

REQUEST FOR COUNCIL ACTION

SUBJECT: Underground Right of Way Easement to PacifiCorp (Rocky Mountain Power).

SUMMARY: Rocky Mountain Power requested an Underground Right of Way Easement from the City prior to removing several power poles and converting overhead power to underground power as part of the City's 5600 West, 6200 South – 7000 South Road Widening Project. The attached Easement has been approved by both City staff and Rocky Mountain Power.

**FISCAL
IMPACT:** None.

STAFF RECOMMENDATION:

Staff recommends approval.

MOTION RECOMMENDED:

"I move to adopt Resolution No. 14-205, authorizing the Mayor to execute the attached Underground Right of Way Easement to PacifiCorp."

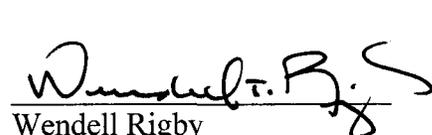
Roll Call vote required

Prepared by:



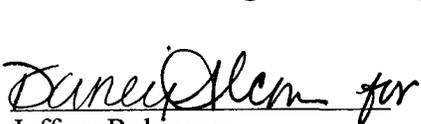
David Clemence
Real Estate Services Manager

Recommended by:



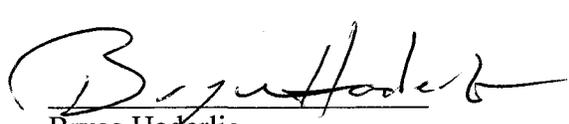
Wendell Rigby
Public Works Director

Reviewed as to legal sufficiency:



Jeffrey Robinson
City Attorney

Recommended by:



Bryce Haderlie
Interim City Manager

BACKGROUND DISCUSSION:

One of the elements of the City's 5600 West, 6200 South – 7000 South Road Widening Project is the burial of existing overhead utilities. Rocky Mountain Power owns several power poles and utility lines that need to be placed underground, but which are covered by an existing easement.

Since the power lines are being buried in the same location as the existing poles, the underground power lines will be covered by Rocky Mountain Power's existing easement. However, in order to bury the power lines Rocky Mountain Power must also install four switch gear boxes which are too large for its existing easement, so an additional easement is required.

The attached Underground Right of Way Easement is the end result of negotiations between City staff and Rocky Mountain Power.

Attachments:

Resolution

Underground Right of Way Easement

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

RESOLUTION NO. 14-205

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE ATTACHED
UNDERGROUND RIGHT OF WAY EASEMENT TO PACIFICORP
(ROCKY MOUNTAIN POWER)**

Whereas, the City of West Jordan is preparing to construct its 5600 West, 6200 South – 7000 South Road Widening Project (the “Project”); and

Whereas, one of the requirements of the Project is to place the existing overhead utilities underground; and

Whereas, PacifiCorp (“Rocky Mountain Power”) is prepared to bury its existing overhead electrical system, provided it receives an additional easement from the City prior to performing the work; and

Whereas, the attached Underground Right of Way Easement meets the needs of both the City and Rocky Mountain Power; and

Whereas, the Mayor is authorized to execute the attached Underground Right of Way Easement pursuant to the Utah State Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. The Mayor is authorized and directed to execute the attached Underground Right of Way Easement after it has been approved as to legal form by the City Attorney.

Section 2. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 19th day of November 2014.

CITY OF WEST JORDAN

ATTEST:

By: _____
KIM V. ROLFE
Mayor

By: _____
MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council

"AYE"

"NAY"

- Council Member Jeff Haaga
- Council Member Judy Hansen
- Council Member Chris McConnehey
- Council Member Chad Nichols
- Council Member Ben Southworth
- Council Member Justin D. Stoker
- Mayor Kim V. Rolfe

Return to:

Rocky Mountain Power
Attn: Lisa Louder/SG
1407 W North Temple, Ste. 110
Salt Lake City, UT 84116

Project Name: West Jordan 5600 W
WO#: 5819638

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **City of West Jordan, Utah, a municipal corporation and political subdivision of the state of Utah** ("Grantor"), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns, ("Grantee"), an easement for the construction, reconstruction, operation, maintenance, repair, replacement, and removal of underground electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, and vaults on, across, or under the surface of the real property of Grantor in **Salt Lake County, State of Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit(s) "A" attached hereto and by this reference made a part hereof:

Legal Description: See attached Exhibit "A"

Assessor Parcel No.: 20-23-430-013, 20-23-477-012, and 20-23-477-049-4001

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to

EXHIBIT "A"

Rocky Mountain Power Switch Gear Easement -1

Beginning in the westerly boundary line of an existing Rocky Mountain Power easement which point is 381.20 feet N.0°07'06"E. along the section line and 56.50 feet WEST from the southeast corner of Section 23, T.2S., R.2W., SLB&M; and running thence N.89°52'53"W. 5.00 feet; thence N.00°07'06"E. 23.00 feet; thence S.89°52'53"E. 5.00 feet; thence S.00°07'06"W. 23.00 feet to the point of beginning.

The above described part of an entire tract contains 115 square feet in area or 0.003 acres.

Rocky Mountain Power

Switch Gear Easement -2

Beginning in the westerly boundary line of an existing Rocky Mountain Power easement which point is 911.20 feet N.0°07'06"E. along the section line and 56.50 feet WEST from the southeast corner of Section 23, T.2S., R.2W., SLB&M; and running thence N.89°52'53"W. 5.00 feet; thence N.00°07'06"E. 23.00 feet; thence S.89°52'53"E. 5.00 feet; thence S.00°07'06"W. 23.00 feet to the point of beginning.

The above described part of an entire tract contains 115 square feet in area or 0.003 acres.

Rocky Mountain Power
Switch Gear Easement -3

Beginning in the westerly boundary line of an existing Rocky Mountain Power easement which point is 1500.54 feet N.0°07'06"E. along the section line and 56.50 feet WEST from the southeast corner of Section 23, T.2S., R.2W., SLB&M; and running thence N.89°52'53"W. 5.00 feet; thence N.00°07'06"E. 23.00 feet; thence S.89°52'53"E. 5.00 feet; thence S.00°07'06"W. 23.00 feet to the point of beginning.

The above described part of an entire tract contains 115 square feet in area or 0.003 acres.

Rocky Mountain Power

Switch Gear Easement -4

Beginning in the westerly boundary line of an existing Rocky Mountain Power easement which point is 2190.52 feet N.0°07'06"E. along the section line and 56.50 feet WEST from the southeast corner of Section 23, T.2S., R.2W., SLB&M; and running thence N.89°52'53"W. 5.00 feet; thence N.00°07'06"E. 23.00 feet; thence S.89°52'53"E. 5.00 feet; thence S.00°07'06"W. 23.00 feet to the point of beginning.

The above described part of an entire tract contains 115 square feet in area or 0.003 acres.

SWITCH GEAR EASE 4

SWITCH GEAR EASE 3

SWITCH GEAR EASE 2

SWITCH GEAR EASE 1

5600 WEST

7000 SOUTH

