

# SUMMARY OF AGENDA ITEM

MEETING DATE: 06/21/07

SUBMITTED BY: Legal / Engineering Depts.

RESOLUTION/ORDINANCE # 2290

TITLE: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE INGRESS, EGRESS AND PUBLIC UTILITY EASEMENT RECORDED IN THE OFFICE OF THE GILA COUNTY RECORDER AT FEE #2001-4269 (1804 E. UNDERWOOD LANE).

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**PURPOSE:**

The purpose of this resolution is to accept an Ingress, Egress and Public Utility Easement previously granted by the property to allow the installation of a public water line and fire hydrant to be installed on the private property.

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

N/A – New Resolution

**RECOMMENDED COUNCIL ACTION:**

Approval of Resolution No. 2290

**BACKGROUND:**

This Ingress, Egress and Public Utility Easement was previously granted by the property owner. Other public utilities have used this easement but there are currently no Town facilities within this easement. The property owner now desires to install a public water line in this easement to connect a fire hydrant to. Before the Town owned water line can be installed the easement needs to be accepted by the Town. There is adequate room within the easement for all of the planned utilities.

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RESOLUTION NO. 2290

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE INGRESS, EGRESS AND PUBLIC UTILITY EASEMENT RECORDED IN THE OFFICE OF THE GILA COUNTY RECORDER AT FEE #2001-4269 (1804 EAST UNDERWOOD LANE).

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 "A" attached hereto and depicted on Exhibit "B" attached hereto has been offered to the Town of Payson by Harold Corbin; 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 ingress, egress and public utility easement which has been recorded in the Office of the Gila County Recorder at Fee #2001-4269, and which is described in Exhibit "A" and depicted on Exhibit "B" each 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 drainage 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, ARIZONA, 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 Attorney

**Prepared by Town of Payson Legal Department**

*SIS:drs June 14, 2007 (5:02PM)*

*C:\MyFiles\Resolutions\2290 Accepting PUE from Corbin.wpd*

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**INGRESS, EGRESS, AND PUBLIC UTILITY EASEMENT**

An Ingress, Egress and Public Utility Easement located on Parcel 1 as shown on Map 1496, Gila County Records of Lot 21A of Payson Three Unit 1 as shown on Map 655, Gila County Records. The said Easement is more particularly described as follows:

Parcel 1: A 50-foot Ingress, Egress and Public Utility Easement, said Easement being 25-feet left and right of the following described centerline:

Commencing at the southeast corner of said Parcel 1

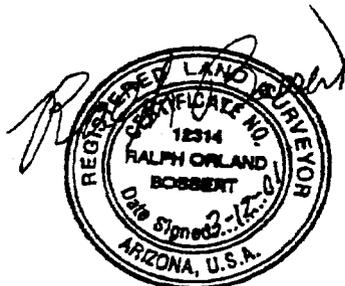
- Thence: N 89°50'49" W, along the south line of Parcel 1, 151.32 feet to the True Point of Beginning;
- Thence: N 21°50'35" E, 113.79 feet to point A;
- Thence: Continuing N 21°50'35" E, 9.42 feet;
- Thence: N 28°15'32" E, 104.17 feet;
- Thence: N 34°08'54" E, 100.13 feet to the east line of Parcel 1, said point being the Point of Termination.

The sidelines of said Easement shall be lengthened or shortened as necessary to intersect with the south and east lines of Parcel 1.

Parcel 2: A 20-foot wide Ingress, Egress, and Public Utility Easement, said Easement being 10-feet left and right of the following described centerline:

Beginning at the previously described Point A;

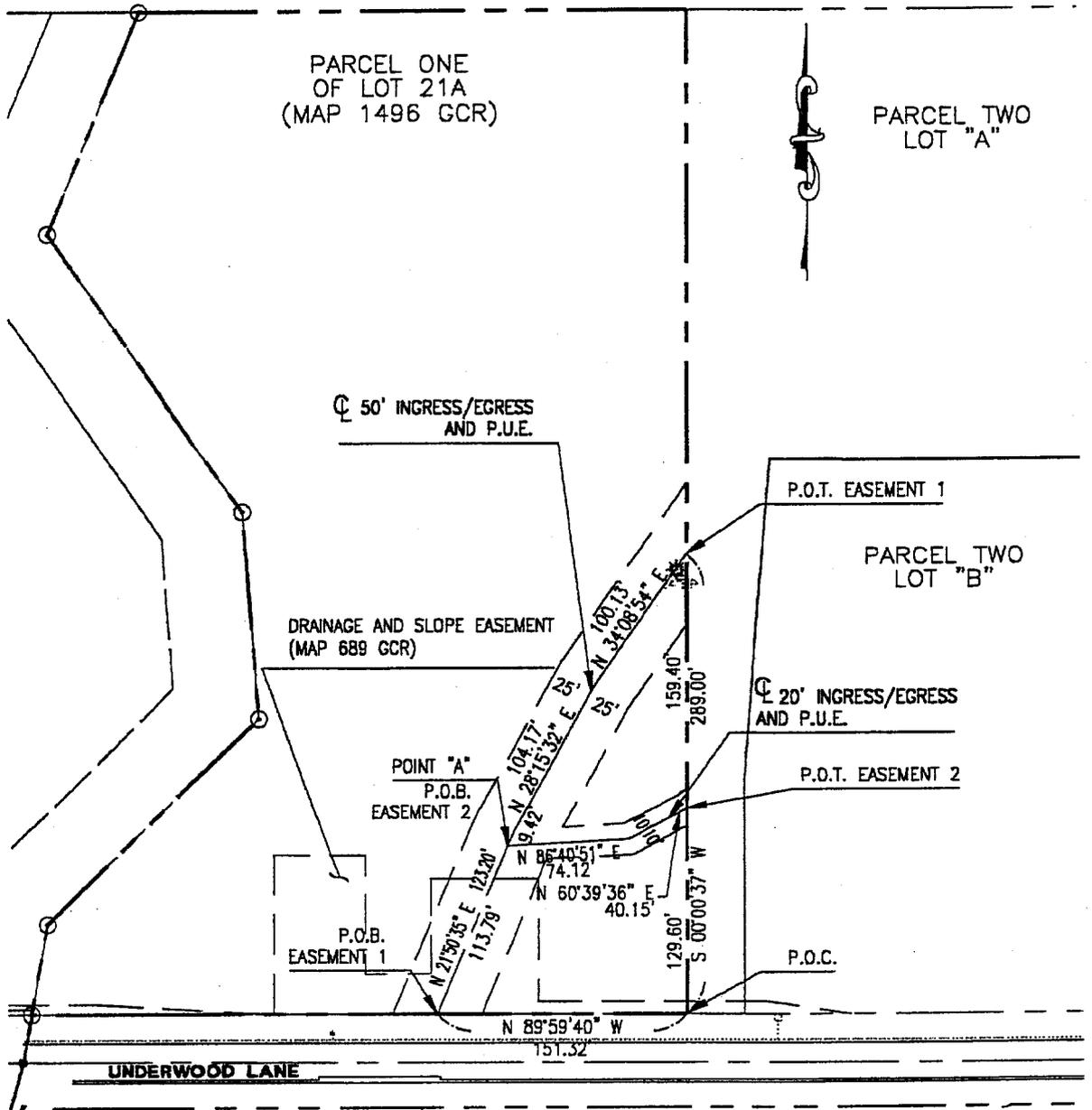
- Thence: N 86°40'51" E, 74.12 feet;
- Thence: N 60°39'36" E, 40.15 feet to the east line of Parcel 1, said point being the Point of Termination.



INGRESS, EGRESS, AND P.U.E.  
 LOCATED ON PARCEL ONE (MAP 1496) OF LOT 21A OF  
 PAYSON THREE UNIT ONE (MAP 655 GCR)

GILA CO, AZ, LINDA HAUGHT ORTEGA - RECORDER, BY: LOREN PETERSON  
 DATE: 03/27/2001 TIME: 10:42 PAGE #: 0003 OF 0003 FEE #: 2001

4269



SCALE: 1"=100"

TETRA TECH, INC.  
 INFRASTRUCTURE SOUTHWEST GROUP

EXHIBIT "B"