

ORDINANCE NO. O2015.29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY ON CERTAIN CITY-OWNED LAND LOCATED NEAR TOWN LAKE MARINA.

WHEREAS, Section 2.11(g) of the Tempe City Charter requires an ordinance to convey or authorize the conveyance or lease of any property rights for City-owned lands; and

WHEREAS, Arizona Public Service Company (“APS”) has requested that the City grant it a utility easement over certain City-owned land for electrical lines and appurtenant facilities for the transmission and distribution of electricity; and

WHEREAS, the granting of the new easement will enable the City to obtain the release of a blanket easement covering more City property than is necessary to accommodate the utility location, and therefore, the City has determined that it is in the best interests of the City of Tempe to grant such easement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe does hereby authorize the granting of a utility easement to APS over the real property described in, and substantially in the form of, Exhibit A attached hereto, subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part. The granting of such easement shall be completed in accordance with the usual and customary procedures of the Engineering Department, including without limitation, release of any conflicting easements and payment by the applicant of all applicable costs, fees, and expenses associated therewith.

Section 2. The Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance, including without limitation the easement.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA, this ____ day of _____, 2015.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney