

**RESOLUTION NO. 2011-22**

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, June 2, 2011.

**FOR THE TOWN OF FOUNTAIN HILLS:**

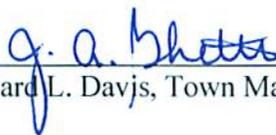
**ATTESTED TO:**

  
Jay T. Schlum, Mayor

  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

*for*   
Richard L. Davjs, Town Manager

  
Andrew J. McGuire, Town Attorney

**EXHIBIT A  
TO  
RESOLUTION NO. 2011-22**

**[Power Distribution Easement]**

**See following pages. .**

**WHEN RECORDED MAIL TO:**

**SALT RIVER PROJECT**  
Land Department/PAB350  
P. O. Box 52025  
Phoenix, Arizona 85072-2025

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**POWER DISTRIBUTION EASEMENT**

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Maricopa County  
Parcel # 176-05-045-A  
NE ¼ of Sec 15 T3N, R6E

Agt. KB  
Job # KEP-42  
W KB



**THE 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 (collectively "Facilities") for the transmission and distribution of electricity and for all other purposes connected therewith 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 land situated in the Northeast quarter of Section 15, Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as NEW TOWN CENTER PROPERTY in Instrument Number 1997-0300068, Official Records of Maricopa County, Arizona.**

**Easement Parcel:**

**Said easement being a strip of land 8.00 feet in width, lying 4.00 feet on each side of the line described as "CENTERLINE OF 8' EASEMENT" delineated on Exhibit "A" (FOUNTAIN HILLS SANI. DIST. WELL 5, SRP Job No. KEP-42), prepared by Salt River Project A.I. & Power District, dated 4-26-11, said Exhibit "A" attached hereto and made a part hereof. Said easement ALSO to include the equipment pad area as described and/or depicted on said Exhibit "A".**

**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.**

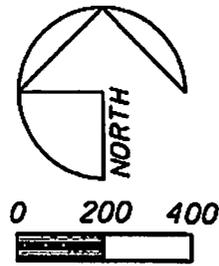
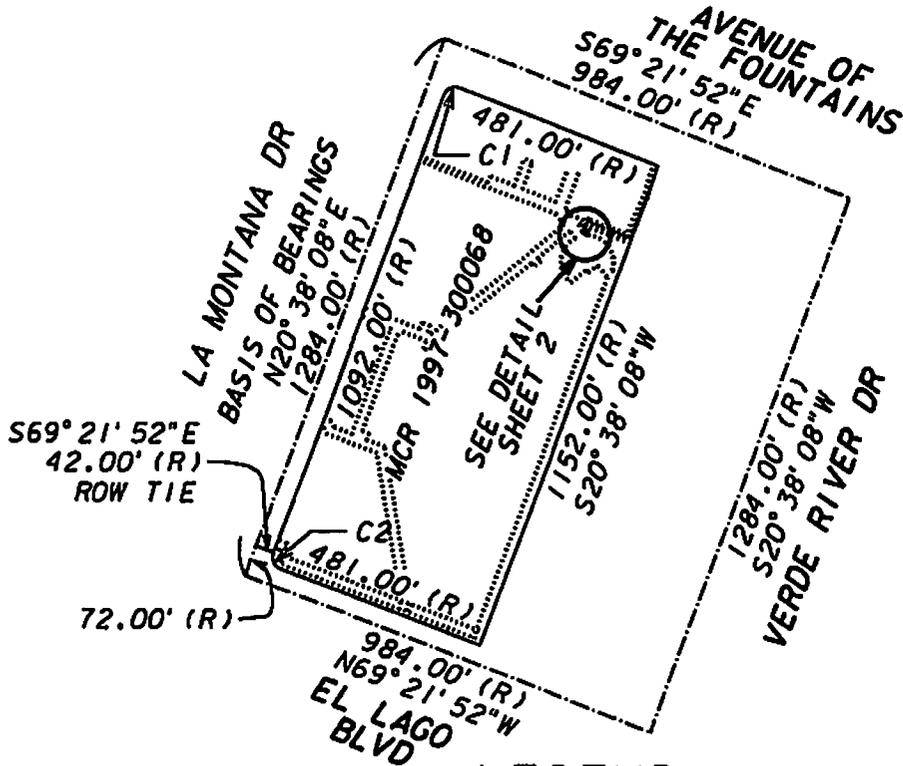
**In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.**

**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. The individual executing this document shall indemnify, defend and hold harmless Grantee for, from and against any and all losses, costs, expenses, liabilities, claims, demands, and actions of any kind or nature, including court costs and attorneys' fees, arising or accruing as a result of the falsity of any of his or her representations and warranties contained in this document.**



# EXHIBIT "A"



SRP JOB #  
 KEP-42  
 AMP WO 81075549  
 NOTE

THIS EXHIBIT IS INTENDED TO ACCOMPANY AND 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.

