

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, ARIZONA, ABANDONING THROUGH  
EXTINGUISHMENT A PORTION OF A 20-FOOT PUBLIC  
UTILITY EASEMENT LOCATED AT 10046 EAST SOUTHERN  
AVENUE.**

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 that a portion of a 20-foot public utility easement recorded on Map of Dedication for Parkwood Ranch Marketplace, recorded in Book 938 of Maps, Page 38, records of Maricopa County, Arizona, on July 31, 2007, located at 10046 East Southern Avenue, as hereafter described in **Exhibit A** (“Public Utility Easement”), 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 that portion of the 20-foot Public Utility Easement described below are abandoned and deemed extinguished subject to the requirements set forth in Section 2 of this Resolution:

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

Section 2: The abandonment and extinguishment of the Public Utility Easement set forth in Section 1 of this Resolution is subject to, and shall not be effective and the abandonment/extinguishment not recorded unless and until, the owner or developer of the property on which the Public Utility Easement is located removes, in accordance with applicable law and City requirements for the work, the two (2) inoperative 8-foot water and sewer pipes on the property in which the Public Utility Easement is located.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 22<sup>nd</sup> day of August, 2022.

APPROVED:

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Mayor

ATTEST:

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City Clerk

JUNE 16, 2022  
PROJECT # 051007-01-001

EXHIBIT A

**LEGAL DESCRIPTION  
EASEMENT ABANDONMENT**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A BRASS CAP IN HANDHOLE AT THE SOUTHWEST CORNER SAID SECTION 26, FROM WHICH A BRASS CAP IN A HANDHOLE AT THE SOUTH QUARTER CORNER OF SAID SECTION 26 BEARS SOUTH 89°58'29" EAST, 2651.18 FEET;

THENCE SOUTH 89°58'29" EAST, 660.84 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 26;

THENCE NORTH 00°01'31" EAST, 75.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SOUTHERN AVENUE AND THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN DOCUMENT NO. 2007-1089095 OF MARICOPA COUNTY RECORDS;

THENCE NORTH 00°00'00" EAST, 270.44 FEET ALONG THE WEST LINE OF THE SAID LANDS DESCRIBED IN DOCUMENT NO. 2007-1089095 AND ITS NORTHERLY PROLONGATION TO THE **POINT OF BEGINNING**;

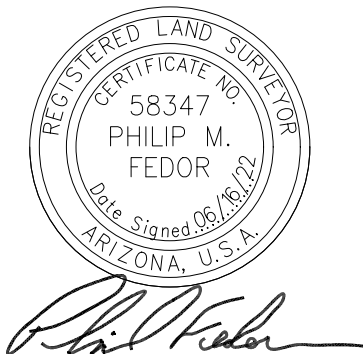
THENCE NORTH 90°00'00" WEST, 20.00 FEET;

THENCE NORTH 00°00'00" EAST, 29.51 FEET;

THENCE NORTH 00°00'00" EAST, 20.00 FEET;

THENCE SOUTH 00°00'00" EAST, 29.51 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 590 SQUARE FEET OR 0.014 ACRES, MORE OR LESS.



APN 220-71-978  
PROS PLAZA INVESTMENTS LLC  
LOT 1 PER BOOK 1257 OF MAPS,  
PAGE 16 M.C.R.

AREA TO BE ABANDONED  
590 SQ. FT. OR  
0.014 AC +/-

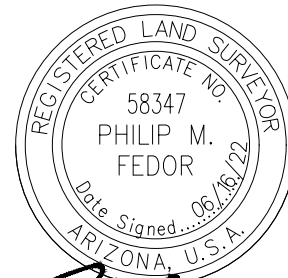
EXISTING  
20' PUBLIC  
UTILITY EASEMENT  
PER BK. 938,  
PG. 38, M.C.R.

APN 220-71-982  
PROS PLAZA INVESTMENTS LLC  
LOT 5 PER BOOK 1257 OF MAPS,  
PAGE 16 M.C.R.

POINT OF BEGINNING

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	20.00'	N90°00'00"W
L2	29.51'	N00°00'00"E
L3	20.00'	N90°00'00"E
L4	29.51'	S00°00'00"E

APN 220-71-916F  
B AND B MERIT REAL ESTATE LLC  
LOT 3 PER BOOK 871 OF MAPS,  
PAGE 14 M.C.R.



SW COR  
APN. 220-71-916F  
DOC. NO. 2007-1089095 M.C.R.

S. 1/4 COR  
SEC. 26-1N-7E  
BRASS CAP IN HANDHOLE

SOUTHERN AVENUE

660.84'  
S89°58'29"E 2651.18'  
BASIS OF BEARINGS

SW COR  
SEC 26-1N-7E  
BRASS CAP IN HANDHOLE  
POINT OF COMMENCEMENT



NOTE: THIS EXHIBIT IS MEANT SOLELY AS A REFERENCE TO THE LEGAL  
DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT TO BE CONSIDERED  
A STAND ALONE DOCUMENT, NOR THE RESULT OF A FIELD SURVEY.

SHEET 2 OF 2	EXHIBIT A EASEMENT ABANDONMENT			
	DATE: 6/16/22	BY: PF	CHK:	QC:
	BCG PROJECT NO: 51007-01 TASK: 001			
	CLIENT REF NO:			

**Bowman**  
CONSULTING

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