

**RESOLUTION NUMBER 2020-13**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF  
PARADISE VALLEY, ARIZONA, AUTHORIZING THE  
RELEASE/ABANDONMENT OF A DRAINAGE EASEMENT**

WHEREAS, Preservation Holdings, LLC, owner of 3310 E. Stella Lane, Lot 6 of Preserve at Lincoln II, Assessor's Parcel Number 164-05-125, requests a release of a recorded drainage easement due to changed conditions associated with the development of the property and;

WHEREAS, Preservation Holdings, LLC have informed the Town Engineer of the proposed modification and has requested that the existing drainage easement be abandoned, and;

WHEREAS, the Town Engineer requested Preservation Holdings, LLC perform a drainage study to determine if the drainage easement abandonment will affect storm water flow, and;

WHEREAS Preservation Holdings, LLC hired Land Development Group to perform the drainage study, and said study determined that the drainage easement can be released and still contain storm water flows in compliance with the Town's Codes and other drainage requirements.

NOW, THEREFORE, BE IT RESOLVED by the Town of Paradise Valley, Maricopa County, Arizona as follows:

Section 1. The Town hereby abandons the existing drainage easement set forth by Land Development Group, attached hereto as the Map of Easement Release Preserve at Lincoln III as Exhibit "A", and shall be recorded with the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Paradise Valley this 11<sup>th</sup> day of June, 2020.

ATTEST:

TOWN OF PARADISE VALLEY  
a municipal corporation

\_\_\_\_\_  
Duncan Miller, Town Clerk

\_\_\_\_\_  
Jerry Bien-Willner, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew Miller, Town Attorney

# MAP OF EASEMENT RELEASE PRESERVE AT LINCOLN III RELEASE OF A DRAINAGE EASEMENT ON LOT 6 OF THE PRESERVE AT LINCOLN II A SUBDIVISION PLAT RECORDED IN BOOK 681 OF MAPS, PAGE 10, MCR., LOCATED IN A PORTION OF THE NE 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 12, T.2N, R.3E OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

### GENERAL NOTES

- THIS IS NOT AN ALTA/ACSM TITLE SURVEY.
- NO CC&R'S ARE CREATED WITH THIS MAP. EXISTING CC&R'S AFFECTING THE SUBJECT PROPERTIES ARE LISTED UNDER GENERAL NOTE 9.
- BUILDING SETBACK LINES, ZONING, FLOOD AREA ZONES, OWNERSHIP INFORMATION, AND ADDRESSES THAT MAY BE SHOWN ARE SUPPLIED BY THE COVERING AGENCY OR TAKEN FROM THE BEST AVAILABLE RECORDS. THE SURVEYOR WILL NOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION SUPPLIED BY OTHERS.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS, WHICH WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- THE DESCRIPTION OF PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON REPRESENT THAT INFORMATION PROVIDED IN WARRANTY DEED RECORDED IN DOC. NO 2018-0953132, M.C.R. & PLAT REC. IN BK. 681, PG. 10, M.C.R.
- EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED OR AVAILABLE TO THE SURVEYOR AT THE TIME OF THE SURVEY.
- ANY INFORMATION SHOWN WHICH MAY VARY FROM THE CONTENTS OF THE REPORT(S) NOTED ABOVE, REPRESENTS INFORMATION AND MEASUREMENTS FOUND DURING THE COURSE OF THE SURVEY.
- UNLESS OTHERWISE NOTED, ALL DIMENSIONS SHOWN ARE MEASURED.
- FOLLOWING RECORDING DOCUMENTS REFERENCE CERTAIN COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS ASSOCIATED WITH THIS PROPERTY:  
REC. DOC. 681, PAGE 11, MCR  
REC. DOC. 2019-0953132, MCR  
REC. DOC. 2019-0828192, MCR
- BOUNDARY INFORMATION SHOWN IS BASED ON THE SURVEY PERFORMED BY LSRS, JOB NUMBER 18032, DATED 1/14/19.

