

RESOLUTION 2015-50

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN CERTAIN EASEMENTS LOCATED WITHIN THE FORMERLY PLATTED AREA OF EAGLE RIDGE NORTH (CURRENTLY RE-PLATTED AS ADERO CANYON), FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, AS ORIGINALLY RECORDED AT 2003-1343417 MCR; 2003-1343418 MCR; 2003-1343420 MCR; AND 2003-1343421 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 Public Utility and Service Vehicle Access Easements and the certain Sight Visibility Easements, located within Adero Canyon (formerly Eagle Ridge North), Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, and as more particularly depicted in Exhibit A-1 and A-2, attached hereto and incorporated herein by reference, and described below, are hereby declared to be abandoned by the Town:

- 2003-1343417 MCR – Public Utility and Service Vehicle Access Easements
- 2003-1343418 – Ingress-Egress, Access, Public Utilities, Drainage, and Landscape Easement
- 2003-1343420 MCR – Sight Visibility Easement
- 2003-1343421 MCR – Sight Visibility Easements

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, October 1, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:



Linda M. Kavanagh, Mayor

ATTESTED TO:



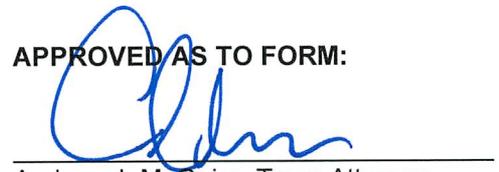
Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Grady Miller, Town Manager

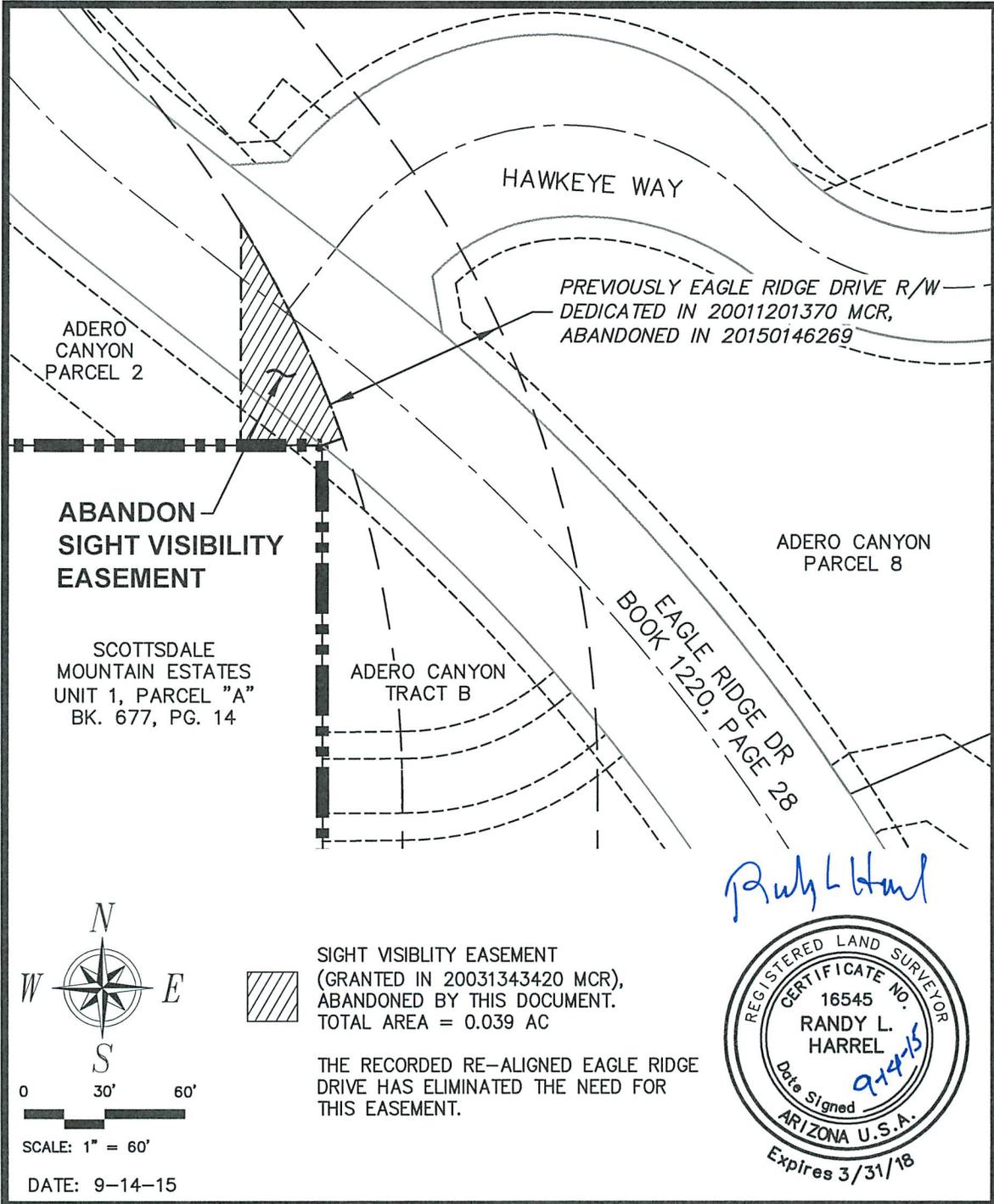
APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney

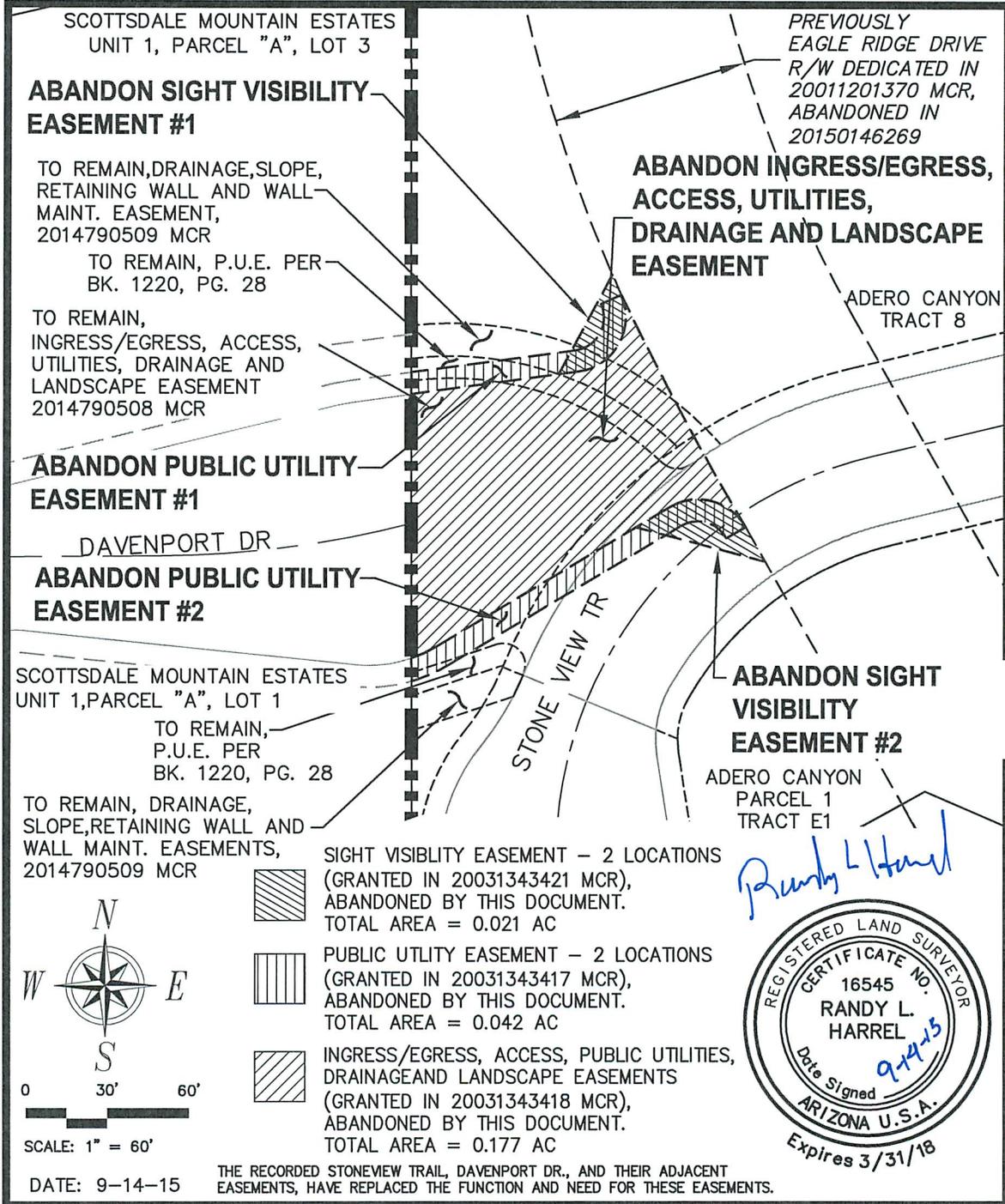
TOWN OF FOUNTAIN HILLS
EASEMENT ABANDONMENT
EXHIBIT "A-1"

ADERO CANYON LLC, 20031343420 MCR



TOWN OF FOUNTAIN HILLS EASEMENT ABANDONMENT EXHIBIT "A-2"

ADERO CANYON LLC,
20031343421, 20031343417 & 20031343418 MCR



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
BELEN PURCELL
20150146269 03/04/2015 05:00
BOOK 1220 PAGE 28
ELECTRONIC RECORDING

AderoCanyonFinal-9-1-1-M-
mdevitttt

FINAL PLAT for ADERO CANYON FOUNTAIN HILLS, ARIZONA

A REPLAT OF THE FINAL PLAT OF EAGLE RIDGE NORTH,
ACCORDING TO BOOK 680 OF MAPS, PAGE 28, OFFICIAL
RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN
PORTIONS OF SECTIONS 7, 8 & 17, TOWNSHIP 3 NORTH,
RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION:

BY AND FOR ALL THEM BY THESE PRESENTS:

THAT ADERO CANYON, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNCR-9 THE TRACT OF ADERO CANYON, A PORTION OF SECTIONS 7, 8 AND 17, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN PLATTED HEREON, AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID ADERO CANYON AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS, TRACTS, AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, STREET AND TRACT SHALL BE KNOWN BY THE NUMBER, NAME OR LETTER GIVEN EACH RESPECTIVELY ON SAID PLAT.

EAGLE RIDGE DRIVE AND STONE VIEW TRAIL ARE HEREBY DEDICATED ON THIS PLAT AS PUBLIC RIGHT-OF-WAY'S AND WILL BE MAINTAINED BY THE TOWN OF FOUNTAIN HILLS, ARIZONA.

TRACT "A" AND TRACT "B" ARE HEREBY DEDICATED ON THIS PLAT AS AN EASEMENT FOR DRAINAGE, SLOPE, RETAINING WALLS AND LANDSCAPE TO THE TOWN OF FOUNTAIN HILLS. SAID TRACTS WILL BE OWNED AND MAINTAINED BY THE ADERO CANYON COMMUNITY ASSOCIATION, INC.

A TRAIL EASEMENT IS HEREBY DEDICATED ON THIS PLAT TO THE TOWN OF FOUNTAIN HILLS

A PUBLIC UTILITY EASEMENT (P.U.E.) IS HEREBY DEDICATED ON THIS PLAT FOR THE PURPOSES OF INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REMOVAL, RELOCATION AND ACCESS AS NECESSARY TO PROVIDE PUBLIC UTILITIES.

A SEWERLINE EASEMENT IS HEREBY DEDICATED ON THIS PLAT TO THE TOWN OF FOUNTAIN HILLS

A RETAINING WALL EASEMENT WILL BE DEDICATED ON THE VARIOUS PARCEL PLATS FOR THE PURPOSES OF INSTALLATION, MAINTENANCE, REPAIR AND ACCESS AS NECESSARY TO CONSTRUCT RETAINING WALLS

A WATER LINE EASEMENT IS HEREBY DEDICATED ON THIS PLAT FOR THE PURPOSES OF INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REMOVAL, RELOCATION AND ACCESS AS NECESSARY TO PROVIDE WATER UTILITIES.

A SIGHT TRIANGLE EASEMENT WILL BE DEDICATED TO THE TOWN OF FOUNTAIN HILLS ON THE VARIOUS PARCEL PLATS

DRAINAGE EASEMENTS WILL BE DEDICATED TO THE TOWN OF FOUNTAIN HILLS FOR THE EAGLE RIDGE DRIVE ROAD DITCHES AND FOR CULVERTS AND STORM DRAIN COURSE OF THE RIGHT OF WAY ON THE VARIOUS PARCEL PLATS.

IN WITNESS WHEREOF:

THAT ADERO CANYON, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS OWNER, HAS HERETO CAUSED THIS MAP TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE UNDERSIGNED.

ADERO CANYON, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: ADERO CANYON, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE GENERAL PARTNER

BY: Nicole ITS: President DATE: 2/27/15

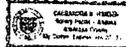
ACKNOWLEDGEMENT:

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

ON THIS 25 DAY OF February, 2015, BEFORE ME THE UNDERSIGNED OFFICER PERSONALLY APPEARED Nicole who acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

IN WITNESS WHEREOF I HERETO SET MY HAND AND OFFICIAL SEAL.

Caroline A. Hansen -2017
NOTARY PUBLIC BY COMMISSION EXPIRES



EPCOR RATIFICATION

THAT THE UNDERSIGNED, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE SIGNED THEIR NAMES THIS 25 DAY OF February, 2015.

EPCOR WATER ARIZONA, INC., AN ARIZONA CORPORATION

Richard J. Starnes ITS: Real Property Manager

ACKNOWLEDGEMENT:

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

ON THIS 25 DAY OF February, 2015, BEFORE ME THE UNDERSIGNED OFFICER PERSONALLY APPEARED Richard J. Starnes who acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

IN WITNESS WHEREOF I HERETO SET MY HAND AND OFFICIAL SEAL.

Richard J. Starnes -2015
NOTARY PUBLIC BY COMMISSION EXPIRES



NOTES

THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE FINAL SETTLEMENT AGREEMENT, AMENDED AND RESTATED MAY 1, 2014, BETWEEN THE TOWN OF FOUNTAIN HILLS, AN ARIZONA MUNICIPAL CORPORATION, MCO PROPERTIES, INC., A DELAWARE CORPORATION, SUCCESSOR-IN-INTEREST TO MCO PROPERTIES L.P. D/B/A MCO PROPERTIES LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP BEING BUSINESS IN THE STATE OF ARIZONA, ON LLC D/B/A ON AT FOUNTAIN HILLS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND ADERO CANYON, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

A 1/2" REBAR WITH CAP, RLSJ58833 WILL BE SET AT ALL PARCEL AND TRACT CORNERS.

A PERPETUAL WATER EASEMENT (EASEMENT) AS DESCRIBED IN THE PLAT ARE GRANTED TO EPCOR WATER ARIZONA, INC. AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY, "GRANTEE"), TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, "FACILITIES") UPON, ACROSS, OVER AND UNDER THE SURFACE OF THE EASEMENT TOGETHER WITH THE RIGHT TO OPERATE, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES FROM THE PREMISES, TO ADD OR TO ALTER THE FACILITIES, AND TO PROVIDE, GRANT AND WITH REASONABLE ACCESS AND EGRESS TO THE FACILITIES. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED.

GRANTEE SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN. GRANTEE SHALL NOT, NOR PERMIT, THE GRAD, OVER OR GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE, AND GRANTEE AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS. UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. HOWEVER, GRANTEE SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES THAT ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER THAT WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

GRANT OF EASEMENTS TO CITY OF SCOTTSDALE

ADERO CANYON, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF THE PROPERTY DEPICTED ON THIS PLAT ("OWNER'S PROPERTY"), HEREBY GRANTS AND CONVEYS TO THE CITY OF SCOTTSDALE, AN ARIZONA MUNICIPAL CORPORATION, AND TO THE TOWN OF FOUNTAIN HILLS, THEIR SUCCESSORS AND ASSIGNS, THE FOLLOWING:

AN EMERGENCY ACCESS EASEMENT DESIGNATED AS 30' C.O.S. EMERGENCY ACCESS EASEMENT ON PAGE 3 OF THIS PLAT FOR USE BY EMERGENCY VEHICLES AND FOR TEMPORARY PUBLIC VEHICULAR ACCESS IN THE EVENT THAT SHEA BOULEVARD BETWEEN 136TH STREET AND PALMSADE BOULEVARD IS CLOSED BY EMERGENCY PERSONNEL, SO AS TO PERMIT SHEA BOULEVARD PUBLIC VEHICULAR TRAFFIC TO BE TEMPORARILY ROUTED ALONG THIS ACCESS EASEMENT. IT IS UNDERSTOOD AND AGREED THAT THE LOCATION OF THIS EASEMENT IS INTENDED TO UNDERLIE EAGLE RIDGE DRIVE AND THE LOCAL STREET CONNECTIONS PROPOSED WITHIN THIS SUBDIVISION PLAT TO HIDDEN HILLS II SCOTTSDALE SUBDIVISION.

A PUBLIC PEDESTRIAN, BICYCLE AND OTHER NON-VEHICULAR ACCESS EASEMENT DESIGNATED AS C.O.S. TRAIL EASEMENT ON PAGE 3 OF THIS PLAT IS GRANTED TO BOTH THE CITY OF SCOTTSDALE AND THE TOWN OF FOUNTAIN HILLS.

OWNER SHALL NOT CONSTRUCT ANY IMPROVEMENTS ON THE EASEMENTS SHOWN ON THE PLAT THAT WOULD DAMAGE THOSE EASEMENTS, ENDANGER THE HEALTH, SAFETY, OR WELFARE OF ANY PERSONS, OR THAT WOULD CREATE A SUBSTANTIAL DANGER TO PERSONAL OR REAL PROPERTY OR IMPROVEMENTS THEREON. THIS DOES NOT PRECLUDE THE INSTALLATION OF A GATE ACROSS THE EMERGENCY ACCESS EASEMENT AND BOLLARDS OR OTHER FORMS OF IMPROVEMENTS THAT WOULD PROHIBIT VEHICLES FROM UTILIZING THE PEDESTRIAN, BICYCLE AND OTHER NON-VEHICULAR ACCESS EASEMENT. OWNER SHALL, AT ITS EXPENSE, MAINTAIN THE EASEMENTS AND SHALL NOT ALLOW ANY REFUSE, DEBRIS, VEGETATION, OR OTHER SUCH OBSTRUCTIONS TO ACCUMULATE OR COLLECT IN THE EASEMENTS, OR ANY IMPROVEMENT THEREON.

ALL RIGHTS, TITLE AND PRIVILEGES HEREBY GRANTED, INCLUDING ALL BENEFITS AND BURDENS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE PARTIES HERETO, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS, ASSIGNS, AND LEGAL REPRESENTATIVES, INCLUDING, WITHOUT LIMITATION ALL FUTURE OWNERS, LESSEES, LICENSEES, WORKERS, LIEN HOLDERS, DEED OF TRUST BENEFICIARIES AND PERMITTED USES OF OWNER'S PROPERTY.

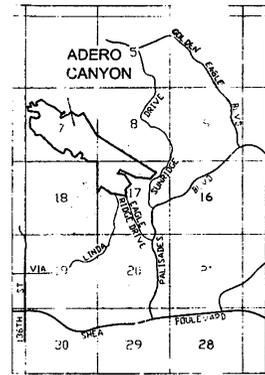
SHEET INDEX

SHEET 1 - COVER SHEET
SHEET INDEX MAP
SHEETS 3-8 PLAN SHEETS
SHEET 9 - DATA TABLES

OWNER & DEVELOPER
ADERO CANYON, LLC
15620 NORTH SAGUARO BOULEVARD
SUITE 200
FOUNTAIN HILLS, AZ 85268
PH: (480) 837-5640
PH: (480) 837-4677
CONTACT: FRANCISCO LOPEZ

ENGINEER
LAND DEVELOPMENT TEAM, LLC
3420 EAST SHEA ROAD, SUITE 156
PHOENIX, ARIZONA 85020
PH: (602) 356-7000
PH: (602) 356-3700
CONTACT: JONATHAN STANSEL, P.E.

SURVEYOR
SURVEY INNOVATION GROUP, INC.
7301 EAST EVANS ROAD
SCOTTSDALE, ARIZONA, 85260
PH: (480) 932-0700
CONTACT: JASON SEGNERI, PLS



VICINITY MAP
N.T.S.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS DEVELOPMENT RUNS FROM THE WEST 1/4 CORNER TO THE NORTHWEST CORNER OF SECTION 17, 13th, RUE. OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SAID LINE BEARS: N00D73C'W

ASSURED WATER SUPPLY

THE DEPARTMENT OF WATER RESOURCES HAS DETERMINED THAT CHAPARRAL CITY WATER COMPANY HAS AN ASSURED WATER SUPPLY.

TOWN APPROVAL:

APPROVED BY THE TOWN COUNCIL OF FOUNTAIN HILLS, ARIZONA,

THIS 5 DAY OF FEBRUARY, 2015.

BY: John Williams DATE: 3-2-15

MAYOR

ATTEST: Julie Williams DATE: 3-2-15

TOWN CLERK

APPROVAL:

THIS PLAT WAS APPROVED BY THE TOWN ENGINEER AND THE COMMUNITY DEVELOPMENT DIRECTOR.

BY: Paul Segneri DATE: 3-3-15

TOWN ENGINEER

BY: John Williams DATE: 3-2-15

COMMUNITY DEVELOPMENT DIRECTOR

ASSURANCE STATEMENT:

ASSURANCE IN THE FORM OF A PERFORMANCE BOND

ISSUED FROM Leven Ins. Co.

IN THE AMOUNT OF \$ 2,715,000.00

HAS BEEN DEPOSITED WITH THE TOWN ENGINEER TO GUARANTEE CONSTRUCTION OF THE REQUIRED SUBDIVISION IMPROVEMENTS.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT OF THE PREMISES DESCRIBED AND PLATTED HEREON, TOGETHER WITH THE MONUMENTS ESTABLISHED AND REFERENCED HEREON, WAS MADE UNDER MY DIRECTION DURING THE MONTH OF SEPTEMBER 2014, AND SAID PLAT IS ACCURATE, TRUE AND COMPLETE AND SHOWS THE POSITIONS OF MONUMENTS CORRECTLY, AND IS SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Jason Segneri 2/27/15
REGISTERED LAND SURVEYOR DATE

SIG
SURVEY INNOVATION GROUP, INC.
7301 EAST EVANS ROAD, SCOTTSDALE, AZ 85260
PH: (480) 932-0700 FAX: (480) 932-0701
WWW.SIGSURVEY.COM



ADERO CANYON
FINAL PLAT
FOUNTAIN HILLS, ARIZONA

ADERO CANYON

DATE: 2/25/15
Project: 2014-129
File: OVERALL PLAT
Scale: N.T.S.
SHEET
1 OF 9

