

When recorded, return to:
Paradise Valley Town Attorney
6401 E. Lincoln Drive
Paradise Valley, Arizona 85253

RESOLUTION NUMBER 2019-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING AND DIRECTING THAT EASEMENT AND/OR FEE TITLE INTERESTS IN CERTAIN REAL PROPERTY BE ACQUIRED BY THE TOWN OF PARADISE VALLEY FOR THE LINCOLN DRIVE, MOCKINGBIRD LANE, AND INDIAN BEND ROAD IMPROVEMENT PROJECT EITHER BY DEDICATION, DONATION, PURCHASE, EXCHANGE OR UNDER THE POWER OF EMINENT DOMAIN AS A MATTER OF PUBLIC NECESSITY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. That it is deemed necessary and essential as a matter of public safety and welfare that certain real property interests hereinafter described be acquired by the Town of Paradise Valley for the public purposes of constructing roadway, sidewalk, drainage, landscape, medians, and intersection improvements on Lincoln Drive, Mockingbird Lane, and Indian Bend Road beginning at or near Town Limits (on the east) to, and including, Mockingbird Lane (on the west), Indian Bend Road (on the north) and Lincoln Drive (on the south).

Section 2. That the acquisition by purchase, donation, exchange, or dedication of easements and/or fee title for the parcels of real property described (or illustrated) in Exhibits "A-1" and "A-2" ("Exhibit A") attached hereto and made part hereof by this reference, together with such other interests as may be necessary or useful in the judgment of the Town Engineer or his designee for the purposes described herein is hereby authorized. In the event that the parcels identified in Exhibit "A" cannot be readily acquired by dedication, donation, purchase or exchange, the use of eminent domain is also hereby authorized.

Section 3. That the Town Engineer or his designee is expressly authorized to approve revised legal descriptions and to specify additional property interests to be acquired for this project; provided, however, that the Town Engineer may not increase the total area of all property taken as authorized by this resolution by more than ten percent (10%) without further authority from the Council. Any change by the Town Engineer shall be reported by the Town Engineer in writing to the Town Clerk and filed with this resolution within thirty (30) days after the date of the change.

Section 4. That the appropriate Town officials are authorized and directed to take all legal action necessary to acquire easements, fee title and/or dedicated interests in the parcels identified in Exhibit "A" either voluntarily or under the power of eminent domain.

Section 5. That the duly authorized disbursing agents of the Town of Paradise Valley be, and they hereby are, authorized and directed to pay all sums that may be necessary to acquire the appropriate interests in the above-described parcels, as well as title reports, appraisals and review appraisal services, title insurance, acquisition agents' fee, escrow fees, court costs, attorneys' fees, and all closing costs necessary for the acquisition of said parcels of real property.

PASSED AND ADOPTED by the Town Council this 13th day of June, 2019.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM

Andrew Miller, Town Attorney

EXHIBIT "A-1"

See attached legal descriptions and/or easement interests for each property identified.

Parcel Numbers:

174-59-001

174-63-008B

174-63-008A

174-63-006

174-63-003

174-63-009A

174-63-004A

174-64-003A

174-59-022

174-55-002

174-54-039

174-58-259

174-50-031

174-64-003B

