

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,**  
11 **AUTHORIZING THE VACATION OF CERTAIN RIGHT-**  
12 **OF-WAY PROPERTY LOCATED ALONG 5664 N**  
13 **HOMESTEAD LANE OWNED BY THE TOWN OF**  
14 **PARADISE VALLEY IN RETURN FOR CONSIDERATION**  
15 **COMMENSURATE WITH THE VALUE OF THE**  
16 **PROPERTY.**  
17

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

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

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

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

3 WHEREAS, the Town finds that \$22,000.00 and the other consideration noted  
4 above 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  
6 commensurate value of the Vacated Right-of-Way, the Owner and the Town will prepare  
7 the necessary 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  
11 parcel (the "Combined Property") and provide for a perpetual 10-foot wide public utility  
12 easement along the Homestead Lane frontage the full length of the Combined Property to  
13 accommodate utilities and be recorded by separate instrument; and

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

17 WHEREAS, the Town will prepare a warranty deed transferring ownership of the  
18 Vacated Right-of-Way from the Town to the Owner prior to recordation with the Maricopa  
19 County Recorder, Maricopa County, Arizona; and

20 WHEREAS, the Owner will prepare and provide for the Town's review a warranty  
21 deed by the Owner of the Combined Property prior to recordation with the Maricopa  
22 County Recorder, Maricopa County, Arizona; and

1           WHEREAS, the Owner shall be fully responsible for any and all costs associated  
2 with any required or voluntary relocation of utilities related to the Vacated Right-of-Way;  
3 and

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

16

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

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

7

ATTEST:

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

11

12

13 APPROVED AS TO FORM

14

15

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

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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  
9     certify that the foregoing is a full, true, and correct copy of Ordinance Number 2019-22  
10    duly passed and adopted by a majority vote of the Town Council at a meeting duly called  
11    and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019. Said Ordinance appears in the  
12    minutes of said meeting, and it has not been rescinded or modified and is now in full force  
13    and effect.  
14    I further certify that said municipal corporation is duly organized and existing and has the  
15    power to take the action called for by the Ordinance.

16  
17             I further certify that said Municipal Corporation is duly organized and existing, and  
18    has the power to take the action called for by the foregoing Resolution.  
19

20  
21  
22   \_\_\_\_\_  
23   Duncan Miller, Town Clerk  
24

25     **VOTE**

26  
27     AYES:

28  
29     NAYES:

30  
31     NOT PRESENT:

32  
33     ABSTAIN:

34  
35  
36     **PUBLISHED**  
37  
38  
39  
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**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.

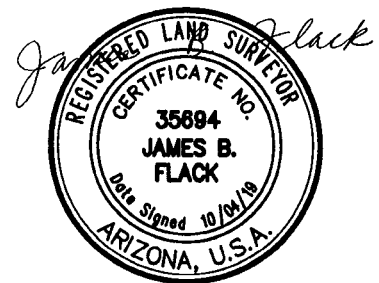
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**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.

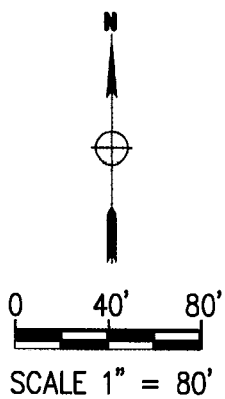
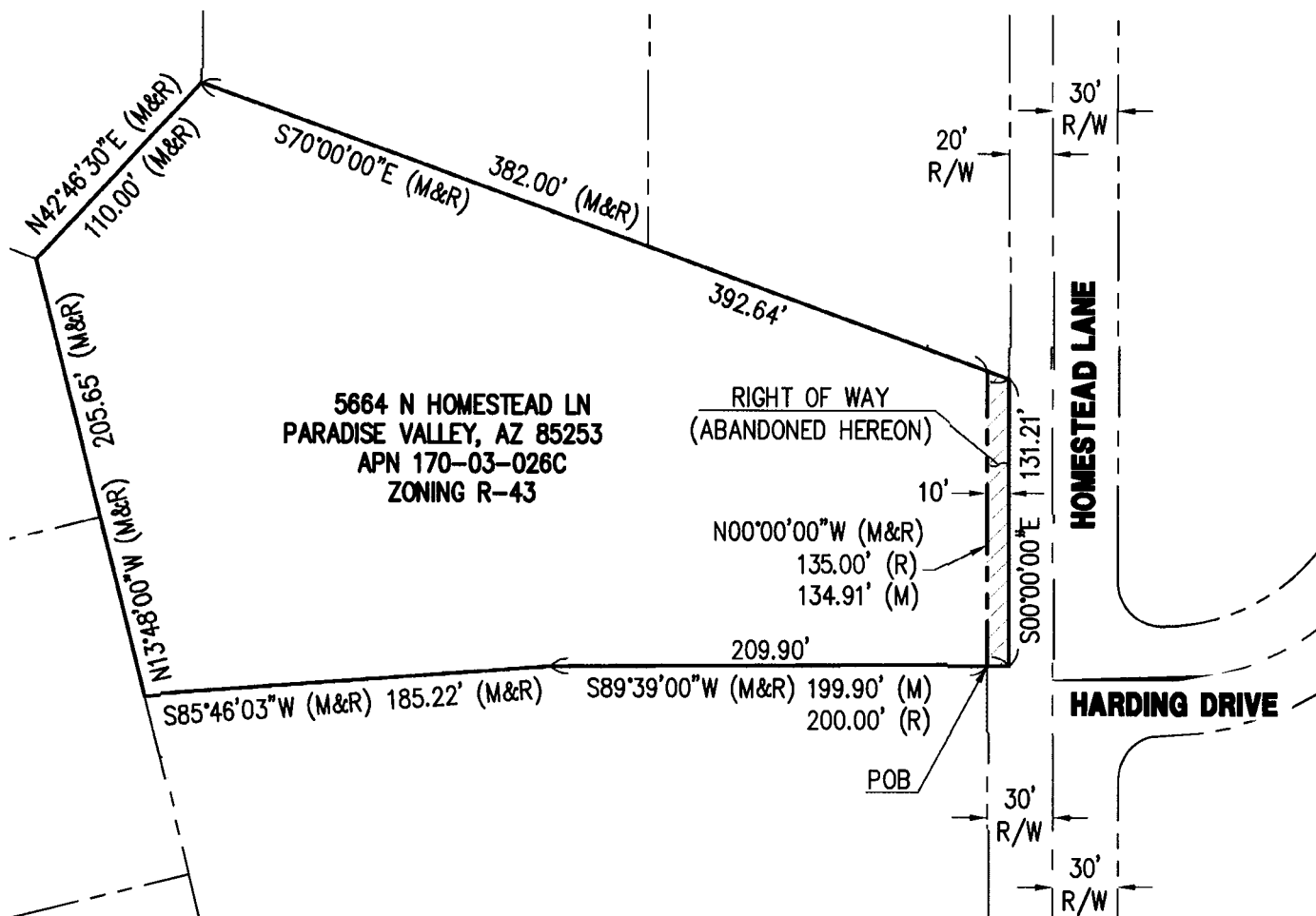


P 602 889 1984 | F 602 889 0501  
8808 N CENTRAL AVE., SUITE 288  
PHOENIX, AZ 85020  
PHOENIX @LDGENG.COM



# EXHIBIT 'A'

## 10' RIGHT OF WAY ABANDONMENT



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

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