

SPECIAL MEETING AGENDA

PURSUANT TO A.R.S. § 38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE FLORENCE TOWN COUNCIL AND TO THE GENERAL PUBLIC THAT THE FLORENCE TOWN COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC ON MONDAY, SEPTEMBER 14, 2015, AT 8:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

2. ROLL CALL: Rankin __, Walter __, Woolridge __, Hawkins __,
Guilin __, Anderson __, Wall ____.

3. CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

4. NEW BUSINESS

- a. Resolution No. 1565-15:** Discussion/approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR IRRIGATION IMPROVEMENTS TO THE UNITED STATES OF AMERICA, BUREAU OF INDIAN AFFAIRS, SAN CARLOS IRRIGATION PROJECT AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.

5. ADJOURN TO EXECUTIVE SESSION

For the purpose of discussion of the public body in accordance with A.R.S. §38-431.03 (A)(1) to review the selection process of the Town Manager and discuss candidates to be interviewed.

6. ADJOURN FROM EXECUTIVE SESSION

7. CALL TO THE PUBLIC


8. CALL TO THE COUNCIL

9. ADJOURNMENT

Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).

POSTED ON SEPTEMBER 10, 2015, BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN STREET, 1000 SOUTH WILLOW STREET, FLORENCE, ARIZONA, AND AT WWW.FLORENCEAZ.GOV.

*****PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.*****

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 4a.
MEETING DATE: September 14, 2015 DEPARTMENT: Community Development Department STAFF PRESENTER: Mark Eckhoff Community Development Director SUBJECT: Resolution No. 1565-15 Granting a Perpetual, Non-Exclusive Easement to USA, BIA, SCIP for the Territory Square Project.		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to adopt Resolution No. 1565-15: **A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR IRRIGATION IMPROVEMENTS TO THE UNITED STATES OF AMERICA, BUREAU OF INDIAN AFFAIRS, SAN CARLOS IRRIGATION PROJECT (SCIP) AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.**

BACKGROUND/DISCUSSION:

The construction of the Territory Square Project required that the existing irrigation facilities on the east and south sides of the project be relocated and piped in a new alignment to the north and west of the Phase One development site. Low Mountain Construction, Inc., contractor for the Town, has completed the required scope of work to project specifications and all costs for such work were contained within the overall project budget.

Town Council approved staff proceeding with this matter at previous meetings. Town Council adopted Resolution No. 1525-15, which formally approved the subject easement; however, upon further review, the easement grantee has required a few minor modifications to the easement prior to the acceptance and recording of the easement. The attached resolution and easement reflect such changes.

FINANCIAL IMPACT:

None specifically applicable to this request.

STAFF RECOMMENDATION:

Motion to adopt Resolution No. 1565-15 granting a perpetual, non-exclusive easement to the United States of America, Bureau of Indian Affairs, San Carlos Irrigation Project (SCIP) for the Territory Square Project.

ATTACHMENTS:

Resolution No. 1565-15
Easement
Exhibit A-1
Exhibit A-2

RESOLUTION NO. 1565-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR IRRIGATION IMPROVEMENTS TO THE UNITED STATES OF AMERICA, BUREAU OF INDIAN AFFAIRS, SAN CARLOS IRRIGATION PROJECT AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.

BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

1. Adoption of this resolution shall also concurrently rescind Resolution No. 1525-15 (Pinal County Fee Number 2015-037949).
2. Grant the perpetual, non-exclusive property easement, described in Exhibits A-1 and A-2 to the United States of America, Bureau of Indian Affairs, San Carlos Irrigation Project for the purpose of relocating, constructing, operating and maintaining irrigation improvements on the Town of Florence's Territory Square project site.
3. Grant authority to the Town Manager to make non-substantial modifications to all applicable easement documentation as such is mutually agreed to by the easement grantor and the easement grantee.
4. Authorize execution by the Town Manager of any documentation necessary to complete the granting of the property easement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this 14th day of September 2015.

Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford L. Mattice, Town Attorney

WHEN RECORDED MAIL TO:

**Lisa Garcia
Town Clerk
Town of Florence, Arizona
P O Box 2670
Florence AZ 85132**

EASEMENT

Pinal County Parcel Numbers: 200-40-004A, 200-40-0160, 200-40-011A and 200-46-011C.

KNOW ALL MEN BY THESE PRESENTS:

That for the consideration of One (\$1.00) Dollar and other valuable consideration, the Town of Florence, Arizona, an Arizona municipal corporation ("Grantor"), hereby grants to the United States of America, Bureau of Indian Affairs, San Carlos Irrigation Project (SCIP) ("Grantee"), a perpetual, non-exclusive easement ("Easement") over, across and under the lands described below (the "Easement Parcel") for the relocation, construction, operation and maintenance of irrigation facilities.

The lands over, across and under which this Easement is granted are situated in the County of Pinal, State of Arizona, and are more particularly described by "EXHIBITS A-1 and A-2" attached hereto and by this reference made a part hereof.

THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Approved and signed this _____ day of _____, 2015.

Grantor:

Lisa Garcia, Interim Town Manager
Town of Florence, Arizona

Approved as to Form:

Clifford L. Mattice, Town Attorney
Town of Florence, Arizona

Approved and signed this _____ day of _____, 2015.

Grantee:

UNITED STATES OF AMERICA
BUREAU OF INDIAN AFFAIRS
SAN CARLOS IRRIGATION PROJECT

Note: This instrument is exempt from the real estate transfer fee and affidavit of legal value required pursuant to A.R.S. § 11-1134(A)(2) and (A)(3).

Exhibit A-1: Legal Description of Territory Square SCIP Easement

THAT PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 9 EAST, GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 35, BEING A BRASS CAP SET IN A CONCRETE FOOTING FLUSH WITH THE ASPHALT ROAD;

THENCE, UPON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, NORTH $00^{\circ}02'24''$ WEST, A DISTANCE OF 1875.15 FEET, TO THE POINT OF BEGINNING (POB);

THENCE CONTINUING UPON SAID EAST LINE OF SECTION 35, NORTH $00^{\circ}02'24''$ WEST, A DISTANCE OF 189.85 FEET;

THENCE, SOUTH $74^{\circ}26'11''$ WEST, A DISTANCE OF 29.06 FEET TO A LINE 28.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35;

THENCE, UPON SAID LINE 28.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 35, SOUTH $00^{\circ}02'24''$ EAST, A DISTANCE OF 158.91 FEET;

THENCE, SOUTH $55^{\circ}09'09''$ WEST, A DISTANCE OF 49.82 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE, UPON THE ARC OF SAID TANGENT CURVE, CONCAVE TO THE NORTHWEST, A DISTANCE OF 944.57 FEET, WHICH HAS A RADIUS OF 7965.00 FEET, A TANGENT LENGTH OF 472.84 FEET, A CENTRAL ANGLE OF $06^{\circ}47'41''$, A RADIUS WHICH BEARS SOUTH $34^{\circ}50'51''$ EAST AND THE CHORD OF WHICH BEARS SOUTH $58^{\circ}32'59''$ WEST AT A DISTANCE OF 944.02 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE UPON THE ARC OF SAID TANGENT CURVE, CONCAVE TO THE SOUTHEAST, A DISTANCE OF 935.82 FEET, WHICH HAS A RADIUS OF 3535.00 FEET, A TANGENT LENGTH OF 470.66 FEET, A CENTRAL ANGLE OF $15^{\circ}10'04''$, A RADIUS WHICH BEARS NORTH $28^{\circ}03'10''$ WEST AND THE CHORD OF WHICH BEARS SOUTH $54^{\circ}21'48''$ WEST AT A DISTANCE OF 933.08 FEET;

THENCE, SOUTH $46^{\circ}46'46''$ WEST, A DISTANCE OF 69.00 FEET;

