

RESOLUTION NO. 2024-001

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 2056 EAST SCENIC STREET, APACHE JUNCTION, ARIZONA 85119, IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, on June 9, 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 2056 East Scenic Street, Apache Junction, Arizona 85119, 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 PUEs exist may apply to WUCFD for an extinguishment; and

WHEREAS, the property owner filed a PUE extinguishment application on December 21, 2023, with WUCFD along with 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 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  
Deputy District Clerk

APPROVED AS TO FORM:

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

EXHIBIT A

PROPERTY DESCRIPTION

## **EXHIBIT A**

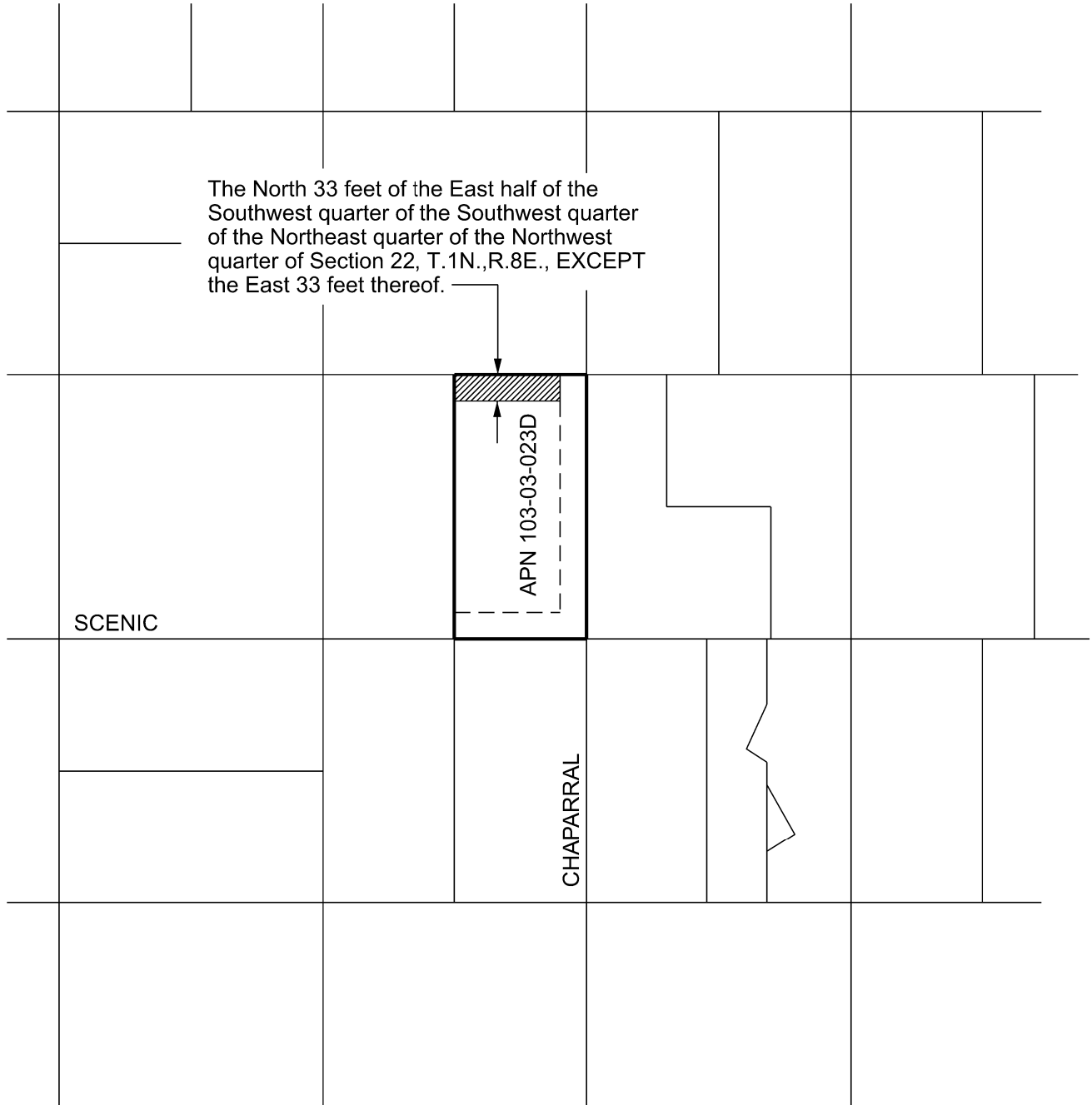
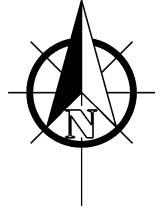
### **Legal Description of Easement to be Extinguished**

The North 33 feet of the East half of the Southwest quarter of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 22, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, EXCEPT the East 33 feet thereof.

EXHIBIT B

MAP

# EXHIBIT B



## EASEMENT EXTINGUISHMENT EXHIBIT

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



Graphic Scale in Feet