

**RESOLUTION 2014-15**

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN HILLSIDE PROTECTION EASEMENT LOCATED AT PORTIONS OF THE SOUTHEASTERLY AND SOUTHWESTERLY PROPERTY LINES OF PLAT 423, BLOCK 3, LOT 19, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN MCR 2004-0406017.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council"), as the governing body of real property located in the Town of Fountain Hills (the "Town"), may require the dedication of public streets, sewer, water, drainage, and other utility easements or rights-of-way within any proposed subdivision; and

WHEREAS, the Town Council has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision, plat or other lawful means; and

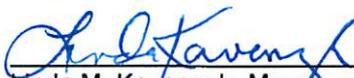
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, as follows:

SECTION 1. That portions of the certain hillside protection easement, located at the southeasterly and southwesterly property lines of Plat 423, Block 3, Lot 19, Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, MCR 2004-0406017, and as more particularly described in Exhibit A, attached hereto and incorporated herein by reference, are hereby declared to be abandoned by the Town.

SECTION 2. That this Resolution is one of abandonment and disclaimer by the Town solely for the purpose of removing any potential cloud on the title to said property and that the Town in no way attempts to affect the rights of any private party to oppose the abandonment or assert any right resulting there from or existing previous to any action by the Town.

**PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills,  
March 6, 2014.**

**FOR THE TOWN OF FOUNTAIN HILLS:**

  
\_\_\_\_\_  
Linda M. Kavanagh, Mayor

**ATTESTED TO:**

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

  
\_\_\_\_\_  
Kenneth Buchanan, Town Manager

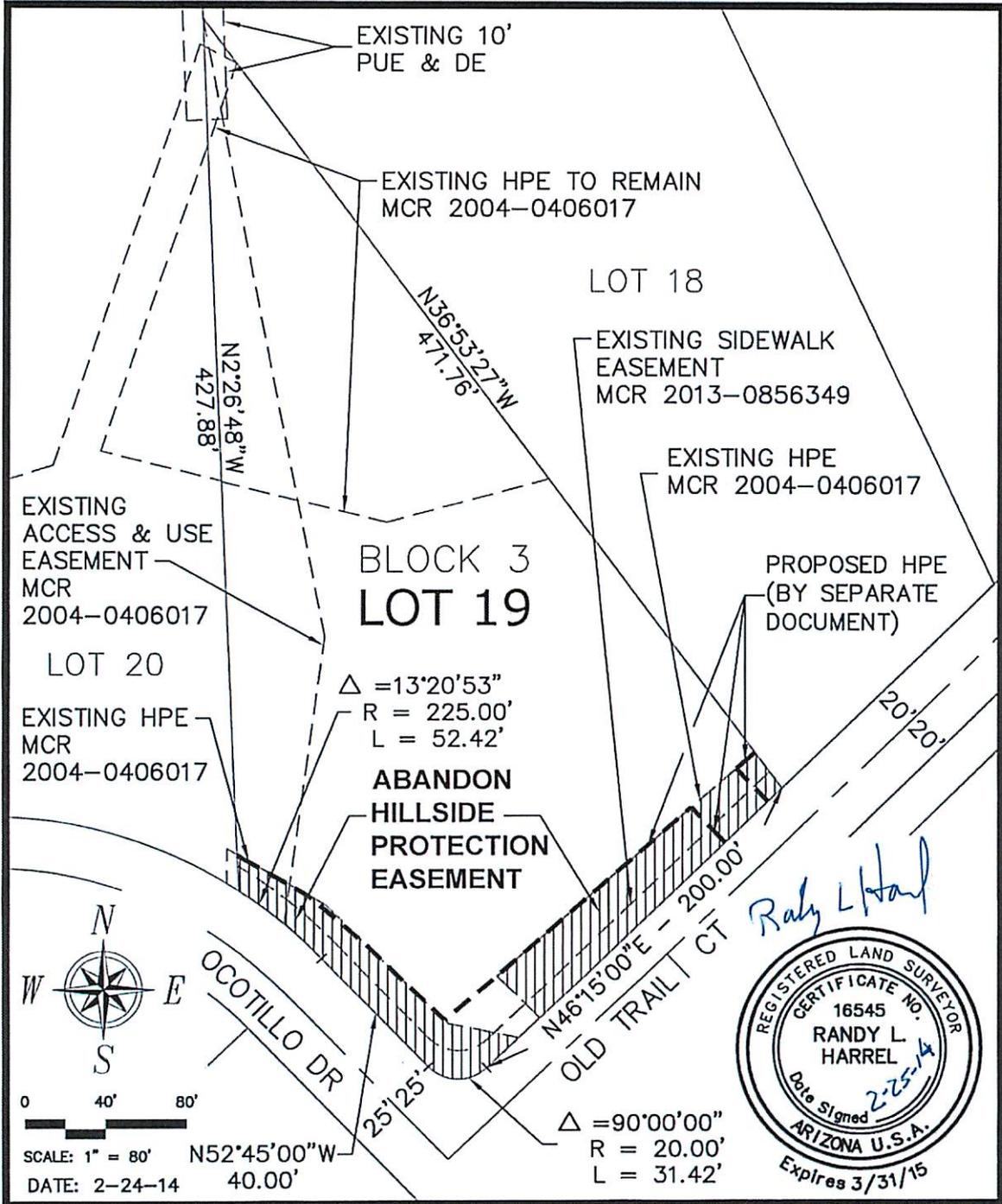
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney

TOWN OF FOUNTAIN HILLS  
EASEMENT ABANDONMENT

EXHIBIT "A"

PLAT 423, BLOCK 3, LOT 19



Town of Fountain Hills I  
16705 E. Avenue of the Fountains I  
Fountain Hills, AZ 85268 I  
I  
Development Services Department I  
I

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**GRANT OF HILLSIDE PROTECTION  
EASEMENT**

**WITH EXHIBITS**

**HPE2014-556**

**16230 OCOTILLO DRIVE  
FOUNTAIN HILLS ARIZONA 85268**

**Plat 423, Block 3, Lot 19**

**ADAM AND ARLIN DALE HANNAH**



**DO NOT REMOVE  
This is part of the official document.**

When Recorded Return To:  
Town of Fountain Hills  
16705 E. Avenue of the Fountains  
Fountain Hills, AZ 85268

**GRANT OF EASEMENT**

Adam Hannah and Arlin Dale Hannah, grantor, for good and valuable consideration, hereby grants to the Town of Fountain Hills, Arizona, grantee, a municipal corporation, its successors and assigns, a perpetual easement upon, across, over and under all those areas on Final Plat of Lot 19, Plat 423 Block 3 as graphically depicted in Exhibit "A" and as legally described in Exhibit "B", as "Hillside Protection Easement" for the purpose of preserving the natural topography and vegetation of land area. The owner or any of his heirs, successors, or assigns shall not perform nor allow to be performed, any construction; or cutting, filling, grading to the topography; nor any grubbing, brushing, removal, or otherwise damage any vegetation, rock outcropping, or other natural feature in the Hillside Protection Easement area without prior Town Council approval. A trailway may be a permitted use if approved by the Town Council and permitted, in writing, by the property owner.

Grantor covenants that grantor is lawfully seized and possessed of this aforementioned tract or parcel of land; that grantor has good and lawful right to sell and convey it; and that grantor will warrant the title and quiet possession thereto against the claim of any person whatsoever.

Dated this 25 day of January, 2014.

By: [Signature]  
Adam Hannah

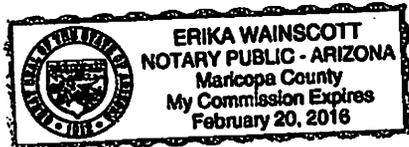
By: \_\_\_\_\_  
Arlin Dale Hannah

STATE OF ARIZONA        )  
  ) §  
County of Maricopa        )

SUBSCRIBED AND SWORN TO BE before me this 25 day of January, 2014  
by Adam Hannah

[Signature]  
Notary Public

My Commission Expires: 2-20-2016



When Recorded Return To:  
Town of Fountain Hills  
16705 E. Avenue of the Fountains  
Fountain Hills, AZ 85268

**GRANT OF EASEMENT**

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Grantor covenants that grantor is lawfully seized and possessed of this aforementioned tract or parcel of land; that grantor has good and lawful right to sell and convey it; and that grantor will warrant the title and quiet possession thereto against the claim of any person whatsoever.

Dated this 21ST day of JANUARY, 2014.

