

# SUMMARY OF AGENDA ITEM

DATE: April 3, 2008

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2364

TITLE: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING PUBLIC UTILITY EASEMENTS FROM PIONEER TITLE AGENCY, INC. , AN ARIZONA CORPORATION, TRUSTEE FOR TRUST NO. 127532, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO PERTAINING TO THE MONTEZUMA CASTLE LAND EXCHANGE RECORDED IN THE OFFICE OF THE GILA COUNTY RECORDER AT FEE #2007-020177.

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## PURPOSE:

To accept a public utility easement containing an existing water line within the land exchange west of the Payson Airport.

## SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

We need to accept the easement so we can keep the water line in place

## RECOMMENDED COUNCIL ACTION:

Approval of this Resolution

## BACKGROUND:

The water lines were originally installed on U. S. Forest Service land with a use permit. Now that the property is privately owned we need to create this easement.

APR 03 2008 G.S\*

**RESOLUTION NO. 2364**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING PUBLIC UTILITY EASEMENTS FROM PIONEER TITLE AGENCY, INC. , AN ARIZONA CORPORATION, TRUSTEE FOR TRUST NO. 127532, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO PERTAINING TO THE MONTEZUMA CASTLE LAND EXCHANGE RECORDED IN THE OFFICE OF THE GILA COUNTY RECORDER AT FEE #2007-020177.**

**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 contained underground public utility easements by United States Forest Service Permit prior to the Montezuma Castle Lane Exchange; and

**WHEREAS**, said easements are necessary to protect the existing utilities within the Montezuma Castle Land Exchange, 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 easements 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 the public utility easements which have been recorded in the Office of the Gila County Recorder at Fee #2007-020177, and which is attached as Exhibit 1.

Section 2. That the Town of Payson shall perform any and all other acts necessary or appropriate to accept said easements and the use thereof.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_\_ day of \_\_\_\_\_, 2008, 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

APR 03 2008 G.5\*

**EXHIBIT "1"**  
to Resolution No. 2364

Gila County, AZ  
Linda Haught Ortega, Recorder  
12/10/2007  
04:38PM  
Doc Code: E

Doc Id: 2007-020177  
Receipt #: 61284  
Rec Fee: 16.00

PIONEER TITLE AGENCY RECORDING



2007-020177

Page: 1 of 8  
12/10/2007 04.38P  
16.00

Gila County, AZ

E

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



**PUBLIC UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other good and valuable consideration paid to Pioneer Title Agency, Inc. an Arizona Corporation Trust No. 127532 (hereinafter referred to as GRANTOR) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTORS do hereby grant, bargain, sell, transfer and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual underground utility easement with the right to construct and install underground utility lines, lay and thereafter use, operate, inspect, repair, maintain, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of GRANTOR situate in Gila County, State of Arizona, for such purposes, said land being described on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

The consideration hereinabove recited shall constitute payment in full for the value of the interest granted herein and for any damages to the land of GRANTOR, 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 GRANTOR, their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 7th day of December, 2007.

Michelle L. Halenar as Trust Officer for  
Pioneer Title Agency, Inc. an Arizona  
Corporation, Trustee for Trust No. 127532





**LEGAL DESCRIPTION  
WATER EASEMENT**

That portion of Government Lot 9, Section 32, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Gila County, Arizona, more particularly described as follows:

Commencing at Corner No. 1 of H.E.S. 611.

Thence: S 89° 34' 53" E, 0.88 feet for a tie to the PC of a non-tangent curve to the left, concave to the Southeast, having a central angle of 15° 10' 53", a radius of 560.00 feet and a chord bearing of S 75° 08' 00" W;

Thence: Southwesterly along the arc of said curve 148.38 feet;

Thence: S 67° 32' 34" W, 118.86 feet to the POINT OF BEGINNING;

Thence: Continuing S 67° 32' 34" W, 305.36' feet;

Thence: N 61° 41' 26" E, 171.73 feet;

Thence: N 74° 57' 30" E, 135.66 feet to the POINT OF BEGINNING.

Encloses 2,673.32 SQ. FT., 0.06 Acres More or Less.

All as shown on attached Exhibit "A" made a part hereof by this reference.

