

RESOLUTION NO. 17-1112

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY 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 for roadway improvements to East Road 2 North, east of North Road 1 East to Pepper Tree Place; Pepper Tree Place from East Road 2 North south to Juniper Drive; Juniper Drive from Pepper Tree Place west to North Road 1 East ("the Project"), which is the property adjacent to and surrounding the parcel owned by Bonnie Plants, Inc., also known as Yavapai County Assessor's Parcel No. 306-24-002C, which real property is generally described in Exhibit A, attached hereto and made a part hereof (the "Property"); 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 for the Project and it is in the public interest to acquire the Property; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley have considered alternatives available, 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.

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 Exhibit A, 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 29th day of August, 2017.



Darryl L. Croft, Mayor

ATTEST:



Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Phyllis L.N. Smiley, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 17-1112 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on August 29, 2017, and that quorum was present thereat and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 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

EXHIBIT A
(Yavapai County Assessor's Parcel No. 306-24-002C)

All that portion of the Northwest quarter of Section 23, 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 the Northwest corner of said Section 23;

Thence, South 02° 21' 18" West, along the west line of said Section, for a distance of 49.44 feet;

Thence, South 89° 46' 15" East for a distance of 25.01 feet to a ½ inch rebar with cap LS53890, and the POINT OF BEGINNING;

Thence, North 01° 38' 31" East for a distance of 25.01 feet to a ½ inch rebar with cap LS37930;

Thence, South 89° 46' 05" East (North 89° 56' 20" East of record), along the South Right of Way Road 2 North, for a distance of 1295.14 feet to a ½ inch rebar with cap LS37930;

Thence, South 01° 16' 29" West, along the West Right of way Peppertree Place, for a distance of 1294.74 feet to a 1 inch pipe with cap LS53890;

Thence, North 89° 50' 23" West, along the South Right of way Juniper Drive, for a distance of 1303.86 feet to a ½ inch rebar with cap LS53890;

Thence, North 01° 35' 31" East for a distance of 50.00 feet to a ½ inch rebar with cap LS37930;

Thence, South 89° 50' 25" East, along the North Right of way Juniper Drive, for a distance of 1293.58 feet to a ½ inch rebar with cap LS53890;

Thence, North 01° 16' 29" East for a distance of 517.28 feet to a ½ inch rebar with cap LS53890;

Thence, North 01° 16' 36" East for a distance of 702.52 feet to a ½ inch rebar with cap LS37930;

Thence North 89° 46' 15" West a distance of 1285.32 feet to the POINT OF BEGINNING;

Said described parcel contains 109,707 square feet (2.52 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

EXCEPT all coal, oil, gas and other minerals as reserved from said land.