

RESOLUTION NUMBER 2853

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE CERTAIN PUBLIC ROADWAY LOCATED WITHIN THE CITY OF COTTONWOOD WHICH HAS BEEN FOUND TO BE NO LONGER NECESSARY FOR PUBLIC USE AND RESERVING A PUBLIC UTILITY EASEMENT AND A DRAINAGE EASEMENT OVER THE SAME.

WHEREAS, the City of Cottonwood, Arizona (the "City") is the owner of certain real property located within the City of Cottonwood, Arizona, as described and depicted on Exhibit A, which is incorporated herein by reference (the "Property"); and

WHEREAS, ARIZ. REV. STAT. § 28-7201 *et seq.* provides that the City may dispose of a public roadway or a portion thereof that is no longer necessary for public use; and

WHEREAS, the Green Family Trust ("Green") desires to acquire title to the Property and has asserted compliance with the requirements of ARIZ. REV. STAT. § 28-7206 *et seq.*; and

WHEREAS, the Mayor and Council of the City of Cottonwood have determined that subject to the requirements, reservations and limitations of this Resolution, the Property has no public use pursuant to ARIZ. REV. STAT. § 28-7215(B); and

WHEREAS, Green agrees to assume the cost of maintaining and the liability for the Property pursuant to ARIZ. REV. STAT. § 28-7215(B).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Subject to the reservation below, the Property, described and depicted on Exhibit A, is hereby abandoned by the City of Cottonwood.

SECTION 3. The City reserves to itself and excludes from this abandonment such rights and interest, if any, as are required to be reserved by ARIZ. REV. STAT. § 28-7210.

SECTION 4. Upon recordation of this Resolution in the office of the Yavapai County Recorder, title to the Property shall vest in Green, subject to the same

encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues and the terms of this Resolution.

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the City of Cottonwood, Arizona, _____, 2016.

FOR THE CITY OF COTTONWOOD:

ATTESTED TO:

Diane Joens, Mayor

Marianne Jimenez, City Clerk

APPROVED AS TO FORM:

Steven B. Horton, City Attorney

EXHIBIT A
TO
RESOLUTION NO. _____

[Legal Descriptions and Maps]

See following pages.