Project No. 06-194A





Gila County, AZ

E

COR. NO. 2  
H.E.S. 611

# EXHIBIT "A"

## SKY PARK INDUSTRIAL G.C.R. NO. 570

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

### GOVERNMENT LOT 9

COR. NO. 5  
H.E.S. 611

COR. NO. 1  
H.E.S. 611

N 82°43'37" E 2300.35' (R)  
BASIS OF BEARING AND ROTATION LINE

FROM COR #1 HES 611  
TO THE PC OF ROW  
S89°34'53"E  
0.88'

L=148.38  
R=560.00  
Delta=15°10'53"  
Chord Bearing=S75°08'00"W  
Chord Distance=147.95

POINT OF BEGINNING

118.86'

N 74°57'30" E 135.66'

N 74°57'30" E 135.66'  
W 33°32'34" N  
S 56°17'19" E 300.35'

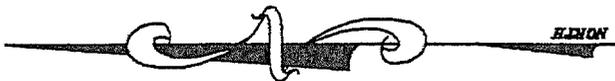
NEW WATER EASEMENT  
2,673.32 SQ. FT., 0.06 ACRES

N 61°41'28" E 117.73'

W 33°32'34" N  
S 56°17'19" E 300.35'  
AIRPORT ROAD RIGHT-OF-WAY  
G.C.R. MAPS 2794-A-H  
FOR TOWN OF AYKON

0.9'

0.9'



LEGAL DESCRIPTION  
10' WIDE WATER EASEMENT

That portion of Government Tract 40, Section 32, Township 11 North, Range 10 East of the Gila and Salt River Meridian, Gila County, Arizona, more particularly described as follows:  
A strip of land ten (10) feet in width, which lies 5.00 feet on each side of the following described centerline;

Commencing at Corner No. 5 of H.E.S. 611.

Thence: N 24° 49' 24" E Measured (N 24° 49' 00" E Record) along the line between Corner No. 5 and Corner No. 4 of said H.E.S. 611, a distance of 492.64 feet to the BEGINNING of said centerline;

Thence: N 70° 19' 03" E, 213.95 feet;

Thence: N 75° 02' 09" E, 119.97 feet to POINT "A";

Thence: Continuing N 75° 02' 09" E, 232.21' feet;

Thence: N 79° 53' 17" E, 287.61 feet;

Thence: S 69° 14' 29" E, 87.22 feet;

Thence: N 76° 30' 57" E, 383.04 feet;

Thence: N 74° 42' 27" E, 133.11 feet to POINT "B";

Thence: Continuing N 74° 42' 27" E, 1.24 feet to a point on the East line of said Section 32, said point also being the END of said centerline.

BEGINNING at said POINT "A";

Thence: N 12° 41' 16" W, 23.28 feet to a point on the line between AP 2 and AP 1 of said Tract 40, said point also being the END of said centerline.

BEGINNING at said POINT "B";

Thence: S 03° 47' 05" E, 16.20 feet to a point on the East line of said Section 32, said point also Being the END of said centerline

The sidelines of said 10.00 foot easement shall commence and terminate at the adjoiners.

Encloses 15,002.19 SQ. FT., 0.34 Acres More or Less.



Legal Cont . . .

All as shown on attached Exhibit "B" consisting of two sheets made a part hereof by this reference.

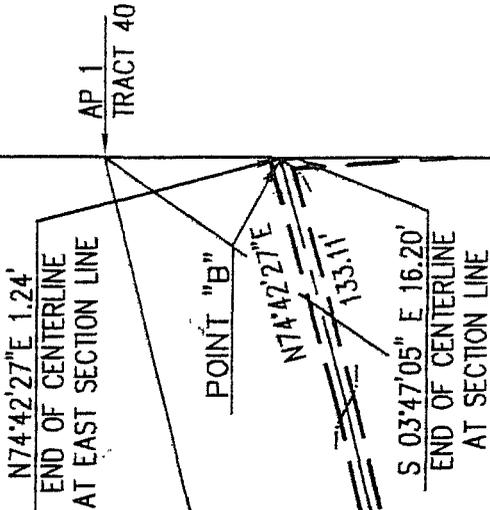


Project No. 06-194B



# SEC 32

## PAYSON AIRPORT



POINT "B"

N74°42'27"E 1.24'

END OF CENTERLINE  
AT EAST SECTION LINE

NEW 10' WATER EASEMENT  
15,002.19 SQ. FT., 0.34 ACRES

S 69°14'29" E  
87.22'

N 76°30'57" E 383.04'

S 03°47'05" E 16.20'

END OF CENTERLINE  
AT SECTION LINE



GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

GOVERNMENT LOT 16

# EXHIBIT "B"

SHEET 2

TRACT 40

MATCH LINE SHEET 1  
MATCH LINE SHEET 2

