

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MESA, MARICOPA COUNTY, ARIZONA, EXTINGUISHING
A PUBLIC UTILITIES AND FACILITIES EASEMENT, AND
VACATING A RIGHT-OF-WAY, LOCATED AT 4901
SOUTH ELLSWORTH ROAD.**

WHEREAS A.R.S. § 28-7201 *et seq.* provides that the governing body of a city or town that holds a right-of-way easement for roadway (public street, highway, alley, lane, parkway, avenue, road, sidewalk or other public way) or owns public roadway may dispose of the roadway or extinguish the easement by resolution.

WHEREAS Mesa City Code Title 9, Chapter 10 permits the City Council to dispose of unnecessary public roadways and to extinguish easements no longer needed by the City.

WHEREAS, the City Council has determined that a Public Utilities and Facilities Easement, on the Map of Dedication for South Ellsworth Road, in Book 1528 of Maps, Page 25, records of Maricopa County, Arizona, located at 4901 South Ellsworth Road, APN: 312-17-958A, as hereafter described (“Public Utilities and Facilities Easement”) is not necessary for public use and is no longer needed by the City.

WHEREAS, the City Council has determined that a certain right-of-way dedicated on the Map of Dedication for South Ellsworth Road, in Book 1528 of Maps, Page 25, records of Maricopa County, Arizona, located at 4901 South Ellsworth Road, APN: 312-17-958A, as hereafter described (“Right-of-Way”) is not necessary for public use and is no longer needed by the City.

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 following Public Utilities and Facilities Easement, as more fully described and depicted in Exhibit “A”, are extinguished:

That certain Public Utilities and Facilities Easement located in the Northwest ¼, of Section 22, Township 1 South, Range 7 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is more particularly described as follows:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON EXHIBIT “A” ATTACHED HERETO AND MADE A PART OF.

Section 2: All rights of the City of Mesa in and to the following Right-of-Way, as more fully described and depicted in Exhibit “B”, are vacated:

That certain Right-of-Way located in the Northwest ¼ of Section 22, Township 1 South, Ranch 7 East, of the Gila and Salt River Base, and Meridian, Maricopa County, Arizona, is more particularly described as follows:

PLEASE REFER TO THE LEGAL DESCRIPTION AND DEPICTION ON EXHIBIT “B” ATTACHED HERETO AND MADE A PART OF.

Section 3: Pursuant to A.R.S. § 28-7205, title to the vacated Right-of-Way shall vest in the owner of the land abutting the vacated Right-of-Way (APN: 312-17-958A), subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues; provided, however, the City of Mesa hereby expressly reserves over, across, under, and upon the lands of the Right-of-Way property all rights in the permanent public utilities facilities easement granted to the City of Mesa by DMB Mesa Proving Grounds, LLC recorded in the records of Maricopa County on October 22, 2018 (Document No. 2018-0786966) and nothing in this Resolution shall be deemed an extinguishment, transfer, modification, or termination of such easement.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 2nd day of November, 2020.

APPROVED:

Mayor

City Clerk



EXHIBIT "A"

LEGAL DESCRIPTION FOR PUBLIC UTILITY AND FACILITY EASEMENT ABANDONMENT CITY OF MESA

That parcel of land depicted as being an 8.00-foot Public Utility and Facility Easement (PUFE) encompassing Parcel C on the "Map of Dedication for South Ellsworth Road" found in Maricopa County Recorder Book 1528 of Maps, Page 25 located in the Northwest Quarter of Section 22, Township 1 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and more particularly described as follows:

COMMENCING at the brass cap in hand hole found at the West Quarter Corner of said Section 22, from which the brass cap in hand hole found at the Northwest Corner of said Section 22 bears North 00 degrees 15 minutes 08 seconds West a distance of 2,634.91 feet, said line being the West line of said Northwest Quarter, and said line being the basis of bearings for this description;

Thence along said West line, North 00 degrees 15 minutes 08 seconds West a distance of 264.59 feet to a point;

Thence North 89 degrees 44 minutes 52 seconds East a distance of 73.00 feet to a point on the east line of the existing 8.00-foot PUFE described in Maricopa County Recorder Document # 2018-0786966, said point being the POINT OF BEGINNING;

Thence continuing North 89 degrees 44 minutes 52 seconds East a distance of 13.00 feet to a point on a line parallel with and 86.00 feet distant from said West line of the Northwest Quarter, said parallel line also being the east line of said Parcel C;

