

ORDINANCE NO. O2016.42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY OVER CERTAIN CITY-OWNED LAND LOCATED NEAR THE SOUTHEAST CORNER OF RURAL ROAD AND 8TH STREET, AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN EASEMENT AGREEMENT AND RELATED DOCUMENTS.

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

WHEREAS, Arizona Public Service Company (“APS”) has requested that the City grant it an easement over certain City-owned land to facilitate the relocation of power distribution facilities to serve the adjacent property, and the City has determined that it is in the best interests of the City to grant such easement to APS.

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 an easement to APS in substantially the form attached hereto as Exhibit “A” (the “Easement Agreement”), and in the approximate location as described in Exhibit “B” and as depicted on Exhibit “B-1” (which location may be modified to reflect the final as-built location), subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

Section 2. That the Mayor or his designee is hereby authorized to take such actions and execute the Easement Agreement and such related documents as may be necessary or appropriate to (a) complete the granting of the easement, and (b) facilitate and provide for the location of the power distribution facilities into the easement area, and the payment of all costs associated therewith, all in accordance with the usual and customary procedures of the Engineering Department, including without limitation, satisfactory agreement regarding payment of current and future relocation costs.

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 _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney