RESOLUTION NO. 2011-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, GRANTING A POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. A power distribution easement, in the form attached hereto as Exhibit A and incorporated herein by reference, is hereby granted to Salt River Project Agricultural Improvement and Power District through, over, under and across those strips of land eight feet wide, lying four feet on each side of the centerlines described in Exhibit A.

SECTION 2. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, April 21, 2011.

FOR THE TOWN OF FOUNTAIN HILLS:

Jay T. Schlum, Mayor

ATTESTED TO:

Bevelyn J. Bender, Town Clerk

REVIEWED BY:

Richard L. Davis, Town Manager

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
RESOLUTION NO. 2011-14

[Power Distribution Easement]

See following pages.

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT
Land Department/PAB400
P. O. Box 52025
Phoenix, Arizona 85072-2025

POWER DISTRIBUTION EASEMENT

Maricopa County
Parcel # 176-06-316Q
SW1/4 Sec. 14, T3N, R6E

Agt. JMM
Job # KDR-151
W _____ C _____

TOWN OF FOUNTAIN HILLS
an Arizona municipal corporation,

hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under, across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel") to construct, install, reconstruct, replace, remove, repair, operate and maintain underground electrical conductors, conduits, pipes, cables, vaults, pads, switching equipment, enclosures, manholes and transformers and all other appliances, appurtenances and fixtures for the transmission and distribution of electricity and for all other purposes connected therewith (collectively "Facilities") at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property. Grantee is hereby authorized to permit others to use the Easement Parcel for additional Facilities jointly with or separately from the Grantee for their purposes.

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Grantor's Property:

A portion of Section 14, Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as described in Special Warranty Deed Instrument No. 97-1059937, records of Maricopa County, Arizona.

Easement Parcel:

Said easement being strip of land 8.00 feet in width, lying 4.00 feet on each side of the line described as 'CENTERLINE OF THIS 8' WIDE EASEMENT FOR UNDERGROUND ELECTRIC POWER FACILITIES", as delineated on Exhibit "A" (BOC Colony Dr/Saguaro Blvd.-Job # KDR-151) said Exhibit "A", prepared by Salt River Project A.I. & Power District dated 3/21/11 attached hereto and made a part hereof. Said easement also to include the transformer pads as described and/or depicted on said Exhibit "A".

EXCEPTING therefrom any portion that falls outside of said Grantor's Property.

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

If the Grantee herein finds it necessary to perform excavation activities in or around the easement area and Grantee disturbs or damages any of the property or improvements of the Grantor while performing such excavation, all such property or improvements disturbed or damaged shall be restored as close to original condition as is reasonably possible at the expense of the Grantee.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

The individual executing this document represents and warrants: (i) that he or she is authorized to do so on behalf of Grantor; (ii) that he or she has full legal power and authority to bind Grantor in accordance with the terms herein and, if necessary, has obtained all required consents or delegations of such power and authority (whether from any partner, owner, spouse, shareholder, director, member, manager, creditor, investor, developer, governmental authority, judicial or administrative body, association, or other person or entity); and (iii) that the execution, delivery, and performance by Grantor of this document and all others relating to the easement will not constitute a default under any agreement to which Grantor is a party.

IN WITNESS WHEREOF, **TOWN OF FOUNTAIN HILLS,** an Arizona municipal corporation, has caused its name to be executed by its duly authorized representative(s), this 21 day of April, 2011.

TOWN OF FOUNTAIN HILLS,
an Arizona municipal corporation,

By JT Sn

Its Mayor

By R Ann

Its Town Manager

STATE OF Arizona)
) ss
COUNTY OF Maricopa)

The foregoing instrument was acknowledged before me this 26 day of April, 2011, by Joy T. Schlum and Richard L. Davis, as Mayor and Town Manager, respectively, of **TOWN OF FOUNTAIN HILLS,** an Arizona municipal corporation, on behalf of such corporation.

My Commission Expires:

August 18, 2014

PAULA L WOODWARD
Notary Public - Arizona
Maricopa County
My Comm. Expires Aug 18, 2014

Paula L. Woodward
Notary Public

Notary Stamp/Seal

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required under A.R.S. Sections 11-1132 and 11-1133 pursuant to the exemptions set forth in A.R.S. Sections 11-1134(A)(2) and (A)(3).

