



RESOLUTION 2018-1015

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA TO ABANDON A PORTION OF AN ALLEY AND ASSOCIATED REVERSION TO ACREAGE TO LOTS 1 AND 2, BLOCK 12, PARCEL NUMBER 404-23-013A, AND LOT 3, BLOCK 12, PARCEL NUMBER 404-23-013B, WITHIN THE CAMP VERDE TOWNSITE SUBDIVISION; EXTENDING FROM NICHOLS STREET SOUTH FOR APPROXIMATELY 140 FEET.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011, and

WHEREAS, The Town of Camp Verde Planning and Zoning Ordinance and Subdivision Regulations Part 5, Section 509 D5,6 and 7 provide regulations regarding the abandonment and dedication of street right of ways, subdivisions or easements, and;

WHEREAS, On April 4, 2018, the Town Council was apprised of the potential abandonment at their regular meeting and was asked for direction relating to this abandonment by Economic Development Director, Steve Ayers; and

WHEREAS, On a motion by Councilor Baker, seconded by Councilor Gordon, a motion to direct staff to work with the owners of the adjacent properties to facilitate an abandonment of the proposed alley was unanimously approved; and

WHEREAS, After agency review, a public hearing before the Planning and Zoning Commission was scheduled to formulate a recommendation to the Town Council; and;

WHEREAS, A public hearing was held before the Planning and Zoning Commission on November 1, 2018, according to law and the Town of Camp Verde Planning and Zoning Commission forwarded a recommendation of approval to the Town Council for Resolution 2018-1015.

NOW THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, HEREBY DECLARES AS FOLLOWS:

1. That the abandonment of a portion of an alley, legally described on Exhibit A, and associated reversion to acreage to Lots 1 and 2, Block 12, Parcel number 404-23-013A, and Lot 3, Block 12, Parcel number 404-23-013B, within the Camp Verde Townsite subdivision; extending from Nichols Street south for approximately 140 feet. Is beneficial to the Town of Camp Verde and will not constitute a threat to the health, safety, welfare or convenience to the general public, the abandoned property is not necessary for public use as a roadway and has no market value and should be approved.
2. All currently existing rights of way or easements are reserved pursuant to A.R.S. 28-7210.

3. Owners shall submit an executed agreement for receipt of the vacated property containing terms acceptable to the town for utility procedures, maintenance and release of the town that shall be recorded with this resolution.
4. The abandonment of the property herein shall be conditioned upon the execution and recordation of the Agreement signed by the owners as set forth in 3 above and recordation of this resolution.

PASSED AND ADOPTED AT A REGULAR SESSION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ON NOVEMBER 28, 2018.



Charles C. German, Mayor

Attest:



Judith Morgan, Town Clerk

12/5/2018

Date

Approved as to Form:



Town Attorney



Southwest Geographic Services

Date: Thursday, October 04, 2018
Job No.: 2017-138-Meier



P.O. Box 2701
Cottonwood, AZ 86326
(928) 239-9525 voice
martine@commspeed.net

Legal Description "Meier Alley Abandonment"

A parcel of land located in the West half of Section 32, Township 14 North, Range 5 East of the Gila and Salt River Meridian, Yavapai County, Arizona and more particularly described as follows:

Commencing at a found aluminum capped iron bar stamped "Dale Stone LS 12218" in hand hole partially illegible at the West quarter corner of said Section 32, thence S 89°45'00" E along the midsection line of said Section 32, (S 89°45'00" E record per Book 655 page 548 in the records of Yavapai County Recorder's Office and the Basis of Bearings for this description) for a distance of 800.63 feet to a found ½" rebar with cap stamped "LS 26925 found and accepted";

Thence S00°13'30" W for a distance of 25.10 feet to a point at the Northeast corner of this description and **THE TRUE POINT OF BEGINNING:**

