

RESOLUTION 2015-36

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 EASEMENT LOCATED AT FIREROCK PARCEL M-1, LOT 10, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, AND ACCEPTING A SUBSTITUTE HILLSIDE PROTECTION EASEMENT OF EQUAL SIZE.

WHEREAS, pursuant to Section 5.04 of the Town of Fountain Hills Subdivision Ordinance, portions of hillside property within the Town of Fountain Hills (the "Town") with slopes in excess of 20% are required to remain undisturbed; and

WHEREAS, the areas to remain undisturbed are required to be dedicated to the Town in the form of a Hillside Protection Easement ("HPE"); and

WHEREAS, in conjunction with development of FireRock Parcel M-1, Lot 10, a residential lot in Fountain Hills, Arizona (the "Property"), the owners dedicated an HPE to the Town, which HPE was recorded on March 16, 2015, in the office of the Maricopa County Recorder, document No. 2015-0172368 (the "March 2015 HPE"); and

WHEREAS, improvements on the Property were inadvertently constructed on a portion of the March 2015 HPE, necessitating a modification to the undisturbed area of the Property; and

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council"), has determined that it is in the best interests of the Town to abandon the March 2015 HPE and to simultaneously accept dedication of a substitute HPE covering an area of equal size in a substantially similar location on the Property, in the form of the Grant of Easement dated May 26, 2015, attached hereto as Exhibit 1, and incorporated herein by reference (the "May 2015 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 March 2015 HPE is hereby abandoned.

SECTION 3. Dedication of the May 2015 HPE is hereby accepted.

SECTION 4. The Town Manager or authorized designee is hereby authorized and directed to cause this Resolution to be recorded in the office of the Maricopa County Recorder, including the recording of the May 2015 HPE.

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.

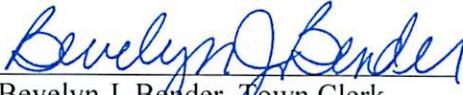
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
June 18, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:



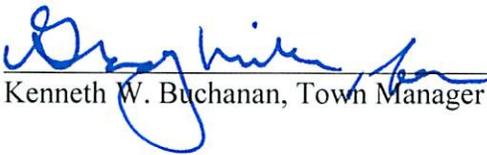
Linda M. Kavanagh, Mayor

ATTESTED TO:



Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Kenneth W. Buchanan, Town Manager

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney

**EXHIBIT 1
TO
RESOLUTION 2015-36**

[May 2015 HPE]

See following pages.

When recorded, please return to: I
I
Town of Fountain Hills I
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268 I
I
Attn: Engineering Department I
I

CAPTION HEADING:

**GRANT OF HILLSIDE PROTECTION EASEMENT
HPE2015-
Donald A Matt and Pearl A Logan
With Exhibits**

This is part of the official document.



Copies Routed To:

- Administration
 - Engineering
 - Community Development
 - Parks & Recreation
 - Magistrate Court
 - Marshals Department
-

When Recorded Return To:
Town of Fountain Hills
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

GRANT OF EASEMENT

Donald A Matt and Pearl A Logan, grantors, for good and valuable consideration, hereby grants to the Town of Fountain Hills, Arizona, grantee, a municipal corporation, its successors and assigns, a perpetual easement upon, across, over and under all those areas on Final Plat of Firerock Parcel M-1 Lot 10 as graphically depicted in Exhibit "A" and as legally described in Exhibit "B", as "Hillside Protection Easement" for the purpose of preserving the natural topography and vegetation of land area. The owner or any of his heirs, successors, or assigns shall not perform nor allow to be performed, any construction; or cutting, filling, grading to the topography; nor any grubbing, brushing, removal, or otherwise damage any vegetation, rock outcropping, or other natural feature in the Hillside Protection Easement area without prior Town Council approval. A railway may be a permitted use if approved by the Town Council and permitted, in writing, by the property owner.

Grantor covenants that grantor is lawfully seized and possessed of this aforementioned tract or parcel of land; that grantor has good and lawful right to sell and convey it; and that grantor will warrant the title and quiet possession thereto against the claim of any person whatsoever.

Dated this 11 day of _____, 2015.

By: [Signature]
Donald A Matt

By: [Signature]
Pearl A Logan

STATE OF ARIZONA)
) §
County of Maricopa)

SUBSCRIBED AND SWORN TO BE before me this 11 day of June, 2015
by Donald A Matt and Pearl A Logan.

[Signature]
Notary Public

My Commission Expires: 1/19/2019

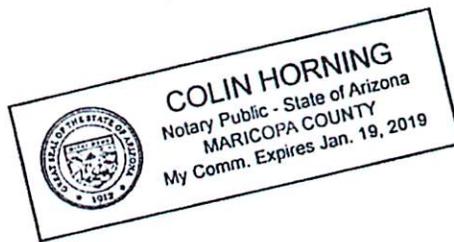
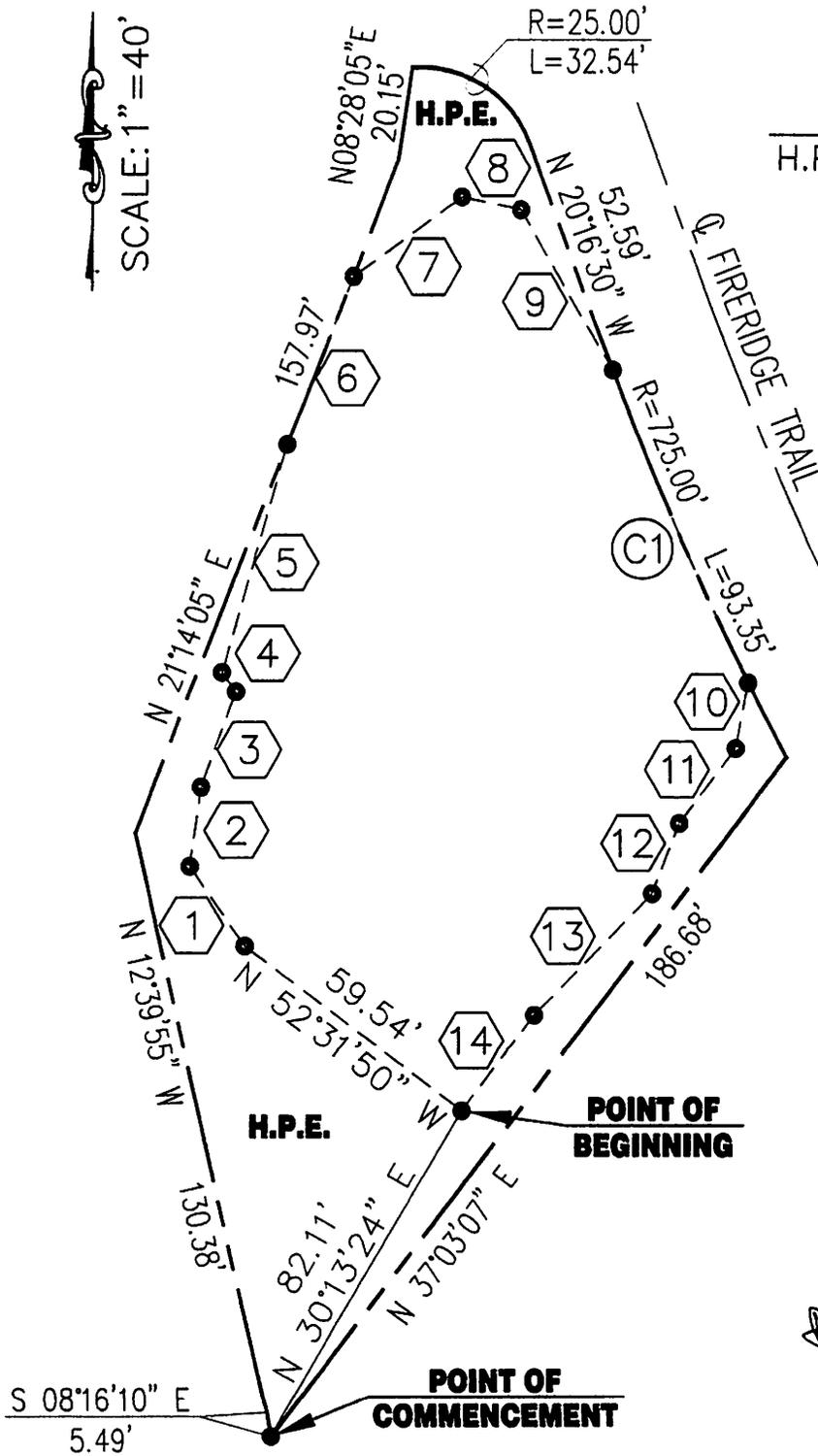


