

RESOLUTION NO. 24-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING A FEDERALLY PATENTED EASEMENT LOCATED AT CHAPARRAL ROAD FROM SCENIC STREET TO VIRGINIA STREET (ALIGNMENT), 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, pursuant to the Small Tract Act of 1938 (52 Stat. 609, as amended, 43 U.S.C. 682a-682e), as more fully described in Exhibit A and depicted in Exhibit B; and

WHEREAS, the reason for the FPE extinguishment request is for future development acknowledging that utility extinguishments will be required; and

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

WHEREAS, under A.R.S. § 9-500.24 the city has notified and obtained consent of utility providers; and

WHEREAS, on October 1<sup>st</sup>, 2024 the applicant paid the required non-refundable application and filing fee for the extinguishment request pursuant to Apache Junction City Code § 13-2-4 (H); and

WHEREAS, pursuant to Apache Junction City Code § 13-2-4, the director of public works on October 2, 2024, 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 city engineer has determined that the easement(s) in question, because of their 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 public roadway easements, as described in Exhibit A and depicted in Exhibit B, are classified as local streets on the Street Classification Plan and are no longer necessary for public roadway purposes, have no or *de minimis* public value, and are 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 street right-of-way.

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:

\_\_\_\_\_  
EVIE MCKINNEY  
Deputy City Clerk

APPROVED AS TO FORM:


 12-10-24  
\_\_\_\_\_  
RICHARD J. STERN  
City Attorney

EXHIBIT A

PARCEL 1 (Adjacent to parcel 103-03-023D)

The East thirty-three feet (33') 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;

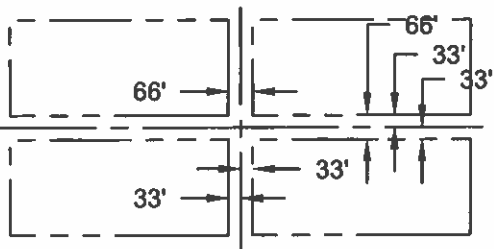
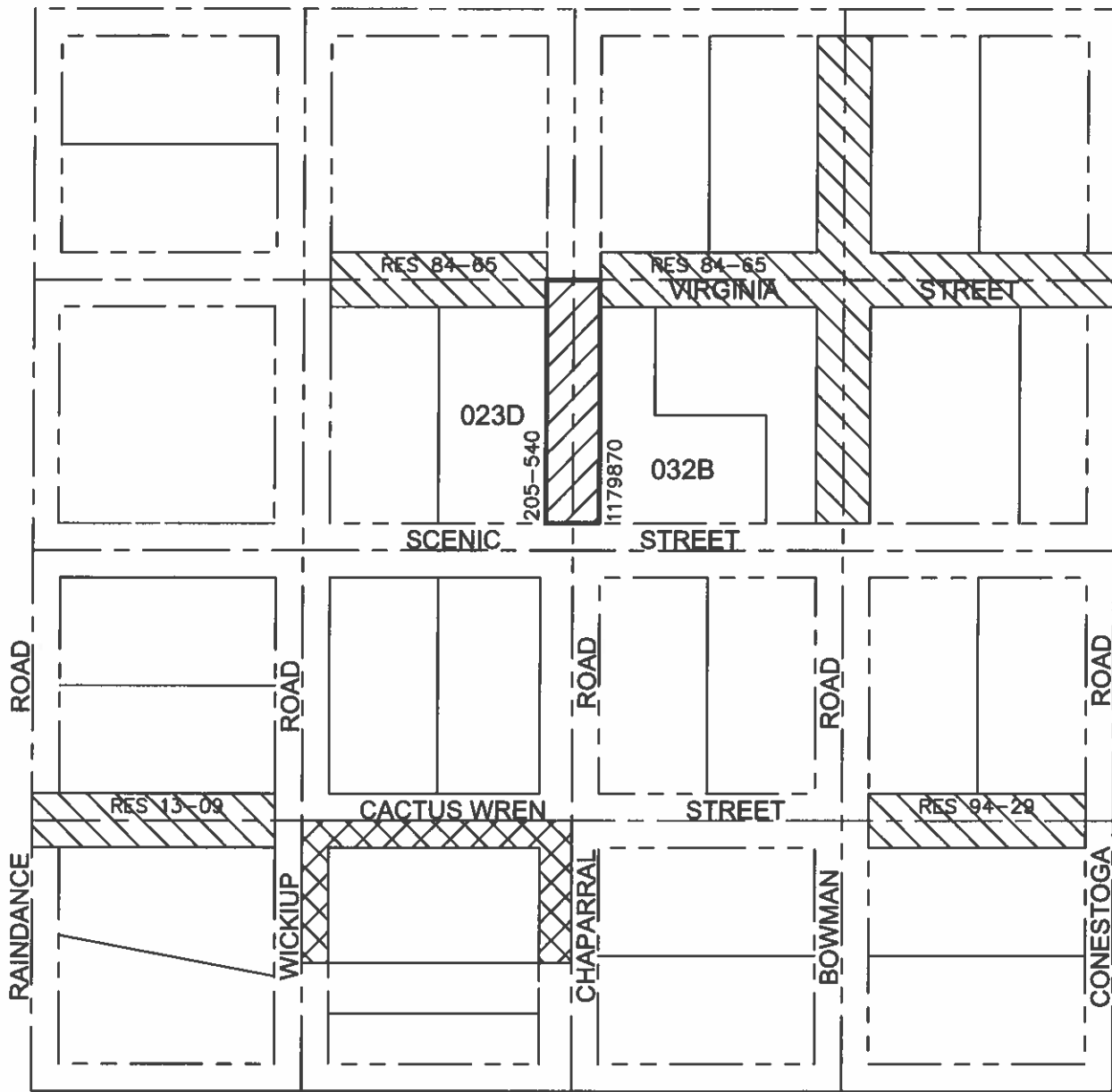
EXCEPT the South thirty-three feet (33') THEREOF; AND

PARCEL 2 (Adjacent to parcel 103-03-032B)

The West thirty-three feet (33') of the Southeast 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 South thirty-three feet (33') THEREOF;








# EXHIBIT "B"



**TYPICAL FPE/ROW DIMENSION**  
(UNLESS OTHERWISE NOTED)

## LEGEND

T1N R8E S22

-  PROPOSED EXTINGUISHMENT
-  PREVIOUSLY EXTINGUISHED
-  DEDICATED RIGHT-OF-WAY (TO REMAIN)
-  ROAD CENTERLINE
-  FEDERAL PATENT EASEMENT
-  PROPERTY LINE
-  119-086 PATENT DEED(S)

