

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 2019-22**  
8

9 **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE**  
10 **TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING**  
11 **THE VACATION OF CERTAIN RIGHT-OF-WAY**  
12 **PROPERTY LOCATED ALONG 5664 N HOMESTEAD LANE**  
13 **OWNED BY THE TOWN OF PARADISE VALLEY IN**  
14 **RETURN FOR CONSIDERATION COMMENSURATE WITH**  
15 **THE VALUE OF THE PROPERTY.**  
16

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

19 WHEREAS, The Nineteen Trust (the "Owner"), property owner of 5664 N  
20 Homestead Lane, a metes a bounds property as described in the in the warranty deed  
21 20190743402, recorded with the Maricopa County, Arizona Recorder on September 20, 2019  
22 (the "Property") has requested that the Town vacate pursuant to A.R.S. § 28-7205  
23 approximately 1,313 square feet of Homestead Lane right-of-way (as described on Exhibit  
24 "A," the "Vacated Right-of-Way") so that title to the vacated portion will vest with the  
25 Owner, subject to the Town's receipt of consideration commensurate with the value of the  
26 vacated property pursuant to A.R.S. § 28-7208, which requires that the vesting of title in a  
27 right-of-way vacated by a municipality to an abutting owner is subject to consideration  
28 commensurate with the value of the vacated property; and

29 WHEREAS, it is deemed a matter of public welfare that the Town convey the  
30 Vacated Right-of-Way to the Owner for consideration in the amount of twenty-two thousand

1 dollars (\$22,000.00), plus any costs associated with title insurance, escrow fees, and  
2 recording fees; and

3 WHEREAS, the Town finds that \$22,000.00 and the other consideration noted above  
4 is commensurate with the value of the Vacated Right-of-Way; and

5 WHEREAS, upon receipt to the Town of the Owner's payment of the commensurate  
6 value of the Vacated Right-of-Way, the Owner and the Town will prepare the necessary  
7 documents to transfer the Vacated Right-of-Way to the Owner; and

8 WHEREAS, the Owner shall provide the Town for its review and approval an  
9 Administrative Land Modification map as required pursuant to Article 6-10 of the Town  
10 Code to combine the Property with the Vacated Right-of-Way to create one 2.01-acre parcel  
11 (the "Combined Property"); and

12 WHEREAS, the Owner will provide a perpetual 10-foot wide public utility easement  
13 along the Homestead Lane frontage the full length of the Combined Property to  
14 accommodate utilities and be recorded by separate instrument; and

15 WHEREAS, the Owner will complete the roadway improvements (e.g. curbing)  
16 adjoining the Property as required in Building Permit BD17-41156 for the new single-family  
17 home; and

18 WHEREAS, prior to the close of escrow on the Owner will execute, in a form  
19 acceptable to the Town Attorney, a restrictive covenant in favor of the Town that provides  
20 that the Combined Property shall not be further subdivided or split so as to form two separate  
21 lots; said restrictive covenant to be recorded contemporaneously with any deeds transferring  
22 title to the Property to the Owner (the "Deed Restriction"); and

1           WHEREAS, the Town will prepare a quit claim deed transferring ownership of the  
2   Vacated Right-of-Way from the Town to the Owner for recordation with the Maricopa  
3   County Recorder, Maricopa County, Arizona; and

4           WHEREAS, the Owner shall be fully responsible for any and all costs associated  
5   with any required or voluntary relocation of utilities related to the Vacated Right-of-Way.

6

7           NOW, THEREFORE, BE IT RESOLVED that: (1) the Town Manager is authorized  
8   to convey to the Owner the Vacated Right-of-Way described on Exhibit "A" upon the  
9   Owner's payment of \$22,000.00 plus any costs associated with title insurance, escrow fees,  
10   and recording fees; and (2) the Town Manager and Town Attorney are authorized to take all  
11   actions necessary, including executing deeds and other matters connected with any escrow  
12   or recordation of same with the Maricopa County Recorder, Maricopa County, Arizona, so  
13   as to secure the conveyance of the Vacated Right-of-Way for the consideration noted above,  
14   contemporaneously with: (i) the recordation of the Administrative Land Modification map,  
15   (ii) the recordation of the Deed Restriction, and (iii) the recordation of a perpetual 10-foot  
16   wide public utility easement along the Homestead Lane frontage the full length of the  
17   Combined Property.

18

1 PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise  
2 Valley, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2019.

3

4

5

6

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

7

ATTEST:

8

9

10

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

11

12

13

APPROVED AS TO FORM

14

15

16

\_\_\_\_\_  
Andrew M. Miller, Town Attorney

17

18

19

20

21

1     **STATE OF ARIZONA**                     )

2

3     **COUNTY OF MARICOPA**                 )

4

5

6

**CERTIFICATION**

7

8             I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify  
9     that the foregoing is a full, true, and correct copy of Ordinance Number 2019-22 duly passed  
10    and adopted by a majority vote of the Town Council at a meeting duly called and held on the  
11    day of \_\_\_\_\_, 2019. Said Ordinance appears in the minutes of said meeting, and  
12    it has not been rescinded or modified and is now in full force and effect.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

           I further certify that said Municipal Corporation is duly organized and existing, and  
has the power to take the action called for by the foregoing Resolution.

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

**VOTE**

AYES:

NAYES:

NOT PRESENT:

ABSTAIN:

**PUBLISHED**

**EXHIBIT “A”**  
**VACATED RIGHT-OF-WAY**

## LEGAL DESCRIPTION 10' RIGHT OF WAY ABANDONMENT

BEING THE WEST 10 FEET OF HOMESTEAD LANE ADJACENT TO  
SUBJECT PROPERTY AS SHOWN IN EXHIBIT 'A' HEREIN.

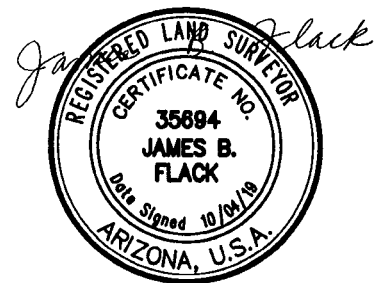
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHEASTERLY PROPERTY CORNER;  
THENCE NORTH 00°00'00" WEST, A DISTANCE OF 134.91 FEET;  
THENCE SOUTH 70°00'00" EAST, A DISTANCE OF 10.64 FEET;  
THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 131.21 FEET;  
THENCE SOUTH 89°39'00" WEST, A DISTANCE OF 10.00 FEET; TO  
THE TRUE **POINT OF BEGINNING**.

CONTAINING 1,331 S.F (0.031 AC.) NET; MORE OR LESS.

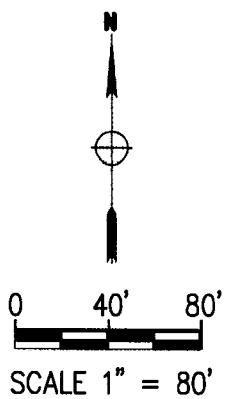
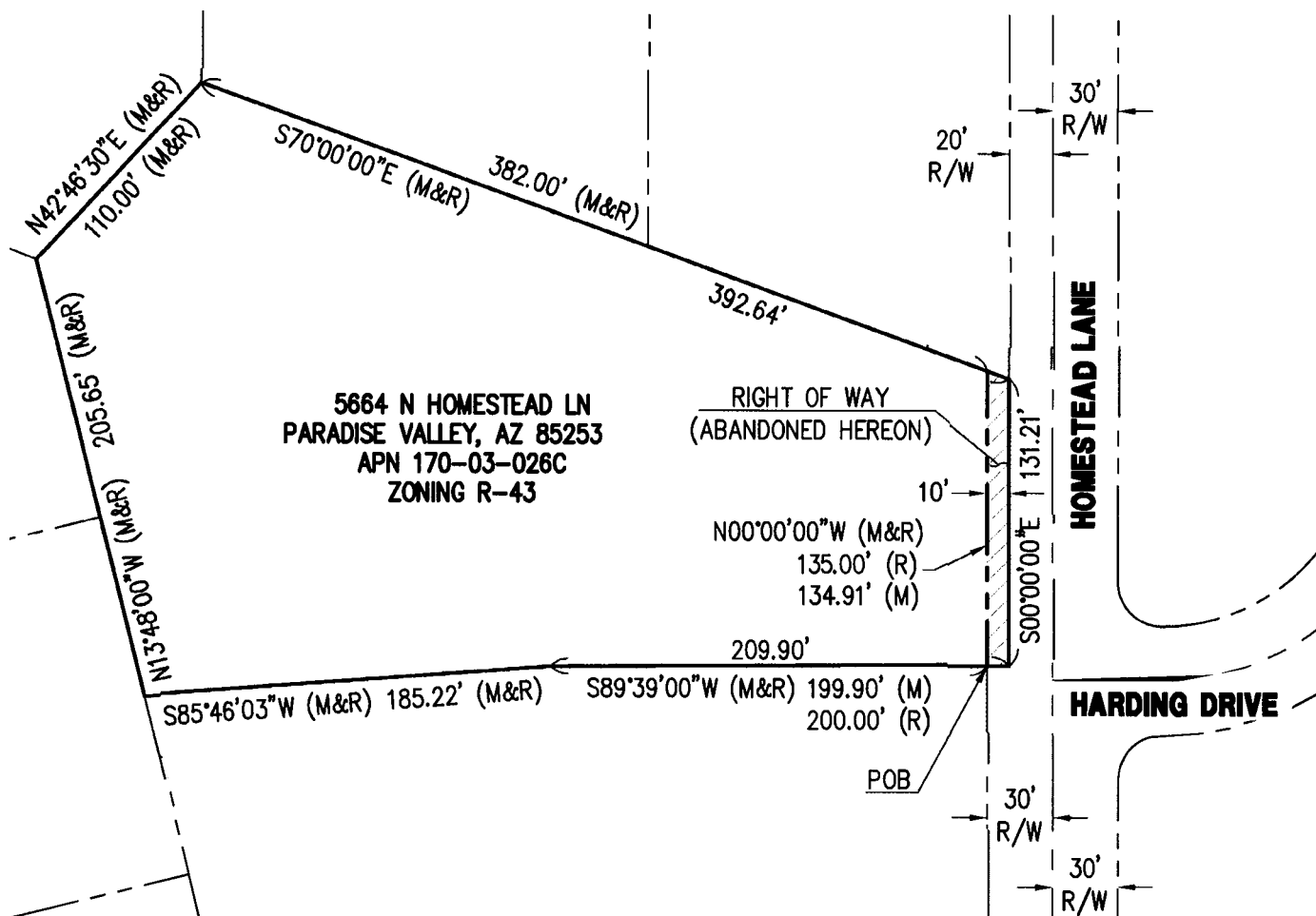


P 602 889 1984 | F 602 889 0501  
8808 N CENTRAL AVE., SUITE 288  
PHOENIX, AZ 85020  
PHOENIX @LDGENG.COM



# EXHIBIT 'A'

## 10' RIGHT OF WAY ABANDONMENT



ALL EASEMENT VALUES ARE CALCULATED,  
ALL OTHER VALUES ARE BASED ON RECORD  
INFORMATION.

P 602 889 1984 | F 602 889 0501  
8808 N CENTRAL AVE., SUITE 288  
PHOENIX, AZ 85020  
PHOENIX@LDGENG.COM

