

ORDINANCE NUMBER 2018-10

A ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING THAT FEE TITLE AND A PUBLIC UTILITY EASEMENT IN CERTAIN REAL PROPERTY OWNED BY LAUREN WEINSTEIN AND MARK D. CLARK BE ACQUIRED BY THE TOWN OF PARADISE VALLEY IN EXCHANGE FOR AN EXCESS TOWN RIGHT-OF-WAY PARCEL AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO CONTRACT FOR SUCH EXCHANGE AND TAKE ALL ACTIONS NEEDED TO COMPLETE SUCH EXCHANGE

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

WHEREAS, Lauren Weinstein and Mark D. Clark (“Owners”) are the property owners of 3601 E. Stanford Drive, Paradise Valley, Arizona; and

WHEREAS, The Town of Paradise Valley (“Town”) has requested that the Owners exchange an approximate 25.75’ wide strip of property (identified in Exhibit “A” hereto, the Right-of-Way Description, hereinafter the “New ROW Parcel”) with the Town for a 7’ wide strip of excess Town right-of-way (identified in Exhibit “B” hereto, the Abandonment Description, hereinafter the “Excess Town Parcel”); and

WHEREAS, the Town no longer has an interest in retaining ownership of the Excess Town Parcel and desires to abandon/exchange it for New ROW Parcel; and

WHEREAS, the Town will be not be requiring any payment from the Owners for the abandonment/exchange of the Excess Town Parcel as the Owners’ New ROW Parcel is much larger in total area than the Excess Town Parcel; and

WHEREAS, the Town also desires for the Owners to grant a 10' wide public utility easement (identified in Exhibit "C," the Public Utility Easement Description, hereinafter the "PUE Parcel") to the Town at the same time that the exchange of the Excess Town Parcel and the New ROW Parcel; and

WHEREAS, the Owners are willing to deed the New ROW Parcel and grant a public utility easement over the PUE Parcel to the Town in exchange for the Excess Town Parcel;

NOW THEREFORE BE IT RESOLVED that: (1) the Town Manager is authorized to deed the Excess Town Parcel (as described in Exhibit "B" attached hereto) to the Owners commensurate the Owners deeding the New ROW Parcel to the Town (as described in Exhibit "A") and granting a public utility easement for the PUE Parcel to the Town (as described in Exhibit "C"); (2) that the Town Manager is authorized to execute a land exchange agreement with the Owners on the terms noted above; and (3) that the Town Manager and Town Attorney are authorized to take all actions necessary to complete the land exchange, including executing deeds to transfer the Excess Town Parcel to the Owners, obtaining title insurance for the New ROW Parcel and any other matters connected with any escrow required to complete the land exchange, and to waive any fees required in order for the Owners to complete a lot combination of their existing parcel (Maricopa County Assessor No. 170-10-020A) with the Town Excess Parcel once the land exchange has been completed.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise

Valley, Arizona this 26th day of May, 2018.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM

Andrew M. Miller, Town Attorney