RESOLUTION NO. 2019-02

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF
FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER
RIGHT, TITLE, OR INTEREST IT HAS IN THAT CERTAIN
PORTION OF THE EL LAGO BOULEVARD SERVICE ROAD
RIGHT-OF-WAY AND ADJACENT “NO VEHICULAR ACCESS”
RESTRICTION, EXCEPT FOR VARIOUS EASEMENTS
RETAINED, BOTH LYING ADJACENT TO LOT 1 OF THE FINAL
RE-PLAT OF FOUNTAIN VIEW, AS RECORDED IN THE OFFICE
OF THE COUNTY RECORDER OF MARICOPA COUNTY,
ARIZONA, RECORDED IN BOOK 398 OF MAPS, PAGE 35, AND
AS ORIGINALLY DEDICATED IN PLAT 207, AS RECORDED IN
THE OFFICE OF THE COUNTY RECORDER OF MARICOPA
COUNTY, ARIZONA, RECORDED IN BOOK 147 OF MAPS,
PAGE 6

RECITALS:

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 utility companies affected by the proposed abandonment have received
notification of the proposed abandonment.

ENACTMENTS:

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

SECTION 1. That the certain portion of the El Lago Boulevard Service Road right-of-way and
adjacent “no vehicular access” restriction, both lying adjacent to Lot 1 of the Final Re-Plat of
Fountain View, as recorded in the Office of the County Recorder of Maricopa County, Arizona,
recorded in Book 398 of Maps, Page 35, and as originally dedicated in Plat 207, as recorded in
the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 147 of Maps,
Page 6, and as more particularly described in Exhibit A, are hereby declared to be abandoned,
except for various easements retained as depicted in Exhibit B.

SECTION 2. That the value of said property is hereby found and declared to be de minimis.

SECTION 3. That Resolution 1994-68, with stipulations, which is unrecorded, is hereby
rescinded and superseded by this Resolution.
SECTION 4. 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 Fountain Hills, Maricopa County, Arizona, this 18th day of June, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

Ginny Dickey, Mayor

ATTESTED TO:

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

Grady E. Miller, Town Manager

APPROVED AS TO FORM:

Aaron D. Arnson, Town Attorney
TOWN OF FOUNTAIN HILLS
RIGHT OF WAY ABANDONMENT
EXHIBIT A-1

LEGEND

(M) MEASURED
(R) RECORD

1"=80'

El Lago Boulevard

NW COR.
OF LOT 1
POINT OF
BEGINNING

S69°21'52"E(R)

S69°22'58"E(M)

S69°21'52"E(R)

N69°22'58"W 276.88'(M)

N69°21'52"W(R)

LOT 1
FINAL REPLAT OF FOUNTAIN VIEW
BOOK 398 OF MAPS, PAGE 35, MCR

Casa Bella Resort
Condominiums
Book 439 of Maps,
Page 30, MCR

The Terrace Phase II
Condominiums
Book 304 of Maps,
Page 43, MCR

SEE SHEET 2 FOR LINE AND CURVE DATA
TOWN OF FOUNTAIN HILLS  
RIGHT OF WAY ABANDONMENT  
EXHIBIT A-2

R/W AREA 
11,875 S.F.

LEGEND  
(M) MEASURED  
(R) RECORD

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CURVE TABLE
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NOTES
1. EASEMENT FOR PUBLIC UTILITY, DRAINAGE, SIDEWALK, LANDSCAPE, AND NON-BUILDING EASEMENT SHALL BE RETAINED WITHIN THE ABANDONED RIGHT OF WAY BY THIS ABANDONMENT MAP.

2. THE NON-VEHICULAR ACCESS EASEMENT AS SHOWN ON THE FINAL PLAT OF FOUNTAIN VIEW SHALL BE ABANDONED BY THIS ABANDONMENT MAP.

Keogh Engineering, Inc.
650 N. 137TH AVENUE #110  
GOODYEAR, ARIZONA 85338  
PHONE: (623) 535-7260  
EMAIL: keogh@keoghengineering.com

CHECKED BY: DFK  
DATE: JAN., 2019

Sheet No. 2
LEGAL DESCRIPTION
EL LAGO APARTMENTS
OUR JOB NO 21131
20 NOVEMBER 2018

40' RIGHT OF WAY AND NON-VEHICULAR ACCESS EASEMENT ABANDONMENT – PUBLIC UTILITY DRAINAGE, SIDEWALK, LANDSCAPE AND NON-BUILDING EASEMENT TO BE RETAINED

A PORTION OF FINAL REPLAT OF FOUNTAIN VIEW ACCORDING TO THE PLAT OF RECORD IN BOOK 398 OF MAPS, PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA BEING SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1:

THENCE NORTH 20°37'02" EAST, A DISTANCE OF 40.00 FEET;

THENCE SOUTH 69°22'58" EAST (MEASURED) SOUTH 69°21'52" EAST (RECORD), A DISTANCE OF 276.88 FEET TO A POINT OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20.00 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 31.42 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 20°37'02" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20.00 FEET (RECORD AND MEASURED) AND WHOSE CENTER BEARS NORTH 69°22'58" WEST (MEASURED) NORTH 69°21'52" W (RECORD) FROM THE LAST DESCRIBED POINT;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00" (RECORD AND MEASURED), AN ARC LENGTH OF 31.42 (RECORD AND MEASURED) FEET TO A POINT OF TANGENCY;

THENCE NORTH 69°22'58" WEST (MEASURED) NORTH 69°21'52" WEST (RECORD), A DISTANCE OF 276.88 FEET TO THE POINT OF BEGINNING.

SAID RIGHT OF WAY CONTAINS 11,875 SQUARE FEET