

RESOLUTION 44-2012

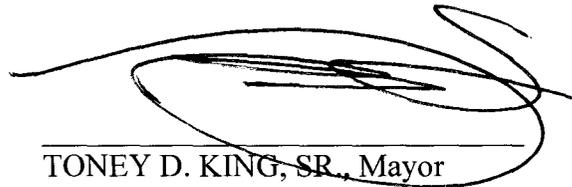
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT BENEFITING SULPHUR SPRINGS VALLEY ELECTRICAL COOPERATIVE

WHEREAS, Sulphur Springs Valley Electrical Cooperative desires to proceed with a project to underground certain overhead primary electrical lines located within the City's sewer treatment plant property; and

WHEREAS, Sulphur Springs Valley Electrical Cooperative requires an easement from the City to place its lines underground, which the City is willing to provide.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Benson, Arizona, hereby authorize the City Manager to execute the easement benefiting Sulphur Springs Valley Electrical Cooperative, attached hereto as Exhibit "A".

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 27th day of August, 2012.



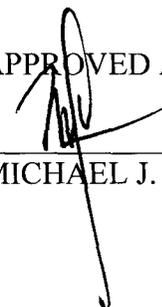
TONEY D. KING, SR., Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney

Exhibit "A"
Sulphur Springs Valley Electric Cooperative Easement



**Sulphur Springs Valley
Electric Cooperative, Inc.**

P.O. Box 820
Willcox, AZ 85644-0820
Telephone (520) 384-2221
Fax (520) 384-5223

May 31, 2012

Benson Department of Public Works
Attn: Brad Hamilton
PO Box 2223
Benson, AZ 85602

Dear Mr. Hamilton,

Enclosed is a Sulphur Springs Valley Electric Cooperative Easement for the City of Benson. This agreement is for the replacement of overhead primary to underground line northwest of the Benson sewer plant in Benson, Arizona.

Please present the Easement Agreement for signature to the appropriate City of Benson representative. Upon signing, be sure the signature is notarized and return the document to the Willcox, Arizona office.

If you have any questions, please contact me at 520-384-5469, in Willcox, Arizona.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Tunks", is written over a horizontal line.

Linda Tunks
Right of Way Technician

Enclosure

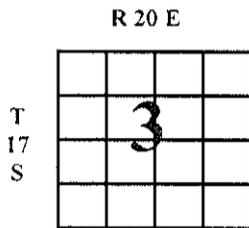


When recorded mail to:

Sulphur Springs Valley
Electric Cooperative, Inc.
350 N Haskell Ave
Willcox, Arizona 85643

This space reserved for recording information.

Underground Electrical Right-of-Way Easement



KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **CITY OF BENSON, a Body Politic**, referred to as "Grantor", for good and valuable consideration, the receipt of which is hereby acknowledged grants unto **SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC.**, referred to as "Grantee", and to its successors or assigns, a right-of-way easement over, upon, under and across and the right to enter upon the land of the undersigned, situated in the County of Cochise, State of Arizona, described as follows:

SEE ATTACHED EXHIBIT "A"

and the right to locate, construct, operate, repair, remove, maintain, add to, alter, inspect, relocate, and replace thereon, underground electric distribution facilities together with all appurtenances necessary or convenient thereto. If the exact location of this easement and right-of-way is not described herein, the Grantee shall have the right to determine the location and relocation of its facilities that is convenient for Grantee. If the width of this easement and right-of-way is not specified, then its width shall be twenty (20) feet wide. Except that in the event it becomes necessary or convenient for Grantee to extend appurtenances beyond the twenty (20) foot width heretofore mentioned to secure, install or maintain said facilities, the Grantor grants to Grantee an easement for said appurtenances.

Grantee shall have the right to trim or clear away all trees, brush, and plant growth on said easement and right-of-way and to trim or remove any trees or plants or other objects on either side of said easement and right-of-way which create or may create a hazard to the electrical facilities located on said easement.

Grantor grants to Grantee, for the consideration set forth herein, the right to ingress to and egress from said easement and right-of-way described herein, over and across private roads owned by Grantor and which provide a reasonable and convenient access to the easement described herein, and if no such roads exist, then on such route as the Grantee may determine to be reasonable under the circumstances.

Grantor covenants and agrees that he shall not erect, construct, or place or in any way permit any house, building, stable, corral, mobile home, or any structure whatsoever to be erected, constructed, or placed on the easement and right-of-way granted herein nor shall he use said easement in any manner inconsistent with Grantee's rights hereunder.

Grantor covenants that he is the owner of the above described land and that said land is free and clear of encumbrances and liens, except the following liens and encumbrances held by the following persons:

Grantor shall not grant any other easement and/or right-of-way on, under, or over said strip of land without first having secured written consent of Grantee.

It is further understood that, whenever necessary, words in the singular shall be construed to read in the plural, and words used in the masculine gender shall be construed to read in the feminine or neuter gender.

IN WITNESS WHEREOF, the undersigned set his hand this 28th day of August, 2012.

The City of Benson

Glenn H. Nichols
By

Glenn H. Nichols
Printed Name

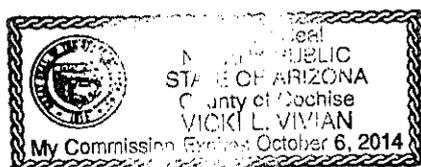
City Manager
Title

STATE OF Arizona)
COUNTY OF Cochise) ss

On this, the 28th day of August, 2012, before me, the undersigned Notary Public, personally appeared Glenn H. Nichols

known to me to be the person(s) whose name(s) is/are subscribed herein and acknowledged that he executed said document for the purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Vicki L. Vivian
NOTARY PUBLIC

EXHIBIT "A"

EASEMENT DESCRIPTION:

A 20 foot wide easement located in that parcel labeled "CITY OF BENSON SEWER TREATMENT FACILITY" per Record of Survey Book 45, Page 85, records of Cochise County, Arizona and located in the South half of Section 3, Township 17 South, Range 20 East of the Gila and Salt river Base and Meridian, Cochise County, Arizona, said easement lying 10.00 feet on each side of the following described centerline;

COMMENCING at the Southeast corner of said parcel, being a ½" rebar tagged RLS 19315;

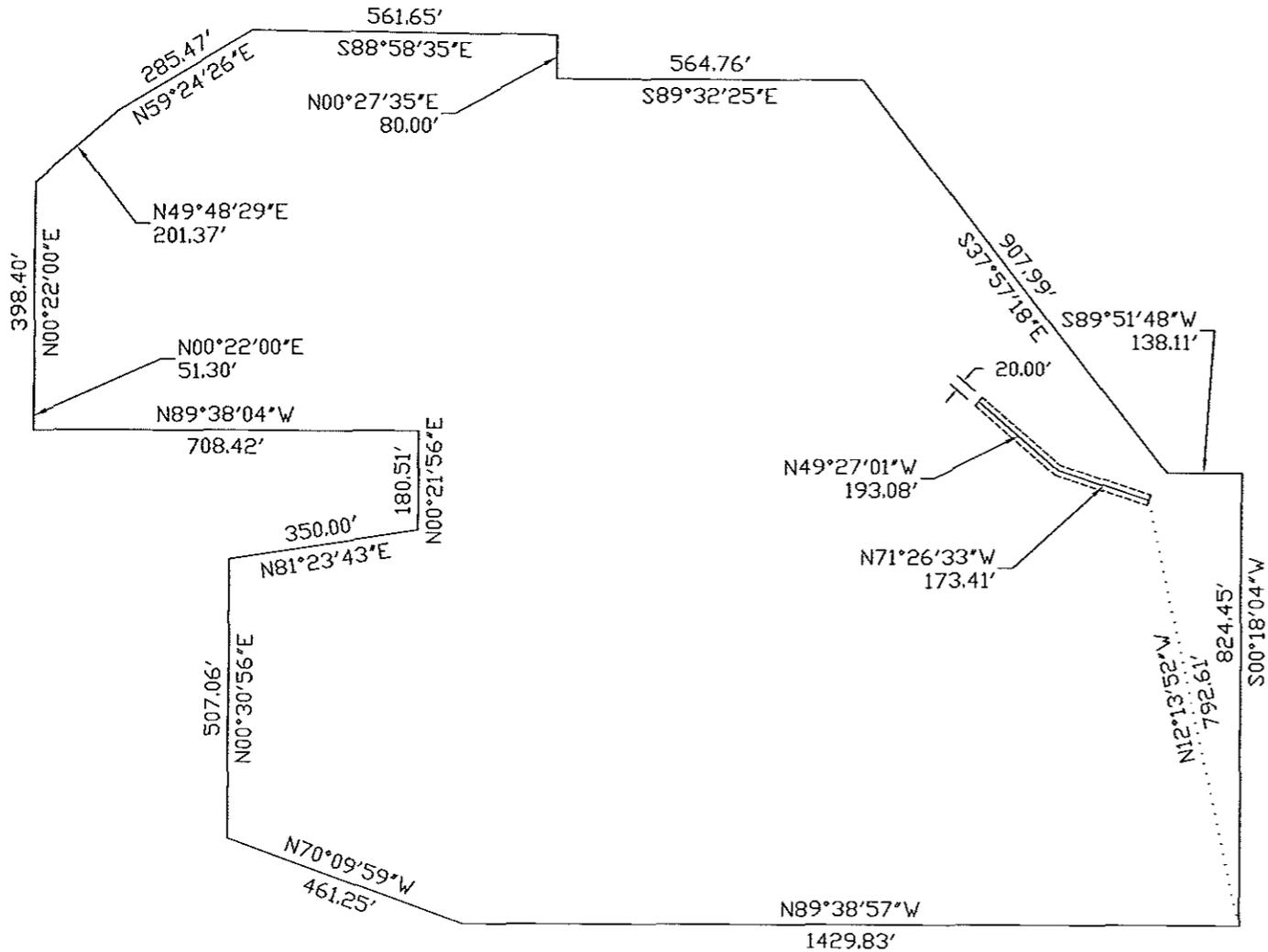
Thence North 12°13'52" West a distance of 792.61 feet to the POINT OF BEGINNING of said easement;

