

RESOLUTION NO. 2583

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ORDERING A MODIFICATION IN A PORTION OF THE ASSESSMENT FOR THE TOWN OF PAYSON, ARIZONA, WESTERLY ROAD IMPROVEMENT DISTRICT, AND DIRECTING THE SUPERINTENDENT OF STREETS TO NOTE SUCH MODIFICATION AND THE DATE THAT IT IS MADE ON HIS RECORD OF THE ASSESSMENT FOR SAID DISTRICT (WESTERLY ROAD IMPROVEMENT DISTRICT ASSESSMENT NO. 3).

WHEREAS, the Mayor and Common Council of the Town of Payson, Arizona, initiated an improvement known as the Town of Payson, Arizona, Westerly Road Improvement District (the "District") by the adoption of Resolution Number 1847 (the "Resolution of Intention"); and

WHEREAS, the Town ordered the improvement to be done in the District by the adoption of Resolution Number 2075 (the "Resolution Ordering the Work"); and

WHEREAS, the improvement undertaken in the District has been completed; and

WHEREAS, the total cost and expenses of said improvements have been assessed upon each of the several pieces, parcels, lots, portions of lots, and parcels of land included within the assessment district described in the Resolution of Intention for said work, in proportion to the benefits to be received by each of said pieces, parcels, lots, portions of lots, and parcels of land; and

WHEREAS, the Superintendent of Streets has filed with the Town Clerk a recapitulated assessment pursuant to A.R.S. §48-590 (F); and

WHEREAS, said assessment for the District was confirmed and approved by Resolution Number 2215 (the "Resolution Approving the Assessment"); and

WHEREAS, certain persons who have an interest or interests in certain lots assessed within the District have requested that the assessment be recalculated and modified pursuant to A.R.S. §48-594 with regard to such lots to account for changes in the size and/or ownership of the lots upon which the assessments were originally calculated,

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

Section 1. All objections filed against the modification of assessments and the proceedings had and taken thereon are found to be without merit and are therefore overturned.

Section 2. The Owner of the property subject to the increased per square foot assessment as a result of the modification has waived the right to notice, a hearing, and potential objections.

DEC 09 2010 G.2.A.

Section 3. That the modification of assessments for the District as made, shown, and recapitulated by the Superintendent of Streets for the Town of Payson, and as shown on the Assessment Amendment, including the recalculation of Assessment No. 3, a copy of which is attached hereto marked Exhibit "A-1" and made a part hereof as though set forth in full at this point.

Section 4. The Mayor and Common Council uphold the Superintendent of Streets' determinations in regard to the recalculation of assessments and the Modifications provided for herein and all acts of the Clerk, the Superintendent of Streets, and any person acting for such officials in providing for completing the Modification of assessments set forth herein are hereby ratified and confirmed.

Section 4. That the Superintendent of Streets is hereby directed to make the Modifications as set forth herein and to note the Modifications on his record of the assessment, together with the date the Modifications are made.

PASSED AND ADOPTED BY THE MAYOR, AND COMMON COUNCIL OF THE TOWN OF PAYSON this, ____ day of December, 2010, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Timothy M. Wright, Town Attorney

EXHIBIT 'A-1'
to Resolution 2583

ASSESSMENT AMENDMENT

IN THE MATTER OF THE WESTERLY DRIVE IMPROVEMENT DISTRICT OF THE TOWN OF PAYSON, ARIZONA, PERTAINING TO THE IMPROVEMENT OF WESTERLY DRIVE FROM AREO DRIVE TO MAIN STREET; MODIFICATION OF ASSESSMENT NUMBER 3.

Pursuant to the provisions of Section 48 -571 through 48 -622, the Superintendent of Streets of the Town of Payson has modified Assessment Number 3 of the assessment dated September 15, 2005 (the "Original Assessment") as follows:

The parcel on which the Original Assessment was levied as Assessment Number 3 was described in the Original Assessment as follows:

Bearing Assessment Number 3 in the original amount of \$295,550.58.

