

RESOLUTION NO. 2021-1191

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AUTHORIZING REIMBURSEMENT OF EXPENSES INCURRED AND ACCEPTANCE OF DEDICATION OF CERTAIN INTERESTS IN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY AND OTHER PUBLIC USES.

WHEREAS, John A. de Jong, Trustee of The de Jong Corporation Requirement Trust, dated November 1, 1989, as Grantor, wishes to convey to the Town of Chino Valley, an Arizona municipal corporation (the "Town"), as Grantee, certain real property (the "Dedication Parcel") for municipal purposes; and

WHEREAS, the Dedication Parcel is a strip of land measuring approximately 25 feet by 456 feet, generally located along the centerline of East Road 2 North between State Route 89 and North Road 1 East in the Town of Chino Valley; and

WHEREAS, the Dedication Parcel was intended to be dedicated to the Town in 2004, when the adjacent property was divided, but the dedication was not completed; and

WHEREAS, the Dedication Parcel has since incurred \$2,287.83 in expenses; and

WHEREAS, upon reimbursement of the expenses incurred, and acceptance by the Town of the Special Warranty Deed, in substantially the form attached hereto as Exhibit A and incorporated herein by reference, or another form acceptable to the Town Attorney, conveying the Dedication Parcel to the Town, the Mayor and Council of the Town of Chino Valley (the "Town Council") desires to accept the Dedication Parcel from Grantor.

NOW, THEREFORE, 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.

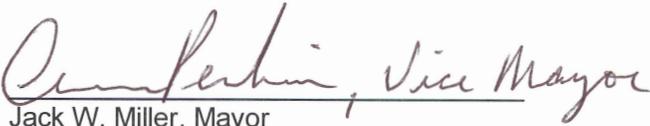
SECTION 2. The Town Manager is hereby authorized to (i) take all steps necessary to reimburse Grantor for the expenses incurred, and (ii) execute the Special Warranty Deed in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. Upon reimbursement of the expenses incurred and execution by the Town Manager of the Special Warranty Deed, in substantially the form attached hereto as Exhibit A and incorporated herein by reference, or another form acceptable to the Town Attorney, the Dedication Parcel, comprising the real property described therein, is hereby accepted.

SECTION 3. Upon Grantor's execution of the Special Warranty Deed, the Town Manager is authorized and directed to execute such documents and to cause their recording in the Office of the Yavapai County Recorder.

SECTION 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 14th day of September, 2021.



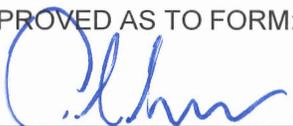
Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2021-1191 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on September 14, 2021, and that quorum was present thereat and that the vote thereon was 5 ayes and 0 nays and 0 abstentions. 2 Council members were absent or excused.



Erin N. Deskins, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2021-1191

[Special Warranty Deed]

See following pages.

When recorded, return to:

Town of Chino Valley
202 North State Route 89
Chino Valley, Arizona 86323
Attention: Town Manager

SPECIAL WARRANTY DEED

**THIS DEED IS EXEMPT FROM THE REQUIREMENT OF FILING AN AFFIDAVIT OF
PROPERTY VALUE PURSUANT TO A.R.S. §11-1134(A)(3).**

For the consideration of TEN AND NO/100 DOLLARS, and other valuable consideration, **JOHN A. DE JONG, TRUSTEE OF THE DE JONG CORPORATION RETIREMENT TRUST, DATED NOVEMBER 1, 1989** (the "Grantor"), does hereby convey to **THE TOWN OF CHINO VALLEY**, an Arizona municipal corporation (the "Grantee"), the following described property situated in the County of Yavapai, State of Arizona, together with all rights and privileges appurtenant thereto, to wit:

See **Exhibit A** attached hereto and made a part hereof.

SUBJECT TO all existing taxes, assessments, liens, encumbrances, reservations in patents, covenants, conditions, restrictions, rights-of-way, easements and leases of record and all matters that a physical inspection of the properties would reveal.

Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of Grantor herein and none other, subject to the matters set forth above.

Pursuant to the provisions of A.R.S. § 33-404, the name and address of the sole beneficiary of **THE DE JONG CORPORATION RETIREMENT TRUST, DATED NOVEMBER 1, 1989** are: John A. de Jong, P.O. Box 1416, San Luis Obispo, California 93406.

DATED: _____, 2021

[SIGNATURE AND NOTARY PAGES FOLLOW]

[GRANTOR SIGNATURE PAGE TO SPECIAL WARRANTY DEED]

GRANTOR:

**THE DE JONG CORPORATION
RETIREMENT TRUST, DATED
NOVEMBER 1, 1989**

By: _____
JOHN A. DE JONG, Trustee

ALL PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____, 2021, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE **MUST** BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT.

Title of Document Type Special Warranty Deed
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

[GRANTOR SIGNATURE AND NOTARY PAGE TO SPECIAL WARRANTY DEED]

TOWN OF CHINO VALLEY, an Arizona
municipal corporation

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

STATE OF ARIZONA)
) ss.
County of Yavapai)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Jack W. Miller, the Mayor of the Town of Chino Valley, an Arizona municipal corporation, on behalf of the municipal corporation.

Notary Public

(Seal and Expiration Date)

Exhibit A
Legal Description

All that portion of the Southeast quarter of Section 15, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Southeast corner of said Section 15 marked with a Town of Chino Valley brass cap monument;

THENCE South 89°48'04" West 658.97 feet along the South line of Section 15 to the TRUE POINT OF BEGINNING;

THENCE North 00°20'25" West 25.00 feet to a point;

THENCE South 89°48'04" West 456.29 feet to a point;

THENCE South 00°00'51" East 25.00 feet to a point on the South line of Section 15;

THENCE North 89°48'04" East 456.43 feet along said South line to the TRUE POINT OF BEGINNING.