

RESOLUTION NO. 2024-011

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WATER UTILITIES COMMUNITY FACILITIES DISTRICT (CITY OF APACHE JUNCTION, ARIZONA) DECLARING THE PUBLIC UTILITY EASEMENTS LOCATED BETWEEN PARCEL NUMBERS 100-25-015B AND 100-25-016B, ARE NO LONGER NECESSARY FOR PUBLIC USE AND ARE HEREBY EXTINGUISHED.

WHEREAS, on August 23, 1954 and June 16, 1958, the Water Utilities Community Facilities District ("WUCFD"), a special purpose district and Arizona municipal corporation, as a successor grantee, was granted a public utility easement ("PUE") at Parcel Number 100-25-015B and 100-25-016B, as more fully described in Exhibit A and depicted in Exhibit B, pursuant to the Small Tract Act of 1938 (52 Stat. 609, as amended, 43 U.S.C. 682a-682e), to allow for the installation and maintenance of public utility facilities on private property; and

WHEREAS, when a WUCFD PUE is no longer needed or conflicts with new development, the WUCFD board of directors (the "Board") may extinguish the PUE to provide underlying owners the ability to fully utilize their property; and

WHEREAS, in addition, the owner of the property on which the PUE exists may apply to WUCFD for an extinguishment; and

WHEREAS, the property owner filed a PUE extinguishment application on September 24, 2024 with WUCFD along with the applicable processing fee; and

WHEREAS, the WUCFD director has determined that the PUEs in question, because of their location, topography, or encroachments therein, have no or *de minimis* public value.

NOW, THEREFORE, BE IT RESOLVED BY THE WUCFD CHAIRPERSON AND BOARD OF DIRECTORS AS FOLLOWS:

- 1) The PUEs, as described in Exhibit A and depicted in Exhibit B, are no longer necessary for public purposes, have no or *de minimis* public value, and are hereby extinguished for public purposes.

2) Nothing in this approval extinguishes any other public utility entities' PUE interests.

PASSED AND ADOPTED BY THE WATER UTILITIES COMMUNITY FACILITIES DISTRICT CHAIRPERSON AND BOARD OF DIRECTORS, THIS _____ DAY OF _____, 20____.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 20____.

WALTER "CHIP" WILSON
Chairperson

ATTEST:

JENNIFER PENA
District Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
District Attorney

EXHIBIT A

PROPERTY DESCRIPTION

EXHIBIT A

CONCHO STREET - NORTH HALF

THE SOUTH THIRTY-THREE (33') FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF STATE ROUTE 88. EXCEPT THE WEST THIRTY-THREE (33') FEET THEREOF.

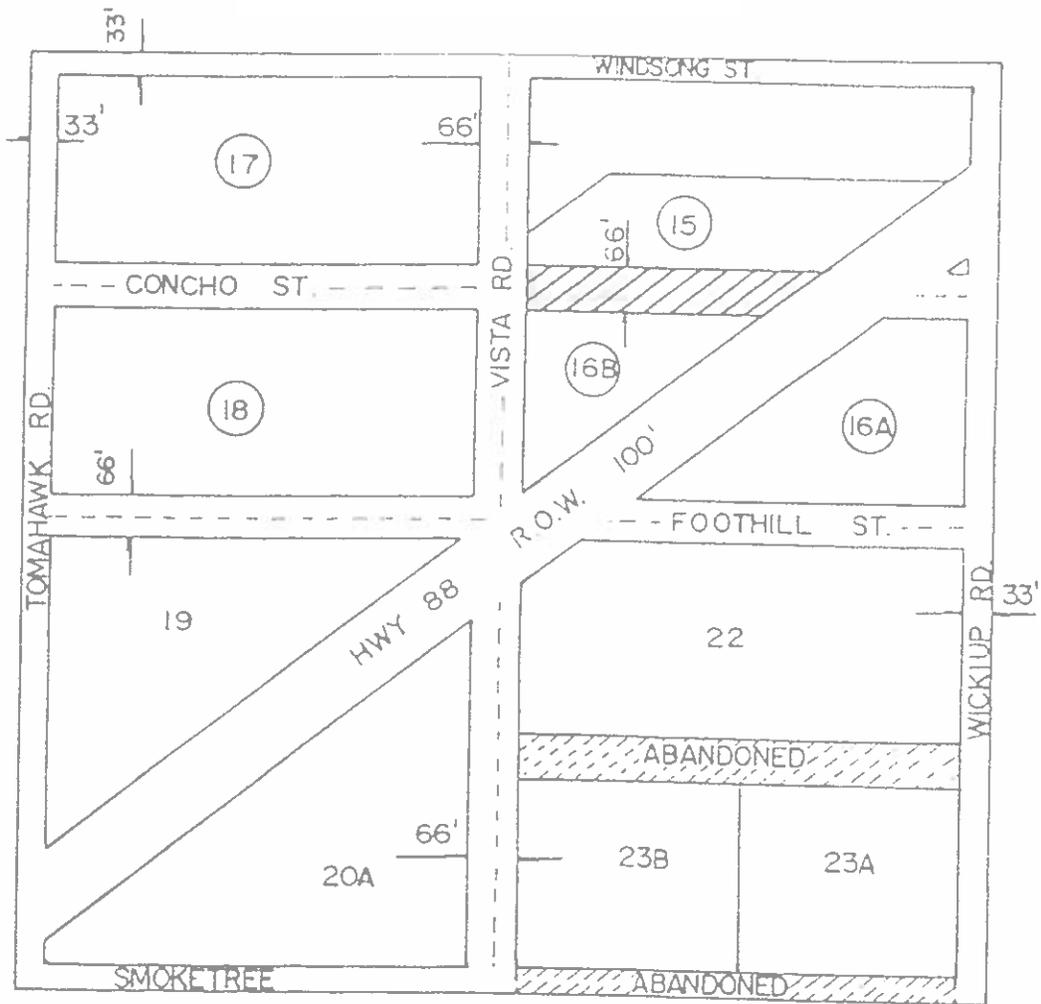
CONCHO STREET - SOUTH HALF

THE NORTH THIRTY-THREE (33') FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, LYING WEST OF THE WEST RIGHT-OF-WAY OF STATE ROUTE 88. EXCEPT THE WEST THIRTY-THREE (33') FEET THEREOF.

EXHIBIT B

MAP

EXHIBIT B



PROPOSED ABANDONMENT



TAX PARCEL NUMBER



PREVIOUSLY ABANDONED