

RESOLUTION NO. 2024-98

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF TWO TEMPORARY CONSTRUCTION EASEMENTS TO THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION ASSOCIATED WITH THE NORTHERN PARKWAY PROJECT.

WHEREAS, the proposed improvements associated with the Northern Parkway project require the granting of Temporary Construction Easements to the Maricopa County Department of Transportation (MCDOT) from the City owned parcels located west of the northwest corner of 99th Avenue and the parcel at the northwest corner of 108th Drive.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the granting of the Temporary Construction Easements and authorize the City Manager to execute the documents; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of the attached Easements to the Maricopa County Department of Transportation, and authorize the City Manager to execute the Easements.

Resolution No. 2024-98
Northern Parkway Project TCEs
December 17, 2024
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 17th day of December, 2024.

Jason Beck, Mayor

Date Signed

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Attachment:

1. Temporary Construction Easement (x2)

WHEN RECORDED RETURN TO:

Maricopa County Real Estate Department
2801 W. Durango Street
Phoenix, AZ 85009

EXEMPT A.R.S. § 11-1134, A.2

LA / AVL

TEMPORARY CONSTRUCTION EASEMENT

Assessor's Parcel No.: 142-61-961 and 142-61-034-B
Project No.: TT0372
Project Name: Northern Parkway
Termini: 99th Ave-87th Ave
Item No.: D24715 (LA)

This Temporary Construction Easement is entered into by and between **City of Peoria, an Arizona municipal corporation**, hereinafter referred to as **GRANTOR**, the owner of the real property situated in Maricopa County, Arizona, which property is set forth in instruments numbered 20061559938 and 20180237122 in the official records of Maricopa County (the “Burdened Property”), and **Maricopa County**, a political subdivision of the State of Arizona, its assigns and successors in title or interest, hereinafter collectively called **GRANTEE**.

GRANTOR hereby grants a Temporary Construction Easement (“TCE”), together with the right and privilege of entering upon the area subject to the conditions set forth herein, on, over, under and across that portion of the Burdened Property legally described on Exhibit “A-1” and “A-3” and depicted in Exhibit “A-2” and “A-4” attached hereto (the “Easement Area”) for the purpose of facilitating construction of the project known as TT0372 (“Project”).

1. Term and Consideration. This TCE is hereby granted for the stated purpose for a period of twenty (24) months (“Term”) which shall commence upon the written notice to the Grantor by the Grantee. **GRANTEE** estimates that the period of time stated above will be sufficient for completion of the work within the TCE Area. **GRANTEE** shall provide written notification to **GRANTOR** of the initiation of construction activities no less than thirty (30) calendar days in advance of construction activities.

2. Damages. The **GRANTEE** shall be liable for any permanent damage to the TCE Area, and/or any improvements therein, caused by **GRANTEE** during the Term of this TCE, and any extension thereof. Any improvements damaged as a result of **GRANTEE'S** use of the TCE Area will be replaced in kind.

3. Extinguishment. Upon completion of the Project construction, **GRANTEE** shall record a document extinguishing this TCE in the office of the Maricopa County Recorder, which document may be executed on behalf of the **GRANTEE** by the **Director of the Maricopa County Real Estate Department**.

*REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE(S) FOLLOW*

GRANTOR: City of Peoria, an Arizona municipal corporation

SIGNED:

Henry Darwin, City Manager

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Wood, Patel & Associates, Inc.
602.335.8500
www.woodpatel.com

Revised May 20,
2024 WP# 215248.80
Page 5 of 8
See Exhibit "A-1"

LEGAL DESCRIPTION
Northern Avenue
Portion of APN 142-61-961
D24715
Temporary Construction Easement

A portion of that certain parcel of land described in Document 2006-1559938, Maricopa County Records (MCR), lying within Section 32, Township 3 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southeast corner of said Section 32, a 3-inch brass cap in handhole, from which the south quarter corner of said section, a 3-inch brass cap in handhole, bears South 88°54'48" West (basis of bearing), a distance of 2625.89 feet;
THENCE along the south line of said section, South 88°54'48" West, a distance of 403.68 feet;
THENCE leaving said south line, North 01°05'12" West, a distance of 55.09 feet, to the southeast corner of said certain parcel land and the **POINT OF BEGINNING**;
THENCE along the southerly line of said certain parcel of land, South 88°54'48" West, a distance of 8.43 feet;
THENCE North 85°22'45" West, a distance of 69.01 feet;
THENCE North 00°11'02" West, a distance of 23.94 feet;
THENCE leaving said southerly line, South 89°59'55" East, a distance of 77.38 feet, to the east line of said certain parcel of land;
THENCE along said east line, South 00°10'49" West, a distance of 29.34 feet, to the **POINT OF BEGINNING**.