### 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 STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

### LEGEND

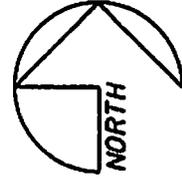
- NOTE: SYMBOLS MAY NOT BE TO DRAWING SCALE, SO AS TO BETTER ENHANCE GRAPHICAL REPRESENTATION
- SECTION AND CENTERLINE
  - ===== PROPERTY LINE
  - ..... EXISTING EASEMENT
  - CENTERLINE OF 8' EASEMENT
  - EQUIPMENT PAD - UNLESS OTHERWISE NOTED ARE PART OF THE EASEMENT

|  |                            |
|--|----------------------------|
| SALT RIVER PROJECT A.1.<br>& POWER DISTRICT                        |                            |
| FOUNTAIN HILLS SANI. DIST. WELL 5<br>NE 1/4, SEC. 15, T3N, R6E     |                            |
| UNDERGROUND ELECTRIC<br>POWER LINE RIGHT-OF-WAY<br>MARICOPA COUNTY |                            |
| DESIGNED <u>REED</u>   | AGENT <u>BOCKMANN</u>      |
| DRAWN <u>SMITH</u>   | APPROVED: _____            |
| DATE <u>4-26-11</u>  | APPROVED: <u>GG</u>        |
| SCALE <u>1" = 400'</u>   | SHEET <u>1</u> OF <u>3</u> |

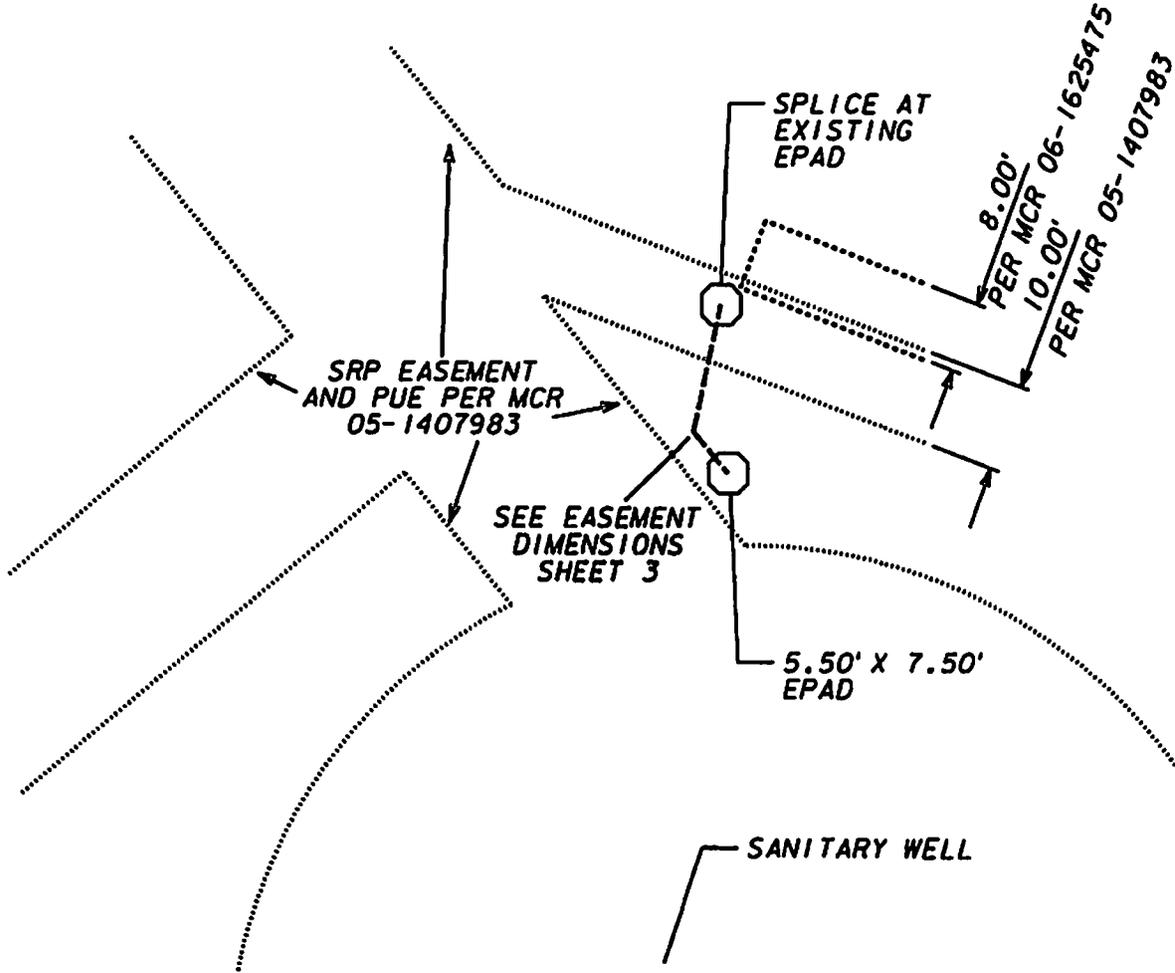
# EXHIBIT "A"

## LEGEND

- ..... EASEMENT PER MCR 05-1407983
- ..... EASEMENT PER MCR 06-1625475
- CENTERLINE PROPOSED ELECTRIC



N.T.S.



