

RESOLUTION 2015-42

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE CERTAIN HILLSIDE PROTECTION EASEMENT LOCATED WITHIN THE LAS MONTANAS DEL SOL SUBDIVISION, LOTS 4 AND 5, FOUNTAIN HILLS, ARIZONA.

WHEREAS, in conjunction with development of the Las Montanas Del Sol subdivision, the prior owners granted the Town a Hillside Protection Easement over the areas with 10% or greater slopes, as recorded with the subdivision plat on January 26, 2006, in the Maricopa County Recorder's Office, in Book 809, Page 2 as Document No. 2006-0115998 (the "HPE") as depicted on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the current owner of residential Lots 4 and 5 of the Montanas Del Sol Subdivision, a/k/a 16431 and 16442 East Los Siete Court located within the Town of Fountain Hills (the "Town"), as described on Exhibit B, which is incorporated herein by reference (the "Property") desires to construct homes on the Property; and

WHEREAS, on October 16, 2014, the Fountain Hills Town Council (the "Town Council") adopted Ordinance 14-08, modifying the hillside preservation requirements to eliminate the need for a hillside protection easement for slope areas less than 20%; and

WHEREAS, there are currently no portions of the Property with hillside slopes in excess of 20%; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town to abandon the HPE.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

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

SECTION 2. The HPE, located as shown on Exhibit A, is hereby abandoned.

SECTION 3. The Town Manger or authorized designee is hereby authorized and directed to cause this Resolution to be recorded in the Maricopa County Recorder's Office.

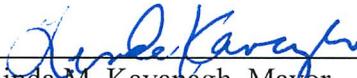
SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

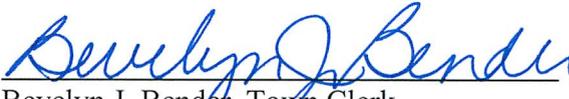
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
September 3, 2015.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



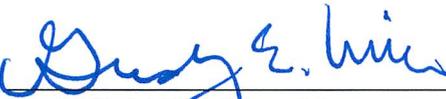
Linda M. Kavanagh, Mayor



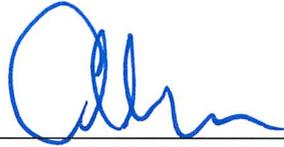
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
RESOLUTION NO. 2015-42

[Map]

See following page.

EXHIBIT 'A'

