

When Recorded, Mail To:

Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, AZ 86314

RESOLUTION NO. 1702

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY NO LONGER NECESSARY FOR PUBLIC USE, KNOWN GENERALLY AS LONE DRIVE IN UNIT 9, PRESCOTT VALLEY; PROVIDING, HOWEVER, THAT VESTING OF TITLE WITH REGARD TO EACH PORTION OF THE VACATED RIGHT-OF-WAY ABUTTING AND CONTIGUOUS TO INDIVIDUAL LOTS SHALL BE SUBJECT TO PAYMENT OF CONSIDERATION BY LOT OWNERS; AND DECLARING THIS RESOLUTION TO BE AN EMERGENCY MEASURE PURSUANT TO ARS §19-142(B) AND §2-05-060 OF THE PRESCOTT VALLEY TOWN CODE.

WHEREAS, Prescott Valley Town staff has determined that it would be desirable to vacate a portion of Lone Drive not actually being needed as right-of-way, pursuant to ARS §28-7202; and

WHEREAS, vacation of such right-of-way not needed for public use may be accomplished by resolution of the Mayor and Council without additional hearing, so long as necessary easements and accesses are preserved, pursuant to ARS §§28-7205, 28-7210, 28-7211 and 28-7213; and

WHEREAS, if less than the entire width of the roadway is vacated, title to the vacated portion vests in the owners of the land abutting the vacated portion, pursuant to ARS §28-7205(2); and

WHEREAS, upon passage and recording of this Resolution, payment of necessary consideration within the required period (ARS §28-7208), and receipt of a deed from the Town evidencing payment, title to the immediately adjacent and contiguous portion of Lone Drive shall vest in the owners of the abutting lot 6041, Unit 9, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, THAT:

1. The portion of the public right-of-way described as Lone Drive in that certain subdivision known as Prescott Valley, Unit 9, be hereby **VACATED**, said portion of vacated public right-of-way being more particularly described as follows:

(See Exhibit "A" attached hereto and expressly made a part hereof.)

2. That actual vesting of title in the immediately adjacent and contiguous portions of vacated Lone Drive to owners of adjacent real property shall not occur until a quit-claim deed is executed and delivered to said owners from the Town of Prescott Valley, describing that portion of Lone Drive being vacated and evidencing payment to the Town of \$3.50 a square foot therefor. In the event payment is not so received by the Town and a quit-claim deed is not executed and delivered as described, the action of vacating said portion of the Lone Drive pursuant to this Resolution shall be **null and void** and that portion shall remain public right-of-way.

3. The Mayor, or in his absence the Vice-Mayor, is hereby authorized to sign such deeds and other documents as may be necessary to accomplish vesting of title in the appropriate portions of vacated right-of-way, as provided herein.

4. Inasmuch as it is necessary for the peace, health, and safety of the Town of Prescott Valley that this Resolution be effective immediately upon its passage and approval according to ARS §19-142(B) and §2-05-060 of the Town Code (due to the need to accommodate development plans of the owner of the adjacent lot), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 27th day of May, 2010.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

EXHIBIT "A"

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QUIT-CLAIM DEED
[ARS §33-402(1)]

FOR THE CONSIDERATION of Ten Dollars (\$10.00) and other good and valuable consideration (the receipt of which is hereby acknowledged), the Town of Prescott Valley, a municipal corporation of Arizona, GRANTOR, hereby quit-claims to:

Donald Ken La Rue & Jamie Reinhardt-La Rue

GRANTEE, all of its interest in real property located in Yavapai County, Arizona, said property being more specifically described as follows:

DATED this ____ day of _____, 20__.

GRANTOR:

Town of Prescott Valley.
a municipal corporation of Arizona

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

NO AFFIDAVIT OF LEGAL VALUE OR FEE REQUIRED, per ARS §11-1134(A)(3)

STATE OF ARIZONA)
) ss:
County of Yavapai)

This instrument was acknowledged before me this ___ day of _____, 20___, by HARVEY C. SKOOG, Mayor, and DIANE RUSSELL, Town Clerk, respectively, of the Town of Prescott Valley, a municipal corporation of Arizona.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:
