

RESOLUTION 2013-07

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE HILLSIDE PROTECTION EASEMENT WITHIN FIREROCK COUNTRY CLUB, PARCEL J-2, LOT 4, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN 2008-0137097 MCR.

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 the certain Hillside Protection Easement, located within FireRock County Club Parcel J-2, Lot 4, Fountain Hills, as recorded in the Office of the County Recorder of Maricopa County, Arizona, 2008-0137097 MCR and as more particularly shown in Exhibit A, attached hereto and incorporated herein by reference, is 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, January 17, 2013.

FOR THE TOWN OF FOUNTAIN HILLS:


Linda M. Kavanagh, Mayor

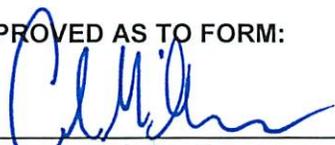
ATTESTED TO:


Bevelyn J. Bender, Town Clerk

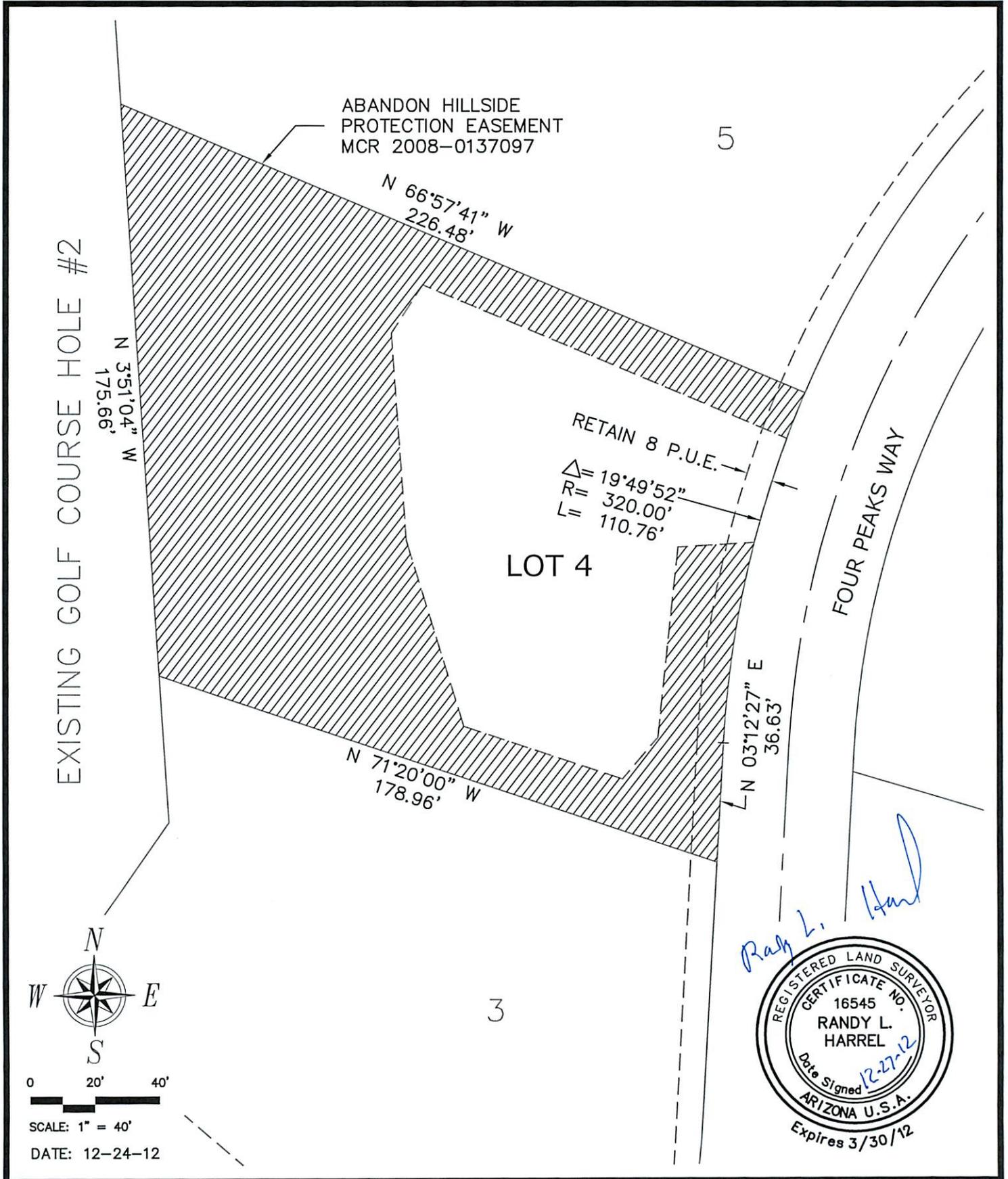
REVIEWED BY:


