



## **BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

Requested Board Meeting Date: July 1, 2014

### **ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:**

Grant of Right of Way Easement to Tucson Electric Power Company, an Arizona corporation ("TEP").

*This Easement is for the installation of underground electric facilities across a portion of Pima County Tax Parcel 140-39-7360, a drainageway/public trail, dedicated on the final plat of Valstate, Lots 1-680 and Block "A", a subdivision of record in Book 55 at Page 51, of Maps and Plats, lying within Section 14, Township 15 South, Range 14 East, G&SRM, Pima County, Arizona.*

*TEP has requested the Easement to allow them to provide electric to a new subdivision, Rancho Valencia II.*

*This request has been reviewed and approved by appropriate County staff.*

Revenue: \$100

CONTRACT NUMBER (If applicable): N/A

### **STAFF RECOMMENDATION(S):**

*Staff recommends that the Pima County Board of Supervisors approve and the Chair execute the Right of Way Easement to TEP.*

CORPORATE HEADQUARTERS: \_\_\_\_\_

CLERK OF BOARD USE ONLY: BOS MTG. \_\_\_\_\_

ITEM NO. \_\_\_\_\_

PIMA COUNTY COST: -0- and/or REVENUE TO PIMA COUNTY: \$100

FUNDING SOURCE(S): N/A

(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

|  |  |     |   |    |
|--|--|-----|---|----|
|  |  | YES | X | NO |
|--|--|-----|---|----|

**Board of Supervisors District:**

|   |  |   |   |   |  |   |  |   |  |     |  |
|---|--|---|---|---|--|---|--|---|--|-----|--|
| 1 |  | 2 | X | 3 |  | 4 |  | 5 |  | All |  |
|---|--|---|---|---|--|---|--|---|--|-----|--|

**IMPACT:**

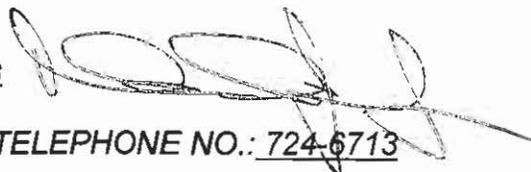
**IF APPROVED:**

TEP will acquire the necessary easement rights across Pima County property to construct underground electrical facilities to provide service to the subdivision of Rancho Valencia II. Pima County will receive \$100 in revenue.

**IF DENIED:**

TEP will not acquire the necessary easement rights across Pima County property to construct underground electric facilities and will need to find an alternate route to provide the necessary electric service to the subdivision of Rancho Valencia II.

DEPARTMENT NAME: Public Works Real Property Services



CONTACT PERSON: Dana Hausman

TELEPHONE NO.: 724-6713

## **RIGHT OF WAY EASEMENT**

**PIMA COUNTY, a political subdivision of the State of Arizona** (hereinafter referred to as "Grantor"), hereby grants to **TUCSON ELECTRIC POWER COMPANY**, an Arizona corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time electric lines and appurtenant facilities for the transmission and distribution of electricity, consisting of wires, underground conduits, cables, vaults, manholes, handholes and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy (collectively the "Facilities") in, under, across and along that certain real property described as follows (the "Easement Area"):

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Grantor agrees for itself, its successors and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, landscaping, earth fill, walls or fences upon the above-described easement which would impair the repair, maintenance or removal of any or all of the facilities. All systems, including electrical and communication installed by Grantee in and upon the above-described easement and right of way, shall remain the personal property of the Grantee and shall not be deemed a part of the realty.

Grantee and its contractors, agents and employees shall have the right to trim or top such trees and to cut such roots and remove such obstacles that could endanger or interfere with said systems, and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted.

Grantee shall have the right during construction of the initial facilities, to use for the purposes incidental to said construction, a strip of land 10 feet in width adjacent and contiguous to the herein-granted easement and right of way, said strip to be in whole or in part on each side of said easement and right of way, said right to use said strip of land ceasing and being terminated at such time as said initial construction is completed.

Grantor shall not increase or decrease the ground surface elevation within the boundary of the above-described easement and right of way after approved final grade is established and meets Grantee's construction standards. Subsequent to the construction, the ground surface shall not be penetrated to a depth in excess of 12 inches by any tool or implement, without having the underground facilities located and taking all necessary precautions to protect them.

Grantor hereby agrees that these covenants are made only for the above-described real property which is the subject of this easement and right of way. Grantor hereby warrants and represents, and acknowledges Grantee's reliance upon said warranty and representation, that Grantor has good and sufficient title to the real property in order to grant said easement and right of way, subject to all matters apparent or of record. Additional conditions are included in attached "Addendum to Easement," which is incorporated herein by reference.

EASE-14-02  
2012-2-001  
W.R.#253514  
Rancho Valencia Block A

In consideration of the mutual terms, covenants and conditions herein contained, this easement shall be binding upon and inure to benefit of any heirs, executors, administrators, permittees, licensees, agents, or assigns of Grantor and any successors and assigns of Grantee.

In witness hereof, the Grantor has executed these presents this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**ATTEST:**

**GRANTOR: PIMA COUNTY, a political subdivision of the State of Arizona**

\_\_\_\_\_  
Clerk of the Board

By: \_\_\_\_\_  
Chair of the Pima County Board of Supervisors

Robin Brigode  
Printed Name

Sharon Bronson  
Printed Name

STATE OF ARIZONA )  
                                  ) §  
COUNTY OF PIMA )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Sharon Bronson, as the Chair of the Pima County Board of Supervisors for Pima County, a political subdivision of the State of Arizona.

\_\_\_\_\_  
Notary Public

2012-2-001  
W.R.#253514  
Rancho Valencia Block A

## **Addendum to Easement**

**Cultural Resources Compliance.** Consistent with Pima County Board of Supervisors Policy No. C 3.17, Grantee, its employees, contractors and agents shall comply with all applicable federal, state and local cultural resources and historic preservation statutes, regulations, ordinances, policies and guidelines prior to and during any ground disturbance within the Easement area. Grantee shall coordinate with the Pima County Office of Cultural Resources and Historic Preservation when planning and designing construction and when implementing cultural resource compliance activities. Grantee is solely responsible for all costs related to cultural resource compliance activities arising from Grantee's activities within the Easement area.

**Indemnity.** Grantee shall indemnify, defend and hold Grantor harmless from any and all present or future claims, demands and causes of action in law or equity caused by the negligent or intentionally wrongful acts of Grantee's agents, employees or contractors in connection with Grantee's use of the Easement area.

**County Ordinances Compliance.** Grantee shall be subject to all County ordinances now in force or hereafter adopted. Grantee shall use and operate its Facilities within the Easement Area in accordance with all regulations applicable to the use of public rights-of-way. Grantee agrees that it will not assert any claim against the County that the provisions of this easement or any applicable County ordinance or regulation in force at the time of execution of this easement are unreasonable, arbitrary or void.

**Relocation of Facilities.** If subsequent to construction, Grantor, pursuant to Grantor's public use of the Easement Area, would require relocation of the facilities, Grantor may require Grantee to relocate all or any portion of the Facilities on Grantor's Property as is necessary to accommodate Grantor's actual or proposed public use of the Easement Area that is incompatible or inconsistent with this Easement. In such event Grantor shall give written notice to Grantee of such public use, and Grantee will relocate all or any portion of the Facilities as specified in the notice as expeditiously as possible, but no later than 120 days after receipt of the notice. Grantor shall make all reasonable effort to allow an easement on Grantor's property at no cost to Grantee. Facility relocation costs shall be at Grantee's sole expense and to the satisfaction of Grantor; provided that there shall be no additional cost to Grantee for the value of the new easement area. Grantee waives any claim to compensation or reimbursement from Grantor for any relocation costs. If Grantee fails to relocate the Facilities as provided herein, Grantee shall be responsible for delay costs as provided in Pima County Ordinance 10.50.060.