Thence along said parallel line and said east line of Parcel C, North 00 degrees 15 minutes 08 seconds West a distance of 71.00 feet to the northeast corner of said Parcel C;

Thence along the north line of said Parcel C, South 89 degrees 44 minutes 52 seconds West a distance of 13.00 feet to a point on said east line of the existing 8.00-foot PUFE;

Thence along last-mentioned east line, North 00 degrees 15 minutes 08 seconds West a distance of 8.00 feet to a point;

Thence North 89 degrees 44 minutes 52 seconds East a distance of 21.00 feet to a point on a line parallel with 94.00 feet distant from said West line of the Northwest Quarter;

Thence along last-mentioned parallel line, South 00 degrees 15 minutes 08 seconds East a distance of 87.00 feet to a point;

Thence South 89 degrees 44 minutes 52 seconds West a distance of 21.00 feet to a point on said east line of the existing 8.00-foot PUFE;

Thence along last-mentioned east line, North 00 degrees 15 minutes 08 seconds West a distance of 8.00 feet to the POINT OF BEGINNING.

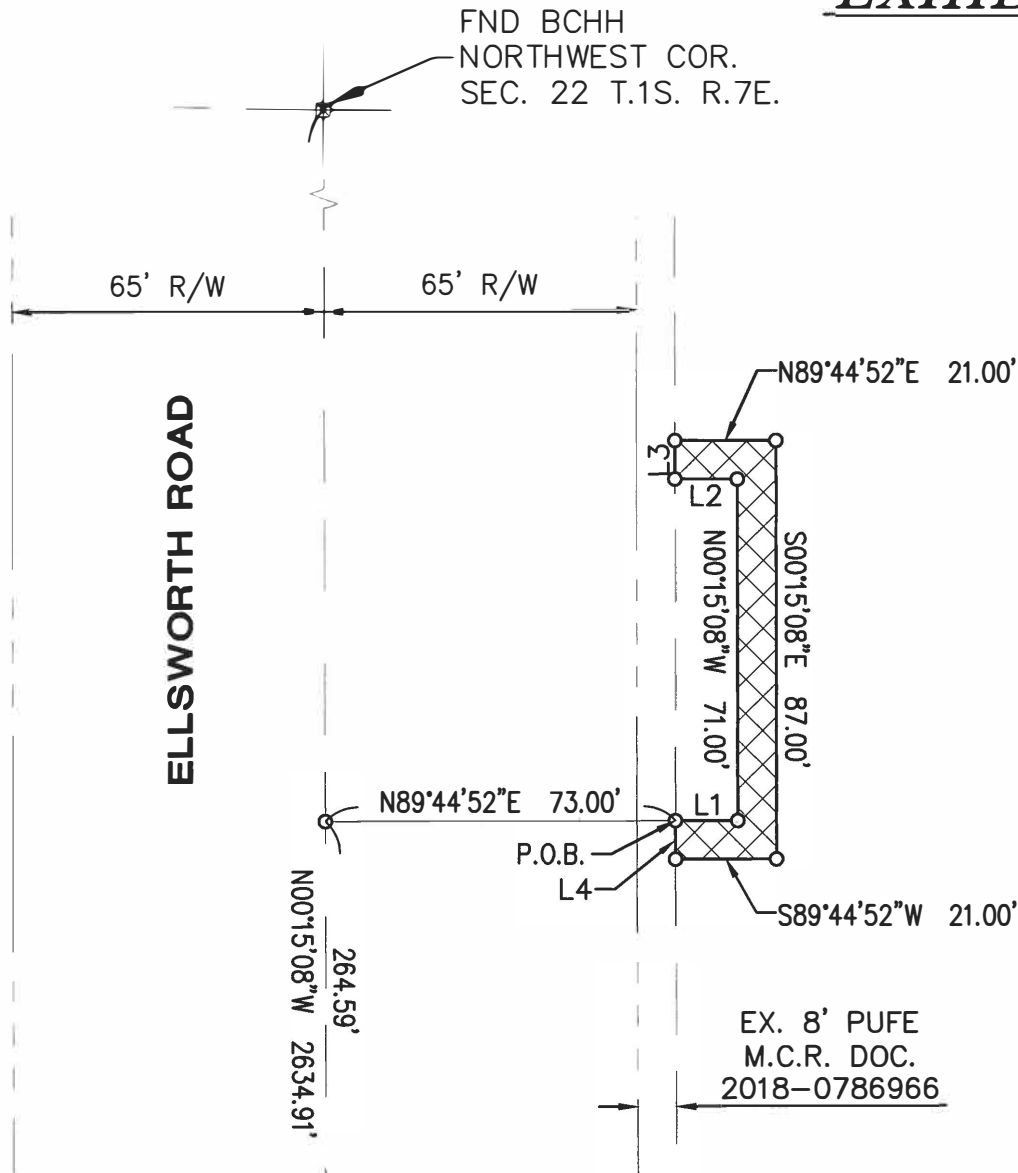


Containing an area of 904 SQUARE FEET or 0.021 ACRES, more or less.