RELEASE OF HILLSIDE PROTECTION EASEMENT LAS MONTANAS DEL SOL LOTS 4 AND 5

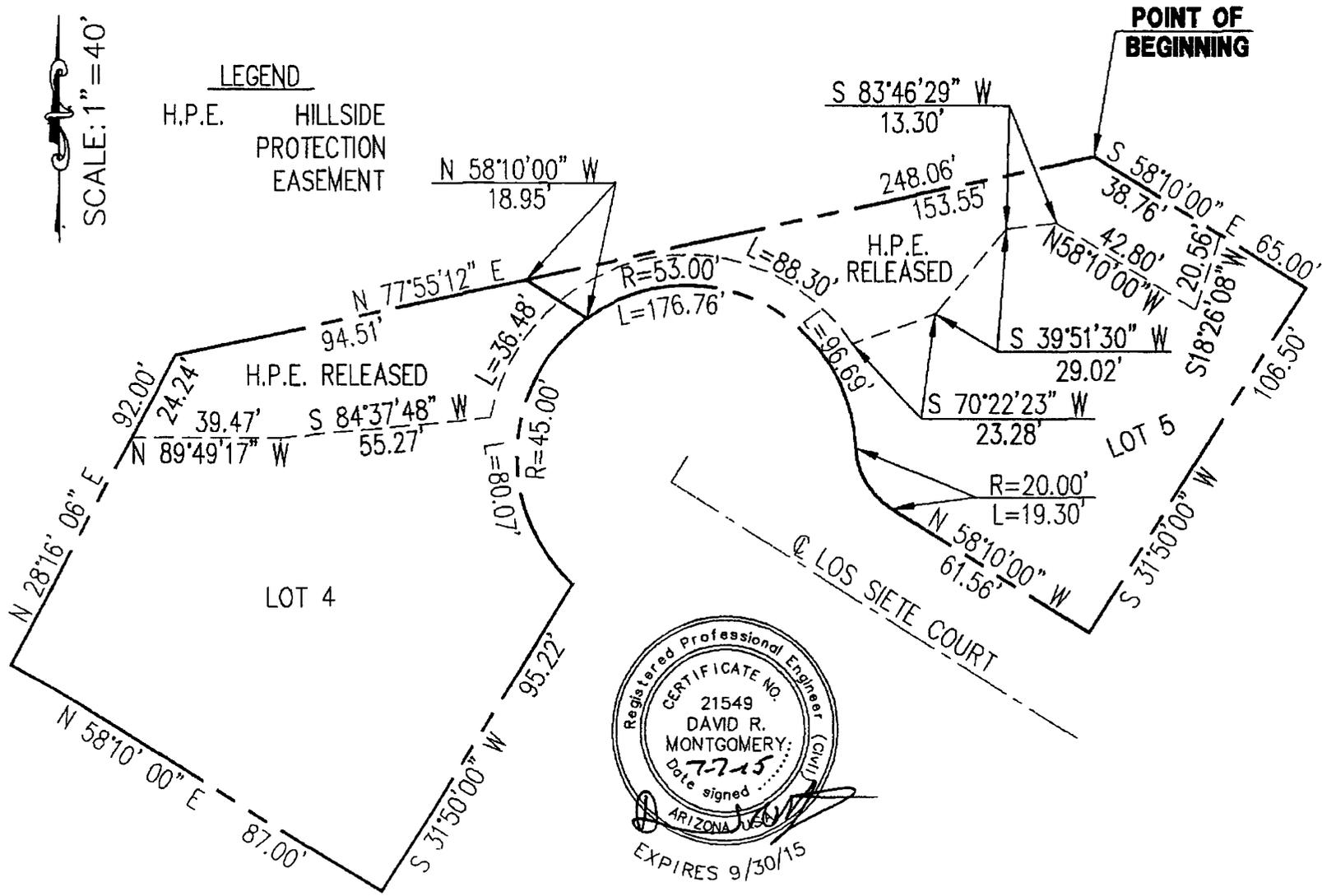


EXHIBIT B
TO
RESOLUTION NO. 2015-42

[Legal Description]

See following page.

EXHIBIT "B"

Release of Hillside Protection Easement (H.P.E.)

Las Montanas Del Sol Lots 4 & 5

A part of Las Montanas Del Sol Lots 4 & 5 as recorded in Book 809 Page 02, Maricopa County Records, Maricopa County, Arizona, more particularly described as follows:

Beginning at a THE NORTHMOST CORNER OF SAID LOT 5;
thence South 58 degrees 10 minutes 00 seconds East, along the Northeasterly line of said Lot 5, a distance of 38.76 feet;
thence departing said line, South 18 degrees 26 minutes 08 seconds West along a H.P.E. line as recorded in Book 809, Page 2, Maricopa County Records, Maricopa County, Arizona, a distance of 20.56 feet;
thence North 58 degrees 10 minutes 00 seconds West along said H.P.E, a distance of 42.80 feet;
thence South 83 degrees 46 minutes 29 seconds West along said H.P.E, a distance of 13.30 feet;
thence South 39 degrees 51 minutes 30 seconds West along said H.P.E, a distance of 29.02 feet;
thence South 70 degrees 22 minutes 23 seconds West along said H.P.E, a distance of 23.28 feet to a non-tangent curve concave to the South, having a radius of 53.00 feet, said curve having a chord which bears South 78 degrees 32 minutes 56 seconds West, a chord length of 97.89 feet;
thence Westerly along said curve and said H.P.E., through a central angle of 134 degrees 53 minutes 52 seconds, a distance of 124.78 feet;
thence South 84 degrees 37 minutes 48 seconds West along said H.P.E, a distance of 55.27 feet;
thence North 89 degrees 49 minutes 17 seconds West along said H.P.E, a distance of 39.47 feet to a point on the Westerly line of said Lot 4;
thence North 28 degrees 16 minutes 06 seconds East, along said line, a distance of 24.24 feet to the Northwest corner of said Lot 4;
thence North 77 degrees 55 minutes 12 seconds East, along the Northwesterly line of said Lots 4 and 5, a distance of 248.06 feet to the POINT OF BEGINNING.

Containing 5,781.06 square feet, more or less, subject to all existing easements.