Containing 2,088 square feet or 0.0479 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description was prepared without the benefit of survey fieldwork and is based on client provided information. Any monumentation noted in this parcel description is based on said information.

Y:\WP\Parcel Descriptions\2021\215248.80 Northern Ave APN 142-61-961 D24 Temporary Construction Easement L40 05-11-23.docx



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S88°54'48"W	8.43'
L2	N85°22'45"W	69.01'
L3	N00°11'02"W	23.94'
L4	S00°10'49"W	29.34'

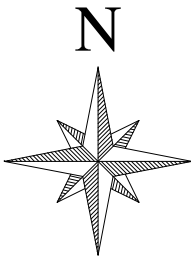
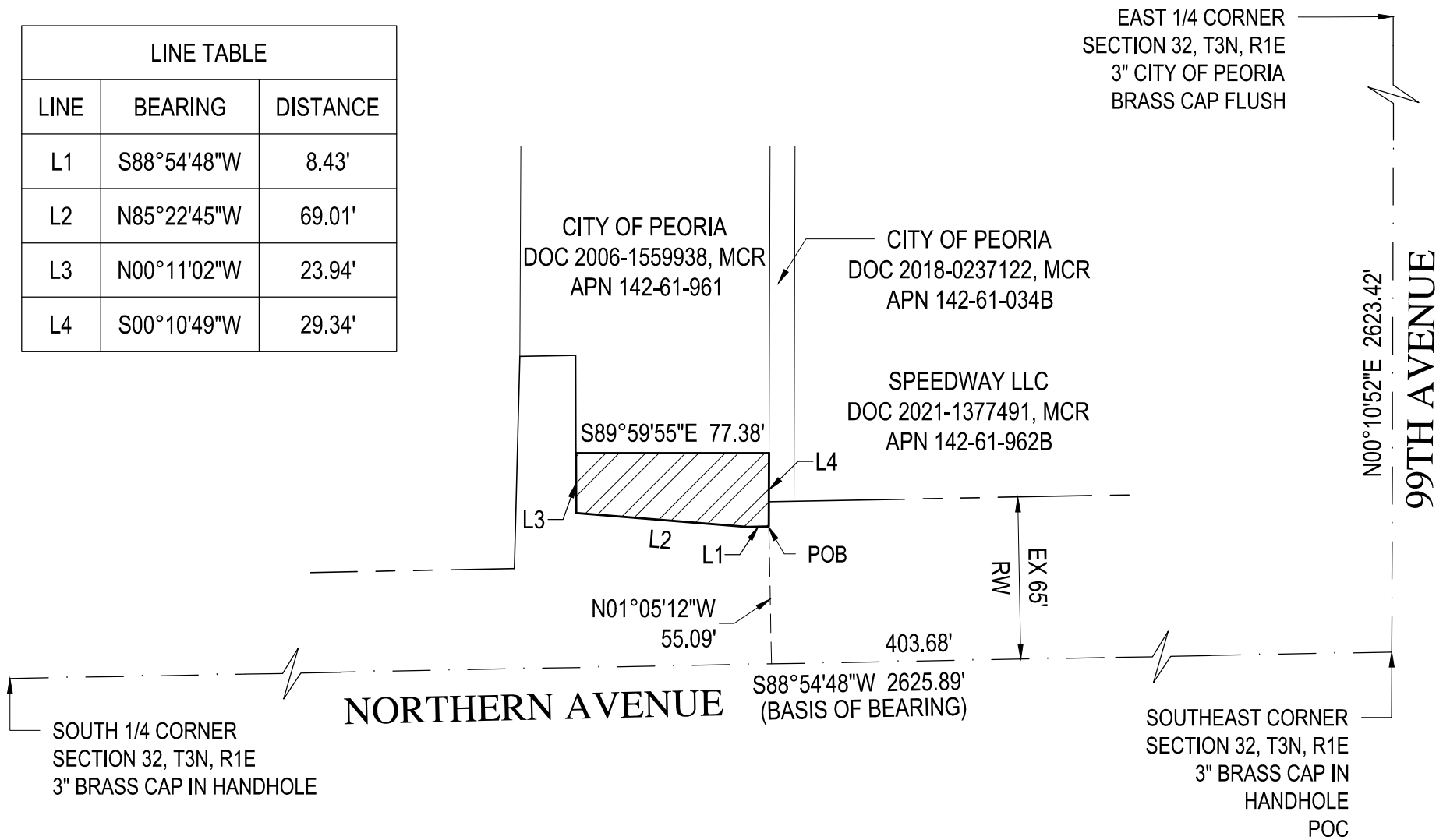