See attached Exhibit "A"



EXHIBIT "A"



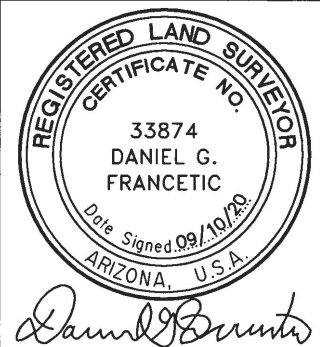
APN 312-17-958A
DMB MESA PROVING
GROUNDS LLC
MCR #2019-0943242

SCALE: N.T.S.

LINE TABLE

#	LENGTH	BEARING
L1	13.00'	N89°44'52"E
L2	13.00'	S89°44'52"W
L3	8.00'	N00°15'08"W
L4	8.00'	N00°15'08"W

FND BCHH
WEST 1/4 COR. OF
SEC. 22 T.1S. R.7E.



CITY OF MESA, AZ

DMB MESA PROVING GROUNDS, LLC

SECTION 22, T1S, R7E

ELLSWORTH ROAD
PUFE ABANDONMENT

DATE: 09/10/20 REV'D:

DRAWN BY: JME|CHK'D: DGF|PG: 3 OF 3

FILE: ELLSWORTH RD_PUFE ABDNT

LEGEND



PUFE ABANDONMENT

BASIS OF BEARING

THE WEST LINE OF THE NORTHWEST
QUARTER OF SECTION 22
BEARING N00°15'08"W



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Website: www.Entellus.com

**EXHIBIT "B"**

**LEGAL DESCRIPTION
FOR
RIGHT-OF-WAY ABANDONMENT
CITY OF MESA**

That parcel of land described as Parcel C on the "Map of Dedication for South Ellsworth Road" found in Maricopa County Recorder Book 1528 of Maps, Page 25 located in the Northwest Quarter of Section 22, Township 1 South, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and more particularly described as follows:

COMMENCING at the brass cap in hand hole found at the West Quarter Corner of said Section 22, from which the brass cap in hand hole found at the Northwest Corner of said Section 22 bears North 00 degrees 15 minutes 08 seconds West a distance of 2,634.91 feet, said line being the West line of said Northwest Quarter, and said line being the basis of bearings for this description;

Thence along said West line, North 00 degrees 15 minutes 08 seconds West a distance of 264.59 feet to a point;

Thence North 89 degrees 44 minutes 52 seconds East a distance of 65.00 feet to a point on the existing east right-of-way line of Ellsworth Road, said point being the POINT OF BEGINNING;

Thence along said existing east right-of-way line, North 00 degrees 15 minutes 08 seconds West a distance of 71.00 feet to a point;

Thence North 89 degrees 44 minutes 52 seconds East a distance of 21.00 feet to a point on a line parallel with and 86.00 feet distant from said West line of the Northwest Quarter;

