

**RESOLUTION NO. 2638**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".**

**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**, certain easement described on Exhibit "1" attached hereto has been offered to the Town of Payson by Janice Christella Peffley, a married woman as pertaining to her sole and separate property; and

**WHEREAS**, said real property 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 the drainage easement described 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 drainage easement and to the use and control thereof, including, but not limited to, the maintenance thereof.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

  
\_\_\_\_\_  
Timothy Wright, Town Attorney

NOV 17 2011 6.5\*

**EXHIBIT "1"**  
to Resolution No. 2638

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

**DRAINAGE EASEMENT**

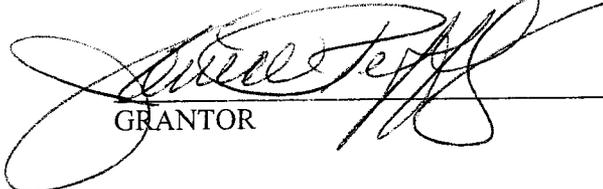
KNOW ALL MEN BY THESE PRESENTS:

In consideration of one dollar (\$1.00) and other valuable considerations paid to JANICE CHRISTELLA PEFFLEY, a married woman as pertaining to her sole and separate property, (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 with the right to install and maintain drainage improvements, together thereafter with a right to use, operate, inspect, repair, maintain, alter or remove trees and shrubs to the extent necessary, replace and remove facilities as necessary, together with the rights of ingress, egress and access over, across and through the land of the GRANTORS described on Exhibit "A" attached hereto and made a part hereof.

The consideration herein above 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, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent 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 GRANTEE, their successor and assigns.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 5<sup>th</sup> day of December, 2007.

  
GRANTOR

STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

The foregoing drainage easement was acknowledged before me this 5<sup>th</sup> day of December, 2007, by Janice Peffley.

  
Notary Public

My commission expires: 10-21-2010

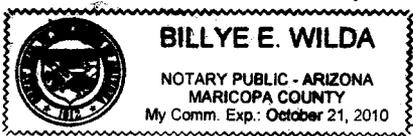


EXHIBIT "A"

That part of Lot 28 of Payson Ranchos subdivision in Payson on Plat Map No. 167 in the Office of the Recorder of Gila County, Arizona more particularly described as follows:

Commencing at the Southeast corner of Lot 28;  
Thence North  $64^{\circ}24'15''$  West a distance of 99.65 feet along the South line of Lot 28 to the Point of Beginning;  
Thence North  $00^{\circ}37'48''$  West a distance of 57.74;  
Thence North  $37^{\circ}32'18''$  East a distance of 18.61 to a north corner of Lot 28;  
Thence South  $86^{\circ}19'39''$  West a distance of 51.59 feet along a north line and to the northwest corner of Lot 28  
Thence South  $46^{\circ}00'51''$  East a distance of 28.12 feet;  
Thence South  $00^{\circ}37'48''$  East a distance of 40.03 feet to the South line of Lot 28;  
Thence South  $64^{\circ}24'15''$  East a distance of 22.30 feet along the South line of Lot 28 to the Point of Beginning.

Reference: Boot

