



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 17, 2019

Title: Third Amendment to Utility Easement between Pima County Regional Flood Control District ("RFCD") and Sican Inc., an Arizona corporation, as Trustee of the Community Water Company of Green Valley ROW Trust ("CWC")
File E-0082

Introduction/Background:

RFCD and CWC have determined that the Utility Easement dated June 19, 2012 should be extended.

Discussion:

The First Amendment executed in 2014 provided for an extension of the Easement to December 31, 2017. This Second Amendment to the Easement provided for an extension to December 31, 2019. This Third Amendment will extend the construction completion date to December 31, 2021.

Conclusion:

Approval of the Third Amendment will extend the completion of construction to December 31, 2021 for the 36-inch Central Arizona Project water pipeline.

Recommendation:

Staff supports approval of the Third Amendment

Fiscal Impact:

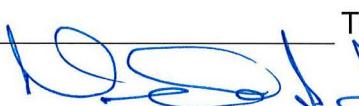
None

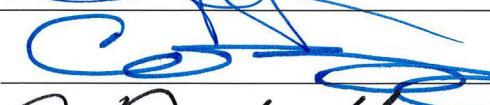
Board of Supervisor District:

1 2 3 4 5 All

Department: Public Works Real Property Services Telephone: 724-6313

Contact: Tim Murphy Telephone: 724-6379

Department Director Signature/Date: 

Deputy County Administrator Signature/Date:  12/9/19

County Administrator Signature/Date:  12/9/19

THIRD AMENDMENT TO UTILITY EASEMENT

THIS AMENDMENT to Utility Easement is entered into between Pima County Regional Flood Control District, a political subdivision of the State of Arizona, ("RFCD") and Sican, Inc., an Arizona corporation, as Trustee of the Community Water Company of Green Valley ROW Trust under Agreement dated June 29, 2012 ("CWC") and shall be effective on the date it is executed by both RFCD and CWC and recorded in the Office of the Pima County Recorder.

WHEREAS, RFCD and CWC have determined that the Utility Easement dated June 19, 2012 and recorded July 3, 2012 under Sequence Number 20121850009 in the Office of the Pima County Recorder (the “Easement”), should be extended;

Now, therefore, the Easement is amended as follows:

Section 4.2 of the Easement is amended to extend the construction completion date to “on or before December 31, 2021 . . .”

All other provisions of the Easement, not specifically changed by this amendment, shall remain in effect and be binding upon the parties.

APPROVED AS TO CONTENT:

GRANTOR: Pima County Regional Flood Control District, a political subdivision of the State of Arizona

Suzanne Shields, Director,
Pima County Regional Flood
Control District

Chairman, Board of Directors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board of Directors

Kell Olson, Deputy County Attorney

STATE OF ARIZONA)
) ss
COUNTY OF PIMA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by

Notary Public

(Seal)

Community Water Company of Green Valley
ROW Trust under Trust Agreement June 29, 2012

By: SICAN, Inc.

Its: Trustee

By: Virgil W. Davis

Virgil W. Davis

Title: President

STATE OF ARIZONA)

)ss

COUNTY OF PIMA)

This instrument was acknowledged before me this 3 day of DECEMBER, 2019,
by Virgil W Davis as PRESIDENT

of SICAN, Inc., as Trustee of the Community Water Company of Green Valley ROW Trust
under Trust Agreement June 29, 2012.

Heather M. Graves
Notary Public

