



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

Requested Board Meeting Date: June 7, 2016

or Procurement Director Award

Contractor/Vendor Name (DBA): Quiktrip Corporation, an Oklahoma corporation

Project Title/Description:

Easement and Maintenance Agreement amendment to Exhibit A - Legal Description Right of Way Acquisition

Purpose:

The Easement and Maintenance Agreement, dated April 21, 2015, was entered into to allow for the construction and replacement of a 45' public roadway. The Exhibit A originally attached to the Agreement needs to be modified due to issues that were recently discovered related to encroachment and drainage along the north edge of the roadway. The new Exhibit A has reduced the width of the roadway by 3' to accommodate the identified encroachment and drainage issues.

Procurement Method:

Exempt pursuant to Pima County Code 11.01.020.

Program Goals/Predicted Outcomes:

The correct legal description described on Exhibit A will be part of the existing Easement and Maintenance Agreement.

Public Benefit:

A new 42' public roadway will be constructed.

Metrics Available to Measure Performance:

N/A

Retroactive:

N/A

To: CWB - 5-23-16 (1)
Pgs. 6

Original Information

Document Type: _____ Department Code: _____ Contract Number (i.e.,15-123): _____

Effective Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____

Expense Amount: \$ _____ Revenue Amount: \$ _____

Funding Source(s): _____

Cost to Pima County General Fund: _____

Contract is fully or partially funded with Federal Funds? Yes No Not Applicable to Grant Awards

Were insurance or indemnity clauses modified? Yes No Not Applicable to Grant Awards

Vendor is using a Social Security Number? Yes No Not Applicable to Grant Awards

If Yes, attach the required form per Administrative Procedure 22-73.

Amendment Information

Document Type: CTN Department Code: PW Contract Number (i.e.,15-123): 15*128

Amendment No.: 1 AMS Version No.: 2

Effective Date: 06/07/2016 New Termination Date: 04/21/2017

Expense Revenue Increase Decrease Amount This Amendment: \$0.00

Funding Source(s): N/A

Cost to Pima County General Fund: \$0.00

Contact: Dana Hausman

Department: Public Works - Real Property Telephone: 724-6713

Department Director Signature/Date: [Signature] 5/18/16

Deputy County Administrator Signature/Date: [Signature] 5/19/16

County Administrator Signature/Date: [Signature] 5/20/16
(Required for Board Agenda/Addendum Items)

PIMA COUNTY DEPARTMENT OF REAL PROPERTY SERVICES

PROJECT: Easement and Maintenance Agreement

CONTRACTOR: QUIKTRIP CORPORATION, an Oklahoma corporation

CONTRACT NO.: CTN-PW-15000000000000000128

CONTRACT AMENDMENT NO.: ONE (#1)

CONTRACT
NO. <u>CTN-PW-15-128</u>
AMENDMENT NO. <u>01</u>
This number must appear on all invoices, correspondence and documents pertaining to this contract.

ORIG. CONTRACT TERM: 04/21/2015 - 04/21/2017
TERMINATION DATE PRIOR AMENDMENT: 04/21/17
TERMINATION THIS AMENDMENT: 04/21/17

ORIG. CONTRACT AMOUNT: \$0.00
PRIOR AMENDMENTS: \$0.00
AMOUNT THIS AMENDMENT: \$0.00
REVISED CONTRACT AMOUNT: \$0.00

CONTRACT AMENDMENT

1. Background.

1.1. Pima County ("**County**") entered into an Easement and Maintenance Agreement dated April 21, 2015 with Quiktrip Corporation ("**QT**") for the construction and replacement of a public roadway ("**RPR**") in exchange for County's abandonment and conveyance to QT of a public right of way (the "**Agreement**").

1.2. Since the execution of the Agreement, QT and County Staff have identified issues related to encroachments and drainage along the north edge of the RPR. To resolve those issues, the parties have agreed to reduce the width of the RPR by approximately 3 feet, from 45 feet to 42 feet. To accomplish this change the parties have agreed to enter into this Amendment to the Agreement modifying the legal description of the RPR.

