

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: May 10, 2012**

SUBJECT: Approval of Agreement for Right of Entry and Construction Easement with Town of Chino Valley and other Upper Verde River Watershed Protection Coalition members

SUBMITTING DEPARTMENT: Water Resource Management

PREPARED BY: John Munderloh, Water Resources Manager

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: 1) Agreement for Right of Entry and Construction Easement

SUMMARY BACKGROUND: The Upper Verde River Protection Coalition (Coalition) is composed of representatives from Yavapai County, the Yavapai-Prescott Indian Tribe, the City of Prescott, and the Towns of Chino Valley and Prescott Valley. On January 25, 2012, the Coalition Board approved a staff proposal to construct a pilot-scale rainwater harvesting demonstration project on property owned by the Town of Chino Valley known as Old Home Manor. The Town of Chino Valley has agreed to donate the use of their property to the Coalition for a period of up to five years through the attached Right of Entry and Construction Easement agreement. Since the Coalition is not a legal entity, each Coalition member will need to separately approve this agreement.

As the fiscal agent for the Coalition, a separate construction contract will be presented to the Council once this agreement is approved and the construction bid process is completed.

PREVIOUS ACTIONS: The Town Council has approved numerous grant applications on behalf of the Coalition and, on February 22, 2007, the Council approved membership contributions for the Coalition for \$55,000 per year.

OPTION ANALYSIS: The Council may vote to:

- 1.) approve the Right of Entry and Construction Easement agreement, **OR**
- 2.) not approve the Right of Entry and Construction Easement agreement, **AND/OR**
- 3.) direct staff to pursue other options.

ACTION OPTION: Motion to approve the Agreement for Right of Entry and Construction Easement, **OR** Motion not to approve this Agreement. **VOTE.**

RECOMMENDATION: Town staff recommends approval of this Right of Entry and Construction Easement agreement.

FISCAL ANALYSIS: No direct fiscal impacts will result to the Town of Prescott Valley from this agreement. Fiscal impacts, if any, are the responsibility of the Coalition as a whole, and will be covered by the Coalition budget

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____