RESOLUTION NO. 2423

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 Floyd Thomas Landers, trustee of the Floyd T. and Lou M. Lander Family Trust dated January 22, 1997; 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.13

EXHIBIT "1"

to Resolution No. 2423

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 NO/100 DOLLARS, and other valuable considerations, I or we FLOYD THOMAS LANDERS, trustee of The Floyd T. and Lou M. Landers Family Trust dated January 22, 1997, 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

F Thomas Landers

STATE OF ARIZONA)
)
County of Gila)

On 8-15-08, before me, undersigned Notary Public, personally appeared Floyd Thomas Landers, 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

OFFICIAL SEAL
R CHRISTINE FLOYD
Notary Public - State of Arizona
GILA COUNTY
My Comm. Expires Oct. 9, 2009

EXHIBIT "A"

THE SOUTH 12 FEET OF THAT PARCEL OF LAND DESCRIBED AS LOT M, OF EARLRUSSELL ADDITION PLAT 1A, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GILA COUNTY, ARIZONA, RECORDED IN MAP NO. 114.

THE ABOVE DESCRIBED AREA CONTAINS 1200 SQUARE FEET, MORE OR LESS.

Reference: Landerslegal