



RESOLUTION 2013-901

A RESOLUTION FOR ABANDONMENT OF ROADWAY EASEMENT OF APPROXIMATELY 685 FEET OF ARENA DEL LOMA.

WHEREAS, the below described roadway easement is no longer necessary for public use as a roadway easement, being a roadway easement along Arena Del Loma along parcel 404-18-181D.

WHEREAS, pursuant to Resolution 89-97, a majority of the adjoining property owners filed a petition for abandonment with the Town, the matter has had notice of a public hearing duly published, necessary utility companies have been notified, and an abandonment plat prepared suitable for recording, and

WHEREAS, the Town acquired title to the public roadways within Town municipal limits by Resolution 710, Yavapai County Board of Supervisors, dated December 22, 1986, and recorded January 6, 1987, in Book 1893, Pages 124-125, and Official Records of Yavapai County, Arizona, and pursuant to ARS §9-477.C the title to all streets, alleys, parks and other parcels of ground reserved in a subdivision plat vests in the public upon filing of a final plat,

NOW THEREFORE THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, RESOLVES AS FOLLOWS:

- 1. Roadway Easement Abandonment.** The portion of the roadway easement along Arena Del Loma described in the plat incorporated herein as Exhibit A is no longer necessary for public use as a roadway easement, and therefore the Town shall abandon the approximately 685 feet just west of the Arena Del Loma and Montezuma Castle Highway.
- 2. Title Vesting.** Pursuant to ARS 28-7208, title to the abandoned roadway easement shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues, in the abutting owners of record as of the date of the recording of this resolution. The abandoned portion shall therefore vest in the owners of record of 404-18-181D.
- 3. Reservation of Easements.** Pursuant to ARS 28-7210, rights-of-way or easements of existing sewer, gas, water, or similar appurtenances, and for electric, telephone and similar lines and appurtenances, shall continue as they existed prior to the abandonment.
- 4. Consideration.** The Town is mandated under ARS §28-7208, to vest title to abandoned roadways only upon consideration being paid from the owner of the abutting property to which the roadway accrues, giving due consideration to its degree of fragmentation and marketability, and any public benefit received by the Town in return for the abandoned roadway easement. The Town has determined that the market value of the spur road is minimal, does not confer any additional value to the abutting properties, and is offset by the releasing of the Town from any maintenance or improvements of the roadway if it were ever established to connect with properties outside the subdivision.
- 5. Effective Date.** A governing body's resolution to dispose or abandon a public roadway easement shall take effect, under ARS 28-7213, when it is recorded in the office of the county recorder of the county in which the roadway lies.

PASSED AND ADOPTED BY THE Mayor and Common council of the Town of Camp Verde,
Yavapai county Arizona on the 20 day of November 2013.



Charlie German, Mayor

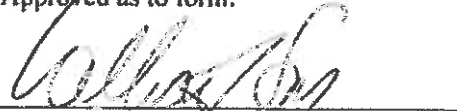
Attest:



Deborah Barber, Town Clerk

11-22-13

Approved as to form:



William J. Sims III, Town Attorney

Exhibit A

HAMMES SURVEYING LLC
2100 VIA SILVERADO
CAMP VERDE, AZ. 86322
(928)-567-2833 (928) 282-5686

Abandonment of a portion of Arena Del Loma (South Middle Verde Road) as recorded in Book 17, Page 33 of the Yavapai County records.

A 66.00 foot wide parcel of land lying 33.00 feet on either side of a center line, being located within the NE1/4 of Section 19, Township 14 North, Range 5 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being a portion of the Relocation of the South Middle Verde Road as recorded in Book 17, Page 33 of the Yavapai County Recorder's Office, said center line of being more particularly described as follows:

BEGINNING for reference at a GLO brass cap dated 1938, marking the North quarter corner of said Section 19, from which a GLO brass cap dated 1972, marking the WE 1/64 corner of said Section 19, bears North 89°38'48" East (BLM and basis of bearings for this description) as shown on that Dependent Resurvey performed by the United States Department of the Interior B.L.M. filed June 27, 1972, at a distance of 663.11 ft. (M);

thence from said North quarter corner of Section 19, South 00°13'34" East, 1322.46 feet (M), S 0 05' East, 1324.40 ft. (R) to the existing center line of said Arena Del Loma;

