

RESOLUTION 2018-10

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 ADJACENT TO THE REAR PROPERTY LINES OF REPLAT 401B, BLOCK 5, LOT 17 AND LOT 24 (17101 FAIRWAY COURT & 17104 E. CYPRUS POINT COURT, RESPECTIVELY), AS RECORDED IN BOOK 1362, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA. (EA 2017-10)

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 public utility and drainage easement, a portion of the rear property lines of Replat 401B, Block 5, Lot 17 and 24, Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 1362 of Maps, Page 44 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,
February 6, 2018.**

FOR THE TOWN OF FOUNTAIN HILLS:


Linda M. Kavanagh, Mayor

ATTESTED TO:


Acting ~~Bevelyn J. Bender~~, Town Clerk

REVIEWED BY:

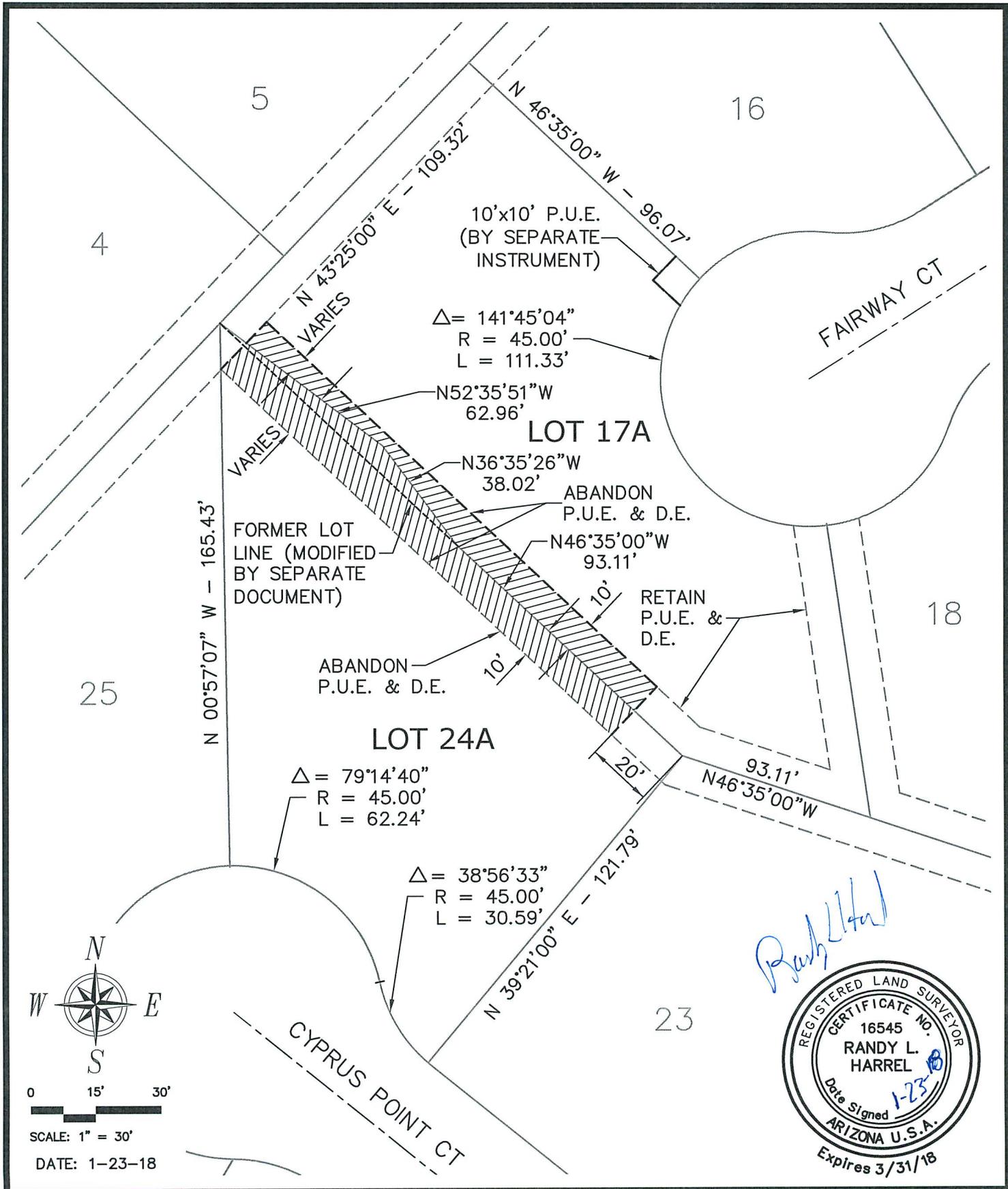

Grady E. Miller, Town Manager

APPROVED AS TO FORM:


Fredda J. Bisman, Town Attorney
Dickinson Wright PLLC

TOWN OF FOUNTAIN HILLS EASEMENT ABANDONMENT EXHIBIT "A"

FINAL REPLAT 401-B, BLOCK 5, LOTS 17A & 24A



0 15' 30'

SCALE: 1" = 30'

DATE: 1-23-18

Randy L. Harrel

