

RESOLUTION NO. 16-1091

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY AND EASEMENT PURPOSES; AUTHORIZING AND DIRECTING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO ACQUIRE TITLE TO SUCH REAL PROPERTY ON BEHALF OF THE TOWN BY DONATION, EMINENT DOMAIN OR PURCHASE FOR AN AMOUNT NOT TO EXCEED FAIR MARKET VALUE OF THE PROPERTY, PLUS ACQUISITION AND CLOSING COSTS.**

WHEREAS, the continued growth and development of the Town of Chino Valley requires the acquisition of certain real property and temporary construction easement purposes for roadway improvements generally located at the intersection of Road 2 North and Road 1 West (the "Project"), which real property is generally described in Exhibits A and B attached hereto and made a part hereof; and

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

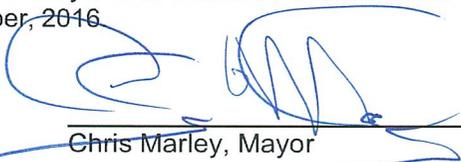
WHEREAS, the Mayor and Common Council of the Town of Chino Valley considered alternatives available, balanced the public good and the private injury resulting from the acquisition of the property, and determined that locating the public improvements on the property results in the greatest public good and the least private injury.

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

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 Exhibits A and B, plus any additional real property required for completion of the Project, as determined by the final engineering plans, by donation, eminent domain or purchase for an amount not to exceed fair market value, plus acquisition and closing costs; and

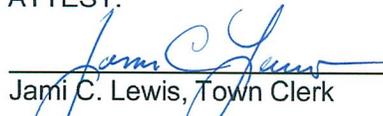
2. That the Mayor, Town Manager and Town Attorney are authorized to perform all acts necessary to acquire said property for the purposes described in this resolution on behalf of the Town.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Chino Valley, Arizona this 13<sup>th</sup> day of September, 2016

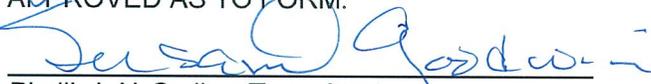


Chris Marley, Mayor

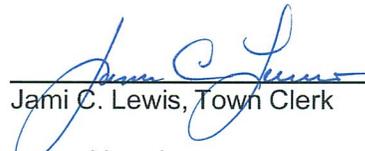
ATTEST:

  
\_\_\_\_\_  
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Phyllis L.N. Smiley, Town Attorney

I hereby certify the above foregoing Resolution No. 16-1091 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on September 13, 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;
2. Exhibit B: Legal Description of Temporary Construction Easement to be acquired.

EXHIBIT A

Description of Property to be Acquired

## LEGAL DESCRIPTION

All that portion of the Northeast Quarter of Section 21, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at a found GLO Brass Cap Monument at the Northeast corner of Section 21, from which point the East Quarter corner of said Section 21 bears South  $01^{\circ}58'06''$  West, a distance of 2650.37 feet;

Thence South  $01^{\circ}58'06''$  West, along the east line of the Northeast Quarter of said Section 21, a distance of 216.81 feet;

Thence North  $88^{\circ}01'54''$  West, a distance of 20.00 feet to a point on the westerly right of way line of Road 1 West as described in Book 112 of Deeds, Page 43, Yavapai County Recorder's Office and the TRUE POINT OF BEGINNING;

Thence South  $01^{\circ}58'06''$  West, along said westerly right of way line of Road 1 West, a distance of 35.33 feet;

Thence North  $88^{\circ}06'07''$  West, a distance of 13.13 feet;

Thence North  $09^{\circ}40'56''$  West, a distance of 176.54 feet;

Thence North  $01^{\circ}03'01''$  East, a distance of 27.11 feet;

Thence North  $44^{\circ}40'32''$  West, a distance of 45.05 feet to a point on the southerly right of way line of Road 2 North as described in Book 112 of Deeds, Page 43, Yavapai County Recorder's Office;

Thence South  $88^{\circ}42'44''$  East, along said southerly right of way line of Road 2 North, a distance of 28.77 feet;

Thence South  $44^{\circ}40'32''$  East, a distance of 32.80 feet;