Assessment Number 3, as shown in the Original Assessment is hereby amended to show that such parcel has been subdivided into three smaller parcels Assessments Numbered 3A, 3B and 3C; that hence forth will bear the assessments shown on the attached modification of the assessment diagram, the legal descriptions of such three parcels are as follows:

Assessment 3A: Parcel "A" — Town of Payson, Arizona

A parcel of property located in the NE ¼ of Section 9, T10 N, R 10 E of the Gila and Salt River Meridian, also being a portion of Parcel "D" as described in the instrument recorded in Fee No. 2000-9946, Gila County Recorder's Office, Gila County, Arizona more particularly described as follows:

Parcel "A" as shown on Record of Survey No. 3851, Gila County Recorder's Office, Gila County, Arizona.

Assessment 3B: Parcel "B" — Messinger Payson Funeral Home, Inc.

A parcel of property located in the NE ¼ of Section 9, T10 N, R 10 E of the Gila and Salt River Meridian, also being a portion of Parcel "D" as described in the instrument recorded in Fee No. 2000-9946, Gila County Recorder's Office, Gila County, Arizona more particularly described as follows:

Parcel "B" as shown on Record of Survey No. 3851, Gila County Recorder's Office, Gila County, Arizona.

Assessment 3C: Parcel "C" — Town of Payson, Arizona

A parcel of property located in the NE ¼ of Section 9, T10 N, R 10 E of the Gila and Salt River Meridian, also being a portion of Parcel "D" as described in the instrument recorded in Fee No. 2000-9946, Gila County Recorder's Office, Gila County, Arizona more particularly described as follows:

Parcel "C" as shown on Record of Survey No. 3851, Gila County Recorder's Office, Gila County, Arizona.

3A \$0.00
3B \$244,875.95
3C \$0.00

Upon completion of the subdivision of the property assessed as Assessment Number 3 in the Original Assessment, the owners of such parcel will be:

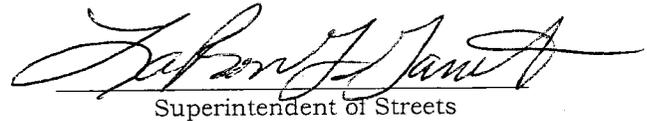
Parcel 3A Town of Payson, Arizona
Parcel 3B Messinger Payson Funeral Home, Inc.
Parcel 3C Town of Payson, Arizona

Assessment Number 3, as shown on the Assessment Diagram, is modified in accordance with the Record of Survey attached to this Assessment Amendment.

RECORDED on Nov 29, 2010, in the office of the Superintendent of Streets of the Town of Payson, Arizona.


Superintendent of Streets

I, LaRon Garrett, Superintendent of Streets of the Town of Payson, Arizona, hereby certify that all charges pertaining to the modification of Assessment Number 3 in the Original assessment, as stated herein are correct and that the computations and calculations of this Assessment modification shown above are correct.

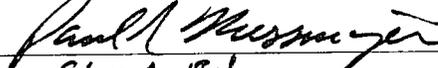

Superintendent of Streets

WAIVER OF NOTICE AND HEARING

Paul Messinger, being first duly sworn, states that: he is the Board Chair of Messinger Payson Funeral Inc. ("Messinger") and that he is acting within his power and as an officer of Messinger, with full authority there under. That Messinger is the Owner of the Parcel 3B as shown in the above and foregoing Modification of Assessment. That Messinger hereby waives all right to notice of and a hearing on the above and foregoing Modification of Assessment, and requests that the Mayor and Council of the Town of Payson take action to approve such modification as shown above.

Dated this 23 day of Nov, 2010.

MESSINGER/PAYSON FUNERAL HOME, INC.

By: 
Its: Chm of Bd.

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 23rd day of November, 2010.


Notary Public

My commission expires: 10/17/12



EXHIBIT A

PARCELS TO BE ASSESSED

Assessment Number	Owner	Basis of Assessment	Original Amount Assessed	Cash Payment	Certified to Bond
1	Rim Country Investors	Sideage	\$ 15,460.66	\$0.00	\$ 15,460.66
2.	Dennis and Marjorie Pierce	Sideage	\$14,613.97	\$0.00	\$0.00
3A.	Town of Payson	Frontage	\$295,550.58	\$0.00	\$0.00
3B	Messinger Payson Funeral* Home, Inc.	Frontage	\$295,550.58	\$0.00	\$295,550.58
3C	Town of Payson	Frontage	0.00	0.00	\$0.00
4.	Messinger Payson Funeral Home, Inc.	Frontage	\$295,550.58	\$0.00	\$295,550.58
5 and 6	Town of Payson	Frontage	\$271,246.21	\$0.00	\$271,246.21
TOTAL			\$892,422.00	\$0.00	\$892,422.00

*Shows original amount assessed. Instrument payments made to date are not shown.

