

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MESA, MARICOPA COUNTY, ARIZONA,
ABANDONING THROUGH EXTINGUISHMENT TWO
PUBLIC UTILITIES AND FACILITIES EASEMENTS
AND PORTIONS OF OTHER EASEMENTS LOCATED
WITHIN THE 3800 BLOCK OF EAST MCLELLAN
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 public utilities and facilities easement recorded in Document No. 1999-1024875, records of Maricopa County, Arizona, located at the 3800 block of East McLellan Road, as hereafter described in **Exhibit A** (“1999 PUF”), is no longer needed.

WHEREAS, the City Council has determined that an 8-foot public utilities and facilities easement dedicated on Lots 5, 6, and Tracts B and C of the Final Plat of “Mariposa Estates, Unit 2” recorded in Book 1647, Page 44, records of Maricopa County, Arizona, located at the 3800 block of East McLellan Road, as hereafter described in **Exhibit B** (“8-foot PUF”) is no longer needed.

WHEREAS, the City Council has determined that a portion of easements for ingress/egress for refuse and emergency vehicles, and a public utilities and facilities and drainage easement dedicated on Tract B of the Final Plat of “Mariposa Estates, Unit 2” recorded in Book 1647, Page 44, records of Maricopa County, Arizona, located at the 3800 block of East McLellan Road as hereafter described in **Exhibit C** are no longer needed (the area in which the easements are located is hereinafter referred to as the “Partial Tract Abandonment”).

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 1999 PUFÉ described below are abandoned and deemed extinguished:

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

Section 2: All rights of the City of Mesa in and to the 8-foot PUFÉ described below are abandoned and deemed extinguished:

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

Section 3: All rights of the City of Mesa in and to easements for ingress/egress for refuse and emergency vehicles, public utilities and facilities and drainage located in the area of the Partial Tract Abandonment described below that were dedicated to the City on Tract B of the Final Plat of “Mariposa Estates, Unit 2” are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON **EXHIBIT C** 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 20th day of March 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PUBLIC UTILITY & FACILITY EASEMENT

A portion of the Northwest Quarter of the Southwest Quarter of Section 9, Township 1 North, Range 6 East, Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northwest Corner of the Southwest Quarter of said Section 9; thence $N89^{\circ}27'26''E$ (an assumed bearing), along the north line of the Southwest Quarter of said Section 9, for a distance of 1295.61 feet; thence $S00^{\circ}06'26''W$, for a distance of 25.00 feet to a point on the south line of the north 25.00 feet of the Southwest Quarter of said Section 9 said point being the POINT OF BEGINNING;

Thence $N89^{\circ}27'26''E$, along said south line, for a distance of 20.00 feet to the northwest corner of Lot 1, Oasis Citrus Groves, Inc. Tract 1, as recorded in Book 24, Page 1, Maricopa County Records; thence $S00^{\circ}06'26''W$, along the west line of said Lot 1 and the east line of the Northwest Quarter of the Southwest Quarter of said Section 9, for a distance of 385.95 feet to a point on a non-tangent curve concave to the east, the center of which bears $N00^{\circ}23'28''E$, for a distance of 52.00 feet; thence northwesterly along the arc of said curve, through a central angle of $138^{\circ}47'54''$, for a distance of 125.97 feet to the beginning of a reverse curve concave to the northwest, the center of which bears $N40^{\circ}48'38''W$, for a distance of 40.00 feet; thence northeasterly along the arc of said curve, through a central angle of $49^{\circ}04'56''$, for a distance of 34.27 feet to a point of tangency, said point being on the west line of the east 20.00 feet of the Northwest Quarter of the Southwest Quarter of said Section 9; thence $N00^{\circ}06'26''E$, along said west line, for a distance of 264.21 feet to the POINT OF BEGINNING.

An area containing 0.23 acres, more or less.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	125.97	52.00	138°47'54"	138.34	S20°12'35"E	97.35
C2	34.27	40.00	49°04'56"	18.26	N24°38'54"E	33.23

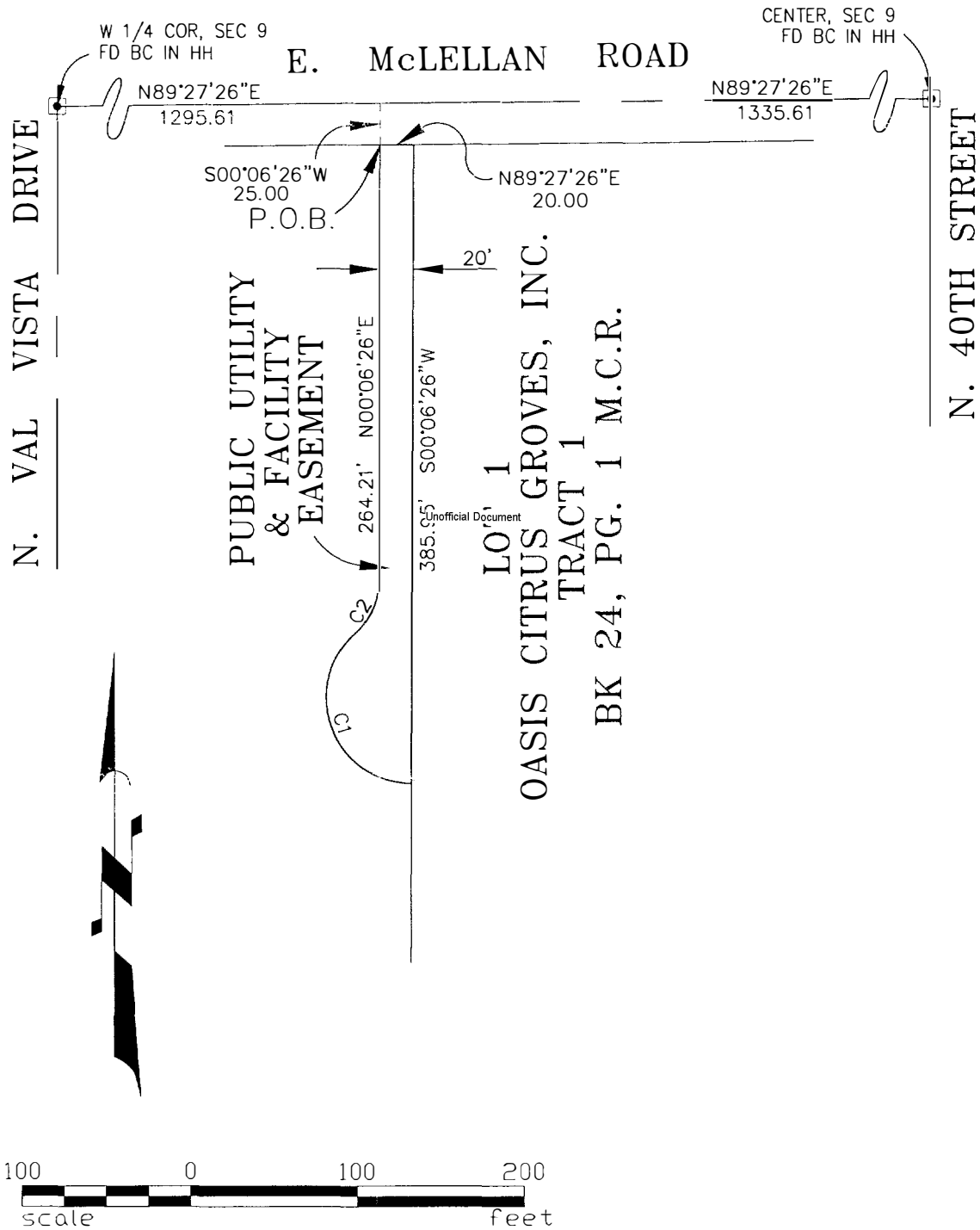


EXHIBIT "B"

Legal Description
Of
A Public Utility and Facilities Easement Abandonment

Abandonment of an 8.00 foot Public Utility and Facilities Easement over the following described property:

A portion of the Northwest Quarter of the Southwest Quarter of Section 9, Township 1 North, Range 6 East, Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northwest Corner of the Southwest Quarter of said Section 9;

thence N 89° 27' 26" E (an assumed bearing), along the North line of the Southwest Quarter of said Section 9, for a distance of 1315.61 feet to the northeast corner of the northwest quarter of the southwest quarter of said Section 9;

thence S 00° 06' 26" W, for a distance of 40.00 feet to a point on the south line of the North 40.00 feet of the Southwest Quarter of said Section 9;

thence S 89° 27' 26" W, along said south line, for a distance of 20.00 feet to the POINT OF BEGINNING;

thence S 00° 06' 26" W, for a distance of 319.80 feet to the beginning of a curve concave easterly, whose radius bears N 89° 53' 34" E, a distance of 65.00 feet;

thence southerly along the arc of said curve, through a central angle of 46° 11' 09", for a distance of 52.40 feet to a point on the east line of the northwest quarter of the southwest quarter of said Section 9,

thence S 00° 06' 26" W, along said east line, for a distance of 10.58 feet to the beginning of a curve concave easterly, whose radius bears N 38° 09' 49" E, a distance of 73.00 feet;

thence northwesterly along the arc of said curve, through a central angle of 51° 56' 32", for a distance of 66.18 feet;

thence N 00° 06' 26" E, for a distance of 319.71 feet to a point on the south line of the north 40.00 feet of the Southwest Quarter of said Section 9;

thence N 89° 27' 26" E, along said north line, for a distance of 8.00 feet to the POINT OF BEGINNING.





E McLellan Rd

APN: 141-31-110

APN: 141-31-109

8' PUFE
Extinguishment

APN: 141-31-107

N 38th Cir

APN: 141-31-109

APN: 141-31-108

0 50 100
Feet

APNs: 141-31-107, 108, 109 & 110
8' PUFE Extinguishment

 8' PUFE Extinguishment

 Parcels

EXHIBIT "C"

Legal Description
Of
Partial Tract Abandonment

A partial abandonment of easements recorded across the following described parcel lying in the Southwest quarter of Section 9, Township 1 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona:

Tract "B" of MARIPOSA ESTATES UNIT 2 as recorded in Book 1647 of Maps, page 44, records of Maricopa County, Arizona;

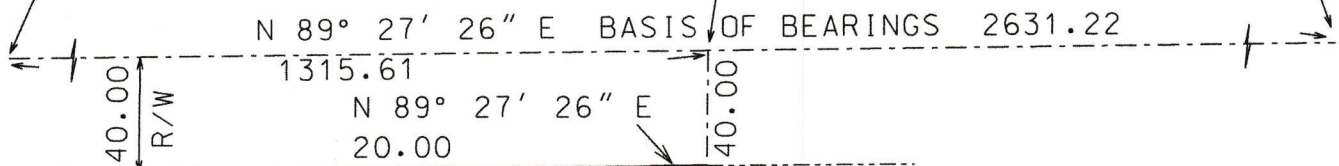
Except the East 15.00 feet thereof.



W1/4 COR. SEC. 9
T1N, R6E
FND BRASS CAP
IN HAND HOLE

NE COR.
NW1/4, SW1/4,
SEC. 9

CEN. SEC. 9
T1N, R6E
FND BRASS CAP
IN HAND HOLE



TRACT D

15' EXCEPTION

LOT 7

R=20.00
90° 00' 00"
L=31.42
RADIAL BEARING
N 00° 06' 26" E

S 89° 53' 34" E
30.00

LOT 6 AREA TO BE
ABANDONED

N 00° 06' 26" E
40.00

N 89° 53' 34" W
40.00

R=20.00
61° 55' 35"
L=21.62

RADIAL BEARING
S 62° 02' 01" W

R=65.00
18° 06' 48"
L=20.55

RADIAL BEARING
S 43° 55' 13" W

TRACT "B"
MARIPOSA ESTATES UNIT 2
PER BOOK 1647 OF MAPS,
PG 44, MCR

26" E 279.80
26" W 366.93
N. 38TH CIRCLE

E. LINE
NW1/4, SW1/4,
SEC. 9



N.T.S.

LEGAL EXHIBIT "C"

PARTIAL ABANDONMENT
TRACT "B"
MARIPOSA ESTATES UNIT 2
BK 1647 OF MAPS, PG 44