RESOLUTION 2013-32

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF
FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR
INTEREST IT HAS IN A PORTION OF THE DRAINAGE EASEMENT AND PUBLIC
UTILITY EASEMENT, BUT RETAINING A TELECOMMUNICATIONS EASEMENT
AT THE NORTHWESTERN PROPERTY LINE OF PLAT 603C, BLOCK 5, LOT 20,
FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY
RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 161 OF
MAPS, PAGE 43.

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 portions of the certain public utility and drainage easement, located at the
northwesterly property line of Plat 603C, Block 5, Lot 20, Fountain Hills, as recorded the Office of the
County Recorder of Maricopa County, Arizona, Book 161 of Maps, Page 43, 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,
August 1, 2013.

FOR THE TOWN OF FOUNTAIN HILLS:

Linda M. Kavanagh, Mayor

Reviewed by:

Kenneth Buchanan, Town Manager

ATTESTED TO:

Bevelyn J. Bender, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney