

RESOLUTION NO. 2016-008

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WATER UTILITIES COMMUNITY FACILITIES DISTRICT (CITY OF APACHE JUNCTION, ARIZONA) AMENDING AND CORRECTING RESOLUTION NO. 2013-003 AS PASSED AND ADOPTED ON THE 17<sup>TH</sup> OF SEPTEMBER 2013; DECLARATION OF INTENT; PROVIDING FOR RECORDATION; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Water Utilities Community Facilities District (City of Apache Junction, Arizona) ("WUCFD" or the "District") was formed in 1994 under A.R.S. § 48-701, *et seq.*, and is an Arizona Title 48 municipal entity; and

WHEREAS, Resolution No. 2013-003 declared portions of public utility easements located on Mockingbird Street, Greasewood Street and Siesta Street from Main Drive to Saguaro Drive, Main Drive from Siesta Street to Mockingbird Street, and Saguaro Drive from Siesta Street to Roundup Street extinguished; and

WHEREAS, Resolution No. 2013-003 is now in full force and effect, the original copy being on file with the District Clerk; and

WHEREAS, a scrivener's error exists in the legal description of Resolution No. 2013-003 wherein the legal description set forth in original Exhibit A was not accurate; and

WHEREAS, pursuant to the authority of *McCune v. City of Phoenix*, 83 Ariz. 98 (1957), *City of Douglas v. City of Sierra Vista*, 21 Ariz. App. 71 (1973), and *Glick v. Town of Gilbert*, 123 Ariz. 395 (1979), typographical errors in a legal description of property does not affect the underlying validity of the authorizing document; and

WHEREAS, the above-noted cases are also supportive precedent for situations involving minor clerical corrections in property descriptions of public utility easement extinguishments; and

WHEREAS, it is the desire of the District Chairperson and Board of Directors to clarify and correct any previous typographical errors in the legal description of the easement extinguishment in Resolution No. 2013-003; and

WHEREAS, it is the intent that this Resolution shall not in any manner affect the validity of Resolution No. 2013-003 as passed and adopted on September 17, 2013, except to correct the legal description.

NOW, THEREFORE, BE IT RESOLVED BY THE WUCFD CHAIRPERSON AND BOARD OF DIRECTORS AS FOLLOWS:

SECTION I            IN GENERAL

That the legal description set forth in Resolution No. 2013-003, as passed and adopted on September 17, 2013 by the District, be amended to describe the easement under APN 100-35-027 to read as follows:

APN 100-35-027

The East 33 feet and the South 33 Feet of the South Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT, the West 33 Feet of the South 33 Feet, thereof.

SECTION II            DECLARATION OF INTENT

The purpose of this resolution is to amend and correct Exhibit A of Resolution No. 2013-003. By this amendment it is not the intent to repeal any section of Resolution No. 2013-003 nor to affect either its otherwise valid provisions or its effective adoption date of September 17, 2013.

SECTION III            RECORDATION

The District Director shall file and record this resolution, in the office of the County Recorder of Pinal County, Arizona.

SECTION IV            REPEALING ANY CONFLICTING PROVISIONS

All resolutions and parts of resolutions which are in conflict with the provisions of this resolution are hereby repealed.

SECTION V            PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE WATER UTILITIES COMMUNITY FACILITIES DISTRICT (CITY OF APACHE JUNCTION, ARIZONA) CHAIRPERSON AND BOARD OF DIRECTORS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
JOHN S. INSALACO  
Chairperson

ATTEST:

\_\_\_\_\_  
KATHLEEN CONNELLY  
District Clerk

APPROVED AS TO FORM:

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

## **EXHIBIT A**

### **STAGECOACH TRAILS EXTINGUISHMENT LEGAL DESCRIPTIONS**

#### **Parcel No. 1 (APN 100-35-022)**

The East 33 feet of the North Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT, the North 33 Feet of the East 33 Feet, thereof.

#### **Parcel No. 2 (APN 100-35-027)**

The East 33 feet and the South 33 Feet of the South Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT, the West 33 Feet of the South 33 Feet, thereof.

#### **Parcel No. 3 (APN 100-35-030)**

The East 33 feet and the North 33 Feet of the North Half of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 18, Township 1 North, Range 6 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT, the West 33 Feet of the North 33 Feet, thereof.