EXHIBIT "A"

NOTES:
SYMBOLS MAY NOT BE TO DRAWING SCALE; SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION.

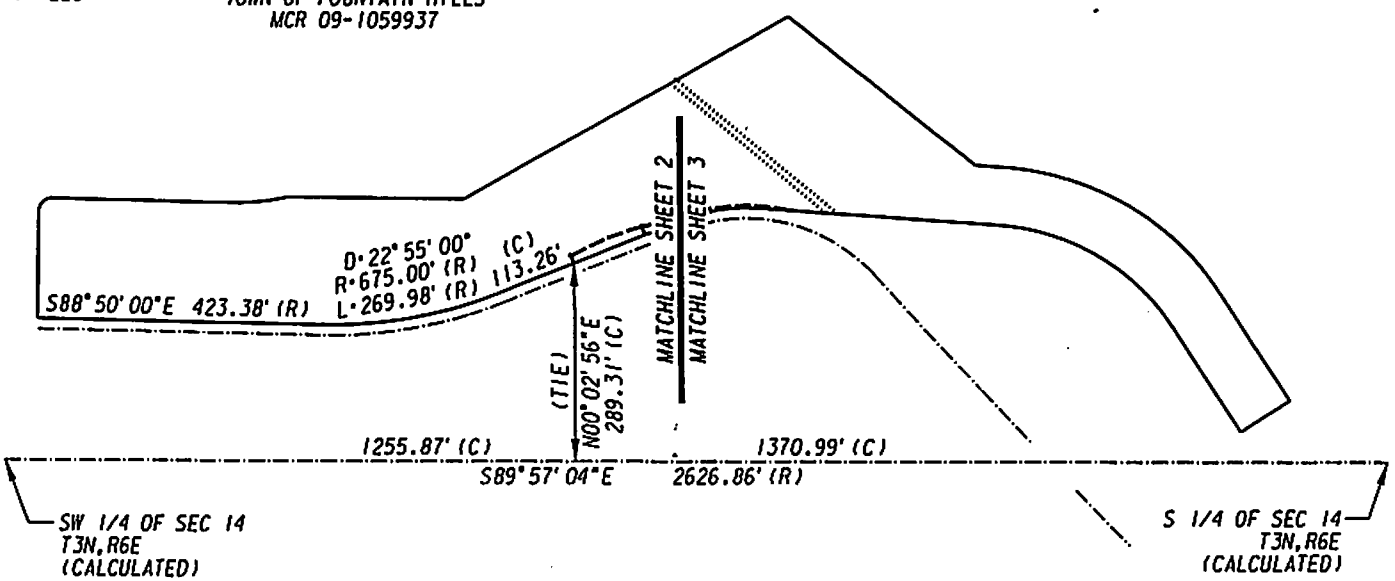
LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF THIS 8' WIDE EASEMENT FOR UNDERGROUND ELECTRIC POWER FACILITIES
- EQUIPMENT PAD(S) - UNLESS OTHERWISE NOTED ARE PART OF THE EASEMENT
- 10' UG ELECTRIC EASEMENT PER DKT 8533, PG 246 MCR

NORTH

SCALE
1"=220'

PROPERTY DATA:
APN 176-06-3160
TOWN OF FOUNTAIN HILLS
MCR 09-1059937



CAUTION:
THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT. NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUESTAKE LAW, PRIOR TO ANY EXCAVATION.

NOTES:
THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT. ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.

