

RESOLUTION NO. 24-05

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING A FEDERALLY PATENTED EASEMENT LOCATED OF ROUNDUP STREET FROM IDAHO ROAD WEST, IS NO LONGER NECESSARY FOR PUBLIC USE AS A FEDERALLY PATENTED EASEMENT AND IS HEREBY EXTINGUISHED AS PRESENT AND FUTURE PUBLIC RIGHT-OF-WAY.

WHEREAS, upon incorporation, the City of Apache Junction, an Arizona municipal corporation, became the holder of roadway easements, also known as federally patented easements ("FPEs") pursuant to the Small Tract Act of 1938 (52 Stat. 609, as amended, 43 U.S.C. 682a-682e), as more fully described in the attached exhibits; and

WHEREAS, an FPE may be extinguished by a local municipal government pursuant to A.R.S. §§ 9-500.24 and 28-7214; and

WHEREAS, the applicant paid the required non-refundable application and filing fee for the extinguishment request pursuant to Apache Junction City Code, Vol. I, § 13-2-4 (H); and

WHEREAS, the reason for the FPE extinguishment request is for a future townhome development; and

WHEREAS, pursuant to Apache Junction City Code, Vol. I, § 13-2-4, the director of public works submitted copies of the application for comment to the development services director, the public safety director, the Superstition Fire and Medical District, as well as all public utility providers; and

WHEREAS, the extinguishment request, if approved, would not leave a parcel in separate ownership without access to an established public roadway or easement connecting such lands with another public roadway or easement; and

WHEREAS, the city engineer has determined that the FPE in question, because of its location, topography, and encroachments therein, have no or *de minimis* public value.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION ARIZONA, AS FOLLOWS:

- 1) The mayor and city council of the City of Apache Junction find that the FPE, as described in legal description and map set forth in the attached exhibits, is classified as a local street on the street classification plan and is no longer necessary for public roadway purposes, has no or *de minimis* public value, and is hereby extinguished for public roadway purposes.
- 2) Nothing in this approval extinguishes any utility easement interest of any public utility agency or entity on the subject FPE.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS ____ DAY OF _____, 20__.

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

WALTER "CHIP" WILSON
Mayor

ATTEST:

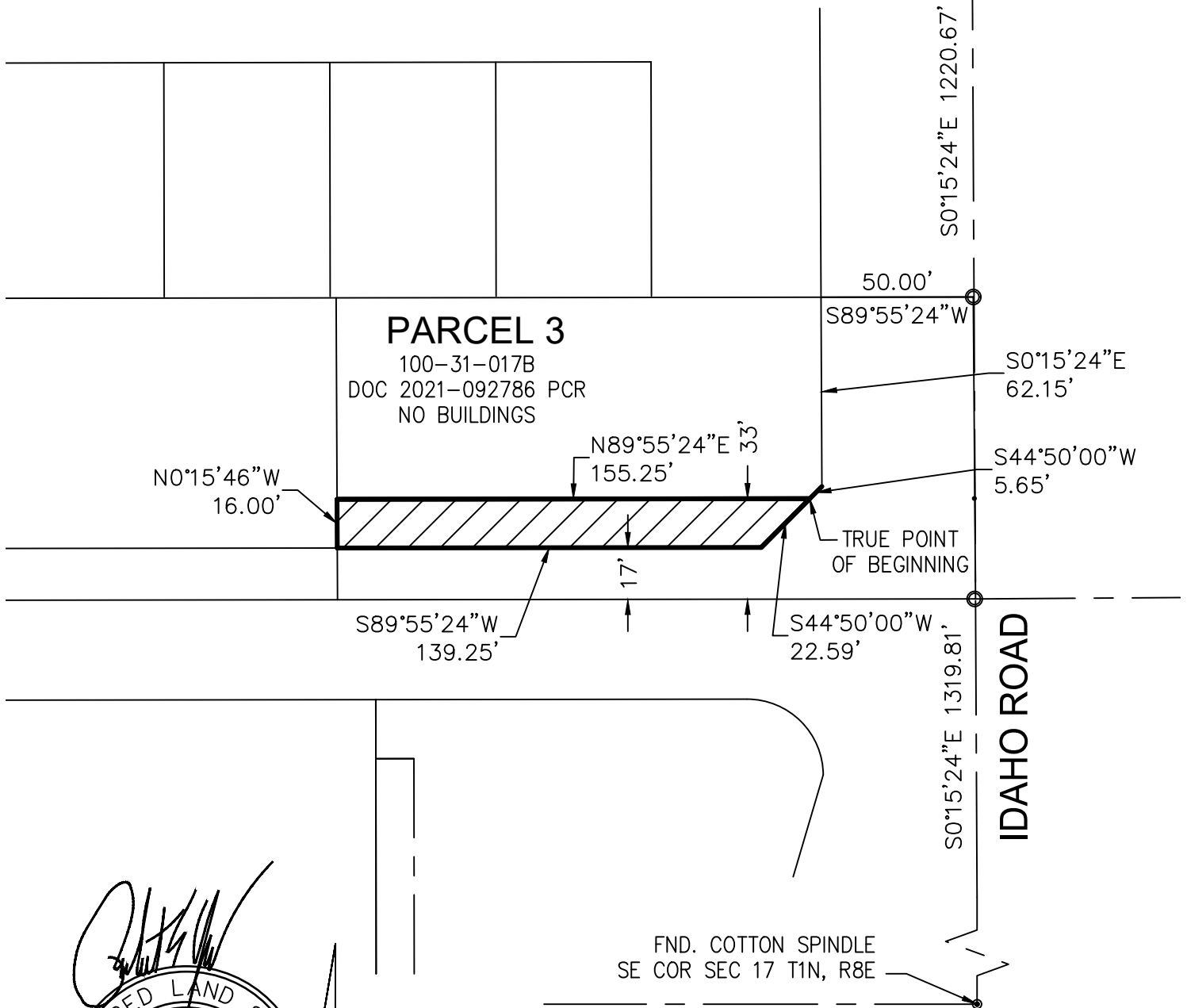
JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney

TEPEE STREET

FND. GLO BRASS CAP
IN HANDHOLE E1/4 COR
SEC 17 T1N, R8E
POINT OF COMMENCEMENT



SUPERSTITION BLVD



**Proposed Federal Patent Easement Extinguishment
Parcel 3**

A portion of the South 99 feet of the South half of the Southeast quarter of the Northeast quarter of the Southeast quarter of Section 17, Township 1 North, Range 8 East of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows;

COMMENCING at the east quarter corner of said Section 17, Township 1 North, Range 8 East of the Gila and Salt River Meridian, Pinal County, Arizona;

THENCE South 00 degrees 15 minutes 24 seconds East, along the east line of said northeast quarter of Section 17, a distance of 1,220.67 feet to the Northeast corner of said South 99 feet of the South half of the Southeast quarter of the Northeast quarter of the Southeast quarter of Section 17;

THENCE leaving said east line, South 89 degrees 55 minutes 24 seconds West, along the north line of said South 99 feet, a distance of 50.00 feet;

THENCE leaving said north line, South 00 degrees 15 minutes 24 seconds East, a distance of 62.15 feet;

THENCE South 44 degrees 50 minutes 00 seconds West, a distance of 5.65 feet to the TRUE POINT OF BEGINNING;

THENCE South 44 degrees 50 minutes 00 seconds West, a distance of 22.59 feet;

THENCE South 89 degrees 55 minutes 24 seconds West, a distance of 139.25 feet;

THENCE North 00 degrees 15 minutes 46 seconds West, a distance of 16.00 feet;

THENCE North 89 degrees 55 minutes 24 seconds East, a distance of 155.25 feet to the TRUE POINT OF BEGINNING.

Containing 2,356 square feet or 0.054 acres, more or less.

Subject to existing right-of-way and easements.