thence South 89 49' 32" E (M), South 89 53' 00" East (R), a distance of 1503.52 ft. (R&M) to existing Station PC 50+10.82 being the TRUE POINT OF BEGINNING for said abandonment of original center line and the beginning of a curve to the left having a radius of 233.62 ft. (R), a delta of 18 16' 00", lt. (R) and a tangent distance of 37.56 ft. (M);

thence along said curve to the left a distance of 74.48 ft. (R) to Station PT 50+85.30;

thence North 71 51'00" East (R), a distance of 149.72 ft. (R) to Station PC 52+35.02, being the beginning of a curve to the right having a radius of 516.21 ft. (R), a delta of 50 39' 00" rt. and a tangent distance of 244.27 ft. (R);

thence along said curve to the right, a distance of 456.33 ft. (R) to Station PT 56+91.35;

thence South 51 05' East (R) a distance of 34.38 ft. (R) to the approximate intersection of the Montezuma-Camp Verde Highway being Station PI 57+25.73 and the terminus of this center line.



10/10/2013
Expires 06/30/2016

HAMMES SURVEYING LLC
2100 VIA SILVERADO
CAMP VERDE, AZ. 86322
(928)-567-2833 (928) 282-5686

New Alignment for a portion of Arena Del Loma (South Middle Verde Road) as recorded in Book 17, Page 33 of the Yavapai County records.

A 66.00 foot wide parcel of land lying 33.00 feet on either side of a center line, being located within the NE1/4 of Section 19, Township 14 North, Range 5 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being a portion of the Relocation of the South Middle Verde Road as recorded in Book 17, Page 33 of the Yavapai County Recorder's Office, said center line of being more particularly described as follows:

BEGINNING for reference at a GLO brass cap dated 1938, marking the North quarter corner of said Section 19, from which a GLO brass cap dated 1972, marking the WE 1/64 corner of said Section 19, bears North 89°38'48" East (BLM and basis of bearings for this description) as shown on that Dependent Resurvey performed by the United States Department of the Interior B.L.M. filed June 27, 1972, at a distance of 663.11 ft. (M);

thence from said North quarter corner of Section 19, South 00°13'34" East, 1322.46 feet (M), S 0 05' East, 1324.40 ft. (R) to the existing center line of said Arena Del Loma;

thence South 89 49' 32" E (M), South 89 53' 00" East (R), a distance of 1503.52 ft. (R&M) to existing Station 50+10.82 being the TRUE POINT OF BEGINNING for said new center line;

thence North 88 51' 06" East (M), a distance of 85.56 ft. (M) to New Station 50+96.38, being the beginning of a curve to the left having a radius of 1063.87 ft., a long chord bearing of North 84 49' 48" East and a chord distance of 149.63 ft. (M);

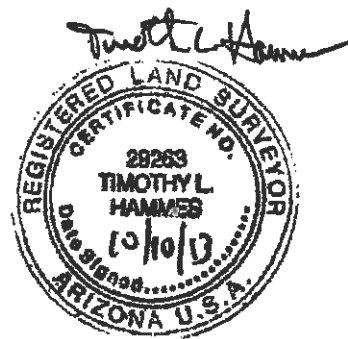
thence along said curve to the left, a distance of 149.75 ft. (M) to a New Station 52+46.13;

thence North 80 47' 50" East (M), a distance of 99.52 ft. (M) to New Station 53+45.65, being the beginning of a curve to the right having a radius of 990.57 ft. (M), a long chord bearing of North 85 23' 55" East and a chord distance of 158.53 ft. (M);

thence along said curve to the right a distance of 158.70 ft. (M) to New Station 55+04.35

thence East (M), a distance of 76.66 ft. (M) to New Station 55+81.01;

thence continuing East, a distance of 120.11 ft. (M) to the intersection of the existing center line of the Montezuma-Camp Verde Highway as recorded in Book 822, Page 730 of the Yavapai County records and the terminus of this center line.



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HAMMES SURVEYING LLC
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Dedication of a portion of the Montezuma-Camp Verde Highway as recorded in Book 822, Page 730 of the Yavapai County records.

A parcel of land being located within the NE1/4 of Section 19, Township 14 North, Range 5 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, being a dedication of a portion of the Montezuma-Camp Verde Highway as recorded in Book 822, Page 730 of the Yavapai County Recorder's Office, being more particularly described as follows:

BEGINNING for reference at a GLO brass cap dated 1938, marking the East quarter corner of said Section 19, from which a GLO brass cap dated 1938, marking the NE corner of said Section 19, bears North 00°02' 03" East (basis of bearings for this description), 2655.35 ft. (M), North 00 02' 23" East, 2655.42 ft. (R);

thence from said East quarter corner of Section 19, North 87°15'00" West, 423.49 feet (R1&M), to the existing center line of said Montezuma-Camp Verde Highway, being Station 242+74.71;

thence North 0 00' 02" East (M), North 00 10' East (R), a distance of 228.51 ft. (M) along the center line of said Montezuma-Camp Verde Highway to Station 240+46.20, being the TRUE POINT OF BEGINNING of this dedication;

thence North 89 50' 30" East, a distance of 12.33 ft. (R) to a point on the East line of the W1/2 of the E1/2 of the W1/2 of the E1/2 of the SE1/4 of the NE1/4 of said Section 19;

thence North 00 07' 45" West (M), a distance of 1076.92 ft. (M) along said East line of the W1/2 of the E1/2 of the W1/2 of the E1/2 of the SE1/4 of the NE1/4, from which the N1/16 lies North 89 44' 18" East, 413.95 ft. (C1);

thence South 89 44' 18" West, a distance of 82.79 ft. to the Northwest corner of said W1/2 of the E1/2 of the W1/2 of the E1/2 of the SE1/4 of the NE1/4;

thence North 00 00' 48" West, a distance of 663.31 along the East line of the W1/2 of the W1/2 of the SE1/4 of the NE1/4 of the NE1/4 of said Section 19 to its NE corner;

thence South 89 40' 57" West, a distance of 131.68 ft. along the North line of said W1/2 of the W1/2 of the SE1/4 of the NE1/4 of the NE1/4 of said Section 19 to a point on the Westerly right-of-way line of said Montezuma-Camp Verde Highway;

thence South 11 37' 58" East, a distance of 111.30 ft. along said Westerly right-of-way line of the Montezuma-Camp Verde Highway to beginning of a curve to the right having a radius of 5663.55 ft., a long chord bearing of South 05 48' 58" East and a chord distance of 1147.95 ft.;

thence along said curve to the right a distance of 1149.92 ft. along said Westerly right-of-way line of said Montezuma-Camp Verde Highway to a point;

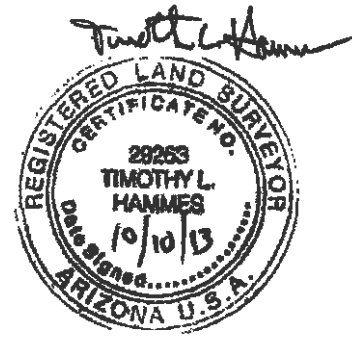
thence continuing along Westerly right-of-way line of said Montezuma-Camp Verde Highway, South 00 00' 02" West, South 00 10' West (R1), a distance of 488.32 ft. to a point;

thence North 89 50' 30" East, a distance of 66.00 ft. (R1) to the place of beginning.

(R)= Legal description furnished by Westcor Land Title Insurance Company, File # 25437EW, dated 7/23/2013 at 7:30 am.

(R1)= Bk. 822, pg. 730

(M)= Measured



10/10/2013
Expires 06/30/2016

APPROVED BY:

TOWN OF CAMP VERDE DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE:

