

SUMMARY OF AGENDA ITEM

DATE: August 2, 2007

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2307

TITLE: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE ST. PHILIPS ST. AND BONITA ST. ROAD CONSTRUCTION PROJECT.

PURPOSE:

To accept a piece of right of way for St. Philips St. and Bonita St. roadway re-construction project.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Acquire right of way for the St. Philips St. and Bonita St. roadway re-construction project.

RECOMMENDED COUNCIL ACTION:

Approval of this resolution.

BACKGROUND:

Additional right of way is needed to construct the St. Philips St. and Bonita St. roadway re-construction project. This provides a portion of the additional right of way needed for this project.

AUG 16 2007 G.4*

RESOLUTION NO. 2307

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE ST. PHILIPS ST. AND BONITA ST. 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, certain real property adjacent to the St. Philips St. and Bonita Street road project and described on Exhibit "1" attached hereto has been offered to the Town of Payson by the Wilson-Siebert Family Limited Partnership #3; and

WHEREAS, said real property is necessary for completion of the St. Philips St. and Bonita Street 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 St. and Bonita Street Road 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 interests in real property 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

AUG 16 2007 G.4*

Recording Requested By: Town of Payson
EXHIBIT "1"
to Resolution No. 2307

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

WARRANTY DEED

For the consideration of FOUR THOUSAND AND TWO HUNDRED AND SEVENTY-TWO AND NO/100 DOLLARS, and other valuable considerations, I or we WILSON-SIEBERT FAMILY LIMITED PARTNERSHIP #3, the GRANTOR, do hereby convey to THE TOWN OF PAYSON, AN ARIZONA MUNICIPAL CORPORATION the GRANTEE, the following described real property situate in Gila County, Arizona:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

This Deed is exempt from an Affidavit of Value pursuant to ARS #11-1134 A 3

SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way and easements of record.

And the GRANTOR binds itself and its successors to warrant the title against its acts and none other, subject to the matters above set forth.

Dated June 11, 2007

Leonard A. Siebert
Betty Z. Siebert
Leonard A. Siebert P.C.A.

Leis Wilson
Betty Z. Siebert

STATE OF Arizona)
County of Maricopa)

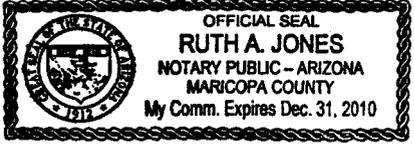


On June 11, 2007, before me, undersigned Notary Public, personally appeared Leonard A. Siebert, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to be that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

My Commission Expires: 12-31-2010

Ruth A. Jones
Notary Public



On June 11, 2007, before me, undersigned Notary Public, personally appeared Leonard A. Siebert, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to be that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

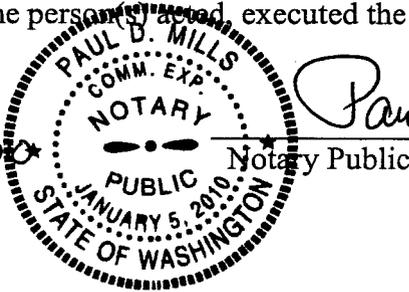
My Commission Expires: 12-31-2010

Ruth A. Jones
Notary Public

On JUNE 14, 2007, before me, undersigned Notary Public, personally appeared LOIS AND BILLY WILSON, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to be that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

My Commission Expires: JAN 5, 2010



Paul D. Mills
Notary Public

On _____, before me, undersigned Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to be that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

My Commission Expires:

Notary Public

EXHIBIT "A"

The East 6 feet of the West 33 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.

Described area 2,136 square feet.

Reference: Siebertlegal