Thence continuing S 00°13'30" W for a distance of 40.11 feet to a found ½" rebar with illegible cap at the Northwest corner of that certain parcel of land described in Document number 2016-0040890, Yavapai County recorder's Office;

Thence continuing S 00°13'30" W along said parcel described in Document number 2019-0040890 for a distance of 34.31 feet to a point;

Thence N 89°46'30" W for a distance of 13.27 feet to the Southeast corner of Lot 2, Block 12, Camp Verde Townsite Plat recorded in Book 2, of Plats page 62, Yavapai County Recorder's Office;



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P.O. Box 2701
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Thence N 00°13'30" E along said Block 12, for a distance of 74.42 feet to the Northeast corner of Lot 1, of said Block 12;

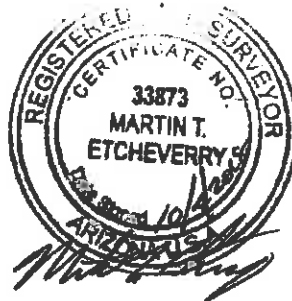
Thence S 89°46'30" E for a distance of 13.27 feet to **THE TRUE POINT OF BEGINNING.**

Parcel contains 987.73 square feet more or less.



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Legal Description "Remainder Alley Abandonment"

A parcel of land located in the West half of Section 32, Township 14 North, Range 5 East of the Gila and Salt River Meridian, Yavapai County, Arizona and more particularly described as follows:

Commencing at a found aluminum capped iron bar stamped "Dale Stone LS 12218" in hand hole partially illegible at the West quarter corner of said Section 32, thence S 89°45'00" E along the midsection line of said Section 32, (S 89°45'00" E record per Book 655 page 548 in the records of Yavapai County Recorder's Office and the Basis of Bearings for this description) for a distance of 800.63 feet to a found ½" rebar with cap stamped "LS 26925 found and accepted";

Thence S00°13'30" W for a distance of 25.10 feet to a point;

Thence continuing S 00°13'30" W for a distance of 40.11 feet to a found ½" rebar with illegible cap at the Northwest corner of that certain parcel of land described in Document number 2016-0040890, Yavapai County recorder's Office;

Thence continuing S 00°13'30" W along the West line of said parcel of land described in Document number 2016-00401890, for a distance of 34.31 feet to **THE TRUE POINT OF BEGINNING:**

Thence continuing S 00°13'30" W along the West line of said parcel of land described in Document number 2016-00401890, for a distance of 40.0 feet to a point;

Thence N 89°46'30" for a distance of 13.27 feet to the Southeast corner of Lot 3, Block 12, Camp Verde Townsite Plat recorded in Book 2, of Plats page 62, Yavapai County Recorder's Office;



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Thence N 00°13'30" E along the East line of said Block 12, for a distance of 40.00 feet to a found ½" rebar at the Southeast corner of lot 2, of said Block 12;

Thence S 89°46'30" E for a distance of 13.27 feet to **THE TRUE POINT OF BEGINNING.**

Parcel contains 530.90 square feet more or less.

Agreement for Receipt of Property from the Town of Camp Verde

The parties of this agreement are the Town of Camp Verde, Arizona, a municipal corporation (hereinafter referred to as the "Town") and Little Thunder Family Partnership LLP, Adene Carmichael, Agent, and Andrew Dickey (hereinafter referred to as "Owners") of certain property adjacent to the alley property which has been abandoned by the Town pursuant to Resolution 2018-1015.