**EXHIBIT "A"**

*Wood, Patel & Associates, Inc.*  
(520) 325-7333  
www.woodpatel.com

Revised April 1, 2014  
December 30, 2013  
WP # 123797  
Page 1 of 2

**PARCEL DESCRIPTION**  
**Rancho Valencia II**  
**Electric Easement**

A portion of that certain Public Drainageway dedicated on the Final Plat of Valstate, Lots 1 - 680, and Block "A", recorded in Book 55, page 51 of Maps & Plats, Pima County Records (P.C.R.), lying within Section 14, Township 15 South, Range 14 East, of the Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

Commencing at the easterly terminus of the centerline of Butterweed Drive, as shown on said Final Plat, a 2-inch brass cap flush stamped RLS 19316, from which bears a point of curvature along said centerline, a 2-inch brass cap flush stamped RLS 19316, bears North 48°54'32" West (basis of bearings), a distance of 90.60 feet;

**THENCE** leaving said centerline, South 11°20'53" East, a distance of 52.09 feet, to the northerly line of said certain Public Drainageway and the **POINT OF BEGINNING**;

**THENCE** along said northerly line, South 85°04'26" East, a distance of 10.00 feet;

**THENCE** leaving said northerly line, South 03°16'21" West, a distance of 120.99 feet;

**THENCE** South 02°11'53" East, a distance of 96.80 feet, to the southerly line of said certain Public Drainageway;

**THENCE** along said southerly line, North 85°04'26" West, a distance of 10.08 feet;

**THENCE** leaving said southerly line, North 02°11'53" West, a distance of 96.03 feet;

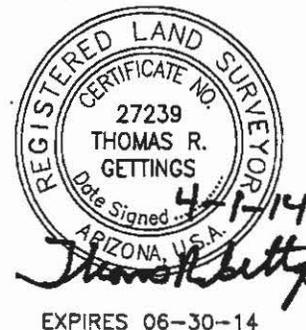
**THENCE** North 03°16'21" East, a distance of 121.76 feet, to the **POINT OF BEGINNING**.

