

# SUMMARY OF AGENDA ITEM

DATE: 06-11-07

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2288

**TITLE: ARESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT (N. KAREN WAY ADJACENT TO 1109 N. KAREN WAY)**

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**PURPOSE:**

To accept a portion of the N. Karen Way right of way as public property and make it a publicly owned and maintained street.

**SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:**

Transfer ownership of Karen Way from private parties to the Town of Payson.

**RECOMMENDED COUNCIL ACTION:**

Approval of this Resolution

**BACKGROUND:**

In 2002 the Town Council directed staff to discontinue maintenance of private roads within Payson. They also implemented a program where the private roads could become public roads and be part of the Town's maintenance program. This program requires the property owner to dedicate the right of way to the Town and to pay to the Town a dollar amount equal to one-half the cost of a double-chip roadway surface. Two property owners along Karen Way adjacent to 1109 and 1117 N. Karen Way have met these requirements and acceptance of this group of Resolutions (No. 2287-2288) will facilitate making this a public roadway. The developer of the Chaparral Highlands Subdivision is providing all required improvements on this section Karen Way

JUN 21 2007

G.S.\*

**RESOLUTION NO. 2288**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON 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**, certain real property described on Exhibit "1" attached hereto has been offered to the Town of Payson by Chaparral Highlands L.L.C, and Arizona Limited Liability Company; 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 ownership of and receive those certain real property interests set forth 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 the taking of title to the said real property and to the use and control thereof, including, but not limited to, the maintenance thereof and acceptance of the deed attached hereto as Exhibit "1".

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this \_\_\_\_\_ day of \_\_\_\_\_, 2007, 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 Attorne**

JUN 21 2007 G.S\*



Signed:

*[Handwritten Signature]*, *Mustacci* *Michael Mustacci*

STATE OF ARIZONA )

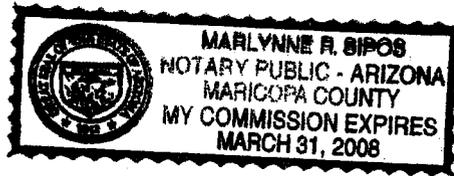
County of ~~Gila~~ **MARICOPA** ) ss.

This instrument was acknowledged before me this 5th day of JUNE, 2007, by MICHAEL MUSTACCI.

*[Handwritten Signature: Marlynne R. Sipos]*  
Notary Public

My Commission Expires: 03-31-08

Exempt per ARS ss11-1134(A)(3)



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**SOUTH KAREN WAY RIGHT-OF-WAY**  
**CHAPARRAL HIGHLANDS**

Tract "B" of Chaparral Highlands, a subdivision as shown on Map 776 GCR, being a portion of the NE1/4 of the SE1/4 of Section 26, Township 11 North, Range 10 East, Gila and Salt River Meridian, Gila County Arizona.

**TETRA TECH, INC.**  
**Project No. 2424.0003**