2. Amendment. County and QT hereby agree to replace Exhibit A of the Agreement with the attached Exhibit "A".

3. Remaining Terms Unchanged. Except as modified as provided in this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect.

This Amendment shall be effective on the date it is signed by County and QT.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

IN WITNESS THEREOF, the parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

COUNTY: Pima County, a body politic

**CONTRACTOR: QUIKTRIP CORPORATION, an
Oklahoma corporation**

Chair, Pima County Board of Supervisors



Signature

Date

TRAY C. DEYES ITS DIRECTOR OF REAL ESTATE

Name and Title (Please Print)

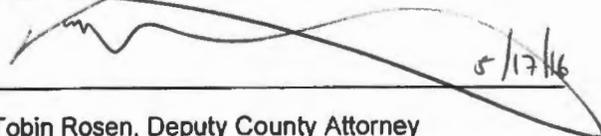
MAY 13, 2016

Date

ATTEST:

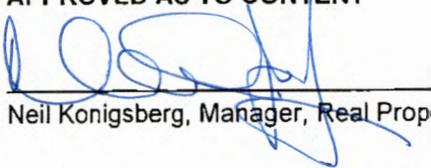
Robin Brigode, Clerk of the Board

APPROVED AS TO FORM:



Tobin Rosen, Deputy County Attorney

APPROVED AS TO CONTENT



Neil Konigsberg, Manager, Real Property Services



EXHIBIT "A"
LEGAL DESCRIPTION
RIGHT OF WAY ACQUISITION

"Parcel I"

A portion of Lots 4 & 27 of "Sunrise Add. No. 3", according to Book 13 of Maps & Plats, Page 63, Pima County Recorder's Office, also being a portion of land situated in the Southwest Quarter of Section 16, Township 13 South, Range 13 East of the Gila and Salt River Meridian, Pima County, Arizona, being more particularly described as follows:

COMMENCING at a Found Brass Cap Flush marked LS 19817 at the South Quarter Corner of said Section 16, from which a Found ½" Rebar at the Center Quarter Corner of said Section 16 bears N 00°17'31" E, a distance of 2619.21 feet;

THENCE S 89°31'00" W, along the South line of the Southwest Quarter of said Section 16, a distance of 1,066.81 feet, to the Centerline of Sunrise Avenue;

THENCE N 00°19'24" E, along said Centerline, a distance of 364.83 feet, to a point hereinafter referred to as **Point "A"**;

THENCE S 89°50'22" W, a distance of 25.00 feet, to a point on the Westerly Right-of-Way line of Sunrise Avenue, said point also being a point on the East line of said Lot 27, which is 45.00 feet South of the Northeast corner of Lot 27, said point being the **POINT OF BEGINNING**;

THENCE S 89°50'22" W, a distance of 175.12 feet to a point on a tangent curve, concave to the southeast;

THENCE Southwesterly along said curve to the left, having a radius of 25.00 feet, a central angle of 89°29'00", for an arc distance of 39.04 feet to a point of cusp on the Easterly Right-of-Way line of Maryvale Avenue;

THENCE N 00°21'22" E, along the Easterly Right-of-Way line, a distance of 69.78 feet, to the Northwest corner of said Lot 4;

THENCE S 79°21'07" E, a distance of 16.00 feet;

THENCE N 89°50'22" E, a distance of 184.13 feet, to a point on the Westerly Right-of-Way line of Sunrise Avenue;

THENCE S 00°19'24" W, along said Westerly Right-of-Way line, a distance of 42.00 feet, to the **POINT OF BEGINNING**.