THENCE, SOUTH 43°13'14" EAST, A DISTANCE OF 280.04 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE, UPON THE ARC OF SAID TANGENT CURVE, CONCAVE TO THE SOUTHWEST, A DISTANCE OF 287.26 FEET, WHICH HAS A RADIUS OF 381.00 FEET, A TANGENT LENGTH OF 150.84 FEET, A CENTRAL ANGLE OF 43°11'56", A RADIUS WHICH BEARS NORTH 46°46'46" EAST AND THE CHORD OF WHICH BEARS SOUTH 21°37'16" EAST AT A DISTANCE OF 280.50 FEET;

THENCE, SOUTH 00°01'18" EAST, A DISTANCE OF 242.13 FEET;

THENCE, SOUTH 45°01'35" WEST, A DISTANCE OF 10.75 FEET TO A LINE 70.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35;

THENCE UPON SAID LINE 70.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, NORTH 89°55'32" WEST, A DISTANCE OF 1064.44 FEET;

THENCE, SOUTH 51°08'10" WEST, A DISTANCE OF 73.75 FEET;

THENCE, NORTH 89°54'30" WEST, A DISTANCE OF 147.43 FEET;

THENCE, SOUTH 00°05'30" WEST, A DISTANCE OF 19.66 FEET;

THENCE, SOUTH 89°50'20" EAST, A DISTANCE OF 66.00 FEET;

THENCE, SOUTH 00°05'30" WEST, A DISTANCE OF 25.26 FEET;

THENCE, SOUTH 89°54'30" EAST, A DISTANCE OF 97.34 FEET;

THENCE, NORTH 51°08'10" EAST, A DISTANCE OF 73.76 FEET TO A LINE 25.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35;

THENCE, UPON SAID LINE 25.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, SOUTH 89°55'32" EAST, A DISTANCE OF 1053.06 FEET;

THENCE, NORTH 45°01'35" EAST, A DISTANCE OF 53.91 FEET;

THENCE, NORTH 00°01'18" WEST, A DISTANCE OF 256.64 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE, UPON THE ARC OF SAID TANGENT CURVE, CONCAVE TO THE SOUTHWEST, A DISTANCE OF 313.65 FEET, WHICH HAS A RADIUS OF 416.00 FEET, A TANGENT LENGTH OF 164.70 FEET, A CENTRAL ANGLE OF 43°11'56", A RADIUS WHICH BEARS NORTH 89°58'42" EAST AND THE CHORD OF WHICH BEARS NORTH 21°37'16" WEST AT A DISTANCE OF 306.27 FEET;

THENCE, NORTH 43°13'14" WEST, A DISTANCE OF 245.04 FEET;

THENCE, NORTH 46°46'46" EAST, A DISTANCE OF 34.00 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE, UPON THE ARC OF SAID TANGENT CURVE, CONCAVE TO THE SOUTHEAST, A DISTANCE OF 926.55 FEET, WHICH HAS A RADIUS OF 3500.00 FEET, A TANGENT LENGTH OF 466.00 FEET, A CENTRAL ANGLE OF 15°10'04", A RADIUS WHICH BEARS NORTH 43°13'14" WEST AND THE CHORD OF WHICH BEARS NORTH 54°21'48" EAST AT A DISTANCE OF 923.85 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

THENCE, UPON THE ARC OF SAID TANGENT CURVE, CONCAVE TO THE NORTHWEST, A DISTANCE OF 948.72 FEET, WHICH HAS A RADIUS OF 8000.00 FEET A TANGENT LENGTH OF 474.92 FEET, A CENTRAL ANGLE OF 06°47'41", A RADIUS WHICH BEARS SOUTH 28°03'10" EAST AND THE CHORD OF WHICH BEARS NORTH 58°32'59" EAST AT A DISTANCE OF 948.16 FEET;

THENCE, NORTH 55°09'09" EAST, A DISTANCE OF 59.59 FEET TO THE POINT OF BEGINNING (POB).

SAID PARCEL OF LAND CONTAINS 3.67 ACRES, MORE OR LESS.



Exhibit A-2: Territory Square SCIP Easement

 Site Location  Parcel Lines
 Town Limits

0 200 400
Feet



Legal Description

See Exhibit A-1 for Legal
Description of Site

This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein.

6/1/2015

2015-82

