

RESOLUTION 2016-42

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED IN A PORTION OF THE WESTERLY SIDE PROPERTY LINE OF PLAT 401B, BLOCK 5, LOT 26 (17103 E. CYPRUS POINT COURT), AS RECORDED IN BOOK 155, PAGE 12, RECORDS OF MARICOPA COUNTY, ARIZONA. (EA 2016-06)

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

WHEREAS, all present utility companies have received notification of the proposed abandonment.

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

SECTION 1. That the certain *ten foot (10')* public utility and drainage easement, a portion of the westerly side property line of Plat 401B, Block 5, Lot 26, Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 155 of Maps, Page 12, and as more particularly described in Exhibit A, 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,
December 15, 2016.**

FOR THE TOWN OF FOUNTAIN HILLS:



Linda M. Kavanagh, Mayor

ATTESTED TO:



Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Grady E. Miller, Town Manager

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney

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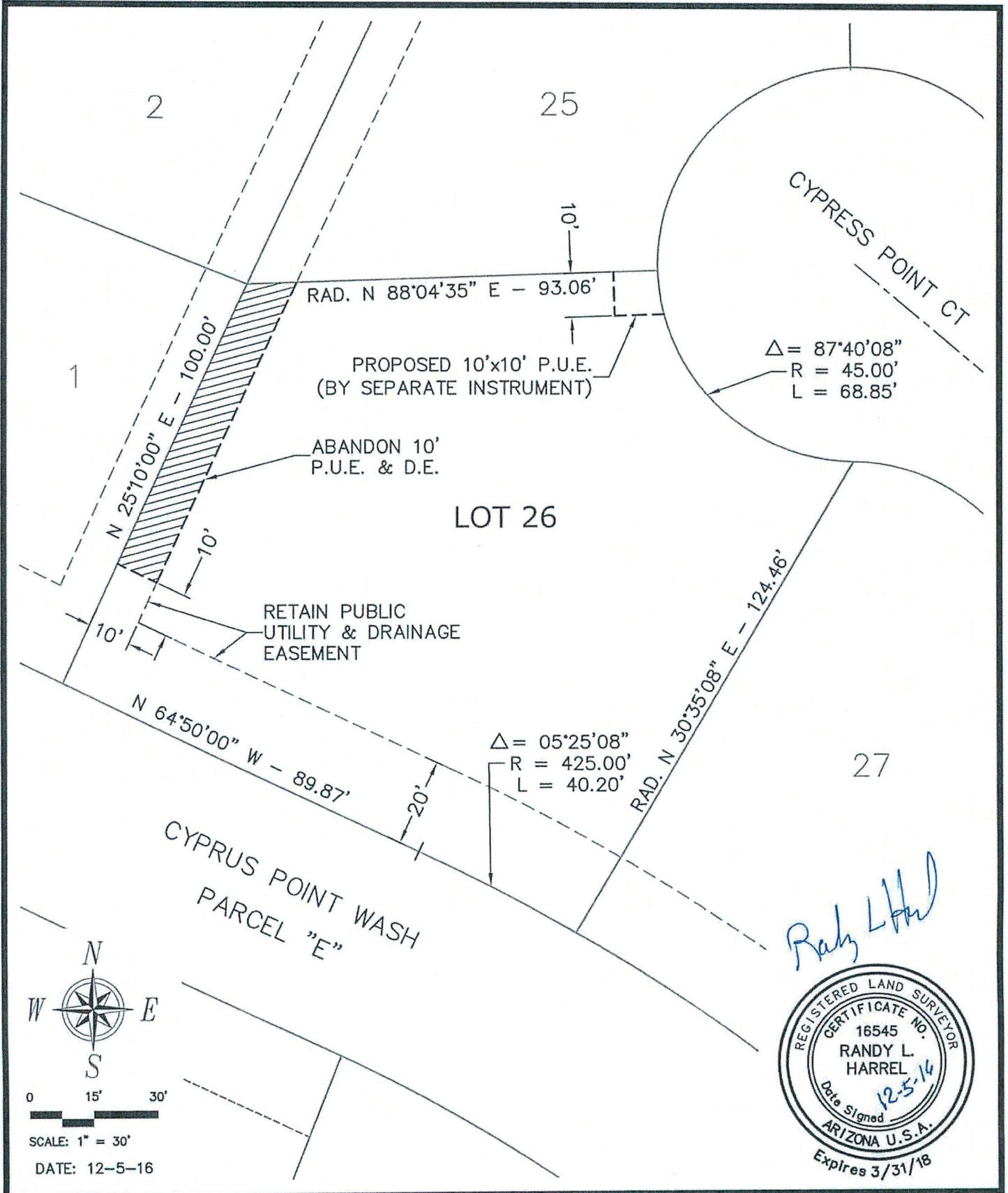
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TOWN OF FOUNTAIN HILLS
 EASEMENT ABANDONMENT
 EXHIBIT "A"

FOUNTAIN HILLS AZ, FINAL PLAT NO. 401B, BLOCK 5, LOT 26



Randy L Harrel

REGISTERED LAND SURVEYOR
 CERTIFICATE NO. 16545
 RANDY L. HARREL
 Date Signed 12-5-16
 ARIZONA U.S.A.
 Expires 3/31/18