"Parcel II"

A portion of Lots 34 & 57 of "Sunrise Add. No. 3", according to Book 13 of Maps & Plats, Page 63, Pima County Recorder's Office, also being a portion of land situated in the Southwest Quarter of Section 16, Township 13 South, Range 13 East of the Gila and Salt River Meridian, Pima County, Arizona, being more particularly described as follows

COMMENCING at the previously described **Point "A"**;

THENCE N 89°52'19" E, a distance of 25.00 feet, to a point on the Easterly Right-of-Way line of Sunrise Avenue, said point also being a point on the West line of said Lot 34, which is 45.00 feet South of the Northeast corner of Lot 34, said point being the **POINT OF BEGINNING**;

THENCE N 00°19'24" E, along said Easterly Right-of-Way line, a distance of 42.00 feet,

THENCE N 89°52'28" E, a distance of 185.65 feet;

THENCE N 77°58'43" E, a distance of 14.55 feet, to a point on the Westerly Right-of-Way line of Plane Avenue, said point also being the Northeast Corner of said Lot 57;

THENCE S 00°17'29" W, along said Westerly Right-of-Way line, a distance of 70.18 feet, to a point of cusp for a curve, concave to the southwest, with a radial line bearing S 89°42'31" E;

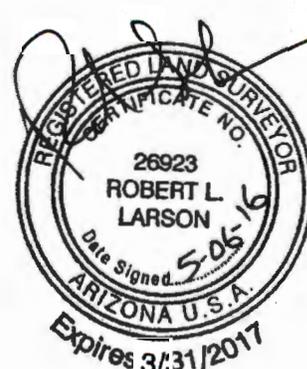
THENCE Northwesterly along said curve to the left, having a radius of 25.00 feet, a central angle of 90°25'02", for an arc distance of 39.45 feet to a point of tangency;

THENCE S 89°52'28" W, a distance of 174.71 feet, to a point on the Easterly Right-of-Way line of Sunrise Avenue, to the **POINT OF BEGINNING**.

See Depiction of Exhibit "B" attached hereto and made a part hereof.

Prepared by:
THE WLB GROUP, INC.

Robert L. Larson, RLS
RL: jaw





FOUND 1/2" REBAR
CENTER 1/4 CORNER,
SEC. 16, T.13S., R.13E.

FOUND & ACCEPTED
1/2" REBAR NO I.D.

