

RESOLUTION 2018-56

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC PURPOSE; AUTHORIZING AND DIRECTING THE TOWN MANAGER, TOWN ATTORNEY AND TOWN CLERK TO TAKE ANY AND ALL ACTION NECESSARY AND TO SIGN ANY AND ALL DOCUMENTS, AND TO PAY ANY AND ALL COSTS OR FEES IN ORDER TO ACQUIRE REAL AND PERSONAL PROPERTY THROUGH GIFT; IDENTIFYING THE REAL AND PERSONAL PROPERTY AS OPEN SPACE OR OPEN AREAS; AND DECLARING AN EMERGENCY

RECITALS:

WHEREAS, beginning in August 1998, the Mayor and Council of the Town of Fountain Hills have adopted numerous Resolutions authorizing the acquisition of real property totaling approximately 740 acres for the purposes of open space lands or open areas within the Fountain Hills McDowell Mountain Preserve; and

WHEREAS, the real and personal property described by this resolution will add approximately 82 acres of additional open space lands or open areas to the Fountain Hills McDowell Mountain Preserve.

ENACTMENTS:

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AS FOLLOWS:

Section 1. That A.R.S. § 9-464 and A.R.S. § 464.01 define open space lands or open areas as areas characterized by great natural scenic beauty, or whose existing openness, natural condition or present state of the use would maintain or enhance the conservation of natural or scenic resources, and that the acquisition of interest in said lands is a public purpose for which public funds may be expended or advanced.

Section 2. That the Town has identified a certain parcel of real property identified according to the replat of record in the office of the Maricopa County Recorder in Book 1220 of Maps, Page 28, as Adero Canyon, Parcel 9 and located in Section 6 of Township 3 North, Range 6 East, Gila & Salt River Base & Meridian, Maricopa County Arizona. Said parcel being approximately 82 acres in size and needed for the purpose of connecting to other parcels, either already acquired by the Town or in the process of acquisition by the Town, for open space conservation by the Town. An approximate legal description of the 82 acres is attached as Exhibit A to this Resolution and a map depicting the 82 acres is attached as Exhibit B to this Resolution.

Section 3. That the use of said real property for open space is a public use and in the best interests of the citizens of Fountain Hills.

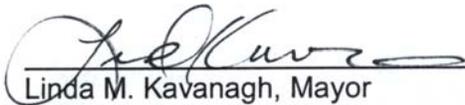
Section 4. That the Town Manager, Town Clerk, and Town Attorney are hereby authorized and directed to acquire said real property by gift, and to do all acts and to sign all documents and pay all costs necessary to acquire said real property.

Section 5. That the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health, safety and welfare of the citizens in that savings of time and expense are currently available to both the Town and property owners, and that the Council therefore declares an emergency to exist, and that this Resolution shall be in full force and effect from and after its passage by the Council, as required by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Fountain Hills, Arizona this 6th day of November, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:

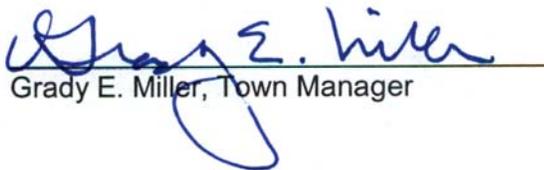
ATTESTED TO:


Linda M. Kavanagh, Mayor


Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Grady E. Miller, Town Manager


Aaron D. Arnson, Town Attorney

Exhibit A

PARCEL ACQUISITION

FINAL PLAT FOR ADERO CANYON, PARCEL 9

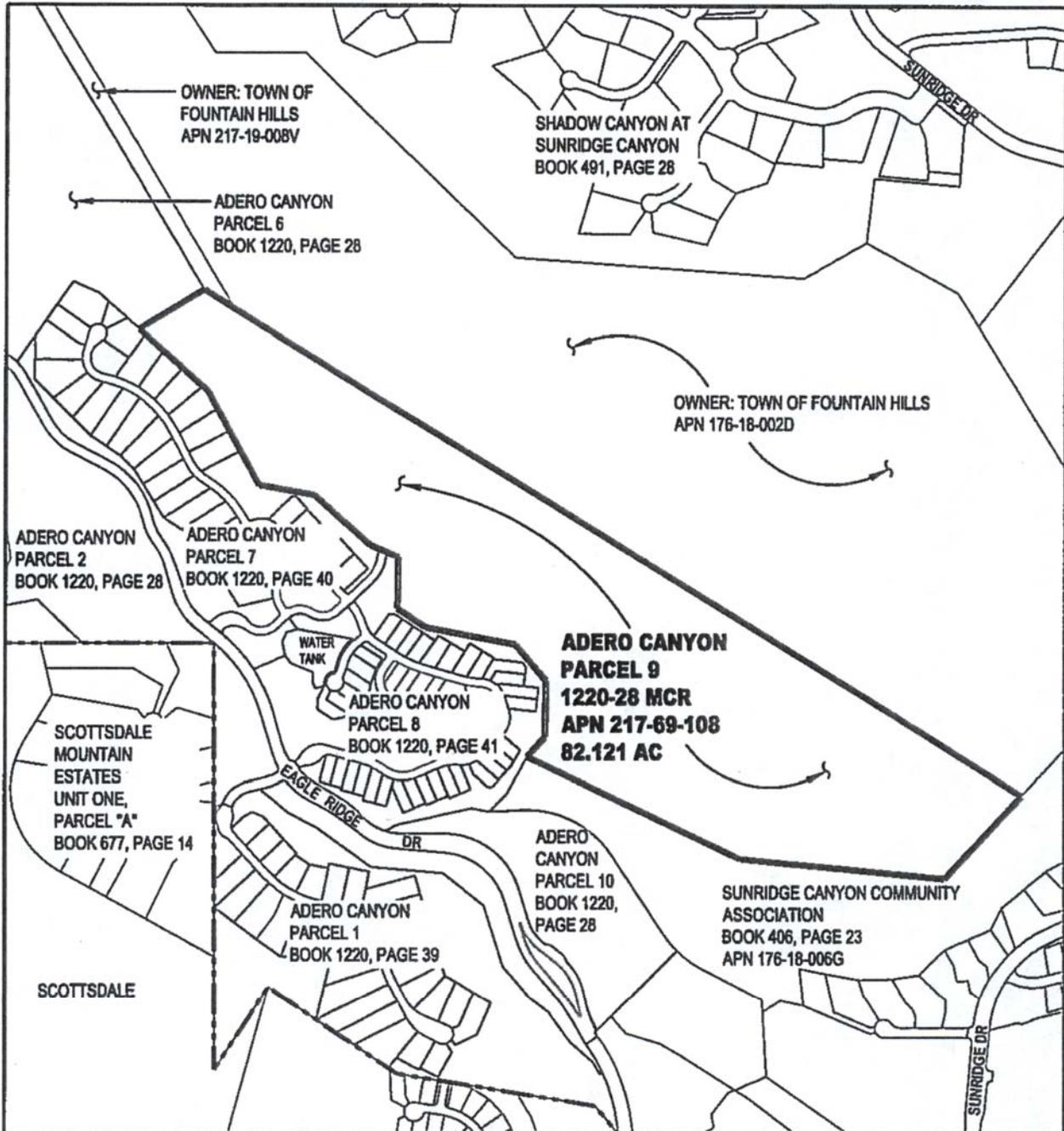
LEGAL DESCRIPTION

Parcel 9 of Final Plat for Adero Canyon, Fountain Hills, Arizona, Book 1220 of Maps, Page 28, Official Records of Maricopa County, recorded on March 4, 2015, 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.

This parcel contains an area of 82.121 acres, more or less.

TOWN OF FOUNTAIN HILLS PARCEL ACQUISITION EXHIBIT "B"

ADERO CANYON PARCEL 9, BOOK 1220, PAGE 28 MCR



0 200' 400' 800'

SCALE: 1"= 300'

DATE: 9-17-2018

MAP BASED ON FINAL PLAT FOR
ADERO CANYON REPLAT, FOUNTAIN
HILLS, AZ, BOOK 1220, PAGE 28 MCR