

SUMMARY OF AGENDA ITEM

DATE: 10-16-08

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2438

TITLE: ARESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1"

PURPOSE:

To accept a drainage easement in the Payson Ranchos area to allow the installation of drainage facilities to address a neighborhood drainage issue. This easement is from Howard and Linda Macreno.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Provide construction crews the right to install and maintain an underground storm drain system on private property for the Town of Payson.

RECOMMENDED COUNCIL ACTION:

Approval of this Resolution

BACKGROUND:

For some time there has been a drainage issue in the Payson Ranchos area. By accepting this easement the Town will be able to install drainage facilities that will address the existing neighborhood drainage issue. This easement will allow the installation of underground facilities on private property that will be maintained by the Town.

OCT 16 2008 G.2*

RESOLUTION NO. 2438

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

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 easement described on Exhibit "1" attached hereto has been offered to the Town of Payson by Howard J. Macreno III, an unmarried man and Howard J. Macreno, Sr. and Linda Sederholm-Macreno, husband and wife; and

WHEREAS, said real property is located within the corporate limits of the Town of Payson,

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 the drainage easement described 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 drainage easement and to the use and control thereof, including, but not limited to, the maintenance 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:

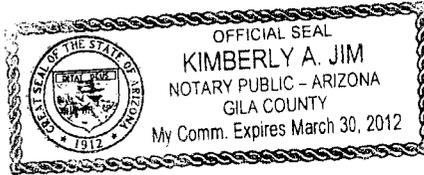
APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

OCT 16 2008 G.2*

STATE OF ARIZONA)
) ss.
County of Gila)

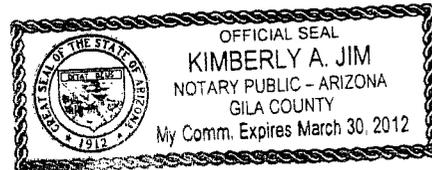


The foregoing drainage easement was acknowledged before me this
9 day of Sept, 2008, by
Kim Jim.

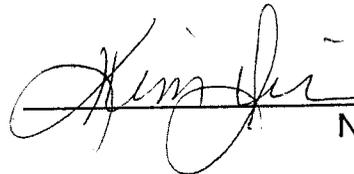

Notary Public

My commission expires: 3/30/2012

STATE OF ARIZONA)
) ss.
County of Gila)



The foregoing drainage easement was acknowledged before me this
9 day of Sept, 2008, by
Kim Jim.


Notary Public

My commission expires: 3/30/2012

EXHIBIT "A"

That part of Lot 122 of Payson Ranchos subdivision in Payson on Plat Map No. 167 in the Office of the Recorder of Gila County, Arizona more particularly described as follows:

Beginning at the south most corner of Lot 122;
Thence Northeasterly along the southeast line of Lot 122 to the east corner of Lot 122;
Thence Northwesterly a distance of 10.31 feet along the northeast line of lot 122;
Thence southwesterly and parallel to the southeast line to the southwest line;
Thence southeasterly along the southwest line to the south most corner of Lot 122, the Point of Beginning.

Reference: MacReno