Kenneth Buchanan, Town Manager

APPROVED AS TO FORM:


Andrew J. McGuire, Town Attorney

TOWN OF FOUNTAIN HILLS
EASEMENT ABANDONMENT
EXHIBIT "A"
PLAT FIREROCK PARCEL J-2, LOT 4



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

CAPTION HEADING:

**GRANT OF HILLSIDE PROTECTION
EASEMENT
HPE2013-01**

**The Donald G. and Linda R. Cunningham Trust
With Exhibits**

**9616 N. Four Peaks Way
Fountain Hills, AZ 85268**

Plat FireRock Parcel J-2, Lot 4

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



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

GRANT OF EASEMENT

The Donald G. and Linda R. Cunningham Trust, 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 Firerock Parcel J-2 Lot 4 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 her 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 railway 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 17th day of December, 2012

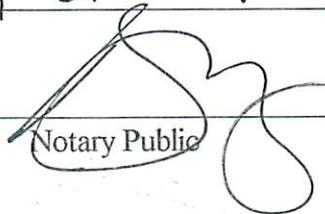
By: 
Donald G. Cunningham, Trustee

By: 
Linda R. Cunningham, Trustee

STATE OF ARIZONA)
County of Maricopa) §

SUBSCRIBED AND SWORN TO BE before me this 17th day of December, 2012

by Donald G. Cunningham & Linda R. Cunningham


Notary Public

My Commission Expires:

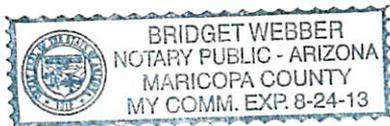
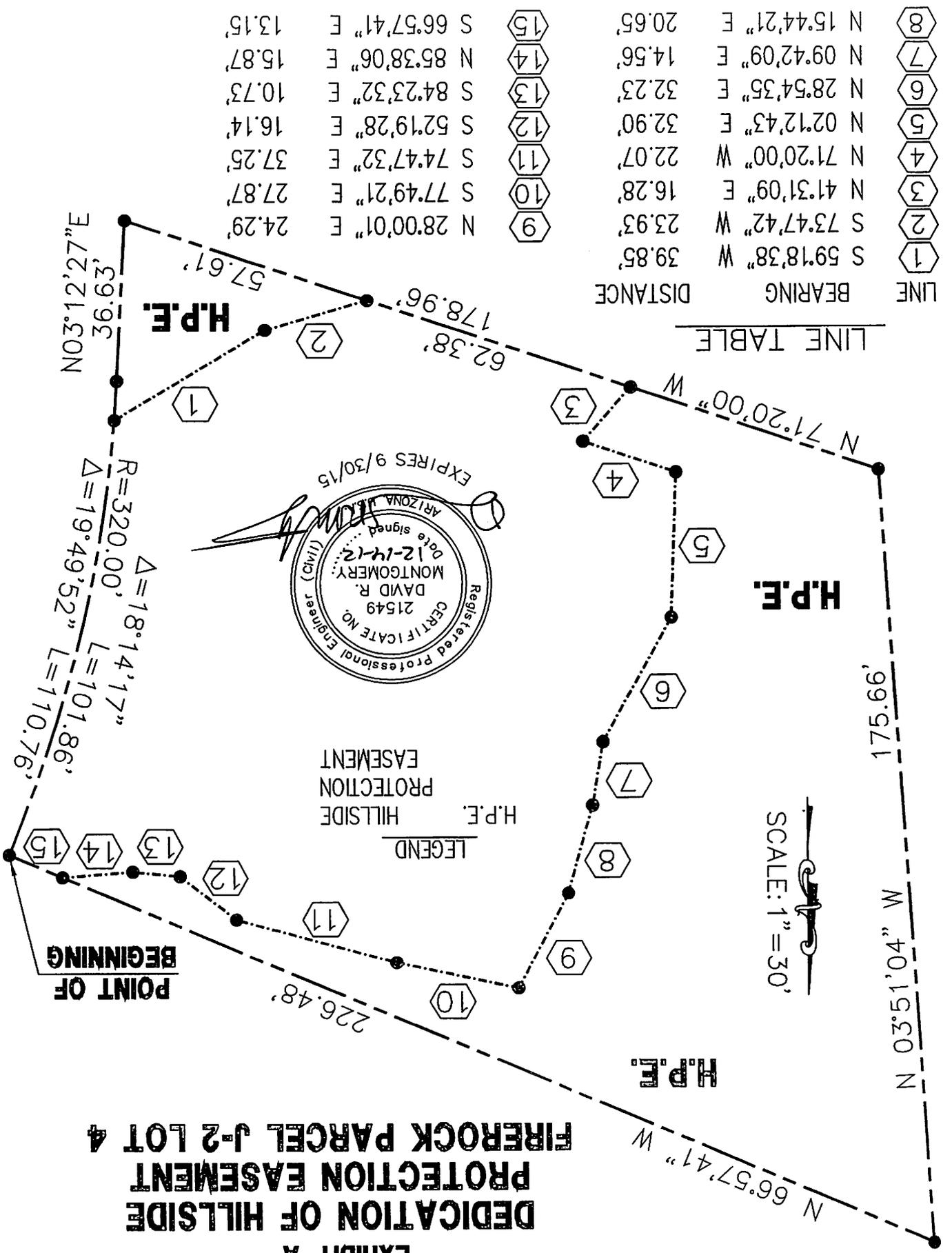


