

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, EXTINGUISHING A DRAINAGE EASEMENT AND DRAINAGE COVENANT LOCATED AT 10655 EAST SOUTHERN AVENUE.

WHEREAS, pursuant to Arizona Revised Statutes Title 28 §§ 7201-7215 and/or Mesa City Code Title 9, Chapter 10, the City Council has the authority to abandon, vacate or extinguish (collectively, hereafter, “abandon”) unnecessary roadway, right-of-way, or easements to which the City holds right or title to. Additionally, the City generally has the right to release restrictive covenants it holds on real property.

WHEREAS, the City Council has determined that the drainage easement recorded in Document No. 2021-0256576, records of Maricopa County, Arizona (“Drainage Easement”) and the drainage covenant recorded in Document No. 2021-0258223, records of Maricopa County, Arizona located at 10655 East Southern Avenue, as hereafter described (“Drainage Covenant”), are no longer needed.

WHEREAS Mesa City Code 9-10-2 permits the City Council to extinguish easements no longer needed by the City upon application and payment of the application fee.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: All rights of the City of Mesa in and to the following Drainage Easement and Drainage Covenant are abandoned and deemed extinguished:

A PORTION OF LAND BEING SITUATED WITHIN PARCEL F1B OF THE REPLAT OF MOUNTAIN VISTA MARKETPLACE, AS RECORDED IN BOOK 1555, PAGE 33, RECORDS OF MARICOPA COUNTY, ARIZONA, LYING WITHIN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN DRAINAGE EASEMENT AS RECORDED IN DOCUMENT NO. 2021-0256576, RECORDS OF MARICOPA COUNTY, ARIZONA, AND THAT CERTAIN DRAINAGE COVENANT AS RECORDED IN DOCUMENT NO. 2021-0258223, RECORDS OF MARICOPA COUNTY, ARIZONA, BETWEEN DHIC-MOUNTAIN VISTA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, (AS GRANTOR) AND CITY OF MESA (AS GRANTEE) RECORDED ON MARCH 8, 2021.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 11th day of July, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk