

**RESOLUTION NO. 2422**

**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 BONITA STREET PHASE 2 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 Bonita Street Phase 2 road project and described on Exhibit "1" attached hereto has been offered to the Town of Payson by James A. York, trustee or successor trustee known as the James A York Family Trust; and

WHEREAS, said real property is necessary for completion of the Bonita Street Phase 2 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 Bonita Street Phase 2 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

SEP 04 2008 G.12

**EXHIBIT "1"**

to Resolution No. 2422

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 SIXTEEN HUNDRED TWENTY FIVE AND NO/100 DOLLARS, and other valuable considerations, I or we JAMES A. YORK, trustee or successor trustee known as The James A. York Family Trust, 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 8-15-08  
James A. York

STATE OF ARIZONA )  
County of Gila )

On 8-15-08, before me, undersigned Notary Public, personally appeared JAMES A. YORK, 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.

R Christine Floyd  
Notary Public

My Commission Expires:  
Oct. 9, 2009

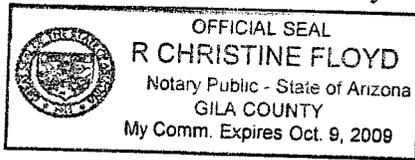


EXHIBIT "A"

THE NORTHERLY 12.50 FEET OF THAT PARCEL OF LAND DESCRIBED AS LOT 38, MOGOLLON RIM ADDITION PLAT 2, ACCORDING TO PLAT NO. 150, RECORDS OF GILA COUNTY, ARIZONA, EXCEPT THE EAST 53 FEET.

THE ABOVE DESCRIBED AREA CONTAINS 650 SQUARE FEET, MORE OR LESS.

Reference: Yorklegal