With the exception of Assessments numbered 3A, 3B and 3C, Assessment Numbers and amounts correspond to the numbers shown on the Assessment Diagram.

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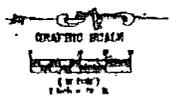
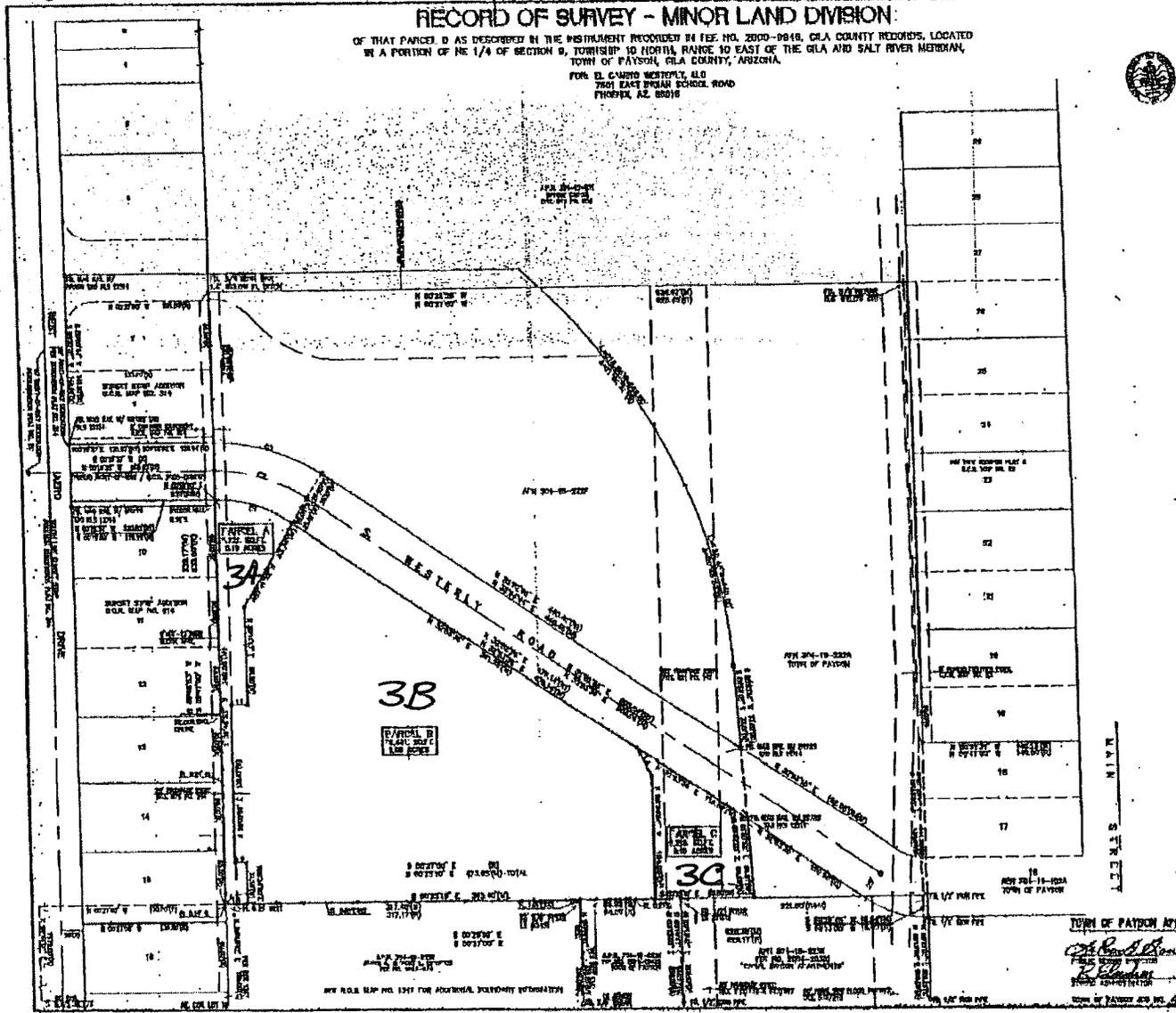
RECORD OF SURVEY - MINOR LAND DIVISION

