

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

cc: 4C
Amend No. _____

Date prepared: October 5, 2009

Council Meeting Date: November 3, 2009

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager 

FROM: Andrew Granger, P. E., Engineering Director 

PREPARED BY: Kristine Luna, SR/WA, Senior Real Property Administrator 

SUBJECT: Adopt a Resolution authorizing the exchange of City owned property with Salt River Project (SRP) to accomplish a United States of America (USA) canal relocation related to the Olive Avenue and Loop101 Traffic Interchange improvements (P-0607, EN00219)

RECOMMENDATION:

Discussion and possible action to adopt a Resolution authorizing the City Manager to execute any documents necessary to exchange the property required by SRP to relocate a USA fee irrigation canal and structure. The canal and structure must be moved out of the new travel lanes on Olive Avenue to be constructed with the Loop 101 Traffic Interchange improvements. The relocation area is between 91st Avenue and just east of 94th Avenue.

SUMMARY:

As presented to Council on October 6, 2009, the Olive Avenue Traffic Interchange Project (Olive TI) will require the relocation of an irrigation canal owned in fee by the USA. The process for the relocation of a USA fee canal and related structures requires the agency doing the relocation to design the project and provide the right of way necessary to move the irrigation line out of the roadway. In this case, we will move the pipe south into newly acquired right of way and receive a Quit Claim Deed from the Bureau of Reclamation for the existing USA fee land.

ATTACHMENT:

- 1. Resolution

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # 09-126
LCON# 09109 LIC. # _____
Action Date: _____

RESOLUTION NO. 09-126

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE EXCHANGE OF REAL PROPERTY WITH THE UNITED STATES OF AMERICA THROUGH THE BUREAU OF RECLAMATION TO ACCOMMODATE THE RELOCATION OF A USA IRRIGATION CANAL LOCATED BETWEEN 91ST AVENUE AND 94TH AVENUE ALONG THE SOUTH SIDE OF OLIVE AVENUE.

WHEREAS, The City of Peoria will construct a road widening project in conjunction with the Arizona Department of Transportation to widen the Loop 101 Interchange at Olive Avenue. This project requires the relocation of an irrigation facility owned by the USA into fee property owned by the City of Peoria. To complete the exchange necessary for the relocation, the City will be required to execute a Deed transferring property to the Bureau of Reclamation for the location of the new irrigation facility; the Bureau will then relinquish any interest they have in the old irrigation location to the City.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the exchange of real property necessary for the irrigation canal and related irrigation structures and authorize the City Manager to execute all the necessary documents; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the exchange of these land rights with the USA, and authorize the City Manager to execute the documents.

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PASSED AND ADOPTED by the Mayor and Council of the City of Peoria
this 3rd day of November, 2009.

Bob Barrett, Mayor

ATTEST:

Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTACHMENTS:

