

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

RESOLUTION NO. 1921

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 PUBLIC UTILITY EASEMENT PREVIOUSLY CONVEYED TO THE TOWN AS PART OF THE PRESCOTT VALLEY UNIT 2 DEVELOPMENT; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, as part of the Prescott Valley Unit 2 Development within Prescott Valley, the Town accepted a number of utility easements needed to construct the development infrastructure; and

WHEREAS, the current owner of 8031 Dana Dr. & 8030 John Ct. has provided Abandonment of Easement documents stating that the easement is no longer needed; and

WHEREAS, the owner of 8031 Dana Dr. & 8030 John Ct. will benefit from having the easement abandoned so that the lot can be developed; and

WHEREAS, 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); and

WHEREAS, abandonment, extinguishment or vacation of utility and roadway easements 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; and

WHEREAS, the reversionary plat process has typically seemed more appropriate to abandon utility easements originally obtained by dedication on a plat, while the resolution process has generally seemed more appropriate where easements have been accepted by deed (the reversionary plat process involving formal consideration by the Town's Planning and Zoning Commission (through a preliminary reversionary plat) and being in a diagram format that can be readily identified by anyone, but the cost of a reversionary plat process being much greater than the resolution process per Town Code §13-27-060(A)(4)(a) and said cost generally being borne by the applicant); and

WHEREAS, because this easement was obtained through acceptance of a deed during the development process, it is now proposed that this partial easement

abandonment be approved by the Town through adoption of a resolution per ARS §27-7214; and

WHEREAS, this proposed abandonment has been reviewed by the Utility 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 public utility easement conveyed to the Town at 8031 Dana Dr. & 8030 John Ct., Prescott Valley Unit 2, Town of Prescott Valley, Section 13, T14N R1W, G&SRB&M, as recorded in Book 12 of Maps & Plats, Page 9, Yavapai County, Arizona, be hereby ABANDONED.

(See Exhibit "A" attached hereto and expressly made a part hereof.)

2. The Mayor, or in his absence the Vice-Mayor, is hereby authorized to sign any further document that may be determined necessary to accomplish vesting of title in the abandoned easement to the owner of 8031 Dana Dr. & 8030 John Ct.

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 25th day of June, 2015.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney