

**RESOLUTION NO. 16-1087**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY FOR PUBLIC ROADWAY PURPOSES, PUBLIC AND PRIVATE UTILITIES, AND OTHER PUBLIC USES NOT INCONSISTENT WITH ITS USE AS A ROADWAY, BY DEDICATION; AND AUTHORIZING AND DIRECTING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO ACQUIRE TITLE TO SUCH REAL PROPERTY ON BEHALF OF THE TOWN BY DEDICATION.**

WHEREAS, the continued growth and development of the Town of Chino Valley (the "Town") requires acquisition of certain real property described in Exhibit A (the "Property"), attached hereto and made a part hereof, for right-of-way and public roadway purposes; and

WHEREAS, pursuant to Paragraph 6.02.04 of the Provisional Settlement Agreement entered into by the Town of Chino Valley and Cortez Enterprises, Inc. ("Cortez"), in the matter of Cortez v. Town of Chino Valley, requires dedication of the Property to the Town to be used as public right-of-way and to provide Cortez non-exclusive ingress, egress and public utility access to the Road 4 South right-of-way; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley find that acquisition of the Property is necessary for public right-of-way purposes, and it is in the public interest to acquire such property; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley have considered alternatives available to it, have balanced the public good and the private injury resulting from the acquisition of the property and have determined that locating the public improvements on the property results in the greatest public good and the least private injury and that acceptance of the dedication is in the best interests of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, County of Yavapai, Arizona, that

1. That the Mayor, Town Manager and Town Attorney are hereby authorized and directed to acquire title to and possession of the real property generally described in Exhibit A, for public right-of-way purposes, accepting the dedication (donation) of the Property by Cortez as evidenced by the Map of Dedication (attached hereto as Exhibit B) prepared and provided to the Town by Cortez, subject to the requirements set forth in Paragraph 6.02.04 of the Provisional Settlement Agreement dated March 6, 2014 between Cortez and the Town; and

2. That the Mayor, Town Manager and Town Attorney are authorized to perform all acts necessary to acquire said property in the manner and for the purposes described in this resolution on behalf of the Town.

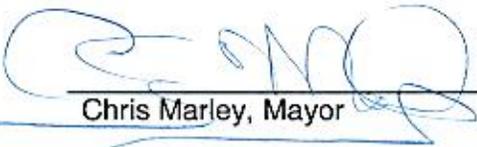
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 24th day of May, 2016 by the following vote:

AYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

NAYS: \_\_\_\_\_

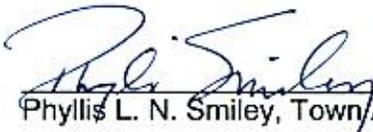
ABSTAINED: \_\_\_\_\_

  
Chris Marley, Mayor

ATTEST:

  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

  
Phyllis L. N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No.16-1087 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on May 24, 2016, and that quorum was present thereat and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.

  
Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Exhibit A – Legal Description of Property to be Acquired by Dedication
2. Exhibit B – Map of Dedication

**EXHIBIT A**

**Description of Property to be Acquired**

A PORTION OF SECTION 1, TOWNSHIP 15 NORTH, RANGE 2 WEST IN THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1;

THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 1, NORTH  $89^{\circ}32'25''$  WEST A DISTANCE OF 198.54 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN BOOK 3306 OF OFFICIAL RECORDS, PAGE 416, RECORDS OF YAVAPAI COUNTY, ARIZONA AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTHERLY LINE OF SECTION 1 AND THE NORTH LINE OF ABOVE REFERENCED PROPERTY, NORTH  $89^{\circ}32'25''$  WEST A DISTANCE OF 200.32 FEET TO THE NORTHWEST CORNER OF ABOVE REFERENCED PROPERTY;

THENCE ALONG THE WESTERLY LINE OF THE ABOVE REFERENCED PROPERTY, SOUTH  $03^{\circ}41'41''$  WEST A DISTANCE OF 85.00 FEET;

THENCE SOUTH  $89^{\circ}32'25''$  EAST A DISTANCE OF 200.32 FEET TO A POINT ON THE EAST LINE OF THE ABOVE REFERENCED PROPERTY;

THENCE ALONG SAID EASTERLY LINE, NORTH  $03^{\circ}41'41''$  EAST A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING.

**EXHIBIT B**  
**Map of Dedication**

