

RESOLUTION NO. 2024-010

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 276 SOUTH STARR ROAD, APACHE JUNCTION, ARIZONA, IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, on September 26, 1956 and April 6, 1959, 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 276 South Starr 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 PUEs exists may apply to WUCFD for an extinguishment; and

WHEREAS, the property owner filed a PUE extinguishment application on May 28, 2024 with WUCFD along with the applicable processing fee; and

WHEREAS, the WUCFD director has determined that the PUEs 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'

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 Northwest quarter of the Southeast quarter of Section 22, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT the South 33.00 feet of the West 33.00 feet and the East 33.00 feet thereof.



EXHIBIT 'B'

2nd AVENUE

ALIGNMENT

STARR ROAD

ALIGNMENT

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

APN 103-05-023b

Exception

3rd AVENUE

ALIGNMENT

Exception

Area to be Extinguished

4th AVENUE

SOLANA AVENUE

ALIGNMENT

MAP to EXHIBIT 'A'

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



Graphic Scale in Feet