

RESOLUTION NO. 2465

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED TRANSFERRING TITLE TO A 5 FOOT BY 45 FOOT PORTION OF RIGHT OF WAY LOCATED IN THE 701 BLOCK OF EAST PHOENIX STREET TO ROBERT C. AND SHERIE W. BALDRIDGE.

WHEREAS, A.R.S. § 28-7202 provides that a Town may abandon a public roadway or a portion thereof that it determines is not necessary for public use as a roadway; and

WHEREAS, A.R.S. § 28-7205 provides that title to such abandoned roadway or portion thereof shall be vested in the owners of the abutting land; and

WHEREAS, A.R.S. § 28-7208 requires that the Town receive consideration from the owner of the abutting property in an amount deemed by the governing body to be commensurate with the value of the abandoned roadway or portion thereof; and

WHEREAS, Robert C. and Sherie W. Baldrige, whose land abuts a certain 5 foot by 45 foot portion of right of way located in the 701 block of East Phoenix Street, described in Exhibit "1" hereto (the "right of way portion"), have offered to pay the Town \$562.50 and have requested the Town to abandon said right of way portion; and

WHEREAS, the Mayor and Common Council have determined that said right of way portion is unnecessary for public use as a roadway; and

WHEREAS, the Mayor and Common Council deem the amount of \$562.50 to be commensurate with the value of said right of way portion; and

WHEREAS, the Town desires to abandon said right of way portion, but to retain a public utility easement over said right of way portion,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Mayor of the Town of Payson, is hereby authorized to execute the quit claim deed attached hereto marked Exhibit "1" in substantially the form as attached.

Section 2. That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the purposes provided for in this Resolution Number 2465.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 8th day of January, 2009, 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

**EXHIBIT 1
TO
RESOLUTION 2465**

WHEN RECORDED, RETURN TO:
Silvia Smith, Town Clerk
Town of Payson
303 N. Beeline Highway
Payson, AZ 85541

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

For valuable consideration, the undersigned, Town of Payson, an Arizona municipal corporation (“Grantor”), hereby quit-claims to Robert C. & Sherie W. Baldrige, Trustees of the Baldrige Living Trust (“Grantee”), whose address is 701 E. Phoenix Street, Payson, AZ 85541, fee title of Grantor, but reserving unto Grantor a Public Utility Easement over and across the entire real property in and to the real property situated in Gila County, Arizona, which is described as follows:

Beginning at the northwest corner of Lot 58 of the Rim View Heights Estates Final Plat recorded as Map No. 624, Gila Count Recorders Office, Gila County, Arizona; Thence N 00° 09’ 52”E, 5.00 feet; Thence S 89° 49’ 52”E, 45.00 feet; Thence S 00° 09’ 52” W, 5.00 feet to the north line of said lot 58, said line being the south right of way line of East Phoenix Street; Thence N 89° 49’ 52” W, along said north line and said right of way line a distance of 45.00 feet to the Point of Beginning.

(Beneficiaries of the Baldrige Living Trust are Robert Mark Baldrige, 120 E. 300 S., Franklin, Indiana, 46131, and Lori Allison, 902 N. Loma Vista Circle, Mesa, Arizona, 85213.)

DATED: _____

Town of Payson,
an Arizona Municipal Corporation (Grantor)

By: _____
Kenny J. Evans, Mayor

STATE OF ARIZONA)
)§
County of Gila)

The foregoing quit-claim deed was signed before me on _____, 2009 by Kenny J Evans, Mayor of the Town of Payson, on behalf of the Town.

Notary Public

My commission expires:

EXEMPT PER A.R.S. § 11-1134(A)(3)