



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

Requested Board Meeting Date: September 1, 2015

or Procurement Director Award ☐

Contractor/Vendor Name (DBA): The Bureau of Land Management

Project Title/Description:

Right-of-Way Grant/Temporary Use Permit which will grant to Pima County a right-of-way for public sewer facilities across Bureau of Land Management (BLM) property.

Purpose:

The right of way is a Pima County offsite requirement as part of the subdivision plat review process for the Sendero Pass Tentative Block Plat, Blocks 1-26 (Co23-08-03), for connection to the public sewer system.

Procurement Method:

N/A

Program Goals/Predicted Outcomes:

The developer of Sendero Pass will construct all sewer facilities and transfer them to Pima County upon completion and acceptance by Pima County Wastewater.

Public Benefit:

Pima County will obtain an extension to the public sewer system at no cost to the County which will facilitate future development of the surrounding area and will ultimately translate into increased tax revenue for Pima County.

Metrics Available to Measure Performance:

Developer shall pay all BLM Grant costs; construct new sewer facilities and transfer them to Pima County; and pay all County permitting, sewer and other fees associated with the development of Sendero Pass.

Retroactive:

N/A

CoB: 8-19-15
BOS: 9-1-15

6pgs (1)

Procure Dept 08/19/15 PM04:35

Original Information

Document Type: CTN Department Code: PW Contract Number (i.e., 15-123): 16*0029
Effective Date: 9/1/2015 Termination Date: 12/31/2044 Prior Contract Number (Synergen/CMS): _____
☐ Expense Amount: \$ N/A ☐ Revenue Amount: \$ N/A
Funding Source(s): N/A

Cost to Pima County General Fund: N/A

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: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Amendment No.: _____ AMS Version No.: _____
Effective Date: _____ New Termination Date: _____
☐ Expense ☐ Revenue ☐ Increase ☐ Decrease Amount This Amendment: \$ _____
Funding Source(s): _____

Cost to Pima County General Fund: _____

Contact: Marty Stickford

Department: Public Works/Real Property Services

Telephone: 724-6379

Department Director Signature/Date: [Signature]

8-14-15

Deputy County Administrator Signature/Date: [Signature]

8/19/15

County Administrator Signature/Date:
(Required for Board Agenda/Addendum Items)

DOCUMENT TITLE:
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

RecordedDocReturn.Frm

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
AZG020 Tucson Field Office

Serial Number
AZA-36784

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Pima County Property Division, 201 N Stone Avenue, Tucson, AZ 85701 receives a right to construct, operate, maintain, and terminate a sewer line (the pipeline varies in width portions are 10", 18" and 21") on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona (Pima County)

T.15 S., R. 11 E., Section 12, Lot 1.

T.15 S., R. 12 E., Section 7, Lots 21 and 22.

331.98' X 60'

4827.00' X 50'

6.00 acres

- b. The right-of-way or permit area granted herein is varies 50/60 feet wide, 5159 feet long and contains 6.0 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on December 31, 2044, 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument ☒ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A and B, dated June 26, 2015, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF. The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

Chair of the Pima County Board of Supervisors

(Title)

(Date)

(Signature of Authorized Officer)

Tucson Field Manager

(Title)

(Effective Date of Grant)

DOI-BLM-AZ-G020-2013-0034-EA

STIPULATIONS

Page 1 of 2

AZA-36784 ROW Grant for Pima County

1. Any archaeological or historical artifacts or remains, or vertebrate fossils discovered during operations shall be left intact and undisturbed; all work in the area shall stop immediately; and the authorized officer shall be notified immediately. Commencement of operations shall be allowed upon clearance by the authorized officer.
2. An additional cultural and paleontological resource survey may be required in the event the project location is changed or additional surface disturbing operations are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of operations.
3. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (16 U.S.C. 5051-5052; 25 U.S.C. 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer of the discovery. The permittee shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.
4. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the temporary use permit grant.
5. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
6. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release

of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

7. The holder of Right-of-Way grant No. AZA-36784 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et.seq., or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et.seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third party.

8. The operator shall be held responsible if noxious weeds become established within the areas of operations. Weed control shall be required on the disturbed land where noxious weeds exist, which includes any access roads and adjacent land affected by the establishment of weeds as a result of this action. The operator shall consult with the authorized officer for acceptable weed control methods, which include following U.S. Environmental Protection Agency (EPA) and BLM requirements and policies.

9. Vegetation protected by the Arizona Native Plant Law will not be trimmed or removed without first contacting the BLM. Arizona Native Plant Law – protected native plants that interfere with the ROW facilities will be handled appropriately by working with the BLM and the ADA.

10. When possible, the holder will trim the vegetation instead of clearing the vegetation. When it is necessary to trim a bush, shrub, or tree, the holder will remove other branches if required to present a balanced appearance.

11. Any vehicles and equipment that are brought in from outside the area will be power-washed, including the undercarriage, prior to entering the right-of-way and afterwards before moving vehicle and equipment onto any other public lands, to prevent the introduction and spread of noxious weeds and/or invasive species.