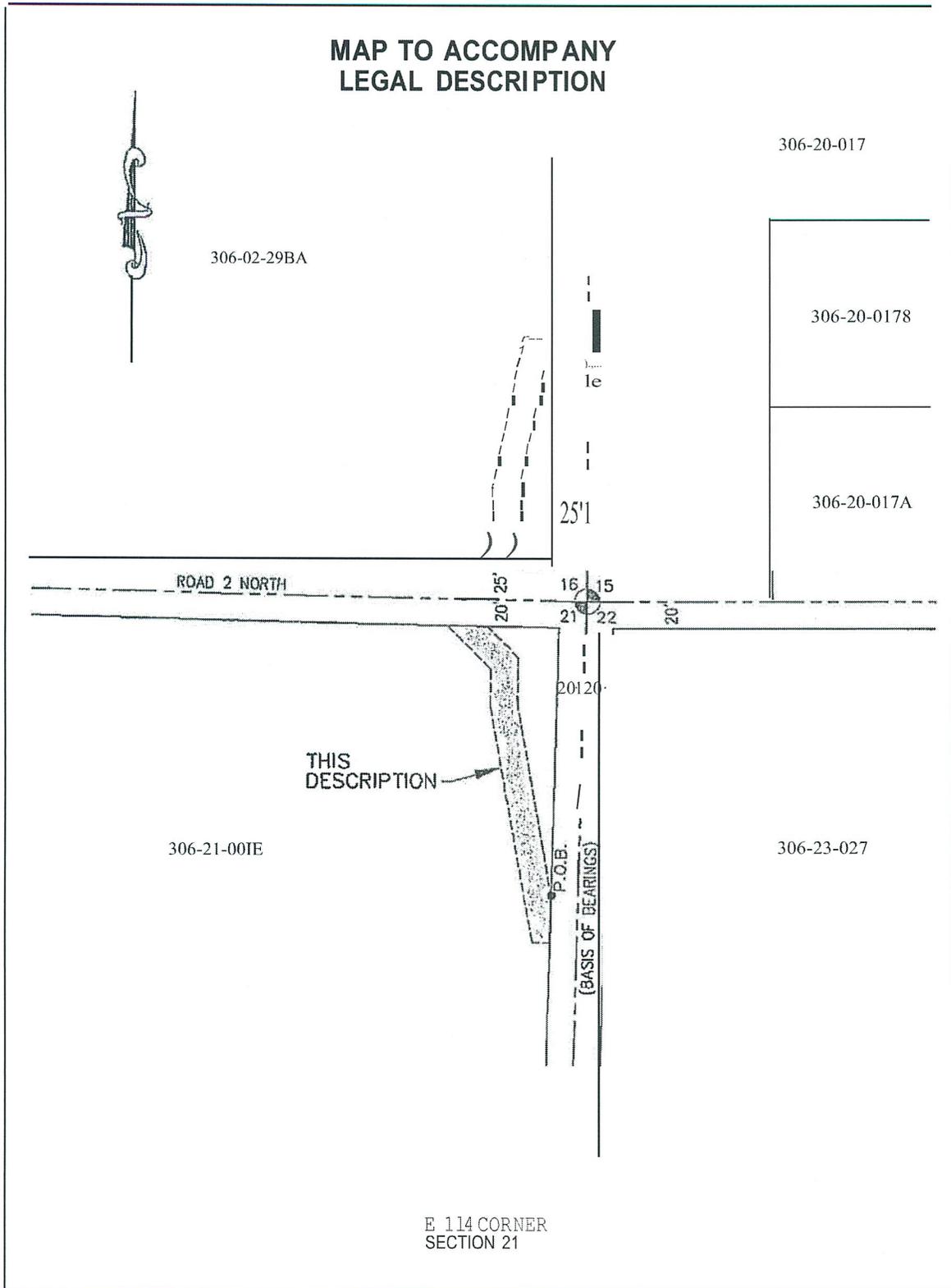
Thence South  $01^{\circ}03'01''$  West, a distance of 33.66 feet;

Thence South  $09^{\circ}40'56''$  East, a distance of 142.70 feet to the TRUE POINT OF BEGINNING.

Containing 4,810.66 square feet, more or less.

10/30/14  
LE #487-24  
NE-Sec 21-TCE.doc

# MAP TO ACCOMPANY LEGAL DESCRIPTION



306-02-29BA

306-20-017

306-20-0178

306-20-017A

ROAD 2 NORTH

16 15

21 22

20 12 0

THIS  
DESCRIPTION

306-21-00TE

P.O.B.

(BASIS OF BEARINGS)

306-23-027

E 114 CORNER  
SECTION 21

EXHIBIT B

Description of Temporary Construction Easement

LEGAL DESCRIPTION

All that portion of the Northeast Quarter of Section 21, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian > Yavapai County, Arizona, more particularly described as follows:

COMMENCING at a found GLO Brass Cap Monument at the Northeast corner of Section 21, from which point the East Quarter corner of said Section 21 bears South 01°58'06" West, a distance of 2650.37 feet;

Thence South 01°58'06" West > along the east line of the Northeast Quarter of said Section 21, a distance of 216.81 feet;

Thence North 88°01'54" West, a distance of 20.00 feet to a point on the westerly right of way line of Road 1 West as described in Book 112 of Deeds, Page 43, Yavapai County Recorder's Office and the TRUE POINT OF BEGINNING;

Thence North 09°40'56" West, a distance of <sup>142.70 \*</sup> ~~147.70~~ feet;

Thence North 01°03'01" East, a distance of 33.66 feet;

