

RESOLUTION NO. 2016-001

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WATER UTILITIES COMMUNITY FACILITIES DISTRICT (CITY OF APACHE JUNCTION, ARIZONA) DECLARING A PORTION OF THE PUBLIC UTILITY EASEMENT LOCATED AT 16TH AVENUE BETWEEN TOMAHAWK AND VISTA ROAD IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, the Water Utilities Community Facilities District ("WUCFD"), a special purpose district and Arizona municipal corporation, is a successor in interest of a public utility easement at 16th Avenue, as more fully described in Exhibit A and depicted in Exhibit B, to allow for the installation and maintenance of public utility facilities on private property; and

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

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

WHEREAS, the property owner filed an application with WUCFD along with the applicable processing fee; and

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

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

- 1) The public utility easement, as described in Exhibit A and depicted in Exhibit B, is no longer necessary for public purposes, has no or *de minimis* public value, and is hereby extinguished for public purposes.
- 2) Nothing in this approval extinguishes any other public utility entities' interest in this public utility easement.

PASSED AND ADOPTED BY THE WUCFD CHAIRPERSON AND BOARD OF DIRECTORS, THIS ____ DAY OF _____, 2016.


SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2016.

JOHN S. INSALACO
Chairman

ATTEST:

KATHLEEN CONNELLY
District Clerk

APPROVED AS TO FORM:



RICHARD J. STERN
District Attorney

EXHIBIT A

Bel Agave Extinguishment Legal Descriptions

APN 103-20-005

The North 33 feet of the East half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

APN 103-20-006


The North 33 feet of the West half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County.

EXCEPT the West 50 feet of the North 33 feet thereof.

EXHIBIT B

MAP

LEGEND

- F.P.E. FEDERAL PATENT EASEMENT
- DKT. DOCKET
- PG. PAGE
- APN ASSESSORS PARCEL NUMBER
-  F.P.E. TO BE EXTINGUISHED

W. 1/4 COR.
SEC. 27
T.1N., R.8E.

50'

ROADWAY
EXTINGUISHED PER RES. 86-01
DKT. 1342, PG. 600

PUBLIC UTILITY EASEMENT RETAINED

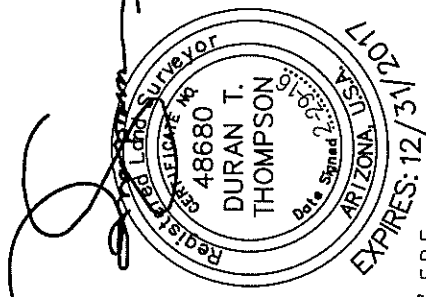
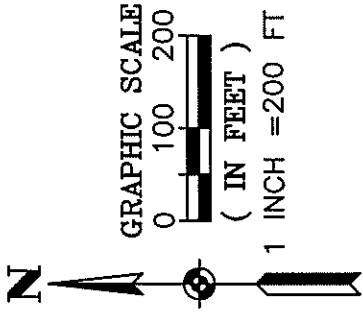
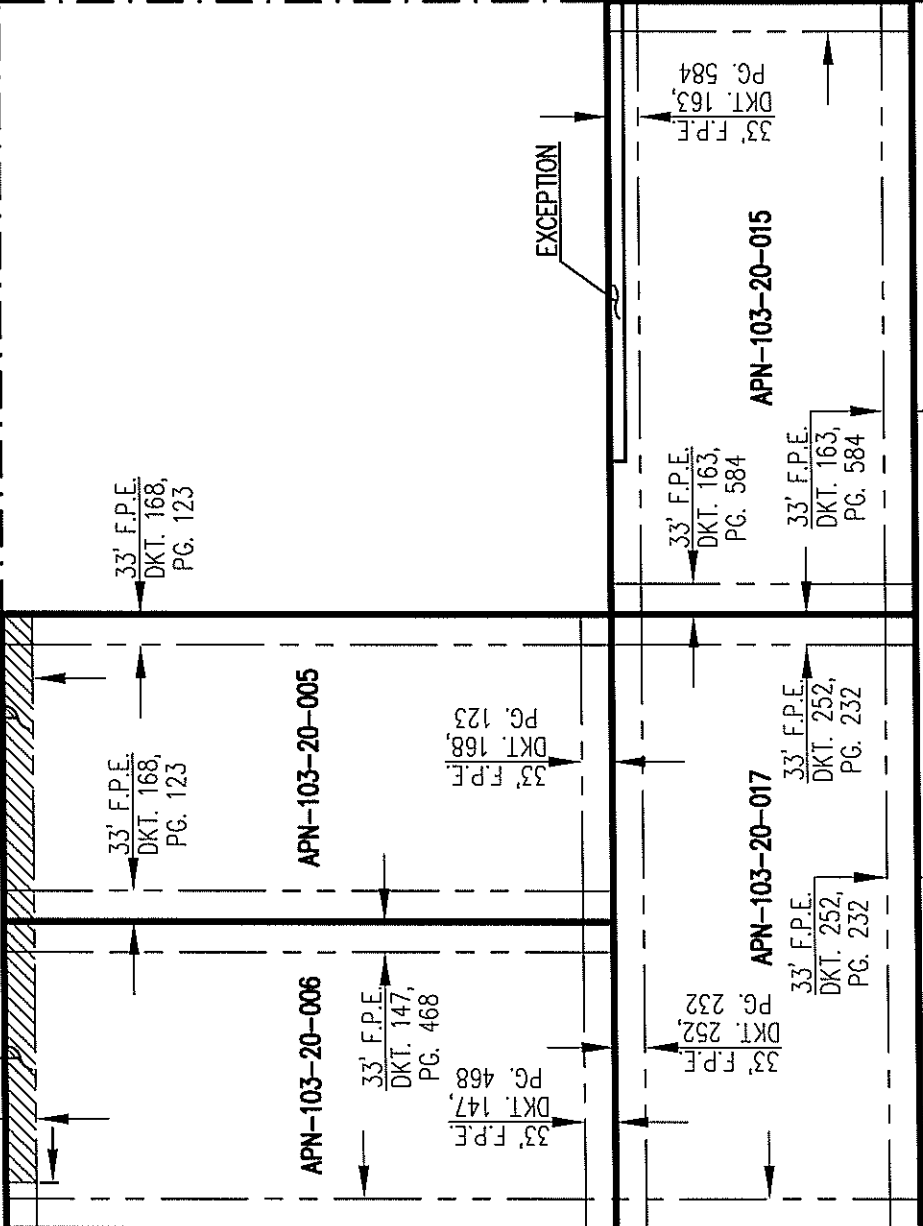
33' F.P.E.
DKT. 147,
PG. 468

33' F.P.E.
DKT. 168,
PG. 123

33' F.P.E.
DKT. 163,
PG. 584

33' F.P.E.
DKT. 163,
PG. 584

33' F.P.E.
DKT. 163,
PG. 584



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D & M ENGINEERING
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SHEET 1 OF 1

CLIENT/PROJECT
BEL AGAVE

TITLE
F.P.E. EXTINGUISHMENT