RESOLUTION NO. 2174

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM VAL G. NITZSCHE AND MONICA G. NITZSCHE, PERTAINING TO THE McLANE ROAD IMPROVEMENT PROJECT.

WHEREAS, A.R.S. § 9-240 authorizes the Town to improve the streets within it; and

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, Val G. Nitzsche and Monica G. Nitzsche has granted to the Town of Payson a temporary construction easement described on Exhibit '1' hereto; and

WHEREAS, it is the desire of the Town of Payson to accept said temporary construction easement; 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 temporary construction easement attached hereto as Exhibit '1' be and is hereby accepted and received by the Town of Payson for the purposes therein set forth.

Section 2. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to perfecting the aforesaid temporary construction easement and to the use and control thereof, including, but not limited to, the maintenance thereof, and the recordation of the easement document attached hereto as Exhibit "1".

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

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Barbara G. Brewer, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM;

_____
Samuel I Streichman, Town Attorney

APR 2 7 2006 G.10*

EXHIBIT '1'
to Resolution No. 2174

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

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar ($1.00) and other good and valuable consideration paid to Val G. and Monica G. Nitzsche (hereinafter referred to as GRANTORS) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTORS do hereby grant, bargain, sell, transfer and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a temporary easement with the right to construct and install roadway/driveway improvements for the benefit of the GRANTORS and to be owned and maintained by the GRANTOR upon completion of the construction project situation 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 GRANTORS, 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 GRANTORS, their successors and assigns.

This easement shall be automatically abandoned upon completion of the project construction and cease to exist, whereupon the rights to this easement shall become void.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 29th day of March, 2006.

Val G. Nitzsche, Owner

Monica G. Nitzsche, Owner

EXEMPT PER A.R.S.§11-1134(A)(2)

STATE OF ARIZONA)
)§
County of Gila)

The foregoing easement deed was acknowledged before me this 29th day of March, 2006, by Val G. Nitzsche and Monica G. Nitzsche, who acknowledged themselves to be the owner of said property, and that as such owner, signed his/her name to the attached document.

OFFICIAL SEAL
JUDITH A. WHITE
NOTARY PUBLIC - State of Arizona
GILA COUNTY
My Comm. Expires May 15, 2009

Judith A White
Notary Public

My commission expires:

_____

LEGAL DESCRIPTION
TEMORARY CONSTRUCTION EASEMENT ONE

That portion of the East ½ of Section 33, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona, being described as follows:

COMMENCING at the SE corner of that parcel which lies on a curve to the left, concave to the NW, having a central angle of 04°22'38", a radius of 967.00 feet and a radial bearing of N63°52'22"W, described in the instrument recorded in FEE# 96-612494, Gila County Records;

Thence: Northeasterly along the arc of said curve, 73.88 feet the the POINT OF BEGINNING;

Thence: N71°39'05"W 14.01 feet;

Thence: N18°20'55"E 26.63 feet;

Thence: S70°09'48"E 15.22 feet to a point on a curve to the right, concave to the NW, having a central angle of 01°33'21", a radius of 967.00 feet and a radial bearing of N69°48'21"W;

Thence: Southwesterly along the arc of said curve 26.26 feet to the POINT OF BEGINNING.

Encloses 387.89 sq. feet more or less.

(Basis of Bearing = N07°19'42"W, Easterly Subdivision boundary of Alpine Village, Unit One, GCR Map No. 610A, located in a portion of the NE ¼, Section 33, Township 11 North, Range 10 East, of the Gila and Salt River Meridian, Town of Payson, Gila County, Arizona.)

APEX LAND SURVEYING, INC.
Project No. 99035

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
18436
BLAIR C.
MEGGITT
Date Signed 8-22-8
ARIZONA, U.S.A.