

RESOLUTION NO. 2019-1151

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ABANDONING ALL RIGHT, TITLE AND INTEREST IN A CERTAIN INGRESS, EGRESS AND PUBLIC UTILITY EASEMENT.

WHEREAS, the Town of Chino Valley (the "Town") is a beneficiary of that certain easement for ingress, egress and public utilities recorded on July 8, 2002, in the records of the Yavapai County Recorder at Book 3940, Page 275, Fee #3476213 (the "Easement"); and

WHEREAS, the Town previously used the Easement to access a Town-owned utility site; and

WHEREAS, the Easement has a self-executing provision terminating the Easement in the event the Town grants an alternate easement for access to property served by the Easement; and

WHEREAS, the Town currently takes access to its utility site without utilizing the Easement, but it has not dedicated an alternate easement as contemplated by the termination provisions in the Easement; and

WHEREAS, the Town may, pursuant to ARIZ. REV. STAT. § 28-7214, abandon such easements as it deems appropriate; and

WHEREAS, the Mayor and Common Council of the Town (the "Town Council") has determined the Town no longer requires use of the Easement and wishes to make clear its intent to abandon its right, title and interest in the Easement without affecting the right, title or interest in any other property benefited by the Easement, if any.

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

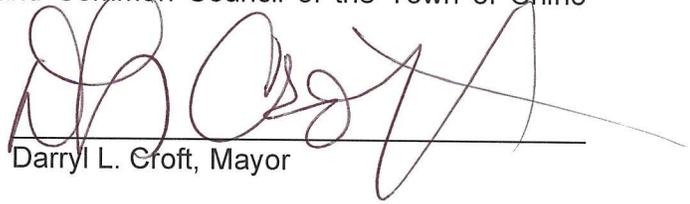
SECTION 1. The Recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town Council hereby abandons the Town's rights under the Easement, specifically with respect to the area described on Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 10th day of December, 2019.



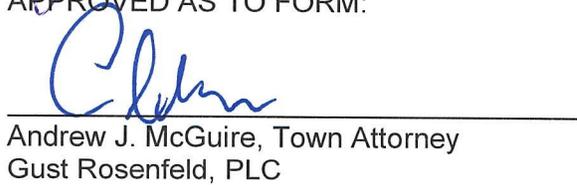
Darryl L. Groft, Mayor

ATTEST:



Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2019-1151 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on December 10, 2019, 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

EXHIBIT A
TO
RESOLUTION NO. 2019-1151

[Legal Description]

See following pages

EXHIBIT 'A'
LAND DESCRIPTION
EASEMENT ABANDONMENT

A STRIP OF LAND 40.00 FEET WIDE, THE EASTERLY SIDELINE OF SAID STRIP LYING PARALLEL WITH AND DISTANT 20.00 FEET EASTERLY (MEASURED AT RIGHT ANGLES) AND THE WESTERLY SIDELINE OF SAID STRIP LYING PARALLEL WITH AND DISTANT 20.00 FEET WESTERLY (MEASURED AT RIGHT ANGLES), SAID STRIP ALSO BEING THE LAND DESCRIBED IN BOOK 3940, PAGE 275, OFFICIAL RECORDS OF YAVAPAI COUNTY, STATE OF ARIZONA, SAID STRIP ALSO BEING A PORTION OF THE LAND LOCATED IN THE TOWN OF CHINO VALLEY, SAID COUNTY, TRACT 41, SECTION 11, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, THE CENTERLINE OF SAID STRIP MORE PARTICULARLY DESCRIBED AS FOLLOWS.....

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 41,

THENCE ALONG THE EASTERLY LINE OF SAID TRACT 41 NORTH 00° 10' 28" EAST A DISTANCE OF 959.97 FEET TO THE WESTERLY LINE OF THE PEAVINE TRAIL (200.00 FEET WIDE) RECORDED IN BOOK 2800, PAGE 832, OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG SAID WESTERLY LINE NORTH 14° 06' 04" WEST AS DISTANCE OF 363.74 FEET TO THE NORTHWEST CORNER OF THE EASEMENT RECORDED IN BOOK 3940, PAGE 270, OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG THE WESTERLY LINE OF SAID EASEMENT SOUTH 2° 34' 13" WEST A DISTANCE OF 69.72 FEET TO THE **POINT OF BEGINNING** OF SAID STRIP;

THENCE NORTH 14° 06' 04" WEST A DISTANCE OF 1166.28 FEET ALONG A LINE LYING PARALLEL WITH AND DISTANT 20.00 FEET WESTERLY OF SAID WESTERLY LINE OF THE PEAVINE TRAIL;

THENCE NORTH 89° 44' 00" WEST A DISTANCE OF 479.71 FEET;

THENCE NORTH 26° 15' 53" EAST A DISTANCE OF 413.89 FEET;

