

RESOLUTION NO. 2018-006

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 2081 SOUTH HILTON ROAD, IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, on August 23, 1958, 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 2081 South Hilton Road, as more fully described in Exhibit A and Exhibit B and depicted in Exhibit C, 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 18, 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, 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 A

LEGAL DESCRIPTION OF PROPERTY

THE WEST 198.00 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27 TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN PINAL COUNTY, ARIZONA.

EXHIBIT B

LEGAL DESCRIPTION OF PPUE TO BE EXTINGUISHED

APN: 103-21-015A

THAT PORTION OF THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 8 EAST, GILA & SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA. ALSO BEING A PORTION OF THE LAND DESCRIBED IN UNITED STATES PATENT NO. 1182536 DATED MAY 26, 1958 DESCRIBED AS FOLLOWS:

THE SOUTH 33.00 FEET OF THE PARCEL DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS OF PINAL COUNTY, ARIZONA, IN FEE NUMBER 2016-040246 ON JUNE 22, 2016.

EXHIBIT C

MAP

EXHIBIT C

