

RESOLUTION NO. 2010-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, CORRECTING A SCRIVENER'S ERROR IN RESOLUTION NO. 2009-42 WHICH GRANTED AN EASEMENT TO CRICKET COMMUNICATIONS, INC., OVER CERTAIN REAL PROPERTY GENERALLY LOCATED ALONG DESERT VISTA DRIVE, SOUTH OF TIOGA DRIVE.

WHEREAS, on December 17, 2009, the Mayor and Council of the Town of Fountain Hills (the "Town Council") passed and adopted Resolution No. 2009-42 (the "Original Resolution"), approving an agreement with Cricket Communications, Inc. (the "Agreement") granting a telecommunications easement over certain real property generally located along Desert Vista Drive, south of Tioga Drive (the "Easement"); and

WHEREAS, the legal description and map contained in the Agreement, as approved by the Original Resolution, did not accurately reflect the Easement area; and

WHEREAS, the Town Council desires to correct the legal description error in the Original Resolution and Agreement by including the accurate legal description and map.

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

SECTION 1. That the recitals set forth above are hereby incorporated as if fully set forth herein.

SECTION 2. That the legal description and map included as a portion of Exhibit A to Resolution No. 2009-42 is hereby deleted in its entirety and replaced with the legal description and map attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION 3. That the Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

SECTION 4. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
January 7, 2010.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Jay T. Schlum, Mayor



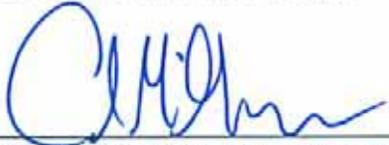
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Richard L. Davis, Town Manager



Andrew J. McGuire, Town Attorney

**EXHIBIT 1
TO
RESOLUTION NO. 2010-05**

[Telecommunications Easement Agreement Legal Description and Map]

See following pages.

EXHIBIT "A"

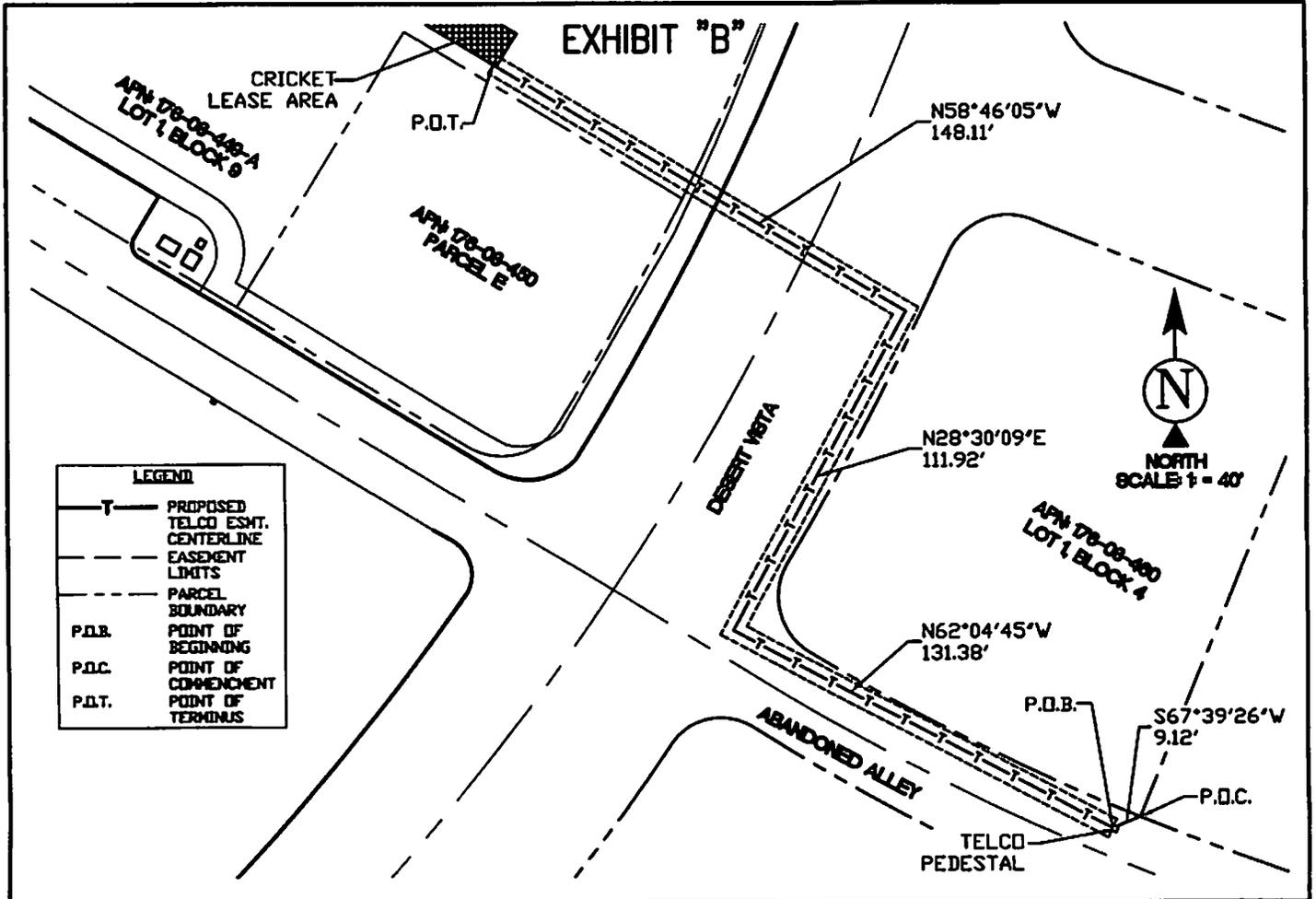
TELCO EASEMENT LEGAL DESCRIPTION

A PORTION OF LOT 9, BLOCK 1, FOUNTAIN HILLS, ARIZONA FINAL PLAT NO. 302, ACCORDING TO BOOK 156 OF MAPS, PAGE 45, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING 3.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 4 OF SAID FOUNTAIN HILLS, ARIZONA FINAL PLAT NO. 302; THENCE SOUTH 67°39'26" WEST, A DISTANCE OF 9.12 FEET TO AN EXISTING TELECOMMUNICATION PEDESTAL AND THE POINT OF BEGINNING; THENCE NORTH 62°04'45" WEST, A DISTANCE OF 131.38 FEET; THENCE NORTH 28°30'09" EAST, A DISTANCE OF 111.92 FEET; THENCE NORTH 58°46'05" WEST, A DISTANCE OF 148.11 FEET TO A POINT LYING ON THE SOUTHWESTERLY LINE OF AN EXISTING CRICKET COMMUNICATIONS LEASE AREA AND THE POINT OF TERMINUS.



| | | | | | | |
|--|---|-----------------|------------------|---|-----------------|---------|
| | RELIANT LAND SERVICES INC. 3234 S. FARR LN. TEMPE, AZ 85282 FAX: (602)453-0002 PH: (602)453-0050 | BY MRF | DATE 10/28/09 | DESERT VISTA PARK 11800 NORTH DESERT VISTA FOUNTAIN HILLS, ARIZONA 85268 | PHX340-A | |
| | | DESIGNED MRF | 10/28/09 | | SHEET 1 | OF 2 |
| | | APPROVED MFB | 10/28/09 | | | |



LEGEND

| | |
|--------|---------------------------------|
| | PROPOSED TELCO ESMT. CENTERLINE |
| | EASEMENT LIMITS |
| | PARCEL BOUNDARY |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| P.O.T. | POINT OF TERMINUS |



NORTH
SCALE 1" = 40'

| | RELIANT LAND SERVICES INC. 3334 S. FAIR LN. TOLPE, AZ 85282 FAX (602)483-0002 PH (602)483-0050 | <table border="1"> <thead> <tr> <th></th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>DESIGNED</td> <td>MSF</td> <td>10/28/09</td> </tr> <tr> <td>DRAWN</td> <td>MSF</td> <td>10/28/09</td> </tr> <tr> <td>APPROVED</td> <td>MFB</td> <td>10/28/09</td> </tr> </tbody> </table> | | BY | DATE | DESIGNED | MSF | 10/28/09 | DRAWN | MSF | 10/28/09 | APPROVED | MFB | 10/28/09 | DESERT VISTA PARK 11800 NORTH DESERT VISTA FOUNTAIN HILLS, ARIZONA 85268 | PHDC340-A <table border="1"> <thead> <tr> <th>SHEET</th> <th>OF</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>2</td> </tr> </tbody> </table> | SHEET | OF | 2 | 2 |
|----------|---|---|----------|----|------|----------|-----|----------|-------|-----|----------|----------|-----|----------|---|--|-------|----|---|---|
| | | BY | DATE | | | | | | | | | | | | | | | | | |
| | DESIGNED | MSF | 10/28/09 | | | | | | | | | | | | | | | | | |
| DRAWN | MSF | 10/28/09 | | | | | | | | | | | | | | | | | | |
| APPROVED | MFB | 10/28/09 | | | | | | | | | | | | | | | | | | |
| SHEET | OF | | | | | | | | | | | | | | | | | | | |
| 2 | 2 | | | | | | | | | | | | | | | | | | | |