

RESOLUTION NO. 2021-001

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WATER UTILITIES COMMUNITY FACILITIES DISTRICT (CITY OF APACHE JUNCTION, ARIZONA) DECLARING PORTIONS OF THE PUBLIC UTILITY EASEMENTS LOCATED AT 2024 SOUTH CORTEZ ROAD, APACHE JUNCTION, ARIZONA, ARE NO LONGER NECESSARY FOR PUBLIC USE AND ARE HEREBY EXTINGUISHED.

WHEREAS, on August 10, 1956, April 7, 1959 and May 26, 1959, predecessors of the Water Utilities Community Facilities District ("WUCFD"), a special purpose district and Arizona municipal corporation, were granted public utility easements at 2024 South Cortez Road, Apache Junction, Arizona, 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 January 21, 2021 with WUCFD and paid the applicable processing fee; and

WHEREAS, the WUCFD director has determined that the easements in question, because of their location, topography, or encroachments therein, have 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 easements, as described in Exhibit A and depicted in Exhibit B, are no longer necessary for public purposes, have no or *de minimis* public value, and are hereby extinguished.

- 2) Nothing in this approval extinguishes any other public utility entities' interest in these public utility easements.

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__.

CHIP WILSON
Chairperson

ATTEST:

JENNIFER PENA
Deputy District Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
District Attorney

EXHIBIT A

PROPERTY DESCRIPTION

EXHIBIT A

Legal Description of Easement to be Extinguished

A.P.N. 103-20-024:

THE NORTH 33.00 FEET, THE EAST 33.00 FEET AND THE WEST 33.00 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

EXCEPT THE SOUTH 33.00 FEET OF THE EAST 33.00 FEET AND THE WEST 33.00 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

A.P.N. 103-20-025B:

THE NORTH 33.00 FEET, THE EAST 33.00 FEET AND THE WEST 33.00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

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EXHIBIT B

MAP

EXHIBIT B

