

RESOLUTION NO. 2020-008

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 ADJACENT TO 1075 SOUTH CORTEZ ROAD ALONG 11TH AVENUE BETWEEN CORTEZ AND STAGECOACH ROADS, IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, on April 18, 1958, the Water Utilities Community Facilities District ("WUCFD"), a special purpose district and Arizona municipal corporation, was granted a public utility easement adjacent to 1075 South Cortez Road along 11th Avenue between Cortez and Stagecoach Roads, as more fully described in Exhibit A and depicted in Exhibit B, 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 August 27, 2020 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 A and depicted in Exhibit B, 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:

JENNIFER PENA
Deputy District Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
District Attorney

EXHIBIT A

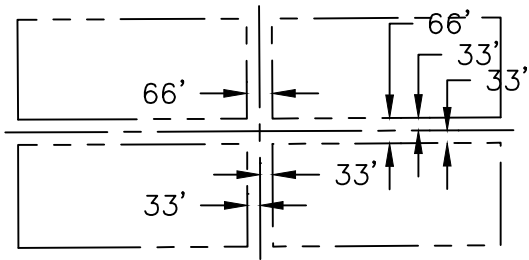
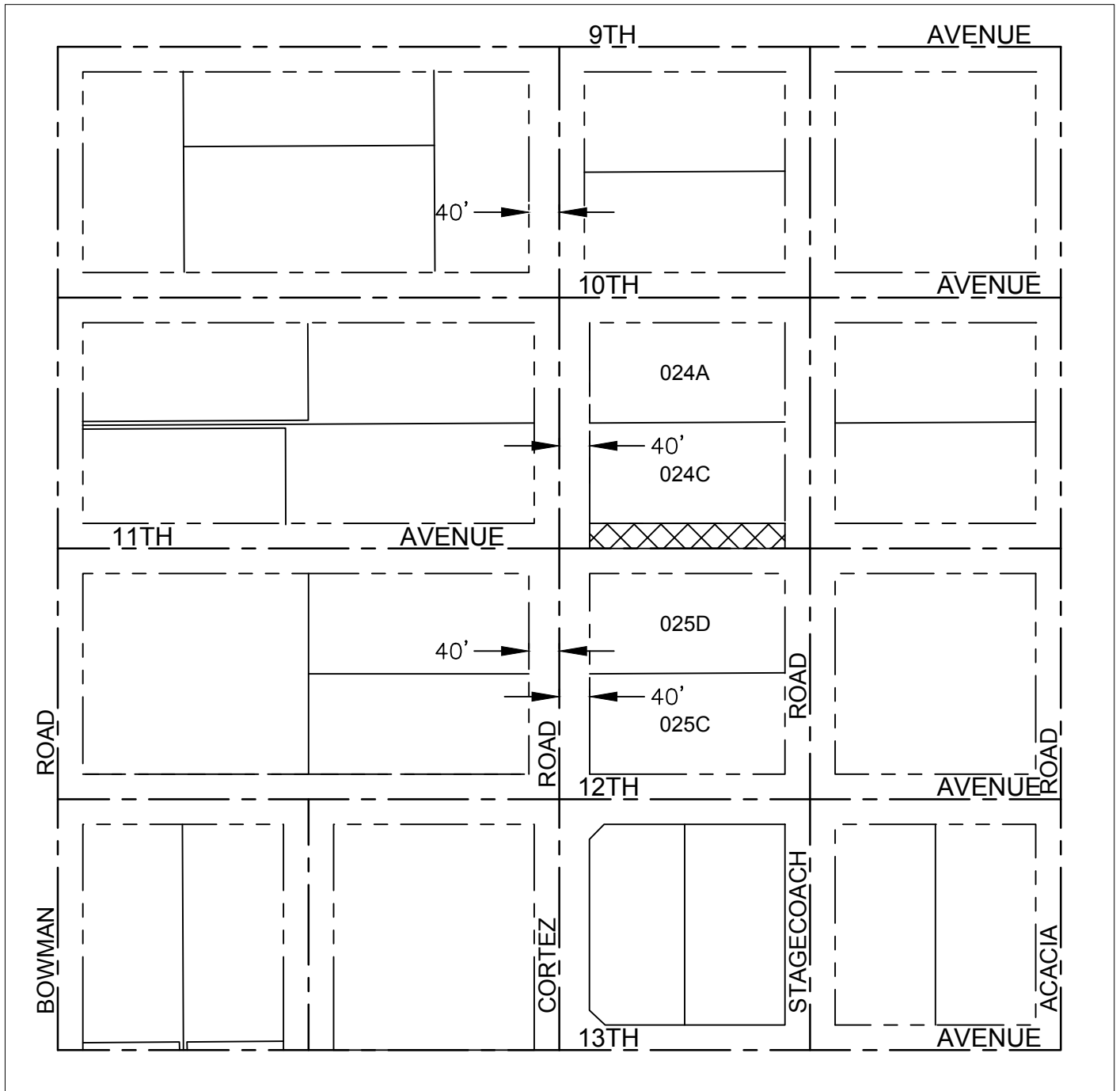
Legal Description of Public Utility Easement
to be Extinguished

APN: 103-18-024C

The South thirty-three feet (33') of the Northwest quarter of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

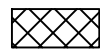
EXCEPT the West forty feet (40') and the East thirty three feet (33') THEREOF;

EXHIBIT "B"

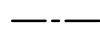


TYPICAL EASEMENT DIMENSION
(UNLESS OTHERWISE NOTED)

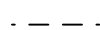
LEGEND



PROPOSED EXTINGUISHMENT



ROAD CENTERLINE



UTILITY EASEMENT



PROPERTY LINE

