

**RESOLUTION 2011-46\_**

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 EASEMENT AT THE REAR PROPERTY LINE OF PLAT 602-A BLOCK 1 LOT 28, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 161 OF MAPS, PAGE 42.

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 at the rear property line of Plat 602-A, Block 1 Lot 28, Fountain Hills, as recorded in the Office of the County Recorder of Maricopa County, Arizona, Book 161 of Maps, Page 42, and as more particularly described in Exhibit A, 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.

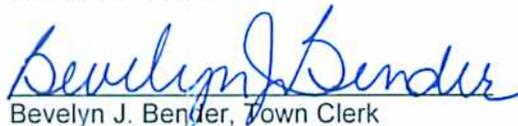
SECTION 2. That this Resolution is one of abandonment and disclaimer by the Town solely for the purpose of removing any potential cloud on the title to said property and that the Town in no way attempts to affect the rights of any private party to oppose the abandonment or assert any right resulting 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,  
December 1, 2011.**

**FOR THE TOWN OF FOUNTAIN HILLS:**

  
\_\_\_\_\_  
Jay T. Schlum, Mayor

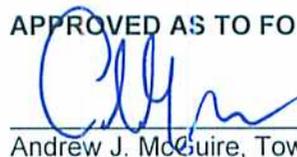
**ATTESTED TO:**

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

**REVIEWED BY:**

  
\_\_\_\_\_  
Julie Ghetti, Interim Town Manager

**APPROVED AS TO FORM:**

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

TOWN OF FOUNTAIN HILLS  
 EASEMENT ABANDONMENT  
 EXHIBIT "A"  
 PLAT 602A BLOCK 1 LOT 28