EXHIBIT A
DEDICATION OF HILLSIDE
PROTECTION EASEMENT
FIREROCK PARCEL J-2 LOT 4



LINE TABLE

LINE	BEARING	DISTANCE
1	S 59°18'38" W	39.85'
2	S 73°47'42" W	23.93'
3	N 41°31'09" E	16.28'
4	N 71°20'00" W	22.07'
5	N 02°12'43" E	32.90'
6	N 28°54'35" E	32.23'
7	N 09°42'09" E	14.56'
8	N 15°44'21" E	20.65'
9	N 28°00'01" E	24.29'
10	S 77°49'21" E	27.87'
11	S 74°47'32" E	37.25'
12	S 52°19'28" E	16.14'
13	S 84°23'32" E	10.73'
14	N 85°38'06" E	15.87'
15	S 66°57'41" E	13.15'



SCALE: 1" = 30'

LEGEND
H.P.E. HILLSIDE PROTECTION EASEMENT

POINT OF BEGINNING

$\Delta = 18.1417"$
 $R = 320.00'$
 $\Delta = 19.4952"$
 $L = 101.86'$
 $L = 110.76'$
 $\Delta = 110.76'$

EXHIBIT "B"

Hillside Protection Easement Release and Dedication

Firerock Parcel J-2 Lot 4

A part of Firerock Parcel J-2 Lot 4 as recorded in Book 520, Page 35, Maricopa County Records, Maricopa County, Arizona, more particularly described as follows:

Release:

Release Hillside Protection Easement as recorded in Document #2008-0137097, Maricopa County Records, Arizona.

Dedication:

All of said Lot 4 except the following:

Beginning at the Northeast corner of said Lot 4, said point being the POINT OF BEGINNING and the beginning of a curve concave to the East, of which the radius point lies South 66 degrees 57 minutes 36 seconds East, a radial distance of 320.00 feet, said curve being also an Easterly boundary of said Lot 4;

thence Southerly along said curve and said boundary, through a central angle of 18 degrees 14 minutes 17 seconds, a distance of 101.86 feet;

thence departing said boundary, South 59 degrees 18 minutes 38 seconds West, a distance of 39.85 feet;

thence South 73 degrees 47 minutes 42 seconds West, a distance of 23.93 feet to a point on the South line of said Lot 4;

thence North 71 degrees 20 minutes 00 seconds West, along said line, a distance of 62.38 feet;

thence departing said line, North 41 degrees 31 minutes 09 seconds East, a distance of 16.28 feet;

thence North 71 degrees 20 minutes 00 seconds West, a distance of 22.07 feet;

thence North 02 degrees 12 minutes 43 seconds East, a distance of 32.90 feet;

thence North 28 degrees 54 minutes 35 seconds East, a distance of 32.23 feet;

thence North 09 degrees 42 minutes 09 seconds East, a distance of 14.56 feet;

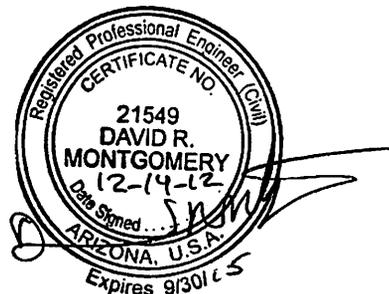


EXHIBIT "B"

Hillside Protection Easement Release and Dedication

Firerock Parcel J-2 Lot 4

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thence North 15 degrees 44 minutes 21 seconds East, a distance of 20.65 feet;
thence North 28 degrees 00 minutes 01 seconds East, a distance of 24.29 feet;
thence South 77 degrees 49 minutes 21 seconds East, a distance of 27.87 feet;
thence South 74 degrees 47 minutes 32 seconds East, a distance of 37.25 feet;
thence South 52 degrees 19 minutes 28 seconds East, a distance of 16.14 feet;
thence South 84 degrees 23 minutes 32 seconds East, a distance of 10.73 feet;
thence North 85 degrees 38 minutes 06 seconds East, a distance of 15.87 feet to a point on the
North line of said Lot 4;
thence South 66 degrees 57 minutes 41 seconds East, along said line, a distance of 13.15 feet to
the POINT OF BEGINNING.

Containing 13,716.72 square feet, more or less, subject to all existing easements.