1. Legal Descriptions – Property to USA
2. Legal Description – Property to City of Peoria/ADOT

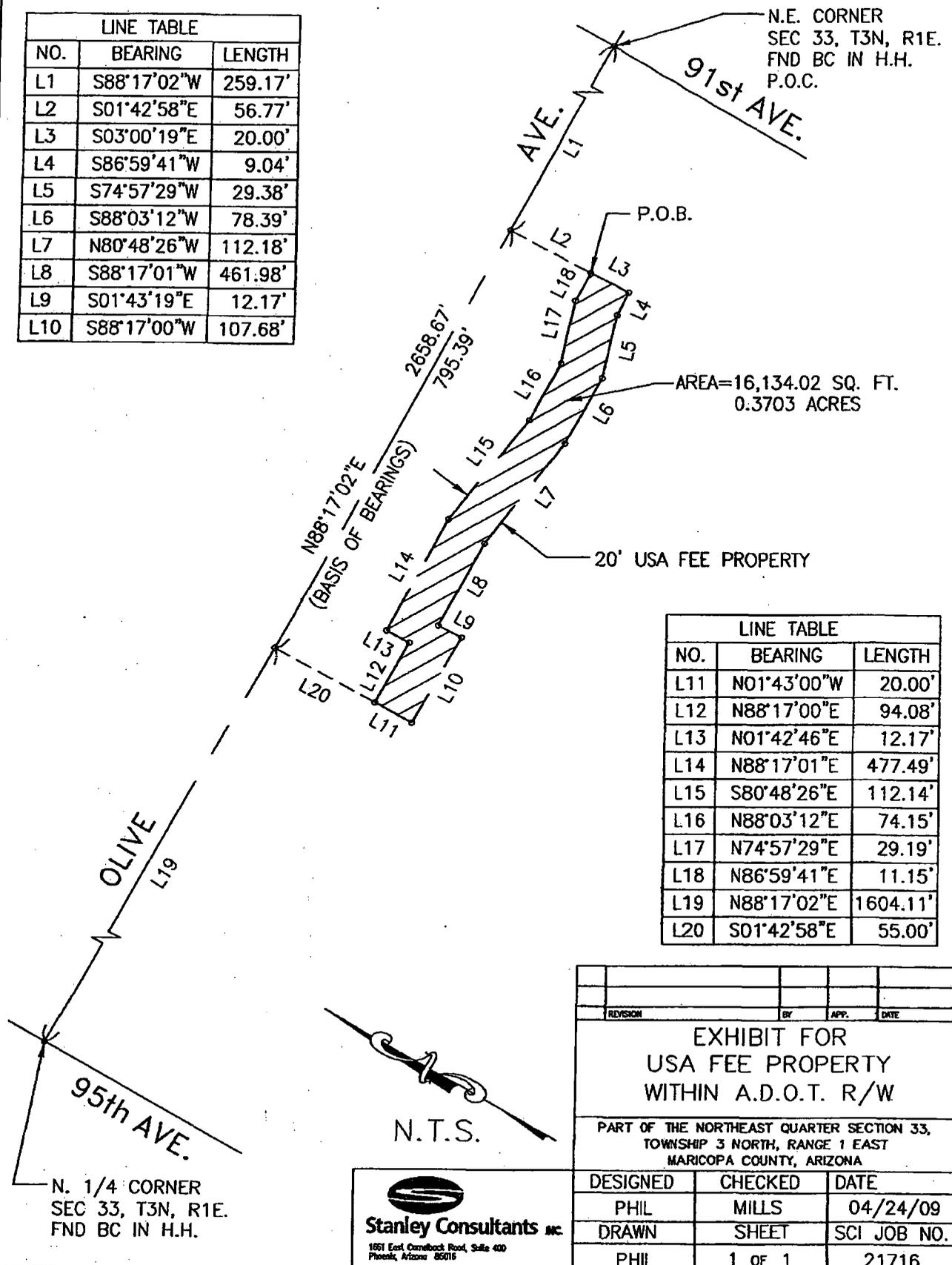
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ATTACHMENT 1

Legal Descriptions and Sketches

Property to be conveyed to USA

LINE TABLE		
NO.	BEARING	LENGTH
L1	S88°17'02"W	259.17'
L2	S01°42'58"E	56.77'
L3	S03°00'19"E	20.00'
L4	S86°59'41"W	9.04'
L5	S74°57'29"W	29.38'
L6	S88°03'12"W	78.39'
L7	N80°48'26"W	112.18'
L8	S88°17'01"W	461.98'
L9	S01°43'19"E	12.17'
L10	S88°17'00"W	107.68'



LINE TABLE		
NO.	BEARING	LENGTH
L11	N01°43'00"W	20.00'
L12	N88°17'00"E	94.08'
L13	N01°42'46"E	12.17'
L14	N88°17'01"E	477.49'
L15	S80°48'26"E	112.14'
L16	N88°03'12"E	74.15'
L17	N74°57'29"E	29.19'
L18	N86°59'41"E	11.15'
L19	N88°17'02"E	1604.11'
L20	S01°42'58"E	55.00'

REVISION	BY	APP.	DATE
EXHIBIT FOR USA FEE PROPERTY WITHIN A.D.O.T. R/W			
PART OF THE NORTHEAST QUARTER SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST MARICOPA COUNTY, ARIZONA			
DESIGNED	CHECKED	DATE	
PHIL	MILLS	04/24/09	
DRAWN	SHEET	SCI JOB NO.	
PHIL	1 OF 1	21716	



EXHIBIT "A"
LEGAL DESCRIPTION FOR USA FEE PROPERTY

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BRASS CAP IN HANDHOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 33, THENCE NORTH 88 DEGREES 17 MINUTES 02 SECONDS EAST A DISTANCE OF 2658.67 FEET TO A FOUND BRASS CAP IN HANDHOLE AT THE NORTHEAST CORNER OF SAID SECTION 33 BEING THE BASIS OF BEARINGS AND THE POINT OF COMMENCEMENT;

THENCE SOUTH 88 DEGREES 17 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 259.17 FEET;

