

# SUMMARY OF AGENDA ITEM

DATE: August 14, 2007

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2321

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.

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## 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. 2321**

**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 A TEMPORARY CONSTRUCTION EASEMENT 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**, a Temporary Construction Easement 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 Payson Units, L.L.C, an Arizona Limited Liability Company; and

**WHEREAS**, said Temporary Construction Easement 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 said easement 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 the Temporary Construction Easement 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 "A"

The South 10 feet of the following:

The west half Lot 7 of the Miller Addition Plat in Payson on Map No. 100 in the Office of the Recorder of Gila County, Arizona.

Reference: PaysonUnitslegal