RESOLUTION NO. 2383

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A PORTION OF AN INGRESS/EGRESS EASEMENT KNOWN AS "PETE'S ROAD" FROM HIGHWAY 260 TO THE NORTH PROPERTY LINE OF THE BEAR PAW SUBDIVISION, BUT RETAINING THE PUBLIC UTILITY EASEMENT THEREON.

WHEREAS, A.R.S. § 9-402(E) provides that the Town may abandon an easement; and

WHEREAS, the developer of Bear Paw Subdivision has requested that the Town abandon a portion of the existing ingress/egress easement crossing its property from Highway 260 to the north property line of Bear Paw Subdivision; and

WHEREAS, on May 12, 2008, the Planning and Zoning Commission held a public hearing on said easement abandonment request and unanimously recommended approval of the request; and

WHEREAS, on June 5, 2008, the Mayor and Common Council held a public hearing on said roadway and easement abandonment request; and

WHEREAS, the Town of Payson desires to abandon the requested portion of said easement while retaining the public utility easement thereon; and

WHEREAS, the final plat of Bear Paw Subdivision will reflect the retained public utility easement and the abandonment of the ingress/egress easement,

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 relinquish and abandon its interest in that portion of the existing ingress/egress easement described in Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein as though set forth in full at this point, while reserving and retaining the public utility easement located thereon.

Section 2. That the abandonment of such ingress/egress easement and the reservation of the retained public utility easement shall become effective only upon the recordation of the final plat of Bear Paw Subdivision in the Office of the Gila County Recorder.

Section 3. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary or appropriate to carrying out the purposes provided for in this Resolution Number 2383.

Public Hrg JUN 0 5 2008 G.2

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 5th day of June, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

LEGAL DESCRIPTION

94-652674

LEGAL DESCRIPTION
"Pete's Road"

A strip of land located in the SE¼, Section 36, Township 11 North, Range 10 East, G&SRB&M, Gila County, Arizona, 20.00 feet wide, 10.00 feet each side of the centerline more particularly described as follows:

Commencing at the E¼ corner of said Section 36 and corner No. 10 of H.E.S. No. 420;

Thence: S 89°47'03" W, 1314.46 feet along the north line of said SE¼ and the line between corner No. 10 and corner No. 11 of said H.E.S. 420 to the POINT OF BEGINNING of said centerline;

Thence: S 30°12'24" W, 73.70 feet;

Thence: S 36°39'46" W, 91.26 feet;

Thence: S 29°47'40" W, 92.44 feet;

Thence: S 38°22'29" W, 76.49 feet;

Thence: S 44°31'20" W, 67.72 feet;

Thence: S 30°18'03" W, 58.63 feet;

Thence: S 22°24'05" W, 163.42 feet;

Thence: S 37°54'53" W, 76.01 feet;

Thence: S 60°00'29" W, 46.74 feet;

Thence: S 62°13'54" W, 66.86 feet;

Thence: S 41°37'18" W, 37.51 feet;

Thence: S 34°56'13" W, 167.20 feet;

Thence: S 37°46'56" W, 144.85 feet;

Thence: S 43°28'50" W, 41.86 feet;

Thence: S 24°47'49" W, 30.12 feet to a point on the northerly right-of-way of State Route 260 and the POINT OF ENDING of said centerline.

EXHIBIT "A"

to Resolution No. 2383

Legal Description (continued)
"Pete's Road"

94-652674

The sidelines of said strip shall begin on the south line of said H.E.S. 420 and shall be shortened or lengthened as necessary to be continuous and parallel to said centerline and shall end in the northerly right-of-way of State Route 260.

A.L.T.A. / A.C.S.M. LAND TITLE SURVEY

OF TRACT "Y", CHAPARRAL PINES PHASE TWO, MAP NO. 691, GILA COUNTY RECORDS.
LOCATED IN THE SE 1/4, SECTION 36, TOWNSHIP 11 NORTH, RANGE 10 EAST OF THE GILA & SALT RIVER MERIDIAN
GILA COUNTY, ARIZONA.

