

**TOWN OF CAREFREE, ARIZONA
RESOLUTION 2022-14**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA,
DECLARING THAT CERTAIN PORTIONS OF A VEHICULAR NON-ACCESS
EASEMENT AND ALL PORTIONS OF A 20-FOOT ACCESS EASEMENT AND
10-FOOT UTILITY EASEMENT IS NO LONGER NECESSARY FOR PUBLIC USE
WITHIN THE TOWN AND DECLARING SUCH EASEMENTS ABANDONED AND
PORTIONS THEREOF TO THE PROPERTY OWNERS**

WHEREAS, the owners of lots 6 and 9 of Nighthawk on Black Mountain subdivision have requested the abandonment portions of a vehicular non-access easement and all portions of a combined 20-foot access easement and 10-foot utility easement located along Never Mind Trail; and

WHEREAS, these lots are located within the corporate limits of the Town of Carefree; and

WHEREAS, the Planning Director and Town Engineer have assessed the potential for future improvements along this segment of Never Mind Trail and have determined that these easements and partial easements are no longer necessary for public purposes; and

WHEREAS, the Town of Carefree's Planning and Zoning Commission, on June 13, 2022, considered the issues, voted to recommend approval of the Application, and forward such recommendation to the Town Council, and

WHEREAS, after reviewing all the facts and testimony given, the Council finds that these easements and partial easements are not necessary for the public welfare, use, and convenience;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, ARIZONA,

1. That certain easements associated with the Nighthawk on Black Mountain Subdivision recorded in Docket 2006-1068285, Records of Maricopa County, Arizona, and more particularly described and shown in Exhibit "A", are hereby declared abandoned subject to conditions of approval described and shown in Exhibit "B".

2. That the Town Clerk is hereby authorized and directed to record a copy of this Resolution with the Maricopa County Recorder evidencing the abandonment of said easements.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Carefree, Arizona, this 5th day of July, 2022.



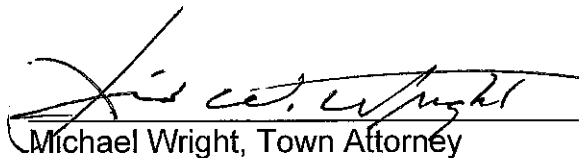
Les Peterson, Mayor

ATTEST:

APPROVED AS TO FORM:



Kandace French Contreras, Town Clerk



Michael Wright, Town Attorney

The following exhibits are attached hereto and incorporated herein:

1. Exhibit "A"
2. Exhibit "B"

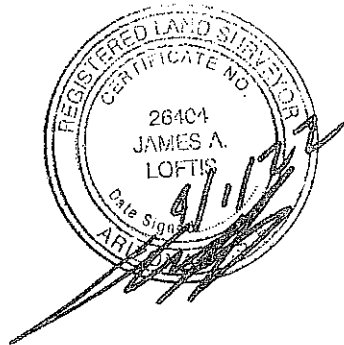
7 ayes 0 Nays 0 Absent + Abstain

EXHIBIT A: LEGAL INSTRUMENTS

EXHIBIT "A"

Legal Description
For
20' Utility and Access Easement Abandonment
for Lots 6 and 9

That certain 20' Access Easement lying between Lot 6 and Lot 9 as shown on **NIGHTHAWK ON BLACK MOUNTAIN**, a Subdivision Plat recorded in Book 857 of Maps, Page 28, records of Maricopa County, Arizona, lying in the Northeast quarter of Section 34, Township 6 North, Range 4 East of the Gila and Salt River base and Meridian.

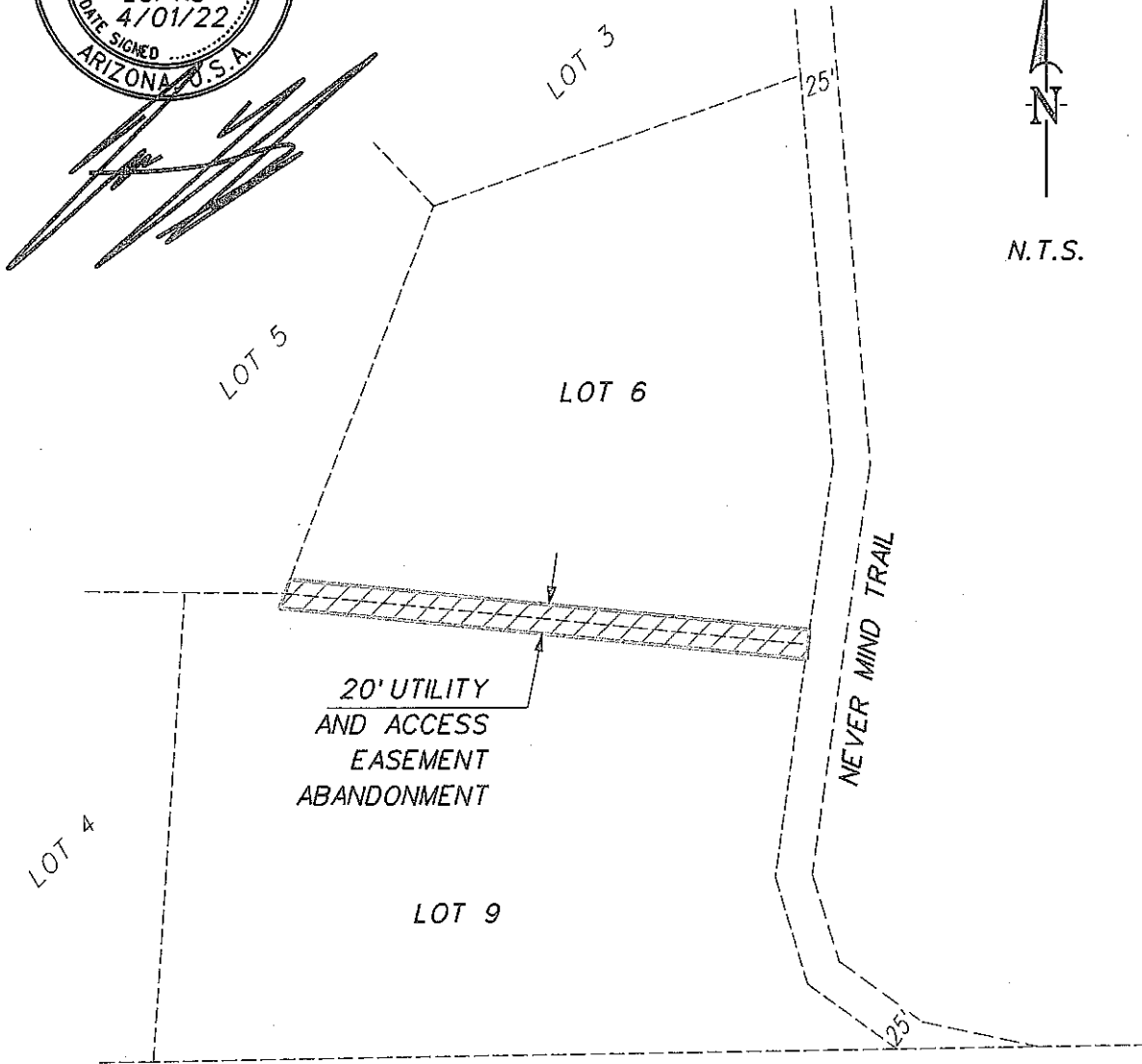


EVERETTALAN
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6300 E. Cave Creek Road, Ste. 202 ☐ Cave Creek, Arizona 85331
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Job No. 200622

EXHIBIT "B"

LOT 6 AND 9 FINAL PLAT OF
NIGHTHAWK ON BLACK MOUNTAIN
BK 857, PG 28 M.C.R.



HAWKNEST PHASE I AND II
BK 367 PG 13

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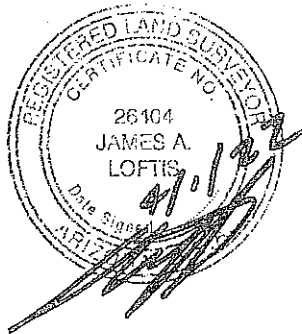
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EXHIBIT "A"

Legal Description
For
10' Utility Easement Abandonment
for Lots 6 and 9

That certain 10' Utility Easement lying between Lot 6 and Lot 9 of NIGHTHAWK ON BLACK MOUNTAIN, a Subdivision Plat recorded in Book 721 of Maps, Page 35, AND created by Instrument 2005-1453813, records of Maricopa County, Arizona, lying in the Northeast quarter of Section 34, Township 6 North, Range 4 East of the Gila and Salt River base and Meridian.

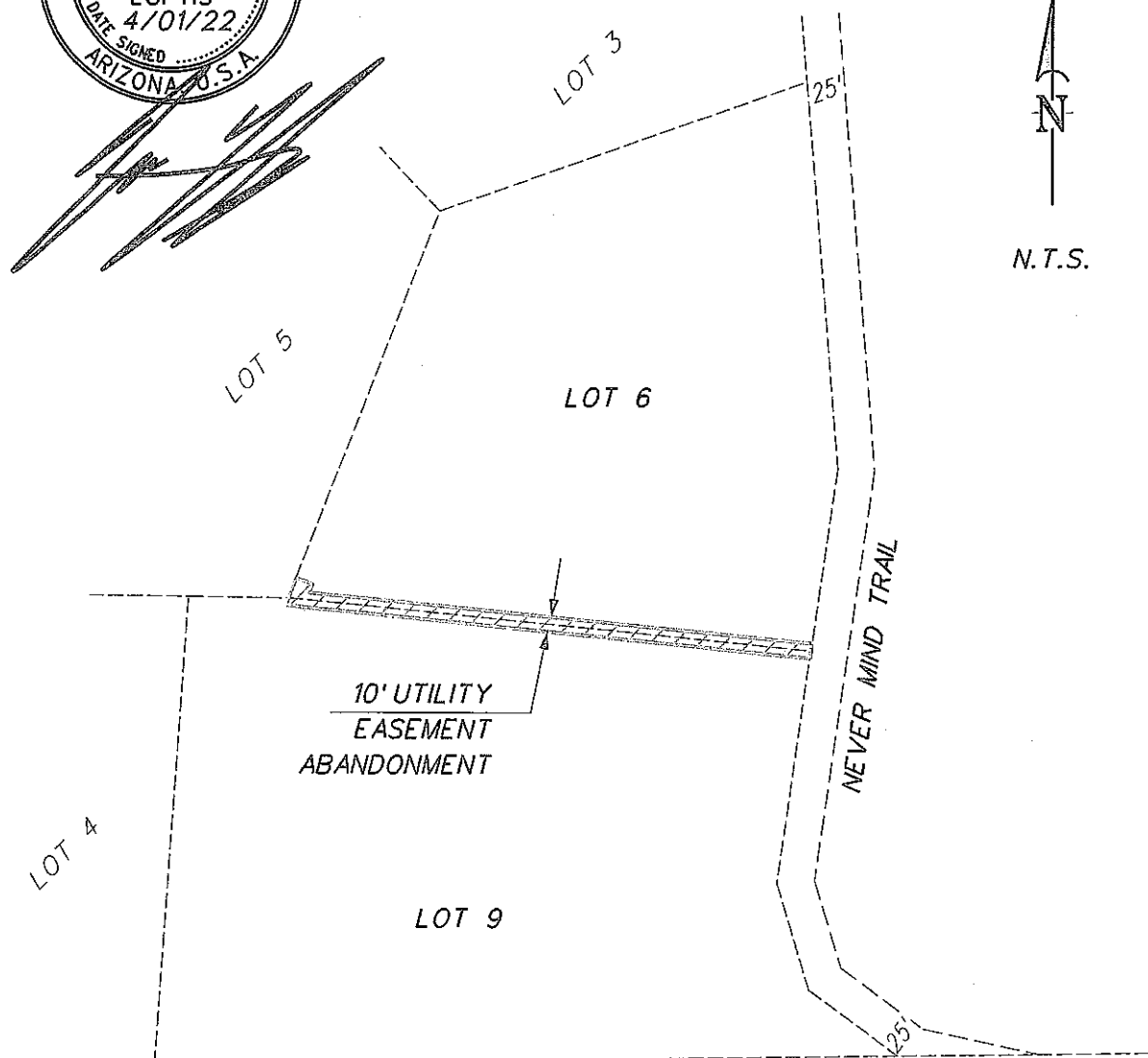
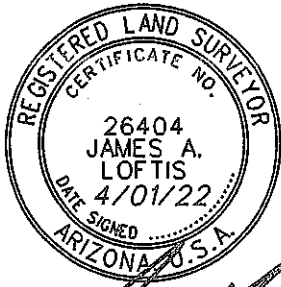


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LOT 6 AND 9 FINAL PLAT OF
NIGHTHAWK ON BLACK MOUNTAIN
BK 857, PG 28 M.C.R.