EXHIBIT 'A'

HILLSIDE PROTECTION EASEMENT FIREROCK PARCEL M-1 LOT 10



LEGEND	
H.P.E.	HILLSIDE PROTECTION EASEMENT



EXHIBIT 'A'
HILLSIDE PROTECTION EASEMENT
FIREROCK PARCEL M-1 LOT 10

CURVE TABLE

(C1)	RADIUS	725.00'
	LENGTH	74.99'
	DELTA	05°55'36"
	CHORD BEARING	S 23°14'18" E
	CHORD LENGTH	74.96'

LINE TABLE

	BEARING	DISTANCE
1	N 34°56'01" W	21.02'
2	N 08°20'37" E	17.41'
3	N 20°09'55" E	22.18'
4	N 35°54'00" W	5.22'
5	N 15°43'39" E	52.10'
6	N 21°14'05" E	39.84'
7	N 54°13'27" E	29.08'
8	S 78°01'37" E	13.15'
9	S 29°46'02" E	40.28'
10	S 10°46'54" W	14.67'
11	S 37°03'06" W	20.34'
12	S 21°14'05" W	16.39'
13	S 43°59'32" W	36.98'
14	S 37°03'07" W	26.20'



EXHIBIT "B"

Hillside Protection Easement Dedication

Firerock Parcel M-1 Lot 10

A part of Firerock Parcel M-1 Lot 10 as recorded in Book 546 Page 33, Maricopa County Records, Maricopa County, Arizona, more particularly described as follows:

All of said Lot 10 except the following;

Commencing at the southern most corner of said Lot 10;

thence North 30 degrees 13 minutes 24 seconds East, a distance of 82.11 feet to the POINT OF BEGINNING;

thence North 52 degrees 31 minutes 50 seconds West, a distance of 59.54 feet;

thence North 34 degrees 56 minutes 01 seconds West, a distance of 21.02 feet;

thence North 08 degrees 20 minutes 37 seconds East, a distance of 17.41 feet;

thence North 20 degrees 09 minutes 55 seconds East, a distance of 22.18 feet;

thence North 35 degrees 54 minutes 00 seconds West, a distance of 5.22 feet;

thence North 15 degrees 43 minutes 39 seconds East, a distance of 52.10 feet to a a point on a Westerly boundary of said Lot 10;

thence North 21 degrees 14 minutes 05 seconds East along said boundary, a distance of 39.84 feet;

thence departing said boundary North 54 degrees 13 minutes 27 seconds East, a distance of 29.08 feet;

thence South 78 degrees 01 minutes 37 seconds East, a distance of 13.15 feet;

thence South 29 degrees 46 minutes 02 seconds East, a distance of 40.28 feet to a a point on an Easterly boundary of said Lot 10, said point being also a point on a Westerly Right-of-Way of Fireridge Trail, as recorded in said plat of Firerock Parcel M-1, said point being also on a non-tangent curve concave to the northeast, having a radius of 725.00 feet, said curve having a chord which bears South 23 degrees 14 minutes 18 seconds East, a chord length of 74.96 feet;

thence southeasterly along said curve and said boundary, through a central angle of 05 degrees 55 minutes 36 seconds, a distance of 74.99 feet;

thence departing said boundary South 10 degrees 46 minutes 54 seconds West, a distance of 14.67 feet;



EXHIBIT "B"

Hillside Protection Easement Dedication

Firerock Parcel M-1 Lot 10

Page 2 of 2

thence South 37 degrees 03 minutes 06 seconds West, a distance of 20.34 feet;
thence South 21 degrees 14 minutes 05 seconds West, a distance of 16.39 feet;
thence South 43 degrees 59 minutes 32 seconds West, a distance of 36.98 feet;
thence South 37 degrees 03 minutes 07 seconds West, a distance of 26.20 feet to the POINT OF BEGINNING.

Containing 6,653.76 square feet, more or less, subject to all existing easements.

