RESOLUTION NO. 2531

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC INGRESS AND EGRESS EASEMENT FOR THE HEMLOCK CIRCLE WELL, AS DESCRIBED ON EXHIBIT '1' ATTACHED HERETO.

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, a certain Ingress and Egress Easement adjacent to access the Hemlock Circle Well and described on Exhibit "1" attached hereto has been offered and granted to the Town of Payson by Payson North Unit Five Home Owners Association, a non-profit organization; and

WHEREAS, it is the desire of the Town of Payson to accept said Ingress and Egress Easement; and

WHEREAS, said easement is located within the corporate limits of the Town of Payson,

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 the Ingress and Egress Easement 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 easement and to the use and control thereof.

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

NOV 19 2009 G.2*

EXHIBIT "1"

to Resolution No. 2531

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

INGRESS AND EGRESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar ($1.00) and other good and valuable consideration paid to the Payson North Unit Five Home Owners Association (hereinafter referred to as GRANTORS) by the Town of Payson, an Arizona municipal corporation, the receipt of which is hereby acknowledged, GRANTORS do hereby grant, bargain, sell, transfer and convey unto the Town of Payson, an Arizona municipal corporation (hereinafter referred to as GRANTEE), its successors and assigns, a perpetual easement for ingress, egress and access over, across and through the land of GRANTORS 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 GRANTORS, 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 GRANTORS have executed this instrument this 10th day of November, 2009.

GRANTOR

Diane Branstrom, President
Payson North Unit Five Home Owners Association.

STATE OF ARIZONA)
) ss.
County of Gila)

The foregoing easement document was acknowledged before me this 10 day of NOVEMBER, 2009, by ~~Michele Maupin~~ DIANE BRANSTROM

OFFICIAL SEAL
MICHELE MAUPIN
Notary Public - State of Arizona
GILA COUNTY
My Comm. Expires March 16, 2013

Notary Public

My commission expires:

_____

LEGAL DESCRIPTON
FOR
AN INGRESS AND EGRESS EASEMENT

An Ingress and Egress Easement over a portion of Tract "E" of Payson North Unit Five as recorded on Map No. 480, Gila County Recorders Office, Gila County, Arizona more particularly described as follows:

Commencing at the southeast corner of said Payson North Unit Five Subdivision;

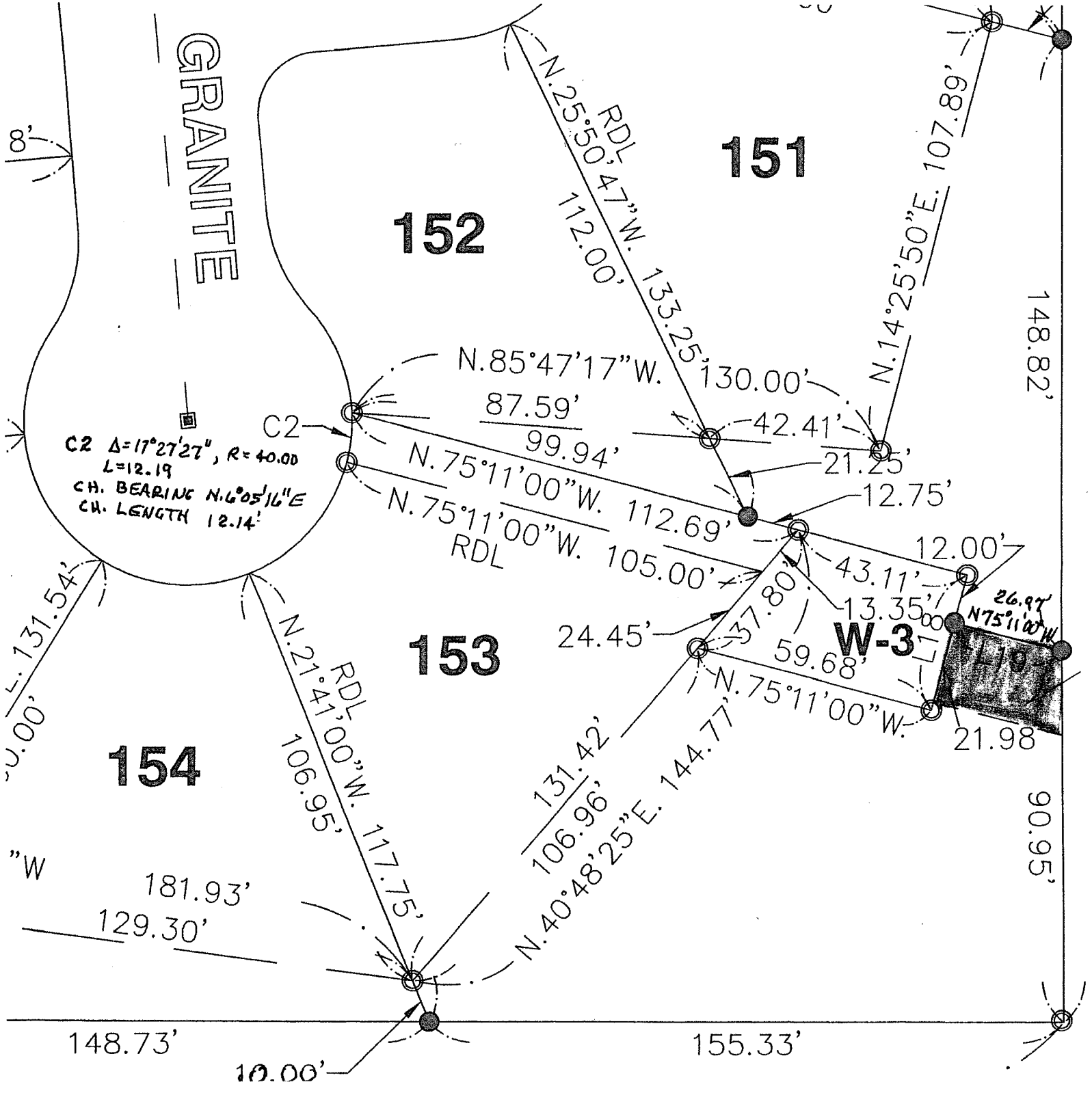
THENCE N 00°01'00" W along the east line of said subdivision 90.95 feet to the TRUE POINT OF BEGINNING;

THENCE N 75°11'00" W to a point on the southeasterly line of Tract "W-3" of said Payson North Unit Five plat a distance of 32.27 feet;

THENCE N 14°49'00" E along the southeasterly line of said Tract "W-3" a distance of 20.00 feet;

THENCE S 75°11'00" E to a point on the east line of said Payson North Unit Five a distance 26.97;

THENCE S 00°11'00" E along said east line a distance of 20.69 feet to the TRUE POINT OF BEGINNING.



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