RESOLUTION NO. 2190

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT FROM PAYSON VERDE RIVER RANCH, LLC, 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, Payson Verde River Ranch, LLC 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 a public utility easement substantially in the form of the public utility 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

MAY 2 4 2006 G.10*

EXHIBIT '1'
to Resolution No. 2190

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

PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar ($10.00) and other good and valuable consideration paid to the Payson Verde River Ranch, LLC (hereinafter referred to as GRANTOR) 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 perpetual utility easement with the right to construct and install utility lines, lay and thereafter use, operate, inspect, repair, maintain, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of GRANTOR situate 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. The 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 ___ day of _____, 2006 .

_____
C. Pat Spurlock, Co-Trustee
C. Pat/Nancy W. Spurlock Trust, Member

_____
Nancy W. Spurlock, Co-Trustee
C. Pat/Nancy W. Spurlock Trust, Member

EXEMPT PER A.R.S.§11-1134(A)(2)

STATE OF ARIZONA)
)§
County of _____)

The foregoing easement deed was acknowledged before me this _____ day of _____ , 2006 , by C. Pat Spurlock and Nancy W. Spurlock, Co-Tustees of the C. Pat/Nancy W. Spurlock Trust, who acknowledged himself to be Members of the payson Verde River Ranch, L.L.C., and that as such officer, being duly authorized so to do, signed his/her name as such officer.

_____
Notary Public

My commission expires:

_____

EXHIBIT "A"

LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT TWENTY

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:

BEGINNING at the SW corner of that parcel described in the instrument recorded in Docket 694, Page 998, Gila County Records;

Thence: N07°19'42"E 127.00 feet;

Thence: S80°00'00"E 10.01 feet;

Thence: S07°19'42"W 125.34 feet;

Thence: S82°40'18"E 8.08 feet;

Thence: S07°19'42"W 1.18 feet;

Thence: N82°39'18"W 18.08 feet to the POINT OF BEGINNING.

Encloses 1277.22 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 8-22-01
ARIZONA, U.S.A.