

RESOLUTION NO. 1176-17

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, PERTAINING TO THE EXCHANGE OF UTILITY EASEMENTS.

WHEREAS, Section 32.038, Page City Code, provides that the City of Page (“City”) may exchange any real property by resolution of the City Council; and

WHEREAS, A.R.S. 9-402(E) allows for a city to convey easements without payment when those easements are no longer needed; and

WHEREAS, the owner of two parcels, one of which is commonly known as the “Trading Post” parcel and the second being identified as Tract “A”, Block 196 of the Page Townsite, has requested that the City abandon portions of three utility easements on said parcels in exchange for two new portions of utility easements and in order to accommodate development on the parcels; and

WHEREAS, the first easement proposed to be abandoned is a portion of a twenty (20) foot wide easement more particularly described in “Exhibit A”, attached hereto and incorporated herein by reference; and

WHEREAS, the second easement proposed to be abandoned is a portion of a variable width easement more particularly described in “Exhibit B”, attached hereto and incorporated herein by reference; and

WHEREAS, the third easement proposed to be abandoned is a portion of an eight (8) foot wide easement more particularly described in “Exhibit C”, attached hereto and incorporated herein by reference; and

WHEREAS, all affected utility providers have consented to the abandonment of the easements and the property owner has obtained consent from the utility providers occupying said easements to move the utilities at the owner’s cost; and

WHEREAS, the owner of the parcels has agreed to convey by dedication to the City two new public utility easements in exchange for the abandoned easements; and

WHEREAS, the first new utility easement is an eight (8) foot wide public utility and drainage easement which will be described as set forth in “Exhibit D”, attached hereto and incorporated herein by reference; and

WHEREAS, the second new utility easement is an eight (8) foot wide public utility and drainage easement which will be described as set forth in “Exhibit E”,

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attached hereto and incorporated herein by reference; and

WHEREAS, the City Council has determined that it would be in the City's best interest to abandon the three portions of the public utility easements in exchange for the two new public utility easements as depicted in "Exhibit F", attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PAGE, ARIZONA, AS FOLLOWS:

SECTION 1. The City Council hereby finds that the public utility easements that are proposed to be abandoned are no longer necessary and are of no value to the City. Furthermore, the City Council finds that the easements to be provided to the City in exchange for the abandonment are of value to the City and therefore it is in the best interests of the City to effectuate the exchange.

SECTION 2. The City Council hereby vacates a portion of a twenty (20) foot wide easement more particularly described in "Exhibit A", attached hereto and incorporated herein by reference.

SECTION 3. The City Council hereby vacates a portion of a variable width easement more particularly described in "Exhibit B", attached hereto and incorporated herein by reference.

SECTION 4. The City Council hereby vacates a portion of an eight (8) foot wide easement more particularly described in "Exhibit C", attached hereto and incorporated herein by reference.

SECTION 5. The abandonment of the portions of easements set forth herein is contingent upon the dedication of new public utility easements to be described as set forth in "Exhibit D" and "Exhibit E". The acceptance and approval of those dedications will be accomplished through the submission of a plat to be titled TRACT A-1, BLOCK 196 CITY OF PAGE, ARIZONA TOWNSITE.

SECTION 6. The City Council further authorizes the Mayor to record this Resolution and execute and record any other documents necessary to effectuate the purposes of this Resolution. Written records of this exchange shall be maintained and open to public inspection for at least three (3) years in the City Clerk's Office.

SECTION 7. Pursuant to City Code Section 30.075, this Resolution shall be deemed operative thirty (30) days after passage, at which time all documents will be recorded.

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PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAGE, ARIZONA this 22nd day of February, 2017 by the following vote:

Ayes	<u>7</u>
Nays	<u>0</u>
Abstentions	<u>0</u>
Absent	<u>0</u>

CITY OF PAGE

William R. Quak

Mayor

ATTEST:

Kim L. Yanson

City Clerk

APPROVED AS TO FORM:

[Signature]

City Attorney

