

ORDINANCE NO. O2016.57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE GRANTING OF A POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR NEW UNDERGROUND POWER LINES LOCATED NEAR THE PARKING AREA IN KIWANIS PARK (ALONG ALL AMERICAN WAY), AND THE EXECUTION OF AN EASEMENT AGREEMENT MEMORIALIZING SUCH EASEMENT.

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, the Salt River Project Agricultural Improvement and Power District (“SRP”) has requested that the City grant it an easement over certain City-owned land for power distribution facilities, and the City has determined that it is in the best interests of the City to grant such easement to SRP.

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 power distribution easement to SRP on the property described in, and in the form attached hereto as, Exhibit “A” (the “Easement Agreement”), 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 is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance, including without limitation the Easement Agreement.

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