

RESOLUTION NO. 2154

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRIVEWAY EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1" TO PROVIDE SECONDARY ACCESS TO THE PAYSON MUNICIPAL AIRPORT.

WHEREAS, A.R.S. § 9-241 provides that the Town of Payson may receive real property necessary or proper to carry out the purposes of the municipal corporation, within or without its limits; and

WHEREAS, that certain real property interest described on Exhibit "1" attached hereto has been offered to the Town of Payson by The Lou O. and Helen A. Harding Family Limited Partnership; and

WHEREAS, said real property is located within the corporate limits of the Town of Payson,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Town of Payson does hereby accept the perpetual driveway easement, described in Exhibit "1" attached hereto and incorporated herein as though set forth in full at this point.

Section 2. That the Town of Payson shall perform any and all other acts necessary or appropriate to accept said driveway easement and to the use and control thereof, including, but not limited to, the maintenance thereof.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2006, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

Barbara G. Brewer, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT "1"

to Resolution No. 2154

When recorded, return to:
Silvia Smith, Town Clerk
Town of Payson
303 North Beeline Highway
Payson, Arizona 85541

DRIVEWAY EASEMENT

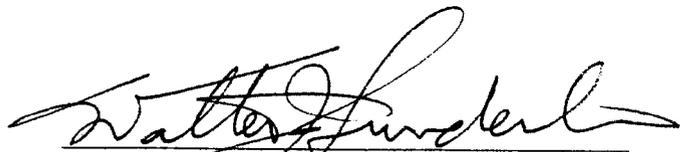
KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other good and valuable consideration paid to The Lou O. and Helen A. Harding Family Limited Partnership (hereinafter referred to as GRANTOR) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTOR does hereby grant, and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual driveway easement, together with the rights of ingress, egress and access over, across and through the land of GRANTOR situated in Gila County, State of Arizona, for such purposes, said land being described on Exhibit "A" attached hereto and made a part hereof.

The consideration hereinabove recited shall constitute payment in full for the value of the interest granted herein and for any damages to the land of GRANTOR, their successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. Each GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of GRANTOR, their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 1st day of February, 2006.



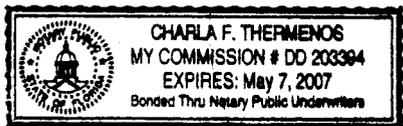
Walter Sunderlin, President
The Lou O. and Helen A. Harding
Family Limited Partnership

STATE OF Florida)

County of Orange)

)ss.

The foregoing easement deed was acknowledged before me this 1st day of February, 2006, by Walter Sunderlin, who acknowledged himself to be the President of The Lou O. and Helen A. Harding Family Limited Partnership, and that as such officer, being duly authorized so to do, signed his/her name as such officer.



Charla F. Thermonos
Notary Public

My commission expires:

May 7, 2007

EXHIBIT 'A'

**LEGAL DESCRIPTION
OF
DRIVEWAY EASEMENT**

A parcel of property located in the northeast 1/4 of Section 33, T11N, R10 E, G&SRB&M, Gila County Arizona, more particularly described as follows:

Commencing at the N 1/4 Corner of Said Section 33;

THENCE, S 00°00'42"E along the north-south mid-section line of Said Section 33 a distance of 1,592.46 feet to a point on the northerly right of way line of Airport Road;

THENCE, N 76°36'01"E along said right of way 118.00 feet;

THENCE, continuing N 76°36'01"E, leaving said right of way, a distance of 166.69 feet to the TRUE POINT OF BEGINNING:

THENCE, continuing N 76°36'01 E a distance of 32.98 feet;

THENCE, S 37°55'56" E a distance of 62.85 feet to a point on the northerly right of way of Airport Road, said point being on a circular curve concave to the southwest whose radius point bears S 15°00'07"W a distance of 475.00 feet;

THENCE, northwesterly along said right of way and along the arc or said curve through a central angle of 05°38'42" a distance of 46.80 feet;

THENCE, N 37°55' 56"W, leaving said right of way, a distance of 40.64 feet to the TRUE POINT OF BEGINNING.