

1 When recorded, return to:  
2  
3 Paradise Valley Town Attorney  
4 6401 East Lincoln Drive  
5 Paradise Valley, Arizona 85253

6  
7 **RESOLUTION NUMBER 1247A**

8  
9 **A RESOLUTION OF THE MAYOR AND COUNCIL OF**  
10 **THE TOWN OF PARADISE VALLEY, ARIZONA,**  
11 **AUTHORIZING AND DIRECTING THE**  
12 **ABANDONMENT OF THE 66<sup>TH</sup> PLACE ROADWAY**  
13 **TRACT TO JOHN AND ELIZABETH LENNON.**  
14

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

17 WHEREAS, Resolution Number 1247 is hereby amended (with deletions  
18 shown as ~~strike throughs~~ and additions shown in **bold type**) and renamed Resolution  
19 Number 1247A; and

20 WHEREAS, John Lennon and Elizabeth Lennon (Lennons), property owners  
21 of 6667 E. Stallion Road, have requested that the Town of Paradise Valley (“Town”)   
22 abandon a portion of the 66<sup>th</sup> Place roadway tract identified in Exhibit A hereto  
23 (incorporated herein by this reference, hereinafter the “Tract”); and

24 WHEREAS, the Town no longer has an interest in retaining ownership of the  
25 Tract and desires to abandon it to the Lennons; and

26 WHEREAS, the Town will be not be requiring any payment from the  
27 Lennons for the abandonment of the Tract as the expected costs to improve and  
28 maintain the Tract for roadway purposes exceeds the value of the Tract and due to  
29 the Town restricting the Tract at the time of deeding such that it cannot be split in  
30 the future, **or** combined with any other parcels, ~~or have any structures built upon it,~~  
31 thus the Tract has little or no value to the Town or to the Lennons and the Town

1 will have received adequate consideration by virtue of its not having to incur future  
2 costs to improve or maintain the Tract as public right-of-way; and

3 WHEREAS, the Town will require that at the same time that the Tract is  
4 deeded to the Lennons an access easement for the neighboring property to the west  
5 of the Tract will be granted by the Lennons to the owners of that property (Scott  
6 and Diane Rowe) and that a restrictive covenant be placed on the Tract in favor of  
7 the property owner to the east of the Tract (La Finca Southwest; or David Moquay)  
8 ~~such that it cannot have any structures built upon it; and~~

9 WHEREAS, a public utility easement will be reserved to the Town at the  
10 time of deeding the Tract to the Lennons.

11 NOW THEREFORE BE IT RESOLVED that: (1) the Town Manager is  
12 authorized to deed the Tract (as described in Exhibit "A" attached hereto) to  
13 John and Elizabeth Lennon commensurate with the reservation of a public  
14 utility easement over the Tract; the granting of an access easement over the  
15 Tract to Scott and Diane Rowe and restrictive covenants in favor of the Town  
16 and La Finca Southwest as noted above; and; (2) that the Town Manager and  
17 Town Attorney are authorized to take all actions necessary, including executing  
18 deeds to transfer the Tract and other matters connected with any escrow so as to  
19 secure the conveyance of the Tract for the consideration noted above.

20 PASSED AND ADOPTED by the Mayor and Town Council of the Town of  
21 Paradise Valley, Arizona, this \_\_\_ day of October, 2015.

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Michael Collins, Mayor

1 ATTEST:

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

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7 APPROVED AS TO FORM

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Andrew M. Miller, Town Attorney

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13 **CERTIFICATION**

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15 I, Duncan Miller, Town Clerk, certify that this is a correct copy of Resolution  
16 Number 1247A duly adopted by the Town Council of Paradise Valley at a meeting  
17 held on this \_\_\_\_ day of October, 2015. This Resolution appears in the minutes of  
18 the meeting, and has not been rescinded or modified and is now in effect. I further  
19 certify that the municipal corporation is duly organized and existing, and has the  
20 power to take the action called for by the foregoing Resolution.

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