

**RESOLUTION 2013-06**

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN PORTIONS OF THE PUBLIC UTILITY AND DRAINAGE EASEMENTS WITHIN PLAT 605-A, PARCEL A, ("FIRE STATION PARCEL") FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 164 OF MAPS, PAGE 12 AND BOOK 883 OF MAPS, PAGE 10.

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

WHEREAS, all present utility companies have received notification of the proposed abandonment.

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 public utility and drainage easement, located within Plat 605-A, PARCEL A ("Fire Station Parcel" area), Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 164 of Maps, Page 12 and Book 883 of Maps, Page 10, and as more particularly described in Exhibit A and Exhibit B and as shown in Exhibit C, all attached hereto and incorporated herein by reference, are hereby declared to be abandoned by the Town. Certain lots within this subdivision are subject to lot-to-lot drainage runoff. The property owner is required to pass the developed flows generated by the upstream lots across their property.

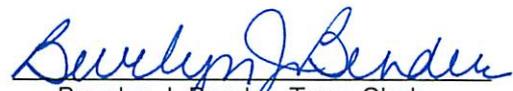
SECTION 2. That this Resolution is one of abandonment and disclaimer by the Town solely for the purpose of removing any potential cloud on the title to said property and that the Town in no way attempts to affect the rights of any private party to oppose the abandonment or assert any right resulting 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,  
January 17, 2013.**

**FOR THE TOWN OF FOUNTAIN HILLS:**

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

**ATTESTED TO:**

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

**REVIEWED BY:**

  
\_\_\_\_\_  
Ken Buchanan, Town Manager

**APPROVED AS TO FORM:**

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

**EXHIBIT "A"**  
**DRAINAGE EASEMENT ABANDONMENT**  
**LEGAL DESCRIPTION**

All that portion of Parcel "A" of FOUNTAIN HILLS ARIZONA FINAL PLAT NO. 605-A recorded in Book 164 of Maps, Page 12, Maricopa County Records, located in Section 21 of Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, also being a portion of that property described in Quit Claim Deed Recorded as file no. 2004-0514173 and shown in Book 883 of Maps, Page 10, Maricopa County Records, described as follows:

Commencing at the most easterly corner of said Parcel "A"; thence South 46°15'00" West along the northwesterly right of way line of Fountain Hills Boulevard, 731.78 feet to the most easterly corner of said property described in Quit Claim Deed Recorded as file no. 2004-0514173 and shown in Book 883 of Maps, Page 10, Maricopa County Records, and the **Point of Beginning**;

Thence continuing along said northwesterly right of way line the following two courses:

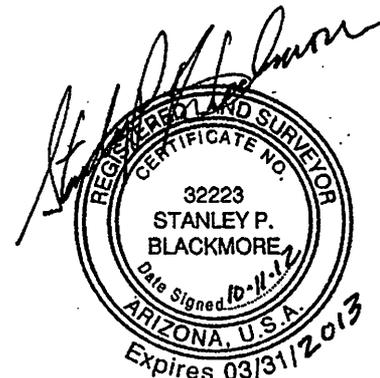
- 1) South 46°15'00" West, 257.89 feet;
- 2) Along a tangent curve concave to the northwest, having a radius of 1345.00 feet, through a central angle of 1°55'38" an arc distance of 45.24 feet to the most easterly corner of Parcel "C" of said FOUNTAIN HILLS ARIZONA FINAL PLAT NO. 605-A;

Thence North 40°02'00" West along the northeasterly line of said Parcel "C", 228.80 feet;

Thence North 4°32'03" East, 106.86 feet to the northwesterly line of said property described in Quit Claim Deed Recorded as file no. 2004-0514173 and shown in Book 883 of Maps, Page 10, Maricopa County Records;

Thence North 49°06'07" East, 208.78 feet to the most northerly corner of said property described in Quit Claim Deed Recorded as file no. 2004-0514173 and shown in Book 883 of Maps, Page 10, Maricopa County Records;

Thence South 43°45'00" East, 289.80 feet to the Point of Beginning.



**EXHIBIT "B"**  
**PUBLIC UTILITIES EASEMENT ABANDONMENT**  
**LEGAL DESCRIPTION**

All that portion of Parcel "A" of FOUNTAIN HILLS ARIZONA FINAL PLAT NO. 605-A recorded in Book 164 of Maps, Page 12, Maricopa County Records, located in Sections 21 and 22 of Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, shown in Book 883 of Maps, Page 10, Maricopa County Records and more particularly described as follows:

Commencing at the most easterly corner of said Parcel "A"; thence South 46°15'00" West along the northwesterly right of way line of Fountain Hills Boulevard, 731.78 feet to the Point of Beginning;

Thence continuing along said northwesterly right of way line the following two courses:

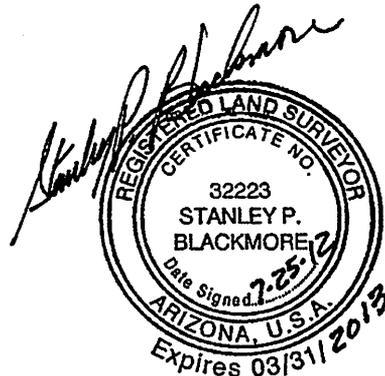
- 1) South 46°15'00" West, 257.89 feet;
- 2) Along a tangent curve concave to the northwest, having a radius of 1345.00 feet, through a central angle of 1°55'38" an arc distance of 45.24 feet to the most easterly corner of Parcel "C" of said FOUNTAIN HILLS ARIZONA FINAL PLAT NO. 605-A;

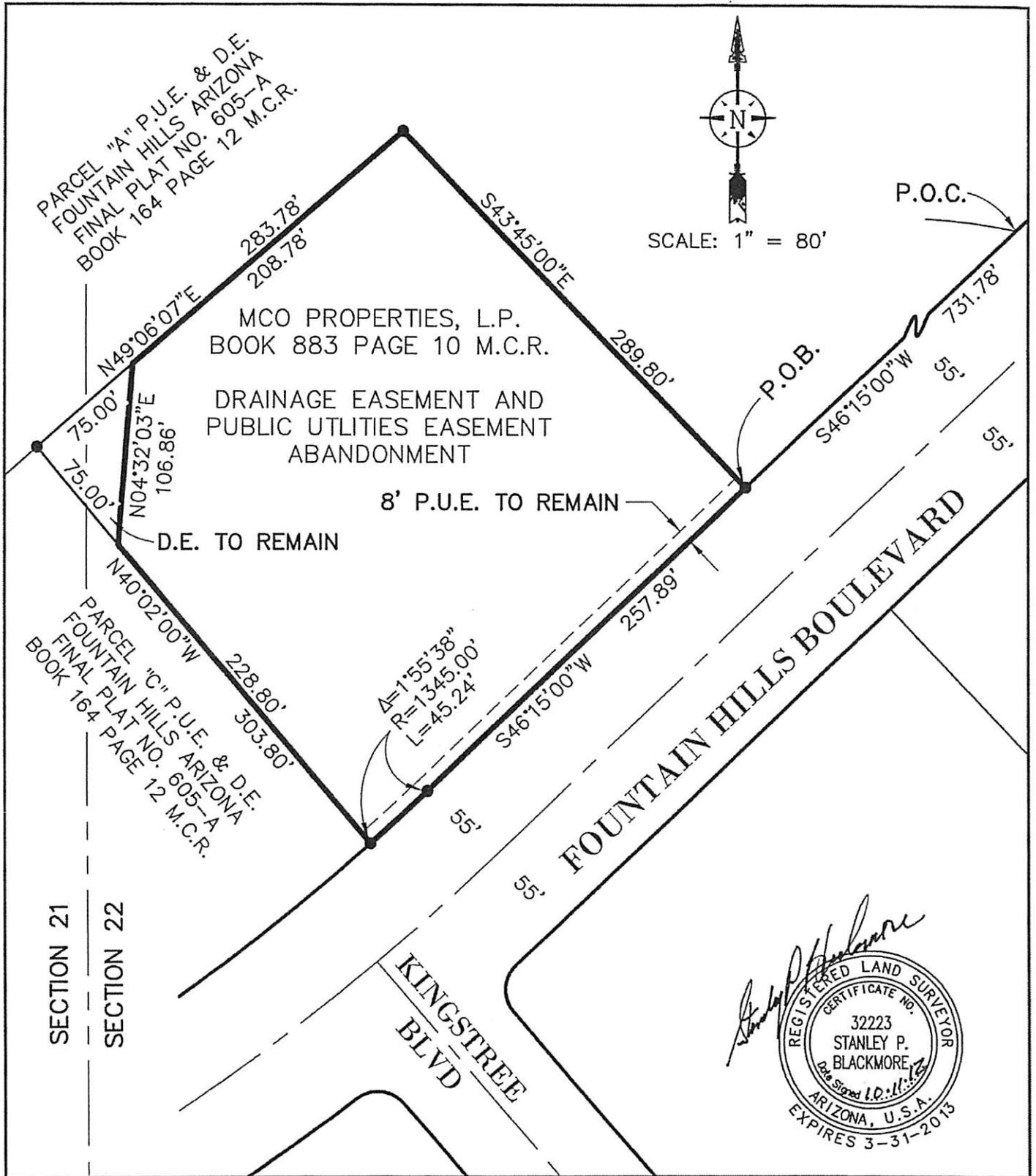
Thence North 40°02'00" West, 303.80 feet to the most northerly corner of said Parcel "C";

Thence North 49°06'07" East, 283.78 feet;

Thence South 43°45'00" East, 289.80 feet to the Point of Beginning.

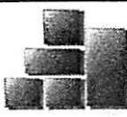
EXCEPTING THEREFROM: The southeasterly 8.00 feet, adjacent to said northwesterly right of way line of Fountain Hills Boulevard, thereof, which shall remain a Public Utilities Easement.





FOR: **EASEMENTS ABANDONMENT – EXHIBIT "C"**

SCALE: 1" = 80'  
SHEET: 1 OF 1



**MORRISON  
MAIERLE, INC.**  
an Arizona Corporation

DRAWING: EASE ABAND-Rev  
PROJECT: 8340.00609  
DRAWN: SPB  
CHECKED: JGS

DRAINAGE AND PUBLIC UTILITIES  
EASEMENTS ABANDONMENT  
PARCEL A FINAL PLAT NO. 605-A  
SEC. 21&22, T-3-N, R-6-E G&SRB&M