Staff Report

CLARKDALE TOWN COUNCIL

Agenda Item: **RELEASE OF EASEMENT FOR A PORTION OF VERDE VALLEY COUNTRY CLUB ROAD** – discussion and consideration of a Release of Easement for a portion of Verde Valley Country Club Road no longer necessary for access to the Clark House.

Staff Contact: Sherry Bailey, Community Development Director

Meeting Date: April 13, 2010

Background:
The transfer of the Clark House and five acres to Verde Exploration and the rezoning of that property to Commercial also necessitate releasing the easement for the old Verde Valley Country Club Road. The Clark House now has frontage on Sycamore Canyon Road and is addressed off that road. The old easement is no longer necessary for access to the house and simply complicates the future development of the property. The rezoning ordinance conditioned the zone change with a requirement for a fifty foot right of way either on the north or south of the property that would connect with an interior road system when one is developed. Both Freeport-McMoRan and Verde Exploration have agreed to that condition. Releasing this unnecessary easement will not impede future interior circulation planning.

On July 28, 2009, the Town Council waived any potential conflict of interest in the Town Attorney, and the law firm of Boyle, Pecharich, Cline, Whittington & Stallings, representing Verde Exploration in the possible acquisition of the Clark Mansion by Verde Exploration from Phelps Dodge, and in the Town Attorney's representation of the Town in negotiating any necessary amendments to the Restated Development Agreement, necessary rezoning, or other legal matters arising due to Freeport McMoRan's desire to convey the Clark Mansion and surrounding property to a third party.

Recommendation: Staff recommends Council approve the Release of Easement for a portion of Verde Valley Country Club Road.

When Recorded Return To:

FOLDER:

Robert S. Pecharich, Esq.
Boyle, Pecharich, Cline,
Whittington & Stallings, P.L.L.C.
125 North Granite Street
Prescott, Arizona 86301

RELEASE OF EASEMENT

Release given this ___ day of _____, 2010, by the Town of Clarkdale, Arizona, an Arizona municipality, to Freeport-McMoRan Copper & Gold, Inc., a Delaware corporation duly authorized to do business in the State of Arizona and successor in interest to Phelps Dodge Corporation.

On March 29, 1967, in Book 438, Page 322, official records of Yavapai County, Arizona, Phelps Dodge Corporation granted to the County of Yavapai, Arizona, a perpetual easement for right of way over and across the real property described in Exhibit A attached hereto. Thereafter, the Town of Clarkdale annexed the subject Yavapai County property into the municipal town limits of the Town of Clarkdale, pursuant to that certain Ordinance #129, recorded on January 17, 1991 in Book 2323, Page 801, official records of Yavapai County, Arizona.

Pursuant to the powers enumerated in Arizona Revised Statutes, §9-402(E), the Town of Clarkdale does, by this instrument, release to Freeport-McMoRan Copper & Gold, Inc., successor in interest to Phelps Dodge Corporation, the easement described above, it being the intention of the parties to terminate such easement.

IN WITNESS WHEREOF, I have caused this Release to be executed at _____, Arizona, on the date indicated below.

Dated this ___ day of _____, 2010.

THE TOWN OF CLARKDALE,
an Arizona municipality

_____
By:
Its:

SUBSCRIBED AND SWORN to before me, a Notary Public, this ___ day _____, 2010, by _____, on behalf of the Town of Clarkdale, Arizona.

_____
Notary Public

My Commission Expires:

_____

rsp/bt:releaseofeasement
RSP/VX/PDEXCHANGE

EXHIBIT A

Legal Description

All that portion of Yavapai County Assessor's Parcel No. 800-19-001Q, more particularly described as:

In the West 1/2 of Section 21, Township 16 North, Range 3 East, the center line of which parcel, being the same as the center line of the Verde Valley Country Club Road, commences at a point on the northerly right-of-way line of the Clarkdale-Tuzigoot Highway described as follows; beginning at the witness corner to Section 16, 17, 20 and 21, Township 16 North, Range 3 East; thence S. 32°02'50" E. for 3464.54 feet to the P.I. of a curve on the Clarkdale-Tuzigoot Highway; thence S. 52°50' W. for 506.21 feet to the P.O. of said curve at Station 16+32.71; thence northeasterly along said curve for 420.19 feet to Station 20+52.90, this being the intersection of the center line of the Clarkdale-Tuzigoot Highway and the Verde Valley Country Club Road; thence N. 17°34' W. for 50.0 feet to the true point of beginning of this center line description; thence N. 17°34' W. for 99.33 feet to the P.O. of a curve to the left at Station 1+49.33. Center line curve data is as follows -- Δ = 28°20', D = 28°; thence along said curve to the left for 101.19 feet to the P.T. of said curve at Station 2+50.52; thence N. 45°54' W. for 327.81 feet to the P.C. of a curve to the right at Station 5+78.33. Center line curve data is as follows -- Δ = 7°31', D = 2°; thence along said curve to the right for 375.83 feet to the P.T. of said curve at Station 9+54.16; thence N. 38°23' W. for 1942.96 feet to the P.C. of a curve to the right at Station 28+97.12. Center line curve data is as follows -- Δ = 39°44', D = 25°; thence along said curve to the right for 158.93 feet to the P.T. of said curve Station 30+56.05; thence N. 1°21' E. for 137.85 feet to the end of this description and the end of this easement.

Gila and Salt River Base and Meridian, in Yavapai County, Arizona, and said parcel of land being 50 feet wide, 25 feet on the Rt. side of, and 25 feet on the Lt. side of, parallel and adjacent to the center line of the Verde Valley Country Club Road

County Highway as said center line runs with all curves and angles on, over, through, and across the land of the Grantor, as shown on the map of said highway of record in the office of the County Recorder of said county, or attached hereto

Lying within the following described parcel:

A parcel of land situated in a portion of Sections 20 and 21, Township 16 North, Range East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Commencing at a found Government Land Office (G.L.O.) brass capped iron post monumenting the North quarter corner of said Section 21, from which a found Government Land Office (G.L.O.) brass capped iron post monumenting the Witness

corner to the Northwest corner of said Section 21 bears North 88 degrees 31 minutes 22 seconds West (of record North 88 degrees 30 minutes 00 seconds West), a measured geodetic bearing and basis of bearings for this description, a distance of 2,603.67 feet (of record 2,603.04 feet);

Thence North 89 degrees 33 minutes 02 seconds West, a distance of 2,453.17 feet to a set aluminum capped iron bar stamped "RLS 37401" being the Point of Beginning;

Thence South 31 degrees 51 minutes 06 seconds East, a distance of 167.79 feet to a set aluminum capped iron bar stamped "RLS 37401";

Thence South 16 degrees 27 minutes 09 seconds East, a distance of 108.90 feet to a set aluminum capped iron bar stamped "RLS 37401";

Thence South 29 degrees 39 minutes 42 seconds West, a distance of 517.98 feet to a set aluminum capped iron bar stamped "RLS 37401" monumenting a point on the Northeasterly Right of Way line of Sycamore Canyon Road, as described in Book 3625 of Official Records, page 783, records of said Yavapai County;

Thence North 38 degrees 22 minutes 56 seconds West (of record North 38 degrees 42 minutes 15 seconds West), along said Northeasterly Right of Way line, a distance of 208.47 feet to the point of curvature of a circular tangent curve to the right, concave Northeasterly, the radius point of which bears North 51 degrees 37 minutes 04 seconds East, a distance of 820.00 feet (of record 820.00 feet);

Thence Northwesterly, along the arc of said curve and along said Northeasterly Right of Way line, an arc length of 189.71 feet, through a central angle of 12 degrees 15 minutes 20 seconds, said curve being subtended by a chord bearing of North 31 degrees 45 minutes 16 seconds West and a chord length of 189.29 feet, t a set aluminum capped iron bar stamped "RLS 37401" monumenting the end of said curve;

Thence North 25 degrees 07 minutes 36 seconds West (of record North 25 degrees 26 minutes 55 seconds West), continuing along said Northeasterly Right of Way line a distance of 211.78 feet to a set aluminum capped iron bar stamped "RLS 37401";

Thence North 68 degrees 21 minutes 05 seconds departing from said Northeasterly Right of Way line, a distance of 490.53 feet to the Point of Beginning.