

SUMMARY OF AGENDA ITEM

DATE: 10-16-08

SUBMITTED BY: LaRon Garrett

RESOLUTION/ORDINANCE # 2441

TITLE: 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.

PURPOSE:

To accept a piece of right of way for the Bonita Street Phase 2 road reconstruction project. This piece of right of way is from Daniel T Klimut and Michelle E. Klimut.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Increase the town right of way to accommodate the Bonita Street Phase 2 reconstruction improvements.

RECOMMENDED COUNCIL ACTION:

Approval of this Resolution

BACKGROUND:

Bontia Street between Bently Street and Highway 87 has been in the plan for reconstruction for several years. The construction plans are almost complete. The final right of way is being acquired so the project can proceed.

OCT 16 2008 G.5*

RESOLUTION NO. 2441

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 Daniel T. Klimut and Michelle E. Klimut, husband and wife; 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

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EXHIBIT "1"
to Resolution No. 2441

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 FIFTEEN AND 75/100 DOLLARS, and other valuable considerations, I or we DANIEL T. KLIMUT and MICHELLE E. KLIMUT, husband and wife, 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 8-29-08
[Signature]

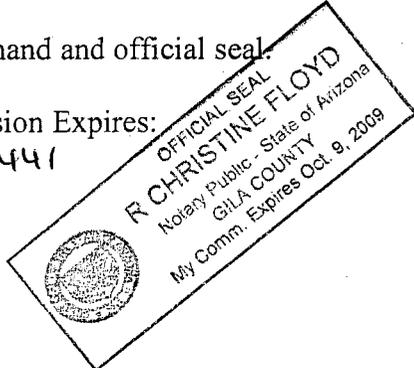
[Signature]

STATE OF ARIZONA)
County of Gila)

On Aug. 29, 2008, before me, undersigned Notary Public, personally appeared Daniel & Michelle Klimut, 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:
Res # 2441



[Signature]
Notary Public

EXHIBIT "A"

THAT PARTICULAR PORTION OF THE PARCEL OF LAND DESCRIBED AS PARCEL A AS RECORDER IN A RECORD OF SURVEY/MINOR LAND DIVISION NO. 2921, RECORDS OF GILA COUNTY, ARIZONA. SAID PARCEL BEING A PORTION OF LOT 10, MOGOLLON RIM ADDITION PLAT 2, ACCORDING TO PLAT NO. 150, RECORDS OF GILA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE EASTERLY ALONG SAID NORTH LINE, A DISTANCE OF 15.89 FEET; THENCE SOUTHWESTERLY TO A POINT ON SAID WEST LINE, LOCATED 0.79 FEET SOUTH OF SAID NORTH LINE; THENCE NORTHERLY ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS 6.3 SQUARE FEET, MORE OR LESS.

Reference: Klimutlegal