

RESOLUTION NO. 2401

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 Kenneth Dean Hinrichs and Marilyn Ida Hinrichs, as Trustees under the Kenneth D. & Marilyn I. Hinrichs Family Trust dated August 8, 2005; 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 said 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 the 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 _____, 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

JUL 17 2008 Call*

EXHIBIT "1"

to Resolution No. 2401

Recording Requested By: Town of Payson

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

WARRANTY DEED

For the consideration of THREE THOUSAND AND SIX HUNDRED AND SEVENTY-FIVE AND NO/100 DOLLARS, and other valuable considerations, I or we KENNETH DEAN HINRICHS and MARILYN IDA HINRICHS, as TRUSTEES under The Kenneth D. & Marilyn I. Hinrichs Family Trust, dated August 8 2005 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 4-18-2008

Kenneth Hinrichs

Marilyn Hinrichs

STATE OF _____)
County of Gila)

On April 18, 2008, before me, undersigned Notary Public, personally appeared Kenneth Marilyn Hinrichs, 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: Feb. 13, 2012

Joyce A. Popke
Notary Public

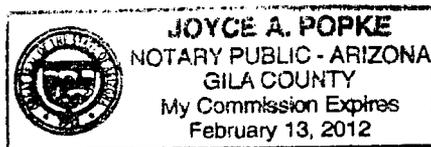


EXHIBIT "A"

The North 14 feet of the following:

Lot 39 of the Mogollon Rim Addition Plat Two in Payson on Map No. 151
in the Office of the Recorder of Gila County, Arizona.

Described area 1470 square feet.

Reference: Hinrichslegal