

RESOLUTION NO. 12191

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, ABANDONING THROUGH EXTINGUISHMENT A PUBLIC UTILITY EASEMENT, THREE PORTIONS OF A PUBLIC UTILITIES AND FACILITIES EASEMENT, A CONTROLLED VEHICULAR ACCESS EASEMENT, AND DRAINAGE TRACTS LOCATED AT 3615 SOUTH POWER ROAD.

WHEREAS, pursuant to Arizona Revised Statutes Title 28 §§ 7201-7215 and/or Mesa City Code Title 9, Chapter 10, the City Council has the authority to abandon, vacate or extinguish (collectively, hereafter, “abandon”) unnecessary roadway, right-of-way, or easements to which the City holds right or title to. Additionally, the City generally has the right to release restrictive covenants it holds on real property.

WHEREAS, the City Council has determined a 20-foot public utility easement dedicated on Lots 1 through 4 of the subdivision plat of The Commons, recorded in Book 1020 of Maps, Page 10, records of Maricopa County, Arizona, located at 3615 South Power Road, as hereafter described in **Exhibits A, B & C** (“Public Utility Easement Abandonment”) is no longer needed.

WHEREAS, the City Council has determined a portion of a public utility and facilities easement dedicated on Lots 1 through 4 of the subdivision plat of The Commons, recorded in Book 1020 of Maps, Page 10, records of Maricopa County, Arizona, located at 3615 South Power Road, as hereafter described in **Exhibit D, E & F** (“Public Utilities and Facilities Easement Abandonment”) is no longer needed.

WHEREAS, the City Council has determined a 1-foot controlled vehicular access easement dedicated on Lots 1 through 4 of the subdivision plat of The Commons, recorded in Book 1020 of Maps, Page 10, records of Maricopa County, Arizona, located at 3615 South Power Road, as hereafter described in **Exhibit G** (“Controlled Vehicular Access Easement Abandonment”) is no longer needed.

WHEREAS, the City Council has determined drainage easements dedicated on Tracts A through E, of Lots 1 through 4 of the subdivision plat of The Commons, recorded in Book 1020 of Maps, Page 10, records of Maricopa County, Arizona, located at 3615 South Power Road, as hereafter described in **Exhibit H** (“Drainage Tracts”) is no longer needed.

WHEREAS Mesa City Code 9-10-2 permits the City Council to extinguish easements no longer needed by the City upon application and payment of the application fee.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: All rights of the City of Mesa in and to the 20-foot public utility easement dedicated on Lots 1 through 4 of the subdivision plat The Commons, described below are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTION AND
DEPICTION ON **EXHIBIT A, B & C** ATTACHED
HERETO AND MADE A PART HEREOF FOR THE
EXTINGUISHED AREA.

Section 2: All rights of the City of Mesa in and to the portion of the public utility and facilities easement dedicated on Lots 1 through 4 of the subdivision plat The Commons, described below are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTION AND
DEPICTION ON **EXHIBIT D, E & F** ATTACHED
HERETO AND
MADE A PART HEREOF FOR THE EXTINGUISHED
AREA.

Section 3: All rights of the City of Mesa in and to the 1-foot controlled vehicular access easement described below are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON **EXHIBIT G** ATTACHED HERETO AND MADE A PART HEREOF FOR THE EXTINGUISHED AREA.

Section 4: All rights of the City of Mesa in and to the drainage tracts described below are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON **EXHIBIT H** ATTACHED HERETO AND MADE A PART HEREOF FOR THE EXTINGUISHED AREA.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 6th day of May 2024.

APPROVED:

Mayor

ATTEST:

City Clerk