



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

*Requested Board Meeting Date: September 17, 2013*

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

Grant of Easement to Metropolitan Domestic Water Improvement District ("MDWID")

Sale to MDWID of an easement for waterline purposes across Pima County Tax Parcel 104-01-095A, described in Docket 8555 at Page 383, and located in Township 13 South, Range 13 East, Section 15, G&SRB&M, Pima County, Arizona.

Pima County Department of Transportation staff has reviewed and approved this easement grant request.

**Address or General Location:** Northeast of River Road, South of Roller Coaster Road.

**Tax Parcel Number:** 104-01-095A

**County's Estimated Value:** \$300.00

**Revenue to County:** \$300.00

**Estimated Closing Costs:** \$0.00

**Size and Type of**

**Property to be Sold:** 228 sq. ft. of permanent easement area.

**Zoning:** SH

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

The Board of Supervisors approve and the Chairman execute the Water Easement to MDWID.

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PIMA COUNTY COST: \$ -0- \_\_\_\_\_ and/or REVENUE TO PIMA COUNTY: \$300.00

FUNDING SOURCE(S): N/A  
(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

☐ YES ☒ NO

**Board of Supervisors District:**

1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All ☐

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**IMPACT:**

**IF APPROVED:**

MDWID will acquire the necessary easement rights to construct the water line. The County will gain \$300 in revenue.

**IF DENIED:**

MDWID will not acquire the necessary easement rights to construct the water line and will need to find a new location.

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DEPARTMENT NAME: Public Works Real Property Services

CONTACT PERSON: Dana Hausman TELEPHONE NO.: 724-6713



WATER EASEMENT

THIS INDENTURE made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, between Pima County, a political subdivision of the State of Arizona, the Grantor, and Metropolitan Domestic Water Improvement District (MDWID), Grantee.

WITNESSETH.

That the Grantor, PIMA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, for and in the consideration of one (\$ 1.00) Dollar, and other valuable consideration by the METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT, do hereby acknowledge, and hereby convey unto the METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT, its successors and assigns, a perpetual right-of-way, privilege and easement for any water pipe or mains now laid or which hereafter may be laid by the METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT, together with the right to enter into and upon for the purpose of maintaining said pipes and mains, including the right of attaching thereto meters, fire hydrants, valves, regulators, services, and all other items necessary in the construction and maintenance thereof, together with the right to enter into and upon for the purpose of removing the same at the sole discretion of the METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT; said easement being in, on, through, over, across, and under the following described parcel of land situated in the County of Pima, State of Arizona, to-wit:

See Exhibit A for legal description  
See Exhibit B for legal drawing

Grantor may use the property for any purpose consistent with the actual use of the easement. However, grantors covenant to keep the property open and free from any obstruction or encroachment at all times.

TO HAVE AND TO HOLD the same unto the METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT, and to its successors and assigns forever.

Charlie A. Marsh

Grantee (MDWID)

IN WITNESS WHEREOF, the parties hereto have executed this Easement.

ATTEST:

GRANTOR: Pima County

\_\_\_\_\_  
Robin Brigode, Clerk, Pima County  
Board of Supervisors

\_\_\_\_\_  
Ramon Valadez, Chairman, Pima County  
Board of Supervisors

STATE OF ARIZONA     )  
                                      ) ss  
COUNTY OF PIMA     )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013,  
By Ramon Valadez, Chairman of the Pima County Board of Supervisors.

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

My Commission Expires:

## **Addendum to Easement**

**Relocation of Facilities.** Grantor may require Grantee to remove or relocate all or any portion of the Facilities as is necessary to accommodate Grantor's actual or proposed public use of the Property that is incompatible or inconsistent with this Easement. Upon sixty (60) days' written notice from Grantor to Grantee, Grantee will promptly remove, relocate or abandon in place all or any portion of the Facilities as specified in the notice at Grantee's sole expense and to the satisfaction of Grantor. Grantee waives any claim to compensation or reimbursement from Grantor for any removal, relocation or abandonment costs. If grantee fails to relocate, remove or abandon in place all or any portion of the Facilities within ninety (90) days following written notice from Grantor to do so, Grantor may remove or relocate the Facilities. In that event, Grantee will reimburse Grantor for all costs that Grantor incurs in said removal or relocation within sixty (60) days of receipt of an invoice from Grantor.

**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.



13 August 2013  
AS #12058 (Miramonte)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**WATER EASEMENT**

A public water easement located on that parcel of land recorded in Docket 8555 at Page 382, Records of Pima County, Arizona, located within the northwest quarter of the southeast quarter of Section 15, Township 13 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

BEGINNING at the south corner of Riverview Commons, Lots 1 through 101 and Common Areas "A" and "B" recorded in Sequence No. 20123390282, Records of Pima County, Arizona, being a point on the north right-of-way of River Road recorded in Docket 8333 at Page 2322;

THENCE N 01°11'58" W along the east line of said Riverview Commons and the west line of said parcel of land recorded in Docket 8555 at Page 382, a distance of 22.49 feet;

THENCE leaving said line S 43°14'38" E, 30.28 feet;

THENCE S 88°48'02" W, 20.28 feet to the POINT OF BEGINNING.

*The basis of bearing for this Legal Description is the State Plane Coordinate System, Central Zone, NAD83 as defined by Pima County/City of Tucson Geodetic Control Points NN13 to AL13, bearing being N 00°38'16" W.*

Prepared by:  
AMERSON SURVEYING, INC.

  
MICHAEL K. AMERSON, PLS 22245



EXPIRES 03/31/ 14