EXHIBIT "A-2"
 NORTHERN AVENUE
 PORTION OF APN 142-61-961
 TEMPORARY CONSTRUCTION EASEMENT
 REVISED 05/20/2024
 WP# 215248.80
 PAGE 6 OF 8
 NOT TO SCALE
 Z:\2021\215248\Survey\Legal\5248-L40R02.dwg

Wood, Patel & Associates, Inc.
602.335.8500
www.woodpatel.com

May 11, 2023
WP# 215248.80
Page 7 of 8 See
Exhibit "A-3"

LEGAL DESCRIPTION
Northern Avenue
Portion of APN 142-61-034B
D24715
Temporary Construction Easement

A portion of that certain parcel of land described in Document 2018-0237122, Maricopa County Records (MCR), lying within Section 32, Township 3 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southeast corner of said Section 32, a 3-inch brass cap in handhole, from which the south quarter corner of said section, a 3-inch brass cap in handhole, bears South 88°54'48" West (basis of bearing), a distance of 2625.89 feet;

THENCE along the south line of said section, South 88°54'48" West, a distance of 393.46 feet;

THENCE leaving said south line, North 01°05'12" West, a distance of 64.99 feet, to the southeast corner of said certain parcel land and the **POINT OF BEGINNING**;

THENCE along the south line of said certain parcel of land, South 88°54'46" West, a distance of 10.00 feet, to the southwest corner of said certain parcel of land;

THENCE leaving said south line, along the west line of said certain parcel of land, North 00°10'49" East, a distance of 54.44 feet;

THENCE leaving said west line, South 89°59'55" East, a distance of 10.00 feet, to the east line of said certain parcel of land;

THENCE along said east line, South 00°10'49" West, a distance of 54.25 feet, to the **POINT OF BEGINNING**.

Containing 543 square feet or 0.0125 acres, more or less.

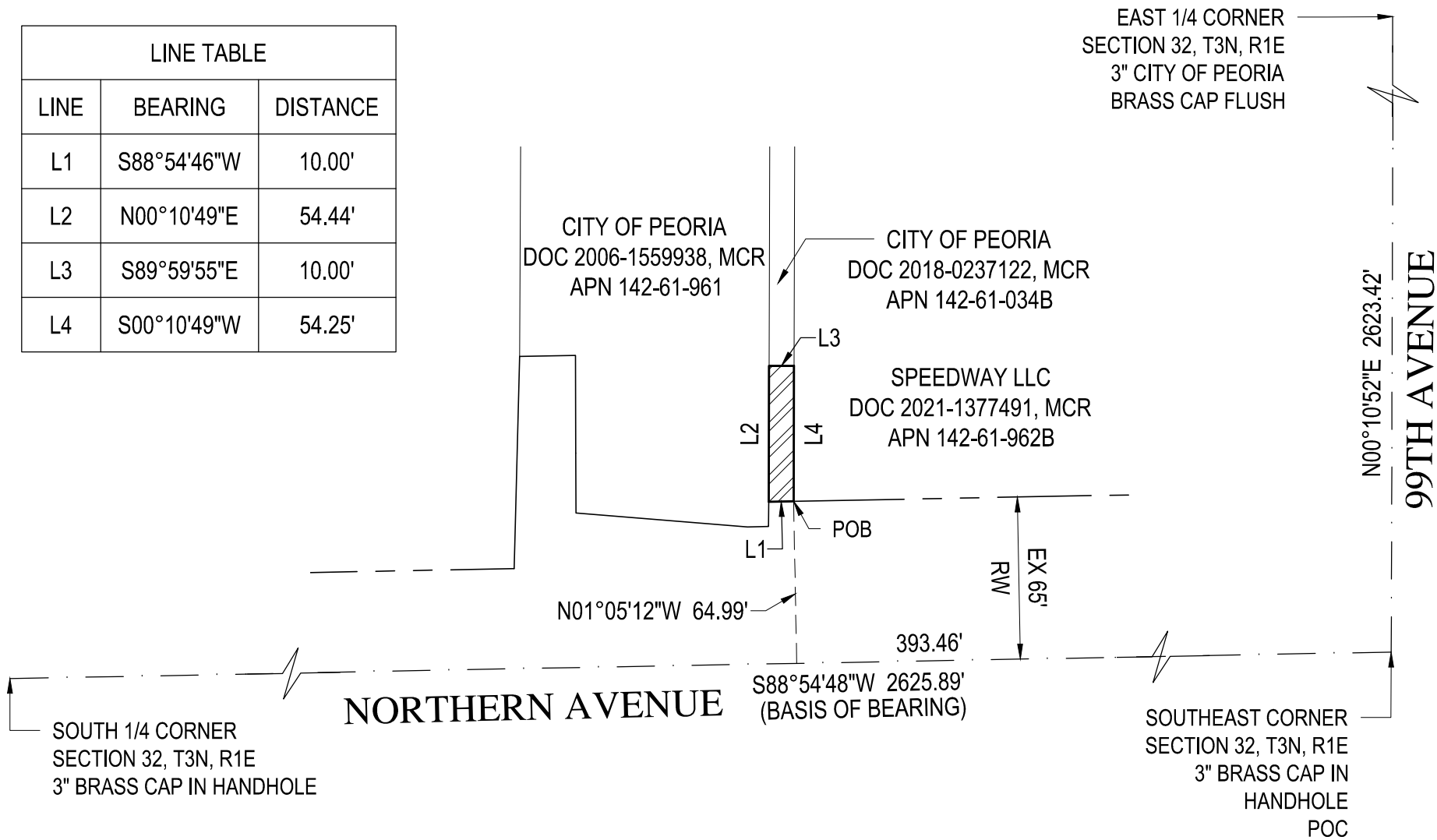
Subject to existing right-of-ways and easements.

