

RESOLUTION 2015-46

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE DRAINAGE EASEMENT LOCATED ON FIREROCK PARCEL D, LOT 28, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED AT 2000-0537846 MCR.

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

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

SECTION 1. That the certain drainage easement, located on Firerock Parcel D, Lot 28, Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, and as more particularly depicted in Exhibit A, and described in Exhibit B, attached hereto and incorporated herein by reference, are hereby declared to be abandoned by the Town. 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 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.

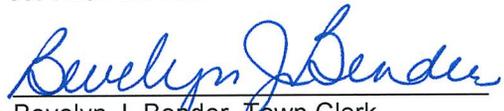
PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, September 3, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:



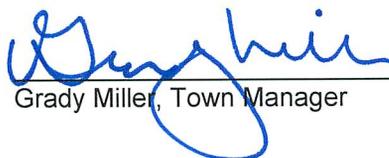
Linda M. Kavanagh, Mayor

ATTESTED TO:



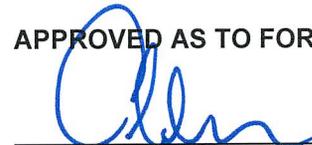
Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Grady Miller, Town Manager

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney

TOWN OF FOUNTAIN HILLS
EASEMENT ABANDONMENT
EXHIBIT "A"
FIREROCK PARCEL D, LOT 28

ROCK RIDGE TR

8' PUBLIC
UTILITY
EASEMENT

$\Delta=60^{\circ}54'35''$
 $R=370.00'$
 $L=84.23'$

DRAINAGE
EASEMENT
TO REMAIN

LOT 29

LOT 27

LOT 28

N $54^{\circ}52'11''$ W
256.55'

ABANDON
DRAINAGE
EASEMENT
20000537846 MCR

N $72^{\circ}12'18''$ W
405.99'

DRAINAGE EASEMENT
(BY SEPARATE
INSTRUMENT)

PARCEL F

N $69^{\circ}24'11''$ E
121.29'

N $57^{\circ}55'12''$ E
111.73'



0 25' 50'

SCALE: 1" = 50'

DATE: 8-13-15

Randy L. Harrel



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

GRANT OF EASEMENT

Patrick A. Maley and Kathryn M. Maley, 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 for the following purposes, namely:

Drainage Easement on Firerock Parcel D, Lot 28.

on, over, under and across the ground embraced within the aforementioned lot as depicted in Exhibit "A", situated in the Town of Fountain Hills, State of Arizona.

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 27 day of August 2015.

By:

Patrick A. Maley
Signature – Patrick A. Maley

Kathryn M. Maley
Signature – Kathryn M. Maley

STATE OF ARIZONA)
) §
County of Maricopa)

SUBSCRIBED AND SWORN TO, before me, this 27 day of August, 2015,

by Paula L. Woodward



Paula L. Woodward
Notary Public

My Commission Expires: August 18, 2018

EXHIBIT 'A'

DRAINAGE EASEMENT DEDICATION FIREROCK PARCEL D LOT 28

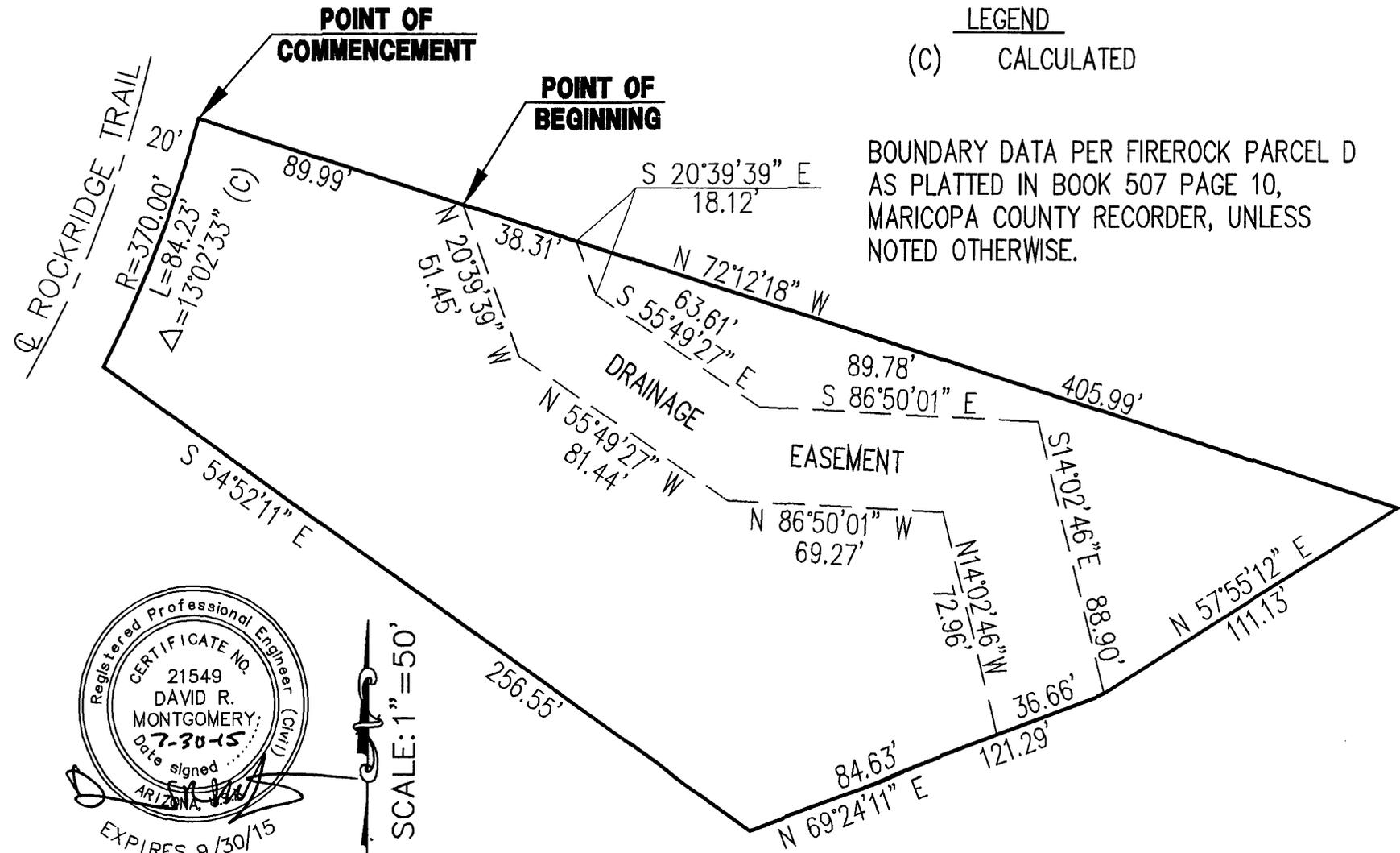


EXHIBIT "B"

Drainage Easement Dedication

Firerock Parcel D Lot 28

A part of Firerock Parcel D Lot 28 as recorded in Book 507 Page 10, Maricopa County Records, Maricopa County, Arizona, more particularly described as follows:

Commencing at a Northwest corner of said Lot 28;
thence South 72 degrees 12 minutes 18 seconds East along the northerly boundary line of said Lot 28, a distance of 89.99 feet to the POINT OF BEGINNING;
thence continuing easterly along said line and said boundary, a distance of 38.31 feet;
thence departing said boundary South 20 degrees 39 minutes 39 seconds East, a distance of 18.12 feet;
thence South 55 degrees 49 minutes 27 seconds East, a distance of 63.61 feet;
thence South 86 degrees 50 minutes 01 seconds East, a distance of 89.78 feet;
thence South 14 degrees 02 minutes 46 seconds East, a distance of 88.90 feet to a the point of intersection of two Southeasterly boundary lines of said Lot 28;
thence South 69 degrees 24 minutes 11 seconds West along a southeasterly boundary line of said Lot 28, a distance of 36.66 feet;
thence departing said boundary North 14 degrees 02 minutes 46 seconds West, a distance of 72.96 feet;
thence North 86 degrees 50 minutes 01 seconds West, a distance of 69.27 feet;
thence North 55 degrees 49 minutes 27 seconds West, a distance of 81.44 feet;
thence North 20 degrees 39 minutes 39 seconds West, a distance of 51.45 feet to the POINT OF BEGINNING.

Containing 8,552.08 square feet, more or less, subject to all existing easements.