THENCE SOUTH 01 DEGREES 42 MINUTES 58 SECONDS EAST A DISTANCE OF 56.77 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 03 DEGREES 00 MINUTES 19 SECONDS EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTH 86 DEGREES 59 MINUTES 41 SECONDS WEST A DISTANCE OF 9.04 FEET;

THENCE SOUTH 74 DEGREES 57 MINUTES 29 SECONDS WEST A DISTANCE OF 29.38 FEET;

THENCE SOUTH 88 DEGREES 03 MINUTES 12 SECONDS WEST A DISTANCE OF 78.39 FEET;

THENCE NORTH 80 DEGREES 48 MINUTES 26 SECONDS WEST A DISTANCE OF 112.18 FEET;

THENCE SOUTH 88 DEGREES 17 MINUTES 01 SECONDS WEST A DISTANCE OF 461.98 FEET;

THENCE SOUTH 01 DEGREES 43 MINUTES 19 SECONDS EAST A DISTANCE OF 12.17 FEET;

THENCE SOUTH 88 DEGREES 17 MINUTES 00 SECONDS WEST A DISTANCE OF 107.68 FEET;

THENCE NORTH 01 DEGREES 43 MINUTES 00 SECONDS WEST A DISTANCE OF 20.00 FEET;

THENCE NORTH 88 DEGREES 17 MINUTES 00 SECONDS EAST A DISTANCE OF 94.08 FEET;

THENCE NORTH 01 DEGREES 42 MINUTES 46 SECONDS EAST A DISTANCE OF 12.17 FEET;

THENCE NORTH 88 DEGREES 17 MINUTES 01 SECONDS EAST A DISTANCE OF 477.49 FEET;

THENCE SOUTH 80 DEGREES 48 MINUTES 26 SECONDS EAST A DISTANCE OF 112.14 FEET;

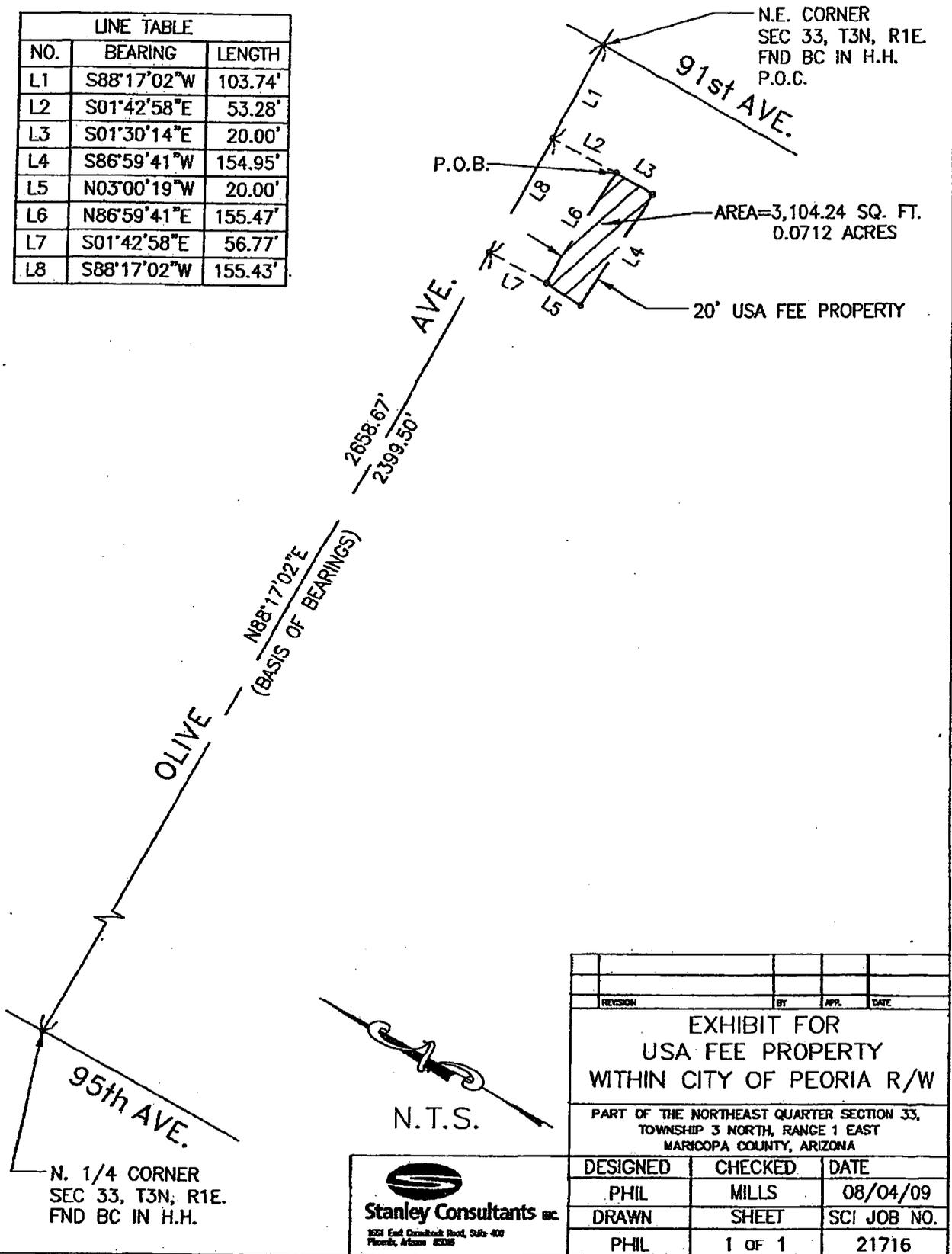
THENCE NORTH 88 DEGREES 03 MINUTES 12 SECONDS EAST A DISTANCE OF 74.15 FEET;

THENCE NORTH 74 DEGREES 57 MINUTES 29 SECONDS EAST A DISTANCE OF 29.19 FEET;

THENCE NORTH 86 DEGREES 59 MINUTES 41 SECONDS EAST A DISTANCE OF 11.15 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED REAL ESTATE CONTAINS 16,134.02 SQ. FT. OR 0.3703 ACRES MORE OR LESS.

LINE TABLE		
NO.	BEARING	LENGTH
L1	S88°17'02"W	103.74'
L2	S01°42'58"E	53.28'
L3	S01°30'14"E	20.00'
L4	S86°59'41"W	154.95'
L5	N03°00'19"W	20.00'
L6	N86°59'41"E	155.47'
L7	S01°42'58"E	56.77'
L8	S88°17'02"W	155.43'



REVISION	BY	APP.	DATE
EXHIBIT FOR USA FEE PROPERTY WITHIN CITY OF PEORIA R/W			
PART OF THE NORTHEAST QUARTER SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST MARICOPA COUNTY, ARIZONA			
DESIGNED	CHECKED	DATE	
PHIL	MILLS	08/04/09	
DRAWN	SHEET	SCI JOB NO.	
PHIL	1 OF 1	21716	


Stanley Consultants INC.
8551 East Camelback Road, Suite 400
Phoenix, Arizona 85018

EXHIBIT "A"
LEGAL DESCRIPTION FOR USA FEE PROPERTY

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BRASS CAP IN HANDHOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 33, THENCE NORTH 88 DEGREES 17 MINUTES 02 SECONDS EAST A DISTANCE OF 2658.67 FEET TO A FOUND BRASS CAP IN HANDHOLE AT THE NORTHEAST CORNER OF SAID SECTION 33 BEING THE BASIS OF BEARINGS AND THE POINT OF COMMENCEMENT;

THENCE SOUTH 88 DEGREES 17 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 103.74 FEET;

THENCE SOUTH 01 DEGREES 42 MINUTES 58 SECONDS EAST A DISTANCE OF 53.28 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 01 DEGREES 30 MINUTES 14 SECONDS EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTH 86 DEGREES 59 MINUTES 41 SECONDS WEST A DISTANCE OF 154.95 FEET;

THENCE NORTH 03 DEGREES 00 MINUTES 19 SECONDS WEST A DISTANCE OF 20.00 FEET;

THENCE NORTH 86 DEGREES 59 MINUTES 41 SECONDS EAST A DISTANCE OF 155.47 FEET TO THE POINT OF BEGINNING.