### DRAINAGE EASEMENT RELEASE

THE TOWN OF PARADISE VALLEY, ARIZONA, A MUNICIPAL CORPORATION, FOR VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, DOES HEREBY RELEASE THE INTEREST OF THE TOWN OF PARADISE VALLEY, BUT DOES NOT RELEASE ANY INTEREST OWNED OR HELD BY ANY OTHER PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER, IN THIS CERTAIN DEDICATED EASEMENT IDENTIFIED AS:  
DRAINAGE EASEMENT AS SHOWN HEREON.  
IT IS EXPRESSLY UNDERSTOOD THAT THIS RELEASE IS INTENDED TO AFFECT ONLY THAT INTEREST HELD BY THE TOWN OF PARADISE VALLEY, ARIZONA, IN THE ABOVE MENTIONED EASEMENT, AND DOES NOT INCLUDE NOR AFFECT ANY PROPERTY OR PORTION THEREOF WHICH IS NOT HEREIN ABOVE DESCRIBED SPECIFICALLY.

### LIST OF RELEASED EASEMENTS

ITEM NO.	EASEMENT	RECORDING NO. CREATED
1	DRAINAGE EASEMENT	2019-0828192

### RELEASE OF DRAINAGE EASEMENT

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) SS

KNOW ALL MEN BY THESE PRESENTS:

PRESERVATION HOLDINGS, LLC, AN ARIZONA CORPORATION, AS LEGAL OWNER OF SAID REAL PROPERTY, RELEASE THE DRAINAGE EASEMENT UNDER THE NAME OF PRESERVE AT LINCOLN III, A SUBDIVISION PLAT RECORDED IN BOOK 681 OF MAPS, PAGE 10, MCR, APN 164-05-125, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISH THIS PLAT AND HEREBY DECLARE THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND STREETS CONSTITUTING SAME AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN EACH RESPECTIVELY ON THIS PLAT AND HEREBY RELEASES THE DRAINAGE EASEMENT AS SHOWN.  
IN WITNESS WHEREOF:

HANK GRIES, MANAGER OF PRESERVATION HOLDINGS, LLC, AS OWNER, HAS HEREUNTO AFFIXED HIS SIGNATURE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020,

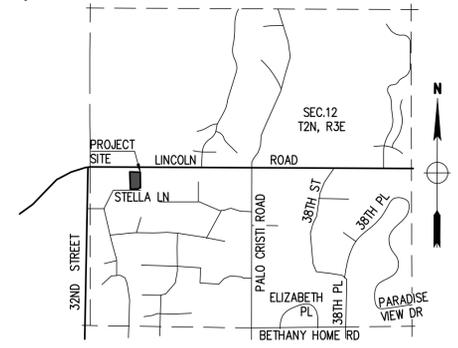
MANAGER OF PRESERVATION HOLDINGS, LLC

### ACKNOWLEDGEMENTS

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) SS

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, THE FOLLOWING PERSON APPEARED  
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, HANK GRIES, WHO ACKNOWLEDGED (A) HIMSELF TO BE MANAGER OF PRESERVATION HOLDINGS, LLC; AND ACKNOWLEDGED (B) HIMSELF TO BE THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON; AND ACKNOWLEDGED (C) THAT HE, AS LEGAL OWNER, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.  
IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC



### VICINITY MAP

**OWNER**  
PRESERVATION HOLDINGS, LLC  
4308 E WELDON AVE.,  
PHOENIX, AZ 85018

**SURVEYOR/CIVIL ENGINEER**  
LAND DEVELOPMENT GROUP, LLC  
8808 N CENTRAL AVE, SUITE 288  
PHOENIX, AZ 85020  
P: 602-889-1984

### SITE DATA

APN: 164-05-125  
ADDRESS: 3310 E STELLA LN,  
PARADISE VALLEY, AZ 85253  
ZONING: R-43  
LOT AREA: 45,697 S.F. (1.049 AC.)  
QS #: 21-35

### BENCHMARK

BRASS CAP IN HANDHOLE AT MARICOPA COUNTY HIGHWAY DEPARTMENT, HAVING AN ELEVATION OF 1367.346' (NAVD 88) TOWN OF PARADISE VALLEY DATUM, GDACS# 24034-1.

### BASIS OF BEARINGS

THE MONUMENT LINE OF STELLA LANE, THE BEARING OF WHICH IS N89°43'03"W, PER BOOK 681 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA.

### LEGAL DESCRIPTION

LOT 6, THE PRESERVE AT LINCOLN, ACCORDING TO BOOK 681 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA.

### FLOOD INSURANCE RATE MAP (FIRM) DATA

COMMUNITY #	PANEL #	SUFFIX	BASE FLOOD ELEVATION
040049	1745 OF 4425	L	N/A
MAP #	PANEL DATE	FIRM INDEX DATE	ZONE
04013C	10/16/2013	11/04/2015	X*

\*AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

### SURVEY REFERENCES

- MARICOPA COUNTY PARCEL MAP 826-12-03-02.
- WARRANTY DEED RECORDED IN DOC. NO. 2018-0953132, M.C.R.
- RECORDED PLAT PER BOOK 681 OF MAPS, PAGE 10, M.C.R.
- RECORDED DRAINAGE EASEMENT AND DRAINAGE EASEMENT AGREEMENT IN DOC. NO. 2019-0828192

### SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT (1) THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREIN WERE MADE UNDER MY DIRECTION DURING THE MONTH OF AUGUST, 2019, AND (2) MAP OF EASEMENT RELEASE IS CORRECT AND ACCURATE, AND (3) THE MONUMENT OR MONUMENTS SHOWN HEREIN HAVE BEEN LOCATED AS DESCRIBED.



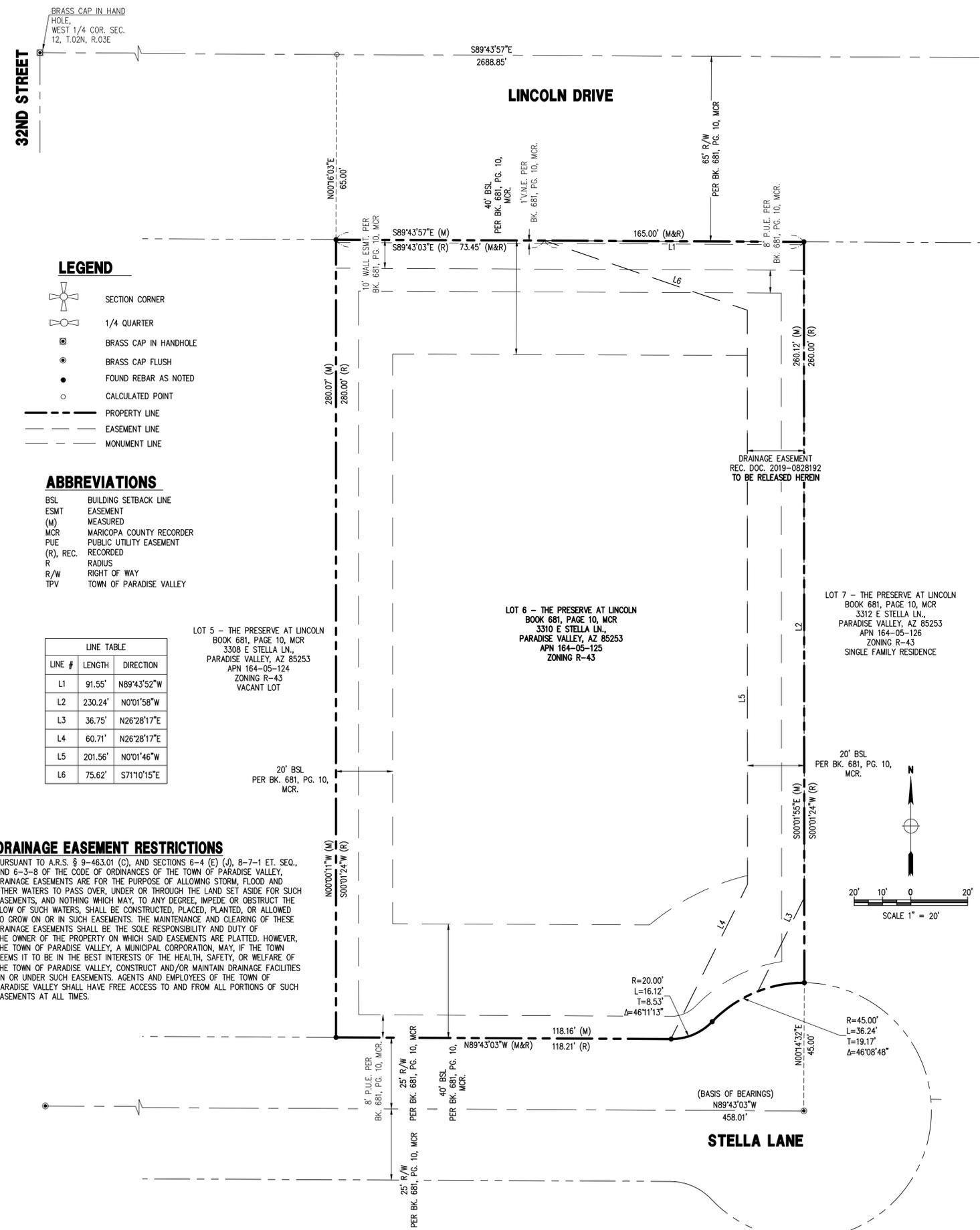
JAMES FLACK, RLS \_\_\_\_\_ DATE \_\_\_\_\_