By: \_\_\_\_\_  
Adam Hannah  
By: *Arlin Dale Hannah*  
Arlin Dale Hannah

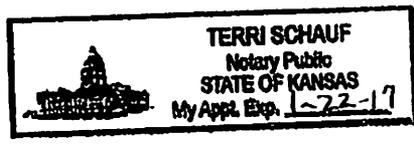
KANSAS  
STATE OF ~~ARIZONA~~ )  
SEDGWICK ) §  
County of ~~Maricopa~~ )

SUBSCRIBED AND SWORN TO BE before me this 21ST day of JANUARY, 2014

by ARLIN DALE HANNAH

*TERRI SCHAUF*  
Notary Public

My Commission Expires: JANUARY 22, 2017

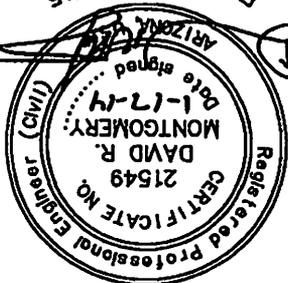
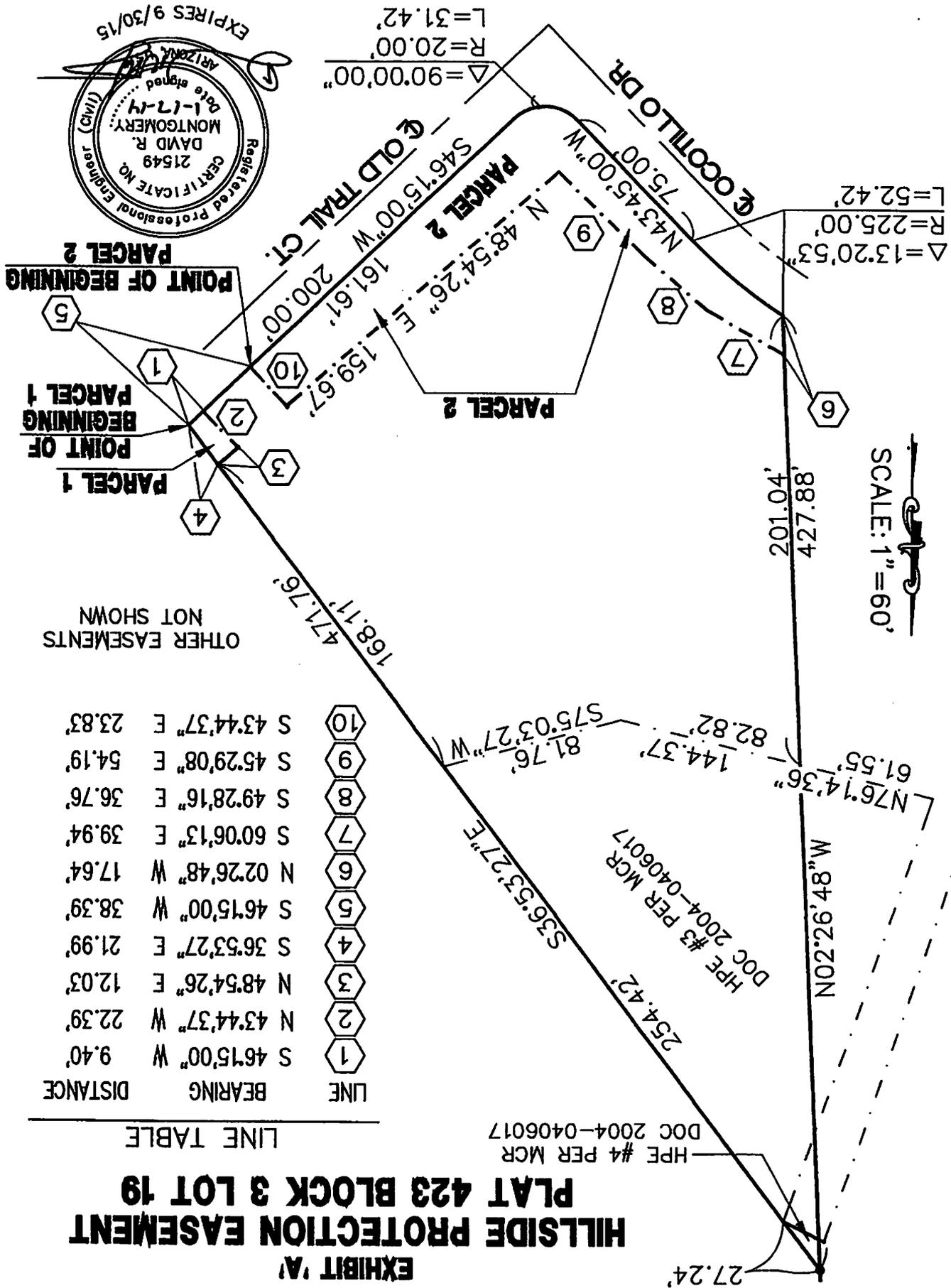


