

**RESOLUTION 2015-45**

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 WITHIN THE FIREROCK COMMERCE PARK, LOT 1, FOUNTAIN HILLS, ARIZONA.

**WHEREAS**, in conjunction with development of the Firerock Commerce Park, a Hillside Protection Easement was dedicated to the Town of Fountain Hills (the "Town"), as recorded with the Final Plat of Firerock Commerce Park on July 23, 2008, in the Maricopa County Recorder's Office, in Book 997, Page 28 as Document No. 2008-0642600 (the "HPE") as depicted on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, the current owner of Lot 1 of the Firerock Commerce Park, a/k/a 9511 Technology Drive, located within the Town, as depicted on Exhibit A (the "Property"), desires to construct an industrial building on the Property; and

**WHEREAS**, on October 16, 2014, the Fountain Hills Town Council (the "Town Council") adopted Ordinance 14-08, modifying the hillside preservation requirements to eliminate the need for a hillside protection easement for non-residential property in commercial and industrial zoning districts; and

**WHEREAS**, the Property is currently zoned industrial (IND-2 I.U.P.D.) and is limited to non-residential uses; and

**WHEREAS**, the Town Council has determined that it is necessary and proper 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.

SECTION 3. The Town Manger or authorized designee is hereby authorized and directed to cause this Resolution to be recorded in the Maricopa County Recorder's Office.

SECTION 4. 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.

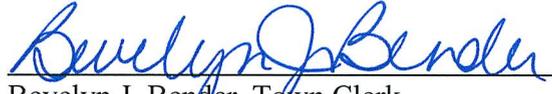
[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills,  
September 3, 2015.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

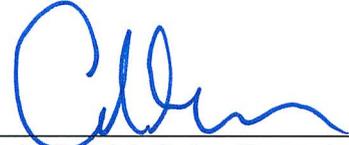
  
\_\_\_\_\_  
Linda M. Kavanagh, Mayor

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

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Grady E. Miller, Town Manager

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

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EXHIBIT A  
TO  
RESOLUTION NO. 2015-45

[Map]

See following page.