FOR: CRESCENT RESOURCES, L.L.C.
500 NORTH CLUB DRIVE
PAYSON, AZ. 85541

LEGAL DESCRIPTION

Of Tract Y, Chaparral Pines, Phase Two, Map 691, Gila County Records aka Certificate of Correction Recorded February 1, 2001, as 2001-003103 of official Records. Located in the SE 1/4, Section 36, Township 11 North, Range 10 East of the Gila & Salt River Meridian, Gila County, Arizona.

Except the following described property:

A Parcel of land located in the Southeast quarter of Section 36, Township 11 North, Range 10 East of the Gila and Salt River Base and Meridian, Gila County, Arizona, being more particularly described as follows:

Commencing at Corner No. 11 of Homestead Entry Survey No. 420;

Thence, N 89°47'25" E Measured (N 89°57'00" E Record), along the line between Corner No. 11 and Corner No. 10 of said Homestead Entry Survey No. 420, a distance of 572.00 feet to the Northeast corner of that parcel as shown on Small Tracts Act Survey Arizona No. 014, recorded on map No. 214, Gila County Records, said point being the POINT OF BEGINNING;

Thence: Continuing N 89°47'25" E Measured (N 89°57'00" E Record), along the line between Corner No. 11 and Corner No. 10 of Homestead Entry Survey No. 420, a distance of 323.00 feet to the Southeast corner of that parcel described in Docket 923, page 741, Gila County Records;

Thence: S 00°12'35" E Measured (S 00°03'00" E Record), 40.00 feet;

Thence: S 89°47'21" W, 328.05 feet Measured (S 89°57'00" W, 328.00 feet Record);

Thence: N 00°08'38" W, 40.01 feet Measured (N 00°03'00" W, 40.00 feet Record) to the true POINT OF BEGINNING.

NOTES

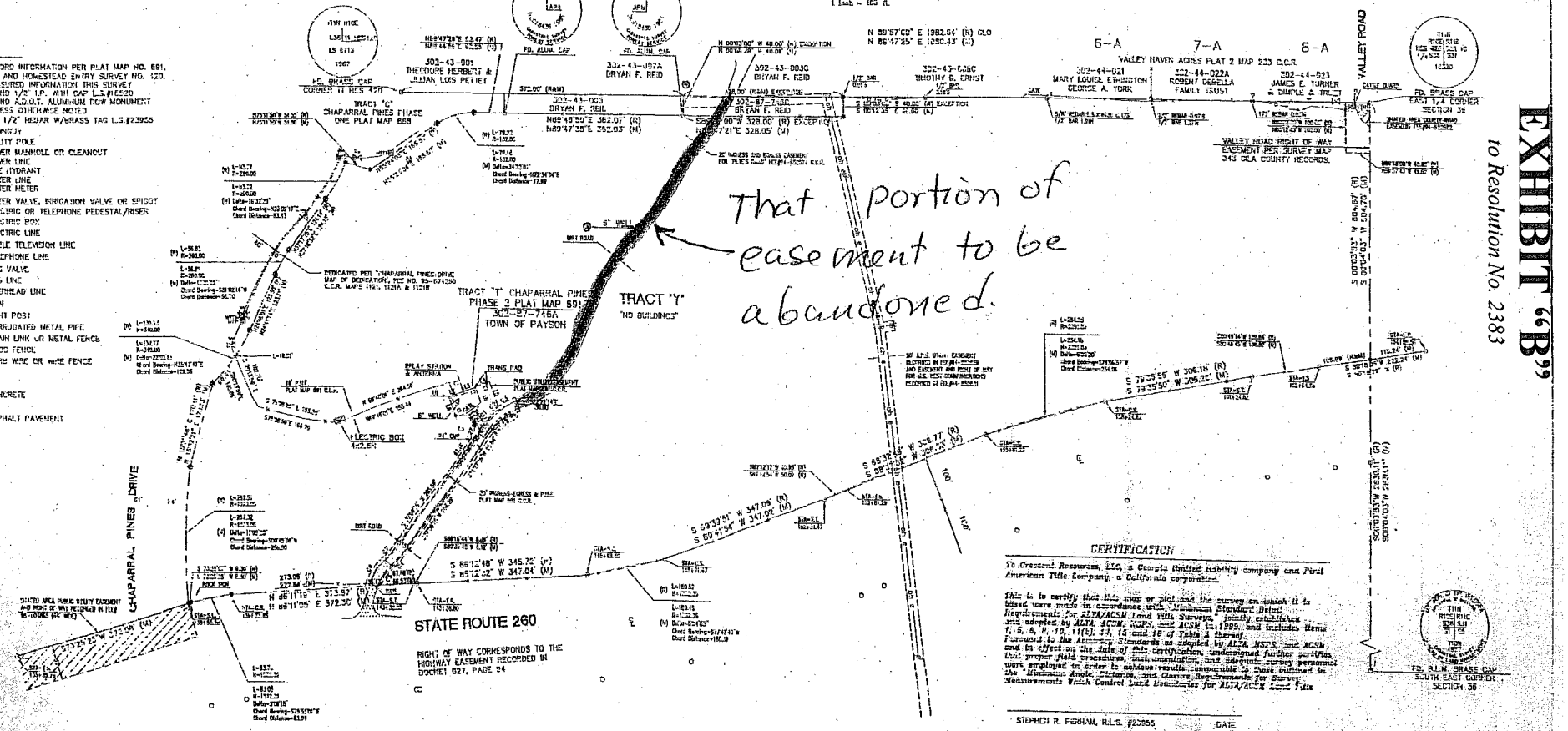
1. BASIS OF BEARINGS = N 00°02'25" W ON THE LINE BETWEEN THE H.-S. 1/64 CORNER OF SECTION 1 T. 11 N., R. 10 E. AND THE NORTHWEST CORNER OF SAID SECTION 1.
2. CURRENT ZONING =R3-PAD
3. UNDERGROUND UTILITIES SHOWN WERE LOCATED ACCORDING TO BLUE STAKE ID SERVICES. THE MAKER OF THIS MAP ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND/OR COMPLETENESS OF SERVICES PROVIDED BY THE UTILITY COMPANIES.
4. AREA OF TRACT "Y" LESS EXCEPTION AND TRACT "T" = 1,725,688.94 SQ. FT. / 39.59 ACRES

