



City of Maricopa

Legislation Text

File #: IGA 12-001, **Version:** 1

The Mayor and City Council shall discuss and possibly take action on approving an Intergovernmental Agreement (IGA) between the City of Maricopa and Electrical District #3 for the purpose of setting forth a joint understanding of the use of City streets and public rights-of-way. Discussion and Action.

As a municipal corporation, the City has a vested power to regulate the use of streets and rights-of-way (ROW) within the City limits. Electrical District #3 (ED3), being an electrical district and a political subdivision of the State of Arizona, has the right to use the City's ROW to install, repair and replace overhead electrical poles and lines, street lights and underground electrical facilities pursuant to ARS 48-1749.

This IGA is to establish an understanding of the requirements for ED3's use of the City's ROW. The IGA includes two main sections: Fees and Use of City Streets.

The Fees section only covers charges for business operations. ED3 will waive security deposits and the initial connection charges for all City-owned facilities. In exchange, the City will waive all ROW permit fees.

The Use of City Streets section includes several subsections. There are three main subsections/topics that cover the bulk of the agreement; Construction, Construction and Relocation of ED3 Facilities and Restoration of City Streets. The Construction section requires that ED3 obtain a ROW permit for all work performed within the ROW and that such work complies with the City's construction standards. The Restoration of City Streets explains that whenever ED3 shall cause any opening or alteration whatsoever to be made for any purpose in any City street, the work shall be completed with due diligence within a reasonably prompt time, and ED3 shall, upon completion of such work, restore the disturbed property (as reasonably possible) to as good of condition as it was prior to such opening or alteration. If ED3 fails to promptly restore the property to such condition within a reasonable time and after notice by the City, the City may make such repairs and ED3 shall be responsible for the actual cost of such work.

The Construction and Relocation of ED3 Facilities section is the main reason why City staff pursued this IGA. This section establishes which entity (City or ED3) is responsible for the cost of relocating existing ED3 facilities for City-driven road projects. ED3's existing facilities are either located within City ROW or a dedicated private/utility easement. If the City requires ED3 to relocate ED3 facilities that are located in private/utility easements, the entire cost of relocating ED3 facilities into a new private easement (including the cost of purchasing such new private easement if necessary) or Public Utility Easement (PUE) shall be borne by the City or by any developer or person other than ED3, as required by the City. ED3 shall bear the entire cost of relocating ED3 Facilities located within City Streets, the relocation of which is necessary for the City to carry out its governmental functions and responsibilities.

This section is important to the City due to several projected CIP road projects that will require ED3 facility relocations, two of which are already designed and one that is currently being designed. The Maricopa-Casa Grande Highway widening from Porter Road to White & Parker Road will require a relocation that the City will pay for because the ED3 facilities are currently within a dedicated private easement granted by the Arizona State Land Department. The two other road projects referenced above will require ED3 to pay for the

relocation of their facilities. The Honeycutt/Porter widening project within the Seven Ranches area has overhead lines along the east side of Porter Road from Honeycutt Road to the school driveway and the Honeycutt/SR 347 intersection improvements will require the relocation of a 69kv transmission line that runs along the north side of Honeycutt and crosses SR 347.

City staff has worked diligently with ED3 staff to work through each party's concerns. ED3 staff has been great to work with and very cooperative throughout the negotiations. ED3's Board of Directors approved the agreement on January 25, 2012.

Staff recommends approval of this IGA.