The Parties agree as follows:

- 1. Abandonment:** The Town of Camp Verde has abandoned or will abandon a certain portion of an alley, described and attached as Exhibit "A", and associated reversion to acreage to Lots 1 and 2, Block 12, Parcel number 404-23-013A, and Lot 3, Block 12, Parcel number 404-23-013B, within the Camp Verde Townsite subdivision; extending from Nichols Street south for approximately 140 feet. The Town has abandoned this property to Owners, and Owners shall from the date of the signing of this Agreement own the Property in fee simple title subject to the easements and rights described herein. These rights shall run with the land and exist in perpetuity.
- 2. Easements:** The parties agree that Owners shall own the Property subject to the following easements and rights of the Town of Camp Verde, and utility companies which have existing utility lines, pipes or other utility facilities within the boundaries of the Property.
 - a.** An easement shall be reserved to any utility company which presently has utility lines, pipes or other utility facilities located within the boundaries of the Property for the purpose of maintenance, repair or reconstruction, and the right of ingress and egress for same. This easement shall run with the land and exist in perpetuity.
- 3. Maintenance:** Owners shall landscape or otherwise improve/cleanup the Property within ninety (90) days of the signing of this Agreement. In addition, the Owners shall:
 - a.** Be solely responsible for maintaining any improvements placed upon the Property. This maintenance shall be the sole responsibility of the Owner or any future Owner(s) of the Property.
 - b.** Comply with any other requirements and procedures for abandonment of Town property in accordance with the Town Community Development Department.
- 4. Permits:** Owners shall be responsible for obtaining all and any permits required by the Town or other governmental agency before beginning any improvements.
- 5. Release:** Owner acknowledges and agrees that ownership of the property is subject to the Town's and any existing utility company's easement right for the purposes of construction, installation, maintenance, repair or exploration of existing or future utilities, sidewalks or other pedestrian type easements or the like. Owner hereby releases the Town from any and all liability or responsibility for damage or injury to persons or property upon the property except such damage or injury as is caused by the acts or omissions of the Town.

Dated this 19th day of November, 2018.

Owner Edward Knipp co-general partner

STATE OF ARIZONA

COUNTY OF Maricopa

I, Charlene Pillar, a Notary Public, do hereby certify that on this 19 day of NOV, 2018, personally appeared before me Edward Knipp

known to me to be the person whose name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed,

and that the statements contained therein are true and correct.

Charlene Pillar

Notary Public, State of Arizona

My Commission Expires 8-16-21



CHARLENE PILLAR
NOTARY PUBLIC
STATE OF ARIZONA
MARICOPA County
My Commission Expires
AUGUST 16, 2021

- 6. Reversion:** In the event that the Owners or any future Owner violates the conditions of this Agreement, fee simple title to the property shall revert to the Town of Camp Verde, however, the Town shall first have to file a lawsuit in a court of competent jurisdiction within Yavapai County to enforce this Agreement. In any such lawsuit filed by the Town, the Town shall have the right to reversion of fee simple title to the Property in addition to any other remedies the Town may have of law or in equity. Nothing in this paragraph shall limit the remedies Owners may have against the Town at law or in equity.
- 7. Other Documents:** The parties agree to make and execute any other documents reasonably necessary to effectuate the promises and covenants in this Agreement, including, but not limited to executing formal easement documents which are in recordable form.
- 8. Recording:** This Agreement and Resolution 2018-1015 shall be recorded in the Office of the Yavapai County Recorder, as an easement and covenant, which shall run with the land in perpetuity. This Agreement and Resolution 2018-1015 is intended to bind the Owners and any future Owner of the Property with respect to the use and maintenance of the Property.

Dated this 19 day of November, 2018.

Owner Adena Carmichael - Co-general partner

STATE OF ARIZONA

COUNTY OF Maricopa

I, Charlene Pillar, a Notary Public, do hereby certify that on this 19 day of Nov, 2018, personally appeared before me Adena Carmichael

known to me to be the person whose name is subscribed to the foregoing instrument, and swore and

acknowledged to me that he executed the same for the purpose and in the capacity therein expressed

and that the statements contained therein are true and correct.

Charlene Pillar

Notary Public, State of AZ

My Commission Expires: 8-16-21



CHARLENE PILLAR
NOTARY PUBLIC
STATE OF ARIZONA
MARICOPA County
My Commission Expires
AUGUST 16, 2021