SALT RIVER PROJECT A.I.  
& POWER DISTRICT

FOUNTAIN HILLS SAN DIST WELL 5  
OVERVIEW EXISTING EASEMENTS

UNDERGROUND ELECTRIC  
POWER LINE RIGHT-OF-WAY  
MARICOPA COUNTY

|          |                |           |                             |
|----------|----------------|-----------|-----------------------------|
| DESIGNED | <u>REED</u>    | AGENT     | <u>BOCKMANN</u>             |
| DRAWN    | <u>SMITH</u>   | APPROVED: | <u>                    </u> |
| DATE     | <u>4-26-11</u> | APPROVED: | <u>GG</u>                   |
| SCALE    | <u>N.T.S.</u>  | SHEET     | <u>2</u> OF <u>3</u>        |

SRP JOB KEP-42

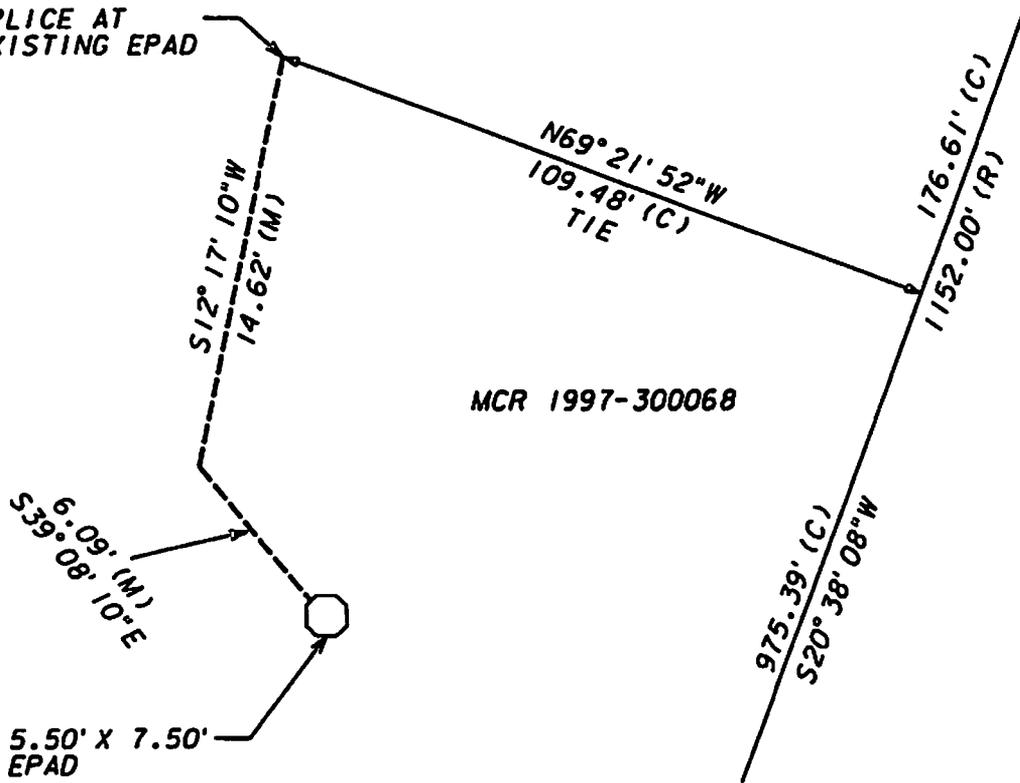
# EXHIBIT "A"



N.T.S.

| NUMBER | DELTA ANGLE | RADIUS | ARC LENGTH |
|--------|-------------|--------|------------|
| C1     | 90° 00' 00" | 30.00  | 47.12      |
| C2     | 90° 00' 00" | 30.00  | 47.12      |

SPLICE AT EXISTING EPAD



MCR 1997-300068

NOTE: ALL DISTANCES TO A POINT WITHIN THE EPAD

SALT RIVER PROJECT A.I. & POWER DISTRICT

FOUNTAIN HILLS SANI. DIST. WELL 5  
NE 1/4, SEC. 15, T3N, R6E

UNDERGROUND ELECTRIC  
POWER LINE RIGHT-OF-WAY  
MARICOPA COUNTY

SRP JOB #  
KEP-42  
AMP WO 81075549

|          |                |           |                             |
|----------|----------------|-----------|-----------------------------|
| DESIGNED | <u>REED</u>    | AGENT     | <u>BOCKMANN</u>             |
| DRAWN    | <u>SMITH</u>   | APPROVED: | <u>                    </u> |
| DATE     | <u>4-26-11</u> | APPROVED: | <u>GG</u>                   |
| SCALE    | <u>N.T.S.</u>  | SHEET     | <u>3</u> OF <u>3</u>        |