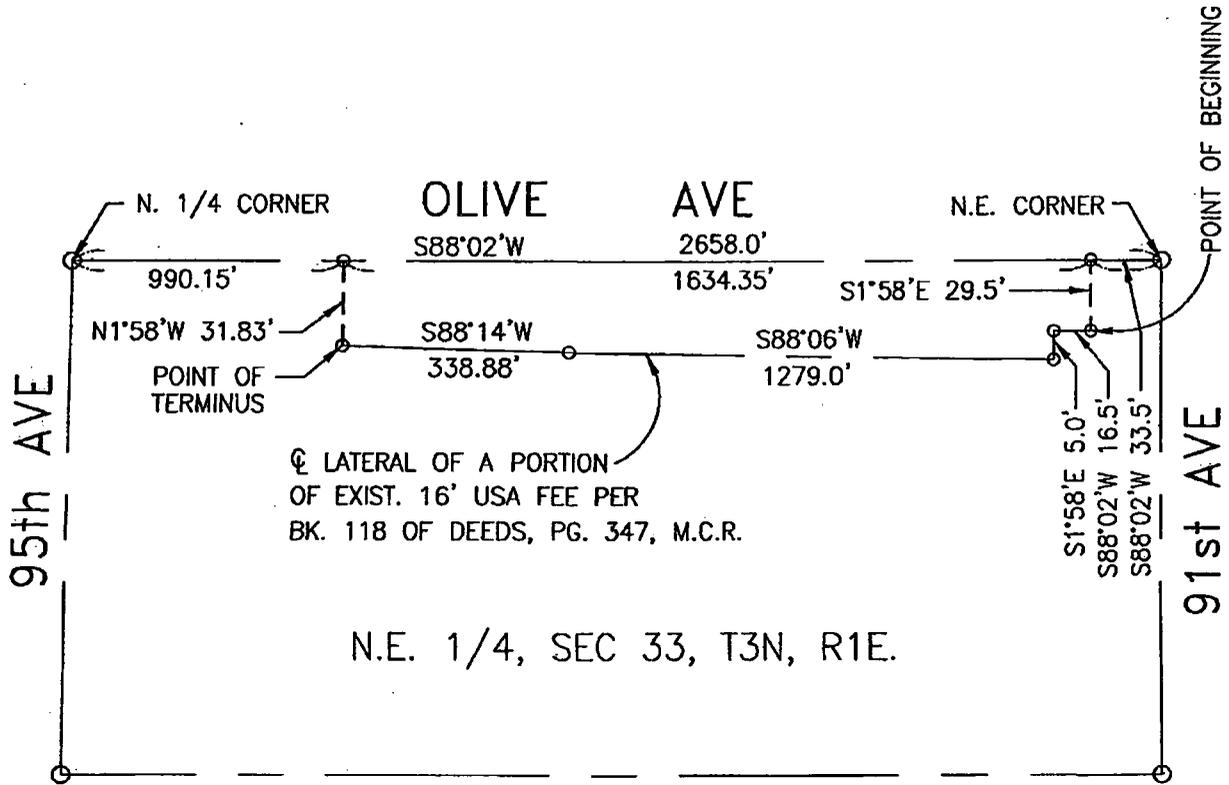
THE ABOVE DESCRIBED REAL ESTATE CONTAINS 3,104.24 SQ. FT. OR 0.0712 ACRES MORE OR LESS.

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ATTACHMENT 2

Legal Description and Sketch

Property to be conveyed to City of Peoria and ADOT



NOTE:
RIGHT OF WAY = 16.0 FT.
8.0 FT EACH SIDE ☐ SHOWN

AREA:
26,230.15 SQ. FT.
0.6021 ACRES



REVISION	BY	APP.	DATE
EXHIBIT FOR EXIST. USA FEE PROPERTY			
PART OF THE NORTHEAST QUARTER SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST MARICOPA COUNTY, ARIZONA			
DESIGNED	CHECKED	DATE	
PHIL	MILLS	04/09/09	
DRAWN	SHEET	SCI JOB NO.	
PHIL	1 OF 1	21716	

Stanley Consultants INC.
1651 East Camelback Road, Suite 400
Phoenix, Arizona 85016