OF THAT PARCELS AS DESCRIBED IN THE INSTRUMENT RECORDED IN FEE NO. 2000-0848, GILA COUNTY RECORDS, LOCATED IN A PORTION OF NE 1/4 OF SECTION 9, TOWNSHIP 10 NORTH, RANGE 10 EAST OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF PAYSON, GILA COUNTY, ARIZONA.

FOR EL CAMINO WESTERN, LLC
7001 EAST SAGHAR BOULEVARD
PHOENIX, AZ 85018



EL CAMINO WESTERN, LLC
7001 EAST SAGHAR BOULEVARD
PHOENIX, AZ 85018
DATE: 11/11/10
BY: [Signature]
PROJECT NO. 10-0548



LINE NUMBER	LENGTH	BEARING
1	100.00	S 89° 59' 59" W
2	100.00	S 89° 59' 59" W
3	100.00	S 89° 59' 59" W
4	100.00	S 89° 59' 59" W
5	100.00	S 89° 59' 59" W
6	100.00	S 89° 59' 59" W
7	100.00	S 89° 59' 59" W
8	100.00	S 89° 59' 59" W
9	100.00	S 89° 59' 59" W
10	100.00	S 89° 59' 59" W

SECTION	AREA	PERCENTAGE
3A	10.00	10.00%
3B	10.00	10.00%
3C	10.00	10.00%
3D	10.00	10.00%
3E	10.00	10.00%
3F	10.00	10.00%
3G	10.00	10.00%
3H	10.00	10.00%
3I	10.00	10.00%
3J	10.00	10.00%
3K	10.00	10.00%
3L	10.00	10.00%
3M	10.00	10.00%
3N	10.00	10.00%
3O	10.00	10.00%
3P	10.00	10.00%
3Q	10.00	10.00%
3R	10.00	10.00%
3S	10.00	10.00%
3T	10.00	10.00%
3U	10.00	10.00%
3V	10.00	10.00%
3W	10.00	10.00%
3X	10.00	10.00%
3Y	10.00	10.00%
3Z	10.00	10.00%

- LEGEND**
- (A) - RECORD INFORMATION FOR VERTICES FROM
 - (B) - RECORD INFORMATION FOR THE BOUNDARY
 - (C) - RECORD INFORMATION
 - (D) - RECORD INFORMATION
 - (E) - RECORD INFORMATION
 - (F) - RECORD INFORMATION
 - (G) - RECORD INFORMATION
 - (H) - RECORD INFORMATION
 - (I) - RECORD INFORMATION
 - (J) - RECORD INFORMATION
 - (K) - RECORD INFORMATION
 - (L) - RECORD INFORMATION
 - (M) - RECORD INFORMATION
 - (N) - RECORD INFORMATION
 - (O) - RECORD INFORMATION
 - (P) - RECORD INFORMATION
 - (Q) - RECORD INFORMATION
 - (R) - RECORD INFORMATION
 - (S) - RECORD INFORMATION
 - (T) - RECORD INFORMATION
 - (U) - RECORD INFORMATION
 - (V) - RECORD INFORMATION
 - (W) - RECORD INFORMATION
 - (X) - RECORD INFORMATION
 - (Y) - RECORD INFORMATION
 - (Z) - RECORD INFORMATION

- NOTES**
1. TOTAL AREA - 100.00 AC. / 3.60 ACRES
 2. CURRENT SURVEY - 100.00 AC.
 3. BOUNDARY INFORMATION - 100.00 AC. / 3.60 ACRES
 4. NO OTHER PROPERTY OR INTERESTS AFFECTED BY THIS SURVEY

CERTIFICATION

I, the undersigned, being a duly qualified and licensed surveyor in the State of Arizona, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land surveyed.



NORTHERN SURVEYING INCORPORATED

1000 N. CENTRAL AVENUE, SUITE 1000, PHOENIX, ARIZONA 85004
 PHONE: (602) 254-1100 FAX: (602) 254-1101
 PROJECT NO. 10-0548

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