Thence North 44°40'32" West, a distance of 32.80 feet to a point on the southerly right of way line of Road 2 North as described in Book 112 of Deeds, Page 43, Yavapai County Recorder's Office;

Thence South 88°42'44" East, along said southerly right of way line of Road 2 North, a distance of 53.21 feet;

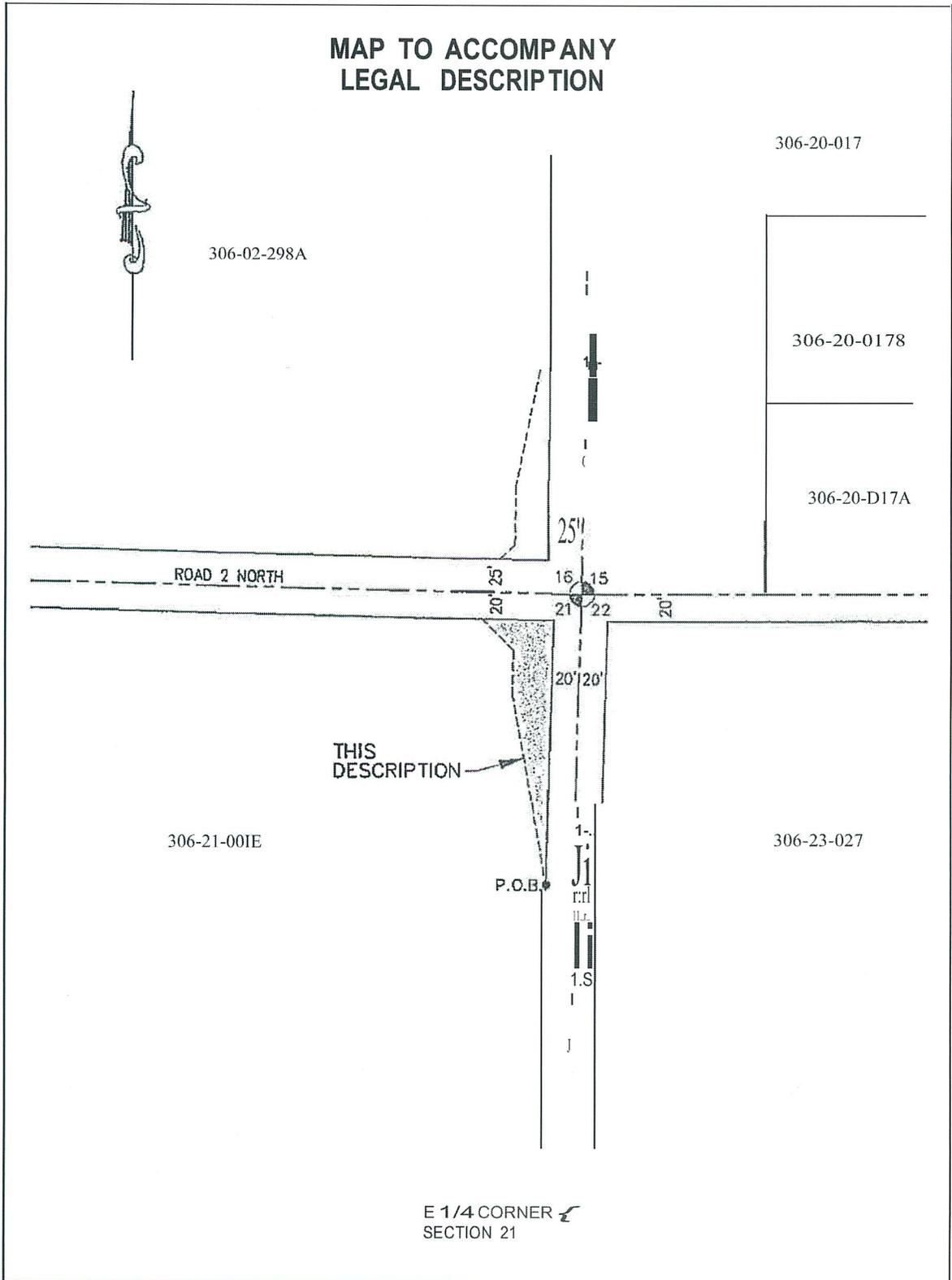
Thence South 01°58'06" West, along said westerly right of way line of Road 1 West, a distance of 196.57 feet to the TRUE POINT OF BEGINNING.

Containing 3,939.11 square feet, more or less.

10/30/14  
LE #487-24  
NE-Sec 21-ROW.doc

Pursuant to Town Code Sect. 10.20  
\* Scrivener's error on  
Resolution No. 16-1091 was  
corrected April 25, 2017 and  
reported to Council on  
May 9, 2017.

MAP TO ACCOMPANY  
LEGAL DESCRIPTION



E 1/4 CORNER SECTION 21