CASE NO. 09-015

EXHIBIT "A"
DESCRIPTION OF REAL ESTATE
IN MARICOPA COUNTY, STATE OF ARIZONA

ALL THE AREA OF THE SUB-LATERAL, LATERAL 20 OF THE ARIZONA CANAL AS DESCRIBED IN THAT CERTAIN QUIT-CLAIM DEED FROM RUDOLPH JOHNSON, ET AL., TO THE UNITED STATES OF AMERICA DATED MARCH 22, 1916, RECORDED MAY 11, 1916, IN BOOK 118 OF DEEDS AT PAGES 347-348, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE NORTHEAST (NE1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP THREE (3) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER MERIDIAN, AND EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 33;
THENCE FROM SAID NORTHEAST CORNER ALONG THE NORTH BOUNDARY OF SAID NE1/4 SOUTH 88°17'02" WEST, 1634.35 FEET TO THE POINT OF BEGINNING;
THENCE FROM SAID POINT OF BEGINNING AND LEAVING SAID NORTH BOUNDARY SOUTH 01°42'58" EAST, 100.00 FEET TO THE POINT OF TERMINUS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED AREA:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BRASS CAP IN HANDHOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 33, THENCE NORTH 88 DEGREES 17 MINUTES 02 SECONDS EAST A DISTANCE OF 2658.67 FEET TO A FOUND BRASS CAP IN HANDHOLE AT THE NORTHEAST CORNER OF SAID SECTION 33 BEING THE BASIS OF BEARINGS AND THE POINT OF COMMENCEMENT;

THENCE SOUTH 88 DEGREES 17 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 103.74 FEET;

THENCE SOUTH 01 DEGREES 42 MINUTES 58 SECONDS EAST A DISTANCE OF 53.28 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 01 DEGREES 30 MINUTES 14 SECONDS EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTH 86 DEGREES 59 MINUTES 41 SECONDS WEST A DISTANCE OF 163.99 FEET;

THENCE SOUTH 74 DEGREES 57 MINUTES 29 SECONDS WEST A DISTANCE OF 29.38 FEET;

THENCE SOUTH 88 DEGREES 03 MINUTES 12 SECONDS WEST A DISTANCE OF 78.39 FEET;

THENCE NORTH 80 DEGREES 48 MINUTES 26 SECONDS WEST A DISTANCE OF 112.18 FEET;

THENCE SOUTH 88 DEGREES 17 MINUTES 01 SECONDS WEST A DISTANCE OF 461.98 FEET;

THENCE SOUTH 01 DEGREES 43 MINUTES 19 SECONDS EAST A DISTANCE OF 12.17 FEET;

THENCE SOUTH 88 DEGREES 17 MINUTES 00 SECONDS WEST A DISTANCE OF 407.81 FEET;

THENCE NORTH 84 DEGREES 07 MINUTES 17 SECONDS WEST A DISTANCE OF 95.75 FEET;

THENCE SOUTH 89 DEGREES 45 MINUTES 49 SECONDS WEST A DISTANCE OF 156.82 FEET;

THENCE NORTH 86 DEGREES 31 MINUTES 17 SECONDS WEST A DISTANCE OF 62.91 FEET;

THENCE NORTH 03 DEGREES 28 MINUTES 43 SECONDS EAST A DISTANCE OF 20.00 FEET TO A POINT BEING NORTH 88 DEGREES 17 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 33 A DISTANCE OF 991.47 FEET, THENCE SOUTH 01 DEGREES 42 MINUTES 58 SECONDS EAST A DISTANCE OF 32.68 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 33;

THENCE SOUTH 86 DEGREES 31 MINUTES 17 SECONDS EAST A DISTANCE OF 62.26 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 49 SECONDS EAST A DISTANCE OF 157.24 FEET;

THENCE SOUTH 84 DEGREES 07 MINUTES 17 SECONDS EAST A DISTANCE OF 95.49 FEET;

THENCE NORTH 88 DEGREES 17 MINUTES 00 SECONDS EAST A DISTANCE OF 392.88 FEET;

THENCE NORTH 01 DEGREES 42 MINUTES 46 SECONDS EAST A DISTANCE OF 12.17 FEET;

THENCE NORTH 88 DEGREES 17 MINUTES 01 SECONDS EAST A DISTANCE OF 477.49 FEET;

THENCE SOUTH 80 DEGREES 48 MINUTES 26 SECONDS EAST A DISTANCE OF 112.14 FEET;

THENCE NORTH 88 DEGREES 03 MINUTES 12 SECONDS EAST A DISTANCE OF 74.15 FEET;

THENCE NORTH 74 DEGREES 57 MINUTES 29 SECONDS EAST A DISTANCE OF 29.19 FEET;

THENCE NORTH 86 DEGREES 59 MINUTES 41 SECONDS EAST A DISTANCE OF 166.62 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS AN AREA OF 0.60 ACRE, MORE OR LESS, AFTER SAID EXCEPTION HAS BEEN MADE BASED ON A WIDTH OF 16 FEET AS DETERMINED BY SALT RIVER PROJECT AS THE HISTORIC WIDTH NEEDED TO OPERATE AND MAINTAIN SAID SUB-LATERAL.