### APPROVAL

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
MAYOR TOWN CLERK

TOWN ENGINEER PLANNING DIRECTOR



### LEGEND

- SECTION CORNER
- 1/4 QUARTER
- BRASS CAP IN HANDHOLE
- BRASS CAP FLUSH
- FOUND REBAR AS NOTED
- CALCULATED POINT
- PROPERTY LINE
- EASEMENT LINE
- MONUMENT LINE

### ABBREVIATIONS

- BSL BUILDING SETBACK LINE
- ESMT EASEMENT
- (M) MEASURED
- MCR MARICOPA COUNTY RECORDER
- PUE PUBLIC UTILITY EASEMENT
- (R), REC. RECORDED
- R RADIUS
- R/W RIGHT OF WAY
- TPV TOWN OF PARADISE VALLEY

### LINE TABLE

LINE #	LENGTH	DIRECTION
L1	91.55'	N89°43'52"W
L2	230.24'	N0°01'58"W
L3	36.75'	N26°28'17"E
L4	60.71'	N26°28'17"E
L5	201.56'	N0°01'46"W
L6	75.62'	S71°10'15"E

### DRAINAGE EASEMENT RESTRICTIONS

PURSUANT TO A.R.S. § 9-463.01 (C), AND SECTIONS 6-4 (E) (J), 8-7-1 ET. SEQ., AND 8-3-8 OF THE CODE OF ORDINANCES OF THE TOWN OF PARADISE VALLEY, DRAINAGE EASEMENTS ARE FOR THE PURPOSE OF ALLOWING STORM, FLOOD AND OTHER WATERS TO PASS OVER, UNDER OR THROUGH THE LAND SET ASIDE FOR SUCH EASEMENTS, AND NOTHING WHICH MAY, TO ANY DEGREE, IMPEDE OR OBSTRUCT THE FLOW OF SUCH WATERS, SHALL BE CONSTRUCTED, PLACED, PLANTED, OR ALLOWED TO GROW ON OR IN SUCH EASEMENTS. THE MAINTENANCE AND CLEARING OF THESE DRAINAGE EASEMENTS SHALL BE THE SOLE RESPONSIBILITY AND DUTY OF THE OWNER OF THE PROPERTY ON WHICH SAID EASEMENTS ARE PLATTED. HOWEVER, THE TOWN OF PARADISE VALLEY, A MUNICIPAL CORPORATION, MAY, IF THE TOWN DEEMS IT TO BE IN THE BEST INTERESTS OF THE HEALTH, SAFETY, OR WELFARE OF THE TOWN OF PARADISE VALLEY, CONSTRUCT AND/OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER SUCH EASEMENTS. AGENTS AND EMPLOYEES OF THE TOWN OF PARADISE VALLEY SHALL HAVE FREE ACCESS TO AND FROM ALL PORTIONS OF SUCH EASEMENTS AT ALL TIMES.

DATE:	04/09/20
JOB:	1901017
VERSION:	2.2
PLOT DATE:	04/09/20

SCALE:	1"=20'
DESIGNED BY:	NP
DRAWN BY:	ZA
CHECKED BY:	JF

**MAP OF EASEMENT RELEASE  
PRESERVE AT LINCOLN III**

**LOT 6 -  
PRESERVE AT LINCOLN  
3310 E STELLA LN.,  
PARADISE VALLEY,  
AZ 85253**

P. 602.889.1984 | F. 602.445.9492  
8808 N CENTRAL AVE., SUITE 288  
PHOENIX, AZ 85020  
PHOENIX@LDG.COM

