

When Recorded, Mail To:
Town of Prescott Valley
7501 East Civic Circle
Prescott Valley, AZ 86314

RESOLUTION NO. 1875

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, VACATING PER ARS §28-7214 A PORTION OF A PUBLIC UTILITY EASEMENT PREVIOUSLY DEDICATED TO THE TOWN ON A PORTION OF LOTS 8972, 8973 AND 8974 PRESCOTT VALLEY UNIT XIX, SAID PORTION NO LONGER BEING NEEDED FOR PUBLIC USE; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, in 1971 a portion of Lots 8972, 8973, and 8974, Prescott Valley Unit XIX, was dedicated as a Public Utility Easement; and

WHEREAS, upon completion of construction of a new roadway alignment at the intersection of Long Look Drive and Viewpoint Drive it was determined that a portion of the easement is no longer needed for public utilities; and

WHEREAS, dedicated public utility easements are held in trust by the Town for the benefit of the utilities involved and the Town must take formal action to abandon, extinguish or vacate such easements (generally after conferring with the affected utilities and benefited property owners); and

WHEREAS, abandonment, extinguishment or vacation of utility and roadway easements may be accomplished by either (a) adoption of a reversionary plat per ARS §9-463.01(G)(3) (which vacates streets or easements previously dedicated to the public), or (b) adoption of an extinguishing resolution per ARS §28-7214; and

WHEREAS, the reversionary plat process has typically been used to abandon utility easements originally obtained by dedication on a plat, but the cost of a reversionary plat process can be prohibitive for individual property owners; and

WHEREAS, notwithstanding that this easement was obtained through dedication by plat, it is proposed that this partial easement abandonment be approved by the Town Council through adoption of this Resolution per ARS §27-7214; and

WHEREAS, this proposed partial abandonment has been reviewed by the Engineering Department and found to be acceptable in that it affects no other properties;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, THAT:

1. The portion of the Public Utility Easement previously dedicated on Lots 8972, 8973, 8974 Prescott Valley Unit XIX, Prescott Valley (Section 11, T14N R1W, G&SRB&M, as recorded in Book 15 of Maps & Plats, Pages 45 - 48, Yavapai County, Arizona), more specifically described in Exhibit "A" attached hereto and expressly made a part hereof, be hereby abandoned.

2. The Mayor, or in his absence the Vice-Mayor, be hereby authorized to sign any further documents that may be determined necessary to accomplish vesting of title in the abandoned easement to the owners of Lots 8972, 8973, 8974.

3. This Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 24th day of April, 2014.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney