

RESOLUTION 2015-16

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 PUBLIC ROADWAY LOCATED WITHIN THE TOWN OF FOUNTAIN HILLS WHICH HAS BEEN FOUND TO BE NO LONGER NECESSARY FOR PUBLIC USE AND RESERVING A PUBLIC UTILITY EASEMENT AND A DRAINAGE EASEMENT OVER THE SAME.

WHEREAS, The Town of Fountain Hills, Arizona (the "Town") is the owner of certain real property located within the Town of Fountain Hills, Arizona, as described and depicted on Exhibit A, which is incorporated herein by reference (the "Property"); and

WHEREAS, ARIZ. REV. STAT. § 28-7201 *et seq.* provides that the Town may dispose of a public roadway or a portion thereof that is no longer necessary for public use; and

WHEREAS, La Vida Buena Property Owner's Association, an Arizona corporation ("La Vida") desires to acquire title to the Property and has asserted compliance with the requirements of ARIZ. REV. STAT. § 28-7206 *et seq.*; and

WHEREAS, the Mayor and Council of the Town of Fountain Hills have determined that subject to the requirements, reservations and limitations of this Resolution, the Property has no public use pursuant to ARIZ. REV. STAT. § 28-7215(B); and

WHEREAS, La Vida agrees to assume the cost of maintaining and the liability for the Property pursuant to ARIZ. REV. STAT. § 28-7215(B).

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. Subject to the reservations below, the Property, described and depicted on Exhibit A, is hereby abandoned by the Town of Fountain Hills.

SECTION 3. The Town reserves to itself and excludes from this abandonment (i) an public utility easement for all existing utilities, as described and depicted on Exhibit A, (ii) a drainage easement, as described and depicted on Exhibit A and (iii) such rights and interest, if any, as are required to be reserved by ARIZ. REV. STAT. § 28-7210.

SECTION 4. Upon recordation of this Resolution in the office of the Maricopa County Recorder, title to the Property shall vest in La Vida, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues and the terms of this Resolution.

SECTION 5. 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.

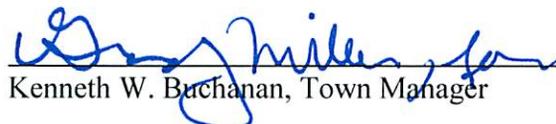
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, June 18, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:



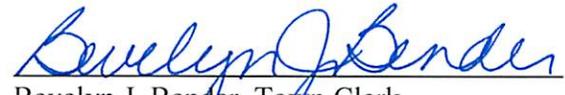
Linda M. Kavanagh, Mayor

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 2015-16**

[Legal Descriptions and Maps]

See following pages.

TOWN OF FOUNTAIN HILLS
 RIGHT-OF-WAY ABANDONMENT
 EXHIBIT A, SHEET 1

LA VIDA BUENA CONDOMINIUM, BOOK 204, PAGE 37)

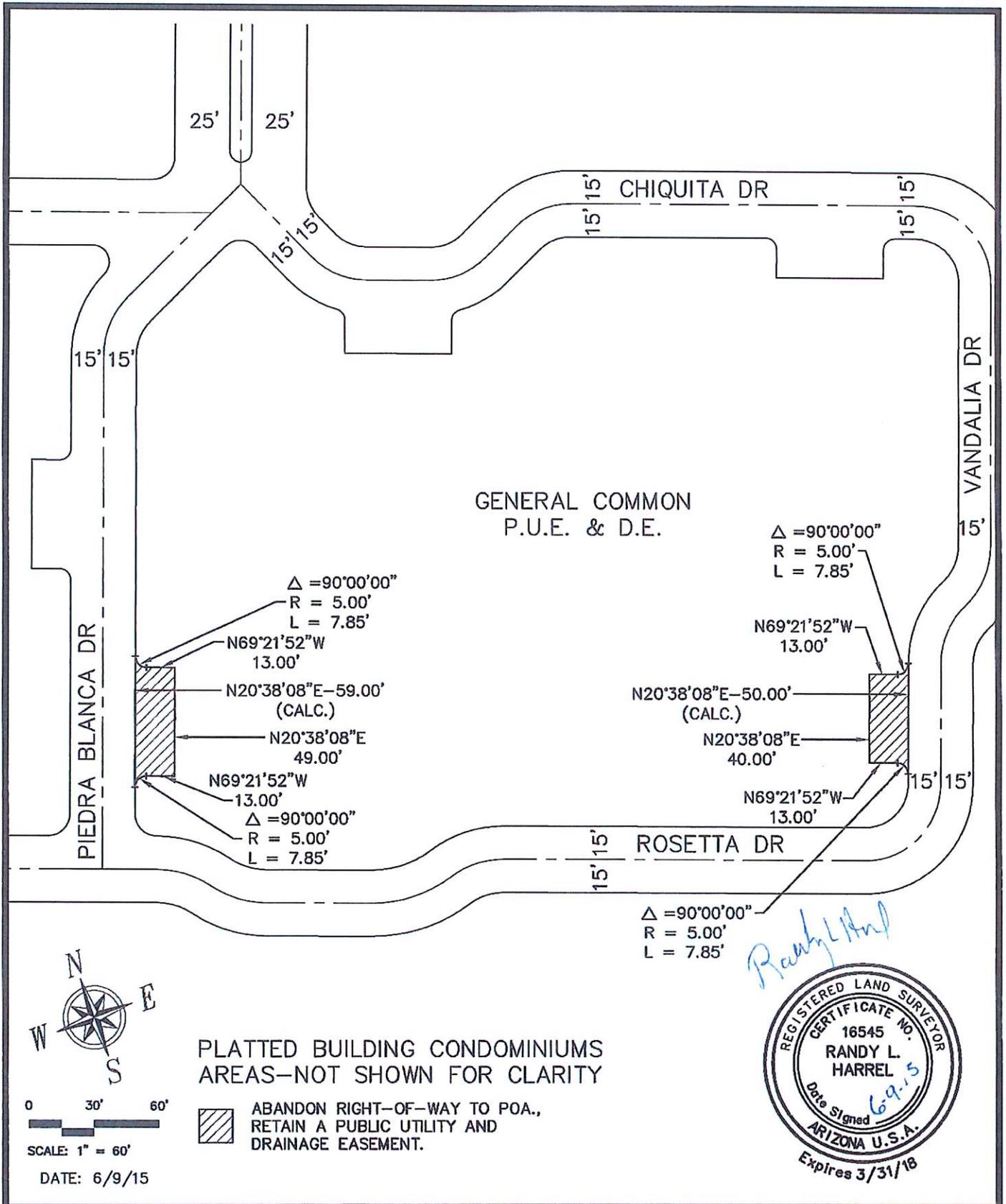


Exhibit A, Sheet 2

LA VIDA BUENA CONDOMINIUM

PARKING AREA, WEST SIDE OF VANDALIA DRIVE,
RIGHT OF WAY ABANDONMENT AND RETAINED EASEMENT AREA

A portion of the La Vida Buena Condominium, as recorded on October 17, 1978 in Book 204, Page 37 of the Records of Maricopa County, Arizona and situated in Section 15, Township 3 North Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; being more particularly described as follows:

Commencing at the monument line of Vandalia Drive at the northerly point of curvature to its intersection with Rosetta Drive, as shown on said Final Plat of La Vida Buena Condominium;

Thence north 20 degrees 38 minutes 08 seconds east along the centerline of Vandalia Drive, a distance of 4.34 feet;

Thence north 69 degrees 21 minutes 52 seconds west, a distance of 15.00 feet to a point being start of a non tangent curve concave southwesterly, of which the radius point lies north 69 degrees 21 minutes 52 seconds west, a radial distance of 5.00 feet, said point also being on the westerly right-of-way line of said Vandalia Drive and the **TRUE POINT OF BEGINNING**;

Thence northwesterly along the arc, through a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 7.85 feet;

Thence north 69 degrees 21 minutes 52 seconds west, a distance of 13.00 feet;

Thence north 20 degrees 38 minutes 08 seconds east, a distance of 40.00 feet;

Thence south 69 degrees 21 minutes 52 seconds east, a distance of 13.00 feet to the beginning of a tangent curve concave northwesterly and having a radius of 5.00 feet;

Thence along the arc of said curve through a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 7.85 feet to a point on said westerly right-of-way;

Thence south 20 degrees 38 minutes 08 seconds west, a distance of 50.00 feet to the **TRUE POINT OF BEGINNING**;

Containing 730.73 square feet, more or less.