This parcel description was prepared without the benefit of survey fieldwork and is based on client provided information. Any monumentation noted in this parcel description is based on said information.

Y:\WP\Parcel Descriptions\2021\215248.80 Northern Ave Portion of APN 142-61-034B D24715 Temporary Construction Easement L41 05-11-23.docx



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S88°54'46"W	10.00'
L2	N00°10'49"E	54.44'
L3	S89°59'55"E	10.00'
L4	S00°10'49"W	54.25'



SOUTH 1/4 CORNER
SECTION 32, T3N, R1E
3" BRASS CAP IN HANDHOLE

SOUTHEAST CORNER
SECTION 32, T3N, R1E
3" BRASS CAP IN
HANDHOLE
POC

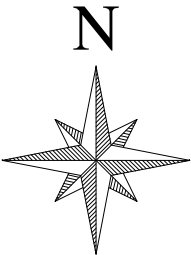


EXHIBIT "A-4"
NORTHERN AVENUE
PORTION OF APN 14 2-61-034B
TEMPORARY CONSTRUCT DN EASEMENT
5/11/2023
WP# 215248.8 0
PAGE 8 OF 8
NOT TO SCALE
Z:\2021\215248\Survey\Legal\5248-L41.dwg

EXPIRES 12-31-23

WHEN RECORDED RETURN TO:
Maricopa County Real Estate Department
2801 W. Durango Street
Phoenix, AZ 85009

EXEMPT A.R.S. § 11-1134, A.2

LA / DO

TEMPORARY CONSTRUCTION EASEMENT

Assessor's Parcel No.: 142-73-342
Project No.: TT0600
Project Name: Northern Parkway
Termini: Agua Fria to 103rd Avenue
Item No.: D24800 TCE (LA)

This Temporary Construction Easement is entered into by and between **City of Peoria, an Arizona municipal corporation**, hereinafter referred to as **GRANTOR**, the owner of the real property situated in Maricopa County, Arizona, which property is set forth in instrument number NOD-13454 in the official records of Maricopa County (the "Burdened Property"), and **Maricopa County**, a political subdivision of the State of Arizona, its assigns and successors in title or interest, hereinafter collectively called **GRANTEE**.

GRANTOR hereby grants a Temporary Construction Easement ("TCE"), together with the right and privilege of entering upon the area subject to the conditions set forth herein, on, over, under and across that portion of the Burdened Property legally described on Exhibit "A-1" and depicted in Exhibit "A-2" attached hereto (the "Easement Area") for the purpose of facilitating construction of the project known as TT0600 (Agua Fria to 103rd Avenue).

