

RESOLUTION NO. 2002-18

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BENSON, ARIZONA, DECLARING THE ONE (1) FOOT NO VEHICULAR ACCESS EASEMENT AS SHOWN ON THE PROPERLY APPROVED AND DEDICATED ARI-TEX CENTER SUBDIVISION PLAT RECORDED IN THE STATE OF ARIZONA, COUNTY OF COCHISE, ON THE 21ST DAY OF SEPTEMBER, 1987, AT 4:00 P.M., IN BOOK 12 OF MAPS AND PLATS AT PAGE 58 THEREOF, FEE NO. 870924122, ORIGINALLY GRANTED TO THE COUNTY OF COCHISE BY MAX J. FENN AND JULIA F. FENN ON FEBRUARY 22, 1983, AND RECORDED IN THE STATE OF ARIZONA, COUNTY OF COCHISE, ON THE 8TH DAY OF APRIL, 1983, AT 10:05 A.M., IN DOCKET NO. 1664 AT PAGES 176 AND 177 THEREOF, TO BE UNNECESSARY AND NOT IN THE PUBLIC INTEREST, AND THEREFORE ABANDONING THE SAME.

WHEREAS, the Mayor and City Council have received a request from the successor of the original subdivider of ARI-TEX CENTER, who succeeded the original Grantors, Max J. Fenn and Julia F. Fenn, for the abandonment of the one (1) foot no vehicular access easement which was originally granted for the purpose of controlling direct access to the public roadways on the Northerly and Westerly Boundaries of the Grantor's property and which was owned by the Grantor at the time the easement was acquired for public use; and,

WHEREAS, the Mayor and City Council have determined that the one (1) foot no vehicular access easement as shown on the properly approved and dedicated ARI-TEX CENTER subdivision plat which was recorded in the State of Arizona, County of Cochise, on the 21st day of September, 1987, at 4:00 p.m., in Book 12 of Maps and Plats at Page 58, Fee No. 870924122, which was granted to the County of Cochise, by Max J. Fenn and Julia F. Fenn, on February 22, 1983, and recorded in the State of Arizona, County of Cochise, on the 8th day of April, 1983, at 10:05 a.m., in Docket No. 1664 at Pages 176 and 177 thereof, the purpose of controlling direct access to the public roadways is unnecessary and not in the public interest as it is detrimental to the best use of the property; and,

WHEREAS, the Mayor and the City Council on the 1st day of September, 1987, approved Ordinance No. 300 which was recorded in the State of Arizona, County of Cochise, on the 9th day of September, 1987, at Fee No. 870923126, which increased the limits of the City of Benson to include the real property and therefore granting authority to abandon said easement which is the subject of this Resolution.

BE IT NOW HEREBY RESOLVED that the one (1) foot no vehicular access easement as shown on the properly approved and dedicated ARI-TEX CENTER subdivision plat which was recorded in the State of Arizona, County of Cochise, on the 21st day of September, 1987, at 4:00 p.m., in Book 12 of Maps and Plats at Page 58, Fee No. 870924122, which was granted to the County of Cochise, by Max J. Fenn and Julia F. Fenn, on February 22, 1983, and recorded in the State of Arizona, County of Cochise, on the 8th day of April, 1983, at 10:05 a.m., in Docket

No. 1664 at Pages 176 and 177 thereof, be abandoned. Said easement being more particularly described as follows:

The West 1.00 foot of that particular parcel of land conveyed to Alfred Talley and Linda Talley, Husband and Wife, in the Joint Tenancy Deed recorded October 12, 1978, in Docket No. 1277 at Pages 344 and 345, Records of Cochise County Recorder; EXCEPTING therefrom the North 40.00 of the West 1.00 foot thereof; ALSO EXCEPTING therefrom the North 30.00 feet of the South 400.00 feet of the West 1.00 foot thereof; and,

The South 1.00 foot of the North 41.00 feet of that said particular parcel of land described in Docket No. 1277 at Pages 344 and 345, Records of the County of Cochise Recorder, RESERVING unto the Grantor, its Heirs, Successors and assigns, the East 24.00 feet of the West 224.00 feet of the South 1.0 foot of the North 41.00 feet thereof for the exclusive purpose of non-commercial ingress and egress.

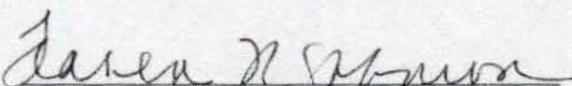
BE IT FURTHER RESOLVED that the title to said lands, which were part of the Grantor's original real property, shall upon recording of this Resolution, vest in the owner of the adjacent lands, Old Homestead, L.L.C., an Arizona Limited Liability Company, its Heirs, Successors and/or assigns. The adjoining lands affected by this Resolution are more particularly described as follows:

The ARI-TEX CENTER Subdivision, as recorded in the State of Arizona, County of Cochise, on the 21st day of September, 1987, at 4:00 p.m., in Book 12 of Maps and Plats at Page 58, Fee No. 870924122.

PASSED AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA, this 19th day of August, 2002.


MIKE MONTROY, MAYOR

ATTEST:


KAREN H. JOHNSON, CITY CLERK

APPROVED AS TO FORM:


ANN P. ROBERTS, CITY ATTORNEY

COPIES ONLY

GRANT OF "NO ACCESS" EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

1/We Max J. Fenn and Julia F. Fenn

"Grantor", hereby grants to the COUNTY OF COCHISE, a political subdivision of the State of Arizona, "Grantee", an easement for the purpose of controlling direct access to a public highway over this certain parcel of land in the County of Cochise, State of Arizona, more particularly described as follows:

The West 1.00 foot of that particular parcel of land conveyed to Alfred Talley and Linda Talley, Husband and Wife, in the Joint Tenancy Deed recorded on October 12, 1978 in Docket 1277, Pages 344 and 345, Records of the Cochise County Recorder; EXCEPTING therefrom the North 40.00 feet of the West 1.00' thereof; ALSO EXCEPTING therefrom the North 30.00 feet of the South 400.00 feet of the West 1.00 foot thereof;

The South 1.00 foot of the North 41.00 feet of that said particular parcel of land described in Docket 1277, Pages 344 and 345, Records of the Cochise County Recorder, RESERVING unto the Grantor, its Heirs, Successors, and assigns the East 24.00 feet of the West 224.00 feet of the South 1.00 foot of the North 41.00 feet thereof for the exclusive purpose of non-commercial ingress and egress.

IN WITNESS WHEREOF, this instrument has been duly signed and executed this

22nd day of Feb. 1983.

Max J. Fenn
Julia F. Fenn

STATE OF ARIZONA)
)ss.
COUNTY OF COCHISE)

This instrument was duly acknowledged before me this 22nd day of Feb. 1983, by _____ for the purpose and consideration therein contained.



My Commission Expires:

12-1-84

Stephen C. McQueen
Notary Public

Approved by County Engineer

[Signature]

ACCEPTED
Cochise County Board of Supervisors

[Signature]

DNA
9:37
11-51

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STATE OF ARIZONA
COUNTY OF COCHISE
WITNESSETH THAT I, the undersigned, Clerk of the Board of Supervisors, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the Board of Supervisors.

J. L. [Signature]
Clerk of the Board of Supervisors

1664 APR 8 '83 - 10 05 AM
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