

**RESOLUTION NO. 2482**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, GRANTING A TEMPORARY INGRESS AND EGRESS 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 temporary ingress and egress easement over and across certain real property owned by the Town of Payson; and

**WHEREAS**, the Town of Payson desires to grant said temporary ingress and egress 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 temporary ingress and egress 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 temporary ingress and egress 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 temporary ingress and egress 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

# EXHIBIT "A"

to Resolution No. 2482

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

## TEMPORARY INGRESS/EGRESS 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 the right to ingress and egress access 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.

This easement shall automatically terminate upon completion of direct access to McLane Road. 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

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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**

**TEMPORARY INGRESS-EGRESS EASEMENT**

An easement for Temporary Ingress-Egress 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:

BEGINNING at the Northmost Northwest Corner of Adj. Lot 3 of said ROS 2896;

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

Thence: N 89°21'03" W, 18.00 feet at right angles from said projected line, to the beginning of a tangent curve concave to the southeast, having a radius of 30.00 feet;

Thence: Westerly and southerly along said curve through a central angle of 90°00'00", an arc distance of 47.12 feet to a point in a line parallel with and 48.00 feet westerly of said West line of said Adj. Lot 3;

Thence: S 0°38'57" W, 122.98 feet along said parallel line to its intersection with the westmost northerly line of said Adj. Lot 3;

Thence: S 89°20'35" E, 30.00 feet along said westmost northerly line to a point in a line parallel with and 18.00 feet westerly of said West line of said Adj. Lot 3;

Thence: N 0°38'57" E, 122.98 feet along said parallel line to the beginning of a tangent curve concave to the Southeast, having a radius of 10.00 feet;

Thence: Northerly and easterly along said curve through a central angle of 90°00'00", an arc distance of 15.71 feet;

Thence: S 89°21'03" E, 8.00 feet at right angles with said West line of said Adj. Lot 3 to the POINT OF BEGINNING.

The above description encloses 5,737.85 square feet, more or less.

**TETRA TECH, INC.**

**Project P09786-0001**

304-15-002G  
(TOWN OF PAYSON)

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

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

BOUNDRY LINE

S 89°10'56" E  
83.98'

POINT OF BEGINNING

S 89°21'03" E  
8.00'

L=15.71'  
R=10.00'  
Δ=90°00'00"

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

ADJ. LOT 3  
(ROS 2896 G.C.R.)  
304-15-002H

N 89°21'03" W  
18.00'

L=47.12'  
R=30.00'  
Δ=90°00'00"

N 00°38'57" E  
40.00'

5738 S.F.

S 00°38'57" W  
142.98'

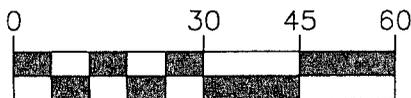
N 00°38'57" E  
122.98'

N 00°38'57" E  
132.98'

18.00'

S 89°20'35" E  
30.00'

GRAPHIC SCALE



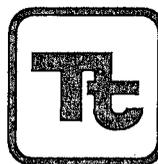
(IN FEET)

1 inch = 30 ft.

SCALE: 1"=30'



TEMPORARY INGRESS/EGRESS  
EASEMENT AREA



TETRA TECH, INC.

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

EXHIBIT "B"