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

LEGEND

- (R) = RECORD INFORMATION PER PLAT MAP NO. 691, 214 AND HOMESTEAD ENTRY SURVEY NO. 420.
- (M) = MEASURED INFORMATION THIS SURVEY
- = FOUND 1/2" I.P. WITH CAP L.S.#16520
- = FOUND A.D.O.T. ALUMINUM ROW MONUMENT UNLESS OTHERWISE NOTED
- = SET 1/2" REBAR W/BRASS TAG L.S.#23955
- = DOWNGUY
- = UTILITY POLE
- = SEWER MANHOLE OR CLEANOUT
- = SEWER LINE
- = FIRE HYDRANT
- = WATER LINE
- = WATER METER
- = WATER VALVE, IRRIGATION VALVE OR SPIGOT
- = ELECTRIC OR TELEPHONE PEDESTAL/RISER
- = ELECTRIC BOX
- = ELECTRIC LINE
- = CABLE TELEVISION LINE
- = TELEPHONE LINE
- = GAS VALVE
- = GAS LINE
- = OVERHEAD LINE
- = SIGN
- = LIGHT POST
- = CORRUGATED METAL PIPE
- = CHAIN LINK OR METAL FENCE
- = WOOD FENCE
- = BARB WIRE OR WIRE FENCE
- = CONCRETE
- = ASPHALT PAVEMENT



CERTIFICATION

To Crescent Resources, LLC, a Georgia limited liability company and First American Title Company, a California corporation.

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM, NSPS, and ACSM in 1999, and includes items 1, 2, 3, 4, 8, 10, 11(b), 13, 15 and 16 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation, and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title

STEPHEN R. FERHAM, R.L.S. #23955 DATE

STEPHEN R. FERHAM
23955
ARIZONA
LAND SURVEYOR

NORTHSTAR SURVEYING
INCORPORATED
1100 N. BELINE HWY., SUITE B • PAYSON, ARIZONA 85541 • (928) 474-9546
PROJECT NO. 04-206

EXHIBIT "B"
to Resolution No. 2383