

RESOLUTION NO. 2021-006

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 AT 1955 EAST OLD WEST HIGHWAY, APACHE JUNCTION, ARIZONA, IS NO LONGER NECESSARY FOR PUBLIC USE AND IS HEREBY EXTINGUISHED.

WHEREAS, on March 18, 1959, the Water Utilities Community Facilities District ("WUCFD"), a special purpose district and Arizona municipal corporation, was granted a public utility easement at 1955 East Old West Highway, 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 April 23, 2021 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\_\_.

\_\_\_\_\_  
WALTER "CHIP" WILSON  
Chairperson

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
Deputy District Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD J. STERN  
District Attorney

EXHIBIT A

1955 E OLD WEST HIGHWAY  
PATENT EASEMENT & PUBLIC UTILITY EASEMENT  
EXTINGUISHMENT LEGAL DESCRIPTIONS

**APN 103-20-004**

Wickiup Road

The East 33 feet of the North half of the Northeast quarter of the Northwest 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 any portion thereof lying within the right of way of U.S. 60-70-80 and 89 Highway;

17<sup>th</sup> Ave

The South 33 feet of the North half of the Northeast quarter of the Northwest 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 any portion thereof lying within the right of way of U.S. 60-70-80 and 89 Highway and  
EXCEPT east 33 feet thereof;

Vista Drive

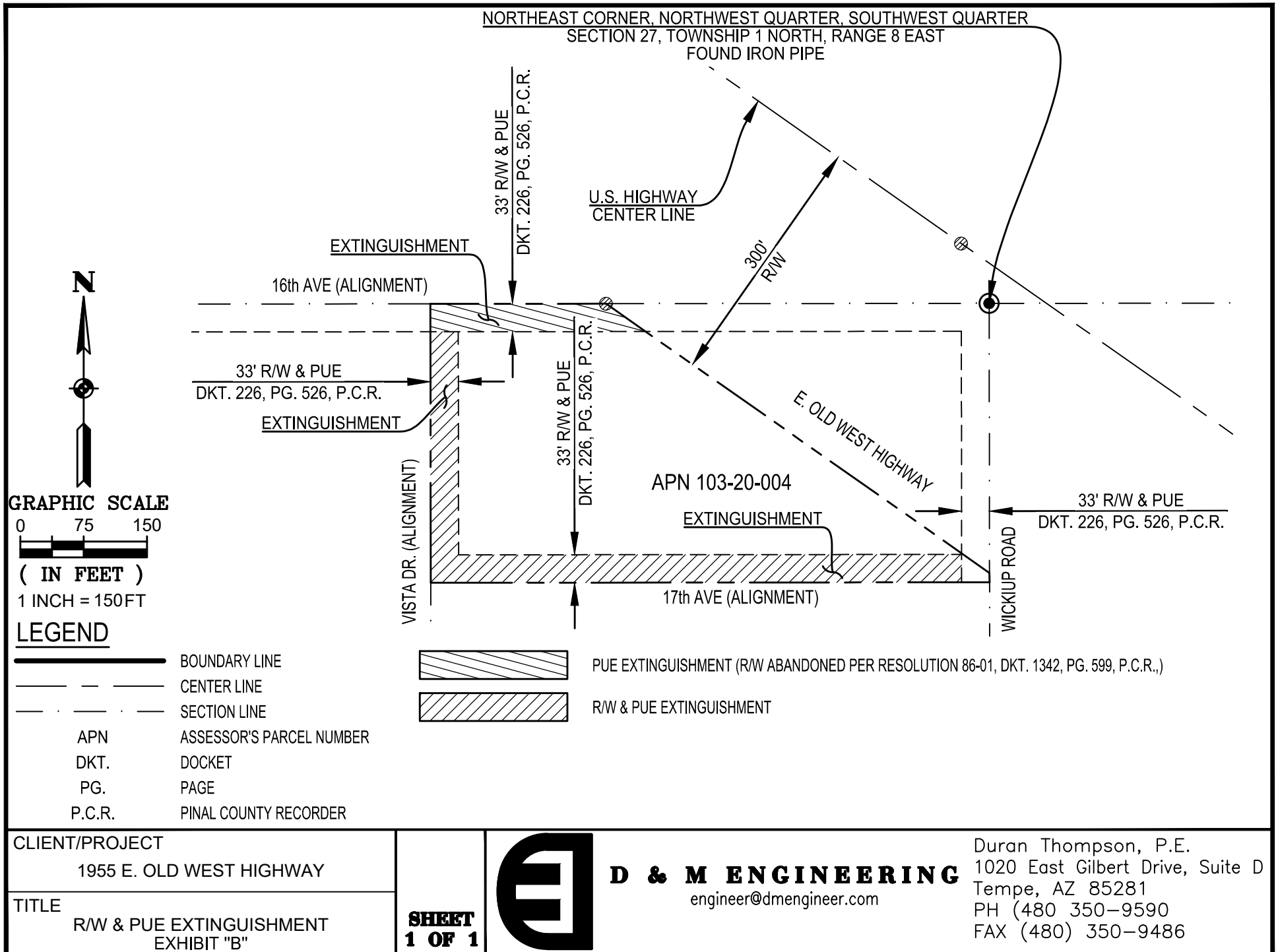
The West 33 feet of the North half of the Northeast quarter of the Northwest quarter of the Southwest quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

16<sup>th</sup> Ave

The North 33 feet of the North half of the Northeast quarter of the Northwest 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 any portion thereof lying within the right of way of U.S. 60-70-80 and 89 Highway;

# EXHIBIT B



CLIENT/PROJECT

1955 E. OLD WEST HIGHWAY

TITLE

R/W & PUE EXTINGUISHMENT  
EXHIBIT "B"

**SHEET**  
**1 OF 1**



**D & M ENGINEERING**

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