

RESOLUTION NO. 19-17

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING THAT PORTIONS OF PUBLIC ROADWAY EASEMENTS LOCATED ON DESERT VIEW DRIVE FROM MOCKINGBIRD STREET TO ROUNDUP STREET, AND DESCRIBED IN EXTINGUISHMENT CASE EX-19-17, ARE NO LONGER NECESSARY FOR PUBLIC USE AS PUBLIC ROADWAY EASEMENTS AND ARE HEREBY EXTINGUISHED AS PRESENT AND FUTURE PUBLIC RIGHT-OF-WAY.

WHEREAS, the City of Apache Junction, AZ (the "City"), upon incorporation became the holder of federally patented easements ("FPEs") as described in Exhibit A and depicted in Exhibit B, for public roadway purposes; and

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

WHEREAS, on May 9, 2019, the "Applicant", paid the required non-refundable application and filing fee for the extinguishment request pursuant to City Code § 13-2-4 (H); and

WHEREAS, pursuant to City Code § 13-2-4, the director of public works, 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 affected public utility providers; and

WHEREAS, no opposition statements were received from Salt River Project, Arizona Water Company, Superstition Mountains Community Facilities District No. 1, Centurylink, Southwest Gas, the Development Services Director and the Public Safety Director; and

WHEREAS, the extinguishment request, if approved, would not leave a parcel in separate ownership without access to an established public roadway or easement connecting such lands with another public roadway or easement; and

WHEREAS, the city engineer has determined that the easements in question, because of their location, topography, and encroachments, 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 find that the roadway easements 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 roadway purposes, have no or *de minimis* public value, and are hereby extinguished for public roadway right-of-way 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 _____, 2019.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney

EXHIBIT A

PARCEL 1 (Adjacent to parcel 100-40-0060)

The East thirty-three feet (33') of the North half of the Northwest quarter of the Southeast quarter of the Southwest quarter of Section 18, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

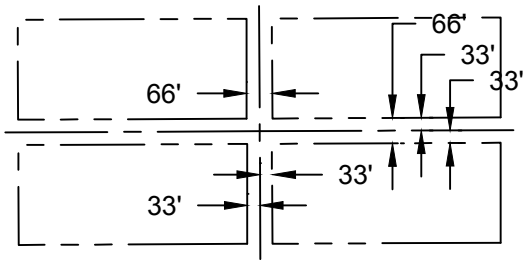
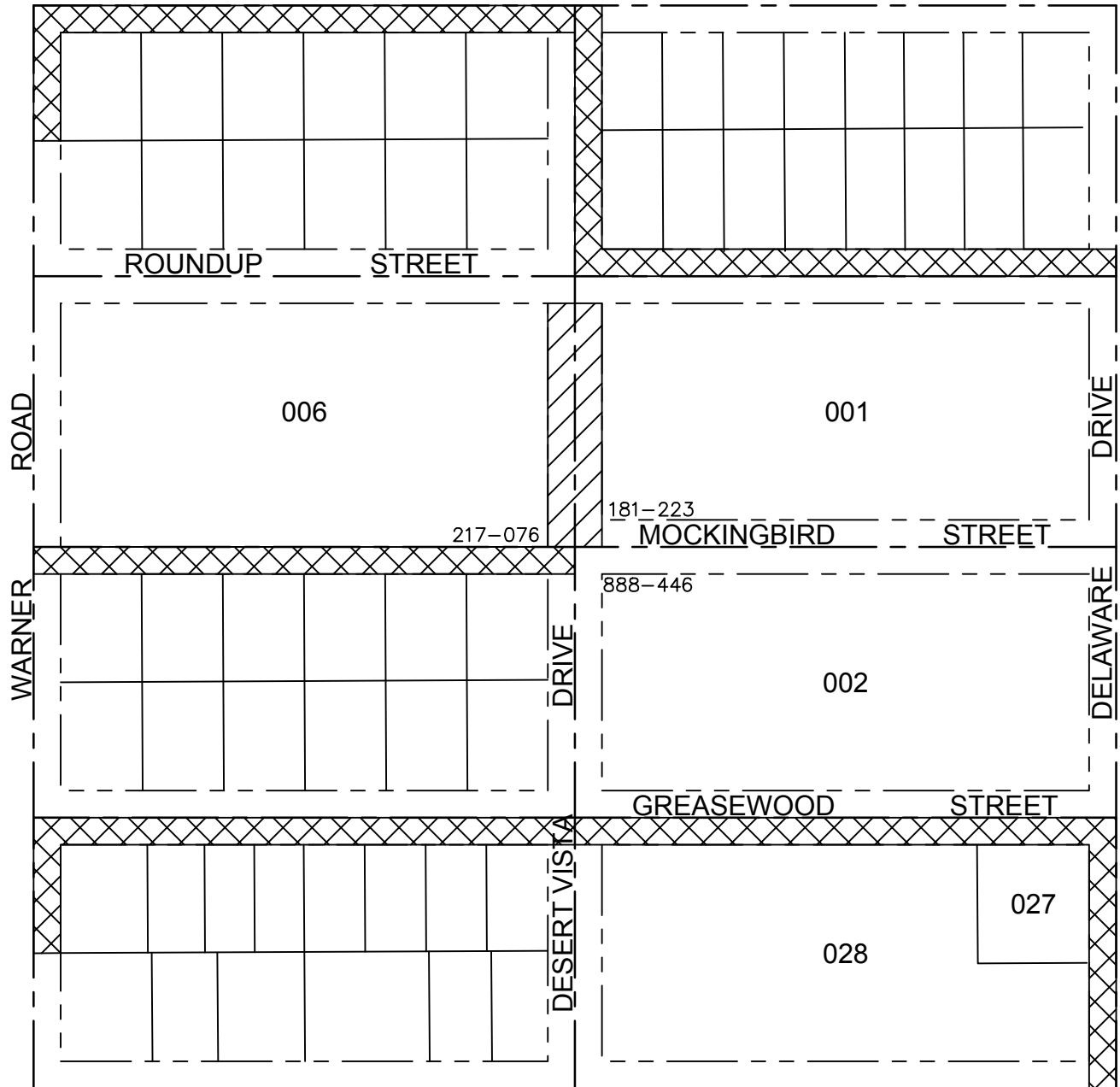
EXCEPT the North thirty three feet (33') THEREOF;

PARCEL 2 (Adjacent to parcel 100-40-0010)

The West thirty-three feet (33') of the North half of the Northeast quarter of the Southeast quarter of the Southwest 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 thirty three feet (33') THEREOF;

EXHIBIT "B"



TYPICAL FPE/ROW DIMENSION
(UNLESS OTHERWISE NOTED)

LEGEND

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

