RESOLUTION 2018-50

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 NORTHERLY PORTION OF THE 10' PUBLIC UTILITY AND DRAINAGE EASEMENT, BUT RETAINING THE SOUTHERLY 30' OF SAID EASEMENT, OF PLAT 204, BLOCK 1, LOT 8, FOUNTAIN HILLS, ARIZONA, ASRecorded in the Office of the County Recorder of Maricopa County, Arizona, Recorded in Book 142, Page 10 OF MAPS.

DO NOT REMOVE
This is part of the official document
RESOLUTION 2018-50

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 NORTHERLY PORTION OF THE 10' PUBLIC UTILITY AND DRAINAGE EASEMENT, BUT RETAINING THE SOUTHERLY 30' OF SAID EASEMENT, OF PLAT 204, BLOCK 1, LOT 8, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 142, PAGE 10 OF MAPS.

RECOLTIALS:

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.

ENACTMENTS:

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

SECTION 1. That the northerly portion of the ten foot (10') public utility and drainage easement, but retaining the southerly thirty foot (30') of said easement, of Plat 204, Block 1, Lot 8, Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 142 of Maps, Page 10, 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, September 4, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:

Linda M. Kavanaugh, Mayor

REVIEWED BY:

Grady E. Miller, Town Manager

ATTESTED TO:

Elizabeth A. Blake, Town Clerk

APPROVED AS TO FORM:

Interim Town Attorney
Dickinson Wright, PLLC
TOWN OF FOUNTAIN HILLS
EASEMENT ABANDONMENT
EXHIBIT "A"
PLAT 204, BLOCK 1, LOT 8

LOT 7

PLAT 204, BLOCK 1,
LOT 8

ABANDON 10'
P.U.F. & D.F.

RETAIN 30'X10'
P.U.E. & D.E.

10' SIDEWALK EASEMENT
(BY SEPARATE INSTRUMENT)

△ = 03'19"04'
R = 1420.00'
L = 82.23'

△ = 88'00"37'
R = 20.00'
L = 30.72'

△ = 19'21"24'
R = 370.00'
L = 125.00'

PLAT 203,
BLOCK 2,
LOT 1

HAWK DR
30' R/W
30' R/W
30' R/W

MALTA DR

N 58°16'27" E - 176.17'
W - 97.09'

30' R/W
30' R/W
30' R/W

SCALE: 1" = 30'
DATE: 7-30-18

REGISTERED LAND SURVEYOR
16545
RANDY L.
HARREL
ARIZONA U.S.A.
Expires 3/31/18