Robert S. Unger, R.L.S.
Registered Land Surveyor
Arizona Registration No. 35306

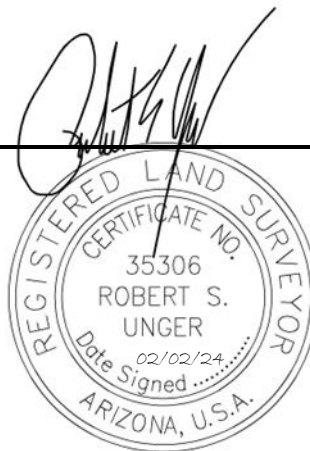
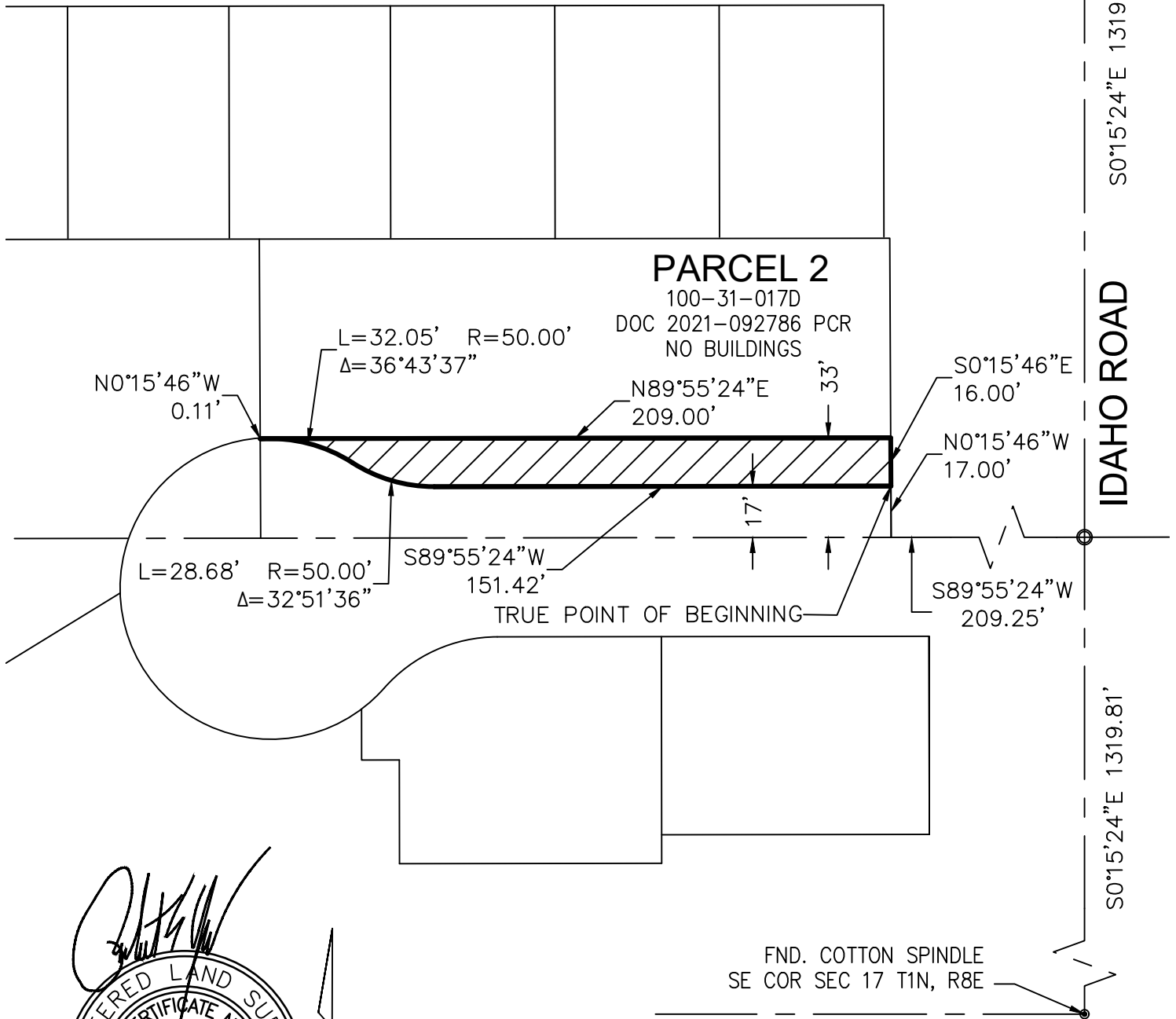


Exhibit A
Roundup Apartment Site
Parcel 2
Proposed Federal Patent
Easement Extinguishment

TEPEE STREET

FND. GLO BRASS CAP
IN HANDHOLE E1/4 COR
SEC 17 T1N, R8E
POINT OF COMMENCEMENT



SUPERSTITION BLVD

**Proposed Federal Patent Easement Extinguishment
Parcel 2**

A portion of the South 99 feet of the South half of the Southeast quarter of the Northeast quarter of the Southeast quarter of Section 17, Township 1 North, Range 8 East of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows;

COMMENCING at the east quarter corner of said Section 17, Township 1 North, Range 8 East of the Gila and Salt River Meridian, Pinal County, Arizona;

THENCE South 00 degrees 15 minutes 24 seconds East, along the east line of said northeast quarter of Section 17, a distance of 1,319.82 feet to the Southeast corner of said South 99 feet of the South half of the Southeast quarter of the Northeast quarter of the Southeast quarter of Section 17;

THENCE leaving said east line, South 89 degrees 55 minutes 24 seconds West, along the south line of said 99 feet, a distance of 209.25 feet;

THENCE leaving said south line, North 00 degrees 15 minutes 46 seconds West, a distance of 17.00 feet to the TRUE POINT OF BEGINNING;

THENCE South 89 degrees 55 minutes 24 seconds West, a distance of 151.42 feet to the beginning of a tangent curve to the right, concave Northeasterly;

THENCE Northwesterly along said curve to the right, having a radius of 50.00 feet, through a central angle of 32 degrees 51 minutes 36 seconds, an arc distance of 28.68 feet to the beginning of a tangent curve to the left, concave Southwesterly;

THENCE Northwesterly along said curve to the left, having a radius of 50.00 feet, through a central angle of 36 degrees 43 minutes 37 seconds, an arc distance of 32.05 feet to a non-tangent line;

THENCE North 00 minutes 15 seconds 46 minutes West, a distance of 0.11 feet;

THENCE North 89 minutes 55 seconds 24 minutes East, a distance of 209.00 feet;

THENCE South 00 degrees 15 minutes 46 seconds East, a distance of 16.00 feet to the TRUE POINT OF BEGINNING.

Containing 2,857 square feet or 0.066 acres, more or less.

Subject to existing right-of-way and easements.

Robert S. Unger, R.L.S.
Registered Land Surveyor
Arizona Registration No. 35306

