

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

**ORDINANCE NUMBER 2018-06**

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING AND DIRECTING THAT FEE TITLE AND ROADWAY EASEMENTS IN CERTAIN TRACTS OF REAL PROPERTY BE ACQUIRED BY THE TOWN OF PARADISE VALLEY BY LAND EXCHANGE AS A MATTER OF PUBLIC USE AND NECESSITY**

WHEREAS, the Town of Paradise Valley (“Town”) desires to exchange certain tracts of land with the Franciscan Renewal Center, Inc., an Arizona non-profit corporation (“FRC”), and to compensate the FRC for the difference in value between the tracts being conveyed to the Town by FRC and the tract being conveyed to FRC by the Town.

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

**Section 1.** That it is deemed essential as a matter of public use and necessity that the Town exchange an eight foot wide tract of land of approximately 12,884 square feet, or .296 acres, as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the “Town Property”) with FRC, in exchange for fee title and roadway easements in certain tracts of land owned by FRC, said parcels identified as follows:

- a. fee title in certain real property that abuts Lincoln Drive, part of which is located in the Town and part of which is located in Maricopa County, which

varies in width between 33 feet (as to the west 331.11± feet thereof) and 40 feet (as to the east 662.17± feet thereof), and contains approximately 37,415 square feet, or .859 acres, as more particularly described in Exhibit B attached hereto and incorporated herein by reference (the “FRC Property”); and

b. roadway easements in 2 other parcels of real property; one being 15 feet wide and approximately 357 feet long, abutting Cactus Wren Road, and containing approximately 5,353 square feet, or .123 acres; and the second being 25 feet wide and approximately 993.33 feet long and containing approximately 24,834 square feet, or .570 acres, with the east 662.17± feet thereof being located in Maricopa County and the west 331.11± feet thereof located in the Town, said parcels are more particularly described in Exhibit C attached hereto and incorporated herein by reference (the “FRC Easement Properties”).

**Section 2.** That due to the difference in the fair market value of the FRC Property and FRC Easement Properties in comparison to the fair market value of the Town Property, the Town shall pay FRC for the difference in said values in order to make the exchange values equivalent, said amount being twenty-four thousand four hundred and ninety-nine dollars (\$24,999.00) (the “Equivalence Payment”).

**Section 3.** The Town Manager and the Town Attorney are hereby authorized and directed to perform all acts necessary to acquire title to the FRC Property and to obtain roadway easements in the FRC Easement Properties on behalf of the Town of Paradise Valley including: executing a land exchange agreement whereby the Town shall deed the Town parcel and pay the Equivalence Payment in exchange for the deeding of the FRC

Property and the granting of roadway easements on the FRC Easement Property; pay from Town funds the Equivalence Payment; pay the costs of obtaining an environmental assessment or any additional testing for the FRC Property and the FRC Easement Properties, if deemed necessary; and pay any usual and customary title insurance and closing costs.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 10th day of May, 2018.

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Michael Collins, Mayor

ATTEST:

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Duncan Miller, Town Clerk

APPROVED AS TO FORM:

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Andrew M. Miller, Town Attorney

## **EXHIBIT A**

THE EAST 8.00 FEET OF THE FINAL PLAT OF **LINCOLN DRIVE VISTA**, A SUBDIVISION AS RECORDED IN BOOK 52 OF MAPS, PAGE 46, MARICOPA COUNTY RECORDS, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

## **EXHIBIT B**

THE SOUTH 40.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA BEING PART OF THE **FRANCISCAN RENEWAL CENTER**, AS RECORDED IN BOOK 1092 OF MAPS, PAGE 47, MARICOPA COUNTY RECORDS, ARIZONA

and

THE SOUTH 33.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA BEING PART OF THE **FRANCISCAN RENEWAL CENTER**, AS RECORDED IN BOOK 1092 OF MAPS, PAGE 47, MARICOPA COUNTY RECORDS, ARIZONA

## EXHIBIT C

A ROADWAY EASEMENT FOR CACTUS WREN ROAD, OVER THE NORTH 15.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, TOGETHER WITH THE NORTH 15.00 FEET OF THE EAST 25.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER ALL IN SECTION 9, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA BEING PART OF THE **FRANCISCAN RENEWAL CENTER**, AS RECORDED IN BOOK 1092 OF MAPS, PAGE 47, MARICOPA COUNTY RECORDS, ARIZONA

and

A ROADWAY EASEMENT OVER THE NORTH 25.00 FEET OF THE SOUTH 65.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, TOGETHER WITH THE NORTH 25.00 FEET OF THE SOUTH 65.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, BEING A PORTION OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA BEING PART OF THE **FRANCISCAN RENEWAL CENTER**, AS RECORDED IN BOOK 1092 OF MAPS, PAGE 47, MARICOPA COUNTY RECORDS, ARIZONA