



Public Works Department
City of Apache Junction
Home of the Superstition Mountains

Date: March 16th, 2021

To: Honorable Mayor and Members of the City Council

Through: Bryant Powell, Assistant City Manager
Mike Wever P.E., Public Works Director

From: Raquel Schatz, Project Engineer

Subject: Federal Patented Easements
Proposed Resolution No. 20-44
18th Avenue from Wagon Wheel Road to Goldfield Road

BACKGROUND

Federal Patented Easements “FPEs” are the means whereby properties are accessed by citizens in portions of Apache Junction to mitigate the need of local government to acquire right-of-way for access to otherwise landlocked parcels. FPEs are typically a total of 66 feet in width with 33 feet on each side of common parcel lines.

EXISTING CONDITIONS

18th Avenue from Wagon Wheel Road to Goldfield Road has never been maintained by the city. The roadway alignment is not classified as a local roadway. In addition, the FPE does not provide access to any parcels which would be landlocked in the event of extinguishment. Area transportation would not be adversely affected by an extinguishment of these portions of the roadway easement.

PURPOSE

Gail Torchio, property owner, and Rich Winters filed an application for a roadway easement extinguishment. The property owner desires the use of the south 33 feet of their property, along 18th Avenue, to keep a shaded structure in place that has been on the property prior to their purchase. Owner is requesting the extinguishment to allow them to keep the shaded structure in the existing location until the road is “actually” constructed.

City Code Compliance and Planning staff have been to this property several times to explain alternatives for relocating the unpermitted cargo container along Wagon Wheel Road and the unpermitted storage building along 18th Avenue out of the existing FPEs. The first encounter was on November 14, 2019 and the property owner was given 8 months to develop a



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solution. A notice of violation was issued on August 27, 2020. Several extensions were granted and the matter was sent to the city Attorney on October 8, 2020.

PROCESS

December 2, 2021 the applicant submitted all required signed and notarized documents and paid the required non-refundable application and filing fee for the extinguishment.

January 11, 2021, the city sent a request to all public utility providers as well as Apache Junction Police Department and Superstition Fire & Medical District, in which all but one utility provider had responded to the city with no objections for the extinguishment of the roadway easement only. All underlying utility easements will remain in place until the property owner requests that they be extinguished individually via separate process. Property owner is simultaneously applying for utility easement extinguishments.

Once the easement has been extinguished then the property owner can apply for a residential permit.

ACTION REQUIRED

This item will be for discussion and consideration.