TOWN OF FOUNTAIN HILLS
 RIGHT-OF-WAY ABANDONMENT
 EXHIBIT A, SHEET 3

LA VIDA BUENA CONDOMINIUM, BOOK 204, PAGE 37

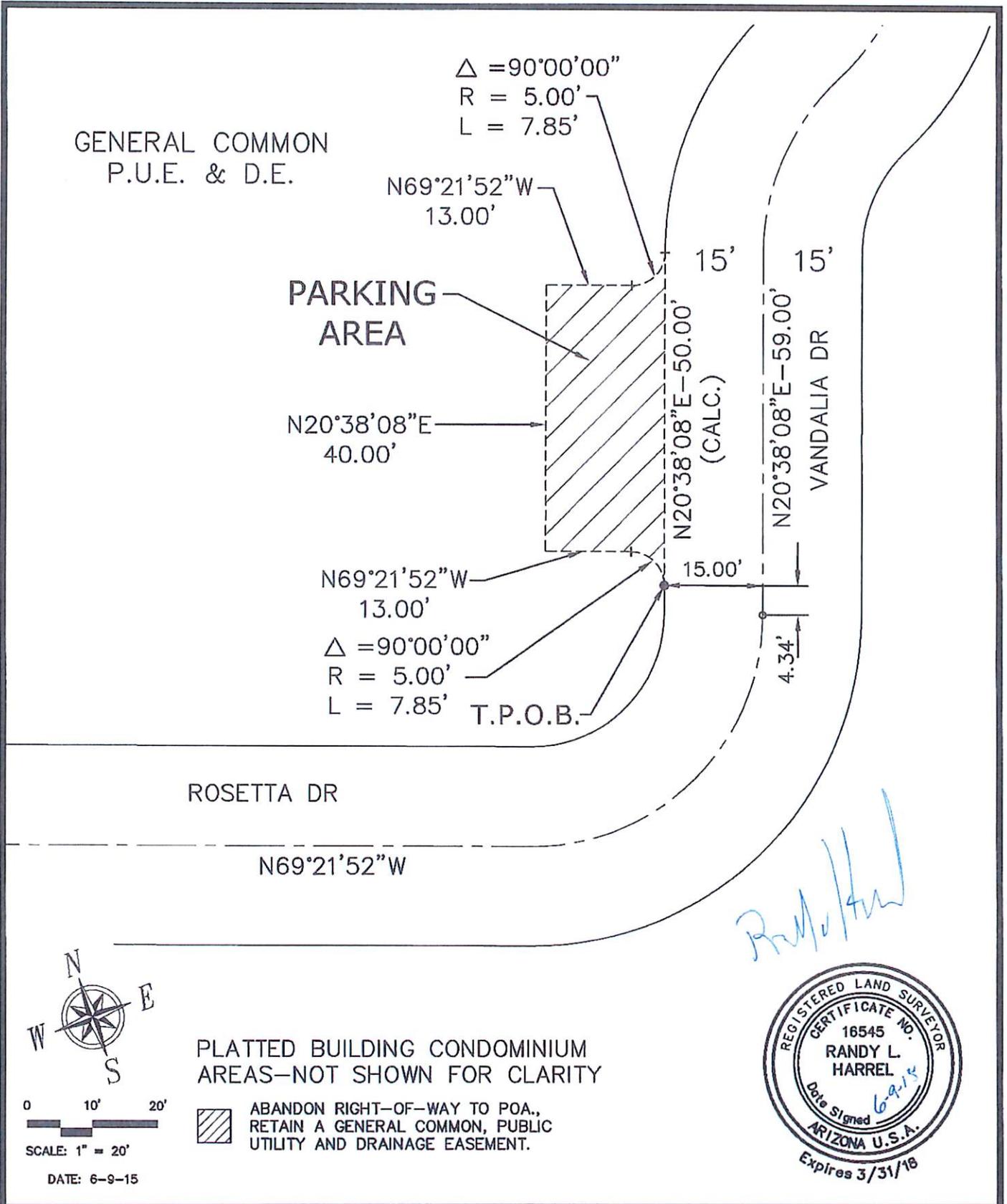


Exhibit A, Sheet 4

LA VIDA BUENA CONDOMINIUM

PARKING AREA, EAST SIDE OF PIEDRA BLANCA DRIVE,
RIGHT OF WAY ABANDONMENT AND RETAINED EASEMENT AREA

A portion of the La Vida Buena Condominium, as recorded on October 17, 1978 in Book 204, Page 37 of the Records of Maricopa County, Arizona and situated in Section 15, Township 3 North Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; being more particularly described as follows:

Commencing at the monument line intersection of Piedra Blanca Drive and Rosetta Drive, as shown on said Final Plat of La Vida Buena Condominium;

Thence north 20 degrees 38 minutes 08 seconds east along the centerline of Piedra Blanca Drive, a distance of 37.00 feet;

Thence south 69 degrees 21 minutes 52 seconds east, a distance of 15.00 feet to a point on the easterly right-of-way line of said Piedra Blanca Drive, said point being the **TRUE POINT OF BEGINNING**;

Thence north 20 degrees 38 minutes 08 seconds east, along the prolongation of said easterly right-of-way line, a distance of 59.00 feet to a point of a non tangent curve concave northeasterly, of which the radius point lies south 69 degrees 21 minutes 52 seconds east, a radial distance of 5.00 feet;

Thence southeasterly along the arc, through a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 7.85 feet;

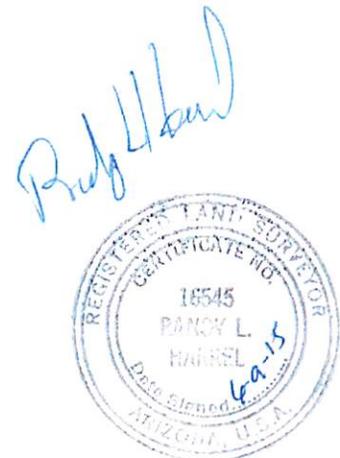
Thence south 69 degrees 21 minutes 52 seconds east, a distance of 13.00 feet;

Thence south 20 degrees 38 minutes 08 seconds west, a distance of 49.00 feet;

Thence north 69 degrees 21 minutes 52 seconds west, a distance of 13.00 feet to the beginning of a tangent curve concave southeasterly and having a radius of 5.00 feet;

Thence along the arc of said curve through a central angle of 90 degrees 00 minutes 00 seconds, an arc length of 7.85 feet the **TRUE POINT OF BEGINNING**;

Containing 892.73 square feet, more or less.



TOWN OF FOUNTAIN HILLS
 RIGHT-OF-WAY ABANDONMENT
 EXHIBIT A, SHEET 5

LA VIDA BUENA CONDOMINIUM, BOOK 204, PAGE 37

