

RESOLUTION NO. 2018-007

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 THE EAST 33.00 FEET OF IDAHO CREEK VILLAS PHASE 3, IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, on December 30, 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 lots 1 through 47, inclusive, and tracts A and B, of Idaho Creek Villas Phase 3, 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.

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- 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

Lots 1 through 47, inclusive, and Tracts A and B, of IDAHO CREEK VILLAS-PHASE 3, according to the plat of record in the office of the County Recorder of Pinal County, Arizona recorded in Cabinet G, Slide 59.

EXCEPT all coal, oil, gas and other mineral deposits, as reserved in patent from the United States of America.

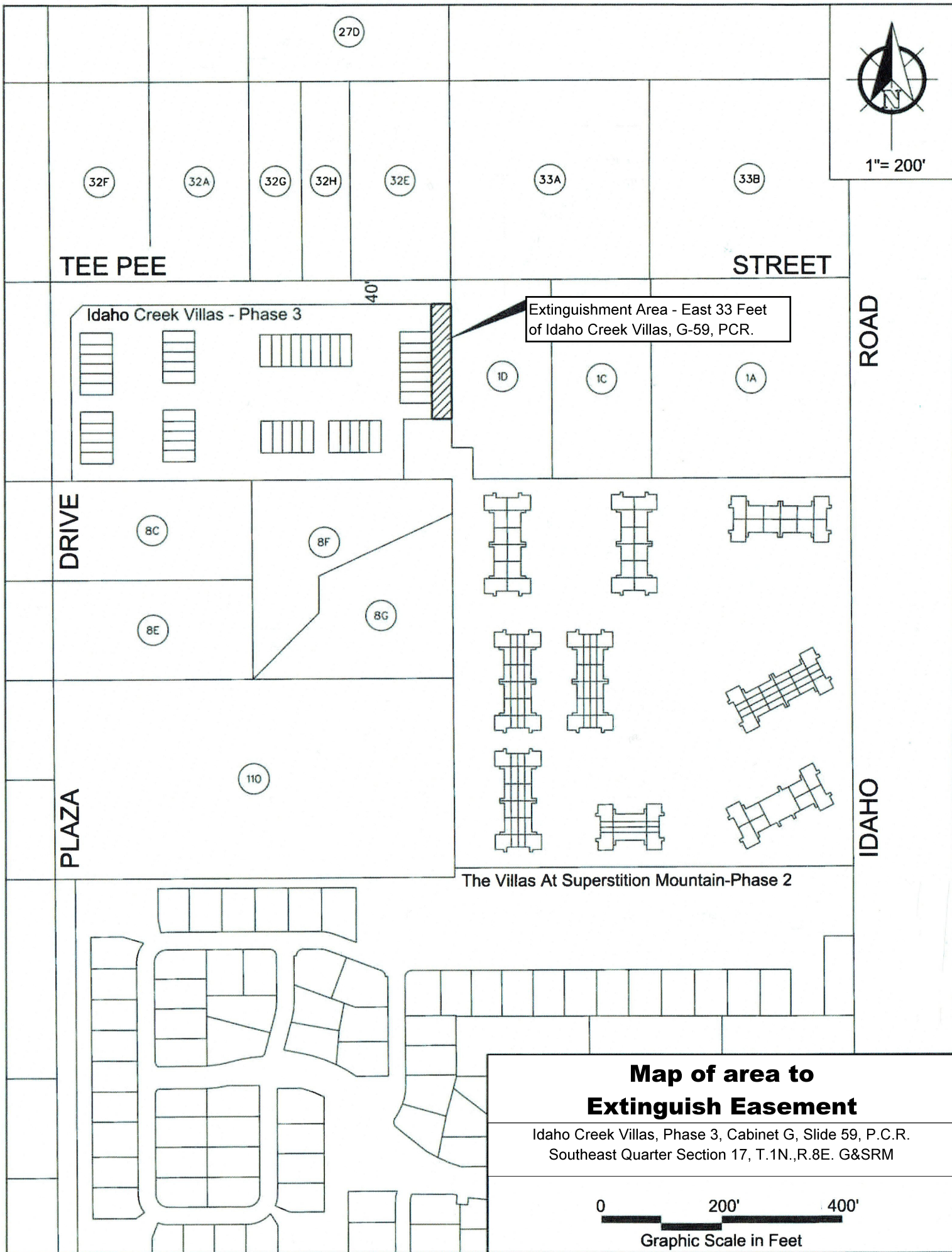
EXHIBIT B

LEGAL DESCRIPTION OF PPUE TO BE EXTINGUISHED

The East 33.00 feet of IDAHO CREEK VILLAS-PHASE 3, according to the final plat in Cabinet G, Slide 59 in the Official Records of Pinal County, Arizona, lying within and being part of the Southeast quarter of Section 17, Township 1 North, Range 8 West, Gila & Salt River Meridian, Pinal County, Arizona.

EXHIBIT C

MAP



**Map of area to
Extinguish Easement**

Idaho Creek Villas, Phase 3, Cabinet G, Slide 59, P.C.R.
Southeast Quarter Section 17, T.1N.,R.8E. G&SRM

0 200' 400'
Graphic Scale in Feet