# EXHIBIT 'A' HILLSIDE PROTECTION EASEMENT PLAT 423 BLOCK 3 LOT 19

LINE TABLE

LINE	BEARING	DISTANCE
1	S 46°15'00" W	9.40'
2	N 43°44'37" W	22.39'
3	N 48°54'26" E	12.03'
4	S 36°53'27" E	21.99'
5	S 46°15'00" W	38.39'
6	N 02°26'48" W	17.64'
7	S 60°06'13" E	39.94'
8	S 49°28'16" E	36.76'
9	S 45°29'08" E	54.19'
10	S 43°44'37" E	23.83'

OTHER EASEMENTS  
NOT SHOWN



SCALE: 1"=60'

**EXHIBIT "B"**

**Hillside Protection Easement Release**

Release HPE #1 and HPE #2 per Maricopa County Recorder Document 2004-0406017

**Hillside Protection Easement Dedication**

Plat 423 Block 3 Lot 19

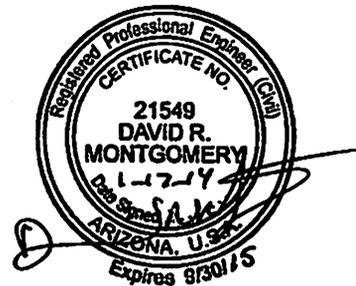
A part of Lot 19 of Plat 423 Block 3 as recorded in Book 149, Page 31, Maricopa County Records, Maricopa County, Arizona, more particularly described as follows:

**PARCEL 1**

Beginning at the Eastmost corner of said Lot 19;  
thence South 46 degrees 15 minutes 00 seconds West, along the Southeasterly line of said Lot 19, a distance of 9.40 feet;  
thence departing said line, North 43 degrees 44 minutes 37 seconds West a distance of 22.39 feet;  
thence North 48 degrees 54 minutes 26 seconds East a distance of 12.03 feet to a point on the Northeasterly line of said Lot 19;  
thence South 36 degrees 53 minutes 27 seconds East, along said line, a distance of 21.99 feet;  
said parcel having an area of 237.11 square feet, or 0.005 acres, more or less, subject to all existing easements.

**PARCEL 2**

Commencing at the Eastmost corner of said Lot 19;  
thence South 46 degrees 15 minutes 00 seconds West, along the Southeasterly line of said Lot 19, a distance of 38.39 feet to the True Point of Beginning;  
thence continuing South 46 degrees 15 minutes 00 seconds West, along said line, a distance of 161.61 feet to the point of curve of a curve concave to the northerly with an arc length of 31.42 feet, said arc having a radius of 20.00 feet and a chord bearing of North 88 degrees 45 minutes 00 seconds West, with a chord length of 28.28 feet, said curve being also the Southmost boundary of said Lot 19;



**EXHIBIT "B"**

**Hillside Protection Easement Dedication**

**Plat 423 Block 3 Lot 19**

**Page 2 of 2**

thence North 43 degrees 45 minutes 00 seconds West, along the Southwesterly line of said Lot 19, a distance of 75.00 feet to the point of curve of a curve concave to the southwesterly with an arc length of 52.42 feet, said arc having a radius of 225.00 feet and a chord bearing of North 50 degrees 25 minutes 28 seconds West, with a chord length of 52.30 feet said curve being also a Southwesterly boundary of said Lot 19 to the southwest corner of said Lot 19;  
thence departing said curve, North 02 degrees 26 minutes 48 seconds West, along the West line of said Lot 19, a distance of 17.64 feet;  
thence departing said line, South 60 degrees 06 minutes 13 seconds East a distance of 39.94 feet;  
thence South 49 degrees 28 minutes 16 seconds East a distance of 36.76 feet;  
thence South 45 degrees 29 minutes 08 seconds East a distance of 54.19 feet;  
thence North 48 degrees 54 minutes 26 seconds East a distance of 159.67 feet;  
thence South 43 degrees 44 minutes 37 seconds East a distance of 23.83 feet to the Point of Beginning.

Said parcel having an area of 7,351.07 square feet, or 0.169 acres, more or less, subject to all existing easements.

