RESOLUTION NO. 2010-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, CORRECTING A SCRIVENER'S ERROR IN RESOLUTION NO. 2009-42 WHICH GRANTED AN EASEMENT TO CRICKET COMMUNICATIONS, INC., OVER CERTAIN REAL PROPERTY GENERALLY LOCATED ALONG DESERT VISTA DRIVE, SOUTH OF TIOGA DRIVE.

WHEREAS, on December 17, 2009, the Mayor and Council of the Town of Fountain Hills (the "Town Council") passed and adopted Resolution No. 2009-42 (the "Original Resolution"), approving an agreement with Cricket Communications, Inc. (the "Agreement") granting a telecommunications easement over certain real property generally located along Desert Vista Drive, south of Tioga Drive (the "Easement"); and

WHEREAS, the legal description and map contained in the Agreement, as approved by the Original Resolution, did not accurately reflect the Easement area; and

WHEREAS, the Town Council desires to correct the legal description error in the Original Resolution and Agreement by including the accurate legal description and map.

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

SECTION 1. That the recitals set forth above are hereby incorporated as if fully set forth herein.

SECTION 2. That the legal description and map included as a portion of Exhibit A to Resolution No. 2009-42 is hereby deleted in its entirety and replaced with the legal description and map attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION 3. That the Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

SECTION 4. If any provision of this Resolution is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Resolution.
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, January 7, 2010.

FOR THE TOWN OF FOUNTAIN HILLS:

[Signature]
Jay T. Schlum, Mayor

REVIEWED BY:

[Signature]
Richard L. Davis, Town Manager

ATTESTED TO:

[Signature]
Beelyn J. Bender, Town Clerk

APPROVED AS TO FORM:

[Signature]
Andrew J. McGuire, Town Attorney
EXHIBIT 1
TO
RESOLUTION NO. 2010-05

[Telecommunications Easement Agreement Legal Description and Map]

See following pages.
TELCO EASEMENT LEGAL DESCRIPTION

A PORTION OF LOT 9, BLOCK 1, FOUNTAIN HILLS, ARIZONA FINAL PLAT NO. 302,
ACCORDING TO BOOK 156 OF MAPS, PAGE 45,
RECORDS OF MARICOPA COUNTY, ARIZONA,
BEING 3.00 FEET ON BOTH SIDES OF THE
FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE SOUTHEAST CORNER OF
LOT 1, BLOCK 4 OF SAID FOUNTAIN HILLS,
ARIZONA FINAL PLAT NO. 302; THENCE SOUTH
67°39'26" WEST, A DISTANCE OF 9.12 FEET TO
AN EXISTING TELECOMMUNICATION PEDESTAL
AND THE POINT OF BEGINNING; THENCE NORTH
82°04'45" WEST, A DISTANCE OF 131.38 FEET;
THENCE NORTH 28°30'09" EAST, A DISTANCE
OF 111.92 FEET; THENCE NORTH 58°46'05"
WEST, A DISTANCE OF 148.11 FEET TO A POINT
LYING ON THE SOUTHWESTERLY LINE OF AN
EXISTING CRICKET COMMUNICATIONS LEASE
AREA AND THE POINT OF TERMINUS.