

RESOLUTION 2009-01

A RESOLUTION 2009-01 OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE CERTAIN EASTERLY HALF RIGHT-OF-WAY WIDTH OF MARY MUNDE DRIVE (WALK), EXCEPT FOR VARIOUS EASEMENTS RETAINED, AND IN A 10' PUBLIC UTILITY EASEMENT, LANDSCAPE EASEMENT, AND SIDEWALK EASEMENT LOCATED AT THE WESTERLY PROPERTY LINE OF TOWN CENTER 2, LOT 1 (16410 E. EL LAGO BLVD.), BOTH AS RECORDED IN BOOK 474 OF MAPS, PAGE 28, RECORDS OF MARICOPA COUNTY, ARIZONA.;

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 the certain easterly half right-of-way width of Mary Munde Drive (Walk), and a 10' Public utility Easement, Landscape Easement, and Sidewalk Easement located at the westerly property line of Town Center 2, Lot 1 (16410 E. El Lago Blvd.) both as recorded in Book 474 of Maps, Page 28, Records of Maricopa County, Arizona; and as more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, are hereby declared to be abandoned by the Town, except for various easements retained as depicted in Exhibit "B". 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 2009-01 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,  
February 5, 2009.

FOR THE TOWN OF FOUNTAIN HILLS:

  
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Jay T. Schlum, Mayor

ATTESTED TO:

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

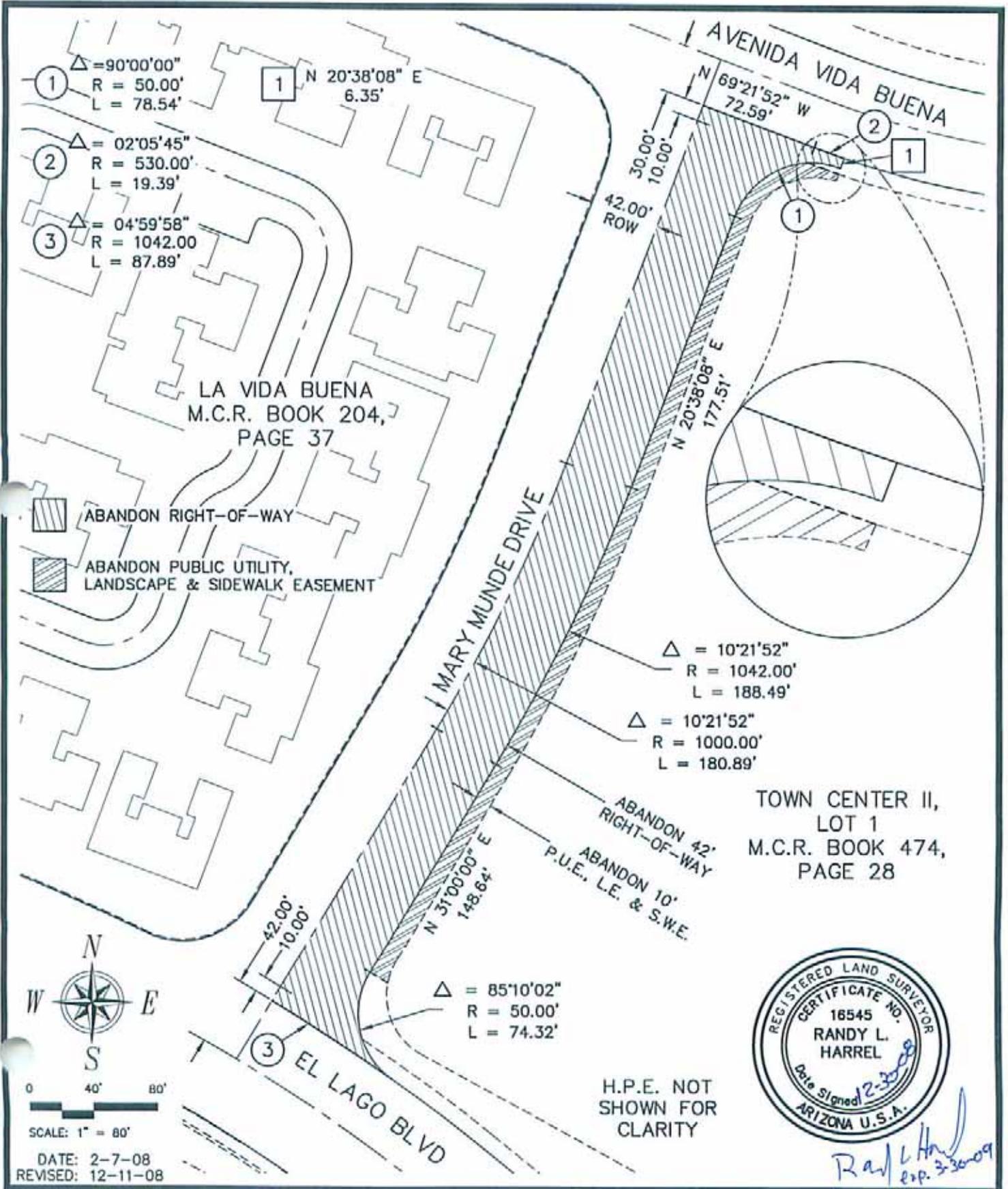
REVIEWED BY:

  
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Richard L. Davis, Town Manager

APPROVED AS TO FORM:

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

TOWN OF FOUNTAIN HILLS  
 RIGHT-OF-WAY & EASEMENT ABANDONMENT  
 EXHIBIT "A"  
 TOWN CENTER II LOT 1



TOWN OF FOUNTAIN HILLS  
 RETAINED EASEMENTS  
 EXHIBIT "B"  
 TOWN CENTER II LOT 1