MAYOR OF THE TOWN OF CAMP VERDE

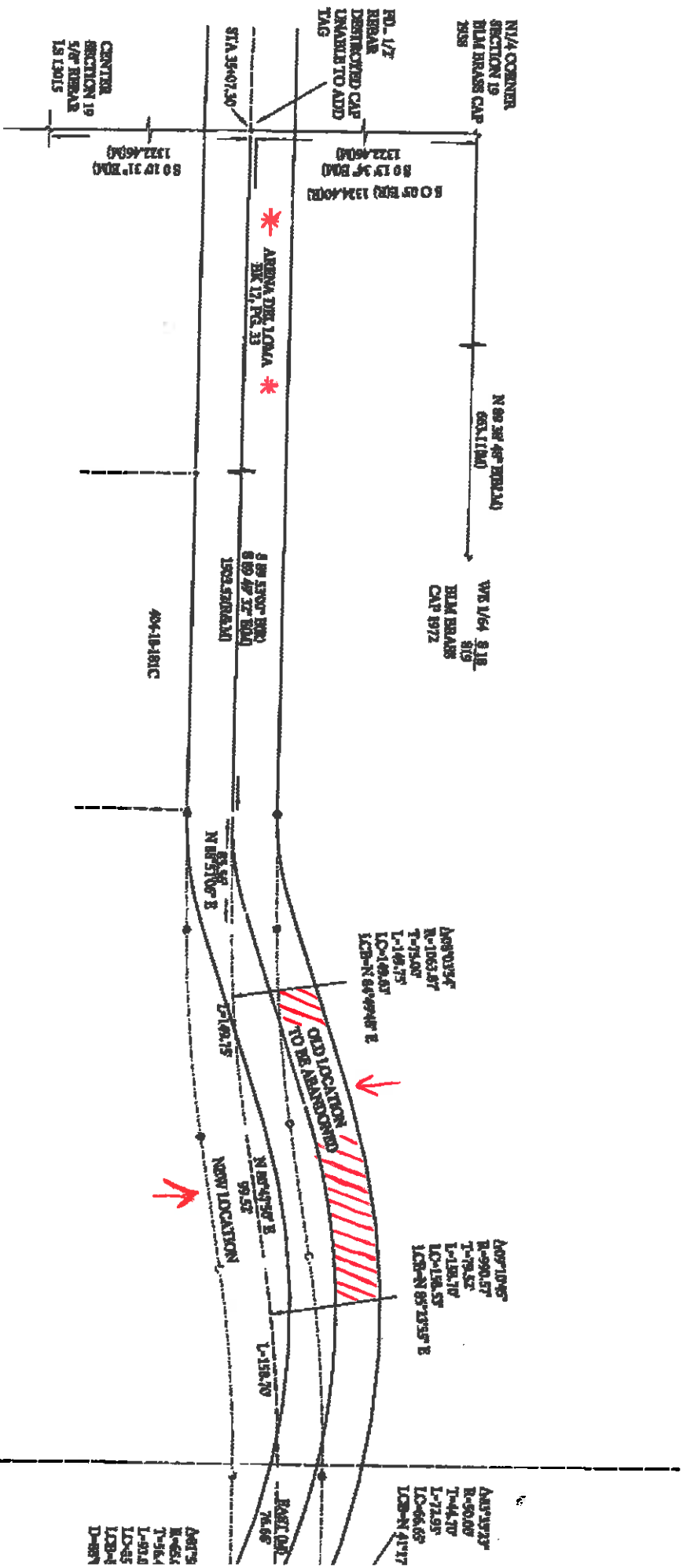
DATE:

ENGINEER OF THE TOWN OF CAMP VERDE

DATE:

CLERK OF THE TOWN OF CAMP VERDE

DATE:



THIS PLAN IS SUBJECT TO ALL REGULATIONS AND ORDINANCES OF THE TOWN OF CAMP VERDE AND THE STATE OF ARIZONA. THE TOWN ENGINEER AND THE TOWN CLERK SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE TOWN ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

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DATE: 10/15/2015

BY: [Signature]

TITLE: [Title]

PETITION

Property Address : 1600 Montezuma Castle Rd., Camp Verde, AZ 86322

Yavapai County Tax parcel number: 404-18-181D

RE: Request for Abandonment of right of way on Arena Del Loma Camp Verde, AZ 86322

Owners: Rajna Capadu, LLC, Randy J Evans, Attorney in Fact, as agent

420 N Humphrys, Flagstaff, AZ 86001


Summary of Action~ The owners in doing an ALTA Survey recently found that Arena Del Loma as you enter from Montezuma Castle Rd was encroaching on our private lands. That the easement/right of way that was created and recorded for Arena Del Loma did not match the actual physical street that is being used. In an effort to cure the encroachment Tim Hamas the surveyor created a legal description and map of the area to be able to change the location to the actual street now being used to elevate the encroachment issue. Refer to Exhibit "A" Legal Description of the correction and Exhibit "B" survey map showing Arena Del Loma area of encroachment and correction requested.

The owners respectfully request that the Town of Camp Verde allow this correction to clear up the encroachment and abandon the existing right of way area they were never using.


The owners being more than 51% ownership each side of Arena Del Loma and the area in question hereby attest their approval of this change.

By reference Exhibit "A" and "B" shall become part of this Petition

APPROVED AND ACCEPTED:



Rajna Capadu, LLC, Randy J Evans, Attorney in Fact, as agent



Date