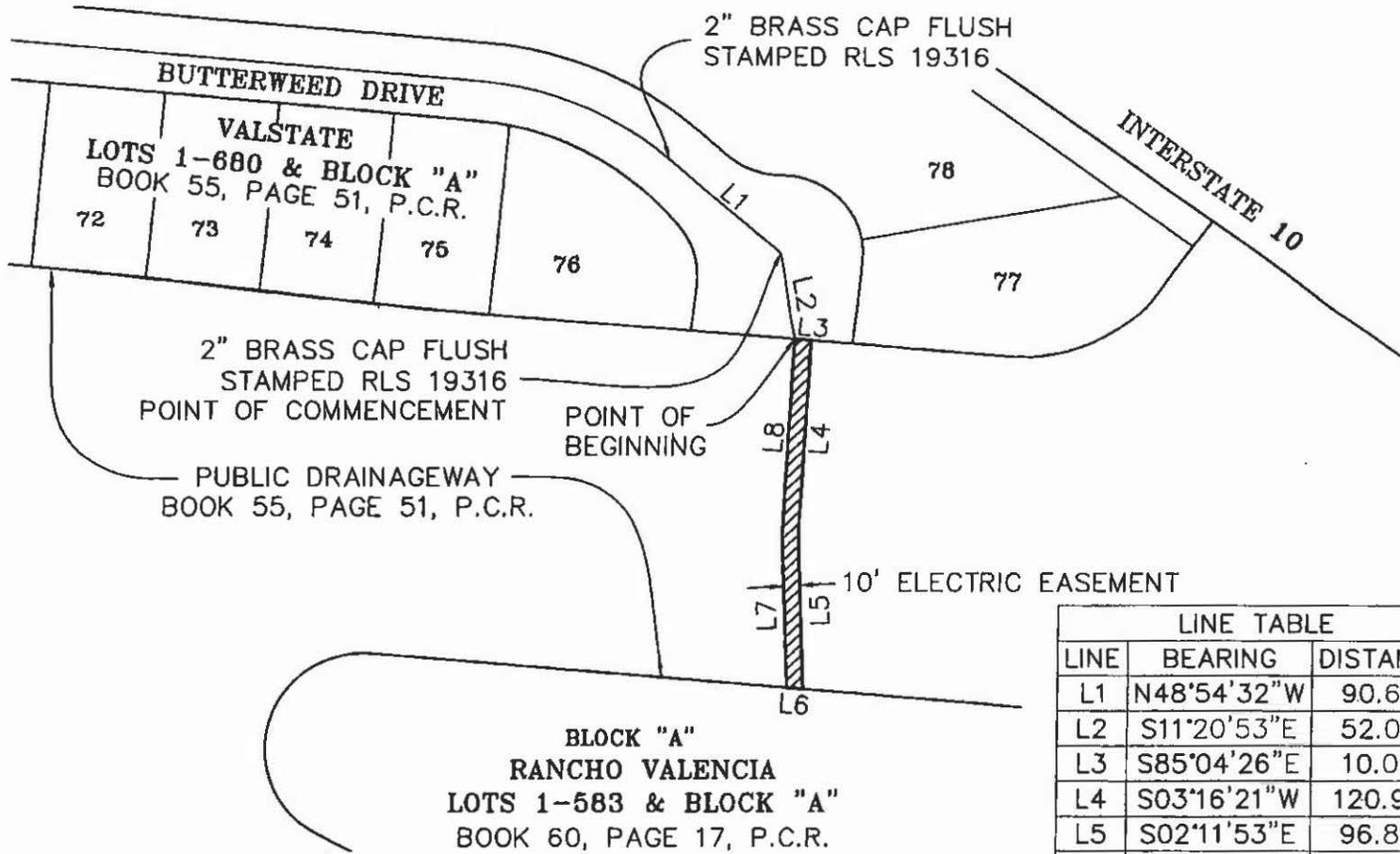
Containing 0.0500 acres, or 2,178 square feet of land, more or less.

Subject to existing rights-of-way and easements.

This parcel description is based on the Final Plat for Valstate, Lots 1 - 680, and Block "A", recorded in Book 55, page 51 of Maps & Plats, Pima County Records, and other client provided information. This description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of March, 2013. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

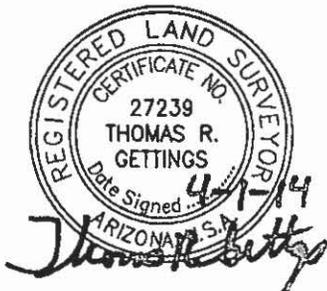
Y:\WP\Parcel Descriptions\2012 Parcel Descriptions\123797 Rancho Valencia II Electric Easement L02R01 04-01-14.doc





| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L1         | N48°54'32"W | 90.60'   |
| L2         | S11°20'53"E | 52.09'   |
| L3         | S85°04'26"E | 10.00'   |
| L4         | S03°16'21"W | 120.99'  |
| L5         | S02°11'53"E | 96.80'   |
| L6         | N85°04'26"W | 10.08'   |
| L7         | N02°11'53"W | 96.03'   |
| L8         | N03°16'21"E | 121.76'  |

BLOCK "A"  
 RANCHO VALENCIA  
 LOTS 1-583 & BLOCK "A"  
 BOOK 60, PAGE 17, P.C.R.



EXPIRES 06-30-14

### DEPICTION OF EXHIBIT "A"

RANCHO VALENCIA II  
 ELECTRIC EASEMENT  
 REVISED 04-01-14  
 WP#123797  
 PAGE 2 OF 2  
 NOT TO SCALE

**WOOD/PATEL**  
 2730 EAST BROADWAY  
 Tucson, AZ 85716  
 Phone: (520) 325-7333  
 Fax: (520) 325-7300  
 TUCSON • MESA • PHOENIX