# SUMMARY OF AGENDA ITEM

**DATE: 10-16-08** **SUBMITTED BY: LaRon Garrett**

**RESOLUTION/ORDINANCE # 2445**

**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 A PORTION OF LAKE DRIVE.**

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**PURPOSE:**

**To accept a piece of right of way on Lake Drive. The original was paved on private property and this purchase is to facilitate having the paved road on Town right of way. This piece of right of way is from Albert and Judy Karhu.**

**SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:**

**Increase the town right of way to accommodate the existing improvements**

**RECOMMENDED COUNCIL ACTION:**

**Approval of this Resolution**

**BACKGROUND:**

**When Lake Drive was paved several years ago, a portion of the pavement was placed on private property. This was discovered recently when the property owner submitted plans to construct a home on his lot. This Resolution acquires the property where the road is actually located for the Town.**

Corrected 10-10-08 OCT 1 6 2008 G.9*

**RESOLUTION NO. 2445**

**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 Joe Tunno and Melanie J. Tunno, 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:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

Corrected 10-10-08

OCT 16 2008 G.9*

# EXHIBIT "1"

to Resolution No. 2444

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 ONE THOUSAND AND EIGHT HUNDRED AND SIXTY AND NO/100 DOLLARS, and other valuable considerations, I or we ALBERT M.J. KARHU and JUDY A. KARHU, 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 9/17/08

STATE OF ARIZONA )
)
County of Gila )

On 9-17-08, before me, undersigned Notary Public, personally appeared Al + Judy Karhu, 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:
Res 2445

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

EXHIBIT "A"

That part of Lot 31 of the Country Club Estates Unit 2 subdivision in Payson on Plat Map No. 216 in the Office of the Recorder of Gila County, Arizona more particularly described as follows:

Beginning at the North corner of Lot 31;
Thence South 30°25' West a distance of 80.25 feet along the basis-of-bearing and the west line of Lot 31 to the Point of Beginning;
Thence South 48°13' West a distance of 149.82 feet along the west line of Lot 31;
Thence South 0°27'30" West a distance of 3.36 feet along the west line of Lot 31;
Thence South 85°38' East a distance of 10.00 feet along the south line of Lot 31;
Thence North 44°23'38" East a distance of 145.48 feet to the Point of Beginning.

Above described area is 744 square feet.

Reference: Karhu

REGISTERED LAND SURVEYOR
37758
CURTIS A.
WARD
Date Signed 8/1/08
ARIZONA, U.S.A.
Expires 06/30/11