

RESOLUTION NO. 2388

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT ON THE EAST SIDE OF PROPERTY KNOWN AS 104 WEST PHOENIX STREET.

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

WHEREAS, the developer of a proposed restaurant and micro-brewery at 104 West Phoenix Street has requested that the Town abandon the southernly 135' of the utility easement in the easternly 8' of Lot 7 of Wooded Estates, 104 West Phoenix Street; and

WHEREAS, on June 9, 2008, the Planning and Zoning Commission held a public hearing on said public utility abandonment request and unanimously recommended approval of such request; and

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

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 public utility easement described in Exhibit "A", attached hereto and incorporated herein as thought set forth in full at this point, while reserving and retaining thereon the remaining public utility easement not included in this request.

Section 2. That the abandonment of the requested portion of the public utility easement shall become effective only upon the recordation of Resolution No. 2388, along with Exhibit "A", attached thereto.

Section 3. That the Town of Payson be and is hereby authorized to take such other and further actions as may be necessary and appropriate to carrying out the purposes provided for in this Resolution Number 2388.

Prepared by Town of Payson Legal Department

SIS:ljf June 16, 2008 (1:51PM)

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

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

Exhibit A to Resolution 2388

The southerly 135 feet of the easterly 8 feet of Lot 7 of Wooded Estates Amended per Map No. 132 of the Gila County Recorders Office, Gila County, Arizona.