HAWKNEST PHASE I AND II
BK 367 PG 13

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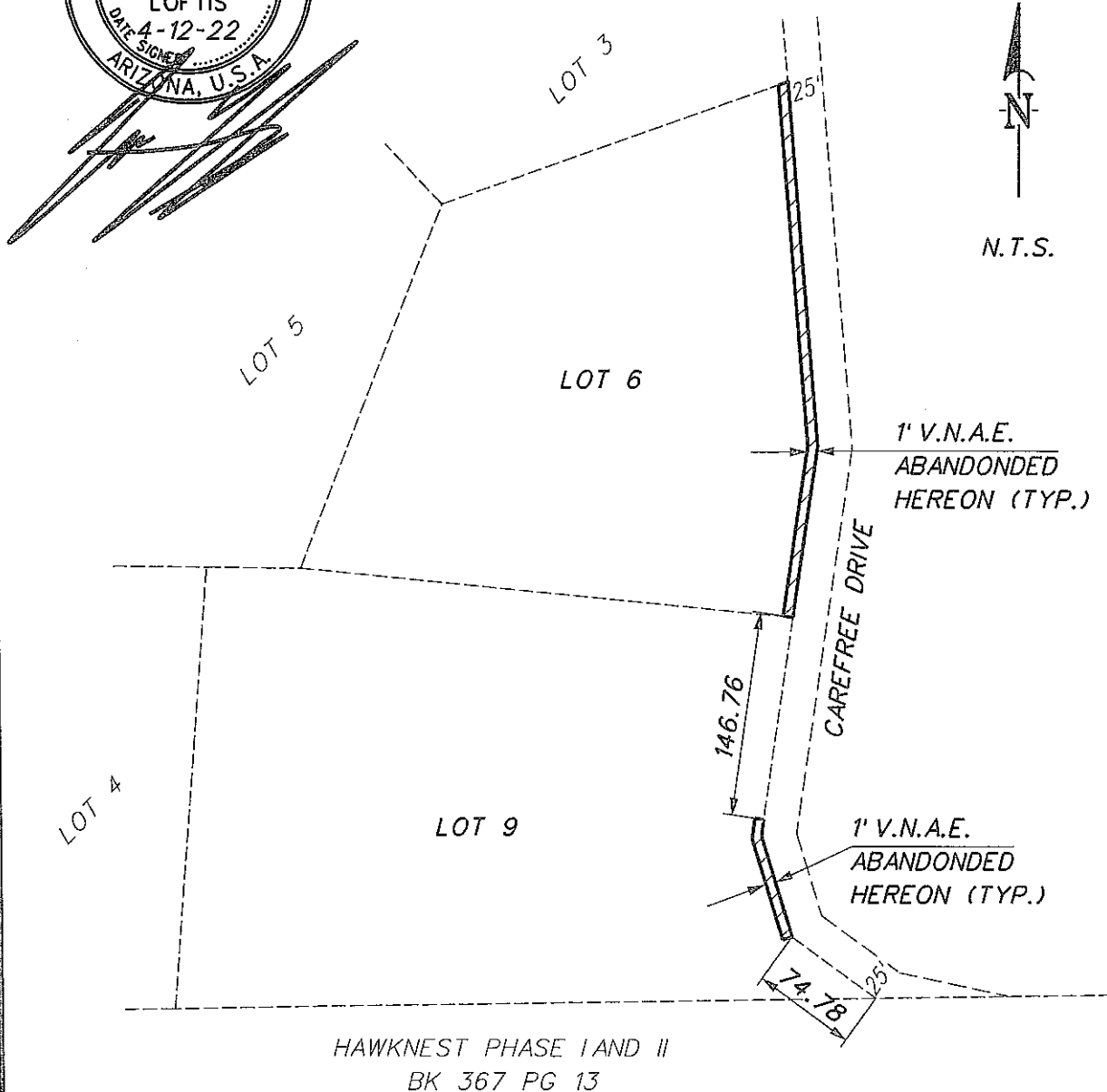
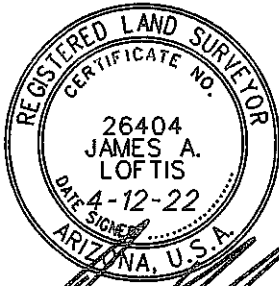
EXHIBIT B: CONDITIONS OF APPROVAL

These abandonments shall be conditioned upon the following:

1. Finalization of the abandonment of the utility easement shall occur after the approval of the Mountainside development application for the second of the two lots to be developed (Lot 6), which shall include an electrical service design;
2. All utility services shall be from Never Mind Trail;
3. All utility lines shall be located underneath or within 5 feet of each driveway;
4. Prior to issuance of a building permit, each property owner shall record a new document that rededicates the VNAE except for 20 feet at each driveway entrance;
5. The existing disturbance shall be revegetated with native plants that conform to the density of plants in the surrounding natural environment following utility removals.

EXHIBIT "B"

LOT 6 AND 9 FINAL PLAT OF
NIGHTHAWK ON BLACK MOUNTAIN
BK 721, PG 35 M.C.R.



HAWKNEST PHASE I AND II
BK 367 PG 13

V.N.A.E. - VEHICULAR NON-ACCESS EASEMENT

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