SALT RIVER PROJECT A.I.
& POWER DISTRICT

SRP JOB NO. KDR-151
AMP NO. 81039387

BOC COLONY DR/SAGUARO BLVD
SW 1/4, SEC. 14, T3N, R6E

UNDERGROUND ELECTRIC
POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY, ARIZONA

DESIGNED:	MONTES	AGENT:	MESSINA
DRAWN:	VHARDING	CHK'D BY:	KG
DATE:	3/21/11	APPROVED:	
SCALE:	1"=220'	SHEET	1 OF 3

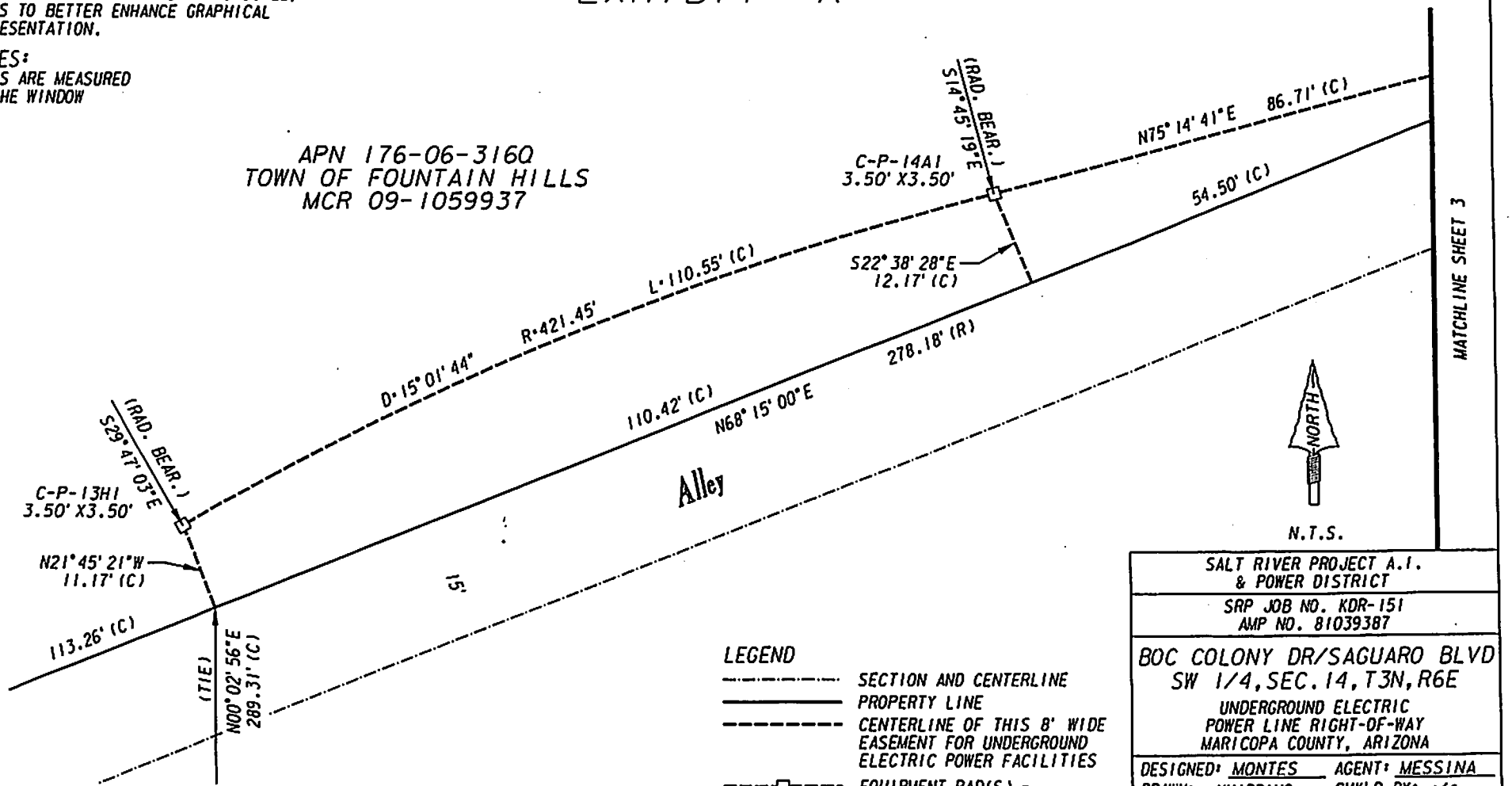
BASIS OF BEARING
NAD83 AZ SPCS ZONE 202

NOTES:
SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION.