1. Term and Consideration. This TCE is hereby granted for the stated purpose for a period of twenty-four (24) months ("Term") which shall commence upon the written notice to the Grantor by the Grantee. **GRANTEE** estimates that the period of time stated above will be sufficient for completion of the work within the TCE Area. **GRANTEE** shall provide written notification to **GRANTOR** of the initiation of construction activities no less than thirty (30) calendar days in advance of construction activities. In the event **GRANTEE** determines that additional construction time within the TCE Area is needed for completion of the Project, **GRANTEE** shall be permitted to extend the term of this TCE by notifying the **GRANTOR** in writing.

2. Damages. The **GRANTEE** shall be liable for any permanent damage to the TCE Area, and/or any improvements therein, caused by **GRANTEE** during the Term of this TCE, and

any extension thereof. Any improvements damaged as a result of **GRANTEE'S** use of the TCE Area will be replaced in kind.

3. Extinguishment. Upon completion of the Project construction, **GRANTEE** shall record a document extinguishing this TCE in the office of the Maricopa County Recorder, which document may be executed on behalf of the **GRANTEE** by the **Director of the Maricopa County Real Estate Department.**

*REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
SIGNATURE PAGE(S) FOLLOW*

GRANTOR: City of Peoria, an Arizona municipal corporation

SIGNED:

Henry Darwin, City Manager

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Exhibit "A-1"
Parcel No. 142-73-342
Project No. TT0600
Northern Parkway – Agua Fria River to 99th Ave
Item No. D24800 TCE

LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT

A parcel of land in the Southeast Quarter of Section 31, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows:

Commencing at the Southeast corner of said Section 31, from which the South Quarter corner of said Section 31, bears South 89°28'08" West, for a distance of 2648.45 feet;

THENCE along the South Section line of said Section 31, South 89°28'08" West, for a distance of 844.54 feet;
THENCE departing said Section line, North 00°31'52" West, for a distance of 55.00 feet to a point on the Northerly Right of Way line of Northern Avenue, said point being the **Point of Beginning**;

THENCE departing said Right of Way line, North 53°55'21" East, for a distance of 25.19 feet to a point on the Westerly Right of Way line of 108th Drive, said point being the beginning of a non-tangent curve;
THENCE, from a radial line bearing South 89°11'21" East, southerly along the arc of a curve concave to the Northwest having a radius of 15.00 feet and a central angle of 89°58'52", for an arc distance of 23.56 feet to a point on said northerly Right of Way line, said point being the beginning of a tangent line;
THENCE along said northerly Right of Way line, South 89°28'08" West, for a distance of 5.15 feet to the **Point of Beginning**.

The above described parcel contains 102 square feet or 0.0023 acres, more or less, and is depicted on attached Exhibit "B".

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION		
Prelim: 05/17/2024 KH	Chk:	Appr:
Rev: 09/04/2024 KH		
Maricopa County Real Estate Department		





Not to Scale

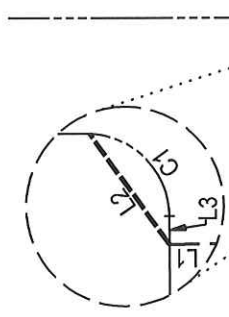
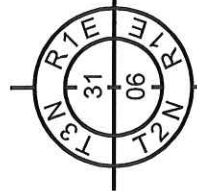
Hernandez
Brenda S
142-73-293

Mohamed
David/
Toni Jeanette
142-73-292

Aldrete
Alvaro R
Alcala
142-73-291

D24800
City of Peoria
142-73-342
Tract A

Book 363 Page 43 M.C.R.



D24800 TCE

Point of Beginning

S89°28'08"W

2648.45'

NORTHERN AVENUE

NORTHERN AVENUE

844.54'

BK363 P43 MCR
55' ROW

Point of Commencement

Rm1 SFR Propoco A LP
142-73-340

Coughran Lonnie J/Wendy J
142-73-341
D24808 TCE

108th DRIVE

NO.	RADIUS	DELTA	LENGTH	TANGENT
C1	15.00'	88°58'52"	23.56'	15.00'

NO.	BEARING	LENGTH
L1	N 00°31'52" W	55.00'
L2	N 53°55'21" E	25.19'
L3	S 89°28'08" W	5.15'



TCE-1 Area: 102 square feet or 0.0023 acres +/-

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

Northern Parkway - Agua Fria River to 99th Ave

PROJECT No. TT0600	ITEM No. D24800 TCE	DATE 09/09/2024	RW L.A. Tech K.H.	Page 6 of 6	PE REQ. 05/01/2024
					Revision 09/09/2024