECTION 10, TOWNSHIP 22 SOUTH, RANGE 20 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE EAST CLOSING CORNER OF SAID SECTION 10, FROM WHICH A 1/2" REBAR W/ PLASTIC CAP MARKING THE EAST QUARTER CORNER OF SAID SECTION 10 BEARS N 00°01'17" E 1539.91',

THENCE, ALONG THE EAST LINE OF SAID SECTION 10, N 00°01'17" EAST 144.78' TO THE MOST SOUTHEASTERLY CORNER OF AN EXISTING 20.00' WIDE UTILITY EASEMENT GRANTED TO ARIZONA WATER COMPANY BY THE CITY OF SIERRA VISTA PER RESOLUTION 2588, RECORDED IN FEE # 910510464, IN RECORDS OF COCHISE COUNTY, ARIZONA.

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID EXISTING UTILITY EASEMENT, N 43°39'47" W 547.68',

THENCE ALONG THE WESTERLY BOUNDARY OF SAID EXISTING EASEMENT, N 46°20'13" E 20.00' TO THE POINT OF BEGINNING:

THENCE N 46°20'13" E 10.00',

THENCE S 43°39'47" E 100.00',

THENCE S 46°20'13" W 10.00' TO THE NORTHERLY BOUNDARY OF SAID EXISTING UTILITY EASEMENT,

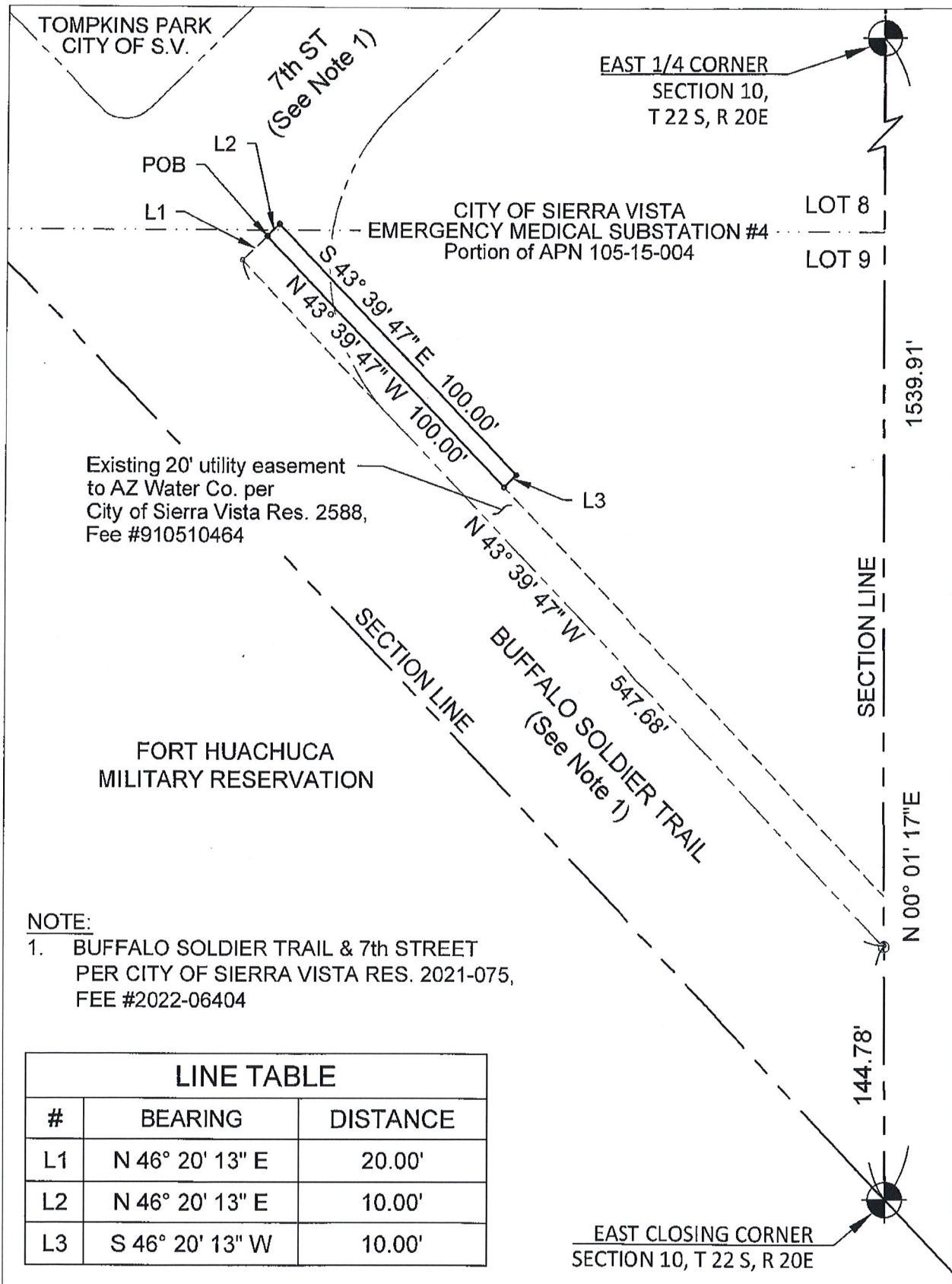
THENCE ALONG THE NORTHERLY BOUNDARY OF SAID EXISTING UTILITY EASEMENT, N 43°39'47" W 100.00' TO THE POINT OF BEGINNING.

SAID UTILITY EASEMENT CONTAINS 0.05 ACRES MORE OR LESS.



Angela Dixon-Maher

EXHIBIT B



NOTE:

1. BUFFALO SOLDIER TRAIL & 7th STREET PER CITY OF SIERRA VISTA RES. 2021-075, FEE #2022-06404

LINE TABLE

#	BEARING	DISTANCE
L1	N 46° 20' 13" E	20.00'
L2	N 46° 20' 13" E	10.00'
L3	S 46° 20' 13" W	10.00'

EAST CLOSING CORNER
SECTION 10, T 22 S, R 20 E