

RESOLUTION NO. 2217

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A PORTION OF RIGHT-OF-WAY (PORTION OF A CUL-DE-SAC) AT THE SOUTH END OF NORTH FAWN DRIVE AND APPROVING THE ABANDONMENT OF A PUBLIC ROADWAY AND UTILITY EASEMENT FOR THE FUTURE ALIGNMENT OF GREEN VALLEY PARKWAY.

WHEREAS, A.R.S. § 28-7205 provides that the Town may abandon a roadway; and

WHEREAS, A.R.S. § 9-402(E) provides that the Town may abandon an easement; and

WHEREAS, the developer of Manzanita Hills Phase 6 Subdivision has requested that the Town abandon a portion of the existing cul-de-sac located at the south end of North Fawn Drive to extend North Fawn Drive into the subdivision; and

WHEREAS, the developer of Manzanita Hills Phase 6 Subdivision has requested that the Town abandon a public roadway and public utility easement originally granted to the Town in a land exchange from the U. S. Forest Service for the future alignment of Green Valley Parkway; and

WHEREAS, the proposed final plat for Manzanita Hills Phase 6 Subdivision provides the Town with right of way that is of greater value than that proposed for abandonment; and

WHEREAS, on September 11, 2006, the Planning and Zoning Commission held a public hearing on said roadway and easement abandonment request; and

WHEREAS, on September 21, 2006, the Mayor and Common Council held a public hearing on said roadway and easement abandonment request; and

WHEREAS, the Town of Payson desires to abandon the requested portion of said right-of-way (cul-de-sac) and public roadway and utility easement; and

WHEREAS, the final plat of Manzanita Hills Phase 6 Subdivision shall reflect such abandonments and dedications,

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 relinquish and abandon any and all interest in that portion of the existing right-of-way (cul-de-sac) and roadway and public utility easement, each of which is described in Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein as though set forth in full at this point.

Section 2. That such right-of-way (cul-de-sac) and roadway and public utility easement abandonments shall become effective only upon the recordation of the final plat of Manzanita Hills Phase 6 Subdivision in the Office of the Gila County Recorder.

Section 3. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to carrying out the purposes provided for in this Resolution Number 2217.

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 _____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

Easement and Right-of-Way Abandonments
Manzanita Hills Phase Six
Payson, Arizona

A right-of-way and an easement to be abandoned in the Northeast Quarter of Section 5, T10N, R10E, Gila and Salt River Meridian, Gila County, Arizona, being more particularly described as follows:

A. RIGHT-OF-WAY ABANDONMENT

Beginning at the southeast corner of Lot 51 of Manzanita Hills Phase Four, a subdivision as recorded on Map 736, Gila County Records;

Thence: Along a non-tangent curve to the right, concave to the northwest whose center bears N 89°34'20" W, having a radius of 25.00 feet for a curve length of 26.96 feet;

Thence: Along a tangent curve to the left, concave to the east, having a radius of 50.00 feet for a curve length of 122.74 feet;

Thence: N 00°02'09" E, 115.15 feet to the POINT OF BEGINNING.

Said Right-of-Way Abandonment contains 2,982 square feet more or less as shown on Exhibit "B".

B. EASEMENT ABANDONMENT

A 90-foot wide easement located in the Northeast Quarter of Section 5, T10N, R10E, Gila and Salt River Meridian, Gila County, Arizona; the center line of said 90-foot wide easement is more particularly described as follows:

Commencing at the center of Section 5, T10N, R10E;

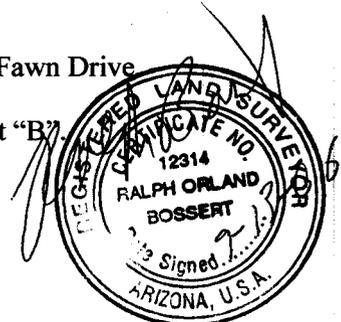
Thence: N 00°04'19" W along the west line of the Northeast Quarter of Section 5, 1198.76 feet to the Point of Beginning of centerline of said easement;

Thence: S 37°00'13" E, 673.41 feet to the Point of Termination of said centerline, said point being S 89°54'43" E, 404.63 feet from the west line of the Northeast Quarter of said Section 5.

Except that portion of said easement within the future right-of-way for North Fawn Drive

Said Easement Abandonment contains 55,104 square feet as shown on Exhibit "B".

Tetra Tech, Inc.
Project No. 6669.0001



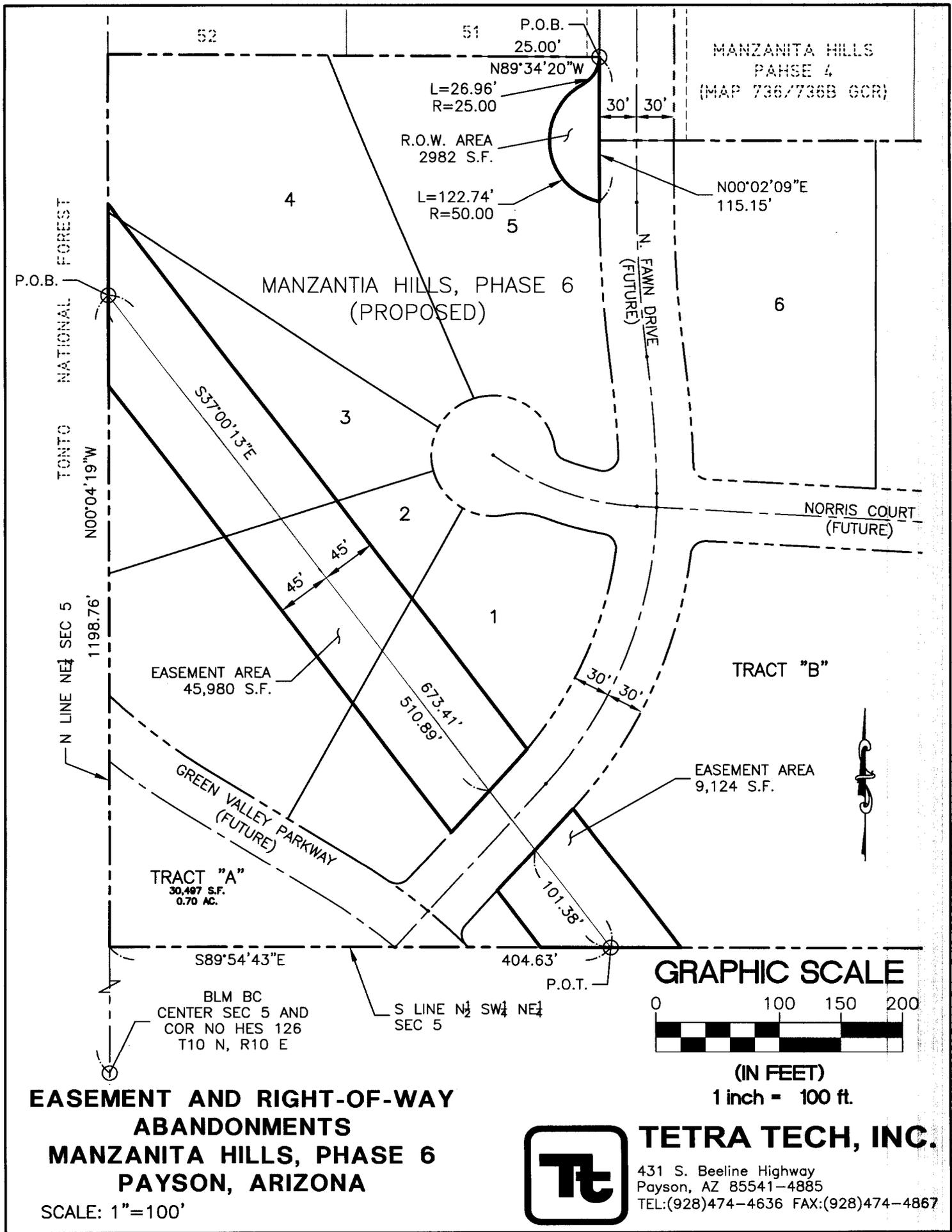


EXHIBIT "B"

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