

RESOLUTION NO. 20-44

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING PORTIONS OF FEDERALLY PATENTED EASEMENTS LOCATED AT 18<sup>TH</sup> AVENUE FROM WAGON WHEEL TO GOLDFIELD ROADS, ARE NO LONGER NECESSARY FOR PUBLIC USE AS FEDERALLY PATENTED EASEMENTS AND ARE HEREBY EXTINGUISHED AS PRESENT AND FUTURE PUBLIC RIGHTS-OF-WAY.

WHEREAS, upon incorporation, the City of Apache Junction, an Arizona municipal corporation, became the holder of roadway easements, pursuant to the Small Tract Act of 1938 (52 Stat. 609, as amended, 43 U.S.C. 682a-682e), as more fully described in Exhibit A and depicted in Exhibit B; and

WHEREAS, the applicant was instructed to apply for a residential permit for an unpermitted shaded RV structure that has been on the property for over twenty years. Applicant has requested an extinguishment of 18<sup>th</sup> Avenue; and

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

WHEREAS, under A.R.S. § 9-500.24 the city has notified and obtained consent of utility providers; and

WHEREAS, on December 2, 2020 the applicant paid the required non-refundable application and filing fee for the extinguishment request pursuant to Apache Junction City Code § 13-2-4 (H); and

WHEREAS, pursuant to Apache Junction City Code § 13-2-4, the director of public works on January 11, 2021, 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 all public utility providers; 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 easement(s) in question, because of their location, topography, and encroachments therein, 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 of the City of Apache Junction find that the public roadway easements, as 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 public roadway purposes, have no or *de minimis* public value, and are hereby extinguished for public roadway 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 \_\_\_\_\_, 20\_\_.

SIGNED AND ATTESTED TO THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHIP WILSON  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD J. STERN  
City Attorney

## EXHIBIT A

### PARCEL 1 (Adjacent to parcel 103-21-034A)

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

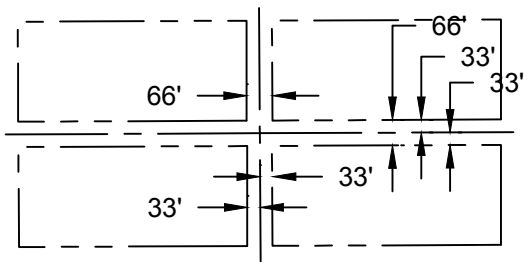
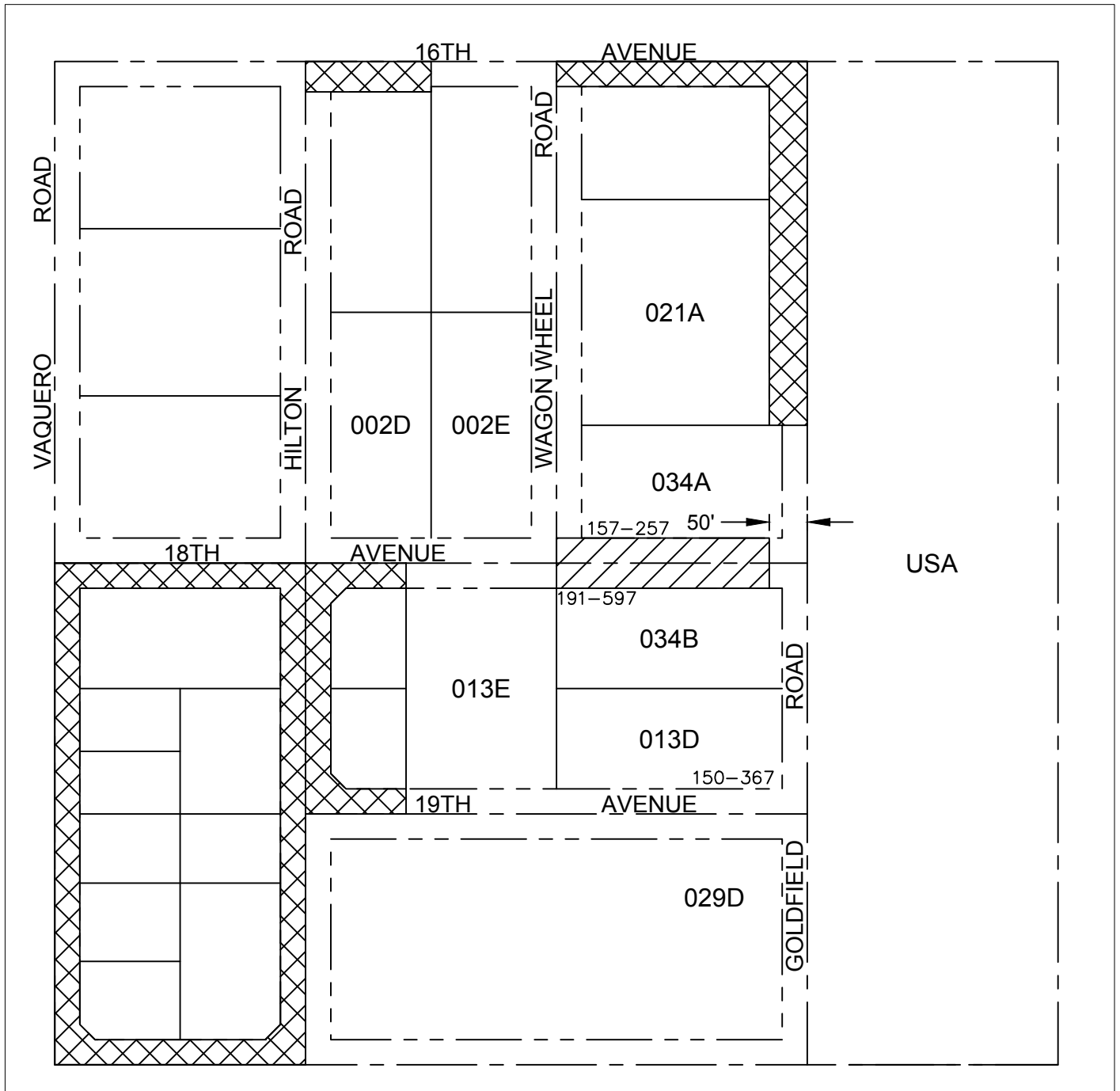
EXCEPT the East fifty feet (50') THEREOF;

### PARCEL 2 (Adjacent to parcel 103-21-034B)

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








EXCEPT the East fifty feet (50') 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
-  PATENT DEED(S)