

RESOLUTION NO. 2481

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, GRANTING A PRIVATE SEWER AND STORM DRAIN EASEMENT TO THE PAYSON HUMANE SOCIETY AND JAMES A. AND AMITY M. JUSTICE, AND AUTHORIZING THE MAYOR TO EXECUTE THE APPROPRIATE INSTRUMENT TO CONVEY SAID EASEMENT.

WHEREAS, the Payson Humane Society and James A. and Amity M. Justice have requested that the Town of Payson grant them a private sewer and storm drain easement over and across certain real property owned by the Town of Payson; and

WHEREAS, the Town of Payson desires to grant said private sewer and storm drain easement to the Payson Humane Society and James A. and Amity M. Justice,

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

Section 1. That the private sewer and storm drain easement attached hereto marked Exhibit "A" and made a part hereof by this reference as though set forth in full at this point, be and is hereby granted and approved.

Section 2. That Kenny J. Evans, Mayor of the Town of Payson, be and is hereby authorized to sign the private sewer and storm drain easement in substantially the form attached as Exhibit "A".

Section 3. That the Town of Payson be and is authorized to take such other and further measures and actions as are necessary or appropriate to carrying out the terms, provisions, and intents of this Resolution, including, but not limited to, the recording in the Office of the Gila County Recorder of the private sewer and storm drain easement attached hereto as Exhibit "A".

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 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

Prepared by Town of Payson Legal Department

SIS:drs March 25, 2009 (4:03pm)

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APR 02 2009 G.6*

EXHIBIT "A"

to Resolution No. 2481

When recorded, return to:
Silvia Smith, Town Clerk
Town of Payson
303 North Beeline Highway
Payson, Arizona 85541

PRIVATE SEWER AND STORM DRAIN EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other good and valuable consideration paid to the Town of Payson (hereinafter referred to as GRANTOR), the receipt of which is hereby acknowledged, GRANTOR do hereby grant, bargain, sell, transfer and convey unto Payson Humane Society, Inc. and James A. and Amity M. Justice (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual sewer and storm drain easement with the right to construct and install lines, lay and thereafter use, operate, inspect, repair, maintain, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of GRANTOR situate in Gila County, State of Arizona, for such purposes, said land being described on Exhibit "A" attached hereto and made a part hereof.

The consideration hereinabove recited shall constitute payment in full for the value of the interest granted herein and for any damages to the land of GRANTOR, their successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. Each GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of GRANTOR, their successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of GRANTEES, their successor and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this ____ day of _____, 2009.

GRANTOR
Town of Payson

Kenny J. Evans, Mayor

STATE OF _____)

) ss.

County of _____)

The foregoing easement deed was acknowledged before me this _____ day of _____, 200____, by _____, who acknowledged himself to be the _____ of _____, and that as such officer, being duly authorized so to do, signed his/her name as such officer.

Notary Public

My commission expires:

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
PRIVATE SEWER & STORM DRAIN EASEMENT

An easement for Private Sewer and Storm Drain over a portion of Parcel C of ROS 2896, G.C.R., lying in Section 9, Township 10 North, Range 10 East, Gila and Salt River Meridian, Gila County, in the Town of Payson, Arizona, more particularly described as follows:

Commencing at the Northmost Northwest Corner Adj. Lot 3 of said ROS 2896, the POINT OF BEGINNING;

Thence: N 0°38'57" E, 40.00 feet along the northerly projection of West line of said Adj. Lot 3;

Thence: N 89°21'03" W, 5.00 feet at right angles from said projected line;

Thence: N 0°38'57" E, 55.10 feet parallel with said projected line to a point in the Southerly line of that Sewer Easement recorded in Docket 327, Page 785, G.C.R., said southerly line being parallel with and 16.00 feet southerly of the North line of said Parcel C of said ROS 2896;

Thence: S 89°17'38" E, 35.00 feet along said southerly easement line;

Thence: S 0°38'57" W, 95.06 feet parallel with said projected line to the North line of said Adj. Lot 3;

Thence: N 89°10'56" W, 30.00 feet along said parallel line to the POINT OF BEGINNING.

The above description encloses 3,127.88 square feet, more or less.

TETRA TECH, INC.

Project P09786-0001

BOUNDRY LINE

S 89°17'38" E

35.00'

16'

SEWER EASEMENT
(DOCKET 327
PG. 785)

PARCEL "C"
(ROS 2896 G.C.R.)

EXIST. 40' TEMPORARY
INGRESS/EGRESS
& P.U.E. EASEMENT
(FEE# 2005-015045)

55.10'

N 00°38'57" E

3128 S.F.

95.06'

N 89°21'03" W
5.00'

N 00°38'57" E
40.00'

S 00°38'57" W

304-15-002G
(TOWN OF PAYSON)

POINT OF
BEGINNING

BOUNDRY LINE

30.00'

53.98'

N 89°10'56" W

83.98'

GRAPHIC SCALE



(IN FEET)

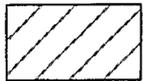
1 inch = 20 ft.

EXIST. 30' TEMPORARY
INGRESS/EGRESS
& P.U.E. EASEMENT
(FEE# 2005-015046)

ADJ. LOT 3

(ROS 2896 G.C.R.)

304-15-002H



PROPOSED PRIVATE SEWER AND
STORM DRAIN EASEMENT AREA



TETRA TECH, INC.

431 S. Beeline Highway
Payson, AZ 85541-4885
TEL:(928)474-4636 FAX:(928)474-4867

SCALE: 1"=20'

EXHIBIT "B"