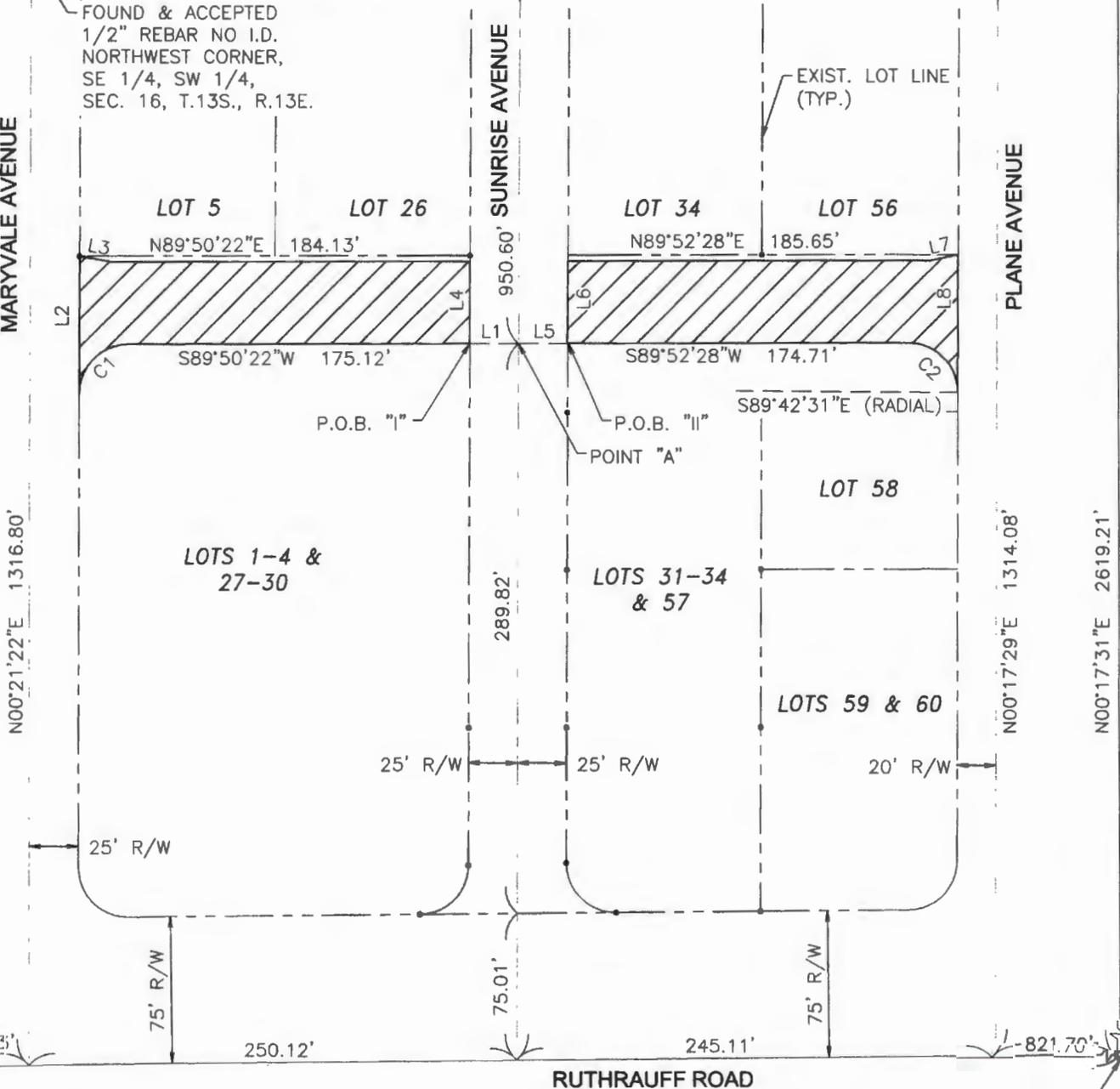
EXPIRES 3/31/2017

FOUND & ACCEPTED
1/2" REBAR NO I.D.
NORTHWEST CORNER,
SE 1/4, SW 1/4,
SEC. 16, T.13S., R.13E.

MARYVALE AVENUE

SUNRISE AVENUE

PLANE AVENUE



SOUTHWEST CORNER,
SEC 16, T.13S., R.13E.
(FOUND UNMONUMENTED DIVOT)

FOUND BRASS CAP FLUSH
MARKED LS 19817
SOUTH 1/4 CORNER,
SEC. 16, T.13S., R.13E.

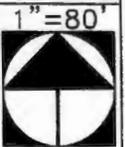
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STORE NO.: 1468
DATE: 5-03-16
DRAWN BY: JAW

NAME: EXHIBIT "A-1"
DEPICTION OF EXHIBIT A
RIGHT OF WAY ACQUISITION

SHEET:
3 of 4



FILE LOCATION: N:\110007\Store 1468\Exhibit\1468 ROW Exhibits.dwg TAB NAME: Site USER: jwilliams SAVED: 5/3/2016 3:05 PM PLOTTED: 5/6/2016 12:39 PM

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°50'22"W	25.00'
L2	N00°21'22"E	69.78'
L3	S79°21'07"E	16.00'
L4	S00°19'24"W	42.00'
L5	N89°52'19"E	25.00'
L6	N00°19'24"E	42.00'
L7	N77°58'43"E	14.55'
L8	S00°17'29"W	70.18'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	25.00'	39.04'	89°29'00"
C2	25.00'	39.45'	90°25'02"

"PARCEL I" AREA = 8,550 SQUARE FEET OR 0.196 ACRES, MORE OR LESS

"PARCEL II" AREA = 8,553 SQUARE FEET OR 0.196 ACRES, MORE OR LESS



EXPIRES 3/31/2017



STORE NO.: 1468

DATE: 5-03-16

DRAWN BY: JAW

NAME: EXHIBIT "A-1" (CONT.)
**DEPICTION OF EXHIBIT A
 RIGHT OF WAY ACQUISITION**

SHEET:
4 of 4

