

SUMMARY OF AGENDA ITEM

DATE: August 2, 2007

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2306

TITLE: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT ON CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO FOR THE ST. PHILIPS AND BONITA STREET ROAD CONSTRUCTION PROJECT.

PURPOSE:

To accept a Temporary Construction Easement for the St. Philips and Bonita Street road construction project.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Acquire a Temporary Construction Easement for the St. Philips and Bonita Street road construction project.

RECOMMENDED COUNCIL ACTION:

Approval of this Resolution

BACKGROUND:

Some construction on private property is required to make the new improvements on St. Philips and Bonita Street match the existing improvements on private property. This easement will allow the Towns contractor to perform that work on private property.

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RESOLUTION NO. 2306

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT ON CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO FOR THE ST. PHILIPS AND BONITA STREET ROAD CONSTRUCTION PROJECT.

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, a temporary construction easement adjacent to the St. Philips and Bonita Street project and described on Exhibit "1" attached hereto has been offered to the Town of Payson by Wilson-Siebert Family Limited Partnership #3; and

WHEREAS, said real property is necessary for completion of the South Mud Springs Road project and is all located within the corporate limits of the Town of Payson; and

WHEREAS, the Mayor and Common Council find that the acceptance of said interests in real property and the St. Philips and Bonita Street roadway project to which they appertain are beneficial to the public health, safety and welfare,

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 and receive those certain easements 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 accept said interests in real property and to the use and control thereof.

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 Attorney

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EXHIBIT "1"

to Resolution No. 2306

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 WILSON-SIEBERT FAMILY LIMITED PARTNERSHIP #3 (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 unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its assigns, a temporary construction easement with the right to ingress and egress, trim vegetation, perform construction activities and grade, 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 use 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 cease to exist, whereupon the rights to this easement shall become void.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 11th day of June, 2007.

GRANTOR Leonard A. Seibert

GRANTOR Keri Wilson

Billy L. Seibert
GRANTOR Leonard A. Seibert P.O.A.

GRANTOR [Signature]

STATE OF Arizona)
) SS.
County of Maricopa)



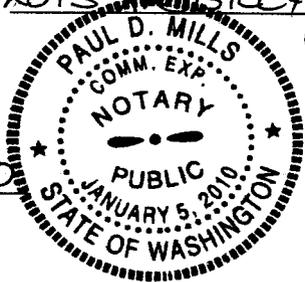
The foregoing temporary construction easement was acknowledged before me this 11 day of June, 2007, by Leonard A. Seibert

Ruth A. Jones
Notary Public

My commission expires: 12-31-2010

STATE OF WASHINGTON)
County of KING) ss.

The foregoing temporary construction easement was acknowledged before me this 14 day of JUNE, 2007, by LOIS AND BILLY WILSON



Paul D. Mills
Notary Public

My commission expires: Jan 5, 2010

STATE OF)
County of) ss.

The foregoing temporary construction easement was acknowledged before me this _____ day of _____, 2007, by _____.

Notary Public

My commission expires: _____

STATE OF)
County of) ss.

The foregoing temporary construction easement was acknowledged before me this _____ day of _____, 2007, by _____.

Notary Public

My commission expires: _____

EXHIBIT "A"

The East 15 feet of the West 48 feet of the South 356 feet of Lot 13 of the Earl Russell Subdivision on Map No. 100 in the office of the Recorder of Gila County, Arizona.

Reference: Siebertlegal2