

RESOLUTION NO. 2024-003

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 655 SOUTH CONESTOGA ROAD, APACHE JUNCTION, ARIZONA, NO LONGER NECESSARY FOR PUBLIC USE AND HEREBY EXTINGUISHED.

WHEREAS, on January 15, 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 655 South Conestoga Road, Apache Junction, Arizona, 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 February 20, 2024, with WUCFD and paid the applicable processing fee; and

WHEREAS, the WUCFD director has determined that the PUE 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 PUE, 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.

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  
Deputy District Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD J. STERN  
District Attorney

EXHIBIT 'A'

Legal Description of Easement to be Extinguished

The South 33.00 feet of the South half of the Northeast quarter of the Southeast quarter of the Southeast quarter of the Southwest quarter of Section 22, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Except the West 33.00 feet and the East 40.00 feet thereof.



# EXHIBIT 'B'

The South half of the Northeast quarter  
of the Southeast quarter of the Southeast  
quarter of the Southwest quarter of  
Section 22, T.1N.,R.8E.,G.&S.R.B.&M.  
Pinal County, Arizona.

ALIGNMENT

ALIGNMENT

6TH AVENUE

ALIGNMENT

APN 103-04-051B

7TH AVENUE

ALIGNMENT

Area to be Extinguished  
South 33.00 Feet, EXCEPT  
the West 33.00 Feet and the  
East 40.00 Feet Thereof

CONESTOGA ROAD

CORTEZ ROAD

## EASEMENT EXTINGUISHMENT EXHIBIT

Southwest quarter Section 22, T.1N.,R.8E.  
of the Gila and Salt River Base and Meridian,  
Pinal County, Arizona



Graphic Scale in Feet