thence North 71°26'33" West a distance of 173.41 feet;

thence North 49°27'33" West a distance of 193.08 feet to the POINT OF TERMINUS of said easement.

The sidelines of the above described easement to be lengthened or shortened to intersect at angle points.

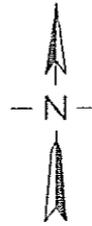
PARCEL ILLUSTRATION



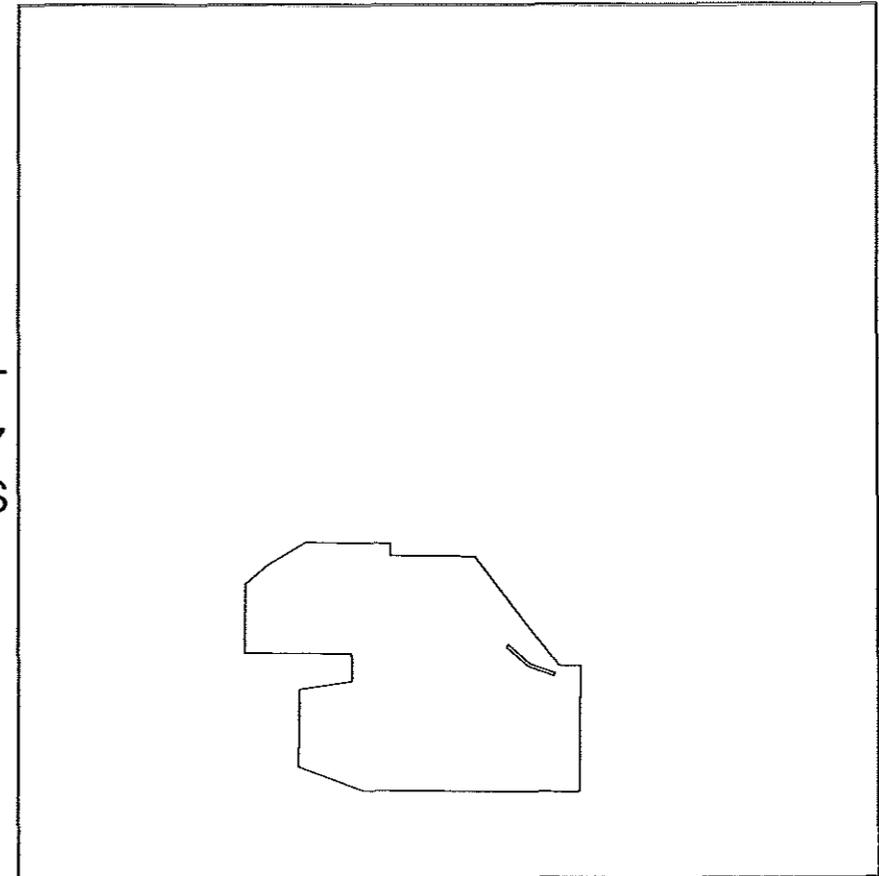
DASHED LINE REPRESENTS EASEMENT AREA

SECTION REPRESENTATION

R 20 E



T
17
S



SECTION 03

EXHIBIT "A"

DRAWING NOT TO SCALE - FOR REPRESENTATION PURPOSES ONLY

GRANTOR: The City of Benson	EASEMENT NO	E14598
DRAWN BY: Ruth Bigelow	WORK ORDER NO.	84894
DATE: May 29, 2012	FILE NO	



Sulphur Springs Valley
Electric Cooperative, Inc.