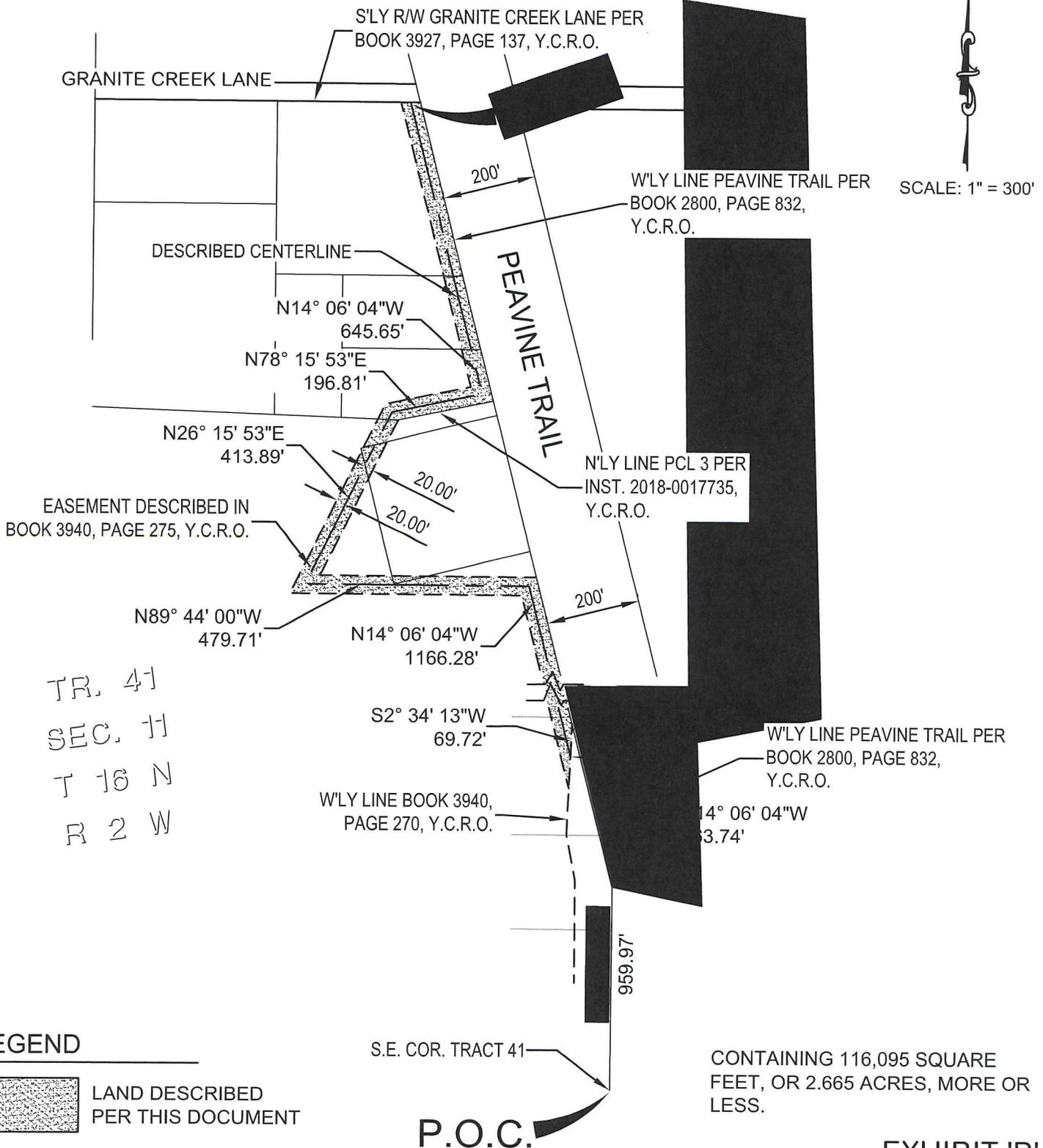


THENCE NORTH 78° 15' 53" EAST A DISTANCE OF 196.81 FEET ALONG A LINE LYING PARALLEL WITH AND DISTANT 20.00 FEET NORTHERLY OF THE NORTHERLY LINE OF PARCEL 3 OF THE LAND DESCRIBED IN INSTRUMENT 2018-0017735, OFFICIAL RECORDS OF SAID COUNTY;

THENCE NORTH 14° 06' 04" WEST A DISTANCE OF 645.65 FEET ALONG A LINE LYING PARALLEL WITH AND DISTANT 20.00 FEET WESTERLY OF SAID WESTERLY LINE OF THE PEAVINE TRAIL TO THE **POINT OF TERMINATION**, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GRANITE CREEK LANE (40.00 FEET WIDE) RECORDED IN BOOK 3927, PAGE 137, OFFICIAL RECORDS OF SAID COUNTY.

THE SIDELINES OF SAID STRIP SHALL PROLONGATE TO OR TERMINATE AT ANGLE POINTS, AT THE WESTERLY LINE OF SAID EASEMENT RECORDED IN BOOK 3940, PAGE 279, AND AT THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF BOOK 3940, PAGE 272.

CONTAINING 116,095 S.F., OR 2.665 ACRES, MORE OR LESS.



LEGEND



LAND DESCRIBED PER THIS DOCUMENT

S.E. COR. TRACT 41

P.O.C.

EXHIBIT 'B'



Kenneth R. Davidson



Civil, Water, Wastewater, Drainage,
and Transportation Engineering
Construction Management • Surveying
California • Arizona

TOWN OF CHINO VALLEY, ARIZONA

**LAND DESCRIPTION
EASEMENT ABANDONMENT**