

**RESOLUTION 2015-19**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE CERTAIN HILLSIDE PROTECTION EASEMENTS GENERALLY LOCATED AT THE INTERSECTION OF SAGUARO BOULEVARD AND TREVINO DRIVE.

**WHEREAS**, Royal Bank is the current owner of certain real property located within the Town of Fountain Hills, Arizona, consisting of approximately 5.49 acres depicted on Exhibit A, which is incorporated herein by reference (the "Property"); and

**WHEREAS**, GMCAR, L.L.C., the Property's prior owner (the "Prior Owner") and the Town entered into an Alternative Hillside Preservation Agreement on June 19, 2003, recorded in the Maricopa County Recorder's Office, Document No. 2003-0813438 (the "Preservation Agreement") in order to facilitate the development of the Property by providing for an alternative means for Prior Owner to satisfy the hillside preservation requirement of the Town's Subdivision Ordinance. The Preservation Agreement related to a proposed development on the Property that did not come to fruition; and

**WHEREAS**, in conjunction with the Preservation Agreement, a hillside preservation easement was recorded on the Property (the "HPE") over the area depicted on Exhibit A; and

**WHEREAS**, on October 16, 2014, the Fountain Hills Town Council (the "Town Council") adopted Ordinance 14-08, modifying the hillside preservation requirements applicable to the Property and eliminating the need for the alternative arrangement set forth in the Preservation Agreement or any other hillside preservation easement; and

**WHEREAS**, on May 21, 2015, the Town Council approved a termination of the Preservation Agreement and now desires to abandon the HPE.

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

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

SECTION 2. The HPE, located as shown on Exhibit A, is hereby abandoned by the Town of Fountain Hills.

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

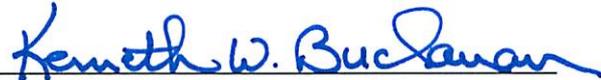
[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills,  
May 21, 2015.

**FOR THE TOWN OF FOUNTAIN HILLS:**

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

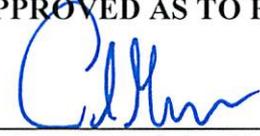
**REVIEWED BY:**

  
\_\_\_\_\_  
Kenneth W. Buchanan, Town Manager

**ATTESTED TO:**

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

**APPROVED AS TO FORM:**

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

**EXHIBIT A  
TO  
RESOLUTION NO. 2015-19**

**[Map]**

**See following pages.**

**TOWN OF FOUNTAIN HILLS  
EASEMENT ABANDONMENT  
EXHIBIT "A"**  
MCR 20110399571