NOTES:
EPADS ARE MEASURED TO THE WINDOW

EXHIBIT "A"

APN 176-06-316Q
TOWN OF FOUNTAIN HILLS
MCR 09-1059937



LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
- CENTERLINE OF THIS 8' WIDE EASEMENT FOR UNDERGROUND ELECTRIC POWER FACILITIES
- EQUIPMENT PAD(S) - UNLESS OTHERWISE NOTED ARE PART OF THE EASEMENT

SALT RIVER PROJECT A.I. & POWER DISTRICT

SRP JOB NO. KDR-151
AMP NO. 81039387

BOC COLONY DR/SAGUARO BLVD
SW 1/4, SEC. 14, T3N, R6E

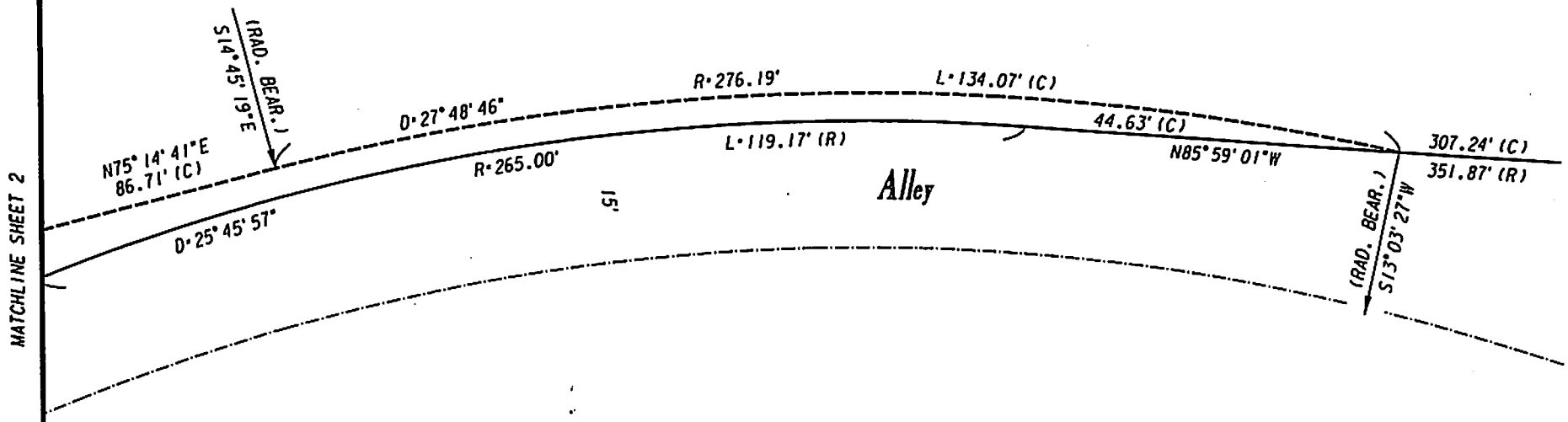
UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY, ARIZONA

DESIGNED:	MONTES	AGENT:	MESSINA
DRAWN:	VHARDING	CHK'D BY:	KG
DATE:	3/21/11	APPROVED:	
SCALE:	N.T.S.	SHEET	2 OF 3

EXHIBIT "A"

NOTES:
SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION.

APN 176-06-316Q
TOWN OF FOUNTAIN HILLS
MCR 09-1059937



N.T.S.

LEGEND

- SECTION AND CENTERLINE
- PROPERTY LINE
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- EQUIPMENT PAD(S) - UNLESS OTHERWISE NOTED ARE PART OF THE EASEMENT

SALT RIVER PROJECT A.I. & POWER DISTRICT

SRP JOB NO. KDR-151
AMP NO. 81039387

BOC COLONY DR/SAGUARO BLVD
SW 1/4, SEC. 14, T3N, R6E
UNDERGROUND ELECTRIC POWER LINE RIGHT-OF-WAY
MARICOPA COUNTY, ARIZONA

DESIGNED:	MONTES	AGENT:	MESSINA
DRAWN:	VHARDING	CHK'D BY:	KG
DATE:	3/21/11	APPROVED:	
SCALE:	N.T.S.	SHEET	3 OF 3