



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: August 8, 2017

TITLE: Approval of Easement to City of Tucson for Public Water Line at Amphitheater High School

BACKGROUND:

The City of Tucson holds an easement for public waterline purposes on the north side of the Amphitheater High School (“AHS”) property. The easement runs underneath the AHS tennis courts. Until recently, the City’s waterline also ran underneath the AHS tennis courts. However, the City’s waterline was recently rerouted around the AHS tennis courts, when the tennis courts were resurfaced, to enable the City to access the waterline without affecting the newly resurfaced tennis courts.

The City of Tucson now requests that Amphitheater Public Schools grant it a permanent public waterline easement and perpetual right-of-way for the maintenance, repair and replacement of re-routed waterlines pipes and/or mains currently in existence at AHS. This Easement would also include installation of additional pipes and/or other apparatus deemed necessary in the future, along with the ability to enter onto district property for the equipment’s maintenance.

The proposed easement reads as follows:

“That the Grantor(s), in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and adequacy of is hereby acknowledged, do(es) hereby convey to the City of Tucson, a municipal corporation, its successor and assigns, a perpetual right-of-way, privilege and easement for the purpose of maintaining, repairing, and replacing said pipes and mains, including the right of attaching thereto meters, fire hydrants, valves, regulators, services, and all other things necessary in the construction and maintenance thereof, and also the right to enter into and upon for the purpose of removing the same at the sole discretion of the City; said easement being in, on, through, over, across and under the following described parcel of land situate in the County of Pima, State of Arizona, to wit:

See Attached Exhibit ‘A’.”

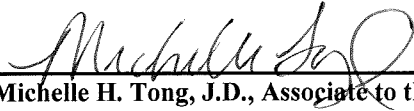
The Governing Board has authority to grant this easement to the City of Tucson by virtue of the powers granted to it by the State of Arizona to manage land owned by Amphitheater Public Schools in accordance with ARS §§ 15-341 and 15-342. It is recommended that the Governing Board grant the easement to the City of Tucson as proposed to permit the City access to repair and maintain the waterline so that the City can adequately maintain the waterline across the AHS school grounds. The proposed easement does not appear to encompass more land than is minimally needed for appropriate maintenance of the waterline, and it is in the best interest for all involved that the City have this access to its waterline on the AHS school grounds.

Documents detailing the easement required are attached to this item, to include the legal description of the easement itself.

RECOMMENDATION:

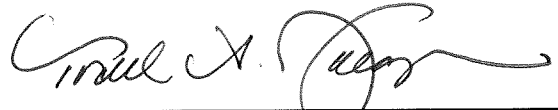
The Administration recommends the easement described in the attachments to this item be approved and that General Counsel be authorized to execute those documents and any others reasonably required to give effect to the easement required.

INITIATED BY:



Michelle H. Tong, J.D., Associate to the Superintendent

Date: August 1, 2017



Todd A. Jaeger, J.D., Superintendent

E A S E M E N T

THIS INDENTURE made between AMPHITHEATER SCHOOL DISTRICT #10, a political subdivision of the State of Arizona, Grantor(s) and the CITY OF TUCSON, a municipal corporation, Grantee, hereinafter called the CITY

WITNESSETH:

That the Grantor(s), in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and adequacy of is hereby acknowledged, do(es) hereby convey to the City of Tucson, a municipal corporation, its successors and assigns, a perpetual right-of-way, privilege and easement for any water pipes or mains now laid or which hereafter may be laid, together with the right to enter into and upon for the purpose of maintaining, repairing, and replacing said pipes and mains, including the right of attaching thereto meters, fire hydrants, valves, regulators, services, and all other things necessary in the construction and maintenance thereof, and also the right to enter into and upon for the purpose of removing the same at the sole discretion of the City; said easement being in, on, through, over, across and under the following described parcel of land situate in the County of Pima, State of Arizona, to-wit:

See Attached EXHIBIT "A"

Affidavit Exempt A.R.S. §11-1134 (A-2) (A-3)

TO HAVE AND TO HOLD the same unto the City, and to its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument this ___ day of _____, 2017.

AMPHITHEATER SCHOOL DISTRICT #10, a political subdivision of the State of Arizona

By: _____

As: _____

STATE OF ARIZONA)
)ss.
COUNTY OF PIMA)

This instrument was acknowledged before me this _____ day of _____, 2017,
by _____ as _____
AMPHITHEATER SCHOOL DISTRICT #10, a political subdivision of the State of Arizona.

Notary Public

April 4, 2017
17008-new

Public Waterline Easement

An easement for public waterline purposes being 15.00 feet wide and lying 7.50 feet on each side of the following described centerline and lying within a portion of the Southwest One-Quarter of Section 25, Township 13 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona and being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter of Section 25, thence North $89^{\circ} 27' 59''$ East record, 1868.85 feet measured along the north line of said Southwest Quarter to a found survey monument at Stone Avenue;

Thence leaving said north line, South $61^{\circ} 15' 34''$ West, 1130.84 feet to the centerline of an existing 15.00 foot wide waterline easement;

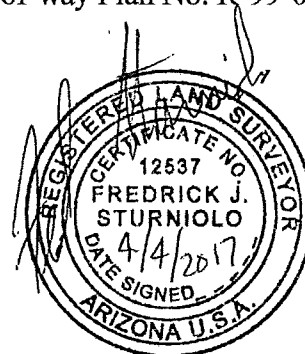
Thence South $00^{\circ} 01' 47''$ East, measured (South $00^{\circ} 03' 51''$ East record per Docket 5624 at page 852) a distance of 7.50 feet to the True Point of Beginning of said centerline easement;

Thence North $89^{\circ} 58' 13''$ East calculated (North $89^{\circ} 56' 09''$ East record per Docket 5624 at page 852) a distance of 129.65 feet;

Thence North $44^{\circ} 58' 13''$ East , 28.7 feet more or less to the centerline of an existing waterline easement which continues North $89^{\circ} 58' 13''$ East and end of said new easement.

The side lines of said easement are to be lengthened or shortened as needed to fit easement angle point conditions.

Basis of Bearing: Monument line on Prince Road from Oracle Road to the westerly monument at the intersection of Stone Avenue per City of Tucson right-of-way Plan No. R-99-01.
Bearing being North $89^{\circ} 27' 59''$ East.



EXPIRES: 6/30/2019