

RESOLUTION NO. 2529

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC INGRESS, EGRESS AND UTILITY EASEMENT FOR THE FIRE STATION NO. 13, 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 Public Ingress, Egress and Utility Easement adjacent to the Payson Fire Station No. 13 project and described on Exhibit "1" attached hereto has been offered and granted to the Town of Payson by Highlands Market Place, LLC, An Arizona Limited Company; and

WHEREAS, it is the desire of the Town of Payson to accept said Public Ingress, Egress and Utility 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 Public Ingress, Egress and Utility 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

at the request of Pioneer Title Agency, Inc.

When recorded mail to
TOWN OF PAYSON
303-N BEELINE HWY
PAYSON, AZ 85541



00130687-TG

Tax Code: 304-61-142B

GRANT OF EASEMENT

This indenture made this 24th day of September 2009, between ,
HIGHLANDS MARKETPLACE, LLC, an Arizona limited liability company, (Grantor(s))
And
TOWN OF PAYSON, an Arizona municipal corporation, (Grantee(s))
WITNESSETH:

That for and in consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) does (do) hereby grant, bargain, sell and convey unto the Grantee(s), and their assigns, an easement over and across the following described property:

See Exhibit "A" attached hereto and made a part hereof

Said Easement is for public ingress, egress and utility easement and is to be appurtenant to the following described property:

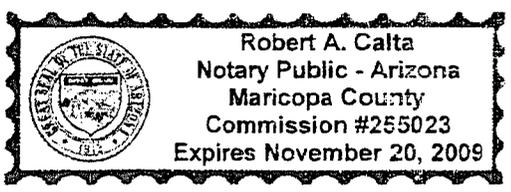
See Exhibit "B" attached hereto and made a part hereof

If at any time this easement is abandoned by Grantee(s), or their assigns, the rights granted herein shall cease and terminate and the land traversed by or included in the easement so abandoned shall revert to the then owner of the above described land and be free of said easement as fully and completely as if this indenture had not been made.

IN WITNESS WHEREOF the Grantor(s) has (have) caused this indenture to be signed on the day and year first written above.

HIGHLANDS MARKETPLACE, LLC,
An Arizona limited company

Gerald R. Palmer
By: GERALD R. PALMER, Manager



State of ARIZONA }
 } ss.
County of MARICOPA }

The foregoing instrument was acknowledged before me this 28th day of Sept., 2009, by Gerald R. Palmer, as Manager of Highlands Marketplace LLC, an Arizona limited liability company, on behalf of the company.

Robert A. Calta
NOTARY PUBLIC

My commission expires:
11/20/2009

EXHIBIT "A"

A public ingress, egress and utility easement across a parcel of property located in a portion of the Northeast Quarter of Section 2, Township 10 North, Range 10 East, Gila and Salt River Meridian, more particularly described as follows:

Beginning at the Southern most corner of Parcel "E1" per Survey Map No. 2614, Gila County Recorders Office, Gila County, Arizona;

THENCE North 45° 02' 41" West along the Westerly line of said Parcel "E1" and along the Easterly right of way line of South Rim Club Parkway, a distance of 57.04 feet;

THENCE South 89° 34' 38" East, a distance of 40.66 feet to a point on the Easterly line of said Parcel "E1";

THENCE South 00° 25' 22" West along the Easterly line of said Parcel "E1", a distance of 40.00 feet to the Point of Beginning.



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10/01/2009 04:29:48 PM Receipt #: 09-6463
Rec Fee: \$13.00 Pioneer Title Agency Recordings 2
Gila County, Az, Sadie Tomerlin Dalton, Recorder



EXHIBIT "B"

Parcel "E3" as shown on Record of Survey/Minor Land Division recorded September 16, 2009 in Survey Map No. 3758, records of Gila County, Arizona.

