

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: June 25, 2015**

SUBJECT: Public Utility Easement Abandonment

SUBMITTING DEPARTMENT: Utilities Department

PREPARED BY: Boyd Robertson, Deputy Public Works Director, for
Neil Wadsworth, Utilities Director

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Exhibit of Public Utility Easement Abandonment
b) Letters of approval from Utility Companies
c) Resolution No. 1921

SUMMARY/BACKGROUND: As part of the development of Prescott Valley Unit 2, a Public Utility Easement was dedicated between 8031 Dana Dr. & 8030 John Ct. to provide operations and maintenance of utility lines. Upon completion of the development, no utilities were installed within this easement. The Owner has requested that the original easement be abandoned. This action is for approval and acceptance of this easement abandonment.

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 affected utilities and benefited property owners). Abandonment may be accomplished by (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. The reversionary plat process is typically used to abandon easements originally obtained by dedication on a plat, while the resolution process has generally been used where easements have been accepted by deed. This easement was obtained through acceptance of a deed during the development process, so it is proposed that this abandonment be approved by Resolution No. 1921. The abandonment has been reviewed by the Utility Department and found to be acceptable in that it affects no other properties;

OPTIONS ANALYSIS: The Council may vote to:

- 1.) Approve the easement abandonment, **OR**
- 2.) Not approve the easement abandonment, **AND/OR**
- 3.) Direct staff to pursue other options

ACTION OPTION: Motion to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1921 approving abandonment of a utility easement per ARS 28-7214. **VOTE.**

RECOMMENDATION: Staff recommends authorizing signature of Resolution No. 1921.

FISCAL ANALYSIS: There is not a direct fiscal impact as a result of approving this easement abandonment (with the exception of minor recording fees).

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____