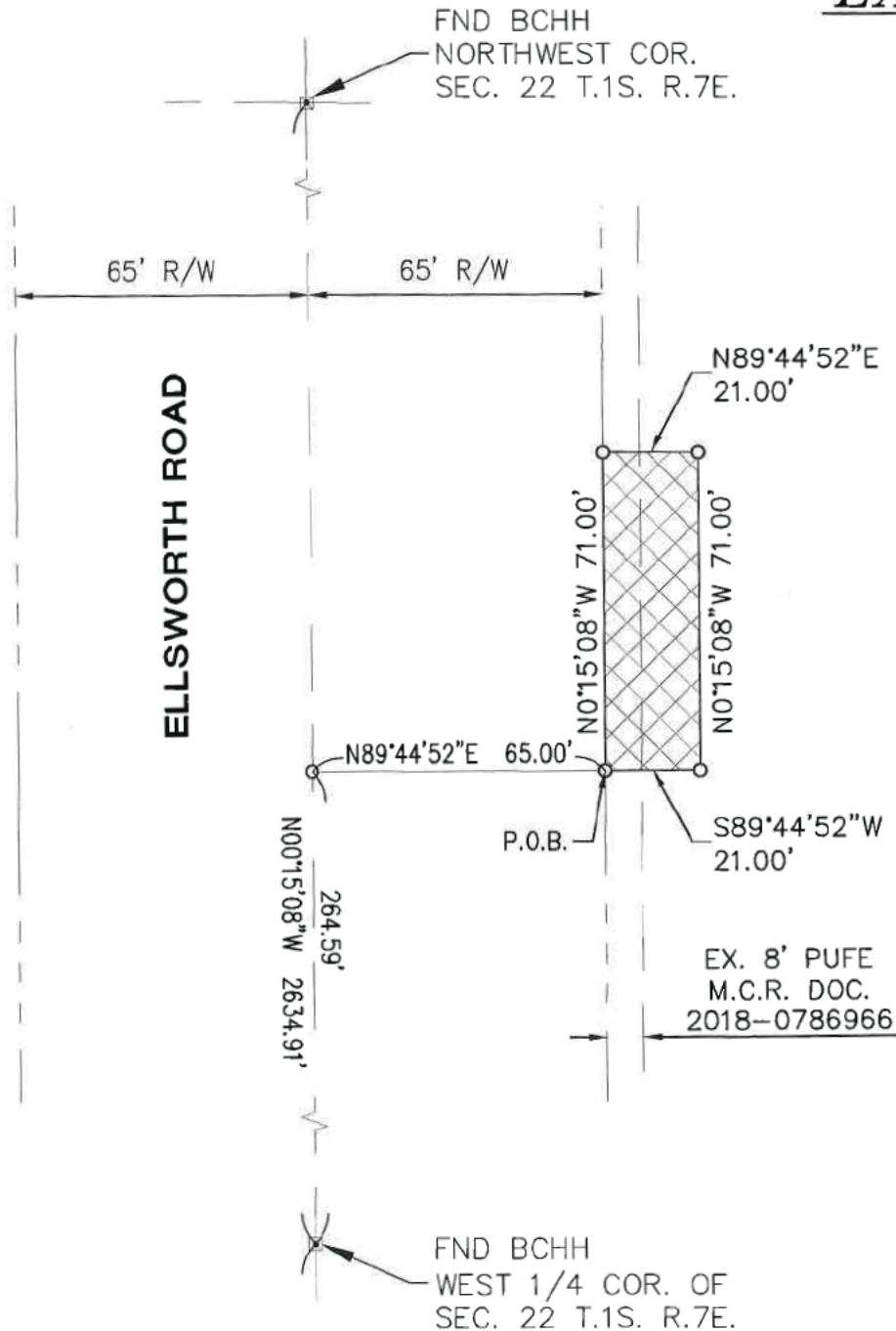
Thence along said parallel line, South 00 degrees 15 minutes 08 seconds East a distance of 71.00 feet to a point;

Thence South 89 degrees 44 minutes 52 seconds West a distance of 21.00 feet to the POINT OF BEGINNING.

Containing an area of 1,491 SQUARE FEET or 0.034 ACRES, more or less.

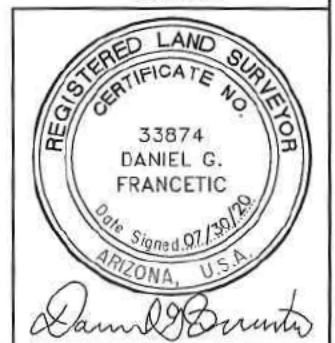


EXHIBIT "B"



APN 312-17-958A
DMB MESA PROVING
GROUNDS LLC
MCR #2019-0943242

SCALE: N.T.S.



LEGEND



RIGHT OF WAY
ABANDONMENT

BASIS OF BEARING

THE WEST LINE OF THE NORTHWEST
QUARTER OF SECTION 22
BEARING $N00^{\circ}15'08''W$



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CITY OF MESA, AZ

DMB MESA PROVING GROUNDS, LLC
SECTION 22, T1S, R7E

ELLSWORTH ROAD RIGHT OF WAY ABANDONMENT

DATE: 07/30/20 | REV'D:
DRAWN BY: JME | CHK'D: DGF | PG: 2 OF 2
FILE: ELLSWORTH RD_R/W ABDNT