

RESOLUTION NO. 2018-003

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 2225 NORTH CORTEZ ROAD, IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, on February 13, 1959, the utility predecessors in interest to Water Utilities Community Facilities District ("WUCFD") (a public water utility and a special purpose district and Arizona municipal corporation established in 1994) were granted a public utility easement at 2225 North Cortez Road, as more fully described in Exhibit A and Exhibit B and depicted in Exhibit C-1 and C-2, 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 easement is no longer needed or conflicts with new development, the WUCFD board of directors (the "Board") may extinguish the easement to provide underlying owners the ability to fully utilize their property; and

WHEREAS, in addition, the owner of the property on which the easement exists may apply to WUCFD for an extinguishment; and

WHEREAS, the property owner filed an application on March 29, 2018 with WUCFD along with the applicable processing fee; and

WHEREAS, the WUCFD director has determined that the easement 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 public utility easement, as described in Exhibit B and depicted in Exhibit C-1 and C-2, 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' interest in this public utility easement.

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\_\_.

\_\_\_\_\_  
JEFF SERDY  
Chairperson

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT A & B

PROPERTY DESCRIPTION

EXHIBIT C-1 and C-2

MAP